

DEV

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)
WR 35-7773 OK					
WR 35-2493 OK					

SUPPORT DATA
IN FILE # 35-2493

RECEIVED

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

- 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)

Delwyn
~~Sewlwyn~~ V. Ellis
 904 W 200 N
 Blackfoot, ID 83221

4. New Owner/Claimant(s)

Shawn D. and/or Jennifer R. Ellis
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address
 936 W 350 N

City, State and ZIP Code
 Blackfoot, ID 83221

New Telephone Number
 (208) 684-4268 Email: _____

WARRANTY DEED

Elliswd.doc

FOR VALUE RECEIVED, DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, whose current address is 904 West 200 North, Blackfoot, Idaho 83221, the Grantors, do hereby grant, bargain, sell, and convey unto SHAWN D. ELLIS and JENNIFER ELLIS, husband and wife, the Grantees, whose current address is 936 West 350 North, Blackfoot, Idaho 83221, the following described premises, to-wit:

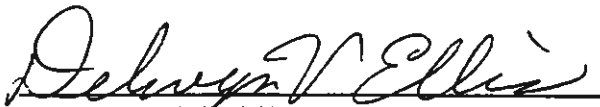
Description: See attached Exhibit "A"

Together with the existing irrigation equipment including two 350 hp motors, pumps, electrical panels, and CTS, two wells, and all other irrigation equipment located thereon, and all and singular, the tenements, hereditaments and appurtenances, including ditches and ditch rights and water and water rights thereunto belonging or in anywise appertaining.

Subject to reservations in United States patents and State deeds or other restrictions imposed by law, easements and rights-of-way, zoning and building ordinances, use restrictions of record, and taxes and assessments for the year 2001 and thereafter.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED and signed this 25 day of July, 2001.

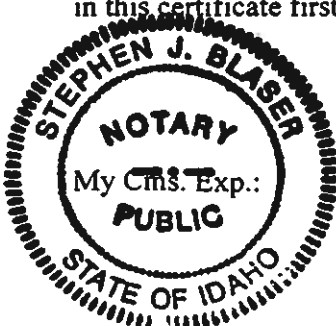

DELWYN V. ELLIS

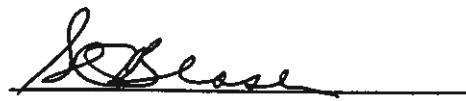

BARBARA ELLIS

STATE OF IDAHO)
)Ss.
County of Bingham)

On this 25 day of July, 2001, before me, the undersigned, a notary public in and for said state, personally appeared DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my office seal the day and year in this certificate first above written.




Notary Public for State of Idaho
Residing at: Blackfoot

Real Estate Description

Township 1 South, Range 33 East of the Boise Meridian, Bingham County, Idaho
 ✓ Section 22: SW $\frac{1}{4}$; E $\frac{1}{2}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; and all that part of the NW $\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; EXCEPTING AND RESERVING to the United States all the oil and gas in W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

✓ Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$

Section 27: N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at the SE corner of said NE $\frac{1}{4}$, and running thence W. 660 feet, thence N. 660 feet, thence E. 660 feet, thence S. 660 feet to the point of beginning; EXCEPTING AND RESERVING to the United States all the oil and gas in NW $\frac{1}{4}$ NW $\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 15.85 feet along the section line from the Southeast corner of said Section 22 and running thence N 87°00'31" W 172.83 feet; thence N 78°47'50" W 136.58 feet; thence N 00°02'00" W 350.70 feet; thence N 89°38'18" E 306.56 feet to the East line of said Section 22; thence S 00°02'00" E 388.18 feet along the section line to the point of beginning. (contains 2.64 acres and is subject to a county road right-of-way along the East side.)

ALSO EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 166.58 feet along the section line and S 89°58'00" W 306.55 feet from the Southeast corner of said Section 22 and running thence S 89°58'00" W 110.00 feet; thence N 00°02'00" W 30.00 feet; thence N 89°58'00" E 110.00 feet; thence S 00°02'00" E 30.00 feet to the point of beginning. (contains 0.08 acres)

ALSO EXCEPT: Reserving unto Seller an easement in, under and across the following described property for the purpose of well and water line maintenance: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00° 02'00" W 15.85 feet along the section line and N 87°00'31" W 172.83 feet and N 78°47'50" W 136.58 feet all from the SE corner of said Section 22 and running thence S 89° 58'00" W 110.00 feet; thence N 00°02'00" W 115.00 feet; thence N 89°58'00" E 110.00 feet; thence South 00°02'00" E 115.00 feet to the point of beginning. (parcel contains 0.37 acres)



POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
 - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
 - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

CL - 16-02-01

First American Title Insurance Company

Gary L. Keruett

Mark L. Anderson

COUNTERSIGNED
FIRST AMERICAN TITLE COMPANY

Denise L. Kelly
Title Officer

CW 4523626

LENDER'S POLICY

SCHEDULE A

Order No.: **B44244J**

Policy No.: **CW 4523626**

Reference No.: -

Amount of Insurance: **\$ 251,305.00 ✓**

Premium: **\$ 216.00**

Endorsements: **None**

\$

Date of Policy: **September 27, 2001 at 04:54 PM**

1. Name of Insured:

Idaho Agricultural Credit Association ✓

2. The estate or interest in the land which is encumbered by the insured mortgage is:

A fee simple interest

3. Title to the estate or interest in the land is vested in:

• **SHAWN D ELLIS and JENNIFER R ELLIS, husband and wife ✓**

4. The insured mortgage, and assignments thereof, if any, are described as follows:

Mortgage to secure an indebtedness of \$251,305.00. ✓

Recorded: September 27, 2001, as Instrument No. 504580 ✓

Mortgagor: Shawn D. Ellis and Jennifer R. Ellis aka Jennifer Ellis, husband and wife ✓

Mortgagee: Idaho Agricultural Credit Association.

5. The land referred to in this policy is described as follows:

Parcel 1:

Part of Section 5, Township 2 South, Range 34 E.B.M., Bingham County, Idaho, described as: Beginning at a point that is S. 89°57'08" W. 25.00 feet from the NE corner of said Section 5 (said point of beginning is N. 89°57'08" E. 11.30 feet from the common corner of Section 32 and 33, Township 1 South, Range 34 E.B.M.) and running thence S. 00°04'38" W. 3771.31 feet parallel to the E. line of said Section 5; thence S. 89°55'22" W. 273.93 feet; thence S. 00°04'38" E. 336.74 feet; thence N. 89°55'22" E. 89.27 feet; thence S. 00°04'38" E. 462.61 feet, more or less to the North right-of-way line of Highway 26 Project No. AF 1381 (4); thence on tangent N. 50°21'45" W. 1128.57 feet to a right-of-way marker marked P.T. 3185+21.0 BK and

**LENDER'S POLICY
SCHEDULE A
(Continued)**

Order No.: **B44244J**

3185+5.3 AH; thence along a curve to the left concave to the North 1018.31 feet to a right-of-way marker marked 3175+11.0, (Measured Delta = 05°02'51", Radius = 11559.16 Chord bears N. 52°54'50" W. 1017.71 feet), (Plan Curve Data Delta = 05°31'00" Length = 1010.00 feet), thence on tangent N. 55°24'36" W. 156.61 feet; thence leaving said highway right-of-way N. 02°00'00" W. 429.80 feet; thence N. 90°00'00" W. 607.89 feet, more or less to said highway right-of-way; thence N. 55°24'36" W. 968.43 feet to a right-of-way marker at Station P.T. 3156+27.4; thence along a curve to the right, concave to the South 681.22 feet, (Segment Curve data Delta 05°31'37", Radius = 7061.97 feet, Chord bears N. 52°38'48" W. 680.96 feet), a right-of-way marked P.C. 3146+21.1 bears N. 48°38'07" W. 309.54 feet from said point; thence leaving said right-of-way N. 00°03'12" W. 1752.27 feet, more or less to the North line of said Section 5; thence N. 89°57'08" E. 3959.62 feet to the Point of Beginning.

Parcel 2:

Township 1 South, Range 33 E.B.M., Bingham County, Idaho

Section 22: SW $\frac{1}{4}$; E $\frac{1}{2}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; and all that part of the NW $\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; EXCEPT all oil and gas in W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$; ALSO EXCEPT: Beginning at a point that is N. 00°02'00" W. 15.85 feet along the section line from the SE corner of said Section 22 and running thence N. 87°00'31" W. 172.83 feet; thence N. 78°47'50" W. 136.58 feet; thence N. 00°02'00" W. 350.70 feet; thence N. 89°38'18" E. 306.56 feet to the E. line of said Section 22; thence S. 00°02'00" E. 388.18 feet along the section line to the point of beginning; ALSO EXCEPT: Beginning at a point that is N. 00°02'00" W. 166.58 feet along the section line and S. 89°58'00" W. 306.55 feet from the SE corner of said Section 22, and running thence S. 89°58'00" W. 110.00 feet; thence N. 00°02'00" W. 30.00 feet; thence N. 89°58'00" E. 110.00 feet; thence S. 00°02'00" E. 30.00 feet to the point of beginning; ALSO EXCEPT: Reserving unto Seller an easement in, under and across the following described property for the purpose of well and water line maintenance: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N. 00°02'00" W. 15.85 feet along the Section line and N. 87°00'31" W. 172.83 feet and N. 78°47'50" W. 136.58 feet all from the SE corner of said Section 22 and running thence S. 89°58'00" W. 110.00 feet; thence N. 00°02'00" W. 115.00 feet; thence N. 89°58'00" E. 110.00 feet; thence S. 00°02'00" E. 115.00 feet to the point of beginning.

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$

Section 27: N $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$, EXCEPT Beginning at the SE corner of said NE $\frac{1}{4}$, and running thence W. 660 feet, thence N. 660 feet, thence E. 660 feet, thence S. 660 feet to the point of beginning; EXCEPT all oil and gas in NW $\frac{1}{4}$ NW $\frac{1}{4}$.

SCHEDULE B

Order No.: **B44244J**

Policy No.: **CW 4523626**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

- ✓ 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- ✓ 2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- ✓ 3. Easements, claims of easement or encumbrances which are not shown by the public records.
- ✓ 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
- ✓ 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- ✓ 6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
- ✓ 7. 2001 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year.
Taxes which may be assessed and entered on the property roll for 2001 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.
- ✓ 8. Easement granted to Idaho Power Company, recorded July 15, 1957, as Instrument No. 54296.(PARCEL 1)
- ✓ 9. Easement granted to Idaho Power Company over NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, recorded July 15, 1957, as Instrument No. 54289.(PARCEL 2)
- ✓ 10. Easement granted to Idaho Power Company over SW $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, recorded September 27, 1957, as Instrument No. 55437.(PARCEL 2)

**LENDER'S POLICY
SCHEDULE B - PART I**

(Continued)

Order No.: **B44244J**

- ✓ 11. Easement granted to Idaho Power Company over N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 27, recorded September 27, 1957, as Instrument No. 55438.(Parcel 2)
- ✓ 12. Easement granted to Idaho Power Company over NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, recorded December 1, 1958, as Instrument No. 63538.(Parcel 2)
- ✓ 13. Easement granted to Idaho Power Company over SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, recorded July 17, 1963, as Instrument No. 100001.(Parcel 2)
- ✓ 14. Easement granted to Idaho Power Company over S $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 22, recorded January 12, 1970, as Instrument No. 151627.(Parcel 2)
- ✓ 15. Easement granted to Idaho Power Company over NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, recorded May 30, 1996, as Instrument No. 444517.(Parcel 2)
- ✓ 16. Financing Statement covering fixtures
Recorded September 27, 2001, as Instrument No. 504581
Debtor: Shawn D. Ellis and Jennifer R. Ellis
Secured Party: Idaho Agricultural Credit Association

502599

WARRANTY DEED

Elliswd.doc

FOR VALUE RECEIVED, DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, whose current address is 904 West 200 North, Blackfoot, Idaho 83221, the Grantors, do hereby grant, bargain, sell, and convey unto SHAWN D. ELLIS and JENNIFER ELLIS, husband and wife, the Grantees, whose current address is 936 West 350 North, Blackfoot, Idaho 83221, the following described premises, to-wit:

Description: See attached Exhibit "A"

Together with the existing irrigation equipment including two 350 hp motors, pumps, electrical panels, and CTS, two wells, and all other irrigation equipment located thereon, and all and singular, the tenements, hereditaments and appurtenances, including ditches and ditch rights and water and water rights thereunto belonging or in anywise appertaining.

Subject to reservations in United States patents and State deeds or other restrictions imposed by law, easements and rights-of-way, zoning and building ordinances, use restrictions of record, and taxes and assessments for the year 2001 and thereafter.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED and signed this 25 day of July, 2001.

Delwyn V. Ellis
DELWYN V. ELLIS

Barbara Ellis
BARBARA ELLIS

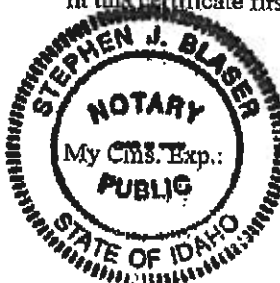
STATE OF IDAHO)

)Ss.

County of Bingham)

On this 25 day of July, 2001, before me, the undersigned, a notary public in and for said state, personally appeared DELWYN V. ELLIS and BARBARA ELLIS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my office seal the day and year in this certificate first above written.



Stephen J. Blaser
Notary Public for State of Idaho
Residing at: Blackfoot

RECORDED AT THE REQUEST OF
2001 JUL 25 PM 4:51
FEE
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO
Book 3065 Page 1047
Blackfoot ID 83221

EXHIBIT A**Real Estate Description**

Township 1 South, Range 33 East of the Boise Meridian, Bingham County, Idaho
Section 22: SW $\frac{1}{4}$; E $\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; and all that part of the NW $\frac{1}{4}$ lying S. and W. of the Southerly line of the right-of-way of the State Highway; EXCEPTING AND RESERVING to the United States all the oil and gas in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 27: N $\frac{1}{2}$ NW $\frac{1}{2}$, NE $\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at the SE corner of said NE $\frac{1}{4}$, and running thence W. 660 feet, thence N. 660 feet, thence E. 660 feet, thence S. 660 feet to the point of beginning; EXCEPTING AND RESERVING to the United States all the oil and gas in NW $\frac{1}{2}$ NW $\frac{1}{2}$, and to it or persons authorized by it the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat.509).

EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 15.85 feet along the section line from the Southeast corner of said Section 22 and running thence N 87°00'31" W 172.83 feet; thence N 78°47'50" W 136.58 feet; thence N 00°02'00" W 350.70 feet; thence N 89°38'18" E 306.56 feet to the East line of said Section 22; thence S 00°02'00" E 388.18 feet along the section line to the point of beginning. (contains 2.64 acres and is subject to a county road right-of-way along the East side.)

ALSO EXCEPT: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22 described as: Beginning at a point that is N 00°02'00" W 166.58 feet along the section line and S 89°58'00" W 306.55 feet from the Southeast corner of said Section 22 and running thence S 89°58'00" W 110.00 feet; thence N 00°02'00" W 30.00 feet; thence N 89°58'00" E 110.00 feet; thence S 00°02'00" E 30.00 feet to the point of beginning. (contains 0.08 acres)

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502599