

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
AUG 05 2005
Department of Water Resources
Southern Region

RECEIVED

AUG 08 2005

DEPARTMENT OF
WATER RESOURCES

1. Water Right Number(s) 47-7709

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s)

Howard D. & Ruby B. Gardner Trust
Dated January 1995
489 Elizabeth Park Dr. Twin Falls ID 83301

4. New Owner/Claimant(s)

HORIZON Crest Estates LLC

New Mailing Address

PBR Services LLC 14510 Big Basin Way
#240

City, State and ZIP Code

Saratoga CA 95070

New Telephone Number

(408) 333-5218

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS cubic feet per second _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

X Jack Bomer

Date 7/29/05

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Receipt # S028226 --- \$25⁰⁰ --- 12-12-05

TWIN FALLS COUNTY

RECORDED FOR:

TITLE FACT

4:36:00 pm 08-01-2005

2005-016803

NO. PAGES: 2

FEE: \$6.00

KRISTINA GLASCOCK

COUNTY CLERK

DEPUTY: CNICE

53296SM

TitleFact, Inc.

163 Fourth Avenue North

P.O. Box 486

Twin Falls, Idaho 83303

RECEIVED
AUG 05 2005
Department of Water Resources
Southern Region

WARRANTY DEED

FOR VALUE RECEIVED **HOWARD D. AND RUBY B. GARDNER TRUST DATED THE 6TH DAY OF JANUARY, 1995**, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **HORIZON CREST ESTATES, LLC, a Delaware Limited Liability Company** hereinafter called grantee, whose address is: 14510 Big Bears Way #240, Saratoga CA 95070, the following described premises, in **Twin Falls County, Idaho**, to-wit:

Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho

Section 10: Lot 3 and the W $\frac{1}{2}$ NW $\frac{1}{4}$

EXCEPT the South 300 feet lying West of Twin Falls Coulee in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ thereof.

AND EXCEPT:

Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho

Section 10: A tract of land described as follows:

BEGINNING at the Northwest corner of said Section 10;

THENCE South 89°48'53" East a distance of 1796.71 feet along the northerly boundary of the NW $\frac{1}{4}$ of said Section 10 to the top of a rim rock and the TRUE POINT OF BEGINNING;

THENCE South 89°48'53" East a distance of 852.51 feet along the northerly boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Northeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE South 00°00'22" East a distance of 1335.98 feet to the southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE North 89°32'02" West a distance of 1103.71 feet along the southerly boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the top of Rim Rock;

THENCE Northerly along the top of said Rim Rock the following courses and distances:

North 20°03'36" West a distance of 142.73 feet;

THENCE North 22°53'21" East a distance of 191.75 feet;

THENCE North 50°10'44" East a distance of 279.76 feet;

THENCE North 68°19'57" East a distance of 83.49 feet;

THENCE North 13°32'39" West a distance of 324.98 feet;

THENCE North 1°03'06" East a distance of 493.20 feet to the TRUE POINT OF BEGINNING.

AND ALSO EXCEPT:

Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho

Section 10: A parcel of land located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ more particularly described as follows:

BEGINNING at the Northwest corner of said Section 10;

THENCE South 00°02'00" West a distance of 701.80 feet along the Westerly boundary of said Section 10 to the TRUE POINT OF BEGINNING;

THENCE South 89°58'00" East a distance of 204.19 feet;

THENCE South 00°02'00" West a distance of 196.95 feet;

THENCE South 03°30'17" West a distance of 126.28 feet;

THENCE South 59°22'37" East a distance of 254.69 feet;

THENCE South 75°18'58" East a distance of 44.00 feet to the center of a coulee;

THENCE South 15°29'03" West a distance of 168.50 feet generally along the centerline of said coulee;

THENCE North 89°24'00" West a distance of 413.51 feet to the Westerly boundary of said Section 10;

THENCE North 00°02'00" East a distance of 622.06 feet along the Westerly boundary of said Section 10 to the TRUE POINT OF BEGINNING.

SUBJECT TO the rights of a public road which affects the Westerly 25.00 feet thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and 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 are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: July 26, 2005

HOWARD D. AND RUBY B. GARDNER TRUST DATED THE 6TH DAY OF JANUARY, 1995

BY:

Shannon Wilson Trustee

BY: _____

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 26th day of July, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Shannon Wilson known to me to be the Trustee(s) of the trust that executed this instrument, or the person(s) who executed the instrument on behalf of said trust, and acknowledged to me that he/she/they executed the same as such trustee(s).

IN WITNESS WHEREOF, I have hereunto set my hand affixed my official seal, the day and year in this certificate first above written,

Bessie Moore

Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 11-28-2008

