

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
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
done ✓ 35-13644					
done ✓ 35-7720					
	01-2077	X			
	01-2078	X			
	done ✓ 01-7017				

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 rights(s) or claims(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 your water rights(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 P.T. Elliot, LLC, 392 N. 4500 E., Rigby, ID 83442
Burleigh & Mabel Tomchak, 458 Bassett Rd., Roberts, ID 83444
4. New Owner/Claimant(s) David C. Hardy
Name connector (check one): [] and [] or, [] and/or
New Mailing Address 791 Masters St.
City, State and ZIP Code Idaho Falls, ID 83401
New Telephone Number 435-703-0365 Email: desertnomad@cableone.net
5. Date you acquired the property May 3, 2007

RECEIVED
NOV 27 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) Don C. Hardy owner/Developer
(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 JB
 Received by JB
 Processed by _____ AJ

Date 12-4-07/12-5-07
 Date 12-4-07/12-5-07
 Date _____

Receipt Amt. \$200 - / \$75 -
 Receipt No. E033615 / E033621
 WR _____ Date _____

This Deed is being re-recorded to correct legal description.

ALLIANCE TITLE & ESCROW CO.

BLT CJ-1183

WARRANTY DEED

326246

313909

BURLEIGH TOMCHAK and MABEL TOMCHAK, husband and wife, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **PT ELLIOTT, LLC, an Idaho Limited Liability Company, as GRANTEE,**

whose address is 392 North 4500 East, Rigby, Id 83442, and Grantee's successors and assigns, all of the following described real property, to-wit:

TRACT I:

Township 4 North, Range 37 East of the Boise Meridian, Jefferson County, Idaho.

Section 3: Lots 5, 6, 7, 8, 11, 12, 13 and 14

NW1/4SW1/4

Section 9: The North 1/2 of said Section 9, lying East of the Oregon Shoreline Railroad.

Section 10: Lots 8 and 9.

TRACT II:

Township 4 North, Range 37 East of the Boise Meridian, Jefferson County, Idaho.

Section 4: E1/2, SW1/4 lying East of the Railroad right of way.

Instrument # 326246

RIGBY, JEFFERSON, IDAHO

2003-10-07

04:30:00 No. of Pages:

Recorded for : BONNEVILLE LAND & TITLE

CHRISTINE BOULTER

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: RE-RECORDED

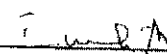
SUBJECT TO the 2002 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: April 4, 2002


Burleigh Tomchak

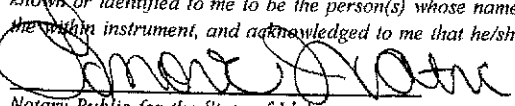

Mabel Tomchak

STATE OF IDAHO

COUNTY OF Bonneville

On April 4, 2002, before me, the undersigned, personally appeared
Burleigh Tomchak and Mabel Tomchak

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.


Notary Public for the State of Idaho
Commission Expiration Date: 1/28/2003

LENORE J. KATRI
NOTARY PUBLIC
STATE OF IDAHO

Instrument # 313909

RIGBY, JEFFERSON, IDAHO

2002-04-05

02:50:00 No. of Pages: 1

Recorded for : ALLIANCE TITLE & ESCROW

CONNIE M. KELLER

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

RECEIVED BY
ASSESSOR

For PLATTING
Date 4-5-02 Time 2:50

Bonneville Land & Title Co.

455145

306071830 KB

WARRANTY DEED

For value received, PT Elliott, LLC, an Idaho limited liability company, with its principal place of business at 392 North 4500 East, Rigby, Idaho 83442, Grantor, does hereby grant, bargain, sell and convey unto David Hardy of 2805 Sapphire Drive, Ammon, Idaho 83406, Grantee, the following described real property situated in Jefferson County, State of Idaho, namely:

OK

All of Block 1, except lots 3 through 6 inclusive, and all of Block 2 of the West Equestrian Pointe Subdivision, Division 1, according to the recorded plat thereof, recorded October 10, 2006 as Instrument No. 352715 in the Recorder's Office for Jefferson County, Idaho.

SUBJECT TO a right in favor of Raymond Hickey to pump water out of an existing pond located in Lot 16, Block 1, Division 1 of the West Equestrian Pointe Subdivision, according to the recorded plat thereof in Jefferson County, Idaho, for the purpose of supplying water to land in section 9 of Township 4 North Range 37 East Boise Meridian, as permitted by Water Rights Nos. 35-7744 and/or 35-10255, records of the Idaho Department of Water Resources, and further subject to a right to convey such water through an existing above-ground irrigation mainline running in a southwesterly direction from the southerly end of such pond across said Lot 16 to an existing irrigation pivot located on the Hickey property in said section 9.

35-13643

35-13641

SUBJECT TO all other easements, patent reservations and rights of way of record or which may appear upon inspection of the premises and further subject to all zoning ordinances, accruing taxes and assessments and applicable building codes, laws and regulations.

TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining to said real property.

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

Microfilm No. 358145
5-4-07
At 12:23 O'Clock P M
CHRISTINE BOULTER
Jefferson Co. Recorder C. Ant
Fee \$ 6.00 Deputy
Recorded at Request of ATE

RECEIVED BY
ASSESSOR
For PLATTING
Date 5-4-07 Time 1222p

DATED this 3 day of May, 2007.

Grantor:
PT ELLIOTT, LLC

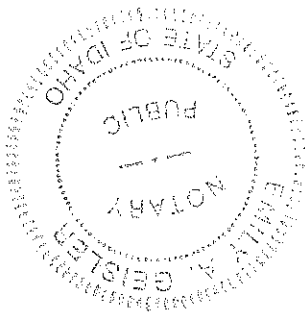
By: Carl Zitlau
Carl Zitlau
Member

STATE OF IDAHO Jefferson) ss.
County of ~~Bonneville~~)

On the 3 day of May, 2007, before me, the undersigned, a notary public in and for said State, personally appeared CARL ZITLAU, known or identified to me to be the manager or a member of PT Elliott, LLC, the 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.

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

(seal)



Notary Public for Idaho Residing in Madison County
Residing at: _____ Commission Expires: 01-29-09
My Commission Expires: _____

2583142

306078131CB

WARRANTY DEED

THIS INDENTURE is made this 3 day of May, 2007, by PT Elliot, LLC, an Idaho Limited Liability Company, hereinafter referred to as the "Grantor", and David DK Hardy, whose address is, 2805 Sapphire Drive, Ammon, Idaho, 83406, hereinafter referred to as the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

SUBJECT TO a right in favor of Raymond Hickey to pump water out of an existing pond located in Lot 16, Block 1, Division 1 of the West Equestrian Pointe Subdivision, according to the recorded plat thereof in Jefferson County, Idaho, for the purpose of supplying water to land in Section 9 of Township 4 North Range 37 East Boise Meridian, as permitted by Water Rights Nos. 35-7744 and/or 35-10255, records of the Idaho Department of Water Resources, and further subject to a right to convey such water through an existing subsurface irrigation mainline running in a southwesterly direction from the southerly end of such pond across Lots 17 and 18, Block 1, Division No. 2 of said Subdivision to an existing irrigation pivot located on the Hickey property in said Section 9.

SUBJECT TO all other easements, patent reservations and rights of way of record or which may appear upon inspection of the premises and further subject to all zoning ordinances, accruing taxes and assessments and applicable building codes, laws and regulations.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and

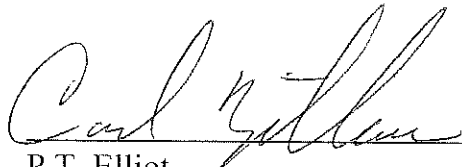
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ASSESSOR
For PLATTING
Date 5-4-07

1277

the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

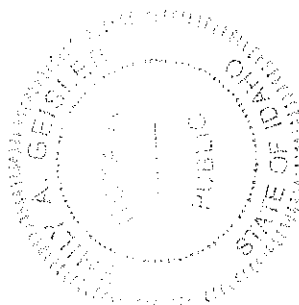

P.T. Elliot

STATE OF IDAHO)
County of Jefferson)ss.

On the 3 day of May, 2007, before me, the undersigned, a notary public in and for said State, personally appeared CARL ZITLAU, known or identified to me to be the manager or a member of PT Elliott, LLC, the 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.

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

(seal)




Notary Public for Idaho Residing in Madison County
Residing at: _____ Commission Expires: 01-29-09
My Commission Expires: _____

EXHIBIT A

Beginning at a point that is N.89°42'11"W. along the Section line 711.12 feet from the Northeast Corner of Section 4, Township 4 North, Range 37 East of the Boise Meridian, said point being the Northwest boundary corner of West Equestrian Pointe, Division No. 1, Jefferson County, Idaho; running thence N.89°42'11"W. along said Section line 1932.79 feet to the North 1/4 Corner of said Section 4; thence S.00°23'32"W. along the North-South Center Section line of said Section 4 a distance of 2635.42 feet to the Center 1/4 Corner of said Section 4; thence N.89°33'56"W. along the East-West Center Section line of said Section 4 a distance of 1691.97 feet to the East Right-of-Way line of an existing Railroad Right-of-Way; thence S.23°03'14"E. along said East Right-of-Way line 2510.71 feet; thence S.89°29'59"E. 2003.61 feet; thence S.75°23'57"E. 1352.49 feet to the Southeast Corner of said Section 4; thence S.89°29'25"E. 73.97 feet to the ordinary high water line of the Snake River; thence Northerly along said ordinary high water line the following four (4) courses: N.20°06'09"E. 224.09 feet; thence N.07°09'31"W. 115.78 feet; thence N.64°48'41"E. 128.04 feet; thence N.44°17'04"E. 20.00 feet to the most Southerly boundary corner of said West Equestrian Pointe, Division No. 1; thence Northerly along the West boundary line of said West Equestrian Pointe, Division No. 1 the following twelve (12) courses: N.45°42'56"W. 367.28 feet to the East line of said Section 4; thence N.00°18'19"E. along said East line 1926.07 feet; thence N.89°47'16"W. 13.89 feet to a point of curve with a radius of 180.00 feet and a chord bearing N.64°47'01"W. 152.17 feet; thence to the right along said curve 157.11 feet through a central angle of 50°00'30"; thence N.39°46'46"W. 449.32 feet to a point of curve with a radius of 150.00 feet and a chord bearing N.64°40'21"W. 126.28 feet; thence to the left along said curve 130.34 feet through a central angle of 49°47'10"; thence N.89°33'56"W. 130.14 feet; thence N.00°26'04"E. 60.00 feet; thence N.45°26'04"E. 28.28 feet; thence N.00°26'04"E. 2110.19 feet; thence N.44°54'03"W. 28.28 feet; thence N.00°17'49"E. 30.00 feet to the POINT OF BEGINNING.

ALSO:

Beginning at the Northeast Corner of Section 4, Township 4 North, Range 37 East of the Boise Meridian, running thence N.89°42'11"W. 610.93 feet to the East Right-of-Way line of Buckskin Way; thence South along said East Right-of-Way line and the North Right-of-Way line of Quarter Horse Way the following eight (8) courses: S.00°17'49"W. 30.00 feet; thence S.45°21'57"W. 28.42 feet; thence S.00°26'04"W. 2110.19 feet; thence S.44°33'55"E. 28.28 feet; thence S.89°33'56"E. 30.14 feet to a point of curve with a radius of 210.00 feet and a chord bearing S.64°40'21"E. 176.79 feet; thence to the right along said curve 182.48

feet through a central angle of $49^{\circ}47'10''$; thence $S.39^{\circ}46'46''E.$ 449.32 feet to a point of curve with a radius of 120.00 feet and a chord bearing $S.64^{\circ}47'01''E.$ 101.44 feet; thence to the left along said curve 104.74 feet through a central angle of $50^{\circ}00'30''$; thence $S.89^{\circ}47'16''E.$ 13.99 feet to the East 1/4 Corner of said Section 4; thence $N.00^{\circ}57'37''E.$ along the East line of said Section 4 a distance of 2641.89 feet to the POINT OF BEGINNING.

Containing 363.72 acres ✓

ALSO:

Beginning at the Northeast Corner of Section 4, Township 4 North, Range 37 East of the Boise Meridian, running thence $N.89^{\circ}42'11''W.$ 610.93 feet to the East Right-of-Way line of Buckskin Way; thence South along said East Right-of-Way line and the North Right-of-Way line of Quarter Horse Way the following eight (8) courses: $S.00^{\circ}17'49''W.$ 30.00 feet; thence $S.45^{\circ}21'57''W.$ 28.42 feet; thence $S.00^{\circ}26'04''W.$ 2110.19 feet; thence $S.44^{\circ}33'55''E.$ 28.28 feet; thence $S.89^{\circ}33'56''E.$ 30.13 feet to a point of curve with a radius of 210.00 feet and a chord bearing $S.64^{\circ}40'21''E.$ 176.79 feet; thence to the right along said curve 182.48 feet through a central angle of $49^{\circ}47'10''$; thence $S.39^{\circ}46'46''E.$ 449.32 feet to a point of curve with a radius of 120.00 feet and a chord bearing $S.64^{\circ}47'01''E.$ 101.44 feet; thence to the left along said curve 104.74 feet through a central angle of $50^{\circ}00'30''$; thence $S.89^{\circ}47'16''E.$ 13.99 feet to the East 1/4 Corner of said Section 4; thence $N.00^{\circ}57'37''E.$ along the East line of said Section 4 a distance of 2641.89 feet to the POINT OF BEGINNING.

Containing 33.90 acres

Microfilm No. 358148
5-4-07
At 12:26 O'Clock P M
CHRISTINE BOULTER
Jefferson Co. Recorder 12.508
Fee \$ _____ Deputy
Recorded at Request of ATEC

G:\WPDATA\DWS\13840.01 - Equestrian Pointe Sub\Division 2\Option Warranty Deed v2. wpd.sm