

DE

RECEIVED
MAR 11 2008
DEPT. OF WATER RESOURCES
SOUTHERN 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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-794B</u>	<u>37-794B</u>	<u>X</u>	<u>SPLIT 37-22299</u>	<u>37-22299</u>	<u>---</u>
<u>---</u>	<u>---</u>	<u>---</u>	<u>37-22300</u>	<u>---</u>	<u>---</u>
<u>---</u>	<u>---</u>	<u>---</u>	<u>37-22301</u>	<u>---</u>	<u>---</u>
<u>---</u>	<u>---</u>	<u>---</u>	<u>37-22302 *</u>	<u>---</u>	<u>---</u>
<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>
<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>	<u>---</u>

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 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**.

3. Name and Address of Former Owner/Claimant(s) **Elliott Passey Development, LLC, a Utah Limited Liability Company - 223 N. 800 W., SLC, UT 84116**
4. New Owner/Claimant(s) **Aaron Utz and Darolyn M. Utz**
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address **27615 Strike Village Loop**
- City, State and ZIP Code **Bruneau, ID 83604**
- New Telephone Number **(208) 834-2049**
5. Date you acquired the property **March 26, 2008**

SUPPORT DATA
IN FILE # **37-794B**

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Ammon to Darolyn M. Utz

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 *[Signature]* Date *3/31/08* Fee *\$100*
 Received by *[Signature]* Date *3/31/08* Receipt No. *5030095* *5030095*
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

ELLIOTT PASSEY DEVELOPMENT, LLC, A Utah Limited Liability Company

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

AARON UTZ and DAROLYN M. UTZ, husband and wife

the grantee(s), whose current address is

27615 STRIKE VILLAGE LOOP, BRUNEAU, ID 83604

the following described premises, to-wit:

Lot 12, CONESTOGA STATION SUBDIVISION, according to the official plat thereof on file in the office of the County Recorder of Gooding County.

**TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHT APPURTENANT TO SAID PROPERTY
WATER RIGHT NUMBER 37-794B DECREEED 1888-04-01 1 (1")**

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: March 24, 2008

ELLIOTT PASSEY DEVELOPMENT, a Utah Limited Liability Company

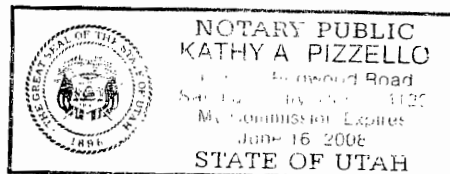
John Gordon Storrs, Manager
BY: JOHN GORDON STORRS, MANAGER

STATE OF UTAH
COUNTY OF SALT LAKE CITY

On This 24th day of March, in the year 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **JOHN GORDON STORRS**, known or identified to me to be the manager of the **ELLIOTT PASSEY DEVELOPMENT, a Utah Limited Liability Company** that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

WITNESS my hand and official seal.

Kathy A. Pizzello
Notary Public of Utah
Residing at Salt Lake City, Utah
Commission Expires: 6-16-08



Instrument # 225790

GOODING, GOODING, IDAHO
3-26-2008 04:12:02 No. of Pages: 1
Recorded for : GOODING TITLE AND ESCROW, INC
DENISE M. GILL Fee: 3.00
Ex-Officio Recorder Deputy [Signature]



REC
M.
DEPT. OF WATER RESOURCES
SOUTHERN REGION

March 27, 2008

IDWR
1341 Filmore St. Suite #200
Twin Falls, ID 83301

RE: G070399
Utz/Elliott

Dear Sir or Madame:

In connection with the above mentioned order, attached please find our check no. 11920 in the amount of \$100.00, representing water transfer.

Also enclosed are copies of the following document(s):

- ☒ Notice of change in water right ownership
- ☒ Copy of recorded Warranty Deed Instrument no. 225790

Thank you for using Gooding Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Mari Ramos for
Nancy A. Woldberg, Escrow Officer
Gooding Title & Escrow Company

/mr

encl.

DE

RECEIVED
AUG 30 2007
DEPT. OF WATER RESOURCES
SOUTHERN 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.
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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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-794B</u>	<u>37-794B</u>	<u>X</u>	_____	_____	_____
<u>SPLIT</u>	<u>37-22299</u>	_____	_____	_____	_____
_____	<u>37-22300 *</u>	_____	_____	_____	_____
_____	<u>22301</u>	_____	_____	_____	_____
_____	<u>22302</u>	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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 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**.

3. Name and Address of Former Owner/Claimant(s) Juan N. Menchaca and Joyce
Menchaca - 560 River Road, Bliss, ID 83314
4. New Owner/Claimant(s) David D. Kennison and Constance S. Kennison
Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address #60 Hill Crest Lane
City, State and ZIP Code Rock Springs, WY
New Telephone Number 307 382 7125
5. Date you acquired the property _____

SUPPORT DATA
IN FILE # 37-794B

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Deed A. Ferguson
Constance S. Kenneson

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 <i>[Signature]</i>	Date <i>8/1/07</i>	Fee <i>\$100</i>
Received by <i>Chana</i>	Date <i>8/22/07</i>	Receipt No. <i>5029683</i>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received

JUAN N. MENCHACA and JOYCE MENCHACA, Husband and Wife

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

DAVID A. KENNISON AND CONSTANCE S. KENNISON, HUSBAND AND WIFE

the grantee(s), whose current address is

#60 HILL CREST LANE, ROCK SPRINGS, WY 82935

the following described premises, to-wit:

See Attached Exhibit "A"

TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS

WATER RIGHT NUMBERS

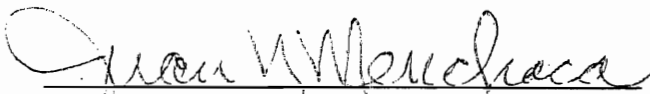
DECREED 1888--04-01

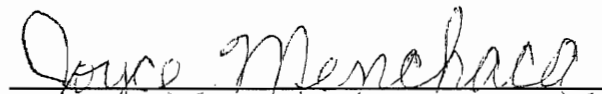
37-794B

19.85"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: August 17, 2007

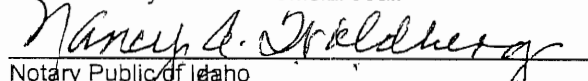

JUAN N. MENCHACA


JOYCE MENCHACA

STATE OF IDAHO
COUNTY OF GOODING

On This 17th day of August, in the year 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared **JUAN N. MENCHACA and JOYCE MENCHACA**, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.


Notary Public of Idaho
Residing at 11 Fairview
Commission Expires: 9-15-11

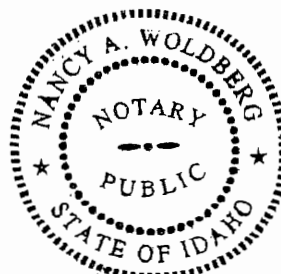


EXHIBIT A
G070242

Parcel 1:

Township 6 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 21: A tract of land in Lot 3 being more particularly described as follows:

BEGINNING at the Southeast corner of Section 21 marked with a B.L.M. brass cap from which the easterly quarter corner of Section 21 bears North 0°21'39" West 2639.84 feet;
THENCE North 0°14'03" East 367.69 feet along the westerly right-of-way of U.S. Highway 30, Project F-2361(6) to a brass cap right-of-way monument marked 75.00 feet right Station 265+21.30;
THENCE North 37°52'48" West 166.20 feet along said right-of-way to the Northeast corner of Lot 6 of the "Conestoga Station Subdivision" and the TRUE POINT OF BEGINNING;
THENCE North 38°10'28" West 464.93 feet along said right-of-way to a brass cap right-of-way monument marked 75.00 feet right Station 258.00+89.98;
THENCE North 46°58'06" West 657.33 feet along said right-of-way to the Northerly boundary of Government Lot 3;
THENCE South 89°48'08" West 383.96 feet along the Northerly boundary of said Government Lot 3;
THENCE South 16°31'01" West 215.92 feet;
THENCE South 06°23'48" East 101.07 feet to an existing fence;
THENCE South 60°18'05" West 136.42 feet along said fence;
THENCE North 86°56'50" West 497.46 feet to the center of Old U.S. Highway 30;
THENCE South 16°59'12" East 505.73 feet along the center of said highway;
THENCE North 89°25'00" East 28.53 feet to the Northwest corner of Lot 1 of said Conestoga Station Subdivision;
THENCE North 89°20' East 1641.01 feet along the Northerly boundary of said subdivision to the TRUE POINT OF BEGINNING.

SUBJECT TO: A 25.00 feet in width County Road right-of-way along the Westerly boundary.

EXCEPTING THEREFROM:

Township 6 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 21: A tract of land in Lot 3 being more particularly described as follows:

BEGINNING at a point 172.5 feet East from the Southwest corner of the NE¼SE¼ of said Section 21;
THENCE South 122.5 feet to the Northwest corner, which is the TRUE POINT OF BEGINNING;
THENCE South 375 feet to the Southwest corner;
THENCE East 115 feet to the Southeast corner;
THENCE North 375 feet to the Northeast corner;
THENCE West 115 feet to the POINT OF BEGINNING.

Parcel 2:

Township 6 South, Range 13 East of the Boise Meridian, Gooding County, Idaho

Section 21: A tract of land in Lot 3 being more particularly described as follows:

BEGINNING at a point 172.5 feet East from the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 21;
THENCE South 122.5 feet to the Northwest corner, which is the TRUE POINT OF BEGINNING;
THENCE South 375 feet to the Southwest corner;
THENCE East 115 feet to the Southeast corner;
THENCE North 375 feet to the Northeast corner;
THENCE West 115 feet to the POINT OF BEGINNING.



August 20, 2007

IDWR
1341 FILLMORE ST., SUITE 200
TWIN FALLS, ID 83301

Re: Order No. G070242
Kennison/Menchaca

Dear Sir or Madame

In connection with the above mentioned order, please find enclosed our check #11352, in the amount of \$100.00, representing water transfer.

Also enclosed are copies of the following document(s):

copy of invoice
warranty deed

Thank you for using Gooding Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Mari Ramos for
Nancy A. Woldberg, Escrow Officer
Gooding Title & Escrow Company

/mr

encl.

RECEIVED
AUG 21 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

DE

RECEIVED
JUN 22 2007
DEPT. OF WATER RESOURCES
SOUTHERN 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)
PD 37-794B SPLIT	37-22299				
	37-22300	X			
	37-22301 *				
	37-22302				

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) Juan & Joyce Menchaca

560 River Rd., Bliss ID 83314

4. New Owner/Claimant(s) Elliott Passey Development, LLC

a Utah Limited Liability Company

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

New Mailing Address 223 N 800 W

City, State and ZIP Code Salt Lake City, UT 84116

New Telephone Number (801) 898-2830

5. Date you acquired the property

April 16, 2007

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 <u>37-794B</u>		
Irrigation		12 acres
Stock		
Domestic	.04 cfs	
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)

Ben Jordan Flores, Manager Edwath Posey
 (title if applicable) Development LLC
 (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 [Signature]
 Received by [Signature]
 Processed by AJ

Date 6/22/07
 Date 7/20/07
 Date _____

Receipt Amt. \$100
 Receipt No. 5029616
 WR _____ Date _____

WARRANTY DEED

For Value Received

JUAN N. MENCHACA and JOYCE MENCHACA, Husband and Wife

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

ELLIOTT PASSEY DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY

the grantee(s), whose current address is

223 N 800 W , SALT LAKE CITY, UT 84116

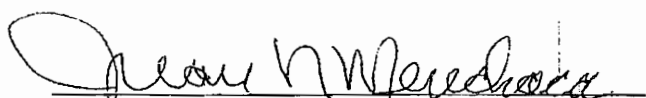
the following described premises, to-wit:

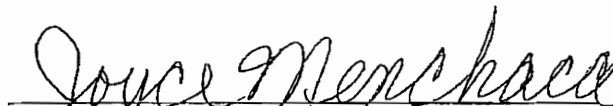
Lots 1 to 12 inclusive, CONESTOGA STATION SUBDIVISION, according to the official plat thereof on file in the office of the County Recorder of Gooding County.

TOGETHER WITH A IRRIGATION PIPELINE EASEMENT: Subject to a 20-foot easement running across the property, more specifically described as attached hereto in Exhibit A, for the purpose of conveying water, via an existing pipeline, to adjacent property, and for accessing the pipeline for cleaning, operational and maintenance purposes, subject to the maintenance requirements of the separate Operation and Maintenance Agreement signed by the owners properties.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: April 16, 2007

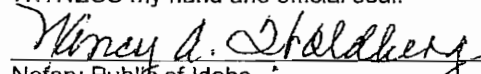

JUAN N. MENCHACA

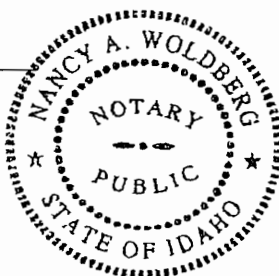

JOYCE MENCHACA

STATE OF IDAHO
: ss
COUNTY OF GOODING

On This 16th day of April, in the year 2007, before me, a Notary Public in and for said State, personally appeared **JUAN N. MENCHACA and JOYCE MENCHACA**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Nancy A. Woldberg
Notary Public of Idaho
Residing at Fairfield
Commission Expires: 9-15-11



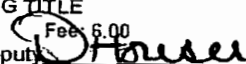
Instrument # 221193
GOODING, GOODING, IDAHO
2007-04-17 04:43:58 No. of Pages: 2
Recorded for : GOODING TITLE
DENISE M. GILL Fee: 6.00
Ex-Officio Recorder Deputy 

EXHIBIT A

Township 6 South, Range 13 East, Boise Meridian

Section 21 Gooding County, Idaho

A 20.00 feet in width irrigation pipeline easement located in the Conestoga Station Subdivision as recorded under instrument number 45494 Gooding County and described as follows:

Beginning at the Northwest Corner of Lot 5 of said subdivision:

THENCE North 89°07'38" East (recorded North 89°25' East) 33.81 feet along the Northerly boundary of Lot 5 to the center of said 20.00 feet in width easement and the POINT OF BEGINNING;

THENCE South 49°45'42" East 178.10 Feet;

THENCE South 81°39'46" East 215.26 Feet;

THENCE North 77°15'47" East 186.13 Feet;

THENCE South 21°23'14" East 157.20 Feet;

THENCE South 18°47'16" East 49.12 Feet;

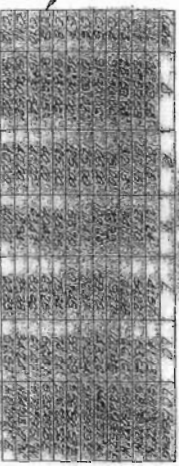
THENCE South 14°43'43" West 206.97 Feet to the end of said easement.

CONESTOGA STATION

A SECTION LOCATED IN LOT 3 SECTION 21 AND LOT 1 SECTION 28
T. 6 S., R. 13 E., 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th

- LEGEND**
- 1. Section boundary
 - 2. Section corner
 - 3. Section line
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 - 99. Section line
 - 100. Section corner

SCALE 1"=40'



SECTION 21
SECTION 28

SECTION 21
SECTION 28

SECTION 21
SECTION 28

SECTION 21
SECTION 28

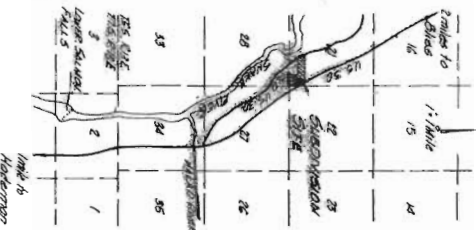
SECTION 21
SECTION 28

SECTION 21
SECTION 28

CERTIFICATE OF OWNERS

This is to certify that we, the undersigned, are the owners in fee simple of the following described property, a portion of Lot 3 Section 21 and Lot 1 Section 28, T. 6 S., R. 13 E., 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th

VICINITY MAP



COUNTY RECORDER'S CERTIFICATE

STATE OF IOWA
COUNTY OF IOWA
This is to certify that the foregoing plat was filed for record in the Office of the Recorder of Deeds, County of Iowa, this 1st day of May, 1931, and duly recorded in Book 10, Page 10.



ACKNOWLEDGEMENT

STATE OF IOWA
COUNTY OF IOWA
I, the undersigned, being one of the parties to the foregoing plat, do hereby acknowledge that I have read the same and that the same is a true and correct copy of the original as the same appears in the records of the County of Iowa.



CERTIFICATE OF ENGINEER

This is to certify that I, the undersigned, a Registered Professional Engineer in the State of Iowa, have examined the plat of the Conestoga Station and that the same is a true and correct copy of the original as the same appears in the records of the County of Iowa.



ACKNOWLEDGEMENT

STATE OF IOWA
COUNTY OF IOWA
I, the undersigned, being one of the parties to the foregoing plat, do hereby acknowledge that I have read the same and that the same is a true and correct copy of the original as the same appears in the records of the County of Iowa.

COUNTY COMMISSIONER'S ACCEPTANCE

This is to certify that the foregoing plat was filed for record in the Office of the County Commissioner of the County of Iowa, this 1st day of May, 1931, and duly recorded in Book 10, Page 10.

SCANNED
MAY 19 2008



RECEIVED
AUG 28 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 29, 2007

IDWR
1341 FILLMORE ST., SUITE 200
TWIN FALLS, ID 83301

Re: Order No. G070242
Kennison/Menchaca

Dear Sir or Madame:

In connection with the above mentioned order, please find enclosed the original notice of change in water right ownership. Re-placing the one sent to you on August 20,2007.

Thank you for using Gooding Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Mari Ramos for
Nancy A. Woldberg, Escrow Officer
Gooding Title & Escrow Company

/mr

encl.

DE

RECEIVED
AUG 22 2007
DEPT. OF WATER RESOURCES
SOUTHERN 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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>37-794B</u>	<u>37-794B</u>	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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 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**.

3. Name and Address of Former Owner/Claimant(s) Juan N. Menchaca and Joyce
Menchaca - 560 River Road, Bliss, ID 83314
4. New Owner/Claimant(s) Elliott Passey Development, LLC, a Utah Limited
Liability Company
Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 223 N. 800 W., Salt Lake City, UT 84116
- City, State and ZIP Code _____
- New Telephone Number 801) 898-2830
5. Date you acquired the property 7-16-07

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Elliott Passer Development, LLC
(include title if applicable) By John Gordon Flannery

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Order No. G070036

WARRANTY DEED

For Value Received

JUAN N. MENCHACA and JOYCE MENCHACA, Husband and Wife

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

ELLIOTT PASSEY DEVELOPMENT, LLC, A UTAH LIMITED LIABILITY COMPANY

the grantee(s), whose current address is

223 N 800 W , SALT LAKE CITY, UT 84116

the following described premises, to-wit:

Lots 1 to 12 inclusive, CONESTOGA STATION SUBDIVISION, according to the official plat thereof on file in the office of the County Recorder of Gooding County.

TOGETHER WITH A IRRIGATION PIPELINE EASEMENT: Subject to a 20-foot easement running across the property, more specifically described as attached hereto in Exhibit A, for the purpose of conveying water, via an existing pipeline, to adjacent property, and for accessing the pipeline for cleaning, operational and maintenance purposes, subject to the maintenance requirements of the separate Operation and Maintenance Agreement signed by the owners properties.

TOGETHER WITH THE FOLLOWING DESCRIBED WATER RIGHTS APPURTENANT TO SAID PROPERTY
WATER RIGHT NUMBER 37-794B DECREEED 1888-04-01 12.5" *John*

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: April 16, 2007

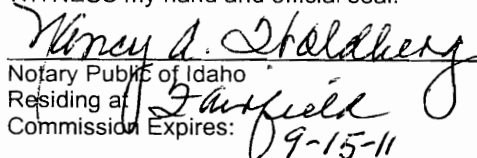

JUAN N. MENCHACA

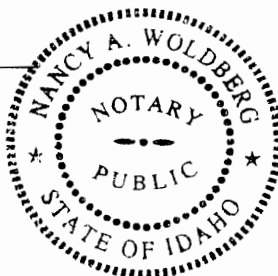

JOYCE MENCHACA

STATE OF IDAHO
: ss
COUNTY OF GOODING

On This 16th day of April, in the year 2007, before me, a Notary Public in and for said State, personally appeared **JUAN N. MENCHACA and JOYCE MENCHACA**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.


Notary Public of Idaho
Residing at Fairfield
Commission Expires: 9-15-11



Instrument # 221193

GOODING, GOODING, IDAHO

2007-04-17 04:43:58 No. of Pages: 2

Recorded for : GOODING TITLE

DENISE M. GILL

Ex-Officio Recorder Deputy

Fee: 6.00

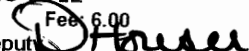


EXHIBIT A

Township 6 South, Range 13 East, Boise Meridian

Section 21 Gooding County, Idaho

A 20.00 feet in width irrigation pipeline easement located in the Conestoga Station Subdivision as recorded under instrument number 45494 Gooding County and described as follows:

Beginning at the Northwest Corner of Lot 5 of said subdivision:

THENCE North 89°07'38" East (recorded North 89°25' East) 33.81 feet along the Northerly boundary of Lot 5 to the center of said 20.00 feet in width easement and the POINT OF BEGINNING;

THENCE South 49°45'42" East 178.10 Feet;

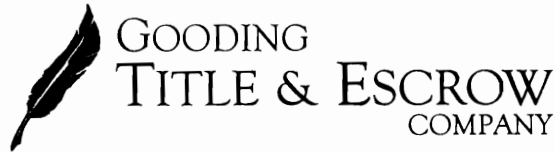
THENCE South 81°39'46" East 215.26 Feet;

THENCE North 77°15'47" East 186.13 Feet;

THENCE South 21°23'14" East 157.20 Feet;

THENCE South 18°47'16" East 49.12 Feet;

THENCE South 14°43'43" West 206.97 Feet to the end of said easement.



RECEIVED

AUG 22 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 21, 2007

IDWR
1341 FILLMORE ST., SUITE 200
TWIN FALLS, IDAHO 83301

Re: Order No. G070036
Passey/Menchaca

Dear Sir or Madame :

In connection with the above mentioned order, enclosed please find copies of the following document(s):

Notice of Change in Water Right
Warranty Deed

Please keep the enclosed documents in a safe place, as we do not retain copies of your loan documents in our files.

Thank you for using Gooding Title & Escrow Company. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mari Ramos".

Mari Ramos for
Nancy A. Woldberg, Escrow Officer
Gooding Title & Escrow Company

/mr

encl.