

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

RECEIVED
JUN 01 2007
 Department of Water Resources
 Eastern 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 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)
WR 35-10255		X			
WR 35-7744		X			
WR 35-10263 (domestic)					

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

\$225 -

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)

Burleigh Tomchak

4. New Owner/Claimant(s)

Raymond J. Hickey

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

New Mailing Address

458 N. Bassett Rd.

City, State and ZIP Code

Roberts, ID 83444

New Telephone Number

(208) 589-0452

5. Date you acquired the property _____

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		20 acres
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) _____
 _____ (title if applicable)
 Cynthia M. Hickey _____
 _____ (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 _____
 Received by JC
 Processed by _____ AJ

Date _____
 Date 6-1-07
 Date _____

Receipt Amt. \$ 325 -
 Receipt No. E 032955
 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 Shortline 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

04:38:00 No. of Pages: 1

Recorded for: BONNEVILLE LAND & TITLE

CHRISTINE BOULTER

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: RE-RECORDED

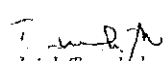
SUBJECT TO the 2002 and subsequent years general taxes and assessments, all existing patent reservations, easements,
right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

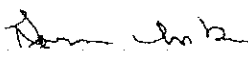
TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or
in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

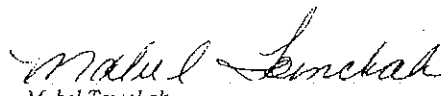
Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and
assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

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



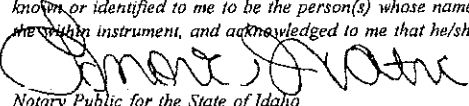

Mabel Tomchak

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.

FHTCO
192705

354509

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street
Rigby, ID 83442

Instrument # 354509
RIGBY, JEFFERSON, IDAHO
2006-12-15 09:15:00 No. of Pages: 2
Recorded for : FIRST AMERICAN TITLE CO
CHRISTINE BOULTER Fee: 6.00
Ex-Officio Recorder Deputy PM
Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 192705-RI (re)

Date: December 12, 2006

For Value Received, **PT Elliott, LLC, an Idaho Limited Liability Company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **IRA Express, Inc., FBO Raymond J. Hickey, IRA Account #100179**, hereinafter called the Grantee, whose current address is **Bare Ground, Rigby, ID 83440**, the following described premises, situated in **Jefferson County, Idaho**, to-wit:

TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

SECTION 4: THAT PORTION OF THE S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING SOUTH OF A DIAGONAL LINE RUNNING IN A SOUTHEASTERLY DIRECTION FROM THE NORTHWEST CORNER OF S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ TO THE SOUTHEAST CORNER OF S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 9: E $\frac{1}{2}$ NE $\frac{1}{4}$ LESS S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 10: LOT 8

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.

RECEIVED BY
ASSESSOR
For PLATTING

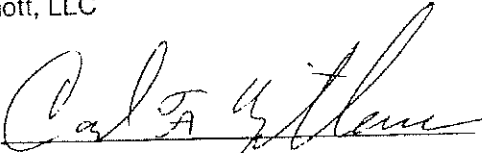
Date 12-15-06 Time 9:15

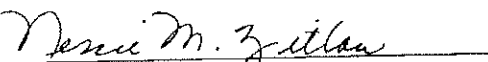
Date: 12/12/2006

Warranty Deed
- continued

File No.: 192705-RI (re)

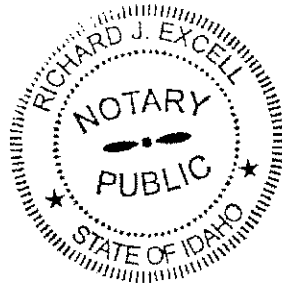
PT Elliott, LLC

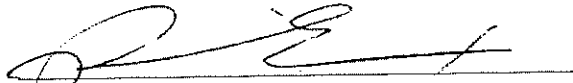

By: Carl F. Zitlau, Manager


By: Nessie M. Zitlau, Manager

STATE OF Idaho)
SS.
COUNTY OF Jefferson)

On this **Thirteenth day of December, 2006**, before me, a Notary Public in and for said State, personally appeared **Carl F. Zitlau and Nessie M. Zitlau**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **PT Elliott, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Rigby, ID
Commission Expires: 4-11-09

LIMITED LIABILITY COMPANY WARRANTY DEED

326247

PT ELLIOTT, LLC, a Limited Liability Company under the laws of the State of Idaho, having been duly authorized by and in accordance with its Articles of Organization, as **GRANTOR**,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **RAYMOND J. HICKEY & CYNTHIA M. HICKEY**, husband and wife, as **GRANTEE**, whose address is ~~2105 Alan Street #6~~ **2105 Alan Street #6** and Grantee's successors and assigns, all of the following described real property, to-wit:

Idaho Falls, Id 83402

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

Section 4: S1/2 S1/2 SE1/4 SW1/4 lying East of the Oregon Shortline Railroad

ALSO: That portion of the S1/2 S1/2 SW1/4 SE1/4 lying North of a diagonal line running in a Northeasterly direction from the Southwest Corner of the S1/2 S1/2 SW1/4 SE1/4 to the Northeast Corner of S1/2 S1/2 SW1/4 SE1/4, plus that portion of the W1/2 W1/2 SW1/4 SE1/4 lying South of the above diagonal line

**Section 9: NE1/4 NW1/4 lying East of the Oregon Shortline Railroad
S1/2 S1/2 SW1/4 NE1/4 lying East of the Oregon Shortline Railroad
S1/2 S1/2 SE1/4 NE1/4**

ALSO: That portion of the N1/2 N1/2 NW1/4 NE1/4 lying West of a diagonal line running in a Northeasterly direction from the Southwest Corner of the N1/2 N1/2 NW1/4 NE1/4 to the Northeast Corner of the W1/2 W1/2 NW1/4 NE1/4

ALSO: That portion of the N1/2 S1/2 SW1/4 NE1/4 lying South of a diagonal line running in a Northwesterly direction from the Southeast Corner of the N1/2 S1/2 SW1/4 NE1/4 to the Northwest Corner of the N1/2 S1/2 SW1/4 NE1/4 lying East of the Oregon Shortline Railroad

Section 10: Government Lot 9

SUBJECT TO the 2003 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 itself, and its 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: October 7, 2003

PT ELLIOTT, LLC
Limited Liability Company Name

by: *Carl Zittlau*
Managing Member

by: *Nessie Zittlau*
Managing Member

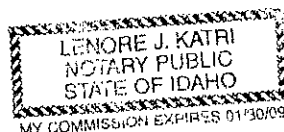
STATE OF IDAHO)

COUNTY OF Bonneville) ss

On October 7, 2003, before me, the undersigned, personally appeared

Carl Zittlau and Nessie Zittlau known or identified to me to be Managing Member(s) of the limited liability company that executed the within instrument, and acknowledged to me that such company executed the same.

[Signature]
Notary Public for the State of Idaho
Commission Expiration Date:



Instrument # 326247

RIGBY, JEFFERSON, IDAHO
2003-10-07 04:31:00 No. of Pages: 1
Recorded for: BONNEVILLE LAND & TITLE
CHRISTINE BOULTER Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

RECEIVED BY
ASSESSOR

For PLATTING
Date 10/7/03 Time 4:31

Bonneville Land & Title Co.

LIMITED LIABILITY COMPANY WARRANTY DEED

326248

PT ELLIOTT, LLC, an Idaho Limited Liability Company, a Limited Liability Company under the laws of the State of Idaho, having been duly authorized by and in accordance with its Articles of Organization, as GRANTOR, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **IRA EXPRESS, INC. FBO RAYMOND J. HICKEY**, as GRANTEE, whose address is P. O. Box 9, Cedar City Ut 84721, and Grantee's successors and assigns, all of the following described real property, to-wit:

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

Section 4: That portion of the S1/2S1/2SW1/4SE1/4 lying South of a diagonal line running in a Northeasterly direction from the Southwest Corner of the S1/2S1/2SW1/4SE1/4 to the Northeast Corner of the S1/2S1/2SW1/4SE1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. That portion of the W1/2W1/2SW1/4SE1/4 lying South of the above diagonal line that overlaps the S1/2S1/2SW1/4SE1/4

Section 9: NW1/4NE1/4 lying East of the Oregon Shortline Railroad

N1/2SW1/4NE1/4 lying East of the Oregon Shortline Railroad

That portion of the N1/2S1/2SW1/4NE1/4 lying North of a diagonal line running in a Northwesterly direction from the Southeast Corner of the N1/2S1/2SW1/4NE1/4 to the Northwest Corner of the N1/2S1/2SW1/4NE1/4 lying East of the Oregon Shortline Railroad

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. That portion of the N1/2N1/2NW1/4NE1/4 lying West of a diagonal line running in a Northeasterly direction from the Southwest Corner of the N1/2N1/2NW1/4NE1/4 to the Northeast Corner of the W1/2W1/2NW1/4NE1/4.

SUBJECT TO the 2003 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 itself, and its 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: October 1, 2003

PT ELLIOTT, LLC, an Idaho Limited Liability Company
Limited Liability Company Name

by: *Carol Zittlau*
Managing Member

by: *Nessie Zittlau*
Managing Member

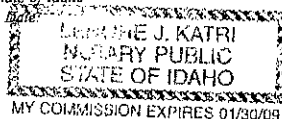
STATE OF IDAHO)

COUNTY OF Bonneville) ss

On October 1, 2003, before me, the undersigned, personally appeared

Carol Zittlau & Nessie Zittlau
Known or identified to me to be Managing Member(s) of the limited liability company that executed the within instrument, and acknowledged to me that such company executed the same.

Christine Boulter
Notary Public for the State of Idaho
Commission Expiration Date



Instrument # 326248

RIOBY, JEFFERSON, IDAHO
2003-10-07 04:32:00 No. of Pages: 1
Recorded for: BONNEVILLE LAND & TITLE
CHRISTINE BOULTER Fee: 3.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

RECEIVED BY
ASSESSOR

For PLATTING
Date 10/1/03 Time 4:32

Bonneville Land & Title Co.

FATCC
192705

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
110 N. Clark Street
Rigby, ID 83442

354509

Instrument # 354509

RIGBY, JEFFERSON, IDAHO
2006-12-15 09:15:00 No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE CO
CHRISTINE BOULTER Fee: 6.00
Ex-Officio Recorder Deputy *PM*
Index to: WARRANTY DEED

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 192705-RI (re)

Date: December 12, 2006

For Value Received, **PT Elliott, LLC, an Idaho Limited Liability Company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **IRA Express, Inc., FBO Raymond J. Hickey, IRA Account #100179**, hereinafter called the Grantee, whose current address is **Bare Ground, Rigby, ID 83440**, the following described premises, situated in **Jefferson County, Idaho**, to-wit:

TOWNSHIP 4 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

SECTION 4: THAT PORTION OF THE S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING SOUTH OF A DIAGONAL LINE RUNNING IN A SOUTHEASTERLY DIRECTION FROM THE NORTHWEST CORNER OF S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ TO THE SOUTHEAST CORNER OF S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

SECTION 9: E $\frac{1}{2}$ NE $\frac{1}{4}$ LESS S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$

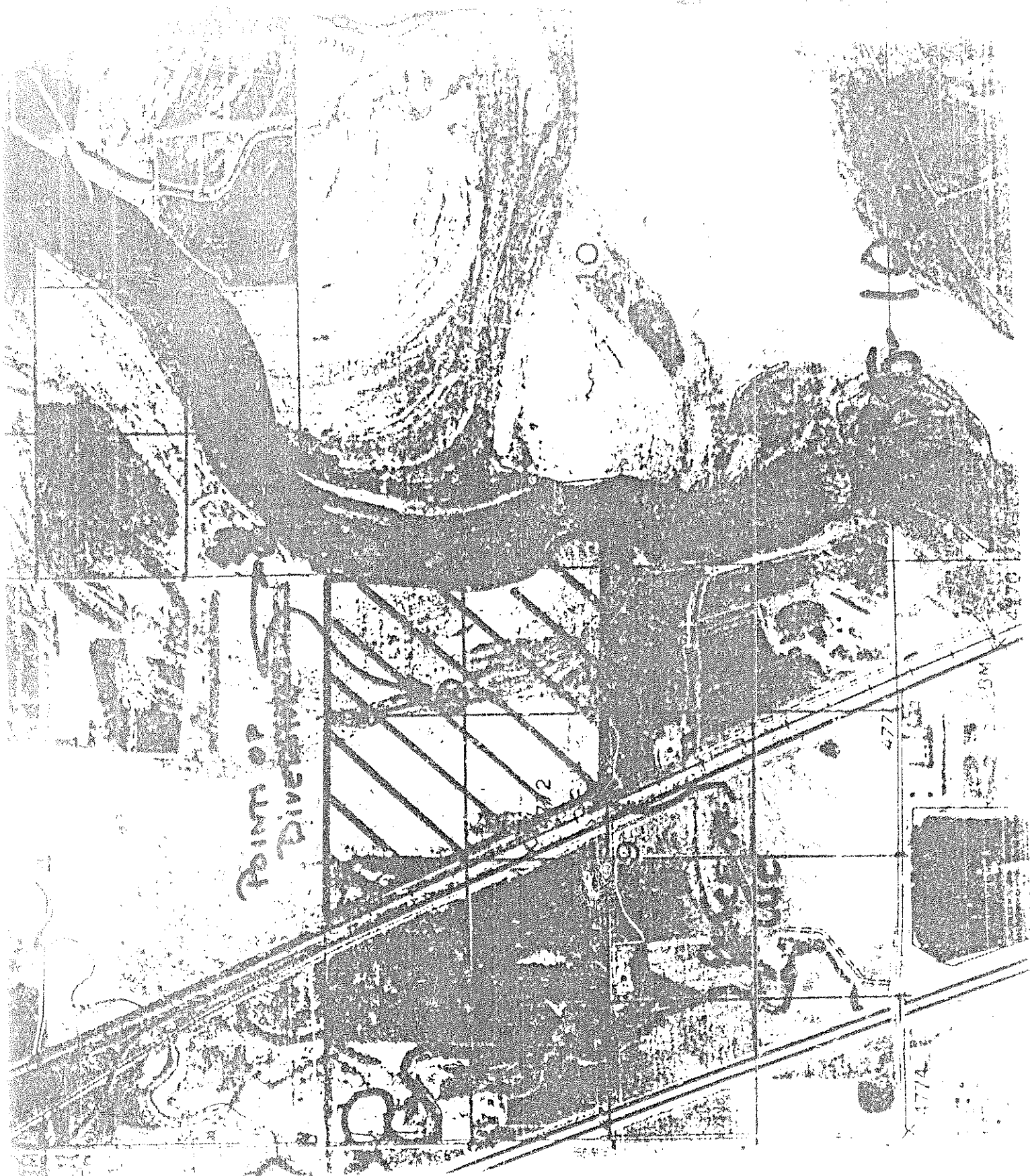
SECTION 10: LOT 8

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.

RECEIVED BY
ASSESSOR
For PLATTING

Date 12-15-06 Time 9:15



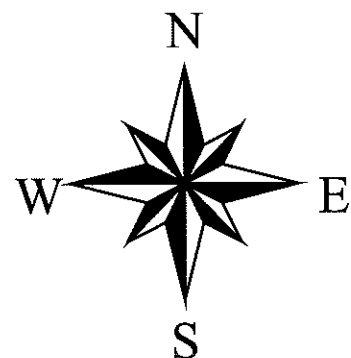
35-7744
4N 37E 4

needs split
among 3
claimants



0.3 0 0.3 0.6 Miles

-  Jefferson taxlots
-  GCDB05N37E GCDB
-  GCDB04N37E GCDB
-  Right POD
-  Right POU



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 35-7744

WATER RIGHT NUMBER: 35-7744

Owner Type
Current Owner

Name and Address
BURLEIGH TOMCHAK
202 BASSETT RD
ROBERTS, ID 83444
(208)228-6871

Current Owner

MABEL TOMCHAK
458 BASSETT RD
ROBERTS, ID 83444
(208)228-6871

Priority Date: 09/15/1989

Basis: Decreed

Status: PARENT

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To
4/01 to 10/31

Diversion Rate
6.580 CFS

Annual Volume

Total Diversion: 6.580 CFS

Location of Point(s) of Diversion

GROUND WATER

JEFFERSON County

L5 (SW1/4SW1/4)

Sec. 3, Twp 04N, Rge 37E, B.M.

Place of Use

IRRIGATION Within JEFFERSON County

T04N R37E S04 Lot 1 NENE 39.0

T04N R37E S04 SWNE 36.0

T04N R37E S04 NESW 24.0

T04N R37E S04 SESW 25.0

T04N R37E S04 NWSE 32.0

T04N R37E S04 SESE 37.0

T04N R37E S04 Lot 2 NWNE 39.0

T04N R37E S04 SENE 36.0

T04N R37E S04 NWSW 5.0

T04N R37E S04 NESE 20.0

T04N R37E S04 SWSE 36.0

Total Acres: 329

Conditions of Approval:

1. 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.