



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

September 18, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

Claymore Management Corporation
7050 Union Park Ave
Midvale UT 84047

RE: Change in Ownership of Water Right 21-7454

Dear Claymore Management Corp:

Proof of ownership for the above referenced water right requested in our June 1, 2007 letter to you has not been received. Therefore, I am returning the Notice of Change in Water Right Ownership request. A copy of your ownership change request information will be kept in our files for reference.

Note that the Water Right covers 16 lots in the Lakeview Estates Subdivision. The Warranty Deed received with your application does not show proof of ownership of any of the lots within this subdivision. Also, the deed describes ownership of a 330' x 330' plot of land at the NE ¼ NE ¼ T15NR42E Sec25. This land is not covered by the water right.

If, at a later date, you wish to reinstate this request you may send the enclosed ownership change request form along with the required support data for further review.

Please feel free to contact our office with any questions regarding this matter.

Sincerely,

Er Emalee Rushing
Support Services Supervisor

Enclosures

Form 42-1409(7)

RECEIVED

FEB 20 2007

DEPARTMENT OF
WATER RESOURCES

DEV



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 3-27-98

SEE ATTACHED LEGAL DESCRIPT.

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[X] Water Right Number(s) A21-10831, A21-10830, A21-00095A, A21-00096A, A21-02077,
Assigned by IDWR: A21-00099A and 21-07454

[X] Name and Address of Former Owner/Claimant(s)(Seller): John H. Magleby
32 So. 3rd West #6
Rexburg, ID 83440

[X] New Owner/Claimant (Purchaser): Claymore Management Corporation

[X] New Mailing Address: 7050 Union Park Ave.
Midvale, UT 84047

[X] New Telephone Number: (801) 562-2252

[X] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[X] Attach proof of ownership, describe proof attached: Copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[X] Signature of New Owner/Claimant(s) Claymore Management Corporation Date 3/27/98
Greg Reed L Benson, Pres. Date _____

[] Signature of Former Owner/Claimant(s): SEE ATTACHED Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date _____ By: _____

Further Action Needed:

Further Action Taken

Date _____ By: _____

Final Review and Data-Entry

Date _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 3-27-98

SEE ATTACHED LEGAL DESCRIPT.

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) A21-10831, A21-10830, A21-00095A, A21-00096A, A21-02077,
Assigned by IDWR: A21-00099A and 21-07454
- ☒ Name and Address of Former Owner/Claimant(s)(Seller): John H. Magleby
32 So. 3rd West #6
Rexburg, ID 83440
- ☒ New Owner/Claimant (Purchaser): Claymore Management Corporation
- ☒ New Mailing Address: 7050 Union Park Ave.
Midvale, UT 84047
- ☒ New Telephone Number: (801) 562 - 2252
- ☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☒ Attach proof of ownership, describe proof attached: Copy of Warrant Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) SEE ATTACHED Date _____
Date _____

☐ Signature of Former Owner/Claimant(s): John H. Magleby Date 3-27-98
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

For Value Received **John H. Magleby, a married man, as his sole and separate property**

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

Claymore Management Corporation

whose address is: **7050 Union Park Ave, Midvale, UT 84047**

Hereinafter called the Grantee, the following described premises situated in **Fremont County, Idaho**, to-wit:

SEE ATTACHED SCHEDULE "A"

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 their 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.

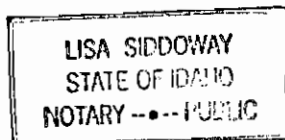
Dated: **March 27, 1998**

John H. Magleby
John H. Magleby

STATE OF IDAHO)
)
) : ss
COUNTY OF MADISON)

On This 27th day of March, in the year 1998, before me, a Notary Public in and for said State, personally appeared JOHN H. MAGLEBY, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.

Lisa Siddoway
Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires 11-19-99



Microfilm No. 450816
At 27 Day Mar 19 98
At 15:54 O'clock P M
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 10- Deputy
Recorded At Request of
First American Title Company

SCHEDULE "A"

TRACT I: Township 15 North, Range 42 East, Boise Meridian, Fremont County, Idaho.

Section 13: SE1/4; SE1/4 SW1/4; ALSO: Beginning at the Northeast corner of the NE1/4 SW1/4, thence West 810 feet, which is the point of intersection of the North right-of-way line of roadway with the North line of said NE1/4 SW1/4; thence Southwesterly along North right-of-way line of said road to the South line of said NE1/4 SW1/4; thence East 1020 feet to the Southeast corner of said NE1/4 SW1/4; thence North 1320 feet to the point of beginning. LESS AND EXCEPTING THEREFROM: Beginning at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 13, Township 15 North, Range 42 East, Boise Meridian, Fremont county, Idaho, and running thence North 89°38'31" East 204.19 feet to a fence line on the West edge of the road; thence South 15°10'05" West 788.91 feet along the said fence line; thence North 00°10'06" East 760.15 feet along a Forest Service boundary fence to the point of beginning.

TRACT II: Township 15 North, Range 42 East, Boise Meridian, Fremont County, Idaho.

Section 24: E1/2 SW1/4; SW1/4 SW1/4; E1/2, LESS AND EXCEPTING THEREFROM ALL THAT PART OF THE LAKEVIEW ESTATES, RECORDED JANUARY 28, 1972, INSTRUMENT NO. 325579, RECORDS OF FREMONT COUNTY, IDAHO, AS PER THE RECORDED PLAT THEREOF.

ALSO LESS AND EXCEPTING THEREFROM: Beginning at the Southeast corner of the Southwest Quarter of Section 24, Township 15 North, Range 42 East, Boise Meridian, Fremont County, Idaho, and running thence North 00°05'00" East 310.07 feet; thence South 85°27'05" West 214.74 feet; thence North 81°46'39" West 157.95 feet; thence North 79°33'29" West 153.78 feet; thence South 84°43'30" West 70.16 feet; thence North 76°20'37" West 106.82 feet; thence South 58°35'04" West 88.32 feet; thence South 66°42'44" West 284.91 feet; thence South 77°10'10" West 272.39 feet; thence South 41°20'16" West 65.31 feet; thence the U.S. Forest Service boundary to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM: Beginning at a point that is South 89°08'12" West 909.95 feet along the U.S. Forest Boundary and North 0°05'00" East 270.01 feet from the Southeast corner of the Southwest Quarter of Section 24, Township 15 North, Range 42 East, Boise Meridian, Fremont County, Idaho, said point is on the South bank of a canal; and running thence along the South bank of a canal South 66°42'44" West 133.31 feet; thence along South bank of said canal South 77°10'10" West 272.39 feet; thence along South bank of Rock Creek; thence North 4°14'05" East 175.00 feet; thence South 88°18'56" East 418.43 feet to the point of beginning.

Township 15 North, Range 42 East, Boise Meridian, Fremont County, Idaho.

Section 25: Beginning at the Northeast corner of said section; thence South 330 feet; thence West 330 feet; thence North 330 feet; thence East 330 feet to the point of beginning.

TRACT III: Beginning at the Southeast corner of the Southwest Quarter of Section 24, said corner being marked by a brass cap, Township 15 North, Range 42 East, Boise Meridian, Fremont County, Idaho; and running thence South 89°08'12" West 214.06 feet along the U.S. Forest Boundary, thence North 00°05'00" East 296.26 feet; thence North 05°08'12" East 214.74 feet; thence South 00°05'00" West 310.07 feet along the West boundary of Lakeview Estates to the point of beginning. (pipeline parcel)

LESS AND EXCEPTING THEREFROM: A tract of land lying in Fremont County, State of Idaho, in the SE1/4SE1/4SW1/4 of Section 24 (being a part of the "Pipeline Parcel"), Township 15 North, Range 42 East of the Boise Meridian, and more particularly described as follows:

Beginning at the S1/4 corner of Section 24, point being the TRUE POINT OF BEGINNING; thence North 00°05'00" East along the west line of the Lakeview Estates Lot 10 a distance of 100.00 feet; thence South 89°08'12" West 100.00 feet; thence South 00°05'00" West 100.00 feet to the South line of Section 24; thence North 89°08'12" East along the South line of the Section 100.00 feet to the POINT OF BEGINNING.

SUBJECT TO a reservation by Seller of a 20 foot wide easement lying in the E1/2SW1/4 of Section 24, Township 15 North, Range 42 East of the Boise Meridian, and more particularly described as follows:

The East 20 feet of the SW1/4 of said Section 24, Township and Range aforesaid.

Said Easement to be for ingress and egress for the purpose of constructing and maintaining a well, pump and waterlines to be located upon a tract of land lying in Fremont County, State of Idaho in the SE1/4SE1/4SW1/4 of Section 24 (being a part of the "Pipeline Parcel") Township 15 North, Range 42 East of the Boise Meridian, and more particularly described as follows:

Beginning at the S1/4 corner of Section 24, point being the TRUE POINT OF BEGINNING; thence N00°05'00"E along the west line of the Lakeview Estates Lot 10 a distance of 100.00 feet; thence S89°08'12"W, 100.00 feet; thence S00°05'00"W, 100.00 feet to the south line of Section 24; thence N89°08'12"E along the south line of the Section 100.00 feet to the POINT OF BEGINNING.

(Hereinafter Parcel 1)

Seller covenants and agrees that should Seller, in its sole discretion, obtain suitable access to the above described Parcel 1 in future, then Seller shall immediately quit-claim it's interest in the above described easement and shall make no further use thereof.

SCHEDULE "A"

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(Hereinafter Parcel 1)

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