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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)
Partial Deed 21-7106A	OK				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Ira A. & Virginia Hardy
 3644 E. 800 N. Menan, ID 83434

4. New Owner/Claimant(s)

~~City~~ City of Rexburg
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO Box 280

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 359-3020

RECEIVED

JUL 05 2007

5. Date you acquired the property

August 2nd, 2006

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)

[Signature]Public Works Dir

(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 [Signature]
 Received by [Signature]
 Processed by _____ AJ

 Date 7-5-07
 Date 7-9-07
 Date _____

 Receipt Amt. \$25.00
 Receipt No. E033082
 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.
As per Jennifer @ IDWR
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

DRAFTED BY:

Karl R. Decker
Holden, Kidwell, Hahn & Crapo, P.L.L.C.,
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405
208-523-0620

Instrument # 330285

REXBURG, MADISON, IDAHO
2006-08-11 04:04:00 No. of Pages: 2
Recorded for: FIRST AMERICAN
MARILYN R. RASMUSSEN
Ex-Officio Recorder Deputy Fee: 6.00

WARRANTY DEED

WARRANTY DEED made this 2nd day of August, 2006, between **Ira A. Hardy and Virginia Hardy**, husband and wife, whose mailing address is 3644 E. 800 N., Menan, Idaho 83434, herein referred to as Grantor (whether one or more, male and/or female), and **The City of Rexburg**, whose mailing address is P.O. Box 280, Rexburg, Idaho 83440, herein referred to as Grantee (whether one or more male and/or female), witnesseth:

That Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, all the following described real estate located in the County of Madison, State of Idaho:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 6 North, Range 38 East Boise Meridian, Madison County, Idaho,

TOGETHER with all appurtenant roadway easements and rights of way for ingress and egress of record.

TOGETHER with all water, water rights, ditches and ditch rights thereunto belonging or in anywise appertaining, usually had and enjoyed.

SUBJECT TO:

1. Taxes and assessments for the year 2006 and all subsequent years.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. All reservations, restrictions, easements, road and road rights of way, ditch and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
6. Any claim or loss arising from the old county landfill located on the property.

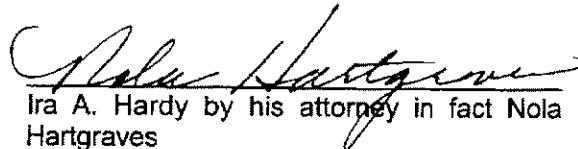
7. Levies and assessments of the Fremont Madison Irrigation District.
8. The effect of Quitclaim Deed from Union Pacific Railroad Company to Union Pacific Land Resources recorded June 20, 1980, as Instrument No. 184500, Official Records of Madison County, Idaho, and the effect of mineral right reservations described in a Quitclaim Deed between Union Pacific Railroad Company, to Ira A. Hardy and Virginia Hardy, dated March 11, 1980 and recorded June 20, 1980, Instrument No. 184502, Official Records of Madison County, Idaho.
9. All matters, and any rights, easements, interests or claims which may exist by reason of or disclosed by survey recorded August 9, 1984, Instrument No. 205240, Official Records of Madison County, Idaho.
10. Right-of-way or easement of Twin Butte Road.

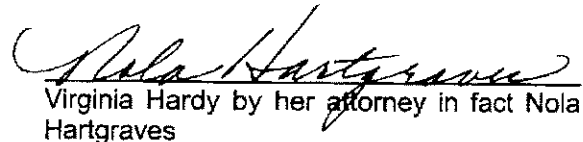
TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, specifically including the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above-described premises together with the appurtenances unto grantee and to his heirs and assigns forever.

And Grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, his heirs, and assigns against Grantor and his heirs and against all and every person and persons whomsoever lawfully claiming the same.

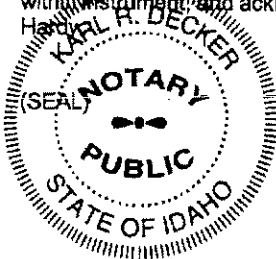
IN WITNESS WHEREOF, Grantor has hereunto set his hand on the day and year first above written.


Ira A. Hardy by his attorney in fact Nola Hartgraves


Virginia Hardy by her attorney in fact Nola Hartgraves

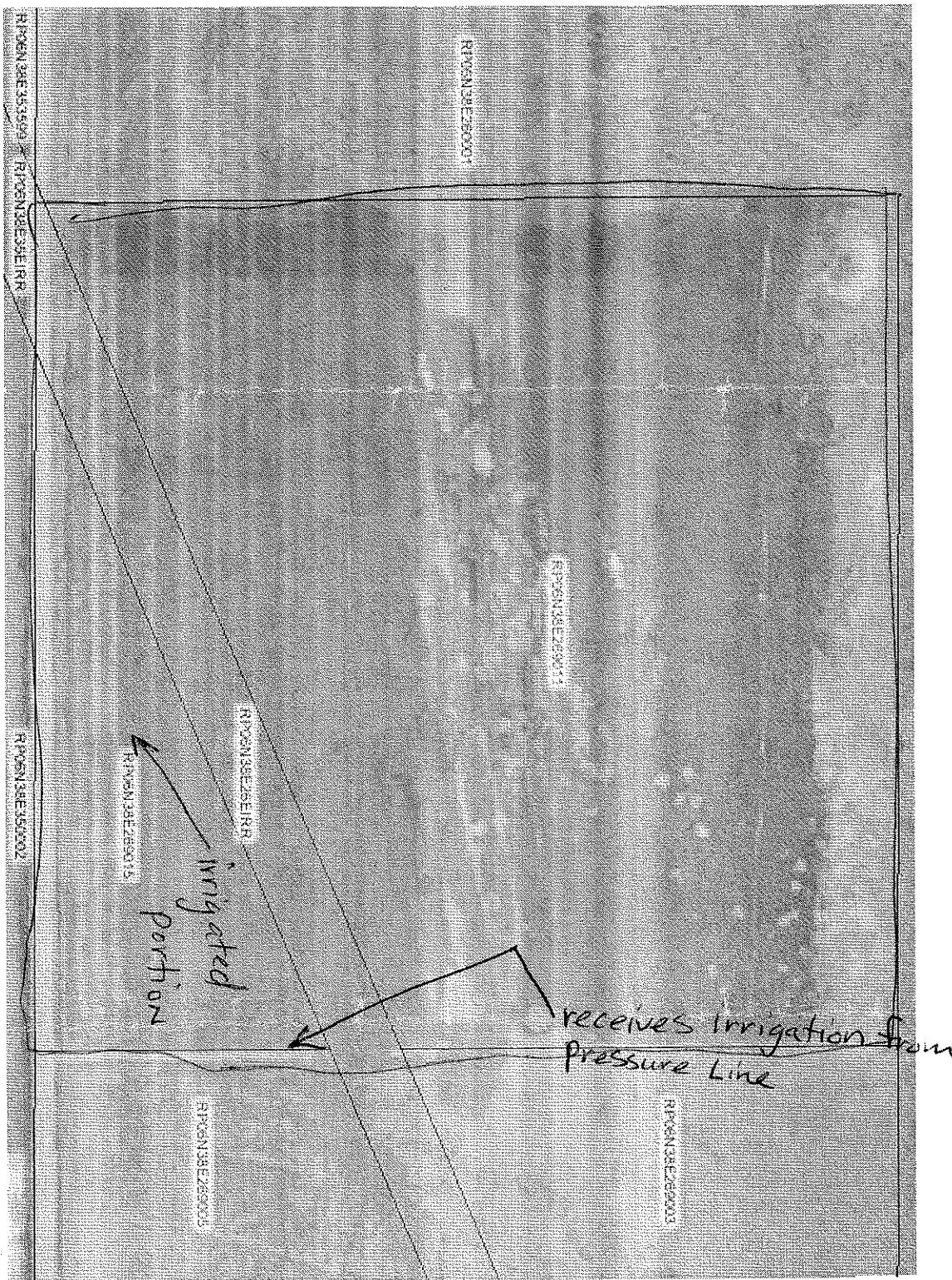
STATE OF IDAHO)
County of Bonneville) SS.

On the 2nd day of August, 2006, before me, Karl R. Decker, the undersigned Notary Public in and for the State of Idaho, personally appeared Nola Hartgraves, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as attorney in fact for Ira A. Hardy and Virginia Hardy.




Notary Public for State of Idaho
Residing at: Idaho Falls
My Commission Expires: May 10, 2009

WARRANTY DEED - 2



**WATER DISTRICT 100
2007 ANNUAL ASSESSMENT NOTICE**

Reporter No. 643

REXBURG, CITY OF

PO BOX 280

REXBURG ID 83440

Water Right Number(s)	Water Right Name	Priority Date	Water Right CFS
21-7106A	HARDY IRA A	3/11/1977	0.06
Total Water Right Diversion Rate:			0.06 CFS
Total number of minimum "billable" Water Rights:			1
Total number of minimum billable water rights x \$25.00:			\$25.00
Total 2007 Assessment:			\$25.00

PLEASE REMIT PAYMENT ON OR BEFORE MAY 1, 2007

All payments for assessments not received by May 1, 2007 shall accrue penalties in the amount of 10% of the charge and interest in the amount of 1% per month, as provided pursuant to Idaho Code § 42-617.

Additional information about Water District 100 is available on the internet at <http://www.idwr.idaho.gov/water/districts/WD100.htm>.

If you have any questions about this bill or Water District 100 in general, please contact Wendy Murphy, Water District 100 secretary, at 208-525-7171 or 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402. Please have a copy of the bill with you for reference when you call so that we may better serve you. Also, please contact the district with any new phone, email, or operator information. This will enable our water agents to have better success contacting you before an exam.

(keep this portion for your records)

(return this portion with payment)

**PLEASE REMIT PAYMENT ON OR BEFORE
May 1, 2007 PAYABLE TO:**

**WATER DISTRICT 100
900 N SKYLINE DR SUITE A
IDAHO FALLS ID 83402-1718**

Reporter No. 643
REXBURG, CITY OF

PO BOX 280

REXBURG ID 83440

Total number of minimum bill water rights: 1

Total 2007 Assessment: \$25.00

Address correction requested

14-Jun-07