

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

RECEIVED**OCT 04 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, 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
35-2857A					
35-2858B					

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) are 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)

Todd & Virginia Burke
 839 W 100th Blackfoot, Id.

4. New Owner/Claimant(s)

Brian & Kay Haynes

None (Connector Check one: [] and [] and/or [])

New Mailing Address

14 N 1800 W

City, State and ZIP Code

Pingree, Id 83262

New Telephone Number

208 684-3694

5. Date you acquired the property

6/17/05

SUPPORT DATA

IN FILE # 35-2857A

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) Brian Haymes
(include title if applicable)

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 <u>[Signature]</u>	Date <u>10/4/05</u>	Fee <u>\$25.00 + \$25.00</u>
Receipted by <u>[Signature]</u>	Date _____	Receipt No. <u>6079286 + 6080161</u>
Processed by _____	AJ Date _____	WR _____ Date _____

RECORDING REQUESTED BY
First American Title Company

554739

BLACKFOOT, IDAHO
FEE 3.00 DEP 7.00

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific
Blackfoot, ID 83221

005 JUN 17 PM 4:36

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 120076-B (vb)

Date: June 17, 2005

For Value Received, **W. Todd Burke and Virginia Burke, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Brian Haynes and Kay Haynes, husband and wife**, hereinafter called the Grantee, whose current address is **14 North 1800 West, Pingree, ID 83262**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

PARCEL I:
TOWNSHIP 2 SOUTH, RANGE 34 E.B.M., BINGHAM COUNTY, IDAHO
SECTION 7: W½

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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

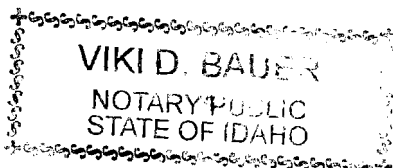
By: W. Todd Burke
W. Todd Burke

By: Virginia Burke
Virginia Burke

STATE OF Idaho)
SS.

COUNTY OF Bingham)

On this **Seventeenth day of June, 2005**, before me, a Notary Public in and for said State, personally appeared **W. Todd Burke and Virginia Burke**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Viki D. Bauer
Notary Public for the State of Idaho
Residing at: Blackfoot, ID
My Commission Expires: 03/29/08

554739

I hereby certify this to be a true and correct copy of the original.

FIRST AMERICAN TITLE COMPANY OF EAST IDAHO

BY: [Signature]

State of Idaho

Space Above This Line For Recording Date

REAL ESTATE MORTGAGE

(With Future Advance Clause)

1. DATE AND PARTIES. The date of this Mortgage is 08-15-2005 and the parties and their addresses are as follows:

MORTGAGOR:

BRIAN HAYNES AND KAY HAYNES, HUSBAND AND WIFE
14 NORTH 1800 WEST
PINGREE, ID 83262

☐ Refer to the Addendum which is attached and incorporated herein for additional Mortgagors.

LENDER:

THE BANK OF COMMERCE-BLACKFOOT
280 W. JUDICIAL, PO BOX 1048
BLACKFOOT, ID 83221

2. MORTGAGE. For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debt (hereafter defined), Mortgagor grants, bargains, sells and conveys to Lender the following described property:

SEE ATTACHED EXHIBIT (A)

The property is located in BINGHAM at 14 NORTH 1800 WEST & T2S, R34 E. SEC 7
(County)
W1/2 PINGREE Idaho 83262
(Address) (City) (Zip Code)

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, crops, timber, all diversion payments or third party payments made to crop producers, and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described above (all referred to as "Property"). The term Property also includes, but is not limited to, any and all water, wells, water, ditches, reservoirs, reservoir aites and dams located on the real estate and all riparian end water rights associated with the Property, however established.

Idaho - AGRICULTURAL/COMMERCIAL REAL ESTATE SECURITY INSTRUMENT MORTGAGE (NOT FOR FINRA, FINLNC, FINA OR FIA USE AND NOT FOR CONSUMER PURPOSES)

(page 1 of 8)

[Signature]

EXHIBIT (A)

(1) E1/2 of Section 36, Township 02 South, Range 32 E.B.M.

Including but not limited to:

Water Rights:

Decree 35-2523 for 2.62 CFS, priority of 2/06/1958 for 308 acres from well.

Decree 35-2213B for 2.25 CFS, priority of 11/13/1951 for 308 acres from well.

Irrigation Equipment:

75 hp US motor and Johnston turbine pump.

75 hp US motor and Johnston turbine pump.

(1) Zimmatic Pivot 1,280' long

(4) Handlines each 1,320' long

(1) Zimmatic Pivot 1,280' long

2,640' of 6"-8" diameter pvc mainline.

(2) W1/2 of Section 7, Township 2 South, Range 34 East

Including but not limited to:

Water Rights:

Decree 35-2857A for 4.45 CFS and 2,002.5 GPM, priority of 01/16/1967 for 296.5 acres from groundwater.

Decree 35-2858B for 1.47 CFS and 661.5 GPM, priority of 01/16/1967 for 296.5 acres from groundwater.

Irrigation Equipment:

200 hp US Electric motor s#1402761

Layne & Bowler turbine 150' long s#44382

(1) Valley Pivot, North 1280' long s#41323

(1) Valley Pivot, South 1280' long s#41135

3200' of 4" aluminum Handlines

3100' of 8"-10" diameter pvc mainline.

2600' of 6"-12" diameter tared steel mainline.

*already have
these water
rights*

BA