

DE ✓

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)
WN 29-10630					

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 J. / VIRGINIA FEHRINGER
 2587 SPARKS LN
 AMERICAN FALLS, ID 83211

4. New Owner/Claimant(s)

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

New Mailing Address

960 W. HWY 26

City, State and ZIP Code

BLACKFOOT ID 83201

New Telephone Number

(208) 684-4431 Email: Berkleywray@gmail.com

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)

[Handwritten Signature]
[Handwritten Signature]

(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 Bmk
 Received by _____
 Processed by _____ AJ

Date 3/4/09
 Date _____
 Date _____

Receipt Amt. \$ 25.00
 Receipt No. E034834
 WR _____ Date _____

#125



A Pioneer Company
PIONEER TITLE COMPANY
 OF BANNOCK COUNTY
 135 North Arthur Ave / Pocatello, Idaho 83204 / (208)
 233-9595

Instrument # 183315

POWER COUNTY, IDAHO
 2003-09-09 01:47:01 No. of Pages: 2
 Recorded for : PIONEER TITLE
 CHRISTINE STEINLICH
 Ex-Officio Recorder Deputy *Danana L. Curry* Fee: 6.00

Order No. 20030787 SW KC

WARRANTY DEED

For Value Received

Mark J. Fehringer and Virginia D. Fehringer, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
 Berkley Wray and Connie A. Wray, husband and wife

hereinafter referred to as Grantee, whose current address is *as per legal*, the following described premises, to-wit:

960 W Hwy 26 Blackfoot, Id 83221.

BW CAW

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

Warranty Deed

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner 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 Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 8, 2003

Mark J. Fehringer
 Mark J. Fehringer

Virginia D. Fehringer
 Virginia D. Fehringer

STATE OF IDAHO

COUNTY OF BANNOCK

On this 8 day of September, in the year of 2003, before me Stephanie Wright, notary public personally appeared Mark J. Fehringer and Virginia D. Fehringer, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Stephanie Wright
 Stephanie Wright
 Notary Public of Idaho
 Residing at Pocatello Id
 Commission expires: April 25, 2006

EXHIBIT A

A tract of land in the NE¼ NW¼ of Section 33, Township 6 South, Range 32 East of the Boise Meridian described as follows:

Commencing at a point on the West line of said NE¼ NW¼, from which the NW corner of said NE¼ NW¼ bears N 0°32'15" E, 979.31 feet, said point being also the NW corner of a parcel of land described in instrument number 113984 in the Power County Recorder's Office;

Thence N 65°31'35" E, along the Northerly line of said parcel, 40.27 feet to a ½-inch iron pin with plastic cap marked PLS 843, said pin being also on the Easterly Right-of-way of Michaud Road, the TRUE POINT OF BEGINNING;

Thence, continuing along the Northerly line of said Parcel and extension thereof, N 65°31'35" E, 685.50 feet to a ½-inch iron pin with a plastic cap marked PLS 843;

Thence, N 87°42'23" W, 623.66 feet to the Easterly right-of-way of said Michaud Road;

Thence S 0°08'19" W, along said right-of-way, 308.94 feet to the TRUE POINT OF BEGINNING.

Together with an easement for ingress, egress and utility purposes 70.00 feet in width located in the NE¼NW¼ of Section 33, Township 6 South, Range 32 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the W1/16 corner (NW corner of the NE¼NW¼) of said Section 33;

Thence, S 00°32'15" W, along the West line of said NE¼NW¼, a distance of 979.31 feet;

Thence, N 65°31'35" E, leaving said West line, 40.27 feet to a point on the E'ly right-of-way line of Michaud Road, said point also being the most S'ly corner of Parcel A, as shown on

Record of Survey Instrument No. 162143 filed for Rick Fehringer and dated June, 1994 and is monumented with a ½" rebar and plastic cap stamped PLS 843; Thence, N 65°31'35" E, along the South line of said parcel, 409.50 feet to a ½" rebar and plastic cap stamped PLS 843, the TRUE POINT OF BEGINNING; Thence, N 65°31'35" E, continuing along said South line, 276.00 feet to the most E'ly corner of said parcel and monumented with a ½" rebar and plastic cap stamped PLS 843; Thence, S 58°42'23" E, leaving said South line, 96.76 feet;

Thence, along a curve to the left, having a radius of 125.00 feet, through a central angle of 55°46'02", for an arc length of 121.67 feet; Thence, N 65°31'35" E, 326.65 feet; Thence, S 24°28'25" E, 75.00 feet to the NW'ly right-of-way line of Sundance Road; Thence, S 65°31'35" W, along said right-of-way, 30.00 feet; Thence, N 24°28'25" W, leaving said right-of-way, 45.00 feet; Thence, along a curve to the left, having a radius of 10.00 feet, through a central angle of 90° 00', for an arc length of 15.71 feet; Thence, S 65°31'35" W, 396.42 feet;

Thence, N 58°42'23" W, 102.42 feet; Thence, S 65°31'35" W, 223.39 feet; Thence, S 24°28'25" E, 139.68 feet to a point on the NW'ly right-of-way line of Sundance Road; Thence, S 65°31'35" W, along said right-of-way line, 70.00 feet to a ½" rebar and plastic cap stamped PLS 843; Thence, N 24°28'25" W, leaving said right-of-way line, 209.68 feet to the TRUE POINT OF BEGINNING.

Agent #	State	Cty.	Prop.	Tran	Reissue Amt.	Re. Tran	Simultaneous Issue #
A11007	11	77	4	010			
Code	Amt.	Code	Amt.	Code	Amt.	Code	Amt.
05100		05100		05100		05100	

Old Republic National Title Insurance Company

OWNER'S POLICY

SCHEDULE A

<u>File No.:</u>	<u>Policy No.:</u>	<u>Date of Policy:</u>	<u>Amt. of Insurance:</u>	<u>Premium Amt.</u>	<u>Total Amt.</u>
20030787	SV3731385	September 9, 2003 at 1:47 PM	\$200,000.00	\$905.00	

1. Name of Insured:
Berkley Wray and Connie A. Wray
2. The estate or interest in the land to as covered by the policy is:
Fee Simple
3. Title to the estate or interest in the land is vested in:
Berkley Wray and Connie A. Wray, husband and wife
4. The land herein described is encumbered by the following mortgage or Trust Deed, and assignments:

None
5. The land referred to in this policy is described as follows:

SEE ATTACHED EXHIBIT A

This Policy is invalid unless the cover sheet and Schedule B are attached.

Old Republic National Title Insurance Company

OWNER'S POLICY

SCHEDULE A

EXHIBIT A

A tract of land in the NE¼ NW¼ of Section 33, Township 6 South, Range 32 East of the Boise Meridian described as follows:

Commencing at a point on the West line of said NE¼ NW¼, from which the NW corner of said NE¼ NW¼ bears N 0°32'15" E, 979.31 feet, said point being also the NW corner of a parcel of land described in instrument number 113984 in the Power County Recorder's Office;

Thence N 65°31'35" E, along the Northerly line of said parcel, 40.27 feet to a ½-inch iron pin with plastic cap marked PLS 843, said pin being also on the Easterly Right-of-way of Michaud Road, the TRUE POINT OF BEGINNING;

Thence, continuing along the Northerly line of said Parcel and extension thereof, N 65°31'35" E, 685.50 feet to a ½-inch iron pin with a plastic cap marked PLS 843;

Thence, N 87°42'23" W, 623.66 feet to the Easterly right-of-way of said Michaud Road;

Thence S 0°08'19" W, along said right-of-way, 308.94 feet to the TRUE POINT OF BEGINNING.

Together with an easement for ingress, egress and utility purposes 70.00 feet in width located in the NE¼NW¼ of Section 33, Township 6 South, Range 32 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the W1/16 corner (NW corner of the NE¼NW¼) of said Section 33;
Thence, S 00°32'15" W, along the West line of said NE¼NW¼, a distance of 979.31 feet;
Thence, N 65°31'35" E, leaving said West line, 40.27 feet to a point on the E'ly right-of-way line of Michaud Road, said point also being the most S'ly corner of Parcel A, as shown on Record of Survey Instrument No. 162143 filed for Rick Fehringer and dated June, 1994 and is monumented with a ½" rebar and plastic cap stamped PLS 843; Thence, N 65°31'35" E, along the South line of said parcel, 409.50 feet to a ½" rebar and plastic cap stamped PLS 843, the TRUE POINT OF BEGINNING; Thence, N 65°31'35" E, continuing along said South line, 276.00 feet to the most E'ly corner of said parcel and monumented with a ½" rebar and plastic cap stamped PLS 843; Thence, S 58°42'23" E, leaving said South line, 96.76 feet;

This Policy is invalid unless the cover sheet and Schedule B are attached.

Old Republic National Title Insurance Company

OWNER'S POLICY

SCHEDULE A

Thence, along a curve to the left, having a radius of 125.00 feet, through a central angle of $55^{\circ}46'02''$, for an arc length of 121.67 feet; Thence, N $65^{\circ}31'35''$ E, 326.65 feet; Thence, S $24^{\circ}28'25''$ E, 75.00 feet to the NW'ly right-of-way line of Sundance Road; Thence, S $65^{\circ}31'35''$ W, along said right-of-way, 30.00 feet;

Thence, N $24^{\circ}28'25''$ W, leaving said right-of-way, 45.00 feet; Thence, along a curve to the left, having a radius of 10.00 feet, through a central angle of $90^{\circ} 00'$, for an arc length of 15.71 feet; Thence, S $65^{\circ}31'35''$ W, 396.42 feet;

Thence, N $58^{\circ}42'23''$ W, 102.42 feet; Thence, S $65^{\circ}31'35''$ W, 223.39 feet; Thence, S $24^{\circ}28'25''$ E, 139.68 feet to a point on the NW'ly right-of-way line of Sundance Road; Thence, S $65^{\circ}31'35''$ W, along said right-of-way line, 70.00 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843; Thence, N $24^{\circ}28'25''$ W, leaving said right-of-way line, 209.68 feet to the TRUE POINT OF BEGINNING.

This Policy is invalid unless the cover sheet and Schedule B are attached.

Old Republic National Title Insurance Company

OWNER'S POLICY

SCHEDULE B

Exceptions from Coverage

File Number:
20030787

Date of Policy:
September 9, 2003 at 1:47 PM

Policy Number:
SV3731385

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 the following:

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 or easements, 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 Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b), (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the 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 to such proceedings, whether or not shown by the records of such agency or by the public records.

END OF GENERAL EXCEPTIONS

1. General taxes for the year 2003, which are liens, are not yet due and payable.
2. Liens and assessments of the following district and the rights and powers thereof as provided by law.
No delinquencies appear in the County Recorder's Office.
District: Michaud Irrigation District

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

Old Republic National Title Insurance Company

OWNER'S POLICY

SCHEDULE B

Exceptions from Coverage

3. Liens and assessments of the following district and the rights and powers thereof as provided by law.
No delinquencies appear in the County Recorder's Office.
District: Aberdeen-American Falls Ground Water
4. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.
For: Transmission lines
In Favor of: American Telephone & Telegraph Company of Wyoming
Recorded: October 1, 1941
Instrument No.: Book 28, page 275
Affects: E½ NW¼ of 33-6-32; and E½ SW¼ of 28-6-32 EBM
5. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.
For: Highway right of way
In Favor of: United States of America
Recorded: April 9, 1965
Instrument No.: 87567
Affects: E½ NW¼ of 33-6-32 EBM
6. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.
For: Power lines
In Favor of: Idaho Power Company
Recorded: October 31, 1966
Instrument No.: 89948
7. Reservations contained in Deed
Recorded: February 15, 1967
Instrument No.: 90352
Affects: E½ NW¼ of 33-6-32 EBM

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

Old Republic National Title Insurance Company

OWNER'S POLICY

SCHEDULE B

Exceptions from Coverage

8. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein and for any incidental purposes.

For: Power lines

In Favor of: Idaho Power Company

Recorded: February 1, 1971

Instrument No.: 96602

Affects: NE¼ NW¼ of 33-6-32 EBM

9. Right, title and interest of the public in and to those portions of the above described premises falling within the bounds of roads or highways.

10. Covenants, conditions, restrictions and easements contained in Deed.

Recorded: March 1, 1990

Instrument No.: 152589

11. Reservations contained in Deed of Trust

Dated: August 15, 2002

Executed by: Mark J. Fehringer and Virginia D. Fehringer, husband and wife

Recorded: August 15, 2002

Instrument No.: 180330

As Follows: Along with an easement for the lands herein described as an existing well, pipeline, and related facilities for the purpose for installation, maintenance and repair with right to use an amount of water sufficient for purposes of potato cellar operations from said well.

12. Terms and provisions set forth in agreement between the parties herein named.

Between: Berkley Wray and Connie Wray, husband and wife, and Mark J. Fehringer and Virginia D. Fehringer, husband and wife

Dated: March 20, 2003

Recorded: March 21, 2003

Instrument No.: 181884

NOTE: The property described herein is or may be located within the boundaries of the Fort Hall Indian Reservation. The governmental regulatory powers referenced in paragraphs 1 and 2 of the Exclusions from Coverage on the policy to issue include, in addition to other governmental entities, the Shoshone-Bannock Tribe.

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

Old Republic National Title Insurance Company

OWNER'S POLICY

SCHEDULE B

Exceptions from Coverage

END OF EXCEPTIONS

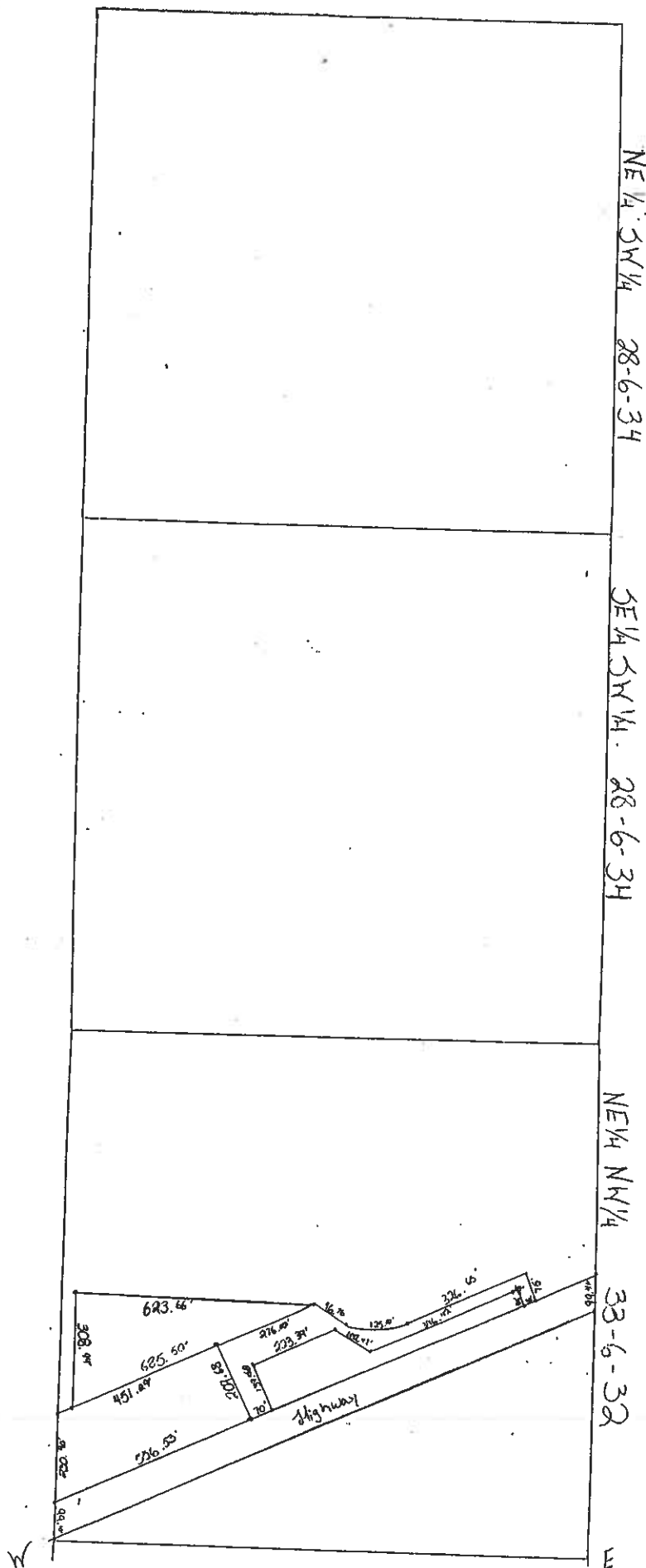
NOTE:

THERE IS NO NOTICE OF RECORD AND THEREFORE NO SEARCH HAS BEEN MADE FOR ANY UNPAID ASSESSMENTS, CHARGES OR FEES FOR SEWER, WATER, GARBAGE, IRRIGATION AND OTHER POSSIBLE UTILITY SERVICES.

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

Schedule B page 4 of 4 page(s)



THIS IS NOT A SURVEY. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. PIONEER TITLE COMPANY MAKES NO REPRESENTATIONS AS TO THE ACCURACY OF THE MAP AND ASSUMES NO LIABILITY FOR IT.