

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

RECEIVED**MAR 30 2006**Department of Water Resources
Eastern 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
<u>29-2273</u>					

RECEIVED
APR 10 2006
 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. \$25 -
- 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)

Eric C Elk

4. New Owner/Claimant(s)

Michael W. Drake

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

3550 Johnny Crk RD

City, State and ZIP Code

Pocatello Id 83204

New Telephone Number

208 478-5886

5. Date you acquired the property

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)

M. W. Snake

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>\$25-</u>
Receipted by <u>JC</u>	Date <u>3-30-06</u>	Receipt No. <u>E031728</u>
Processed by _____	AJ Date _____	WR _____ Date _____

APR. 26. 2006 7:50AM

BBWI PROCUREMENT

NO. 9876 P. 3

20500051

AFTER RECORDING MAIL TO:

Michael W Drake
3550 Johnny Creek Road
Pocatello, ID 83204

FIRST AMERICAN TITLE
RECORDED AT REQUEST OF
FEE 12.00 DEPUTY \$

2005 JAN 3 PM 3 57

OFFICIAL RECORD BK# 861
LARRY W GHAN RECORDER
BANNOCK COUNTY IDAHO

4-1

WARRANTY DEED

File No.: **104069-P (sg)**

Date: **December 30, 2004**

For Value Received, **Karen M Bossack, a single person**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Michael W Drake, an unmarried man and Kim Johnson, an unmarried woman**, hereinafter called the Grantee, whose current address is **3550 Johnny Creek Road, Pocatello, ID 83204**, the following described premises, situated in **Bannock County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

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.

Karen M Bossack
Karen M Bossack

EXHIBIT A

A PARCEL OF LAND IN THE SW 1/4 OF THE NE 1/4 OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/16 CORNER ON THE MERIDIONAL CENTERLINE OF SAID SECTION 12, SAID CORNER HAVING BEEN A STONE SET BY THE CITY OF POCA TELLO IN 1909, AND SAID CORNER NOW BEING MARKED BY A FOUND P-K NAIL; THENCE NORTH 89°54'59" EAST ALONG THE NORTH 1/16 LINE OF SAID SECTION 12, 33 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF JOHNNY CREEK ROAD; THENCE SOUTH 0°02'43" WEST ALONG THE EAST RIGHT-OF-WAY OF JOHNNY CREEK ROAD AND PARALLEL WITH THE MERIDIONAL CENTERLINE OF SECTION 12, 50.00 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING MARKED BY A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075";

THENCE NORTH 89°54'59" EAST ALONG A LINE PARALLEL WITH AND 50 FEET DISTANT FROM THE NORTH 1/16 LINE OF SECTION 12, 107.51 FEET TO A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075"; THENCE SOUTH 10°34'00" EAST 120.19 FEET TO A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075"; THENCE SOUTH 76°38'24" WEST, 125.93 FEET TO A POINT OF NON-TANGENCY WITH A 348.97 FOOT RADIUS CURVE, SAID POINT BEING ON THE EAST RIGHT OF WAY OF JOHNNY CREEK ROAD, AND SAID POINT BEING MARKED BY A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075";

THENCE NORTHERLY ALONG THE EAST RIGHT OF WAY OF JOHNNY CREEK ROAD, ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 11°36'34", A RADIUS OF 348.97 FEET, AND A CHORD BEARING OF NORTH 5°45'39" WEST, FOR AN ARC LENGTH OF 70.71 FEET TO A POINT OF TANGENCY, SAID POINT BEING MARKED BY A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075"; THENCE NORTH 0°02'43" EAST PARALLEL WITH A MERIDIONAL CENTERLINE OF SECTION 12 AND ALONG THE EAST RIGHT OF WAY OF JOHNNY CREEK ROAD, 76.86 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN IRREGULAR SHAPED EASEMENT FOR ACCESS TO, USE OF, AND MAINTENANCE OF A PORTION OF THE EXISTING DRIVEWAY, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/16 CORNER ON THE MERIDIONAL CENTERLINE OF SAID SECTION 12, SAID CORNER HAVING BEEN A STONE SET BY THE CITY OF POCA TELLO IN 1909, AND SAID CORNER NOW BEING MARKED BY A FOUND P-K NAIL; THENCE NORTH 89°54'59" EAST ALONG THE NORTH 1/16 LINE OF SAID SECTION 12, 33 FEET TO A POINT ON THE EAST RIGHT OF WAY OF JOHNNY CREEK ROAD; THENCE SOUTH 0°02'43" WEST ALONG THE EAST RIGHT OF WAY OF JOHNNY CREEK ROAD AND PARALLEL WITH THE MERIDIONAL CENTERLINE OF SECTION 12, 50.00 FEET TO A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075";

THENCE NORTH 89°54'59" EAST ALONG A LINE PARALLEL WITH AND 50 FEET DISTANT FROM THE NORTH 1/16 LINE OF SECTION 12, 107.51 FEET TO A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075"; THENCE SOUTH 10°34'00" EAST 120.19 FEET TO A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075"; THENCE SOUTH 76°38'24" WEST 125.93 FEET TO A POINT OF NON-TANGENCY WITH A 348.97 FOOT RADIUS CURVE, SAID POINT BEING ON THE EAST RIGHT OF WAY OF JOHNNY CREEK ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THIS EASEMENT; AND SAID POINT BEING MARKED BY A SET 1/2 INCH DIAMETER REBAR WITH A RED PLASTIC CAP STAMPED "PLS 8075";

APR. 26. 2006 7:50AM

BBWI PROCUREMENT

NO. 9876 P. 6

4-4

THENCE NORTH 76°24" EAST 19.39 FEET; THENCE SOUTH 0°43'47" EAST 44.04 FEET;
THENCE SOUTH 56°43'19" WEST 16.37 FEET TO A POINT OF NON-TANGENCY WITH A 348.97
FOOT RADIUS CURVE, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY OF JOHNNY
CREEK ROAD; THENCE NORTHWESTERLY ALONG THE EASTERLY RIGHT OF WAY OF JOHNNY
CREEK ROAD, ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF
8°09'04", A RADIUS OF 348.97 FEET, AND A CHORD BEARING OF NORTH 15°38'15" WEST
FOR AN ARC LENGTH OF 49.65 FEET TO THE TRUE POINT OF BEGINNING.

2000

APR. 26. 2006 7:50AM

BBWI PROCUREMENT

NO. 9876 P. 4

STATE OF Idaho

)
ss.

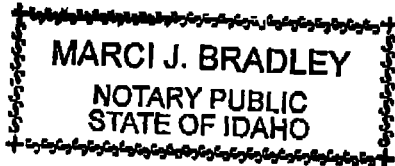
9-2-

20500051

COUNTY OF Bannock

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On this **Thirtieth day of December, 2004**, before me, a Notary Public in and for said State, personally appeared **Karen M Bossack**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Marci Bradley
Notary Public for the State of Idaho
Residing at: Andover
My Commission Expires: 10/1/06

meridian centerline of section 12 between the found Bannock County Brass Cap Monument marking the de facto Center 1/4 corner and the found Bannock County brass cap monument marking the North 1/4 corner of Section 12.

CURVE TABLE

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH
C1	11°36'34"	N 05°45'39" W	348.97'	70.71'
C2	08°09'04"	N 15°38'15" W	348.97'	49.65'

THIS IS NOT A SURVEY. THIS IS FOR INFORMATIONAL PURPOSES ONLY. PIONEER TITLE CO. MAKES NO REPRESENTATION TO THE ACCURACY OR DATE AND ASSURES NO LIABILITY FOR IT.

SW 1/4 NE 1/4
12-7-34

N 89°57'17" W, 33.21'
N 89°57'49" W, 33.00' (R-SE)

S 89°54'57" W 131.11' (R-SE)
S 89°54'59" W 1313.27'

590.32' (R-Deed)

Instrument #94007473

S 89°58'34" W 236.92' (R-Deed)

See Detail 2 for New Easement Data

TANGENT TABLE

NUMBER	DIRECTION	DISTANCE
T1	N 76°38'24" E	19.39'
T2	S 76°38'24" W	7.92'
T3	S 76°38'24" W	20.30'
T4	N 76°38'24" E	78.32'
T5	N 03°29'34" W	31.04'
T6	N 10°23'19" E	35.60'
T7	S 79°36'41" E	20.00'
T8	S 10°23'19" W	33.16'
T9	S 03°29'34" E	25.13'
T10	N 10°23'19" E	12.00'

Well Access & Utility Easement

