

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

#42270

RECEIVED
FEB 22 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
43-86 x			43-10364 x		
43-87 x			43-10799 x		
43-307 x			43-12932 x		
43-2362 x			43-13237 x		
43-10363 x			43-13239 x		
43-13241 x			43-13318 x		

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) Walter Jean Lovingfoss & Delia L. Lovingfoss
1346 South 2300 East
Malta, ID 83342

New Owner/Claimant(s) Roger W. Hicken and Dorris W. Hicken
Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address 1346 South 2300 East

City, State and ZIP Code Malta, ID 83342

New Telephone Number (208) 645-2274

Date you acquired the property February 15, 2007

SUPPORT DATA

IN FILE # _____

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)

Roger W. Hicken

Dorris M. Hicken

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>2/23/07</u>	Fee <u>300.00</u>
Received by <u>[Signature]</u>	Date <u>2/24/07</u>	Receipt No. <u>5029320</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

313963

WARRANTY DEED

#42270

For Value Received

Walter Jean Lovingfoss and Delia L. Lovingfoss, husband and wife

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

Roger W. Hicken and Dorris M. Hicken, husband and wife

Address: 1346 South 2300 East
Malta, Idaho 83342

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

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and Lots 1 and 2.

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 11: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

2007 FEB 16 PM 2 28

RECORDER
LARRY A. MICHELSEN
FEE 1200 DEPUTY *MM*

CASSIA COUNTY, IDAHO

313963

PARCEL NO. 4:

TOWNSHIP 12 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: The East 100 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the South 100 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ less the East 100 feet.

and

Beginning at the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 31;
Thence North along section line for 100 feet;
Thence West 100 feet;
Thence South 100 feet to the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence East along section line for 100 feet to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lots 4 and 5

PARCEL NO. 6:

TOWNSHIP 13 SOUTH, RANGE 29 EAST OF THE BOISE MERIDIAN
CASSIA COUNTY, IDAHO

Section 2: Lots 2 and 3, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, AND W $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL NO. 7:

TOWNSHIP 12 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN
CASSIA COUNTY, IDAHO

Section 31: Part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence West along section line for 275 feet to a point;
Thence South 02°03'44" West parallel with the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ for 480 feet to a point;
Thence East for 275 feet to a point on the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North 02°03'44" East along section line for 480 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho Department of Water Resources Water Right Numbers, 43-86, 43-87, 43-307, 43-2362, 43-10363, 43-10364, 43-10799, 43-12932, 43-13237, 43-13239, 43-13241, 43-13318.

SUBJECT TO:

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

Taxes for 2007 and subsequent years.

Deed from R. C. Wake and Marjie E. Wake, husband and wife, to Sublett Irrigation Company, a corporation, recorded August 12, 1940 as Instrument No. 136298 in Book 45 of Deeds on Page 456, records of Cassia County, Idaho, which contains the following: "Do sell, grant, convey and confirm the right, privilege, authority and easement to flood, inundate, and store water upon, as a part of a reservoir for water storage purposes, all that part of Lot 2, Section 2, Township 13 South, Range 29 East, Boise Meridian, within the elevation contour 5,362 feet, which is the high water line of the Sublett Reservoir." "Excepting and reserving unto the said parties of the first part, their heirs and assigns, the right, privilege and authority to permit livestock to drink at and procure water from the reservoir or Sublett Creek and to graze upon the said premises at such time or times as the same shall not be flooded."

Agreement for Easement and Right of Way between County Commissioners of Cassia County, State of Idaho, and the United States of America, recorded April 22, 1942, as Instrument No. 141701 in Book 7 of Bills of Sale and Agreements on Pages 13 and 14, records of Cassia County, Idaho, for the right of way for stock driveway over and across Lot 1, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 12 South, Range 27 East of the Boise Meridian.

Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., as Seller, Lyle Nelson, as Consumer, dated May 2, 1977 and recorded May 10, 1977 as Instrument No. 98423 on Film No. 108, records of Cassia County, Idaho. Covers NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 12 South, Range 27 East of the Boise Meridian

ASSUMPTION OF AGREEMENT FOR ELECTRIC SERVICE CONSUMER'S INTEREST, Assuming Consumer, Walter Jean Lovingfoss, dated June 7, 2004 and recorded July 20, 2004 as Instrument No. 296998, records of Cassia County, Idaho.

Agreement for Purchase of Power, between Raft River Rural Electric Cooperative, Inc., as Seller, Douglas Harper/Marian F. Harper, as Consumer, dated January 2, 1979 and recorded February 16, 1979 as Instrument No. 114403 on Film No. 123, records of Cassia County, Idaho.

Agreement for Electric Service, between Raft River Rural Electric Cooperative, Inc., as Seller, Walter Jean Lovingfoss, as Consumer, dated May 4, 2001 and recorded March 8, 2002 as Instrument No. 280156, records of Cassia County, Idaho. Covers the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 12 South, Range 27 East of the Boise Meridian.

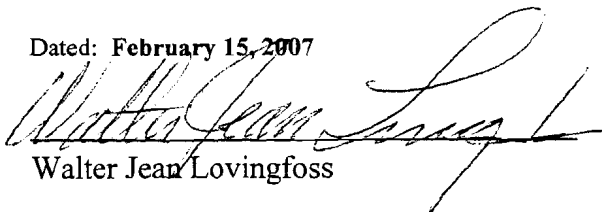
Fence Agreement by and between Sublett Irrigation Company and Walter Jean Lovingfoss, dated October 23, 2001 and recorded November 2, 2001 as Instrument No. 278008, records of Cassia County, Idaho.

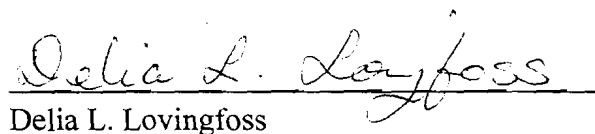
Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Walter Jean Lovingfoss, Consumer, dated May 4, 2001 and recorded March 8, 2002 as Instrument No. 280156, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Walter Jean Lovingfoss and Delia Lovingfoss, Consumer, dated March 7, 2002 and recorded March 14, 2002 as Instrument No. 280266, 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.

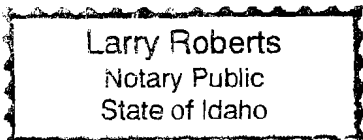
Dated: February 15, 2007

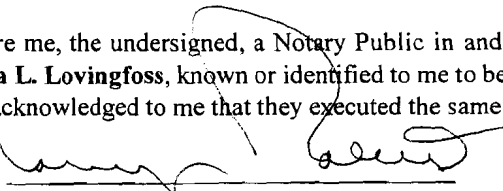

Walter Jean Lovingfoss


Delia L. Lovingfoss

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 15th day of February, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared **Walter Jean Lovingfoss and Delia L. Lovingfoss**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Larry Roberts
Notary Public
State of Idaho


Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-30-2009