

No Color
Documents
In File

Form 72-2 (8/2-1-00) (6) July 2000

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

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

JAN 11 2005

Department of Water Resources
Eastern Region

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, 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
35-7349	1349 C/P				
35-7934	497 C/P				

RECEIVED
JAN 24 2005
Department of Water Resources

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) are 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)

Rick & A. Cannon
Kathleen McGarry, PR and secretary

4. New Owner/Claimant(s)

Alon M. Cannon Seth A. Cannon
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

1470 N 750E

City, State and ZIP Code

Shelley ID 83274

New Telephone Number

(208) 357-0787

5. Date you acquired the property

1/10/05

7. Form 42-248/43-1409(6) July 2000

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) Alan McCannolly
(include title if applicable) Seth A. Cannon

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 1-14-05 Fee \$50-
 Receipted by JC Date 1-14-05 Receipt No. E030534
 Processed by AJ Date _____ WR _____ Date _____

AFTER RECORDING MAIL TO:

Cannon Shelley Property LP
707 East 1500 North
Shelley, ID 83274

WARRANTY DEED

File No.: 103210-RI (kb)

Date: January 05, 2005

For Value Received, **Richard A. Egbert Limited Partnership, an Idaho Limited Partnership, AND Kathleen McGarry as Personal Representative of the Estate of Elizabeth K. Phillips aka Betty K. Phillips, Deceased, AND Betty K. Phillips Farms, Inc.**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Cannon Shelley Property LP**, hereinafter called the Grantee, whose current address is **707 East 1500 North, Shelley, ID 83274**, the following described premises, situated in **Jefferson County, Idaho**, to-wit:

Parcel 1:

Township 4 North, Range 35 E.B.M., Jefferson County, Idaho
Section 25: S $\frac{1}{2}$, EXCEPT Beginning at the NE corner of the SE $\frac{1}{4}$ of Section 25, and running thence W. 600 feet; thence S. 800 feet; thence E. 600 feet; thence N. 800 feet to the point of beginning, ALSO EXCEPT Beginning at the SE corner of Section 25, and running thence N. 200 feet; thence W. 200 feet; thence S. 200 feet; thence E. 200 feet to the point of beginning. AND ALSO EXCEPT Commencing at the Northeast corner of the Southeast Quarter of Section 25 and running thence S89°34'41"W a distance of 600.00 feet along the half section line to the Point of Beginning; thence S0°25'19"E a distance of 216.86 feet; thence N62°32'47"W a distance of 463.82 feet to the half section line at a point that is S89°34'41"W a distance of 410 feet from the Point of Beginning; thence N89°34'41"E a distance of 410 feet to the Point of Beginning.

Parcel 3B:

Township 4 North, Range 35 E.B.M., Jefferson County, Idaho
Section 35: E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$, EXCEPT Beginning at the NE corner of the NE $\frac{1}{4}$ of said Section 35, and running thence W. 600 feet; thence S. 600 feet; thence E. 600 feet; thence N. 600 feet to the point of beginning.

Parcel 3C:

Township 4 North, Range 35 E.B.M., Jefferson County, Idaho.
Section 35: Beginning at the NE corner of the NE $\frac{1}{4}$ of said Section 35, and running thence W. 600 feet; thence S. 600 feet; thence E. 600 feet; thence N. 600 feet to the point of beginning.

Parcel 4:

Township 4 North, Range 35 E.B.M., Jefferson County, Idaho.

Section 25: Commencing at the Northeast Corner of the Southeast Quarter of Section 25 and running thence S.0°25'19"E. a distance of 800.00 feet along the section line; thence S.89°34'41"W. a distance of 130.77 feet to the True Point of Beginning, and the beginning of a curve, concave to the Northwest, having a radius of 1230.14 feet, a central angle of 35°28'52", and a chord of 749.66 feet bearing N.39°10'19"W.; thence S.0°25'19"E. a distance of 584.65 feet; thence N.89°34'41"E. distance of 469.23 feet to the Point of Beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 01/05/2005

Warranty Deed
- continued

File No.: 103210-RI (kb)

Richard A. Egbert Limited Partnership

Richard A. Egbert

By: Richard A. Egbert, Managing General Partner

Kathleen McGarry PR

Kathleen McGarry, as Personal Representative of the Estate
of Elizabeth K. Phillips, aka Betty K. Phillips, Deceased

Betty K. Phillips Farms, Inc.

Kathleen McGarry, Secretary

By: Kathleen McGarry, Secretary

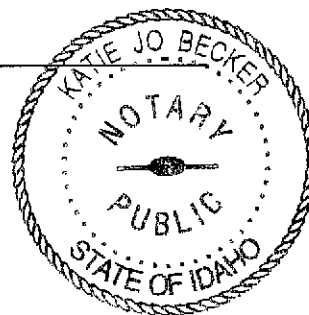
STATE OF Idaho)
SS.
COUNTY OF Jefferson)

On this **Sixth day of January, 2005**, before me, a Notary Public in and for said State, personally appeared **Richard A. Egbert, Managing General Partner**, known or identified to me to be one of the partners in the partnership of **Richard A. Egbert Limited Partnership**, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

Katie Jo Becker
Notary Public of Idaho

Residing at: Kimberly ID

Commission Expires: 11-08-05



Date: 01/05/2005

Warranty Deed
- continued

File No.: 103210-RI (kb)

STATE OF Idaho)
SS.
COUNTY OF Jefferson)

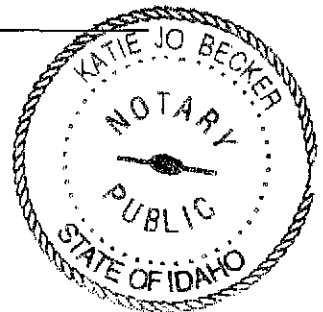
On this **Sixth day of January, 2005**, before me, a Notary Public in and for said State, personally appeared **Kathleen McGarry**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Personal Representative of the Estate of **Elizabeth K. Phillips aka Betty K. Phillips, Deceased**, and acknowledged to me that she executed the same as such Personal Representative.

Katie Jo Becker

Notary Public of Idaho

Residing at: *Kenilworth, ID*

Commission Expires: *11-08-05*



STATE OF Idaho)
SS.
COUNTY OF Jefferson)

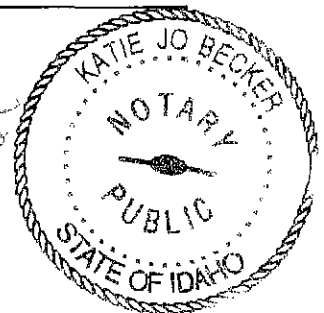
On this **Sixth day of January, 2005**, before me, a Notary Public in and for said State, personally appeared **Kathleen McGarry**, known or identified to me, to be the Secretary of the Betty K. Phillips Farms, Inc. of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

Katie Jo Becker

Notary Public of Idaho

Residing at: *Kenilworth, ID*

Commission Expires: *11-08-05*



AFTER RECORDING MAIL TO:

Cannon Shelley Property LP
707 East 1500 North
Shelley, ID 83274

SPECIAL WARRANTY DEED

File No.: **103210-RI (kb)**

Date: **January 06, 2005**

For Value Received, **Key Bank, Successors by Merger with Valley Bank, as Trustee of the Alta P. Egbert Trust, dated November 25, 1981**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Cannon Shelley Property LP**, hereinafter called the Grantee, whose current address is **707 East 1500 North, Shelley, ID 83274**, the following described premises, situated in **Jefferson County, Idaho**, to-wit:

Township 4 North, Range 35 E.B.M., Jefferson County, Idaho

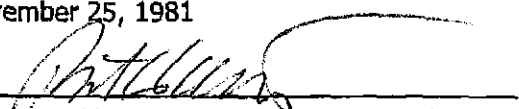
Section 34: E $\frac{1}{2}$

Section 35: W $\frac{1}{2}$ W $\frac{1}{2}$

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agrees to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenants to and with the said premises. The Grantor warrants that said premises are free and clear of all encumbrances suffered or created to be paid by the Grantee and any lien or encumbrance revived or placed on said premises by, through or under the Grantee, his heirs and assigns.

Key Bank, as Trustee of The Alta P. Egbert Trust dated
November 25, 1981

By: 

Robert H. Moreno, Assistant Vice President

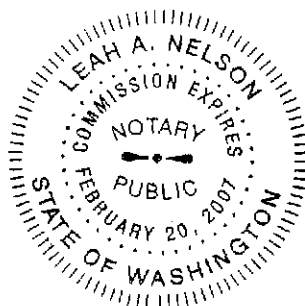
Date: 01/06/2005

Warranty Deed
- continued

File No.: 103210-RI (kb)

STATE OF Washington)
) ss.
COUNTY OF Whatcom)

On this **Sixth day of January, 2005**, before me, a Notary Public in and for said State, personally appeared **Robert H. Moreno**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument as Trustee of the **The Alta P. Egbert Trust** Trust, and acknowledged to me that he executed the same as such Trustee.



Leah A. Nelson
Notary Public of
Residing at: Whatcom Co. Washington
Commission Expires: February 20, 2007

EXHIBIT 'A'

This exhibit is hereby made a part of that Purchase and Sale Agreement by and between KeyBank National Association, Trustee of the Alta P. Egbert Trust (Seller) and Cannon Shelley Property (Buyer) dated 01-06-2005.

It is hereby agreed between the Seller and the Buyer as follows:

1. Buyer warrants that neither he/she, nor any close relative is an employee/director of KeyBank National Association, Key Bank of Washington, Key Corporation or any of its affiliates.
2. Any offer is subject to approval by the appropriate KeyBank authority level after the Key Trust Administration Committee review and recommendation. The Seller will seek this approval as soon as possible after Buyer's final acceptance of the Purchase and Sale Agreement.
3. Marketable title to the property shall be conveyed by "Special Warranty Deed,"
4. Buyer acknowledges that it is acquiring the property under "as is conditions" with no implied or explicit warranties of any kind regarding the property except those expressly detailed in this Agreement.

Buyer:

Alan M. Cannon
Seth A. Cannon

Dated: *1-10-05*

Seller:

KEYBANK N.A., TRUSTEE OF
ALTA P. EGBERT TRUST
Robert Moreno
ROBERT MORENO
ASSISTANT VICE PRESIDENT

Dated: *01-06-2005*

2002 JAN 31 AM 8:53

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

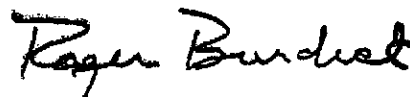
For Water Right 35-07349

On November 7, 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 35-07349 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 35-07349

2002 JAN 31 AM 8:53
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: RICHARD A EGBERT
C/O DR BRAD EGBERT
32 W 1ST S
REXBURG, ID 83440-1810

BETTY K PHILLIPS FARMS INC
218 EGBERT ST
TETONIA, ID 83452

SOURCE: GROUNDWATER

QUANTITY: 13.94 CFS
3800.00 AFY

PRIORITY DATE: 07/20/1979

POINT OF DIVERSION: T04N R35E S34 SENE Within Jefferson County
S35 NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	13.94 CFS 3800.00 AFY

PLACE OF USE:	Irrigation		Within Jefferson County
	T04N R35E S34	NENE 39.0	NWNE 39.0
		SWNE 40.0	SENE 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	S35	NENE 36.0	NWNE 39.0
		SWNE 40.0	SENE 40.0
		NENW 38.0	NWNW 39.0
		SWNW 40.0	SENW 40.0
		NESW 40.0	NWSW 40.0
		SWSW 40.0	SESW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	950.0 Acres Total		

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
Presiding Judge of the
Snake River Basin Adjudication

2002 JAN 31 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): 35-07349

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 35-07349 was mailed
on January 31, 2002, with sufficient first-class postage prepaid
to the following:

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

ABERDEEN-AMERICAN FALL GROUND
ABERDEEN-AMERICAN FALLS GROUND
BINGHAM GROUND WATER DIST.
BINGHAM GROUND WATER DISTRICT
UPPER VALLEY IRRIGATORS ASSOC
UPPER VALLEY IRRIGATORS ASSOC.

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

FREMONT-MADISON IRR DIST

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

CERTIFICATE OF MAILING

PAGE 1
01/31/02

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

RICHARD A EGBERT
C/O DR BRAD EGBERT
32 W 1ST S
REXBURG, ID 83440-1810
Phone: 208-456-2645

BETTY K PHILLIPS FARMS INC
218 EGBERT ST
TETONIA, ID 83452

DIANA DELANEY
Chief Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2005

CANNON SHELLEY PROPERTY LTD
1470 N 750 E
SHELLEY ID 83274

RE: Change of Ownership for Water Rights 35-7349 & 35-7934

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights 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,

A handwritten signature in black ink, appearing to read 'Kandi D. McDerst', is written over the printed name of Jeff Peppersack.

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure