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RECEIVED

JUN 25 2008

Department of Water Resources
Eastern Region

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)
22-2223	OK				

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)

Spiral Butte

4. New Owner/Claimant(s)

Wilcox Bros LLC

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

New Mailing Address

1110 Golden Beauty Dr

City, State and ZIP Code

Rexburg ID 83440

New Telephone Number

(208) 356 7563

Email: terry@wmg-sales.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) *Jerry Wilcox* member.
(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* Date *4/25/08*
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. *100.00*
 Receipt No. *E034180*
 WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary. Please attach additional sheets to the form if you require additional space to describe or explain any of the questions on the form.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Line 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office if you would like more information or need help completing this form (a list of our offices are listed on page 2 of these instructions), or call 1-800-451-4129. Water right information can be found on the Department's website using the "On-Line Data" search at: www.idwr.idaho.gov.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s)**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. IDWR cannot process this change without documentation of ownership. The preferred types of documentation are listed. Contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s).
4. Enter the name, mailing address, and telephone numbers of the new owner/claimant(s) and indicate the relationship between multiple owners by using the connector "and", "or", or "and/or" as indicated on your deed or other evidence of ownership

5. Provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip line 6 and go to line 7.**
7. The new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided.
9. When complete, retain a copy and **file the original form with the IDWR office nearest you, with copies of your ownership documents and the appropriate filing fee:**

IDWR Northern Region
7600 Mineral Dr., Suite 100
Coeur d'Alene, ID 83815
(208) 762-2800

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

- OR -

IDWR State Office
322 East Front St
Sixth Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

Adjudication Recommendation Report 22-2223 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES W HOWE BOX 803 REXBURG, ID 83440 (208)356-9339
Directors Report Owner	ROBIN H RILEY 1623 W 3400 S REXBURG, ID 83440 (208)356-5873
Directors Report Owner	NORMAN N RILEY 1623 W 3400 S REXBURG, ID 83440 (208)356-5873
Current Owner	SPIRAL BUTTE DEVELOPMENT LLC 3190 S HWY 91 REXBURG, ID 83440 (208)356-9180

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.870 CFS	1,059.10 AF
	<u>Total Diversion:</u>	3.870 CFS	1,059.10 AF

GROUND WATER L1 (SE1/4NE1/4NE1/4) Sec. 3, Twp 05N, Rge 40E, B.M.
MADISON County

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 22-2223 V1

Total Acres: 302.6

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	9/26/2005 11:14:17 AM	aruberry			Active
POD	9/26/2005 11:16:52 AM	aruberry			Active
POU	9/26/2005 11:18:42 AM	aruberry			Active
Use	9/26/2005 11:18:50 AM	aruberry			Active
Season	9/26/2005 11:20:14 AM	aruberry			Active
Source	9/26/2005 11:52:50 AM	aruberry			Active
Quantity	9/26/2005 11:52:52 AM	aruberry			Active
Summary			09/26/2005	aruberry	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-2223 V1

POD	9/26/2005 11:15:25 AM	aruberry	Edited point location
POD	9/26/2005 11:16:53 AM	aruberry	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer?
POU	9/26/2005 11:18:43 AM	aruberry	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer?
POU	9/26/2005 11:24:50 AM	aruberry	Edited PLS
General	9/26/2005 11:14:17 AM	aruberry	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?
Use	9/26/2005 11:18:51 AM	aruberry	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
Season	9/26/2005 11:20:15 AM	aruberry	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use?
Source	9/26/2005 11:52:51 AM	aruberry	(Yes) 1. Is the basis of claim Decree or License?
Quantity	9/26/2005 11:52:52 AM	aruberry	(Yes) 1. Is the basis of this claim a Decree or License?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-2223 V1

Summary	9/26/2005 11:52:53 AM	aruberry	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	9/26/2005 11:24:16 AM	aruberry	Edited shape boundary

Water Supply Bank:

WARRANTY DEED

Order No.:3040717015TD

FOR VALUE RECEIVED

Spiral Butte Development, LLC, an Oregon Limited Liability Company

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

Wilcox Brothers, LLC, an Idaho Limited Liability Company

whose current address is 1110 Golden Beauty Dr. Rexburg, ID 83440

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

A tract of land described as follows which is situated in Sections 2, 3, 10 and 11, in Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho. Beginning at the Northwest corner of said Section 2, and running thence South 89°57' East 1331 feet, to the Northeast corner of Lot 4 of said Section 2; thence South 0°02' East 599.76 feet, along the sixteenth line, to the Northeasterly corner of the property owned or formerly owned by Wes Howe; thence along the boundaries of said property the following two (2) courses: (1) South 69°58'25" West 541.60 feet; thence (2) South 32°16'56" East 953.83 feet, to said sixteenth line; thence South 0°02' East 118.67 feet along said line, to its intersection with the West side of a county road; thence along said West side the following three courses: (1) South 32°15' East 1483.2 feet; thence (2) South 0°10' East 735 feet; thence (3) South 39°08' East 671.2 feet; thence South 23°10' West 258.6 feet; thence South 14°45' West 251.9 feet; thence South 0°44' East 262.8 feet; thence South 2°48' West 240.9 feet; thence South 7°50' West 200 feet; thence South 11°29' West 286.6 feet; thence South 10°17' West 154.2 feet; thence South 7°08' West 260 feet; thence South 12°50' West 200.8 feet; thence South 19°00' West 153 feet; thence South 09°7' West 100 feet; thence South 2°23' East 247.1 feet; thence South 28°40'30" East 495.5 feet (deed shows South 28°50' East 484.5 feet); thence South 2°57' East 65.8 feet; thence North 89°57' West 3156.6 feet; thence North 0°01'14" West (deed shows North) 7281.2 feet to the North line of said Section 3; thence South 89°49' East 787.3 feet along the Section line to the point of beginning.

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: 1/15/08

Spiral Butte Development, LLC

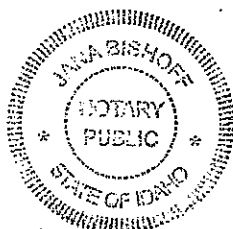
Jim Horkley
By: Jim Horkley, Managing Member

Instrument # 342936
REXBURG, MADISON, IDAHO
2008-01-16 09:19:00 No. of Pages: 1
Recorded for: ALLIANCE TITLE AND ESCROW
MARILYN R. RASMUSSEN
Ex-Officio Recorder Deputy *MC* Fee: 3.00

State of Idaho }
County of Madison } ss.

On this 15th day of January, 2008, before me, a Notary Public in and for said state, personally appeared Jim Horkley known or identified to me to be the Managing Member in the Limited Liability Company known as Spiral Butte Development, LLC who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



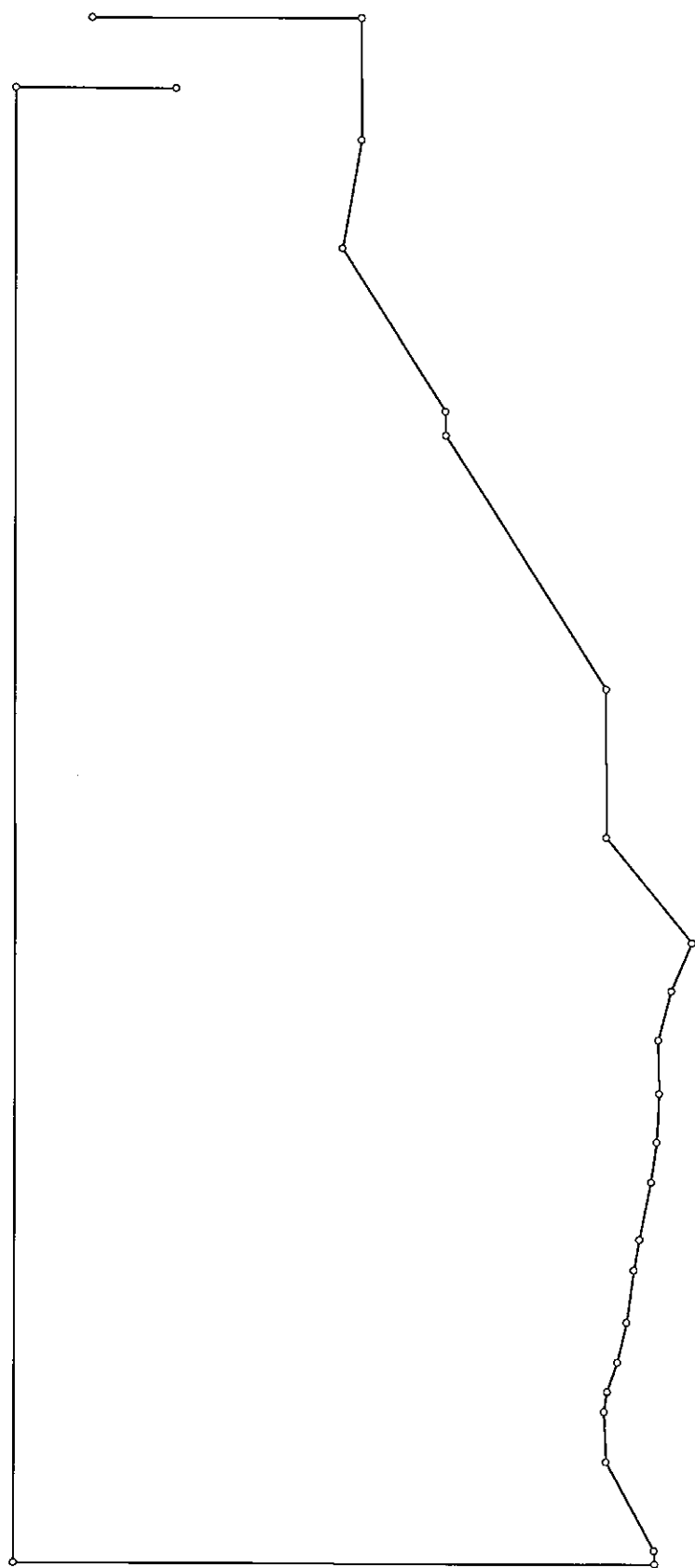
Jana Bishop
Notary Public for the State of Idaho
Residing at:
Commission Expires:

Notary Public for the State of Idaho
Residing in Fremont County
Commission Expires 06-21-2011

Data and Deed Call Listing of File:

Tract 1: 485.929 Acres: 21167072 Sq Feet: Closure = n49.5055w 538.96 Feet: Precision =1/39: Perimeter = 20837 Feet

001=s89.57e 1331
002=s0.02e 599.76
003=s09.5825w 541.60
004=s32.1656e 953.83
005=s0.02e 118.67
006=s32.15e 1483.2
007=s0.10e 735
008=s39.08e 671.2
009=s23.10w 258.6
010=s14.45w 251.9
011=s0.44e 262.8
012=s02.48w 240.9
013=s07.50w 200
014=s11.29w 286.6
015=s10.17w 154.2
016=s07.50w 260
017=s12.50w 200.8
018=s19.00w 153
019=s09.07w 100
020=s02.23e 247.1
021=s28.4030e 495.5
022=s02.57e 65.8
023=n89.57w 3156.6
024=n0.0114w 7281.2
025=s89.49e 787.3



Title:

Date: 06-26-2008