

DEU

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 35-024500K     |                          |          |                   |                          |          |
| WR 35-640040K     |                          |          |                   |                          |          |
| WR 35-077700K     |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |

SUPPORT DATA  
IN FILE # 35-2450

RECEIVED  
MAR 23 2009

Department of Water Resources  
Eastern Region

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) Mark Bair

4. New Owner/Claimant(s) DeLoe and Viola Ward  
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address 1305 South 2nd East

City, State and ZIP Code Rexburg Id 83440

New Telephone Number ( ) \_\_\_\_\_ 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<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 BML  
 Received by BML  
 Processed by \_\_\_\_\_ AJ

Date 3/23/09  
 Date 3/23/09  
 Date \_\_\_\_\_

Receipt Amt. \$75  
 Receipt No. E034878  
 WR \_\_\_\_\_ Date \_\_\_\_\_

\$375

WARRANTY DEED

Order No.:3020405638-J

542989

2004 JUL -9 PM 4:22

FOR VALUE RECEIVED

RECORDED AT THE REQUEST OF

Mark R. Bair and Sherrilynn Bair, Husband and Wife

Alliance Title & Escrow Corp

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

Deloy Z. Ward and Viola J. Ward, Husband and Wife

whose current address is

1305 So. 2<sup>nd</sup> E. Rexburg, ID 83440

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

Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho

Section 25: That portion lying North of the Northeasterly line of the State Highway.

Section 26: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying North of the Northeasterly line of the State Highway.

EXCEPTING THEREFROM: Commencing at the common corner of Sections 23, 24, 25 and 26 in Township and Range aforesaid; thence on a bearing North 89° 56' West 91.4 feet; thence South 33°24' West 935.5 feet to the Point of Beginning; thence South 33°24' West 100 feet; thence South 56°36' East 150 feet along the highway right of way; thence North 33°24' East 100 feet; thence North 56°36' West 150 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM: Part of Section 26, Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is South 89°34'07" East 3314.36 feet along the North line of said Section 26 from the NW corner of said Section 26 to the intersection of the Northerly line of Taber Road Federal Aid Project No. 84 A the True Point of Beginning, and running thence South 89°34'07" East 1526.73 feet along said North line of said Section 26, (said point being North 89°34'07" West 457.10 feet from the Northeast corner of said Section 26); thence South 00°26'54" West 553.32 feet; thence South 04°49'03" East 475.52 feet; thence North 56°23'00" West 1876.04 feet along the Northerly Right-of-Way of said Taber Road to the Point of Beginning.

TOGETHER WITH: Idaho Department of Water Resources License Numbers A35-02450, Priority Date 02/13/56 for 3.0 CFS; A35-04004, Priority Date 04/01/62 for 1.8 CFS, and A35-07770, Priority Date 01/24/78 for 4.56 CFS.

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: 7/08/2004

Mark R. Bair

Sherrilynn Bair

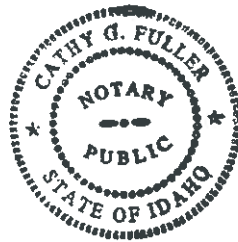
State of Idaho

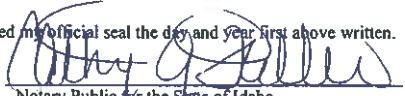
}  
}ss.  
}

County of Bingham

On this 8th day of July, in the year 2004 before me, a Notary Public in and for said state, personally appeared Mark R. Bair and Sherrilynn Bair 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.



  
Notary Public for the State of Idaho  
Residing at: Blackfoot  
Commission Expires: 03-19-2007  
**RESIDING AT: BLACKFOOT, IDAHO**  
**COMMISSION EXPIRES: 03-19-2007**

**RESIDING AT: BLACKFOOT, IDAHO**  
**COMMISSION EXPIRES: 03-19-2007**

542989

## OWNER'S POLICY

### SCHEDULE A

| Order Number | Policy Number | Date of Policy            | Amount of Insurance | Premium Amount |
|--------------|---------------|---------------------------|---------------------|----------------|
| 3020405638-J | 72106-711048  | July 9, 2004<br>At 4:22PM | \$282,000.00        | \$1,151.00     |

1. Name of Insured:

**Deloy Z. Ward and Viola J. Ward**

2. The estate or interest in the land which is covered by this policy is:

**Fee Simple**

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

**Deloy Z. Ward and Viola J. Ward, Husband and Wife**

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

**Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho**

**Section 25: That portion lying North of the Northeasterly line of the State Highway.**

**Section 26: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying North of the Northeasterly line of the State Highway.**

**EXCEPTING THEREFROM: Commencing at the common corner of Sections 23, 24, 25 and 26 in Township and Range aforesaid; thence on a bearing North 89° 56' West 91.4 feet; thence South 33°24' West 935.5 feet to the Point of Beginning; thence South 33°24' West 100 feet; thence South 56°36' East 150 feet along the highway right of way; thence North 33°24' East 100 feet; thence North 56°36' West 150 feet to the Point of Beginning.**

**ALSO EXCEPTING THEREFROM: Part of Section 26, Township 1 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:**

**Beginning at a point that is South 89°34'07" East 3314.36 feet along the North line of said Section 26 from the NW corner of said Section 26 to the intersection of the Northerly line of Taber Road Federal Aid Project No. 84 A the True Point of Beginning, and running thence South 89°34'07" East 1526.73 feet along said North line of said Section 26, (said point being North 89°34'07" West 457.10 feet from the Northeast corner of said Section 26); thence South 00°26'54" West 553.32 feet; thence South 04°49'03" East 475.52 feet; thence North 56°23'00" West 1876.04 feet along the Northerly Right-of-Way of said Taber Road to the Point of Beginning.**

**END OF SCHEDULE A**

## **OWNER'S POLICY**

Order No: 3020405638-J

Policy No: 72106-711048

### **SCHEDULE B PART I**

#### **EXCEPTIONS FROM COVERAGE**

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

##### **General Exceptions:**

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the 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. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

### **SCHEDULE B PART II**

##### **Special Exceptions:**

1. Taxes, including any assessments collected therewith, for the year 2004, which are a lien not yet payable.
2. Levies and assessments of the Bingham Ground Water District, and the rights, powers and easements of said district as by law provided.
3. An easement for the purpose shown below and rights incidental thereto as reserved in a document. Purpose: Reserving, however, to the first parties, their heirs and assigns, an easement and right, to be appurtenant to that portion of the N½ of said Section 26 lying South and West of the State Highway, for drainage of any excess irrigation and natural waters from said lands onto and across the above described tract.

Recorded: January 3, 1957.

Instrument/File No.: 51182.

Book 94 of Deeds, Page 285 of Official Records.

4. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Co..  
Purpose: Electric transmission line.  
Recorded: July 15, 1957.  
Instrument No. 54288 of Official Records.  
Affects: N½N½NE¼ and NW¼ of Sec. 25
5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company.  
Purpose: Electric transmission line.  
Recorded: September 27, 1957.  
Instrument No. 55434 of Official Records.  
Affects: N½N½ of Sec. 25
6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company.  
Purpose: Electric transmission line.  
Recorded: September 27, 1957.  
Instrument No. 55435  
Book X of Miscellaneous Records, Page 83 of Official Records.  
Affects: NE¼NE¼ of Sec. 26
7. An easement for the purpose shown below and rights incidental thereto as set forth in a document.  
Granted to: Idaho Power Company.  
Purpose: Electric transmission line.  
Recorded: September 16, 1959.  
Instrument No. 69281, of Official Records.  
Affects: N½NE¼ and E½NE¼ of Sec. 25
8. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document.  
Recorded: February 19, 1965.  
Instrument No.: 112900, of Official Records.
9. Financing statements, seed liens against crops which are filed in the office of the Secretary of State.
10. Right, title and interest of the Public in and to those portions of above described property falling within the bounds of roads and highways.

11. A Mortgage to secure an indebtedness in the amount shown below:

Amount: \$248,200.00.

Dated: July 9, 2004

Mortgagors: Deloy Z. Ward and Viola J. Ward, Husband and Wife.

Mortgagee: Northwest Farm Credit Services, FLCA

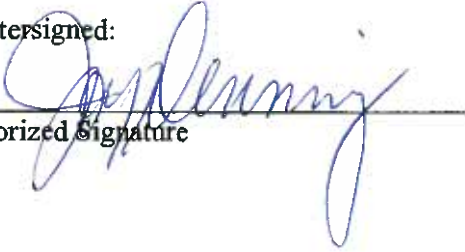
Recorded: July 9, 2004.

Instrument No.: 542990 of Official Records.

**END OF SCHEDULE B**

Countersigned:

Authorized Signature

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to be "J. Deloy".

## A G R E E M E N T

This agreement is entered into this 19th day of February, 1965, between RONALD H. BAIR and JANIECE R. BAIR, husband and wife, hereinafter called Bair, and EARL V. WALKER and NELLIE WALKER, husband and wife, hereinafter called Walker;

WHEREAS, by conveyances executed, acknowledged and delivered between the parties on even date herewith, Walker became the owner of the following described property, to-wit:

Section 24 Township 1 South Range 32, East of the Boise Meridian, Bingham County, Idaho;

and Bair became the owner of the following described property, to-wit:

The Northeast Quarter and all that portion of the South Half lying North of the highway, Section 23, Township 1 South, Range 32, East of the Boise Meridian, Bingham County, Idaho;

AND, WHEREAS, Walker is the owner of certain farm lands in the Northeast corner of Section 26 and the Northwest corner of Section 25 in said Township and Range;

AND, WHEREAS, said properties have for many years been in common ownership or have been farmed in common and that certain waste water and other water rights exist and are desired to be set forth in writing by and between the parties as owners of said property.

NOW, THEREFORE, IT IS UNDERSTOOD AND AGREED AS FOLLOWS:

That there is a waste water right appurtenant to Section 24 for waste water, resulting from application of irrigation water rising from a well in Section 24 and applied upon lands in Section 24, to pass into the existing pond area in the Southeast corner of Section 23 at a point from Section 24 opposite said pond area, and which rights shall be appurtenant to Section 24 and shall

continue so long as needed.

That the reservation of the right to waste water in the existing pond in the Southeast corner of Section 23 contained in the deed of even date from Walker to Bair and hereinabove more specifically defined, is subject to the right of Bair, which shall be appurtenant to said described portion of Section 23, to waste water from the irrigation of said described lands in Section 23 into said pond.

That Bair shall have no right to pump waste water from said pond.

That Walker will not allow said pond area to increase in size and Walker shall take care of any water from whatever source which would otherwise increase said pond in said size by and through existing culverts which take said water from said pond to the aforementioned lands of Walker in Sections 26 and 25, and, if necessary, Walker will increase such culverts as may be necessary, Walker will increase such culverts as may be necessary to prevent said pond from increasing in size; and said lands in Sections 25 and 26 shall be subservient to such purposes.

Reference to the size of the pond is meant and intended and determined by the parties to be the extent to which water has previously been contained therein under existing banks, head-gates and draining facilities.

It is further agreed that waste water from Section 24 may be ponded in the Northeast corner of the Southeast Quarter of the Southeast Quarter and re-used on Section 24 for so long as needed. Such right to be appurtenant to Section 24 and a burden on said Section 23 lands. Said pond shall not exceed fifty (50) feet across.

This agreement shall bind the heirs, personal representa-

of Blachar, and  
certainly that the said

atives, administrators, executors and assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year in this agreement first above written.

Ronald H. Bair  
RONALD H. BAIR

Janiece R. Bair  
JANIECE R. BAIR

Earl V. Walker  
EARL V. WALKER

Nellie Walker  
NELLIE WALKER

STATE OF IDAHO )  
County of Bingham ) ss.

On this 19<sup>th</sup> day of February, 1965, before me, a notary public in and for said State, personally appeared RONALD H. BAIR and JANIECE R. BAIR, husband and wife, and EARL V. WALKER and NELLIE WALKER, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Wendell Beebe  
Notary Public for State of Idaho  
Residing at Blackfoot, Idaho

County of Bingham, Idaho  
I hereby certify that the foregoing instrument was filed for record in this office at the request of

FEB 19 1965  
on \_\_\_\_\_ at \_\_\_\_\_ o'clock  
P.M. and was duly recorded in  
VOL. \_\_\_\_\_ OFFICIAL RECORD

Bingham County Records.  
GRACE WILLIAMS  
County Recorder

Deputy Recorder

Recorder's fee \$ 1.32



**Farm 5610**  
**Tract 26421**  
**Bingham County Map**

0.1 0 0.1 0.2 0.3 0.4 Miles

