

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

RECEIVED

NOV 25 2005

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
13-925					

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**.

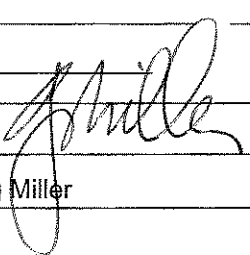
3. Name and Address of Former Owner/Claimant(s) Hope C. Atkinson
4560 S. Five Mile Road, Boise, ID 83709
4. New Owner/Claimant(s) Miller Family Real Estate LLC, c/o Larry Miller Mgmt Co.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 9350 S 150 E #1000
- City, State and ZIP Code Salt Lake City, UT 84070
- New Telephone Number () 801-563-4100
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)


Greg Miller

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>\$25.00</u>
Receipted by <u>H</u>	Date <u>11-15-05</u>	Receipt No. <u>C079635</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

FA #P40580

2-1
WARRANTY DEED

20312192

FOR VALUE RECEIVED

BOSEN LAND AND LIVESTOCK, L.L.C., an Idaho limited liability company, pursuant to a resolution by its Members, GRANTOR
does hereby grant, bargain, sell and convey unto:

MILLER FAMILY REAL ESTATE, L.L.C., a Utah limited liability company, GRANTEE

whose current address is: 9350 South 150 East, Suite 1000, Sandy, Utah 84070
the following described premises in Bannock County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the said premises, with their appurtenances, structures and improvements located thereon, and all water rights appurtenant thereto, including but not limited to: 2/7ths of 105 Miners Inches, priority May 5, 1887, from Stockton Creek; 30 Miner Inches, priority June 1, 1879, from Cottonwood Creek; 22.5 Miner Inches, priority June 1, 1887, from Cottonwood Creek; 21 Miner Inches, priority June 1, 1895, from Cottonwood Creek; 150 Miner Inches, priority January 1, 1904, from Cottonwood Creek; and Water Permit No. 13-7127 unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that they are free of all encumbrances except easements, rights-of-way in roads or highways of record.

DATED May ____, 2003.

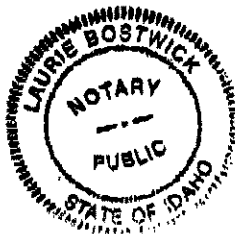
BOSEN LAND AND LIVESTOCK, L.L.C.

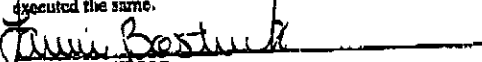

CLAIR D. BOSEN, MANAGER


David Bosen, Manager

STATE OF IDAHO, COUNTY OF BANNOCK

On this 15th day of May 2003, before me, a Notary Public in and for said State, personally appeared DAVID BOSEN and CLAIR D BOSEN known to me to be the Manager of BOSEN LAND AND LIVESTOCK, L.L.C., that executed this instrument on behalf of said company and acknowledged to me that such company executed the same.




NOTARY PUBLIC
Expires: 12/16/2008

20312192

20312192
FIRST AMERICAN TITLE

RECORDED AT REQUEST OF

FEE 6 DEPUTY: BP

2-2

2003 MAY 13 PM 2 10

ATTACHED LEGAL DESCRIPTION OFFICIAL RECORD BK# 829

Order No.: P40580

LARRY W SHAN RECORDER
BANNOCK COUNTY IDAHO

TOWNSHIP 13 SOUTH, RANGE 38 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, ALL THAT PORTION OF SW $\frac{1}{4}$ LYING SOUTHEASTERLY OF THE COUNTY ROAD.

EXCEPT FROM THE ABOVE, BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD, AS THE SAME NOW EXISTS, SAID POINT BEING 70 FEET, MORE OR LESS, WEST OF THE COMMON CORNER OF SECTIONS 13, 14, 23 AND 24; THENCE EAST 2710 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SOUTHWEST QUARTER OF SECTION 13; THENCE SOUTH 1261 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 24; THENCE EAST 1747 FEET; THENCE NORTH 1071 FEET; THENCE NORTH 41'48" WEST 2482 FEET; THENCE WEST 550 FEET; THENCE SOUTH 52'32" WEST 1321 FEET; THENCE SOUTH 86'32" WEST 1144 FEET; THENCE SOUTH 81'26" WEST 158 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE 700 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SECTION 14: ALL THAT PORTION OF SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING EAST OF THE COUNTY ROAD, EXCEPT FROM THE ABOVE, BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD, AS THE SAME NOW EXISTS, SAID POINT BEING 70 FEET, MORE OR LESS, WEST OF THE COMMON CORNER OF SECTIONS 13, 14, 23 AND 24; THENCE EAST 2710 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SOUTHWEST QUARTER OF SECTION 13; THENCE SOUTH 1261 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 24; THENCE EAST 1747 FEET; THENCE NORTH 1071 FEET; THENCE NORTH 41'48" WEST 2482 FEET; THENCE WEST 550 FEET; THENCE SOUTH 52'32" WEST 1321 FEET; THENCE SOUTH 86'32" WEST 1144 FEET; THENCE SOUTH 81'26" WEST 158 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE 700 FEET, MORE OR LESS, TO POINT OF BEGINNING.

SECTION 24: N $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT FROM THE ABOVE, BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD, AS THE SAME NOW EXISTS, SAID POINT BEING 70 FEET, MORE OR LESS, WEST OF THE COMMON CORNER OF SECTIONS 13, 14, 23 AND 24; THENCE EAST 2710 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SOUTHWEST QUARTER OF SECTION 13; THENCE SOUTH 1261 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 24; THENCE EAST 1747 FEET; THENCE NORTH 1071 FEET; THENCE NORTH 41'48" WEST 2482 FEET; THENCE WEST 550 FEET; THENCE SOUTH 52'32" WEST 1321 FEET; THENCE SOUTH 86'32" WEST 1144 FEET; THENCE SOUTH 81'26" WEST 158 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE 700 FEET, MORE OR LESS, TO POINT OF BEGINNING.

TOWNSHIP 13 SOUTH, RANGE 38 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY, IDAHO.

SECTION 18: LOTS 1, 2, 3 AND 4; E $\frac{1}{2}$ SW $\frac{1}{4}$

SECTION 19: LOT 1

"EXHIBIT A"

215815. 2-3

TOWNSHIP 12 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY IDAHO

PARCEL 1:

SECTION 36: SW $\frac{1}{4}$ SW $\frac{1}{4}$ (30.00)

TOWNSHIP 13 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO

PARCEL 2:

SECTION 1: LOTS 3 AND 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ (384.00)

PARCEL 3:

SECTION 2: LOTS 1, 2, 3 AND 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ (388.00)

PARCEL 4:

SECTION 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$ (391.00)

PARCEL 5:

SECTION 10: NE $\frac{1}{4}$ NE $\frac{1}{4}$, ALSO, BEGINNING AT A POINT 200 FEET NORTH OF THE SOUTHEAST CORNER OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SAID SECTION 10, AND RUNNING THENCE WEST 600 FEET; THENCE NORTHWEST TO THE NORTHWEST CORNER OF THE SAID SE $\frac{1}{4}$ NE $\frac{1}{4}$; THENCE EAST 80 RODS; THENCE SOUTH 1120 FEET TO THE POINT OF BEGINNING. (393.00)

PARCEL 6:

SECTION 11: N $\frac{1}{2}$ (394.00)

PARCEL 7:

SECTION 12: N $\frac{1}{2}$, EXCEPTING THEREFROM: A PART OF THE NORTH HALF OF SECTION 12, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, AND RUNNING NORTH 34°01'45" WEST 1,051.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 68°31'12" WEST 770.64 FEET; THENCE WEST 160.00 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 31°46'46" EAST 832.26 FEET ALONG AN EXISTING FENCE; THENCE SOUTH 38°51'52" EAST 288.52 FEET; THENCE SOUTH 51°58'58" EAST 327.81 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF A COUNTY ROAD TO THE TRUE POINT OF BEGINNING. (PART OF 402.00)

PARCEL 8:

TOWNSHIP 13 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO
SECTION 12: A PART OF THE NORTH HALF OF SECTION 12, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, AND RUNNING NORTH 34°01'45" WEST 1,051.58 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 68°31'12" WEST 770.64 FEET; THENCE WEST 160.00 FEET TO AN EXISTING FENCE LINE; THENCE NORTH 31°46'46" EAST 832.26 FEET ALONG AN EXISTING FENCE; THENCE SOUTH 38°51'52" EAST 288.52 FEET; THENCE SOUTH 51°58'58" EAST 327.81 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF A COUNTY ROAD TO THE TRUE POINT OF BEGINNING. (PART OF 402.00)

PARCEL 9:

TOWNSHIP 13 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO
SECTION 12: NE $\frac{1}{4}$ SE $\frac{1}{4}$ (PART OF 402.00)

PARCEL 10:

TOWNSHIP 13 SOUTH, RANGE 40 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO
SECTION 7: A PART OF THE WEST HALF OF SECTION 7, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 7, AND RUNNING NORTH

215815. 3-3.

1,320.00 FEET; THENCE EAST 346.50 FEET TO THE WEST RIGHT-OF-WAY LINE OF A COUNTY ROAD;
THENCE SOUTH $21^{\circ}10'53''$ EAST 1,415.64 FEET ALONG SAID LINE; THENCE SOUTH 115.50 FEET ALONG
SAID RIGHT-OF-WAY; THENCE WEST 858.00 FEET TO AN EXISTING FENCE; THENCE NORTH 115.50 FEET
ALONG SAID FENCE TO THE TRUE POINT OF BEGINNING. (492.00)

TOGETHER WITH ALL WATER RIGHTS APPURTENANT OR APPERTAINING THERETO.

This is a duplicate copy
made of the original because
of the poor quality of orig. from wear & tear.

11-2

~~original copy~~

~~Original can be found in this same file.~~

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

MAY 14 1935

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

BATTLE CREEK.

488. Robert C. Geddes:

~~11 0866~~ 1883—May 1

10 c.f.s.

To be diverted and stored in two reservoirs and used for the irrigation of 500 acres in Section 36, Township 13 South, Range 38 East, the Southwest quarter of Section 1, Township 14 South, Range 38 East, the Northwest quarter of Section 2, the South half of the Northwest quarter and the Southeast quarter of the Southeast quarter of Section 7, the Southwest quarter of Section 8, the Northwest quarter of Section 17, the Northeast quarter of Section 18, the East half of Section 2, the Northwest quarter and the Southeast quarter of Section 12, Lots 3 and 4 and the East half of the Southwest quarter of Section 7, Township 14 South, Range 39 East.

13-0922

T.2961 0923

489. S. C. Chadwick:

~~11 0866~~ 1885—May 1

2 c.f.s.

To be diverted from Battle Creek.

~~11 0866~~ 1883—July 11

1.6 c.f.s.

To be diverted from Haw Bush and Tank Springs and other springs located in the West half of the Northeast quarter of Section 16, and in the East half of the Southwest quarter and the Southeast quarter of the Northeast quarter of Section 8, Township 15 South, Range 39 East, tributaries of said Battle Creek, for the irrigation of 320 acres in the Northwest quarter and the Northeast quarter of Section 17, and the East half of the Northwest quarter and the North half of the Southwest quarter of Sections 15 and 19, Township and Range aforesaid. A portion of this water is impounded in a reservoir on the above described land.

T.2961 0924

0925

490. H. C. Atkinson:

~~11 0866~~ 1904—May 1

0.06 c.f.s.

To be diverted from said Battle Creek near the Southwest quarter of the Southwest quarter of Section 12, Township 13 South, Range 39 East, for the irrigation of 3 acres in the Southeast quarter of the Northeast quarter of said Section 12.

0926

491. J. W. Atkinson:

~~11 0866~~ 1897—May 1

0.06 c.f.s.

To be diverted from said Battle Creek in Section 12, Township 13 South, Range 39 East, for the irrigation of 3 acres in the Southwest quarter of the Southwest quarter

REPRODUCTION

T135 R39E
S12.
ENE

All the foregoing reservations of jurisdiction shall extend after the term at which this decree is entered, and during any subsequent term prior to January 1, 1924, at which time, or at such earlier time as the court may determine these matters, this decree shall be closed. In all other respects this decree shall be final.

The court further retains jurisdiction, however, at all times, and from time to time, to make all reasonable rules touching the manner of diverting, measuring and distributing the waters, and the devices to be installed and used for such purposes where it may be impracticable to fully comply with the terms of this decree, and to direct that the parties keep accurate and detailed records of the amounts of water diverted, and to require reports to be filed from time to time of the amount so diverted, and generally to make such orders as may be found reasonably necessary to give effect to the decree, and to appoint commissioners or water masters to make distribution in accordance with its terms, and to punish the parties hereto, their officers, agents and employes, and their grantees and successors in interest, for any violation of the provisions thereof.

Done in open court this 14th day of July, 1920.

FRANK S. DIETRICH,
Judge.

MICROFILMED

MAY 14 1986

117



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 5, 2005

MILLER FAMILY REAL ESTATE LLC
C/O LARRY MILLER MGMT CO
9350 SOUTH 150 EAST NO 1000
SALT LAKE CITY UT 84070

RE: Change of Ownership for Water Right 13-925

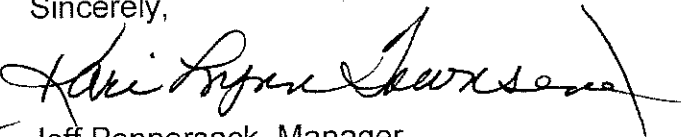
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

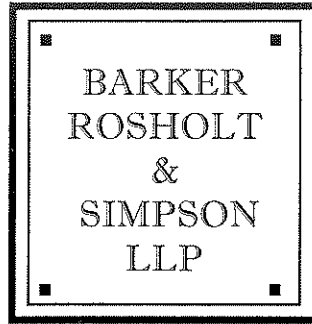
for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

cc: BARKER ROSHOLT & SIMPSON LLP
ATTN: JOHN A ROSHOLT
PO BOX 485
TWIN FALLS ID 83303-0485

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*



John A. Rosholt
jar@idahowaters.com

November 14, 2005

RECEIVED
NOV 15 2005
113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

Attn: Shelley Keen
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

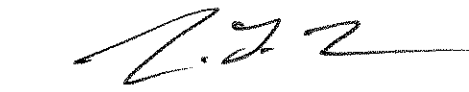
Re: 13-07127 Assignments, 13-0925 Assignment Miller

Dear Shelley:

Please find enclosed a check for \$50.00 to cover the Notice of Assignments previously filed July 22, 2005, concerning the above two water rights for Miller Family Real Estate LLP.

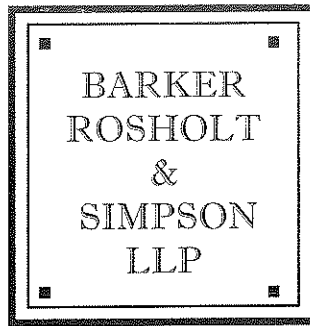
Sincerely,

BARKER ROSHOLT & SIMPSON LLP


John A. Rosholt

Enc.

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis*



John A. Rosholt
jar@idahowaters.com

113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 844-6034 facsimile
brs@idahowaters.com

August 15, 2005

Dave Carlson
IDWR
900 North Skyline Dr.
Idaho Falls, Idaho 83402

RECEIVED
SEP 16 2005
Department of Water Resources
Eastern Region

RE: 13-7127, 13-925, Miller Family Real Estate,

Not only did I send you only copies of the assignments, they weren't current. I herewith enclose original copies of the assignments pertaining to 13-7127.

Exhibit "A" 13-925 is a .06 right for irrigation acquired by Miller when the property was purchased pursuant to a Jan 4, 2002 deed. It's appurtenant to the property, the description of which I previously sent you on July 22, 2005.

REGARDS,

BARKER, ROSHOLT & SIMPSON LLP

John A. Rosholt
JOHN A. ROSHOLT

cc: Jim Rush