

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

RECEIVED
MAY 11 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)
AS 37-7800					
AS 37-2618					
PD 37-2609B					
AS 37-2223					
PD 37-11756					

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**.

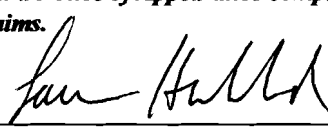
3. Name and Address of Former Owner/Claimant(s)	Thomas M. O'Gara Family Trust c/o Brian Barsotti, PO Box 370 Ketchum, ID 83340
4. New Owner/Claimant(s)	The Nature Conservancy Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	116 1st Ave., North
City, State and ZIP Code	Hailey, ID 83333
New Telephone Number	(208) 788-8988 Email: lhubbard@tnc.org

5. Date you acquired the property March 10, 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): 

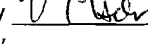
Idaho State Director

(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 5-12-09
 Date 5/14/09
 Date _____

Receipt Amt. \$75
 Receipt No. 5030888
 WR _____ Date _____

BCT 9016117

When Recorded Please Mail To:

The Nature Conservancy
Attention: Legal Department
559 East South Temple
Salt Lake City, Utah 84102

Mail Tax Notice to:
Grantee at its address below

Instrument # 565539

HAILEY, BLAINE, IDAHO
3-10-2009 03:46:33 No. of Pages: 6
Recorded for : BLAINE COUNTY TITLE CO
JOLYNN DRAGE Fee: 18.00
Ex-Officio Recorder Deputy
Index to: WTYQC/CORP DEED

AB

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED Thomas M. O'Gara, Trustee of the Thomas M. O'Gara Family Trust dated July 8, 1982 ("Grantor") hereby grants to The Nature Conservancy, a District of Columbia nonprofit corporation, whose address is 4245 North Fairfax Drive, Arlington, VA 22203 ("Grantee"), the real property and improvements situated in Blaine County, Idaho ("Property"), and more particularly described on the attached Exhibit A, which is incorporated herein by this reference.

TO HAVE AND TO HOLD the Property with all hereditaments and appurtenances thereto unto Grantee and Grantee's successors and assigns forever,

SUBJECT TO taxes for the year 2009 and thereafter, and those matters described on the attached Exhibit B, which is incorporated herein by this reference.

This Special Warranty Deed is a conveyance between the Grantor and the Grantee for a fair and adequate consideration and is part of the consideration between the Grantor and the Grantee for discharge of certain obligations between the Grantor and the Grantee.

The discharge of the Grantor's liability owing to Grantee as a result of this Special Warranty Deed shall not affect that certain Real Estate Mortgage, dated July 28, 2005, as amended (collectively, the "Mortgage"), securing an indebtedness in the original principal amount of \$2,145,000.00 wherein Grantor is mortgagor and Grantee is the mortgagee and recorded against the Property in the records of the County Recorder of Blaine County, Idaho, on July 20, 2009, as Instrument No. 523747. The respective interests of Grantee and/or Grantor in the Property upon effectuation of this Special Warranty Deed shall not merge with the interests of Grantee pursuant to the Mortgage. It is the express intention of Grantor and Grantee that the interests of Grantee or Grantor in the Property shall not merge but shall be and remain at all times separate and distinct notwithstanding any unity or commonality of interest of Grantee or Grantor and that the Mortgage shall be and remain at all times a valid and continuous lien on the Property until released of record by a written instrument executed by Grantee.

SPECIAL WARRANTY DEED - 2
4844-3119-9491.4

**EXHIBIT A
TO
SPECIAL WARRANTY DEED**

Property Description

PARCEL I

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

Section 25: SW1/4SW1/4

Section 26: SE1/4SE1/4; SE1/4SW1/4; W1/2SE1/4; SW1/4SW1/4

Section 27: S1/2SE1/4; SE1/4SW1/4

Section 35: NE1/4NW1/4

PARCEL II

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

A parcel of land within Sections 26 and 27, more particularly described as follows:

Beginning at the center quarter corner of said Section 26;

Thence South 0°20'59" East, 1321.82 feet to the c.s. 1/16 corner of said Section 26;

Thence South 89°43'17" West, 2635.34 feet to the South 1/16 corner common to Sections 26 & 27;

Thence South 89°46'30" West, 2649.89 feet to the c.s. 1/16 corner of said Section 27;

Thence South 89°51'12" West, 1322.44 feet to the SW 1/16 corner of said Section 27;

Thence North 0°14'32" West, 1073.52 feet along the west boundary of the NE1/4SW1/4 of said Section 27 to a 1/2" bar;

Thence North 89°50'20" East, 1408.33 feet to a 1/2" bar;

Thence North 3°40'30" West, 717.99 feet to a 1/2" bar;

Thence North 84°36'39" East, 991.57 feet to a 1/2" bar;

Thence North 5°10'50" West, 128.00 feet to a 1/2" bar;

Thence North 88°16'42" East, 505.06 feet to a 1/2" bar;

Thence South 19°38'39" East, 491.56 feet to a 1/2" bar;

Thence South 67°23'32" East, 319.34 feet to a 1/2" bar;

Thence South 20°09'59" East, 472.91 feet to a 1/2" bar;

Thence North 82°58'35" East, 1422.49 feet to a 1/2" bar;

Thence North 38°41'08" East, 561.70 feet to a 1/2" bar;

Thence North 70°18'09" East, 622.33 feet to a 1/2" bar;

Thence North 82°42'12" East, 456.22 feet to a 1/2" bar;

Thence South 25°50'53" East, 127.13 feet to a 1/2" bar;

Thence North 85°17'06" East, 279.70 feet to the east boundary of the SE1/4NW1/4 of said Section 26;

Thence South 0°21'04" East, 440.41 feet to the C 1/4 corner of said Section 26, the point of beginning.

PARCEL III

TOWNSHIP 1 SOUTH, RANGE 19 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

Section 26: That part of the SW1/4NE1/4 lying south of county road

Section 26: A parcel of land in the SE1/4NW1/4 described as follows:

Beginning at a point on the east boundary of said SE1/4NW1/4, which lies North 0°21'04" West, 440.41 feet from the C 1/4 corner of said Section 26;

Thence South 85°17'06" West, 279.70 feet to a 1/2" bar;

Thence North 25°50'83" West, 127.13 feet to a 1/2" bar;

Thence North 82°42'12" East, 336.08 feet to a point on the east boundary of said SE1/4NW1/4 of said Section 26;

Thence South 0°21'04" East, 134.11 feet to the point of beginning.

**EXHIBIT B
TO
SPECIAL WARRANTY DEED**

Permitted Exceptions

1. General taxes for the year 2009, a lien due, but not yet payable.
2. Title to, and easements in, any portion of the land lying within any highways, roads, streets, or other ways.
3. Power Line Easement, including the terms and provisions thereof, in favor of Idaho Power Company, recorded March 9, 1962 in Book 176 of Deeds, at page 302, records of Blaine County, Idaho.
4. Power Line Easement, including the terms and provisions thereof, in favor of Idaho Power Company, recorded August 23, 1968 in Book 189 of Deeds at page 271 records of Blaine County, Idaho.
5. Power Line Easement, including the terms and provisions thereof, in favor of Idaho Power Company, recorded November 18, 1975 as Instrument No. 162952, records of Blaine County, Idaho.
6. Facts evidenced by that certain Survey, recorded November 15, 1982, as Instrument No. 232582, records of Blaine County, Idaho.
7. Power Line Easement, including the terms and provisions thereof, in favor of Idaho Power Company, recorded March 9, 1984 as Instrument No. 249440, records of Blaine County, Idaho.
8. Terms and provisions of restrictions and easements as disclosed by Warranty Deed by and between Nature Conservancy and the Nature Conservancy of Idaho, Inc., an Idaho non-profit corporation and Ralph E. Gardner and Kathryn Gardner, Husband and Wife, recorded May 23, 1984 as Instrument No. 251962, records of Blaine County, Idaho.
9. Reservation of Conservation Easement and Rights of Way, including the terms and provisions thereof, recorded May 23, 1984 as Instrument No. 251963, records of Blaine County, Idaho.
10. Terms and Provisions of Access Easement, recorded July 29, 2005 as Instrument No. 523749 and rerecorded November 2, 2005 as Instrument No. 528409, records of Blaine County, Idaho.
11. Real Estate Mortgage dated July 28, 2005 executed by Thomas M. O'Gara, Trustee of the Thomas M. O'Gara Family Trust Dated July 8, 1982, as borrower, to The Nature Conservancy, a District of Columbia nonprofit corporation, as lender, to secure an

indebtedness in the amount of \$2,145,000.00, recorded July 29, 2005, as Instrument No. 523747, records of Blaine county, Idaho.

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

The Nature Conservancy
Attention: Legal Department
559 East South Temple
Salt Lake City, Utah 84102

Instrument # 565540

HAILEY, BLAINE, IDAHO
3-10-2009 03:47:22 No. of Pages: 4
Recorded for : BLAINE COUNTY TITLE CO
JOLYNN DRAGE Fee: 12.00
Ex-Officio Recorder Deputy
Index to: WTY/QC/CORP DEED

JP

(Space above line for Recorder's use)

QUITCLAIM DEED

For valuable consideration, Thomas M. O'Gara, Trustee of the Thomas M. O'Gara Family Trust dated July 8, 1982, does remise, release and quitclaim to The Nature Conservancy, a District of Columbia nonprofit corporation, its successors and assigns, all water rights appurtenant to the real property more particularly described on Exhibit A, attached hereto and incorporated herein by reference, including all water rights listed on Exhibit B, attached hereto and incorporated herein by reference.

Dated: March 6, 2009.

The Thomas O'Gara Family Trust
dated July 8, 1982

By: *[Signature]*
Thomas O'Gara, Trustee

STATE OF Idaho)
COUNTY OF Blaine) : ss.

The foregoing instrument was acknowledged before me this 6 day of March, 2009, by Thomas M. O'Gara, the Trustee of the Thomas M. O'Gara Family Trust dated July 8, 1982.

[Signature]
NOTARY PUBLIC
Residing at: Ketchum

My Commission Expires:

7/26/12

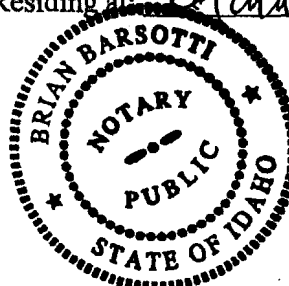


**EXHIBIT A
TO
QUITCLAIM DEED**

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**EXHIBIT B
TO
QUITCLAIM DEED**

Water Rights

#A37-07800	groundwater	irrigation -- 3.75 cfs
#A37-02618	groundwater	irrigation -- 2.39 cfs
#A37-02609B	groundwater	irrigation -- 1.414 cfs
#A37-02223	springs	irrigation -- 0.4 cfs stock watering -- 0.12 cfs
#A37-11756	groundwater	stock watering -- 0.04