

No Color
Documents
In File

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.

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 Department of Water Resources

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
35-07974					

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) Chester & Orva Wahlen (Husband and Wife)
2624 W. 1000 S., Aberdeen, ID. 83210
4. New Owner/Claimant(s) Winding Brook Corp., c/o Rodney H. Moore
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P.O. Box 53
 New Mailing Address
Nampa, ID. 83653
 City, State and ZIP Code
(208) 466-0419
 New Telephone Number

5. Date you acquired the property 2/11/94

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Department of Water Resources
 Eastern 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) Winning Brook Corp.
(include title if applicable) by Rodney H. Moore V. Pres.

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 JC Date 12-22-03 Fee \$25
 Received by JC Date 12-22-03 Receipt No. E009438
 Processed by _____ AJ Date _____ WR _____ Date _____

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Warranty Deed

For Value Received

CHESTER WAHLEN AND ORVA WAHLEN, HUSBAND AND WIFE.

the grantor, do hereby grant, bargain, sell and convey unto

WINDING BROOK CORPORATION,

whose current address is

c/o Battymarch: Agrivest,
500 Winding Brook Drive
Galstonbury, CT 06033

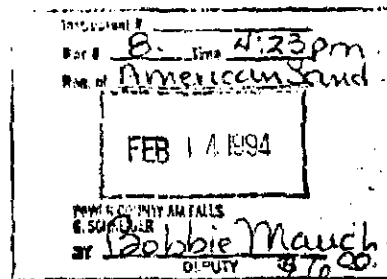
the grantee, the following described premises, in

POWER

County Idaho, to wit:

TOWNSHIP 6 SOUTH, RANGE 29 E.B.M., POWER COUNTY, IDAHO
SECTION 13: S½SE¼
SECTION 24: NE¼

160832



SUBJECT TO: all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: February 11, 1994

Chester Wahlen
CHESTER WAHLEN

Orva Wahlen
ORVA WAHLEN

STATE OF CALIFORNIA
COUNTY OF ORANGE

On this 11TH day of FEBRUARY, 1994
before me, a notary public in and for said State, personally appeared:

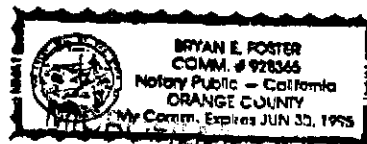
CHESTER WAHLEN
ORVA WAHLEN

known to me to be the persons whose name is
subscribed to the within instrument, and acknowledged to me that
THEY executed the same.

THEY

Bryan E. Foster
Notary Public

Residing at HUNTINGTON BEACH, CA
Comm. Expires JUNE 30, 1995



2002 FEB 25 PM 3: 33

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

**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

ORDER OF PARTIAL DECREE

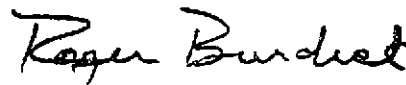
For Water Right 35-07974

On November 30, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07974 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED FEB 25 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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JAN 15 2004

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA)
PARTIAL DECREE PURSUANT TO
Case No. 39576) I.R.C.P. 54(b) FOR
Water Right 35-07974

FEB 25 2002

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS: CHESTER WAHLEN
ORVA MARIE WAHLEN
2624 W 1000 S
STERLING, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 0.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 35-07597A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.60 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 920 AF.

PRIORITY DATE: 04/15/1981

POINT OF DIVERSION: T06S R29E S13 SESWSE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.60 CFS

PLACE OF USE:	Irrigation	Within Power County
	T06S R29E S13	SESE 38.0
	S24	NENE 38.0
		SWNE 39.0
		SENE 39.0
	230.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 35-07597A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 230 ACRES IN A SINGLE
IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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JAN 15 2004

2002 FEB 25 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-07974

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07974 was mailed
on February 25, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

CHESTER WAHLEN
ORVA MARIE WAHLEN
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

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JAN 15 2004

PAGE 1
02/25/02



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

December 30, 2003

WINDING BROOK CORP
C/O RODNEY H MOORE
PO BOX 53
NAMPA ID 83653-0053

RE: Change of Ownership for Water Right 35-7974

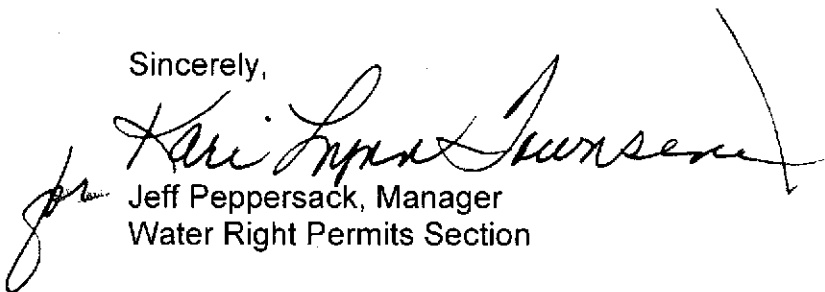
Dear Water Right Holder(s):

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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JAN 1 2004

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive, Ste. A
Idaho Falls, ID. 83402-6104

December 9, 2003

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IDWR Water Right #35-07974
WBC #48, Pleasant Valley Farms (Wahlen)

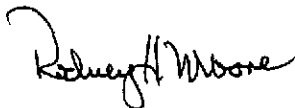
Department of Water Resources
Eastern Region

Enclosed is the IDWR Notice of Change in Water Right Ownership in reference to the above-captioned water right. When this property was purchased by Winding Brook Corp. (WBC) from Chester & Orva Wahlen, the change of ownership was not filed in February 1994. Jenny Ruff of the American Falls Ground Water District reviewed the water rights and discovered this omission in the process of administering that ground water district. Therefore, we are requesting this change in water right ownership at this time. It is our understanding this water right is used in conjunction with #35-7597A. We have included a copy of the warranty deed from Chester and Orva Wahlen to WBC recorded February 14, 1994.

If you need any further information to process this request, please let us know. When it has been completed, forward the change in ownership to the address indicated on the notice of change form.

Sincerely yours,

UBS AgriVest LLC



Rodney H. Moore
Director

Enclosure

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JAN 15 2004