

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

RECEIVED
DEC 07 2007
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
AJ 37-12916	37-12916	☐			☐
PD 37-11692		☐			☐
		☐			☐
		☐			☐
		☐			☐

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): Mc Kenzie, Wayne or Marvin
Hailey, ID 83333
4. New Owner/Claimant(s): IX-NAY Investment Trust
New Mailing Address: c/o F. Altman and Company
9255 Sunset Blvd., Suite 901
City, State, Zip Code: Los Angeles, CA 90069
New Telephone Number: (208) 788-1051
5. Date you acquired the property: 1994

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)

Jim Alden, Trustee

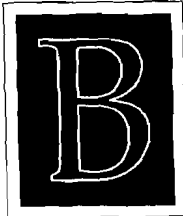
For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

FOR OFFICE USE ONLY

Received by: *[Signature]*
Received by: *[Signature]*
Processed by: _____ AJ

Date: *6/7/07*
Date: *12/24/07*
Date: _____

Fee: *\$25*
Receipt No: *5029895*
WR: _____ Date: _____



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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SOUTHERN REGION

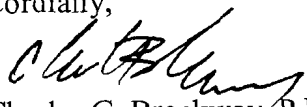
December 7, 2007

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Ownership Change / 37-12916, 37-11692

Enclosed please find an ownership change form for the above-referenced water rights. Since 37-11692 has been decreed, I understand there will be a \$25 fee. Enclosed is a check for this amount.

Cordially,


Charles G. Brockway, P.E.

Enc. Ownership change form
\$25 fee

Cc: Ned Williamson

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 24, 2007

CHARLES G BROCKWAY
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

Re: Change in Ownership No 37-12916,37-11692 IX-NAY Investment Trust

Dear Mr. Brockway :

The Department of Water Resources acknowledges receipt of your client's Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

- ☐ Filing Fee of \$25 per water right <permit>
- ☐ Filing Fee of \$100 per water right for changes resulting from division of a water right
- ☐ Signature
- ☐ Notarized Signature for Assignment of Permit
- ☒ Evidence of Water Right Ownership: copy of Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question
- ☐ Evidence of Security Interest: copy of Deed of Trust, Mortgage, Contract of Sale, or other legal document indicating your interest in the property and water rights in question
- ☐ Security Interest Expiration Date
- ☐ Legal Description of Property
- ☐ Plat of Property or Survey Map usually on file with the county
- ☐ USDA Farm Service Agency (formerly ASCS) Aerial Photo with irrigated acres outlined and point(s) of diversion clearly marked
- ☐ Description of Portion of Water Right resulting from division of water right

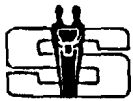
>

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days, we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water rights ownership and/or mailing address to the Department within 120 days of the change. Failing to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's website to obtain the proper forms and instructions. Please feel free to contact this office if you have any questions.

Sincerely,

Carrie Hahn
Clerk



ARB 10-11/4

Order No. 94005668
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received MARVIN L. MCKENZIE AND PAULETTE C. MCKENZIE, HUSBAND AND WIFE

the Grantor hereby grants, bargains, sells, conveys and warrants unto IX-MAY INVESTMENT TRUST
UNDER AGREEMENT DATED DECEMBER 15, 1989

the Grantee whose current address is: P.O. BOX 2143, HAILEY, IDAHO 83333

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

BLAINE CO. REQUEST

BLAINE COUNTY TITLE

MAR 22 1994

363800

MARY GRUBB, CLERK

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

Dated: March 17, 1994

MARVIN L. MCKENZIE

PAULETTE C. MCKENZIE

State of IDAHO

County of BLAINE

On this 22nd day of March, 1994, before me, the undersigned, a Notary Public, in and for said State, personally appeared MARVIN L. MCKENZIE AND PAULETTE C. MCKENZIE

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public:
Residing at: BELLEVUE, IDAHO
Commission Expires: 12/01/96



EXHIBIT "A"

PARCEL I:

A parcel of land located within the NW1/4 of Section 4, T2N, R18E, B.M., Blaine County, Idaho, being more particularly described as follows:

COMMENCING at the 1/4 corner common to Sections 4 & 5, proceed N 89 degrees 28' 43" E, 714.31 feet, to the TRUE POINT OF BEGINNING; THENCE continuing N 89 degrees 28' 43" E, 194.00 feet, to a point; THENCE N 12 degrees 38' 24" W, 473.68 feet, to a point; THENCE S 89 degrees 28' 43" W, 319.00 feet, to a point; THENCE S 12 degrees 38' 24" E, 363.68 feet, to a point; THENCE N 76 degrees 04' 02" E, 122.25 feet, to a point; THENCE S 12 degrees 38' 24" E, 139.00 feet, to the TRUE POINT OF BEGINNING.

PARCEL II:

A parcel of land in the SW1/4 NW1/4 of Section 4, T2N, R18E, B.M., Blaine County, Idaho, described as follows:

COMMENCING at the 1/4 corner common to Sections 4 & 5, THENCE N 89 degrees 28' 43" E, 308.31 feet, to the TRUE POINT OF BEGINNING; THENCE N 89 degrees 28' 43" E, 281 feet; THENCE N 12 degrees 38' 24" W, 240 feet; THENCE S 81 degrees 18' 52" W, 275.39 feet; THENCE S 12 degrees 38' 24" E, 200.00 feet; to the TRUE POINT OF BEGINNING.

SUBJECT TO: A thirty foot right-of-easement as granted in that certain Warranty Deed recorded June 27, 1991, as Instrument No. 331205 and Correction Warranty Deeds recorded as Instrument No.'s 332277, 334727 & 335343, records of Blaine County, Idaho.

W. H. M.
R. M.



ARB 4/4

Order No. 94005669
This form furnished by
Blaine County Title Associates

WARRANTY DEED

For Value Received WAYNE D. MCKENZIE, A SINGLE MAN

the Grantor hereby grants, bargains, sells, conveys and warrants unto IX-NAY INVESTMENT TRUST
UNDER AGREEMENT DATED DECEMBER 15, 1989

the Grantee whose current address is: P.O. BOX 2343, HAILEY, IDAHO 83333

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

BLAINE CO. REQUEST

BLAINE COUNTY TITLE

1994 MAR 22 P 4: 09

MARY GLEN. CLERK *ms*
FEE \$6.00

363799

Deel

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

Dated: March 17, 1994

Wayne D. McKenzie
WAYNE D. MCKENZIE

State of IDAHO

County of BLAINE

On this 22nd day of March, 1994, before me, the undersigned, a Notary Public, in and for said State, personally appeared WAYNE D. MCKENZIE

known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Marla G. Mink

Notary Public
Residing at: BELLEVUE, IDAHO
Commission Expires: 12/01/94



EXHIBIT "A"

TOWNSHIP 2 NORTH RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

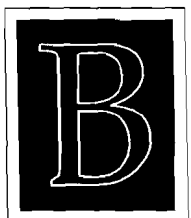
Section 4: A parcel of land within NW1/4 more particularly described as follows:

COMMENCING at the Quarter Corner Common to Sections 4 & 5; thence
N. 89 degrees 28'43" E. 308.31 feet to a point; thence
N. 12 degrees 38'24" W. 200.00 feet to a point; thence
N. 81 degrees 18'52" E. 275.39 feet to a point; thence
S. 12 degrees 38'24" E. 130.00 feet to a point, said point being the TRUE
POINT OF BEGINNING; thence continuing S. 12 degrees 38'24" E. 110.00 feet to a
point; thence
N. 89 degrees 28'43" E. 125.00 feet to a point; thence
N. 12 degrees 38'24" W. 139.00 feet to a point; thence
S. 76 degrees 04' 02" W. 122.25 feet, to the TRUE POINT OF BEGINNING.

Together with a 30 foot Right-of-Way for ingress and egress, described as follows:

COMMENCING at the intersection of the south baoundary line of the NW1/4 and
the Easterly boundary line of State Highway No. 75; thence
N. 89 degrees 28' 43" E., 281.00 feet to the TRUE POINT OF BEGINNING; thence
N. 12 degrees 38'24" W., 240.00 feet; thence
S. 81 degrees 18'52" W., 275.39 feet; thence
S. 12 degrees 38'24" E., to a point on a line which lies parallell and 30.00
feet perpendicular to the last above described line; thence
N. 81 degrees 18'52" E., 254.39 feet; thence
S. 12 degrees 38'24" E., 210.00 feet; more or less, to a point on the South
line of the NW1/4; thence
N. 89 degrees 28'43" E. 30.00 feet to the TRUE POINT OF BEGINNING

ASL



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 27, 2007

Carrie Hahn
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: Ownership change 37-12916, 37-11692

Dear Carrie:

As you requested in your letter dated December 24, 2007, I am enclosing the deeds showing conveyance of the property to IX-NAY Investment Trust.

Cordially,

Charles G. Brockway, P.E.

Enc.

RECEIVED
DEC 31 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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