

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

**RECEIVED**  
**MAY 26 2005**  
*Department of Water Resources*

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 36-41F                |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Rodney D. Moreland and Mary L. Moreland  
2928 S 1050 E Hagerman, Id 83332
4. New Owner/Claimant(s) THOMAS A. BERG and SHERRI A. BERG  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
2983 Anderson Lane  
 New Mailing Address  
Twin Falls, Id 83301  
 City, State and ZIP Code  
(208) 735-1987  
 New Telephone Number  
 5. Date you acquired the property February 14, 2003

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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   | _____                                                                      | _____                                                        |
| Stock        | _____                                                                      | _____                                                        |
| Domestic     | _____                                                                      | _____                                                        |
| Other _____  | _____                                                                      | _____                                                        |
| <b>Total</b> | _____                                                                      | _____                                                        |

**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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
|--------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Irrigation   | _____                                                                      | _____                                                        |
| Stock        | _____                                                                      | _____                                                        |
| Domestic     | _____                                                                      | _____                                                        |
| Other _____  | _____                                                                      | _____                                                        |
| <b>Total</b> | _____                                                                      | _____                                                        |

7.

Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable)

*Sherril A. Berg*

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 AM Date 5/26/05 Fee \$25.00  
 Received by AM Date 5/26/05 Receipt No. 0078014  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

**WARRANTY DEED**

#GG-04130

For Value Received

Federal National Mortgage Association organized and existing under laws of the United States  
of American, and who acquired title as Fannie Mae

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Thomas A. Berg and Sherri A. Berg, husband and wife  
Address: 2983 Anderson Lane, Twin Falls, ID 83301

*AB SRB*

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

**TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO**Section 36: That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  more particularly described as follows:

Beginning at the Northwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Thence South 0°03'46" West, a distance of 1326.74 feet to the Southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Thence North 89°45'55" East a distance of 178.56 feet to the Easterly boundary of a county road and  
**THE TRUE POINT OF BEGINNING;**  
Thence North 89°45'55" East a distance of 282.67 feet along the Southerly boundary of said  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Thence North 1°13'05" East a distance of 287.78 feet;  
Thence North 71°57'55" West a distance of 190.63 feet to the Easterly boundary of said county road;  
Thence South 17°10'29" West a distance of 364.13 feet to **THE TRUE POINT OF BEGINNING.**

EXCEPTING THEREFROM a strip of land 10 feet wide along the North Side of the Southerly boundary of  
the above described parcel running an East West distance of 282.67 feet as contained in Quitclaim Deed dated  
July 6, 1997, recorded July 8, 1997 as Instrument Number 171531, Gooding County records.

**SUBJECT TO:****Instrument # 199191**

GOODING, GOODING, IDAHO

2003-02-14 11:38:15 No. of Pages: 2

Recorded for : LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: 6.00

All reservations in patents or deeds in the chain of title.

Taxes for 2003 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments levied or to be levied by any local irrigation district.

Easement for Pole Line as contained in Document given by John O. McKnight to the Great Shoshone and  
Twin Falls Water Power Company, dated November 5, 1909, recorded December 16, 1911 in Book 20 Page  
487 as Instrument Number 24927, Gooding County records.

Right of Use from the waters of Weatherby Springs as contained in Amended Decree dated January 30, 1920,  
recorded January 31, 1920 in Book 3 Page 342, Gooding County records.

Power Line Easement given by Armedia Eliason, a widow, to Idaho Power Company, a corporation, dated  
December 18, 1931, recorded May 21, 1932 in Book 3 Page 466 as Instrument Number 54628, Gooding  
County records, affecting part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , of Section 36, Township 7 South, Range 13, East Boise

## Page 2 of Warranty Deed

Meridian, Gooding County, Idaho.

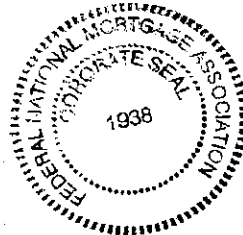
Pipe Line and Water Agreement between Armedia Eliason, a widow, party of the first part, and Carrie Eliason, a widow, party of the second part, dated March 16, 1935, recorded March 16, 1935 in Book 3 Page 536 as Instrument Number 61097, Gooding County records.

Subject to an easement for maintenance and operation of pipeline as disclosed in Warranty Deed dated January 27, 1978, recorded September 13, 1980 as Instrument Number 85303, Gooding County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

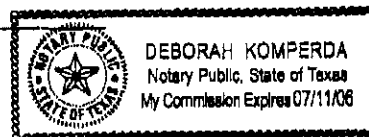
Dated: February 14, 2003

Federal National Mortgage Association

By: [Signature]Title: [Signature]Joey Fortner  
Vice-PresidentSTATE OF Texas )  
COUNTY OF Dallas ) ss.

On this 12 day of February, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Joey Fortner known or identified to me to be the Vice President of Federal National Mortgage Association, and acknowledged to me that he/she/they executed the same as such [Signature].

[Signature]  
Notary Public  
Residing at:  
My Commission expires:



CG-03547

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

**INDY MAC BANK**  
1270 NORTHLAND DRIVE, STE 200  
MENDOTA HEIGHTS, MN 55120

**Instrument # 197672**

GOODING, GOODING, IDAHO

2002-11-04

04:12:11 No. of Pages: 3

Recorded for : REGIONAL TRUSTEE SERVICES

HELEN EDWARDS

Page: 9.08

Ex-Officio Recorder Deputy *H. Edwards*

Trustee's Sale No: 02-MB-29130

Loan No. 1001551330



### TRUSTEE'S DEED

**ALLIANCE TITLE & ESCROW CORP.**, as Successor Trustee under the Deed of or Transfer in Trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to **FANNIE MAE**, (herein called Grantee) all of the real property situate in the County of GOODING, State of Idaho, described as follows:

ATTACHED HERETO AS EXHIBIT 'A' AND INCORPORATED HEREIN AS THOUGH FULLY SET FORTH.

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust between COLLEEN KINYON, AN UNMARRIED WOMAN, as Grantor(s), to GOODING TITLE & ESCROW, as Trustee, in favor of DMI, INC., as Beneficiary, dated 6/8/2001, recorded 6/14/2001, under Instrument No. 190860, Mortgage records of GOODING County, IDAHO, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

- (a) Default occurred in the obligations for which said Deed of Trust was given as security and the beneficiary made demand upon the said Trustee to sell said property pursuant to the terms of said Deed of Trust. Notice of Default was recorded as Instrument No. 195860, GOODING County, Idaho Mortgage Records and in the office of the Recorder of each other county in which the property described in said Deed of Trust, or any part thereof is situated, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of sale.
- (b) After recordation of said Notice of Default, Trustee gave notice of the time and place of the sale of said property by registered or certified mail, by personal service upon the occupants of said real property, by posting in a conspicuous place on said premises and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to date of sale as Instrument No. 197274, Instrument No. 197275, and Instrument No. 197276, GOODING County, Idaho Mortgage Records.
- (c) The provisions, recitals and contents of the Notice of Default referred to in paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.
- (d) All requirements of law regarding the mailing, personal service, posting, publication and recording of Notice of Default, and Notice of Sale, and of all other notices have been complied with.
- (e) Not less than 120 days elapsed between the giving of Notice of Sale by registered or certified mail and the sale of said property.

- (f) Trustee, at the time and place of sale fixed by said Notice, at public auction, in one parcel, struck off to Grantee, being the highest bidder therefor, the property herein described, for the \$98,853.54, subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

DATED: October 30, 2002.

ALLIANCE TITLE & ESCROW CORP.  
Trustee

By Bobbi Oldfield  
Bobbi Oldfield Asst. Secretary  
(Name) (Title)

STATE OF IDAHO )  
 ) ss.  
COUNTY OF Ada )

On October 30, 2002, before me a Notary Public in and for said State, personally appeared

Bobbi Oldfield, known and identified to me to be the Asst. Secretary  
of the corporation who executed this instrument on behalf of said corporation, and acknowledged to me  
that such corporation executed the same.

Teresa A. Hogg  
NOTARY PUBLIC in and for the State of Idaho  
residing at: Middleton, Idaho  
My commission expires: 12-13-2008

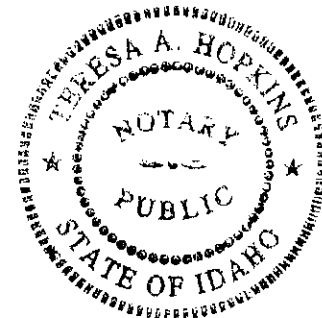


**EXHIBIT " A "**

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said NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Thence North 89°45'55" East a distance of 178.56 feet to the Easterly boundary of  
a county road and THE TRUE POINT OF BEGINNING;  
Thence North 89°45'55" East a distance of 282.67 feet along the Southerly  
boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
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