

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
29-12061					

RECEIVED

2. The following **REQUIRED** information must be submitted with this form:

OCT 15 2009

Department of Water Resources
 Eastern Region

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3.	Name and Address of Former Owner/Claimant(s)	<u>William D. Ward and Dixie J. Ward</u> <u>23010 South Marsh Valley Road</u> <u>Downey, Idaho 83234</u>
4.	New Owner/Claimant(s)	<u>Downey Properties, LLC</u> Name Connector (Check one): [] and, [] or, [] and/or
	New Mailing Address	<u>c/o Sandra Goldberg</u>
	City, State and ZIP Code	<u>3064 South Highland Drive</u>
	New Telephone Number	<u>(801) 485-1388</u> Email: _____

5. Date you acquired the property July 31, 2009
6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) Charles Goldberg
Downey Properties LLC (title if applicable)
 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by BMK Date 10/15/09
 Received by BMK Date
 Processed by AJ Date

Receipt Amt. \$25
 Receipt No. ED35406
 WR Date

ALLIANCE TITLE - POCATELLO

20917051

2009 AUG 03 PM 04:07:07

Electronically Recorded by Simplifile

WARRANTY DEED

3010916674

<u>Grantor</u>	<u>Grantee</u>
J. Phillip Adams and Fredee C. Adams, husband and wife 1705 N. Highway 38 Brigham City, Utah 84302	Downey Properties, LLC c/o Sandra Goldberg 3064 So. Highland Drive Salt Lake City, Utah 84106

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantor hereby sells and forever transfers the following parcel of real property (the "Property") located in Bannock County, Idaho, to the Grantee, including the Grantor's right, title and interest therein:

Parcel 1:

A parcel of land in Sections 25 and 26, Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast $\frac{1}{4}$ of said Section 25;
Thence running West 19.34 chains;
Thence South $26\frac{1}{4}^{\circ}$ West 9.55 chains;
Thence North $66\frac{3}{4}^{\circ}$ West 3.17 chains;
Thence North $26\frac{1}{4}^{\circ}$ East 8.16 chains;
Thence West 37.12 chains, more or less, to the Northwest corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section;
Thence South 35 rods;
Thence Southeasterly 255 rods, more or less, to a point that lies 2.65 chains West and 1.57 chains North of the Southeast corner of said Section;
Thence South 1.57 chains;
Thence East 2.65 chains;
Thence North 40 chains to the PLACE OF BEGINNING.

Sandra Goldberg
July 31, 09

Also:

COMMENCING at a point 4.18 chains North of the Southwest corner of said Section;
 Thence running North 83°00' West 4.50 chains;
 Thence North 13° East 10.14 chains;
 Thence South 82°45' East 21.63 chains;
 Thence South 15 ¾° West 10 chains;
 Thence North 83° West 16.60 chains, to the PLACE OF BEGINNING;

Except:

A parcel of land in Section 26, Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

BEGINNING at a point 4.18 chains North of the Southeast corner of Section 26, Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho, the TRUE POINT OF BEGINNING.

Thence running North 83°00' West 225 feet more or less to the center of a County Road;
 Thence North 13° East along said center line 625 feet;
 Thence South 82°45' East 171 feet more or less to the East line of said Section 26;
 Thence South along the East line to the TRUE POINT OF BEGINNING.

Also:

A parcel of land in Sections 25, 26, 35 and 36, Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

COMMENCING at a point 12.62 chains East and South 84°06' East 1.77 chains East of the Northwest corner of the Northeast ¼ of said Section 35;
 Thence South 84°06' East 20.95 chains;
 Thence South 4°10' West 7.64 chains;
 Thence North 84° West 21.20 chains;
 Thence Northerly 7.63 chains to the PLACE OF BEGINNING.

Also:

COMMENCING at a point 5.78 chains South of the Northwest corner of Southeast ¼ of the Northeast ¼ of said Section 36;
 Thence running South 11 chains;
 Thence North 62° West 44.96 chains;
 Thence North 62°16' West 8.60 chains;
 Thence North 84°30' West 17.97 chains;
 Thence North 4°10' East 12.91 chains;
 Thence South 83° East 20.23 chains;
 Thence South 17 ¾° West 2.28 chains;
 Thence South 62° East 50.51 chains, more or less, to the PLACE OF BEGINNING.

Also:

WARRANTY DEED - 2

S. L.

COMMENCING at a point 6 chains West of the Northeast corner of the Southeast $\frac{1}{4}$ of the
 Northeast $\frac{1}{4}$ of said Section 35;
 Thence South $5\frac{3}{4}^{\circ}$ West 38 links to the TRUE POINT OF BEGINNING;
 Thence running South $5\frac{3}{4}^{\circ}$ West 3.12 chains;
 Thence South $72^{\circ}11'$ East 22.55 chains;
 Thence South 3.35 chains;
 Thence North $71^{\circ}40'$ West 22.80 chains;
 Thence South $3^{\circ}22'$ West 2.39 chains;
 Thence North $87^{\circ}50'$ West 5.50 chains;
 Thence South $3\frac{3}{4}^{\circ}$ West 4.30 chains;
 Thence North $83^{\circ}43'$ West 27.87 chains;
 Thence Northerly 10.44 chains to the Northwest corner of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of
 said Section 35;
 Thence South $87^{\circ}37'$ East 25 chains;
 Thence North $85^{\circ}43'$ East 8.70 chains, more or less, to the POINT OF BEGINNING;

Also:

COMMENCING at the Northeast corner of said Section 36;
 Thence running South 80 rods;
 Thence West 11.46 chains;
 Thence North $9^{\circ}30'$ East 20.76 rods;
 Thence Northerly 60 rods, more or less, to a point 40 rods West of the POINT OF BEGINNING;
 Thence East 40 rods to the POINT OF BEGINNING.

Except:

COMMENCING at the Northwest corner of the Northeast $\frac{1}{4}$ of Section 35;
 Thence East 832.92 feet;
 Thence South $84^{\circ}06'$ East 1499.52 feet;
 Thence South $4^{\circ}10'$ West 442.24 feet to the POINT OF BEGINNING;
 Thence South $4^{\circ}10'$ West 62 feet;
 Thence North $84^{\circ}0'$ West 92 feet;
 Thence North $4^{\circ}10'$ East 62 feet;
 Thence South $84^{\circ}0'$ East 92 feet, to the POINT OF BEGINNING.

Except:

COMMENCING at the Northeast corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 35;
 Thence West 396.0 feet;
 Thence South $3^{\circ}45'$ West 25.08 feet to the TRUE POINT OF BEGINNING;
 Thence South $85^{\circ}43'$ West 363.0 feet;
 Thence South $3^{\circ}45'$ West 550.0 feet;
 Thence South $87^{\circ}50'$ East 363.0 feet;
 Thence North $3^{\circ}22'$ East 600.0 feet, more or less, to the POINT OF BEGINNING.

Parcel 2:

Bannock County, Idaho, to-wit:

Township 11 South, Range 36 East, Boise Meridian, Bannock County, Idaho,

Section 34: Southeast $\frac{1}{4}$.

Section 35: Southwest $\frac{1}{4}$.

Township 12 South, Range 36 East, Boise Meridian, Bannock County, Idaho,

Section 2: Lots 3 and 4, Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, and the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$.

TOGETHER WITH Water Right Nos. 29-11697, 29-11698, 29-11699 and 29-11700

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

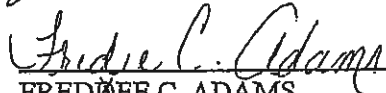
TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and its successors and assigns forever.

Grantor does hereby covenant with and warrant the Grantee that Grantor is lawfully seized in fee simple of the Property, has good right and lawful authority to sell and convey the Property, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

SUBJECT TO taxes, levies, and assessments for the current year not yet due and payable and the following items: discrepancies, conflicts in boundary lines, shortage in area, encroachments, easements, right of ways, boundary line agreements, development agreements, water supply agreements, plats, covenants, conditions, restrictions, reservations, all zoning, building and use laws or restrictions; along with any state of facts that an accurate survey or inspection of the Property would show.

IN WITNESS WHEREOF, the Grantor hereunto sets his hand this 31st day of July, 2009.


J. PHILLIP ADAMS


FRED C. ADAMS

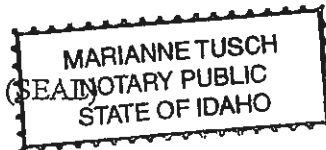
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WARRANTY DEED - 4

S.G.

STATE OF IDAHO)
 : ss
 County of Bannock)

On the 31st day of July, 2009, before me, a Notary Public, personally appeared J. PHILLIP ADAMS and FRED^{hat} C. ADAMS, husband and wife, known or identified to me to be the persons who executed the foregoing Warranty Deed, and duly acknowledged to me that they executed the same.



Marianne Tusch
 NOTARY PUBLIC FOR IDAHO
 Residing at: Pocatello
 My Commission Expires: 12-16-11

STATE OF IDAHO }
 County of Bannock }

I hereby certify that the foregoing is a full true and correct copy of an instrument as the same now remains on file and of record in my office.

WITNESS my hand and official seal hereto affixed

this 19th day of August, a.d. 20 09
 DALE HATCH, CLERK OF THE DISTRICT COURT
 EX-OFFICIO AUDITOR AND RECORDER

By Deputy *Bischoff*

d.f.