

FEB 24 2004

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 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
A45-307D					
A45-2442					
A45-318					
A45-226					
A-45-308A					

45-10831

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) Donald G. Merrill & Florence R. Merrill
 (both deceased)
4. New Owner/Claimant(s) Emery Ranch L.C.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P. O. Box 1760
- City, State and ZIP Code Eagle, ID 83616
- New Telephone Number (208) 854-0414
5. Date you acquired the property March 29, 2002

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APR 25 2002

Department of Water Resources
 Southern Region

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JUN 14 2002

Department of Water Resources

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JUN 14 2002

Department of Water Resources
 Southern Region

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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)
(include title if applicable)

Emory Ranch Co.
By: [Signature]
Gen. Manager

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 <u>[Signature]</u>	Date <u>6/14/02</u>	Fee <u>\$25.00</u>
Receipted by <u>[Signature]</u>	Date <u>6/14/02</u>	Receipt No. <u>3024994</u>
Processed by <u>[Signature]</u> AJ	Date _____	WR _____ Date _____

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#34158

APR 23 2002

Department of Water Resources
Southern Region

WARRANTY DEED

THIS INDENTURE, made this 29 day of March, 2002,

between **DONALD LEE MERRILL, Personal Representative of the Estate of Donald G. Merrill** and **DONALD LEE MERRILL, Personal Representative of the Estate of Florence R. Merrill**, both of whom are deceased, of 4928 Joy Street, Pocatello, Id 83202 ("**Grantor**"), and **EMERY RANCH, L. C.** whose address is P. O. Box 1760 Eagle, Id 83616, ("**Grantee**").

WITNESSETH:

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, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, described on Exhibit A attached hereto, and all water rights, including but not limited to, A45-307D, A45-2442, A45-318, A45-226, A45-308A and 45-10831. Letters Testamentary are recorded in the office of the County Recorder, County of Cassia, State of Idaho as follows:

Estate of Donald G. Merrill - Instrument No. 274385 on April 12, 2001
Estate of Florence R. Merrill - Instrument No. 280313 on March 18, 2002

SUBJECT TO: Accruing taxes, levies and assessments,

1 easements of record in Cassia County; agreements for
2 purchase of power from Raft River Rural Electric
3 Cooperative, Inc. of record; the Resolution of the Board of
4 Commissioners of Cassia County recorded as Instrument
5 No. 278056.

6 **TOGETHER** with all and singular the tenements, hereditaments and
7 appurtenances thereunto belonging or in anywise appertaining, the reversion and
8 reversions, remainder and remainders, rents, issues and profits thereof, and all estate,
9 right, title and interest in and to said property as well in law as in equity of the Grantor.

10 **TO HAVE AND TO HOLD**, all and singular the above-mentioned and
11 described premises, together with appurtenances unto the Grantee and to the heirs and
12 assigns of Grantee forever.

13 The Grantor shall and will warrant and by these presents will forever defend
14 the said premises in the quiet and peaceable possession of the Grantee, and the heirs
15 and assigns of Grantee against all and every person and persons whomsoever lawfully
16 claiming the same, except as aforesaid.

17 **IN WITNESS WHEREOF**, the Grantor has executed this Deed the day and
18 year first above written.

19
20 **ESTATE OF DONALD G. MERRILL**

21
22 by 
23 **DONALD LEE MERRILL**
24 As Personal Representative
25
26

ESTATE OF FLORENCE R. MERRILL

by *Donald Lee Merrill*
DONALD LEE MERRILL
As Personal Representative

STATE OF IDAHO)
) ss
County of Cassia)

On this 21 day of March, in the year 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **DONALD LEE MERRILL**, known or identified to me to be the person whose name is subscribed to the within instrument as the Personal Representative of the **Estate of Donald G. Merrill**, and acknowledged to me that he subscribed his name as Personal Representative.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO

William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

STATE OF IDAHO)
) ss
County of Cassia)

On this 29 day of March, in the year 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared **DONALD LEE MERRILL**, known or identified to me to be the person whose name is subscribed to the within instrument as the **Personal Representative of the Estate of Florence R. Merrill**, and acknowledged to me that he subscribed his name as Personal Representative.

WILLIAM A. PARSONS
NOTARY PUBLIC
STATE OF IDAHO

William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

(Merrill\WarrantyDeed.wpd)

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lot 5 EXCEPTING THEREFROM the following described tracts:

Section 6

Tract No. 1:

Beginning at the Northeast corner of Lot 5 of said Section 6;
Running thence South 50 feet;
Thence West 400 feet;
Thence North 50 feet;
Thence East 400 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 6;
Running thence East 20 feet along the North boundary line of said
SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence South 20 feet;
Thence West 20 feet to the West boundary line of said Section 6;
Thence North 20 feet along the West boundary line of said Section 6 to the
Point of Beginning.

Tract No. 3:

Beginning at the Northeast corner of Lot 5 of said Section 6, said corner
marked by a 5/8 inch rebar; Thence South 00°35'05" West along
the East line of Lot 5 for a distance of 50.00 feet to a 1/2 inch rebar
which shall be the Point of Beginning;
Thence South 00°35'05" West continuing along said line for a distance of
386.35 feet to a 1/2 inch rebar;
Thence North 89°41'06" West for a distance of 822.23 feet to a 1/2 inch
rebar;
Thence North 42°04'45" East for a distance of 141.32 feet to a 1/2 inch
rebar;
Thence North 55°32'49" East for a distance of 398.02 feet to a 1/2 inch
rebar;
Thence North 09°51'06" East for a distance of 50.73 feet to the South line
of a city street deeded to the City of Albion;
Thence North 89°44'41" East along the South line of a City of Albion
street for a distance of 394.57 feet to the Point of Beginning.

-Continued-

EXHIBIT A pg. 1
(to Warranty Deed Merrill Emery Ranch)

FEB 24 2004

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPTING THEREFROM the following described tracts:

Tract No. 1:

Beginning at the Southeast corner of the NW $\frac{1}{4}$ of said Section 6;
Thence West 313 feet;
Thence North 130 feet;
Thence East 313 feet;
Thence South 130 feet to the Point of Beginning.

Tract No. 2:

Beginning at the Northwest corner of Story's Addition No. 1 to the City to
the City of Albion, which point is 360 feet North of the Southeast
corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 6;
Thence West on the extended North line of said Story's Addition No. 1 for
70 feet;
Thence North for 300 feet, more or less, to the North boundary of said
S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence East along said North boundary for 70 feet to the Northeast corner
of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence South along the East boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ for 300 feet,
more or less, to the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$
 _{NE $\frac{1}{4}$ NE $\frac{1}{4}$}

-Continued-

EXHIBIT A pg. 2
(to Warranty Deed Merrill-Emerly Ranch)

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PARCEL NO. 4:

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1, said corner marked by a $\frac{1}{2}$ inch rebar which shall be the Point of Beginning;

Thence North 89°05'59" East (East rec.) along the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 716.99 feet (717 feet, rec.) to a $\frac{1}{2}$ inch rebar;

Thence South 00°10'06" West (South, rec.) for a distance of 8.78 feet to a $\frac{1}{2}$ inch rebar;

Thence South 87°58'55" West for a distance of 717.38 feet to a $\frac{1}{2}$ inch rebar on the West line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North 00°10'06" East (North, rec.) along the West line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 22.78 feet to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1, said corner marked by a $\frac{1}{2}$ inch rebar; thence North 89°05'59" East (East, rec.) along the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 716.99 feet to a $\frac{1}{2}$ inch rebar which shall be the Point of Beginning;

Thence North 89°05'59" East (East, rec.) along the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 477.99 feet to a $\frac{1}{2}$ inch rebar;

Thence South 88°02'52" West for a distance of 478.23 feet to a $\frac{1}{2}$ inch rebar;

Thence North 00°10'06" East (North, rec.) for a distance of 8.78 feet to the Point of Beginning.

280689

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE \$18.00 DEPUTY *[Signature]*

'02 APR 2 PM 2 35

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

EXHIBIT A pg. 3
(to Warranty Deed Merrill-Emery Ranch)

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CRD 87-96

36

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316.4

185

T1279

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203

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T1281

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T1282

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T1280

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HEU

HEU

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21

T1275

7

599

T1272

2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 45-10831

NAME AND ADDRESS: DONALD G MERRILL
BOX 486
ALBION, ID 83311

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 05/10/1940

POINT OF DIVERSION: T12S R25E S06 NWSWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic 1 HOME	01-01 TO 12-31	0.04 CFS
	Stockwater	01-01 TO 12-31	0.02 CFS

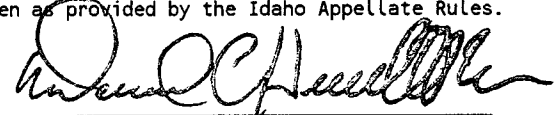
PLACE OF USE:	Stockwater		Within Cassia County
	T12S R25E S06	SWNE	
	Domestic		Within Cassia County
	T12S R25E S06	SWNE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Daniel C. Hurlbutt, JR.
Presiding Judge
Snake River Basin Adjudication

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FEB 24 2006

SCANNED

SEP 18 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 11, 2004

EMERY RANCH LC
PO BOX 1760
EAGLE ID 83616

RE: Change of Ownership for Water Right 45-10831

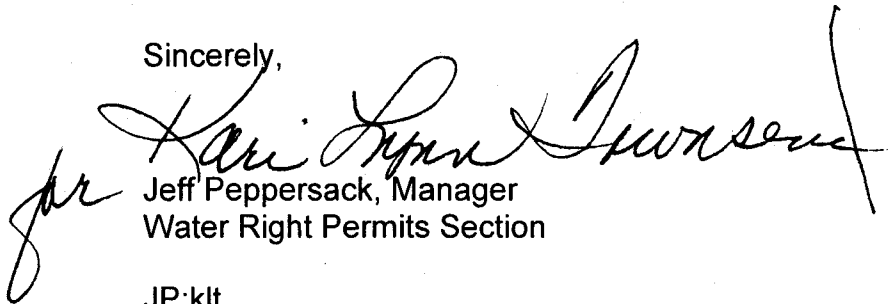
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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FEB 24 2004

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

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APR 25 2002

Department of Water Resources
Southern Region

April 22, 2002

Department of Water Resources
1341 Filmore St Ste 200
Twin Falls ID 83301

RE: Emery Ranch L.C.
Notice Of Change In Water Right Ownership

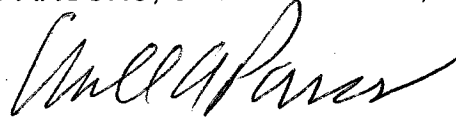
Dear Sir:

Please find enclosed the Notice Of Change In Water Right Ownership form, a copy of the highlighted ariel map, and a copy of the Warranty Deed concerning the change in ownership.

If you have questions, or comments, please give me a call.

Very truly yours,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP:jw
Enc(s)
pc: Donald Lee Merrill

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