

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

RECEIVED

JUL 10 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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)
37-177H					

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)

Jake Sullivan

4. New Owner/Claimant(s)

GERHARDT J. BENCK JR.

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

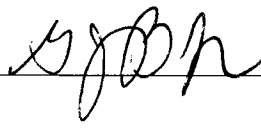
(530) 277-0522 Email:

5. Date you acquired the property

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		

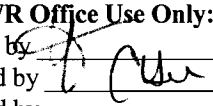
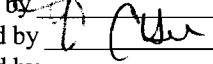
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)  (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 
 Received by 
 Processed by _____ AJ

Date 7-13-09
 Date 7/14/09
 Date _____

Receipt Amt. \$40
 Receipt No. 5030994
 WR _____ Date _____

Order No. T031268 / 1030114

WARRANTY DEED

For Value Received

Jake K. Sullivan and Mary Sullivan, Husband and Wife

the grantors, do hereby grant, bargain, sell, and convey unto

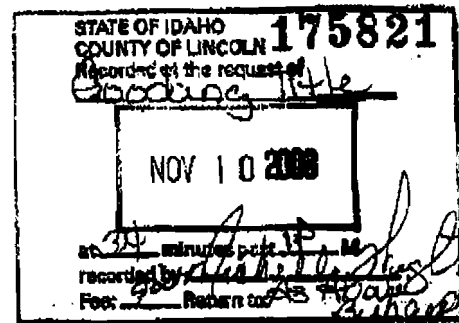
G.J. Benck Jr. and LaVon M. Burgess-Benck, Husband and Wife

the grantees, whose current address is

710 NORTH FLORENCE, SHOSHONE, ID 83352

the following described premises, to-wit:

See Attached Exhibit "A"



37-0177H

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 except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that they will warrant and defend the same from all claims whatsoever.

Dated: November 3, 2003

Jake K. Sullivan
JAKE K SULLIVAN

Mary M. Sullivan

STATE OF IDAHO
COUNTY OF Twin Falls

DECREE BK
PRIORITY BK
ANNUAL RPT ✓
ACCESS NO
BWCC CERT NO
#556

COST REPORT ✓
MSO ADDRESS ✓
CMS ADDRESS ✓
ROLODEX ✓
RIDER LIST ✓
69-P2A

On This 5th day of November, in the year 2003, before me, a Notary Public in and for said State, personally appeared JAKE K SULLIVAN and MARY SULLIVAN, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Melissa M. Drollinger
Notary Public of Idaho
Residing at Twin Falls, Idaho

MELISSA M. DROLLINGER
NOTARY PUBLIC

#556
19-P2A

EXHIBIT "A"

A Parcel of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 of Township 5 South, Range 17 East, Boise Meridian, Lincoln County, Idaho, said parcel being a portion of Lot T and all of Lots S, R, X and V of the MOUNTAIN VIEW ADDITION to the City of Shoshone Idaho as shown on the official plat filed in the records of the Lincoln County Records office and that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 36 that lies West of the West bank of the Little Wood River, said parcel is more particularly described as follows:

Commencing at the intersection of 5th Street East (plat name-Ridgeway Street) and Florence Street (plat name-Riverside Boulevard) of said MOUNTAIN VIEW ADDITION, from which the intersection of 5th Street East and North Edith Street (plat name-Hayburn Street) bears S89° 54'00" W 474.82 feet;

Thence S56°20'05" E a distance of 30.00 feet to a point on the Easterly right-of-way boundary of said Florence Street;

Thence N33°39'55" East along the Easterly right-of-way boundary of said Florence Street a distance of 157.73 feet to the Point of Beginning;

Thence continuing N33°39'55" East along the Easterly right-of-way of said Florence Street a distance of 22.72 feet to the point of curvature of a curve left;

Thence Northeasterly along the Easterly right-of-way boundary of said Florence Street and along the arc of the curve left a distance of 191.82 feet to a point on the South right-of-way boundary of a 35.00 foot wide street (as shown on the plat of the Mountain View Addition) (shown 60.00 feet wide on the plat recorded by the Lincoln County Commissioners on August 14, 1972 in Book 1 of Plats page 3A as Instrument No. 126374A), said arc having a radius of 335.00 feet and a chord bearing and distance of N17°16'44"E 189.02 feet;

Thence N90°00'00"E along the South boundary of the 35.00 foot wide Street a distance of 446.90 feet to a point on the East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35;

Thence N00°16'42" W along the East boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35 a distance of 35.00 feet to a point on the North boundary of the 35.00 foot wide street;

Thence N90°00'00" West along the North right-of-way boundary of the 35.00 foot wide street a distance of 221.85 feet to the Southwest corner of said Lot V of said Mountain View Addition;

Thence N00°16'42" West along the West boundary of said Lot V a distance of 225.80 feet to the Northwest corner of said Lot V;

Thence S89°59'30" East along the North boundary of said Lot V for a distance of 221.85 feet to the Northeast corner of said Lot V and Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35;

THENCE South 00°16'42" East along the East boundary of said Lot V and East boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35 for a distance of 176.98 feet to the center of the Little Wood River;

Thence along the center of the Little Wood River on the following courses:

S63°14'15" East 72.10 feet;

S47°42'46" East 87.81 feet;

S20°11'49" East 100.16 feet;

S15°21'40" East 31.09 feet;

S32°14'04" East 25.28 feet;

S24°39'16" East 83.50 feet;

S15°19'03" East 74.53 feet;

S05°24'46" East 53.94 feet;

S23°43'34" West 62.69 feet;

EXS
MMS.
[Handwritten signatures]

S61°58'31" West 53.96 feet;
N86°52'48" West 103.58 feet;
N66°08'20" West 72.81 feet to a point on the East boundary of the SE¼SE¼ of said Section 35;
Thence leaving the center of the Little Wood River on a bearing of N00°18'42" West along the East boundary of the SE¼SE¼ of said Section 35 for a distance of 28.16 feet to a point on the Northerly bank of the Little Wood River;
Thence along the Northerly and Westerly bank of the Little Wood River on the following courses:
N62°51'44"W 44.68 feet;
N63°49'30"W 72.19 feet;
N40°54'21"W 89.92 feet;
N27°21'23"W 101.99 feet;
N71°59'53"W 52.10 feet;
S84°19'45"W 43.84 feet;
S71°50'55"W 48.53 feet;
S70°38'27"W 68.53 feet;
S70°33'01"W 50.18 feet;
Thence leaving the bank of the Little Wood River on a bearing of N83°08'30"W a distance of 56.30 feet to the Point of Beginning.

JKS MMS
DMM
AMB