

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

RECEIVED

MAR 27 2006

DEPARTMENT OF WATER RESOURCES

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
13-762					
13-764					

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 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(s)

Prescott

4. New Owner/Claimant(s)

Dwaine J. Blank, J. Bitter

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

New Mailing Address

339 Fish Hatchery Rd

City, State and ZIP Code

Grace, Idaho 83241

New Telephone Number

008-427-6674

5. Date you acquired the property

12-16-03

SUPPORT DATA

IN FILE # 13-762

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 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (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 _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Quang B. Bilton*
(include title if applicable)

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 DC Date 3/15/2005 Fee 50
 Received by DC Date 3/15/2005 Receipt No. EO 31698
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

For Value Received

EDSEL M. PRESCOTT ROSALES, a married woman, as her sole and separate property,

the grantors of Pocatello, Idaho, do hereby grant, bargain, sell and convey unto

DUANE J. BITTON and LOVENE M. BITTON, husband and wife,

of 389 Fish Hatchery Rd. Grace, ID 83241, the grantees, the following described premises, to-wit;

Caribou County, Idaho:

Township 11 South, Range 41 East of the Boise Meridian:

Section 17: S $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPT, Beginning at the Southwest corner of said Section 17, from which the West quarter corner of Section 20 bears South 00°20'09" West 2665.38 feet; thence North 00°21'11" East 1313.26 feet along the West line of said section 17;

thence East 694.71 feet to a 5/8" rebar with cap labeled A.A. Hudson, PLS 4735 set on the Southerly right of way line of the Bench-Lago County Road, the true point of beginning;

thence North 87°38'48" East 35.34 feet along said right of way to a 5/8" rebar with cap;

thence South 00°00'51" West 257.30 feet to a 5/8" rebar with cap;

thence East 206.00 feet to a 5/8" rebar with cap, set on the Westerly right of way line of said County Road;

thence South 18°53'44" East 239.51 feet along said right of way to a 5/8" rebar with cap;

thence South 74°43'46" West 334.14 feet to a 5/8" rebar with cap;

thence North 00°21'11" East 570.47 feet, to the true point of beginning.

ALSO, EXCEPT THEREFROM, Beginning at a point 730 feet East of the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17, and running:

thence South 247 feet;

thence East 175 feet to the centerline of a county road;

thence Northerly along the centerline of said county road to a curve to the left;

thence following said curve Northwesterly to the

STATE OF IDAHO 170062

County of Caribou

I hereby certify that this instrument was filed at the request of

at 9:10 o'clock PM on this 16th day of December, 2003 in my office and duly

recorded official Records

Recorder Edie Bush

Signature

Terri Stephens Deputy

point of tangency;

thence Westerly, to the point of beginning.

ALSO EXCEPT THEREFORM, A portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, described as follows: Commencing at the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 17;

thence North along the Meridional Centerline of Section 17, 355 feet to the point of beginning; thence continuing North 97 feet; thence East 114 feet; thence South 97 feet; thence West 114 feet, more or less, to the point of beginning.

ALSO, EXCEPT THEREFROM, Any portion thereof lying within the right of way of a County Road.

Section 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$, ALSO, Beginning at a point 313.5 feet East of the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section, and running

thence West 2953.5 feet;
thence South 1026 feet;
thence East 195 feet;
thence South 294 feet;
thence East 1125 feet;
thence South 30 feet;
thence East 475.5 feet;
thence North 30 feet;
thence Northeasterly 1755.95 feet, more or less along a ditch,
to the point of beginning.

EXCEPT THEREFROM, Beginning at the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ quarter of said Section 20, and running

thence North 275 feet;
thence East 175 feet;
thence South 275 feet;
thence West 175 feet;
to the point of beginning.

ALSO, EXCEPT THEREFROM, Beginning at the Northwest corner of said Section 20, from which the West Quarter corner of Section 20 bears South 00°20'09" West 2665.38 feet;

thence South 00°20'09" West 425.92 feet along the West line of Section 20;
thence South 89°39'51" East 17.10 feet to a 5/8" rebar with cap labeled A.A. Hudson, PLS 4735 set on the East right of way line of Bench-Lago County Road, the true point of beginning;
thence North 85°30'27" East 152.86 feet to a 5/8" rebar with cap;
thence North 76°57'24" East 65.44 feet to a 5/8" rebar with cap;
thence South 40°18'56" East 71.02 feet to a 5/8" rebar with cap;
thence South 42°12'23" West 83.59 feet to a 5/8" rebar with cap;

170062

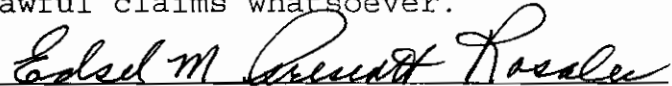
thence South 66°48'49" West 66.60 feet to a 5/8"
rebar with cap;
thence South 2°11'31" East 202.48 feet to a 5/8"
rebar with cap;
thence South 85°27'43" West 154.88 feet to a 5/8"
rebar with cap set on said East right of way
line;
thence North 00°20'09" East 330.14 feet along said
right of way,
to the true point of beginning.

ALSO, EXCEPT THEREFROM, Beginning at the West
Quarter corner of said Section 20, from which the
Northwest corner of Section 20 bears North 00°20'09"
East 2665.38 feet;
thence North 00°20'09" East 1607.69 feet along the
West line of said Section 20;
thence South 89°39'51" East 19.06 feet to a 5/8"
rebar with cap labeled A.A. Hudson, PLS 4735 set
on the East right of way line of the Bench-Lago
County Road, to the True Point of Beginning,
thence North 00°20'09" East 301.80 feet along said
right of way to a 5/8" rebar with cap;
thence North 85°27'43" East 154.88 feet to a 5/8"
rebar with cap;
thence South 00°20'09" West 314.96 feet to a 5/8"
rebar with cap;
thence North 89°39'51" West 154.32 feet,
to the True Point of Beginning.

ALSO, EXCEPT THEREFROM, Any portion thereof lying
within the right of way of County Roads.

Together with Water Right No. 13-00764 with a priority date of
1875 for 50 inches of Trout Creek and Water Right No. 13-00762 with
a priority date of 1871 for 135 inches of Trout Creek.

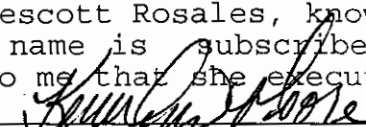
TO HAVE AND TO HOLD the said premises, with their appurtenances
unto the said Grantee, their heirs and assigns forever. And the
said Grantors do hereby covenant to and with the said Grantee, that
they are the owners in fee simple of said premises; that said
premises are free from all encumbrances and that they will warrant
and defend the same from all lawful claims whatsoever.


EDSEL M. PRESCOTT ROSALES

STATE OF IDAHO)
 : ss.
County of Caribou)

On this 15th day of December, 2003, before me the
undersigned, a notary public in and for said County and State,
personally appeared Edsel M Prescott Rosales, known or identified
to me to be the person whose name is subscribed to the within
instrument, and acknowledged to me that she executed the same.

KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO


NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, ID
My commission expires: 8/15/2009

COPY

170063

This Indenture, Made the 15th day of December, in the year of our Lord Two Thousand and Four between

Duane J. Bitton and Lovene M. Bitton, husband and wife,
of Grace, County of Caribou, State of Idaho,
parties of the first part, and

Edsel Prescott Rosales, a married woman
of Grace, County of Caribou, State of Idaho,
the party of the second part.

WITNESSETH, That the said parties of the first part for and in consideration of the sum of One Hundred Fifty Eight Thousand Two Hundred Eighty Three and 50/100 DOLLARS (\$158,283.50*****) do by these presents Grant, Bargain, Sell and Convey unto the said party of the second part, and to heirs and assigns forever, all that certain real property situate in the County of and State of Idaho, and bounded and particularly described as follows, to-wit:

See Attached Exhibit "A"

STATE OF IDAHO } ss 170063
County of Caribou }
I hereby certify that this instrument was filed at the request
of Caribou Title
at 9:10 o'clock A m this 16th day of
December, 2003 in my office and duly
recorded official Records
Recorder Edie Bush
Signature Jessie Stephens 15.06 Deputy
CT

together with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

And said parties of the first part hereby agree to keep the buildings on said premises fully insured against loss by fire in some reliable fire insurance company, with loss, if any, payable to the party of the second part as mortgagee, as her interest may appear.

THIS GRANT is intended as a mortgage to secure the payment of that certain promissory note of even date herewith, executed and delivered by the said parties of the first part to the said party of the second part ~~of added to the mortgage in the above~~ with a final due date of March 15, 2004.

This mortgage shall also secure the whole or any portion of said indebtedness which may hereafter be evidenced by any renewal note or notes.

And these presents shall be void if such payment be made. But in case default shall be made in the payment of said principal sum of money or any part thereof as provided in the said note, or if the interest be not paid as therein specified, then it shall be optional with the said party of the second part, executors, administrators or assigns to consider the whole of said principal sum expressed in said note as immediately due and payable; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same according to law, and out of the money arising from such sale, to retain the principal and interest which will then be due on the said promissory note, together with the costs of foreclosure suit, including counsel fees and also the amounts of all such payments of taxes, assessments, incumbrances or insurance, or payments for necessary title abstracts as may have been made by said second party, her heirs, executors, with interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said parties of the first part, heirs, executors, administrators or assigns.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the
Presence of

DUANE J. BITTON (Seal)

LOVENE M. BITTON (Seal)

(Seal)

(Seal)

170063

STATE OF IDAHO,

County of Caribou

SS.

On this 15th day of December in the year 2003, before me
the undersigned, a Notary Public
in and for said County and State, personally appeared Duane J. Bitton and Lovene M. Bitton,
known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to
me that they 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.

KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO

Commission Expires: 8/15/09

Residence Soda Springs, Idaho

No.

MORTGAGE Short Covenant

TO

Dated

STATE OF IDAHO,

County of

SS.

I hereby certify that this instrument was
filed for record at the request of

at _____ minutes past _____ o'clock

M., this _____ day of _____

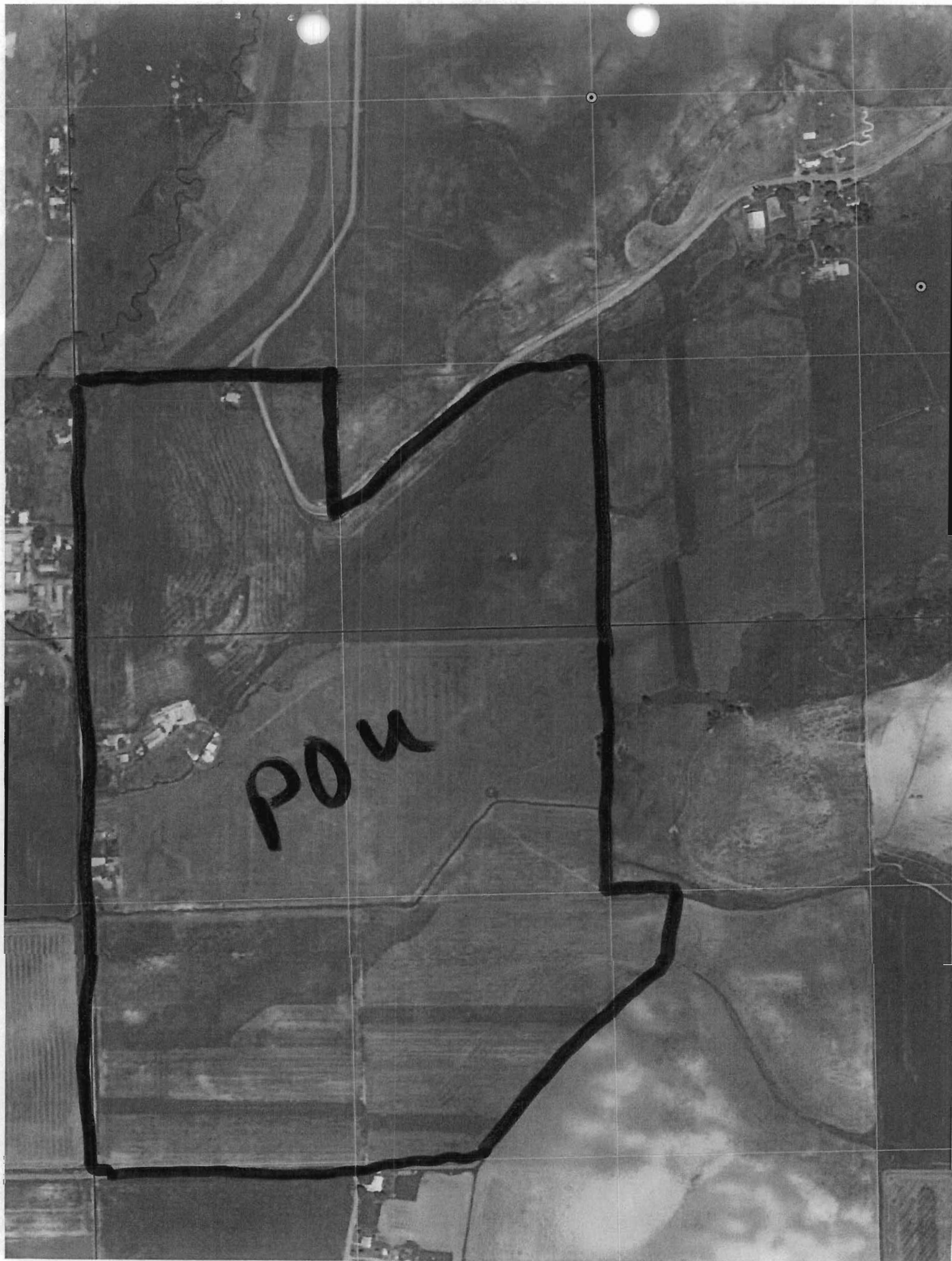
in my office

and duly recorded in Book _____ of Mort-

gages at page _____

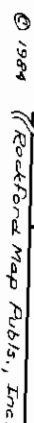
Ex-Officio Recorder.

Fees, \$ _____



DEC PAGE 1242

SEE PAGE 8



FRANKLIN COUNTY

Caribou County, Idaho

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 13-762

WATER RIGHT NUMBER: 13-762

Owner Type Name and Address
Original Owner JOHN MEACHAM

Current Owner J MARVIN PRESCOTT
GRACE, ID 83241

owner on paperwork =
Edsel M. Prescott Rosales

Priority Date: 05/01/1871
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
MIDDLE FORK TROUT CREEK	TROUT CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	2.700 CFS	
	<u>Total Diversion:</u>	2.700 CFS	

Location of Point(s) of Diversion

MIDDLE FORK TROUT CREEK
CARIBOU County

NW1/4SE1/4

Sec. 16, Twp 11S, Rge 41E, B.M.

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	
11S	41E	17											X	X					
11S	41E	20					X	X											

Conditions of Approval:

1. P/U, AC IRR=135.
TRANS. 1747 P/D.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-762

Dates and Other Information:

Licensed Date:
Decreed Date: 7/14/1920
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 13Q
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Civil Case Number:
Judicial District: District Court Eastern Division
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-764

WATER RIGHT NUMBER: 13-764

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J MARVIN PRESCOTT
	GRACE, ID 83241
Original Owner	DON H BASSETT
	, ZZ

Priority Date: 05/01/1878

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MIDDLE FORK TROUT CREEK	TROUT CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

MIDDLE FORK TROUT CREEK	NW1/4SE1/4	Sec. 16, Twp 11S, Rge 41E, B.M.
CARIBOU County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
11S	41E	20	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
							X		X	X									

✓ ✓ ✓

Conditions of Approval:

1. P/U, AC IRR=50.
TRANS. 1747 P/D.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-764

Licensed Date:

Decreed Date: 7/14/1920

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 13Q

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Last Chance Canal Co

Decree Plaintiff: Utah Power & Light Co

Civil Case Number:

Judicial District: District Court Eastern Division

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: