

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.

- Please list the water right number(s) and/or adjudication claim numbers (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 division of the existing water right or adjudication claim record will be required.

	Water Right No(s)	Adjudication Claim No(s)	Split
WR	29-4012A		
WR	29-4012B	OK	

- The following **REQUIRED** information must be submitted with this form:
 - The appropriate **FILING FEE**. See instructions for fee amounts.
 - 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**.
 - 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 usually attached to your deed or on file with the county).
OR
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 **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**.

- Name and Address of Former Owner/Claimant(s) Roger N. and Sybil Ferguson
PO Box 519
Rexburg, ID 83440
- New Owner/Claimant(s) Waterwheel, LLC, an Idaho limited liability company
Name Connector (check one) ☐ and, ☐ or, ☐ and/or
New Mailing Address PO Box 866728
City, State, Zip code Plano, TX 75086-6728
New Telephone Number 972-612-1044

- Date you acquired the property 8/28/08

RECEIVED

SEP 10 2008

Department of Water Resources
Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number list in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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 of New Owner(s) or Claimant(s)
(include title if applicable)

Remond C. Burk
A Henry for New Owner
Waterwheel, LLC

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.

For Office Use Only
Received by BMS

Date

9/10/2008

Fee

50.00

Received by Bmk
Processed by _____ AJ

Date 9/10/2008
Date _____ WR

Receipt No. E034395
Date _____

1-4

WHEN RECORDED RETURN TO:
Morning Star Farms LLC
P.O. Box 225
Twin Falls, Idaho 83303

Instrument # 194655

POWER COUNTY, IDAHO

2008-09-04

01:01:49 No. of Pages: 4

Recorded for: ALLIANCE TITLE

CHRISTINE STEINLICHT

Fee: 12.00

Ex-Officio Recorder Deputy

Jennifer Rupp

WARRANTY DEED

Roger Ferguson and Sybil Ferguson, husband and wife, P.O. Box 519, Rexburg, Idaho 83440, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Morning Star Farms, LLC, an Idaho limited liability company, P.O. Box 225, Twin Falls, Idaho 83303, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the property situated in Power County, Idaho described on the attached Exhibit A.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

SUBJECT to all existing patent reservations, easements, rights of way, reservations of oil, gas, mineral, hydrocarbon, geothermal and carbon dioxide deposits and rights, protective and restrictive covenants, zoning ordinances, applicable building codes, laws and regulations, agreements and other matters apparent or of record, but not mortgages, security interests or other financial encumbrances.

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons, except that no representation or warranty is made with respect to any water rights or claims appurtenant to said premises.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 14 day of August, 2008.

GRANTORS:

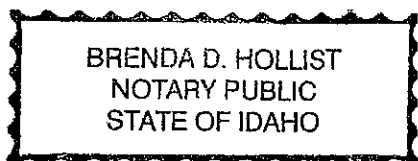
Roger Ferguson
Roger Ferguson

Sybil Ferguson
Sybil Ferguson

2-4

STATE OF IDAHO)
 :SS
County of Madison)

On this 14th day of August, in the year 2008, before me, a Notary Public in and for said State, personally appeared Roger Ferguson and Sybil Ferguson, husband and wife, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Brenda D. Hollist

Notary Public for Idaho

Residing at: Rexburg, Idaho

My Commission Expires: ~~12/04/10~~ 4.21.2009

3,4

EXHIBIT "A"

Parcel 1:

That portion of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, and Lots 1 and 2, Section 1, Township 6 South, Range 33 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the center $\frac{1}{4}$ corner of said Section 1;
Thence North $0^{\circ}06'$ East along the meridional center line of said Section, 1019.3 feet;
Thence North $46^{\circ}50'$ East, 1370 feet, more or less to the Portneuf River;
Thence following the stream, in courses and distanced approximately as follows:

South $51^{\circ}18'$ East, 530 feet;
Thence North $83^{\circ}42'$ East, 540 feet;
Thence South $64^{\circ}35'$ East, 420 feet;
Thence South $65^{\circ}45'$ East, 370 feet, more or less to an intersection with the East line of said Section 1;
Thence South along the East line of said Section, 1360 feet, more or less, to the East $\frac{1}{4}$ corner of said Section;
Thence North $89^{\circ}22'$ West, along the latitudinal center line of said Section, 2659.5 feet, more or less to the **POINT OF BEGINNING**.

And:

BEGINNING at the center $\frac{1}{4}$ corner of said Section 1;
Thence North $0^{\circ}06'$ East along the meridional center line of said Section, 1019.3 feet to the **TRUE POINT OF BEGINNING**;
Thence North $46^{\circ}50'$ East, 1370 feet, more or less, to the Portneuf River;
Thence following said river in a North and Northwesterly direction to a point on the North line of said Section, 70 feet, more or less, East of the North $\frac{1}{4}$ corner of said Section;
Thence West along the North line of said Section, 70 feet, more or less, to the North $\frac{1}{4}$ corner of said Section 1;
Thence South on the meridional center line of said Section, 1620.7 feet, more or less to the **TRUE POINT OF BEGINNING**.

Except therefrom that portion of said land described as follows:

BEGINNING at the Northeast corner of the Northwest $\frac{1}{4}$ of said Section 1;
Thence South 30 feet, more or less to an intersection with the South right of way line of County Road, the **TRUE POINT OF BEGINNING**;
Thence South 1566.6 feet;
Thence North $46^{\circ}48'$ East 685.5 feet;
Thence North $16^{\circ}03'$ West 924.42 feet, more or less, to the Westerly Bank of Portneuf River;
Thence North $45^{\circ}53'$ West, 301.6 feet, more or less, to the South right of way line of road;

44

Thence South 89°53' West 28.6 feet, more or less, to the TRUE POINT OF BEGINNING.

Also except therefrom that portion of said land described as follows:

BEGINNING at a point 25 feet North of the Southeast corner of the Southeast ¼ of the Northeast ¼ of said Section;
Thence due West, 174 feet;
Thence Northeasterly 430.70 feet, more or less, to a point on the East line of said Southeast ¼ of the Northeast ¼, which point bears North 394 feet from the POINT OF BEGINNING;
Thence South 394 feet to the POINT OF BEGINNING.

Parcel 2:

That portion of Lot 5, Section 6, Township 6 South, Range 34 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the Southwest corner of said Lot 5, Section 6;
Thence along the West line of said Section 6, North 894.75 feet to the TRUE POINT OF BEGINNING;
Thence South 79°09' East, 567.71 feet;
Thence South 36°41' East, 440.50 feet;
Thence South 25°57' East, 415.00 feet;
Thence North 64°23' East 86.50 feet, more or less, to the center line of the Portneuf River;
Thence in a Northwesterly direction along the meandering center line of the Portneuf River, 1799.50 feet, more or less, to the intersection with the West line of said Section 6;
Thence along said West line of said Section, South 443.76 feet, more or less, to the TRUE POINT OF BEGINNING.

1-5

When recorded return to:
Racine, Olson, Nye, Budge & Bailey, Chtd.
Attention: Jonathon Byington
201 East Center
Pocatello, Idaho 83201

Instrument # 194656

POWER COUNTY, IDAHO

2008-09-04

01:02:20 No. of Pages: 5

Recorded for : ALLIANCE TITLE

CHRISTINE STEINLICHT

Ex-Officio Recorder Deputy

Fee: 15.00

Maureen Schelske

WARRANTY DEED

FOR VALUE RECEIVED, **C.B. (BISH) BEYMER**, an individual, and **MORNING STAR FARMS, L.L.C.**, an Idaho limited liability company, whose address is 2036 Osterioh Avenue, Twin Falls, Idaho 83301 (C.B. (Bish) Beymer and Morning Star farms, L.L.C. collectively "Grantor"), hereby grant, bargain, sell and convey unto **WATERWHEEL, LLC**, an Idaho limited liability company, whose address is P.O. Box 866728, Plano, Texas 75086-6728 ("Grantee"), the following described real property situated in Power County, Idaho, and more particularly described on Exhibit "A", attached hereto and incorporated herein as if fully set forth (the "Property").

TOGETHER WITH all the tenements, hereditaments, easements, rights and appurtenances thereunto belonging or in any way appertaining, water rights including without limitation Idaho Department of Water Resources Water Right Numbers 29-4012A, 29-4012B, and 29-12083, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, and interest in and to the Property, as well in law as in equity.

SUBJECT only to taxes and assessments for the current year not yet due and payable.

Grantor does hereby warrant and covenant for themselves and their successors, that Grantor is lawfully seized in fee simple of the Property, has good right to sell and convey the same in the manner set forth herein and that the Property is free and clear of all liens, claims and encumbrances, and that Grantor fully warrants the title to the Property and will defend the same against the lawful claims and demands of all persons.

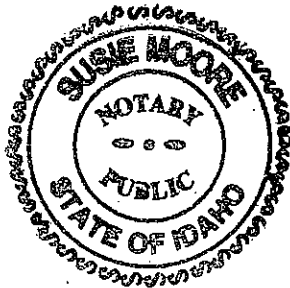
Remainder of page intentionally left blank

State of Idaho)
 County of Twin Falls)ss.

On September 4th, 2008, before me personally appeared C. B. Beymer, III personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

(SEAL)



Susie Moore
 Notary Public for: Idaho
 Residing at: Twin Falls
 My commission expires: 11-28-2008

4.5

EXHIBIT "A"

Parcel 1:

That portion of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, and Lots 1 and 2, Section 1, Township 6 South, Range 33 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the center $\frac{1}{4}$ corner of said Section 1;
Thence North $0^{\circ}06'$ East along the meridional center line of said Section, 1019.3 feet;
Thence North $46^{\circ}50'$ East, 1370 feet, more or less to the Portneuf River;
Thence following the stream, in courses and distanced approximately as follows:

South $51^{\circ}18'$ East, 530 feet;
Thence North $83^{\circ}42'$ East, 540 feet;
Thence South $64^{\circ}35'$ East, 420 feet;
Thence South $65^{\circ}45'$ East, 370 feet, more or less to an intersection with the East line of said Section 1;
Thence South along the East line of said Section, 1360 feet, more or less, to the East $\frac{1}{4}$ corner of said Section;
Thence North $89^{\circ}22'$ West, along the latitudinal center line of said Section, 2659.5 feet, more or less to the **POINT OF BEGINNING**.

And:

BEGINNING at the center $\frac{1}{4}$ corner of said Section 1;
Thence North $0^{\circ}06'$ East along the meridional center line of said Section, 1019.3 feet to the **TRUE POINT OF BEGINNING**;
Thence North $46^{\circ}50'$ East, 1370 feet, more or less, to the Portneuf River;
Thence following said river in a North and Northwesterly direction to a point on the North line of said Section, 70 feet, more or less, East of the North $\frac{1}{4}$ corner of said Section;
Thence West along the North line of said Section, 70 feet, more or less, to the North $\frac{1}{4}$ corner of said Section 1;
Thence South on the meridional center line of said Section, 1620.7 feet, more or less to the **TRUE POINT OF BEGINNING**.

Except therefrom that portion of said land described as follows:

BEGINNING at the Northeast corner of the Northwest $\frac{1}{4}$ of said Section 1;
Thence South 30 feet, more or less to an intersection with the South right of way line of County Road, the **TRUE POINT OF BEGINNING**;
Thence South 1566.6 feet;
Thence North $46^{\circ}48'$ East 685.5 feet;
Thence North $16^{\circ}03'$ West 924.42 feet, more or less, to the Westerly Bank of Portneuf River;
Thence North $45^{\circ}53'$ West, 301.6 feet, more or less, to the South right of way line of road;

5-5

Thence South 89°53' West 28.6 feet, more or less, to the TRUE POINT OF BEGINNING.

Also except therefrom that portion of said land described as follows:

BEGINNING at a point 25 feet North of the Southeast corner of the Southeast ¼ of the Northeast ¼ of said Section;

Thence due West, 174 feet;

Thence Northeasterly 430.70 feet, more or less, to a point on the East line of said Southeast ¼ of the Northeast ¼, which point bears North 394 feet from the POINT OF BEGINNING;

Thence South 394 feet to the POINT OF BEGINNING.

Parcel 2:

That portion of Lot 5, Section 6, Township 6 South, Range 34 East, Boise Meridian, Power County, Idaho, described as follows:

BEGINNING at the Southwest corner of said Lot 5, Section 6;

Thence along the West line of said Section 6, North 894.75 feet to the TRUE POINT OF BEGINNING;

Thence South 79°09' East, 567.71 feet;

Thence South 36°41' East, 440.50 feet;

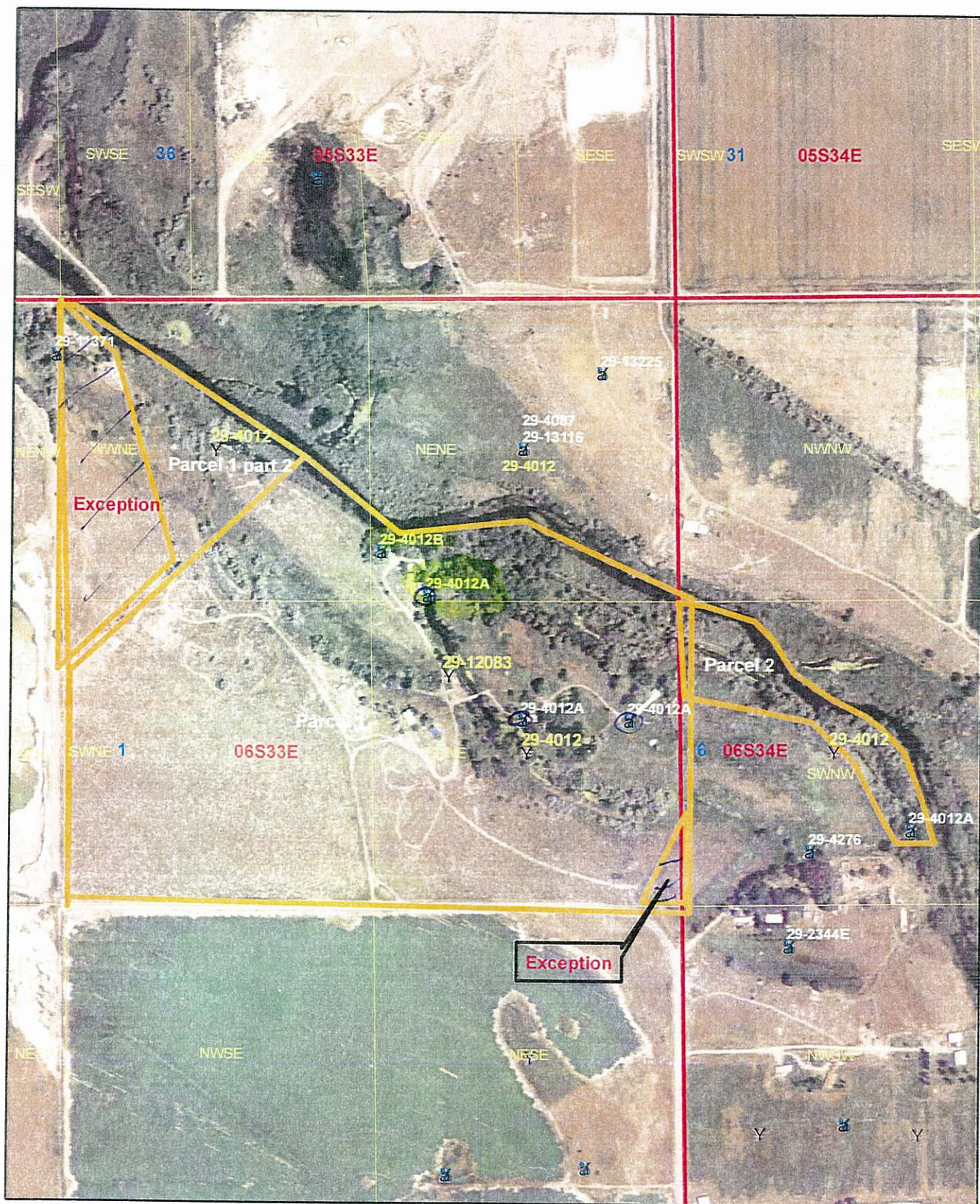
Thence South 25°57' East, 415.00 feet;

Thence North 64°23' East 86.50 feet, more or less, to the center line of the Portneuf River;

Thence in a Northwesterly direction along the meandering center line of the Portneuf

River, 1799.50 feet, more or less, to the intersection with the West line of said Section 6;

Thence along said West line of said Section, South 443.76 feet, more or less, to the TRUE POINT OF BEGINNING.



1

- Recommendation POD
- Right POD
- Metes & Bounds

0 0.25 Miles

Prepared by Sandy Egbert
of IDWR
Monday, August 18, 2008
2004 Aerial Photography