

RECEIVED

JUN 11 2009

DEV

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

Department of Water Resources  
 Eastern 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) |
|-------------------|--------------------------|----------|-------------------|--------------------------|----------|
| WR 22-4004        | OK                       |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |

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

A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25 -

☒ 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)

Richard A Egbert Ltd Partnership  
 C/O Brad Egbert

4. New Owner/Claimant(s)

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

New Mailing Address

3684 East 100 North

City, State and ZIP Code

Rigby, ID, 83442

New Telephone Number

(208) 745 8976

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

*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 JB  
 Received by JB  
 Processed by \_\_\_\_\_ AJ

Date 6-11-09  
 Date 6-11-09  
 Date \_\_\_\_\_

Receipt Amt

Receipt No.

WR

Date

\$150.00 (\$25.00)  
 6035115

Place(s) of use:

Place of Use Legal Description: STOCKWATER MADISON County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 05N      | 42E   | 11      |     | SENE  |       |     |       |       |     |       |       |     |       |       |
|          |       | 12      |     | NESE  |       |     | NWSE  |       |     | SWSE  |       |     | SESE  |       |
|          |       | 14      |     | SWNE  |       |     | SENE  |       |     |       |       |     |       |       |
|          |       |         |     | SWNW  |       |     | SENE  |       |     |       |       |     |       |       |
|          |       |         |     | NENE  |       |     | SENE  |       |     |       |       |     |       |       |
|          |       |         |     | NWSE  |       |     | NWNE  |       |     | SWNE  |       |     | SENE  |       |
|          |       |         |     |       |       |     | SWSE  |       |     |       |       |     |       |       |

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | C18 | THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.                                                                                                                                                                                                                                                                                                                    |
| 2. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4. |     | STOCKWATER, 1200 EWES, 1500 LAMBS, 100 RANGE CATTLE. 05N42E111801 05N42E117801 05N42E120001 05N42E147201 05N42E146601                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 5. | 108 | This water right includes a point of diversion established in accordance with a notice filed under the provisions of Section 42-113(3), Idaho Code. Diversion and use of water from this point of diversion shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this notice shall be fully enclosed and shall be equipped with an automatic shutoff valve or a mechanism for returning unused water to the source through an enclosed water system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system. |

Dates:

Licensed Date:

Decreed Date: 07/30/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

04/26/2007

WATER RIGHT NO. 22-4004

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                            |
|-------------------|--------------------------------------------------------------------------------------------------------------------|
| Current Owner     | RICHARD A EGBERT LTD PARTNERSHIP<br>C/O DR BRAD EGBERT<br>1134 BOND AVE<br>REXBURG, ID 83440-3582<br>(208)356-8818 |

Priority Date: 05/01/1945

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SPRING CREEK  | CANYON CREEK     |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| STOCKWATER            | 05/01       | 11/15     | 0.02 CFS              |               |
| Total Diversion       |             |           | 0.02 CFS              |               |

Location of Point(s) of Diversion:

|                                       |        |         |              |           |                |
|---------------------------------------|--------|---------|--------------|-----------|----------------|
| SPRING CREEK End of Stream Flow       | NESENE | Sec. 12 | Township 05N | Range 42E | MADISON County |
| SPRING CREEK Beginning of Stream Flow | SWSWSE | Sec. 14 | Township 05N | Range 42E | MADISON County |
| SPRING CREEK                          | SWSWSE | Sec. 14 | Township 05N | Range 42E | MADISON County |

**Instrument # 337961**

REXBURG, MADISON, IDAHO

2007-06-15

01:50:00 No. of Pages: 2

Recorded for : ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Fee: 6.00

Ex-Officio Recorder Deputy

*JB*

ALLIANCE TITLE & ESCROW  
P.O. BOX 732  
REXBURG, ID 83440

**WARRANTY DEED**

Order No.:3040717240HB

**FOR VALUE RECEIVED**

Elmer J. Park and Merlene K. Park, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Perry Ward and Holly Ward, Husband and Wife

whose current address is

3689 E 100 N Rigby, ID 83442

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

Tract 1: Township 5 North, Range 42 East, Boise Meridian, Madison County, Idaho.

Section 11: South Half Northeast Quarter; East Half Southeast Quarter.

Section 11: West Half Southeast Quarter

Tract 2: Township 5 North, Range 42 East, Boise Meridian, Madison County, Idaho.

Section 12: South Half Northwest Quarter; Northeast Quarter Northeast Quarter; South Half Northeast

Quarter North of Canyon Creek; East Half Southwest Quarter West of Canyon Creek.

Tract 3: Township 5 North, Range 42 East, Boise Meridian, Madison County, Idaho.

Section 13: Northeast Quarter Northwest Quarter.

Tract 4: Township 5 North, Range 42 East, Boise Meridian, Madison County, Idaho.

Section 14: West Half Southeast Quarter; Southeast Quarter Southwest Quarter.

Section 14: Northeast Quarter; East Half Southeast Quarter.

Together with the following Easements: (State of Idaho, Easement Nos. 6567 and 6568)

Tract 5: A non-exclusive easement for a term of twenty years commencing on December 22, 2006, for the installation, use and ingress/egress for the maintenance of, a buried power line as more fully set forth in those certain instruments recorded under Instrument Nos. 336210 and 333711, recorded in Madison County, Idaho, over and across the following described property: A strip of land 8 feet wide, being 4 feet on each side of the centerline lying over and across the East Half Northeast Quarter Southeast Quarter, East Half Southeast Quarter Southeast Quarter, Section 1, Township 5 North, Range 42 East, Boise Meridian, Madison County, Idaho, being more particularly described as follows: Beginning at the Southeast corner of said Section 1; thence along the East line of said Section 1 North 00°25'40" West 635.97 feet; thence Westerly 25.00 feet to a point being the real point of beginning, thence continuing North 00°25'40" West parallel to said East line 839.47; thence North 50°41'21" West 133.75 feet; thence North 31°24'54" West 83.00 feet; thence North 11°22'18" West 102.32 feet, said point is at the intersection with the South right of way of an existing county road; thence along said South right of way North 59°52'55" West 10.68 feet; thence South 11°22'18" East 110.81 feet; thence South 31°24'54" East 85.78 feet; thence South 50°41'21" East 131.36 feet, said point is 33.00 feet West of said East line of Section 1; thence parallel to said East line South 00°25'40" East 833.55 feet; thence South 29°50'50" West 737.67 feet to the South section line of said Section 1; thence along said South line North 89°44'57" East 9.24 feet; thence North 29°50'50" East 735.20 feet to the real point of beginning.

Tract 6: A non-exclusive easement, for a term of twenty years commencing on December 22, 2006, for the construction, use and maintenance of a private road as more fully set forth in those certain instruments recorded under Instrument Nos. 336209 and 333711, recorded in Madison County, Idaho, over and across the following described property: A strip of land 25 feet wide, being 12.5 each side of centerline located in Section 1, Township 5 North, Range 42 East, Boise Meridian, Madison County, Idaho, being more particularly described as follows: Beginning at the Southeast corner of said Section 1; thence along the East line of said Section 1 North 00°25'40" West 629.39 feet to a point, being the real point of beginning; thence continuing along said East line North 00°25'40" West 857.96 feet; thence North 50°41'21" West 141.24 feet; thence North 31°24'54" West 74.34 feet; thence North 11°22'18" West 75.79 feet, said point is at the intersection with the South right of way of an existing county road, thence along said South right of way

North 59°52'55" West 33.37 feet; thence leaving said South right of way South 11°22'18" East 102.32 feet; thence South 31°24'54" East 83.00 feet; thence South 50°41'21" East 133.75 feet to a point lying 25.00 feet West of said East section line; thence parallel to said East line South 00°25'40" East 839.47 feet; thence South 29°50'50" West 735.20 feet to the South line of said Section 1; thence along said South line North 89°44'57" East 28.90 feet; thence North 29°50'50" East 727.48 feet to the real point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 6/11/2007

Elmer J. Park  
Elmer J. Park

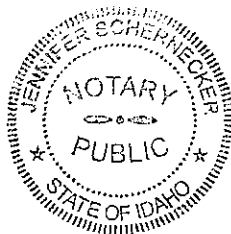
Merlene K. Park  
Merlene K. Park

State of Idaho

County of Madison

On this 15<sup>th</sup> day of June, in the year 2007 before me, a Notary Public in and for said state, personally appeared Elmer J. Park and Merlene K. Park known or identified to me to be the person whose name is 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 official seal the day and year first above written.



Jennifer Scherneck  
Notary Public for the State of Idaho  
Residing at:  
Commission Expires:

State of Idaho  
My Comm. Expires: 07-15-2009