

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

RECEIVED**JUL 26 2006****DEPARTMENT OF
WATER RESOURCES**

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
43-13175					
43-13177					
43-13179					

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)

Brigham Young University
P. O. Box 21333 A-357 ASB
Provo, UT 84602-1333

New Owner/Claimant(s)

Garner Land LLC

New Mailing Address

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Mr. Michael Garner
113 South 2550 East

City, State and ZIP Code

Declo, ID 83323

New Telephone Number

() _____

Date you acquired the property

October 3, 2002

SUPPORT DATA

IN FILE # 43-13175

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) GARNER LAND LLC
(include title if applicable)
- By: Michael Garner
Michael Garner

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 _____ Date _____ Fee 75
 Receipted by AMB Date 7/26/06 Receipt No. LO81784
 Processed by _____ AJ Date _____ WR _____ Date _____

After recording return to:

WATER DEED

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration, **BRIGHAM YOUNG UNIVERSITY**, a Utah nonprofit corporation and educational institution, Grantor, bargains, sells, grants, and conveys to **GARNER LAND LLC**, Grantee, of 113 South 2550 East, Declo ID 83323 all of its right, title and interest in and to the following specified water rights located at Cassia County, State of Idaho:

Application for Transfer No. 69408: Water Right Nos. 43-13175, 43-13177, & 43-13179 Flowrate = 1.42 cfs; Total Diversion Vol. = 344 acre-feet; **Acre Limit = 86.0 acres**

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or anywise appertaining, and the reversions, remainder, and remainders, and rents, issues, and profits thereof. To have and to hold all and singular the said premises, together with the appurtenances under the Grantee and to Grantee's heirs, successors, and assigns forever.

Grantor covenants only unto the said Grantee to warrant its title to the same against all claiming or to claim by, through, or under it, and against acts of itself, and that the water right is free of all liens and encumbrances suffered by it. Grantor does not warrant: (1) that there are no third party water rights senior to Grantor's water right; (2) that diversion of water under Grantor's water right will not interfere with a senior third party water right; (3) that third parties will not file an application to appropriate water claimed to be available in the same water source; (4) that the use which Grantor has made of the water right is sufficient to establish that the water right has not been forfeited in whole or in part; (5) that junior appropriators will not interfere with the water right; or (6) that the quantity or quality of water available from the water source will be suitable for Buyer's purpose.

Grantor has caused this deed to be executed this 30th day of August, 2002.

BRIGHAM YOUNG UNIVERSITY, a Utah
nonprofit corporation/educational institution

By: Brad Farnsworth mro

[Acknowledgment on following page]

Brad W. Farnsworth
Its: Administrative Vice President

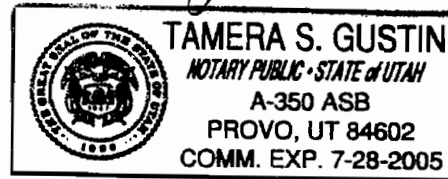
STATE OF UTAH)
 : ss
COUNTY OF UTAH)

On this 30th day of August, 2002, personally appeared before me Brad W. Farnsworth, who acknowledged to me that he signed the foregoing instrument as Administrative Vice President of Brigham Young University, a Utah nonprofit corporation.

My commission expires:

7-28-05

Tamera S. Gustin
Notary Public
Residing at: Byu, Provo, Ut 84602



Garner Water Deed_v1.WPD

284171
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 6.00 DEPUTY DB
02 OCT 3 PM 2 43
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW