

DEV

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)
35-8974					
35-2229					
35-7463					
35-13043	Separate form				

SUPPORT DATA

IN FILE #

35-2229

RECEIVED

JAN 16 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)

Darwin E Barbara Brown

350 E 4th S

Rexburg

83440

4. New Owner/Claimant(s)

E & H Farms LLC

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

New Mailing Address

2840 Sunny Brook Ln

City, State and ZIP Code

Idaho Falls ID 83404

New Telephone Number

(208) 313 7816

Email:

5. Date you acquired the property

May 20 2008

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)

Jimmy Elliott Esq. R & H Farms LLC
 MANAGER (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 BMIK
 Received by BMIK
 Processed by _____ AJ

Date 1/16/09
 Date 1/16/09
 Date _____

Receipt Amt. \$100.00
 Receipt No. E034721
 WR _____ Date _____

\$75.00
\$25.00

WARRANTY DEED

For value received, Darwin R. Brown and Barbara A. Brown, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto E. & H. Farms, LLC, an Idaho limited liability company, of 2840 Sunnybrook Lane, Idaho Falls, Idaho 83404, Grantee, the following described real property situated in Bingham County, State of Idaho, namely:

Township 3 South, Range 32, East, Boise Meridian, Bingham County, Idaho:

Section 16: W½; and a portion of the NE¼ of Section 16 described as: Beginning at the NW Corner of the NE¼ of said Section 16, and running thence East 200 feet; thence South 2,200 feet; thence West 200 feet; thence North 2,200 feet to the point of beginning.

Section 17: E½NW¼; NE¼, except a portion of the NE¼ of Section 17 described as: Beginning at a point that is S00°03'E 2428.92 feet along the Section Line from the NE Corner of said Section 17, and running thence S89°57'W 117.00 feet; thence S00°03'E 130.00 feet; thence N89°57'E 117.00 feet; thence N00°03'W 130.00 feet along the Section Line to the point of beginning.

SUBJECT TO all easements, patent reservations, rights of way, zoning ordinances, accruing taxes and assessments, and applicable building codes, laws and regulations.

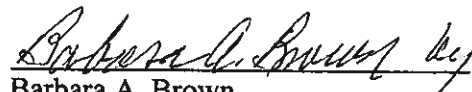
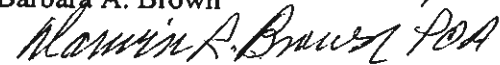
TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining to said real property, including all water rights under Water Right Nos. 35-2229, 35-7463, and 35-8974.

TO HAVE AND TO HOLD the premises and the appurtenances unto Grantee and Grantee's successors and assigns forever. And the Grantors do hereby covenant for themselves, their heirs, representatives, successors and assigns, to and with Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; and that it will warrant and defend the same from all lawful claims whatsoever.

Dated this 20 day of May 2008.

GRANTORS:


Darwin R. Brown


Barbara A. Brown
 POA

WARRANTY DEED

Page 1 of 2

Instrument # 594647

BINGHAM COUNTY

5-21-2008 04:20:58 No. of Pages: 3

Recorded for: FIRST AMERICAN TITLE

SARA J. STAUB

Fee: 9.00

Ex-Officio Recorder Deputy



STATE OF IDAHO)
)ss.
County of Bingham)

On this 08 day of May 2008, before me, the undersigned Notary Public in and for said State, personally appeared Darwin R. Brown, known or proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

Residing at: Rexburg, Idaho
My Commission Expires: 02/09/2012



Notary Public for Idaho

Residing At:

My Commission Expires:

MARIA HIRSCHI
NOTARY PUBLIC
STATE OF IDAHO

STATE OF IDAHO)
)ss.
County of Bingham)

On this 08 day of May 2008, before me, the undersigned Notary Public in and for said State, personally appeared Darwin R. Brown, known or proved to me to be the attorney in fact for Barbara A. Brown, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same with power of attorney and full authority on behalf of Barbara A. Brown.

MARIA HIRSCHI
NOTARY PUBLIC
STATE OF IDAHO



Notary Public for Idaho

Residing At:

My Commission Expires:

Residing at: Rexburg, Idaho

My Commission Expires: 02/09/2012

EXHIBIT A

TOWNSHIP 3 SOUTH, RANGE 32, EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO:

SECTION 16: W $\frac{1}{2}$; AND A PORTION OF THE NE $\frac{1}{4}$ OF SECTION 16 DESCRIBED AS:
BEGINNING AT THE NW CORNER OF THE NE $\frac{1}{4}$ OF SAID SECTION 16, AND RUNNING THENCE
E. 200 FEET; THENCE S. 2,200 FEET; THENCE W. 200 FEET; THENCE N. 2,200 FEET TO THE
POINT OF BEGINNING.

SECTION 17: E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$; EXCEPT A PORTION OF THE NE $\frac{1}{4}$ OF SECTION 17 DESCRIBED
AS:
BEGINNING AT A POINT THAT IS S. 00°03' E., 2428.92 FEET ALONG THE SECTION LINE
FROM THE NE CORNER OF SAID SECTION 17, AND RUNNING THENCE S. 89°57' W. 117.00
FEET; THENCE S. 00°03' E. 130.00 FEET; THENCE N. 89°57' E., 117.00 FEET; THENCE N.
00°03' W., 130.00 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

594647



Farm 3933
T25646
H16

BROWN Farm

ECH FARMS

0.1 0 0.1 0.2 0.3 0.4 Miles



Map Printed: Jan 13, 2005