

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

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

Department of Water Resources
Southern 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 (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
36-11021					

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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) 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) | <u>Michael K. Miller and Ruth L. Miller</u>
<u>P. O. Box 373, Hagerman, ID 83332</u> |
| 4. | New Owner/Claimant(s) | <u>Brico of Idaho, INC.</u>
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or |
| | New Mailing Address | <u>440 3rd Avenue South, Twin Falls, ID 83301</u> |
| | City, State and ZIP Code | _____ |
| | New Telephone Number | () _____ |
| 5. | Date you acquired the property | <u>May 13, 2005</u> |

6. If the change in ownership affects the entire 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)

Brico of Idaho, Inc.

by Robbin C. Gentry, Secretary

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.

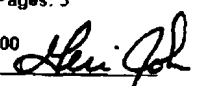
For Office Use Only

Received by [Signature] Date 2/7/06 Fee 25.00
 Received by [Signature] Date 2/8/06 Receipt No. SC28379
 Processed by AJ Date _____ WR _____ Date _____

Recording Requested By and
When Recorded Return to:

Brico of Idaho, Inc.
P.O. Box 206
Twin Falls, ID 83301

Instrument # 214118

GOODING, GOODING, IDAHO
2005-12-06 02:30:09 No. of Pages: 5
Recorded for : LAND TITLE JEROME
HELEN EDWARDS Fee: 15.00
Ex-Officio Recorder Deputy 

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed"), made as of the 10th day of November, 2005, is between PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER #62, LLC, an Idaho limited liability company ("**Grantor**"), and Brico of Idaho, Inc., an Idaho corporation, ("**Grantee**"), whose legal address is: P.O Box 206 Twin Falls, ID 83301.

WITNESSETH, That Grantor, for and in consideration of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Gooding, State of Idaho, more particularly described as follows:

See attached Exhibit "A"

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of in and to the above bargained premises, with the hereditaments, easements, rights of way and appurtenances, and with all of Grantor's interest, if any, in and to any and all minerals, water, ditches, wells, reservoirs and drains, and all water, ditch, well, reservoir and drainage rights which are appurtenant to, located on, now or hereafter acquired under or above or used in connection with the property (collectively, the "**Property**").

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant, grant, bargain and agree to and with the Grantee, its successors and assigns, that at the time of the ensealing and delivery of these presents, Grantor is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever, as of May 17, 2005.

The Grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, against all

and every person or persons claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the date set forth above.

PIONEER EXCHANGE
ACCOMMODATION TITLEHOLDER
#62, LLC, an Idaho limited liability
company

By: Pioneer 1031 Company, an Idaho
corporation, Member

By: Jesse Hamilton

Name: Jesse Hamilton

Its: Vice President

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

The foregoing instrument was acknowledged before me this 10th day of November, 2005, by Jesse Hamilton as Vice President of Pioneer 1031 Company, an Idaho corporation, Member of Pioneer Exchange Accommodation Titleholder #62, LLC, an Idaho limited liability company and stated he executed the foregoing instrument on behalf of said limited liability company.

WITNESS my hand and official seal.

My commission expires: 3/1/07

Candy Kuhkes
Notary Public

(NOTARIAL SEAL)

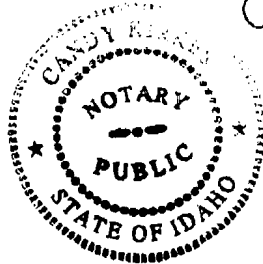


EXHIBIT "A"

Order Number: GG-06244

Parcel No. 1:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 16: A tract of land located in Lot 6, described as follows:

Commencing at the Northeast corner of said Lot 6;
Thence South 89°39' West along the North line of said Lot 6, a distance of 636.40 feet to THE TRUE POINT OF BEGINNING;
Thence South 41°49' West, 204.10 feet;
Thence South 46°40' West, 329.45 feet;
Thence North 50°43' West, 177.09 feet;
Thence North 49°33' West, 50.20 feet;
Thence North 2°15' East, 180.0 feet to a point on the East bank of the Snake River;
Thence North 67°18'30" East, along the East bank of said River a distance of 144.33 feet, to a point on the North line of said Lot 6;
Thence leaving the East bank of said River and following the North line of said Lot 6, North 89°39' East, 408.00 feet to THE TRUE POINT OF BEGINNING.

Parcel No. 2:

An easement for access Road Right of Way for the Benefit of Parcels 1, 3 and 4 as set forth in Warranty Deed recorded July 14, 1975, as Instrument Number 55522, records of Gooding County, Idaho.

Commencing at the Northeast corner of said Lot 6, THE TRUE POINT OF BEGINNING;
Thence South 89°39' West along the North line of said Lot 6, a distance of 655.30 feet;
Thence South 41°49' West, 191.57 feet;
Thence South 46°40' West, 328.95 feet;
Thence South 28°38' West, 74.44 feet;
Thence South 51°54' West, 37.75 feet;
Thence North 12°32' West, 177.95 feet;
Thence North 50°43' West, 20.22 feet;
Thence North 49°33' West, 20.76 feet;
Thence South 12°32' East, 235.68 feet;
Thence North 62°24'30" East, 77.30 feet;
Thence North 28°38' East, 74.44 feet;
Thence North 46°40' East, 328.95 feet;

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: GG-06244

Thence North 43°05' East, 185.44 feet;
Thence North 89°39' East parallel with the North line of said Lot 6, a distance of
636.40 feet to a point on the East line of said Lot;
Thence North 0°12' East along the East line of said Lot 6, a distance of 25.00 feet
to THE TRUE POINT OF BEGINNING.

Parcel No. 3:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 16: That part of Lot 3, described as follows:

Commencing at the Southeast corner of Section 16;
Thence North 0°12'00" East along the East boundary of Section 16, 1321.13 feet to
the Southeast corner of Lot 3;
Thence South 89°40'20" West, 636.71 feet along the Southerly boundary of said
Lot 3 to THE TRUE POINT OF BEGINNING;
Thence South 89°40'20" West, 408.00 feet along the Southerly boundary of said
Lot 3 to the approximate high water mark of the Snake River;
Thence North 19°46'59" East, 84.97 feet along said high water mark;
Thence North 89°40'20" East, 289.75 feet;
Thence South 48°27'36" East, 119.56 feet to THE TRUE POINT OF
BEGINNING.

Parcel No. 4:

TOWNSHIP 7 SOUTH, RANGE 13, EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 16: A parcel of land in Lot 3, being more specifically described as follows:

Commencing at the Section corner common to Sections 15, 16, 21 and 22;
Thence along the boundary common to said Sections 15 and 16, North 0°14'18"
East, 1321.36 feet measured (North 0°12'00" East, 1321.13 feet recorded) to
the South one-sixteenth corner common to said Sections 15 and 16, said
point also being the Southeast corner of said Lot 3;
Thence along the South boundary of Lot 3, Section 16, South 89°42'35" West,
1044.75 feet measured (South 89°40'20" West, 1044.71 feet recorded) to
THE REAL POINT OF BEGINNING;

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: GG-06244

Thence from this REAL POINT OF BEGINNING and continuing along the South boundary of said Lot 3, South $89^{\circ}42'35''$ West, measured (South $89^{\circ}40'20''$ West, recorded) 269.94 feet to the approximate original mean high water line of the Snake River;
Thence along the approximate original mean high water line of the Snake River North $47^{\circ}00'00''$ East, 117.55 feet;
Thence North $89^{\circ}41'44''$ East, 212.80 feet;
Thence South $19^{\circ}19'56''$ West, measured (South $19^{\circ}49'59''$ West, recorded) 84.97 feet to THE REAL POINT OF BEGINNING.

End of Exhibit "A"

SOUTH HALF



THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.