

RECEIVED

JAN 17 2006

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

DEPARTMENT OF  
WATER RESOURCES

RECEIVED

JAN 09 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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 29-446B<br>59-00446B  | 29-446B                      | NONE  |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) Larry E. Foulkrod Jr and Christina R. Foulkrod
4. New Owner/Claimant(s) STEVEN L. SCHWEND / TERESA D. SCHWEND  
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 9651 West Pocatello Creek Rd
- City, State and ZIP Code Pocatello, ID
- New Telephone Number (208) 233-4645
5. Date you acquired the property 28 July 05

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<br>(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<br>(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)

Steven P. Schwend  
James D. Schwend

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 <u>2/8/06</u>  | Fee <u>\$25.00</u>        |
| Received by <u>KA</u> | Date <u>2/10/06</u> | Receipt No. <u>080271</u> |
| Processed by _____ AJ | Date _____          | WR _____ Date _____       |



A Pioneer Company

**PIONEER TITLE COMPANY**

OF BANNOCK COUNTY

135 N. Arthur Ave. / Pocatello, Idaho 83201 / (208) 233-9595

2051533

PIONEER TITLE  
RECORDED AT REQUEST OF

FEE 10 DEPUTY BP

2005 JUL 28 PM 5 00

OFFICIAL RECORD BK# 870

RECORDER

BANNOCK COUNTY IDAHO

Order No. 20050957 SW LT

**WARRANTY DEED**

For Value Received

Larry E. Foulkrod, Jr. and Christina R. Foulkrod, husband and wife

20515330

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto  
Steven L. Schwend and Teresa D. Schwend, husband and wife

hereinafter referred to as Grantee, whose current address is 9651 W Pocatello Creek Road, Pocatello, ID  
83201 the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

Dated: July 26, 2005

Larry E. Foulkrod, Jr.

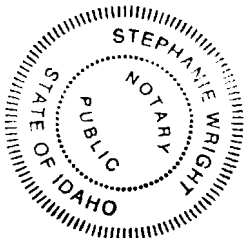
Christina R. Foulkrod

STATE OF IDAHO

s.

COUNTY OF BANNOCK

On this 28 day of July, in the year of 2005, before me Stephanie Wright, notary public personally appeared Larry E. Foulkrod, Jr. and Christina R. Foulkrod, known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Stephanie Wright  
Notary Public of Idaho  
Residing at McCammon Id  
Commission expires: April 25, 2006

2-2  
**EXHIBIT A**

20515330

A tract of land in the SW¼ of Section 18, Township 6 South, Range 35 East, Boise Meridian, described as follows:

Commencing at the Southwest corner of Section 18; thence South 89°56'00" East along the South line of Section 18, for a distance of 1126.83 feet to the Southwest corner of the land depicted on the record of survey map recorded in the records of Bannock County as Instrument No. 814914; thence North 18°34'55" West along the West boundary of the said land for a distance of 240.12 feet to the TRUE POINT OF BEGINNING;

Thence, South 89°55'43" East for a distance of 469.42 feet; thence North 59°58'51" East for a distance of 216.08 feet to an intersection with the West right-of-way line of Pocatello Creek Road; thence North 36°34'52" West along the West right-of-way line of Pocatello Creek Road, for a distance of 340.08 feet to the point of curvature; thence Northwesterly, following a 1396.88 foot radius curve, concave to the Southwest, through a central angle of 05°58'40", for an arc distance of 145.74 feet; thence South 45°45'18" West for a distance of 530.95 feet to a point in the West boundary of the said land depicted on the survey recorded in the records of Bannock County as Instrument No. 814914; thence South 08°57'31" East for a distance of 123.96 feet to the POINT OF BEGINNING.

# Owner's Policy

American Land Title Association Owner's Policy 10-17-92



Policy Number **SV 4357457**

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS,

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Minnesota corporation, herein called the Company,

insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, the said Old Republic National Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers as of the date shown in Schedule A, the policy to be valid when countersigned by an authorized officer or agent of the Company.

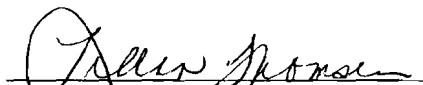
## EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including, but not limited to, building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (i) to timely record the instrument of transfer; or
    - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

Issued through the Office of:

**PIONEER TITLE COMPANY  
OF BANNOCK COUNTY**  
135 N. Arthur - PO Box 1057  
Pocatello, ID 83204  
(208) 233-9595

  
Authorized Signatory

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

A Stock Company

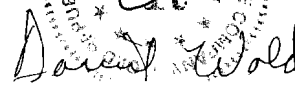
400 Second Avenue South, Minneapolis, Minnesota 55401

(612) 371-1111

By

President

Attest

Secretary



A Pioneer Company

**PIONEER TITLE COMPANY**

OF BANNOCK COUNTY

135 N. Arthur Ave. / Pocatello, Idaho 83201 / (208) 233-9595

Steven L. Schwend  
Teresa D. Schwend  
9651 W Pocatello Creek Road  
Pocatello, ID 83201

Re:        Escrow No.:    20050957 SW LT  
         Policy No.:    SV 4357457  
         Seller:        Larry E. Foulkrod, Jr. and Christina R. Foulkrod, husband and wife  
         Buyer:        Steven L. Schwend and Teresa D. Schwend, husband and wife  
         Property:      9651 W Pocatello Creek Road  
                         Pocatello, Idaho 83201

The closing of your purchase of the above-noted property has now been completed. Enclosed is your Original Recorded Warranty Deed and Title Insurance Policy. These documents contain important information about the property you have just purchased. If you have not elected to apply for the homeowner's exemption at the time of closing, the Warranty Deed will need to be taken to the County Assessors Office to apply. The policy is your guarantee of ownership, please read it and retain it with your other valuable papers.

A complete and permanent file of the records concerning your transaction will be maintained in our office under the assigned Policy and File number. These records will assure prompt processing of future work and save much valuable time should you wish to sell or obtain a loan on your property.

We appreciate having had this opportunity to be of service to you and will be glad to assist you in any way in regard to your future escrow or title service needs.

Sincerely,

LeAnn Thomsen  
Title Officer  
PIONEER TITLE COMPANY OF BANNOCK COUNTY

Enclosures

**Old Republic National Title Insurance Company**

**OWNER'S POLICY**

**SCHEDULE A**

**EXHIBIT A**

A tract of land in the SW¼ of Section 18, Township 6 South, Range 35 East, Boise Meridian, described as follows:

Commencing at the Southwest corner of Section 18; thence South 89°56'00" East along the South line of Section 18, for a distance of 1126.83 feet to the Southwest corner of the land depicted on the record of survey map recorded in the records of Bannock County as Instrument No. 814914; thence North 18°34'55" West along the West boundary of the said land for a distance of 240.12 feet to the TRUE POINT OF BEGINNING;

Thence, South 89°55'43" East for a distance of 469.42 feet; thence North 59°58'51" East for a distance of 216.08 feet to an intersection with the West right-of-way line of Pocatello Creek Road; thence North 36°34'52" West along the West right-of-way line of Pocatello Creek Road, for a distance of 340.08 feet to the point of curvature; thence Northwesterly, following a 1396.88 foot radius curve, concave to the Southwest, through a central angle of 05°58'40", for an arc distance of 145.74 feet; thence South 45°45'18" West for a distance of 530.95 feet to a point in the West boundary of the said land depicted on the survey recorded in the records of Bannock County as Instrument No. 814914; thence South 08°57'31" East for a distance of 123.96 feet to the POINT OF BEGINNING.

This Policy is invalid unless the cover sheet and Schedule B are attached.

**Old Republic National Title Insurance Company**

**OWNER'S POLICY**

**SCHEDULE B**

**Exceptions from Coverage**

**File Number:**  
20050957

**Date of Policy:**  
July 28, 2005 at 5:00 PM

**Policy Number:**  
SV4357457

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of the following:

**General Exceptions:**

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims or easements, not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b), (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices to such proceedings, whether or not shown by the records of such agency or by the public records.

**END OF GENERAL EXCEPTIONS**

1. General taxes for the year 2005, which are liens, are not yet due and payable.

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

**Old Republic National Title Insurance Company**

**OWNER'S POLICY**

**SCHEDULE B**

**Exceptions from Coverage**

2. Covenants, conditions, restrictions and easements contained in Deed.  
Recorded: June 10, 1988  
Instrument No.: 813852  
As follows:
  1. A maximum of three single family dwellings can be built on this property.
  2. Homes built on this property must be a minimum of 1450 square feet and all must have a double car garage.
  3. No manufactured or mobile homes are allowed on this property.
  4. No commercial use will be allowed on this property, including commercial livestock operation or pigs.
3. An easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes, as disclosed in instrument or by action herein set forth.  
For: Livestock access  
In favor of: Adjacent property  
Disclosed: Warranty Deed
4. An easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes.  
For: Ingress and egress  
In Favor of: Clifford Anderson dwelling  
Reserved by type of instrument: Warranty Deed  
Recorded: June 10, 1988  
Instrument No.: 813852  
Affects: South 30 feet
5. An easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes.  
For: Operation and maintenance  
In Favor of: Adjacent properties  
Reserved by type of instrument: Warranty Deed  
Recorded: June 10, 1988  
Instrument No.: 813852  
Affects: South 30 feet

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

**Old Republic National Title Insurance Company**

**OWNER'S POLICY**

**SCHEDULE B**

**Exceptions from Coverage**

6. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein.  
For: Conveyance of water  
Instrument No.: 329410
7. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein.  
For: Power lines  
In Favor of: Idaho Power Company  
Instrument No.: 332085
8. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein.  
For: Power lines  
In Favor of: Idaho Power Company  
Recorded: July 6, 1967  
Instrument No.: 440602
9. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein.  
For: Power lines  
In Favor of: Idaho Power Company  
Recorded: November 4, 1971  
Instrument No.: 486496
10. An easement containing certain terms, conditions and provisions affecting a portion of said premises and for the purposes stated herein.  
For: Power lines  
In Favor of: Idaho Power Company  
Recorded: November 4, 1971  
Instrument No.: 486497

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

**Old Republic National Title Insurance Company**

**OWNER'S POLICY**

**SCHEDULE B**

**Exceptions from Coverage**

11. A Deed of Trust with Adjustable Rate Rider and Interest only Addendum to Adjustable Rate Rider to secure an indebtedness of \$260,000.00, and any other amounts as therein provided, payable under the terms, conditions, provisions and stipulations thereof.

Dated: July 27, 2005

Grantor: Steven L. Schwend and Teresa D. Schwend, husband and wife

Trustee: Pioneer Title Company of Bannock County

Lender: First Horizon Home Loan Corporation

Beneficiary: Mortgage Electronic Registration Systems, Inc.

Recorded: July 28, 2005

Instrument No.: 20515331

12. A Deed of Trust with Rider to The Deed of Trust/ Mortgage/ Security Deed to secure an indebtedness of \$65,000.00, and any other amounts as therein provided, payable under the terms, conditions, provisions and stipulations thereof.

Dated: July 27, 2005

Grantor: Steven L. Schwend & Teresa D. Schwend, husband and wife

Trustee: Pioneer Title Company of Bannock County

Beneficiary: First Horizon Home Loan Corporation

Recorded: July 28, 2005

Instrument No.: 20515332

**END OF EXCEPTIONS**

**NOTE:**

THERE IS NO NOTICE OF RECORD AND THEREFORE NO SEARCH HAS BEEN MADE FOR ANY UNPAID ASSESSMENTS, CHARGES OR FEES FOR SEWER, WATER, GARBAGE, IRRIGATION AND OTHER POSSIBLE UTILITY SERVICES.

ALTA Owner's Policy Form B 1987 (Amended 10/17/92)

This Policy is invalid unless the cover sheet and Schedule A are attached.

|         |       |       |       |       |              |          |                      |
|---------|-------|-------|-------|-------|--------------|----------|----------------------|
| Agent # | State | Cty.  | Prop. | Tran  | Reissue Amt. | Re. Tran | Simultaneous Issue # |
| A11007  | 11    | 5     |       | 010   |              |          | MM 5899174           |
| Code    | Amt.  | Code  | Amt.  | Code  | Amt.         | Code     | Amt.                 |
| 05100   |       | 05100 |       | 05100 |              | 05100    |                      |

**Old Republic National Title Insurance Company**

**OWNER'S POLICY**

**SCHEDULE A**

|                  |                    |                          |                           |                     |
|------------------|--------------------|--------------------------|---------------------------|---------------------|
| <u>File No.:</u> | <u>Policy No.:</u> | <u>Date of Policy:</u>   | <u>Amt. of Insurance:</u> | <u>Premium Amt.</u> |
| 20050957         | SV4357457          | July 28, 2005 at 5:00 PM | \$325,000.00              | \$1,261.25          |

1. Name of Insured:

Steven L. Schwend and Teresa D. Schwend

2. The estate or interest in the land to as covered by the policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

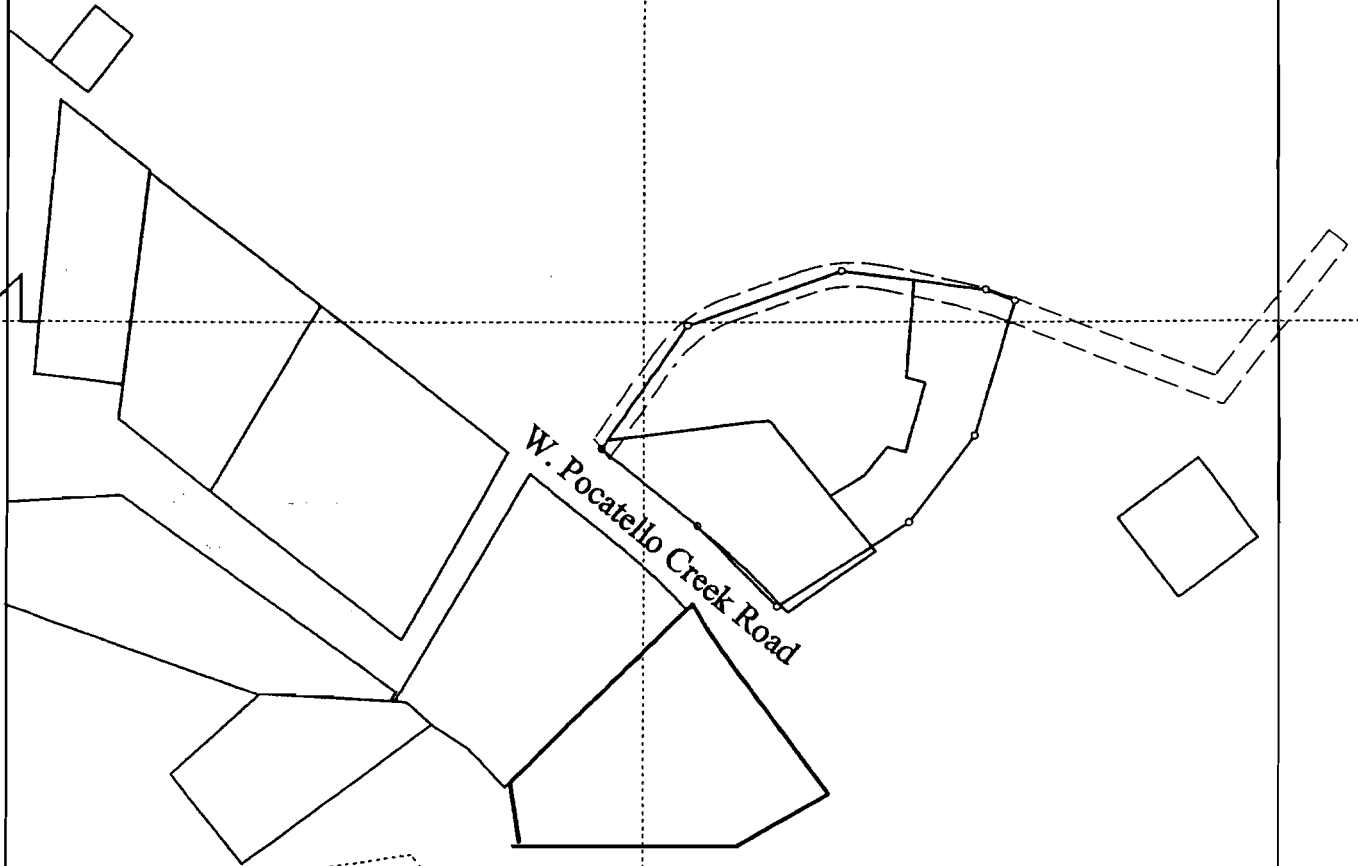
Steven L. Schwend and Teresa D. Schwend, husband and wife

4. The land referred to in this policy is described as follows:

**SEE ATTACHED EXHIBIT A**

This Policy is invalid unless the cover sheet and Schedule B are attached.

SW 1/4, Section 18, Township 6 South, Range 35 East, Boise Meridian



Title:

Date: 09-15-2000

Scale: 1 inch = 400 feet

File: SW18635.DES

THIS IS NOT A SURVEY. THIS MAP IS  
FOR INFORMATIONAL PURPOSES  
ONLY. PIONEER TITLE COMPANY  
MAKES NO REPRESENTATIONS AS  
TO THE ACCURACY OF THE MAP  
AND ASSUMES NO LIABILITY FOR IT.