

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

RECEIVED**JUN 13 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>31-2394</u>	_____	___	_____	_____	___
<u>31-7090</u>	_____	___	_____	_____	___
<u>31-7115</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) Laverne Kirkham, 1848 E 1500 N, Terretton, ID 83450
Dwain D Kirkham, 1842 E 1500 N, Terretton, ID 83450
4. New Owner/Claimant(s) Kent O Bitter, Betty Ann Bitter, Daren O. Bitter,
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Kathleen Bitter, Bitter Properties, LLC
New Mailing Address _____
City, State and ZIP Code % 1344 N 1900 E, Terretton, ID 83450
New Telephone Number (208)-663-4355
5. Date you acquired the property May 24, 2005

Please copy to: Farm Credit Services
2225 W. Broadway
Suite A
Idaho Falls ID
83402

RECEIVED**MAY 31 2005**Department of Water Resources
Eastern Region**SUPPORT DATA****IN FILE #** 31-2394

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)

Michael A. Bitter *Kathleen K. Bitter*
Harold A. Bitter *Margaret Bitter*
Kurt Bitter *Betty Ann Bitter*

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 JC Date 5-31-05 Fee \$75-
 Receipted by JC Date 5-31-05 Receipt No. E030930
 Processed by _____ AJ Date _____ WR _____ Date _____

#107976

339745

WARRANTY DEED

FOR VALUE RECEIVED, **BRAD HEINZ** and **RYAN HEINZ**, as Co-Trustees of the **DWAIN KIRKHAM SHELTER TRUST**, of c/o P. O. Box 981750, 2635 Cottage Court, Park City, Utah 84098, ("Dwain Shelter Trust"); and **DAUNNA L. KIRKHAM**, as Trustee of the **DAUNNA KIRKHAM MARITAL TRUST**, of 1842 East 1500 North, Terreton, Idaho 83450, ("Daunna Marital Trust"), both trusts established by virtue of the death of Dwain D. Kirkham on November 18, 2004, under the **DWAIN & DAUNNA KIRKHAM LIVING TRUST**, dated April 6, 2004, as amended on July 6, 2004; **BEVERLY KIRKHAM HEINZ**, as Successor Trustee of the **NELLIE MURRI KIRKHAM FAMILY TESTAMENTARY TRUST**, created upon the death of Nellie Murri Kirkham on December 21, 1990, pursuant to her Last Will and Testament, dated January 12, 1983, of ~~5529 COTTONWOOD DRIVE DR., SLC, UT 84117~~ **5529 COTTONWOOD CLUB** ("Nellie Trust for Grandchildren"); and **BEVERLY KIRKHAM HEINZ**, as Successor Trustee of the **DWAIN D. KIRKHAM TRUST**, created upon the death of **NOAH LAVERNE KIRKHAM** on May 9, 1997, pursuant to his Last Will and Testament, dated January 12, 1983, as amended by Codicils dated January 24, 1992 and December 11, 1993, of ~~5529 COTTONWOOD DRIVE~~ **5529 COTTONWOOD CLUB** ("Noah Trust for Grandchildren"), hereinafter called "Grantors", do hereby grant, bargain, sell, warrant and convey unto **KENT O. BITTER** and **BETTY ANN BITTER**, husband and wife; **DAREN O. BITTER** and **KATHLEEN BITTER**, husband and wife; and **BITTER PROPERTIES, LLC**, an Idaho Limited Liability Company, all c/o Daren Bitter, 1344 N. 1900 E., Terreton, Idaho 83450, hereinafter called "Grantees", the following described real property in Jefferson County, Idaho:

PARCEL ONE (Residence Home of Dwain and Daunna):**From Dwain Shelter Trust and Daunna Marital Trust:**

Twp. 6 N., Rge. 35 E., Boise Mer.:

Sec. 22: Beginning at a point which is 265 feet West from the Northeast Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and running thence South 320 feet; thence West 165 feet; thence North 320 feet; thence East 165 feet, to the point of beginning.

Instrument # 339745

RIGBY, JEFFERSON, IDAHO

2005-05-24

09:39:00 No. of Pages: 5

Recorded for: FIRST AMERICAN TITLE

CHRISTINE BOULTER

Ex-Officio Recorder Deputy

Fee: 15.00

Index to: WARRANTY DEED

PARCEL TWO: Not included in this sale.

PARCEL THREE:

From Dwain Shelter Trust:

SE¼ of Sec. 21, Twp. 6 N., Rge. 35 E., Boise Mer.

PARCEL FOUR:

From Dwain Shelter Trust:

NE¼ of Sec. 28, Twp. 6 N., Rge. 35 E., Boise Mer.

PARCEL FIVE:

From Dwain Shelter Trust and Daunna Marital Trust:

Part of NW¼ of Sec. 22, Twp. 6 N., Rge. 35 E., Boise Mer., described as follows:

Beginning at a point that is 800.00 feet S89°51'30"E of the Southwest corner of the NW¼NW¼ of Sec. 22, Twp. 6 N., Rge. 35 E., Boise Mer., said point is on the south line of said NW¼NW¼ and continuing S89°51'30"E 526.00 feet, more or less, to the east line of said NW¼NW¼; thence N00°00'00"E 94.40 feet to an existing fence line; thence along said fence line the following 5 courses: S87°53'09"W 92.76 feet; S87°58'07"W 103.74 feet; S82°06'15"W 102.00 feet; S75°10'14"W 102.35 feet; S70°37'27"W 137.44 feet to the point of beginning, contains 0.79 acres.

PARCEL SIX:

From Dwain Shelter Trust:

An undivided one-tenth interest in and to:

Twp 6 N., Rge. 35 E., Boise Mer.:

Sec. 22: SW¼, S½NW¼, NE¼NW¼, saving and excepting therefrom:

Beginning at a point which is 265 feet West from the Northeast Corner of the NE¼NW¼ and running thence South 320 feet; thence West 165 feet; thence North 320 feet; thence East 165 feet, to the point of beginning.

Sec. 27: N½NW¼

PARCEL SEVEN:

One-half from Nellie Trust for Grandchildren and one-half from Noah Trust for Grandchildren:

An undivided nine-tenths interest in and to the following described property in Jefferson County, Idaho:
Twp 6 N., Rge. 35 E., Boise Mer.:

Sec. 22: SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, saving and excepting therefrom:

Beginning at a point which is 265 feet West from the Northeast Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and running thence South 320 feet; thence West 165 feet; thence North 320 feet; thence East 165 feet, to the point of beginning.

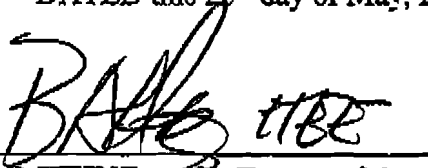
Sec. 27: N $\frac{1}{2}$ NW $\frac{1}{4}$

SUBJECT TO patent reservations, easements for roads, ditches, canals, and utilities as they exist; and to all existing zoning ordinances and applicable building codes, laws and regulations.

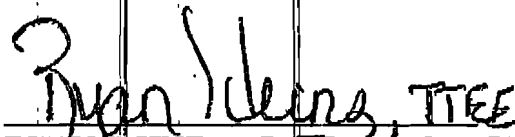
TOGETHER WITH and including all improvements thereon, all water and water rights and ditch rights and all other appurtenances and hereditaments thereunto belonging.

Grantors covenant and warrant that fee simple title to the above described property is conveyed to Grantees by this Deed free from all encumbrances except those listed above and the standard exceptions on the Policy of Title Insurance.

DATED this 23rd day of May, 2005.



**BRAD HEINZ, as Co-Trustee of the
DWAIN KIRKHAM SHELTER TRUST**
dated November 18, 2004



**RYAN HEINZ, as Co-Trustee of the DWAIN
KIRKHAM SHELTER TRUST, dated**
November 18, 2004

Daunna L. Kirkham, Trustee
DAUNNA L. KIRKHAM, as Trustee of the
DAUNNA KIRKHAM MARITAL TRUST,
dated November 18, 2004

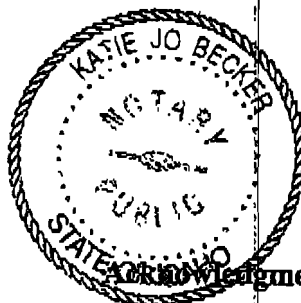
Beverly Kirkham Heinz
BEVERLY KIRKHAM HEINZ, as
Successor Trustee of the **DWAIN D.**
KIRKHAM TRUST, dated May 9, 1997

Beverly Kirkham Heinz
BEVERLY KIRKHAM HEINZ, as
Successor Trustee of the **NELLIE MURRI**
KIRKHAM FAMILY TESTAMENTARY
TRUST, dated December 21, 1990

Acknowledgment by Co-Trustees

STATE OF IDAHO,)
)
ss.)
County of Jefferson.)

On this 23 day of May, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **BRAD HEINZ** and **RYAN HEINZ**, known to me to be persons whose names are subscribed to the within instrument as the Co-Trustees of the **DWAIN KIRKHAM SHELTER TRUST**, and acknowledged to me that they executed the same as such Trustees.

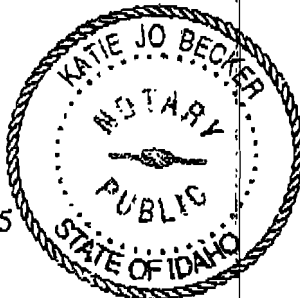


Katie Jo Becker
Notary Public for Idaho
Residing at Rixburg, ID
My Commission expires: 11-08-05

Acknowledgment by Trustee

STATE OF IDAHO,)
)
ss.)
County of Jefferson.)

On this 23 day of May, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAUNNA L. KIRKHAM**, known to me to be person whose name is subscribed to the within instrument as the Trustee of the **DAUNNA KIRKHAM MARITAL TRUST**, and acknowledged to me that she executed the same as such Trustee.



Katie Jo Becker
Notary Public for Idaho
Residing at Rixburg, ID
My Commission expires: 11-08-05

Acknowledgment by Trustee

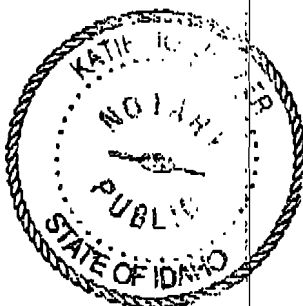
STATE OF IDAHO,

)
ss.

County of Jefferson.

)

On this 23 day of May, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **BEVERLY KIRKHAM HEINZ**, known to me to be person whose name is subscribed to the within instrument as the Successor Trustee of the **NELLIE MURRI KIRKHAM FAMILY TESTAMENTARY TRUST**, and acknowledged to me that he executed the same as such Trustee.



Katie Jo Becker

Notary Public for Idaho
Residing at Rexburg, ID
My Commission expires: 11-08-08

Acknowledgment by Trustee

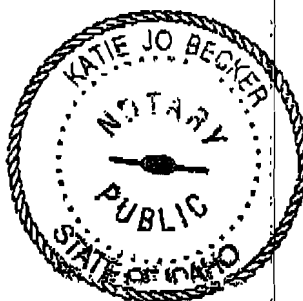
STATE OF IDAHO,

)
ss.

County of Jefferson.

)

On this 23 day of May, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared **BEVERLY KIRKHAM HEINZ**, known to me to be person whose name is subscribed to the within instrument as the Successor Trustee of the **DWAIN D. KIRKHAM TRUST**, and acknowledged to me that she executed the same as such Trustee.



Katie Jo Becker

Notary Public for Idaho
Residing at Rexburg
My Commission expires: 7/27/2007
11-08-08