

DE

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

RECEIVED
APR 14 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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
PD 36-16467		☐			☐
PD 36-16469		☐			☐
PD 36-16471		☐			☐
		☐			☐
		☐			☐

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) 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 PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): McClellan Farms, Inc.
369 N 1250 S, Paul, ID 83347
4. New Owner/Claimant(s): Irene Vandervegt-Gibson
New Mailing Address: 78 E 400 S 4092 Hidden Lake Dr.
City, State, Zip Code: Jerome, ID 83338 Kimberly ID 83341
New Telephone Number: (208) 324-4252 208-732-5728
5. Date you acquired the property: See deed J.V.G.

SUPPORT DATA 17-08

IN FILE # 36-16467

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 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: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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)

Irene Vander Vegt-Lisson

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: P. SKINNER
Received by: P. SKINNER
Processed by: _____ AJ

Date: 4/14/2008
Date: 4/14/2008
Date: _____

Fee: \$75.00
Receipt No: 5030133
WR: _____ Date: _____

RECEIVED
APR 14 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

493872

Instrument # 493872
MINIDOKA COUNTY, RUPERT, IDAHO
2007-11-13 01:52:08 No. of Pages: 4
Recorded for : RUPERT LAND TITLE
DUANE SMITH Fee: 12.00
Ex-Officio Recorder Deputy

WARRANTY DEED

FOR VALUE RECEIVED,

McCLELLAN FARMS, INC., an Idaho corporation, and **STEVEN McCLELLAN**, aka **STEVE S. McCLELLAN** and **BONNIE McCLELLAN**, aka **BONNIE ANN McCLELLAN**, husband and wife, the "Grantors", do hereby grant, bargain, sell and convey unto **CAPELLA CORP.**, an Idaho corporation, the "Grantee", the following described premises located in Minidoka County, Idaho, to wit:

PARCEL ONE:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 6: Lots 5, 6 and 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{2}$ and SE $\frac{1}{4}$;

SAVE AND EXCEPT the following described tracts:

TRACT NO. 1:

That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:
Beginning at the Southeast corner of said Section 6; thence North 0°19'15"
West along the East section line of said Section 6 for 3285.84 feet to a
point, which point shall be known as the TRUE POINT OF BEGINNING;
Thence North 89°45'33" West for 430.00 feet;
Thence North 0°19'15" West for 660.00 feet to a point on the North
boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 89°45'33" East along said North boundary line for 430.00
feet to a point on the East section line of said Section 6;
Thence South 0°19'15" East along said East section line for 660.00 feet to
the TRUE POINT OF BEGINNING.

TRACT NO. 2:

Part of the SE $\frac{1}{4}$ of Section 6, more particularly described as follows:
Beginning at the Southeast corner of Section 6, said corner marked by a
5/8 inch rebar; thence North 0°08'00" West along section line for 859.66
feet to a 1/2 inch rebar which shall be the POINT OF BEGINNING;
Thence South 89°47'55" West for 460.05 feet to a 1/2 inch rebar;
Thence North 18°12'15" East for 232.19 feet to a 1/2 inch rebar;
Thence North 41°06'54" East for 436.62 feet to a 1/2 inch rebar;
Thence North 89°14'25" East for 99.13 feet to a 1/2 inch rebar on section
line;

Thence South 0°08'00" East along section line for 549.22 feet to the
POINT OF BEGINNING.

PARCEL TWO:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, MINIDOKA
COUNTY, IDAHO

Section 6: That part of the SE ¼ NE ¼, described more particularly as
follows:

Beginning at the Southeast corner of said Section 6; thence North 0°19'15" West
along the East section line of said Section 6 for 3285.84 feet to a point, which
point shall be known as the TRUE POINT OF BEGINNING;
Thence North 89°645'33" West for 430.00 feet;
Thence north 0°19'15" West for 660.00 feet to a point on the North boundary line
of said SE¼NE¼;
Thence South 89°45'33" East along said North boundary line for 430.00 feet to a
point on the East section line of said Section 6;
Thence South 0°19'15" East along said East section line for 660.00 feet to the
TRUE POINT OF BEGINNING.

PARCEL THREE:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, MINIDOKA
COUNTY, IDAHO

Section 8: Farm Unit A, Tract A, of the North Side Pumping Division,
Minidoka Project, Idaho (as shown by plat, dated September 27, 1957, on file in
the office of the County Recorder, Minidoka County, Idaho).

This real property is referred to hereafter as "the Real Property."

Consisting of 630 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantee, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said
Grantees, that they are the owners of said premises; that they will warrant and defend the same from
all lawful claims whatsoever, except as hereinabove specifically provided, and the specific
exceptions listed below:

1. Taxes for 2007 and subsequent years, a lien, but not yet due or payable.

2. Assessments of the A & B Irrigation District and the rights and powers of said District as by law provided.
3. Assessments levied or to be levied by Magic Valley Groundwater District, if any.
4. A Power Line Easement, dated February 22, 1956, executed by Hollis S. McClellan, also known as Hollis McClellan, and Marjorie E. McClellan, also known as Marjorie McClellan, husband and wife, to Idaho Power Company, a corporation, its licensees, successors, and assigns, recorded May 12, 1958 in Book 36 of Deeds, Page 461, Minidoka County records.
5. An Easement, as contained in Warranty Deed, dated January 8, 1981, executed by McClellan Farms, Inc., an Idaho corporation, to Steven McClellan and Bonnie McClellan, husband and wife, recorded January 19, 1982 as Document No. 320518, Minidoka County records, which recites: "Subject To a 30.00 foot county road right of way along the East boundary of said tract."
6. A Contract for Irrigation Water, dated March 5, 1982, executed by McClellan Farms, Inc., an Idaho corporation, first party, to Steven S. McClellan and Bonnie McClellan, husband and wife, second party, recorded March 29, 1982 as Document No. 322469, Minidoka County records.
7. Industrial Confined Animal Feeding Operation Waiver Agreement, dated December 13, 2005, by and between McClellan Farms, Inc., and Drew G. Morgan and Tami M. Morgan, recorded December 15, 2005 as Document No. 481749, Minidoka County records.
8. Industrial Confined Animal Feeding Operation Permit, to Steve McClellan, dated December 22, 2005, executed by Minidoka County Planning and Zoning Commission, recorded May 9, 2006 as Document No. 484348, Minidoka County records.

DATED THIS 9th day of November, 2007

"GRANTORS"


STEVEN McCLELLAN, aka STEVEN
S. McCLELLAN, an individual


BONNIE McCLELLAN, aka BONNIE
ANN McCLELLAN, an individual

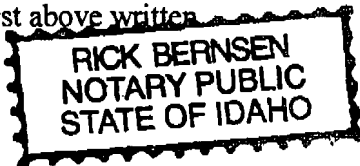
MCCLELLAN FARMS, INC.

McClellan Farms Inc.
By: Steven McClellan
Its: Pres.

STATE OF IDAHO)
 :SS.
County of Jerome)

On this 9th day of November, 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Steven McClellan, President of McClellan Farms, Inc., known to me to be such officer and the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same on behalf of the corporation.

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

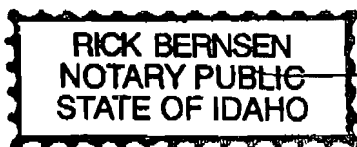


[Signature]
NOTARY PUBLIC for Idaho
Residing at: Idaho
Commission Expires: 7-30-09

STATE OF IDAHO)
 :SS.
County of Jerome)

On this 9th day of November, 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared STEVEN McCLELLAN, aka STEVEN S. McCLELLAN and BONNIE McCLELLAN aka BONNIE ANN McCLELLAN, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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



[Signature]
NOTARY PUBLIC for Idaho
Residing at: Idaho
Commission Expires: 7-30-09

Misc.

Instrument # 496324
MINIDOKA COUNTY, RUPERT, IDAHO
4-17-2008 01:40:40 No. of Pages: 3
Recorded for: RUPERT LAND TITLE
DUANE SMITH Fee: 9.00
On-Office Recorder Deputy *sa*

TitleFact, Inc.
P.O. Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER **** #22003

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED CAPELLA CORP., an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto IRENE VANDERVEGT GIBSON, a married woman dealing with her sole and separate property, Grantee, whose address is: 4098 Hidden Lakes Drive, Kimberly, Idaho 83341, the following described real estate, situated in Minidoka County, Idaho, to-wit:

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PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 6: Lots 5, 6 and 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.

SAVE AND EXCEPT the following described tracts:

TRACT NO. 1:

Beginning at the Southeast corner of Section 6, said corner marked by a 1/2 inch rebar; thence North 89°42'13" West along the South section line for a distance of 660.00 feet to the POINT OF BEGINNING;
Thence North 89°42'13" West continuing along said line for a distance of 595.35 feet;
Thence North 00°06'41" East for a distance of 30.00 feet to a 1/2 inch rebar;
Thence North 00°06'41" East for a distance of 488.60 feet to a 1/2 inch rebar;
Thence South 89°42'13" East for a distance of 563.16 feet to a 1/2 inch rebar;
Thence South 09°49'08" East for a distance of 192.85 feet to a 1/2 inch rebar;
Thence South 00°17'47" West for a distance of 298.74 feet to a 1/2 inch rebar;
Thence South 00°17'47" West for a distance of 30.00 feet to the POINT OF BEGINNING.

TRACT NO. 2:

That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of said Section 6; thence North 0°19'15" West along the East section line of said Section 6 for 3285.84 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;
Thence North 89°45'33" West for 430.00 feet;
Thence North 0°19'15" West for 660.00 feet to a point on the North boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 89°45'33" East along said North boundary line for 430.00 feet to a point on the East section line of said Section 6;
Thence South 0°19'15" East along said East section line for 660.00 feet to the TRUE POINT OF BEGINNING.

TRACT NO. 3:

Part of the SE¼ of Section 6, more particularly described as follows:

Beginning at the Southeast corner of Section 6, said corner marked by a ½ inch rebar; thence North 0°08'00" West along section line for 859.66 feet to a ½ inch rebar which shall be the POINT OF BEGINNING;
Thence South 89°47'55" West for 460.05 feet to a ½ inch rebar;
Thence North 18°12'15" East for 232.19 feet to a ½ inch rebar;
Thence North 41°06'54" East for 436.62 feet to a ½ inch rebar;
Thence North 89°14'25" East for 99.13 feet to a ½ inch rebar on section line;
Thence South 0°08'00" East along section line for 549.22 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 6: That part of the SE¼NE¼, described more particularly as follows:

Beginning at the Southeast corner of said Section 6; thence North 0°19'15" West along the East section line of said Section 6 for 3285.84 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;
Thence North 89°45'33" West for 430.00 feet;
Thence North 0°19'15" West for 660.00 feet to a point on the North boundary line of said SE¼NE¼;
Thence South 89°45'33" East along said North boundary line for 430.00 feet to a point on the East section line of said Section 6;
Thence South 0°19'15" East along said East section line for 660.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 3:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 8: Farm Unit A, Tract A of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated September 27, 1957, on file in the office of the County Recorder, Minidoka County, Idaho).

PARCEL NO. 4:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 6: Part of the SE¼, more particularly described as follows:

Beginning at the Southeast corner of Section 6, said corner marked by a ½ inch rebar; thence North 89°42'13" West along the South section line for a distance of 660.00 feet to the POINT OF BEGINNING;
Thence North 89°42'13" West continuing along said line for a distance of 595.35 feet;
Thence North 00°06'41" East for a distance of 30.00 feet to a ½ inch rebar;
Thence North 00°06'41" East for a distance of 488.60 feet to a ½ inch rebar;
Thence South 89°42'13" East for a distance of 563.16 feet to a ½ inch rebar;
Thence South 09°49'08" East for a distance of 192.85 feet to a ½ inch rebar;
Thence South 00°17'47" West for a distance of 298.74 feet to a ½ inch rebar;
Thence South 00°17'47" West for a distance of 30.00 feet to the POINT OF BEGINNING.

SAVE AND EXCEPT the following described tract:

Beginning at the Southeast corner of the SE¼; thence West 660 feet to a point,
which is the TRUE POINT OF BEGINNING on the South line of Section 6;
Thence North 165 feet;
Thence West 165 feet;
Thence South 165 feet;
Thence East 165 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 5:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 6: That part of the SE¼, more particularly described as follows:

Beginning at the Southeast corner of Section 6, said corner marked by a 1/2 inch
rebar; thence North 0°08'00" West along section line for 859.66 feet to a 1/2 inch
rebar which shall be the POINT OF BEGINNING;
Thence South 89°47'55" West for 460.05 feet to a 1/2 inch rebar;
Thence North 18°12'15" East for 232.19 feet to a 1/2 inch rebar;
Thence North 41°06'54" East for 436.62 feet to a 1/2 inch rebar;
Thence North 89°14'25" East for 99.13 feet to a 1/2 inch rebar on section line;
Thence South 0°08'00" East along section line for 549.22 feet to the POINT OF
BEGINNING.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the
Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee,
that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as
described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its
corporate name to be hereunto subscribed by its President and its Secretary.

Dated: April 16, 2008

CAPELLA CORP.

BY: Richard B. Stivers, Vice-President

Attest: Kathleen Easterday
Secretary

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 16th day of April, 2008, before me, the undersigned, Notary Public in and for said State,
personally appeared Richard B. Stivers, known to me to be the Vice-President of the corporation that
executed this instrument, or the person who executed the instrument on behalf of said corporation, and
acknowledged to me that such corporation executed the same.

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

Lila L. Orton
Notary Public for Idaho

Residing at: Twin Falls
My Commission expires: 10/26/12

LILA L. ORTON
NOTARY PUBLIC
STATE OF IDAHO

08S21E36

08S22E31

08S22E32

09S21E1

09S22E6

09S22E5

09S21E12

09S22E7

09S22E8