

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

RECEIVED

JUL 11 2006

Department of Water Resources
Boise Region

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
31-2330					
31-2456					
31-7097					

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)

Stanley K. Scott dba Scott Dairy
 P.O. Box 59, Montevieu Id, 83435

4. New Owner/Claimant(s)

Burton & Mary, LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

651 E. 2800 N.

City, State and ZIP Code

Montevieu, Idaho 83435

New Telephone Number

(208) 657-2345

5. Date you acquired the property

4-3-06

SUPPORT DATA

IN FILE # 31-2330

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)

Burton & Mary, LLC
Burton D. Allen, Manager
Burton D. Allen

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 <u>\$ 75</u>
Received by <u>jc</u>	Date <u>7-11-06</u>	Receipt No. <u>E032066</u>
Processed by _____	AJ Date _____	WR _____ Date _____

Policy No. 149585-RI

Policy of Title Insurance



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
 - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
 - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

By:

President

Attest:

Secretary

ELECTRONIC ORIGINAL

Countersigned
First American Title Company



SCHEDULE A

Date of Policy: **April 3, 2006 at 3:43**
Reference No.:

Policy No.: **149585-RI**

Amount of Insurance: **\$425,000.00**

Premium: **\$75.00**

1. Name of Insured:

Idaho AgCredit, FLCA, a wholly owned subsidiary of Idaho Agricultural Credit Association

2. The estate or interest in the land which is encumbered by the insured mortgage is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

Burton & Mary LLC

4. The insured Mortgage, and Assignments thereof, if any, are described as follows:

Real Estate Mortgage dated March 21, 2006 to secure an indebtedness of \$425,000.00

Recorded: April 03, 2006 as Instrument No. 347465

Mortgagor: Burton & Mary LLC, an Idaho Limited Liability Company, By: Burton D. Allen, Manager and Member, and By: Mary K. Allen, Member; and Individually By: Burton D. Allen and Mary K. Allen, aka Mary Kathrine Allen, husband and wife

Mortgagee: Idaho AgCredit, FLCA, a wholly owned subsidiary of Idaho Agricultural Credit Association

5. The land referred to in this policy is described as follows:

Tract 1:

Township 7 North, Range 33 East of the Boise Meridian, Jefferson County, Idaho.

Section 16: W 1/2 and SE 1/4.

Excepting Therefrom: Beginning at the Northwest corner of said Section 16 and running thence S89°55'58"E 803.91 feet along the section line; thence S00°15'06"E 812.79 feet; thence N89°55'58"W 803.91 feet to the West line of said Section 16; thence N00°15'06"W 812.79 feet along said West line to the Point of Beginning.

Tract 2:

Township 7 North, Range 33 East of the Boise Meridian, Jefferson County, Idaho.

Section 16: NE 1/4

Excepting Therefrom: Commencing at the Northeast Corner of the Northeast Quarter of Section 16, Township 7 North, Range 33, East of the Boise Meridian, Jefferson County, Idaho, and running thence in a Westerly direction along the Northerly boundary of the above described Quarter Section a total distance of 1,320 feet to the

*OK
matches mtg
5/10/06*

True Point of Beginning; thence South 209 feet; thence West 418 feet; thence North 209 feet; thence East 418 feet, more or less to the True Point of Beginning.

SCHEDULE B

PART ONE

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Water rights, claims or title to water; whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any liens, or right to a lien, for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. 2005 taxes were \$ 2,405.88, Tax Parcel Number RP07N33E162400A, are paid in full.
2005 taxes were \$511.96, Tax Parcel Number RP07N33E167200A, are paid in full.
2005 taxes were \$610.66, Tax Parcel Number RP07N33E160001A, are paid in full.
8. Right-of-way or easement of County Roads.
9. *rk* Covenants, conditions, restrictions and easements contained in deed from the State of Idaho recorded September 16, 1964 in Book 170 of Deeds at Page 464, Instrument No. 136047. Affects NW 1/4 of 16-7N-33.
10. *ok* Covenants, conditions, restrictions and easements contained in deed from the State of Idaho recorded September 16, 1964 in Book 170 of Deeds at page 465, Instrument No. 136048. Affects S1/2 of 16-7N-33.
11. *sk* Mortgage dated March 21, 2006, to secure an original indebtedness of \$159,325.00, and any other amounts and/or obligations secured thereby.
Recorded: April 3, 2006, as Instrument No. 347464
Mortgagor: Burton & Mary LLC, an Idaho Limited Liability Company, By: Burton D. Allen, Manager and Member, and By: Mary K. Allen, Member; and Individually By: Burton D. Allen and Mary K. Allen, aka Mary Kathrine Allen, husband and wife
Mortgagee: Idaho AgCredit, FLCA, a wholly owned subsidiary of Idaho Agricultural Credit Association

SCHEDULE B

PART TWO

In addition to the matters set forth in Part One of this Schedule, the title to the estate or interest in the land described or referred to in Schedule A is subject to the following matters, if any be shown, but the Company insures that such matters are subordinate to the lien or charge of the insured mortgage upon said estate or interest:

1. Mortgage dated April 3, 2006, to secure an original indebtedness of \$204,400.00, and any other amounts and/or obligations secured thereby.
Recorded: April 3, 2006, as Instrument No. 347466
Mortgagor: Burton & Mary LLC, an Idaho Limited Liability Company
Mortgagee: Stanley K. Scott and Karen Jean Scott, husband and wife

Recording Requested by: 111559
WHEN RECORDED MAIL TO:

Loan : 231-004-0006540457-5540070-101

347465

REAL ESTATE MORTGAGE

THIS MORTGAGE is made this March 21, 2006 between BURTON & MARY LLC, An Idaho Limited Liability Company, By: BURTON D. ALLEN, Manager and Member, and By: MARY K. ALLEN, Member; and Individually By: BURTON D. ALLEN and MARY K. ALLEN, aka MARY KATHRINE ALLEN, husband and wife, whose address is 651 E 2800 N Montevue, Idaho 83435 hereinafter called "Mortgagor", and Idaho AgCredit, FLCA ("Mortgagee"), a wholly owned subsidiary of Idaho Agricultural Credit Association, a corporation, existing and operating under the Farm Credit Act of 1971, as amended, having its principal place of business at 188 W. Judicial P.O. Box 985, Blackfoot, Idaho 83221.

WITNESSETH: That Mortgagor IRREVOCABLY GRANTS, BARGAINS, SELLS, CONVEYS AND ASSIGNS unto Mortgagee together with right of entry and possession the following described real property situated in the County(ies) of Jefferson, State of Idaho :

SEE ATTACHED SCHEDULE A FOR REAL ESTATE DESCRIPTION, TOGETHER WITH FIXTURES AND APPURTENANT SPRINKLER EQUIPMENT IF ANY.

TOGETHER WITH: All fixtures, including but not limited to the following: All pumps, motors, columns, tubes, shafts, bowls, panels and all electrical appurtenances, mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, as well as all additions and replacements thereof, hereby declared appurtenant thereto and which are more particularly described on the attached Schedule A.

TOGETHER WITH: Idaho Department of Water Resources Decree Number 31-2330, Priority Date December 3, 1953, 4.4 CFS.
TOGETHER WITH: Idaho Department of Water Resources Decree Number 31-2456, Priority Date May 28, 1965, 4.98 CFS.
TOGETHER WITH: Idaho Department of Water Resources Decree Number 31-7097, Priority Date January 15, 1974, 3 CFS.

Borrower further agrees that the loan(s) secured by this instrument will be in default should any loan proceeds be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland to produce or to make possible the production of an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

This real estate mortgage is also intended to be a fixture filing and to be indexed not only as a mortgage but also as a fixture filing.

Instrument # 347465

RIGBY, JEFFERSON, IDAHO

2006-04-03 03:42:00 No. of Pages: 6

Recorded for : FIRST AMERICAN TITLE

CHRISTINE BOULTER

Fee: 18.00

Ex-Officio Recorder Deputy UK

Index to: MORTGAGE