

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)
34-2426A	100				
34-436					
OK					

SUPPORT DATA

2. The following **REQUIRED** information must be submitted with this form:

IN FILE # 34-436

- 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)

~~James~~ Lloyd + Jerry Bingham

Moore ID 83255

4. New Owner/Claimant(s)

Wade + LeAnne Waddoups

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

New Mailing Address

3097 N. 3350 W.

City, State and ZIP Code

Moore, IDAHO 83255

New Telephone Number

(208) 554-3000

Email:

NEW 2007

5. Date you acquired the property

17 September 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		
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) *Sellene Wallop* (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 *JS* Date *NOV 07*
 Receipted by *JS* Date *11-1-07*
 Processed by _____ AJ Date _____

Receipt Amt. *50.00*
 Receipt No. *E033543*
 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

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

0045028
NO. _____
RECORDED
SEP 21 2007
9:06 A.M. PM.
BUTTE COUNTY RECORDER
[Signature]

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 227646-B (vb)

Date: September 17, 2007

For Value Received, **Lloyd A. Bingham and Jerry Bingham, whose name also appears of record as Jerry F. Bingham, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Wade Waddoups and LeAnne Waddoups, husband and wife**, hereinafter called the Grantee, whose current address is **3097 N 3350 W, Moore, ID 83255**, the following described premises, situated in **Butte County, Idaho**, to-wit:

PARCEL 1:
TOWNSHIP 5 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO
SECTION 33: SE $\frac{1}{4}$ NW $\frac{1}{4}$,

EXCEPT: RIGHT-OF-WAY OF LOST RIVER HIGHWAY ALONG THE EAST SIDE.

ALSO EXCEPT: BEGINNING AT THE SE CORNER OF THE SE $\frac{1}{4}$ NW $\frac{1}{4}$, THENCE WEST 180 FEET ALONG THE SOUTH LINE OF SAID SE $\frac{1}{4}$ NW $\frac{1}{4}$ TO A POINT; THENCE NORTH 350 FEET TO A POINT; THENCE EAST 180 FEET TO THE EAST LINE OF SAID SE $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE SOUTH 350 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT: BEGINNING AT THE NE CORNER OF THE SE $\frac{1}{4}$ NW $\frac{1}{4}$, THENCE WEST 180 FEET; THENCE SOUTH 320 FEET; THENCE EAST 180 FEET; THENCE NORTH 320 FEET TO THE POINT OF BEGINNING.

PARCEL 1A:
TOGETHER WITH A 35 FOOT ROAD EASEMENT ALONG THE SOUTH LINE OF: BEGINNING AT THE SE CORNER OF THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 5 NORTH, RANGE 26, E.B.M., BUTTE COUNTY, IDAHO, THENCE WEST 180 FEET ALONG THE SOUTH LINE OF SAID SE $\frac{1}{4}$ NW $\frac{1}{4}$ TO A POINT; THENCE NORTH 350 FEET TO A POINT; THENCE EAST 180 FEET TO THE EAST LINE OF SAID SE $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE SOUTH 350 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
AN UNDIVIDED 27% INTEREST IN AND TO A PORTION OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO, DESCRIBED AS: BEGINNING AT A POINT 1600 FEET WEST OF THE NE CORNER OF THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SAID SECTION 28, THENCE SOUTH 75 FEET; THENCE WEST 50 FEET; THENCE NORTH 75 FEET; THENCE EAST 50 FEET TO THE POINT OF BEGINNING.

Together with all water, water rights, ditch, ditch rights, water certificates, water permits, water allotments, and water stock appurtenant thereto, no matter how evidenced. Including, but not limited to, the following decreed water rights within the Big Lost River Irrigation District:

40 inches dated May 21, 1894, water right #34-436; with 1,663 inches storage in the Mackay Reservoir and water under State of Idaho license #34-2426A.

Together with an undivided 27% interest in the existing irrigation well, pump, motor, and irrigation equipment located thereon.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner 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 Grantor will warrant and defend the same from all claims whatsoever.

Date: 09/17/2007

Warranty Deed
- continued

File No.: 227646-B (vb)

Lloyd A. Bingham
Lloyd A. Bingham

Jerry Bingham
Jerry Bingham

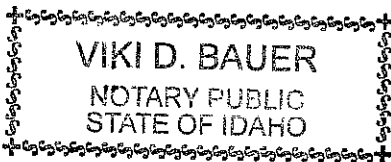
By: Wade Waddoups
Wade Waddoups

By: LeAnne Waddoups
LeAnne Waddoups

STATE OF Idaho)
SS.

COUNTY OF Bingham)

On this 19 day of September, 2007, before me, a Notary Public in and for said State, personally appeared **Lloyd A. Bingham and Jerry Bingham**, 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.

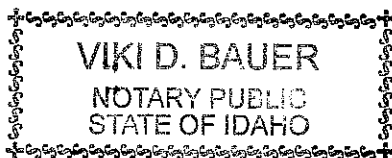


Viki D. Bauer
Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 03/29/08

STATE OF Idaho)
SS.

COUNTY OF Butte)

On this 19 day of September, 2007, before me, a Notary Public in and for said State, personally appeared **Wade Waddoups and LeAnne Waddoups**, 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.



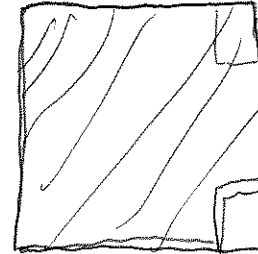
Viki D. Bauer
Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 03/29/08

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2426A

WATER RIGHT NUMBER: 34-2426A

Owner Type Name and Address
 Current Owner LLOYD A BINGHAM
 3085 N 3350 W
 MOORE, ID 83255
 (208)554-3203



Priority Date: 12/07/1961

Basis: Decreed

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.833 CFS	129.50 AF
	<u>Total Diversion:</u>	0.833 CFS	129.50 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SW1/4SW1/4 Sec. 28, Twp 05N, Rge 26E, B.M.
 BUTTE County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 26E 33								37.0									37.0

Total Acres: 37

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-00436 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.06 CFS.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00436 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 37 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.
4. WATER IS DELIVERED THROUGH WESTSIDE DITCH.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2426A

Comments:

1. SCHULTZ 5/22/1992 REMAK ADDED/ERROR FLAG ADDED

Comment: ADDED STD RMARK D02 - 0.093 CFS - OTHER RIGHT 34-00436. ERROR FLAG D ADDED.

2. CFRITSCH 1/5/1996 CHANGE IN REMARKS

Comment: THE REMARK DESCRIBING THE DELIVERY OF WATER THROUGH THE WESTSIDE DITCH WAS ADDED SINCE WATER FROM THE WELL IS INJECTED INTO THE WESTSIDE DITCH AND CO-MINGLED WITH BIG LOST RIVER WATER FOR DELIVERY TO THE PLACE OF USE.

3. CFRITSCH 9/16/1996 COPIED FROM REMARKS

Comment: 0.93 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-00436.

4. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

5. skeen 8/3/2004 2:56:46 PM Water Right

Comment: This water right record was updated by decree record from old RightID 355163 to new RightID 215708

6. jberkey 10/14/2004 POD

Comment: Correlated PODID 242894 from SpatialDataID 354791 to SpatialDataID 352307

Dates and Other Information:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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1.06		37
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Combined Water Rights: 34-2426A , 34-436

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

OCTOBER 31, 2007

We, **Lloyd A. Bingham and Jerry Bingham**, relinquish any claims on water rights numbers **34-2426A and 34-436** on the property we sold to **Wade A. and LeAnne Waddoups**. Our intent when we sold the property to Waddoups is to sell **BOTH** water rights in **WHOLE** with the property. (Warranty Deed recorded in Butte County, Idaho on September 21, 2007 No. 0045028)

Lloyd A. Bingham
Lloyd A. Bingham

Jerry Bingham
Jerry Bingham

Linda A. Scouter
Notary Republic
Residing at Moore, Idaho - Butte Co.
Commission Expires: 07/30/2008

