

RECEIVED

APR 20 2009

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

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)
FD 36-8276		-			

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)

John & Grace Maddy/CH

919 11th Ave North

Buhl, ID 83316

4. New Owner/Claimant(s)

TOM HEIDA AND MARY HEIDA

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 140

City, State and ZIP Code

Wendell, ID 83355

New Telephone Number

208) 536-2928 Email: boxcanyonclainy@gmail.com

5. Date you acquired the property

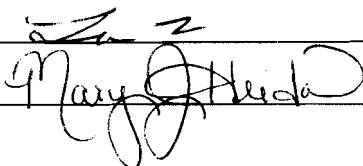
10/27/99

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  Date 4-20-09
 Received by  Date 4-20-09
 Processed by AJ Date

Receipt Amt. \$25.
 Receipt No. 5030822
 WR Date



Exhibit 2
Over-the-Rim
Delivery Plan Schematic



-  Wells for Over-the-Rim Delivery
-  Pipeline Alignments
-  Proposed
-  Alternative

-  POU A
-  POU B
-  POU C
-  POU D



0 0.125 0.25 0.5 Miles

WARRANTY DEED

For Value Received

Grace V. Madalena, individually and as Trustee under the Last Will and Testament of Joseph John Madalena, deceased

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Tom Heida and Mary Jane Heida, husband and wife
Address: 460 5th Avenue East, Wendell, ID 83355

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

SEE EXHIBIT "A" attached hereto:

TOGETHER WITH *Idaho Department of Water Resources* water right Nos. 36-2228A, 36-2228B, 36-7597A, 36-7597B, 36-02493B, 36-02493C, and 36-07682.

This property is being conveyed without North Side Canal Company water shares.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1999 and subsequent years, which are a lien, but not yet due and payable.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by North Side Farms to Idaho Power Company, a corporation, dated June 2, 1973, recorded June 21, 1973 as Instrument Number 045934, Gooding County records, affecting Beginning at the North ¼ corner of 321, Township 8 South, Range 15 East Boise Meridian, thence a 20' strip of land adjacent to the ¼ line and in the NW¼ of the NE¼ and extending South approximately 900 ft..

Power Line Easement given by John Madalena and Grace Madalena to Idaho Power Company, a corporation, dated December 9, 1975, recorded February 18, 1976 as Instrument Number 58249, Gooding County records, affecting N¼SW¼ of Section 36, Township 8 South, Range 14 East Boise Meridian.

Easement by and between John Madalena and Grace Madalena, husband and wife, Grantors, and West Point Highway District No. 4, Grantee, dated April 30, 1993, recorded May 18, 1993 as Instrument Number 152713, Gooding County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: October 27, 1999

Grace V. Madalena
Grace V. Madalena

Grace V. Madalena
Grace V. Madalena, as Trustee of the Joseph John Madalena Testamentary Trust U/W dated 02-07-1991

183362

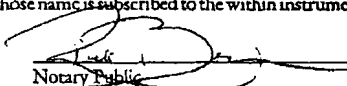
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Land Title
2 min. past 4 o'clock p.m. this 18
of Nov 1999 12:00
By Christa Sells

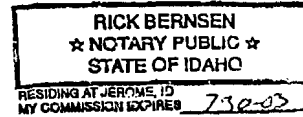
183046

STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Land Title
40 min. past 6 o'clock p.m. this 22
of October 1999 12:00
By Denise M. Miller

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

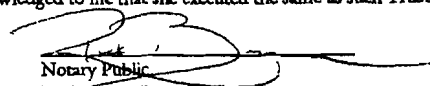
On this 27th day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Grace V. Madalena, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.


Notary Public
Residing at: Jerome, ID
My Commission expires: 7-30-03



STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

On this 27th day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Grace V. Madalena, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Joseph John Madalena Testamentary Trust U/W Dated 02-07-1991, and acknowledged to me that she executed the same as such Trustee.


Notary Public
Residing at: Jerome, ID
My Commission expires: 7-30-03

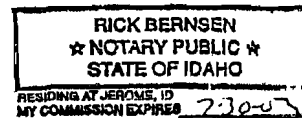


EXHIBIT "A"

Order Number: G-28871

TOWNSHIP 8 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 36: A parcel of land located in the S½, and more particularly described as follows:

Commencing at the Southwest corner of said Section 36, from which the West one quarter (W¼) corner of said Section 36 bears North 00°00'00" East, 2642.87 feet, said Southwest corner of Section 36 being the TRUE POINT OF BEGINNING;

Thence North 00°00'00" East along the West boundary of the SW¼ of said Section 36 for a distance of 1016.02 feet to the center of an irrigation coulee;

Thence along the Center of the irrigation coulee on the following courses:

North 71°05'47" East, 28.11 feet;
North 36°53'39" East, 14.97 feet;
North 31°00'59" East, 75.70 feet;
North 28°26'33" East, 53.08 feet;
North 27°46'19" East, 117.97 feet;
North 38°06'50" East, 34.90 feet;
North 43°58'10" East, 53.99 feet;
North 41°04'46" East, 95.48 feet;
North 38°56'38" East, 26.00 feet;
North 29°15'51" East, 29.07 feet;
North 17°56'14" East, 45.18 feet;
North 08°34'29" East, 38.15 feet;
North 31°12'49" East, 29.07 feet;
North 31°11'57" East, 22.32 feet;
North 01°10'26" East, 39.83 feet;
North 18°09'40" East, 38.91 feet;
North 53°56'22" East, 44.71 feet;
South 86°09'06" East, 40.48 feet;
South 73°30'45" East, 51.33 feet;
South 54°51'47" East, 60.44 feet;
South 49°56'58" East, 51.05 feet;
South 38°39'31" East, 57.31 feet;
South 39°42'56" East, 30.07 feet;
South 56°13'18" East, 46.79 feet;
South 59°44'27" East, 58.80 feet;
South 73°30'47" East, 43.80 feet;
North 83°33'00" East, 45.84 feet;
North 66°58'14" East, 40.49 feet;

-Continued-

CONTINUATION

SCHEDULE A

Order Number: G-28871

North 45°18'26" East, 35.82 feet;
North 25°20'56" East, 80.53 feet;
North 31°02'29" East, 50.07 feet;
North 24°27'39" East, 34.46 feet;
North 07°26'22" East, 65.79 feet;
North 20°27'50" East, 42.99 feet;
North 10°56'04" East, 69.34 feet;
North 08°58'58" East, 84.53 feet;
North 19°47'47" East, 42.10 feet;
North 46°09'39" East, 31.39 feet;
North 67°36'36" East, 29.22 feet;
North 60°35'56" East, 143.63 feet;
North 64°53'51" East, 118.99 feet;
North 44°51'14" East, 71.83 feet;
North 60°40'32" East, 191.52 feet;
North 83°51'50" East, 48.71 feet;
North 64°43'06" East, 54.32 feet;
North 44°35'36" East, 48.28 feet;
North 45°47'15" East, 117.43 feet;
North 25°47'44" East, 47.93 feet;
North 40°09'29" East, 36.00 feet;
North 62°41'45" East, 43.74 feet;
North 52°51'00" East, 17.12 feet;
North 23°23'40" East, 62.50 feet;
North 17°23'08" East, 111.28 feet to a point on the North boundary of the SW¼ of said Section 36:
Thence South 89°57'41" East along the North boundary of the S½ of said Section 36 for a distance of 3406.72 feet to the East one quarter (E¼) corner of said Section 36, also being the Northeast corner of the S½ of said Section 36;
Thence South 00°04'20" East along the East boundary of the SE¼ of said Section 36 for a distance of 2643.97 feet to the Southeast corner of said Section 36;
Thence North 89°52'22" West along the South boundary of the SE¼ of said Section 36 for a distance of 2647.39 feet to the South one quarter (S¼) corner of said Section 36;
Thence South 89°58'25" West along the South boundary of the SW¼ of said Section 36 for a distance of 2647.39 feet to the TRUE POINT OF BEGINNING.