

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

#40856

RECEIVED
APR 04 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

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
<u>45-10682</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>45-13972</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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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**.

Name and Address of Former Owner/Claimant(s)	<u>Mae T. Hanks Trust</u> <u>3732 South 900 East</u> <u>Salt Lake City, UT 84106</u>
New Owner/Claimant(s)	<u>Eric D. Mabry and Andi L. Mabry</u> Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	<u>249 South 400 West</u>
City, State and ZIP Code	<u>Burley, ID 83318</u>
New Telephone Number	<u>(208) 878-1521</u>
Date you acquired the property	<u>September 1, 2005</u>

SUPPORT DATA
IN FILE # 45-10682

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	_____	_____

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Eric D. Mabry

Andi L. Mabry

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>HCW</u>	Date <u>4/5/07</u>	Fee <u>\$50</u>
Received by <u>HCW</u>	Date <u>4/5/07</u>	Receipt No. <u>5029391</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

303906

WARRANTY DEED

#40856

For Value Received

MAE THOMAS HANKS, Trustee of the MAE T. HANKS TRUST, dated January 21, 2005

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ERIC D. MABRY and ANDI L. MABRY, husband and wife
Address: 249 South 400 West, Burley, ID 83318

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

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2005 and subsequent years, a lien, but not yet due or payable.

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

Power Line Easement from Thead Hanks and Mae T. Hanks, husband and wife, to Idaho Power Company, a corporation, dated November 1, 1965 and recorded February 23, 1966 as Instrument No. 28353 on Film No. 38, records of Cassia County, Idaho, granting an easement and right of way over and across the NW¼SW¼ of Section 3, Township 11 South, Range 22 East of the Boise Meridian.

Effect of Statement of Claim and Notice Of Intent To Preserve executed by Ladd Petroleum Corporation, dated September 17, 1984 and recorded September 24, 1984 as Instrument No. 163826 on Film No. 167, records of Cassia County, Idaho, which reads as follows: "for the purpose of providing public notice of the mineral interest claimed and preserved by Ladd Petroleum Corporation in and to the oil, gas, coal, clay, gravel, uranium and all other minerals of every kind and nature."

County road right-of-way disclosed by Personal Representative's Deed dated April 7, 2000 and recorded April 10, 2000 as Instrument No. 268561, records of Cassia County, Idaho, which reads: "subject to a 25 foot county road right of way along the West side."

Well Agreement dated September 1st, 2005 between Thead J. Hanks Family Trust and the Mae T. Hanks Trust and recorded September 2, 2005 as Instrument No. 303905 records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 1, 2005

MAE T. HANKS TRUST dated January 21, 2005

BY: Ma Thomas Hanks, Trustee
MAE THOMAS HANKS, Trustee

STATE OF UTAH)
) ss.
COUNTY OF)

On this 1 day of September, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared MAE THOMAS HANKS, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the MAE T. HANKS TRUST, and acknowledged to me that she executed the same as such Trustee.

Holly Lynn Caten
Notary Public
Residing at: Draper, Utah
My Commission expires: November 30th, 2008

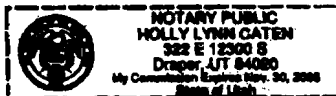


EXHIBIT "A"

TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: Part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the W $\frac{1}{4}$ section corner of said Section 3, said corner marked by a
P.K. nail which shall be the Point of Beginning;
Thence South 89°57'19" East along the North line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ for a
distance of 835.12 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°18'06" East for a distance of 90.20 feet to a $\frac{1}{2}$ inch rebar;
Thence along a non-tangent curve to the left for a distance of 307.91 feet to a $\frac{1}{2}$
inch rebar, said curve having a radius of 1296.24 feet and a central angle
of 13°36'36" and a long chord bearing of South 60°47'12" West for a
distance of 307.19 feet;
Thence North 86°55'38" West for a distance of 535.57 feet to a $\frac{1}{2}$ inch rebar;
Thence North 86°55'38" West for a distance of 29.86 feet to the West line of the
NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North 00°46'49" West along said line for a distance of 210.48 feet to the
Point of Beginning.

2005 SEP 2 PM 4 52
RECORDED AT THE REQUEST OF
LAND TITLE ASSOCIATION

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 9.00 DEPUTY *DM*

303906