

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

RECEIVED

SEP 14 2005

WATER RESOURCES
WESTERN 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-22899					

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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**.
 Attachment A
- 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).
 Attachment B
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)	Logan and Doris Schirmer
	3708 Hwy 16, Eagle ID 83616
4. New Owner/Claimant(s)	AR Boise, LLC
	Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	110 East Gurley #200
City, State and ZIP Code	Prescott, AZ 86301
New Telephone Number	()
5. Date you acquired the property	July 29, 2005

Please see also Attachment C hereto.

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)

*William I. Brownlee, Member of MB Builders, LLC,
which is the Manager of FAR Boise, L.L.C.*

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>lg</u>	Date <u>9-14-05</u>	Fee <u>75.00</u>
Received by <u>lg</u>	Date <u>9-14-05</u>	Receipt No. <u>W033423</u>
Processed by _____	AJ Date _____	WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an “and” connector is used at Item 4, all parties must sign this form. If an “and/or” or “or” connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

251858
sem/HH



A Pioneer Company
PIONEER TITLE COMPANY
OF ADA COUNTY
8151 W. Rifleman Ave. / Boise, Idaho 83704
(208) 377-2700

ADA COUNTY RECORDER J. DAVID NAVARRO AMOUNT 9.00 3
BOISE IDAHO 08/01/05 02:37 PM
DEPUTY Vicki Allen
RECORDED-REQUEST OF
Pioneer
105106118

WARRANTY DEED

For Value Received Randy L. Gwynn, and unmarried man and Cindy L. Gwynn, an
unmarried woman

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

AR Boise, LLC, a Texas limited liability company

hereinafter referred to as Grantee, whose current address is 110 East Gurley #200, Prescott, AZ 86301
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

together with (i) all improvements owned by Grantor and located thereon, (ii) all rights, privileges, easements and appurtenances owned by Grantor appertaining to the premises, (iii) all water rights appurtenant to said premises, including without limitation Grantor's entire 0.67 share in the Farmers Union Ditch Company and all rights under water right number 63-22899 as registered with the Idaho Department of Water Resources, and (iii) all right, title and interest of Grantor (if any) in, to and under adjoining streets, rights of way and easements.

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

Randy L. Gwynn

Cindy L. Gwynn

STATE OF Idaho)

) SS.

County of Ada)

The foregoing instrument was acknowledged before me this 29 day of July, 2005 by Randy L. Gwynn and Cindy L. Gwynn personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

My Commission Expires: _____

RESIDING AT: CALDWELL, ID Notary Public
MY COMMISSION EXPIRES 05-05-2011

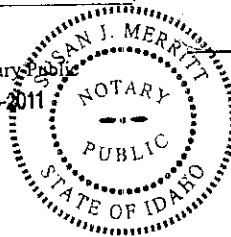


EXHIBIT "A"

LEGAL DESCRIPTION

Lot 3 in Block 1 of Gulch Ranch Estates according to the plat thereof filed in Book 61 of Plats at pages 6097 and 6098, records of Ada County, Idaho.

IRRIGATION RIGHTS

RESTRICTIVE COVENANTS

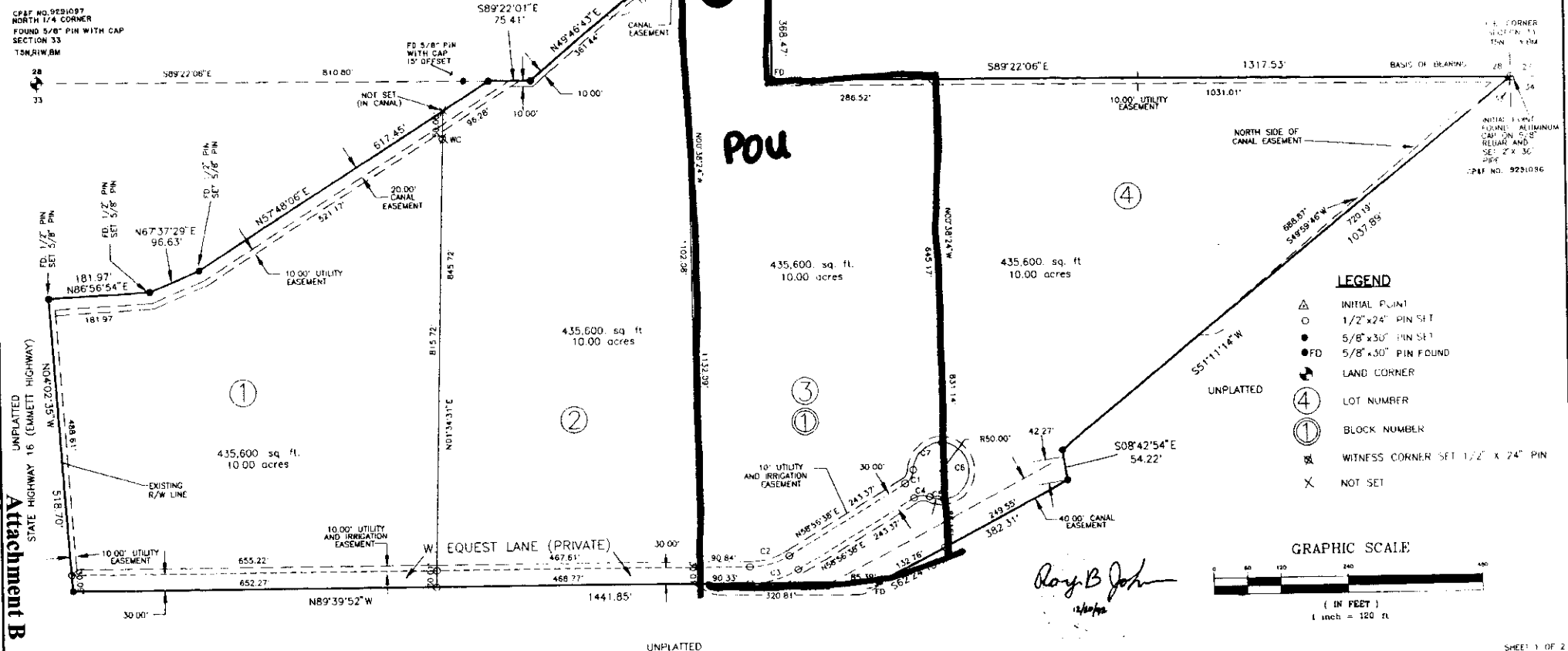
BUILDING SETBACKS

EASEMENTS

RE-SUBDIVISION

PRIVATE DRIVE EASEMENT

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	30.00'	29.20'	15.87'	28.06'	N33.13°E	55°01'0
C2	135.00'	29.20'	37.94'	73.37'	N74.38°E	31°23'30
C3	165.00'	90.40'	41.47'	85.23'	N74.38°E	31°23'30
C4	30.00'	29.20'	15.87'	28.06'	S86.49°W	55°46'16
C5	50.00'	25.25'	12.90'	24.98'	S79.44°W	28°55'45
C6	50.00'	150.84'	800.49'	99.81'	N00°30'E	172°51'06
C7	50.00'	76.33'	49.73'	79.56'	S48°53'W	89°45'41



ATTACHMENT C

NOTICE OF CHANGE OF OWNERSHIP WATER RIGHT 63-22899

AR Boise, LLC, recently acquired the property described in Attachment A. Water right number 63-22899 is currently held in the name of Logan and Doris Schirmer, rather than in the name of Randy and Cindy Gwynn, claimant's immediate predecessors. However, as Attachment C-1 shows, the Shirmer's deeded the property to Leonard Erdman and Kathleen Testolin, who in turn deeded the property to the Gwynn's. Unfortunately, none of the interceding property owners had changed ownership of the water right.

AR Boise, LLC requests that ownership of water right 63-22899 be changed to its name.



FA-107654/37

WARRANTY DEED

For Value Received

/also known as Leonard J. Erdman
Leonard Erdman, a single person, and Kathleen Testolin, a single person

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Randy L. Gwynn and Cindy L. Gwynn, husband and wife

hereinafter referred to as Grantee, whose current address is

1932 Star Lane, Meridian, ID 83642

the following described premises, to-wit:

Lot 3 in Block 1 of GULCH RANCH ESTATES, according to the Official Plat thereof, filed in Book 61 of Plats at Page 6097 and 6098, Official Records of Ada County,

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: December 9, 1996.

Leonard Erdman
Leonard Erdman

Kathleen Testolin
Kathleen Testolin

STATE OF *New Mexico*
COUNTY OF *Sandoval*

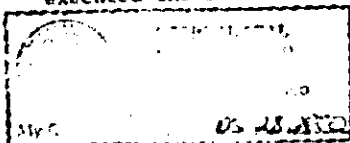
On this *14th* day of December, in the year 1996, before me, a Notary Public in and for said State, personally appeared Kathleen Testolin, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.



OFFICIAL SEAL
Rebecca M. McNeil
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires *1-19-2000*

State of _____
County of _____

On this *13th* day of December, 1996, before me, a notary public in and for said State, personally appeared Leonard Erdman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Rebecca M. McNeil
Notary Public
Residing at *1009 N. 1st St.*
Commission Expires *01-19-2000*

96104097

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID
FIRST AMERICAN TITLE CO.

'96 DEC 19 PM 4 12

REC'D *3:40* BY *Rebecca M. McNeil*
RECORDED AT THE REQUEST OF

Attachment C



A Pioneer Company

PIONEER TITLE COMPANY
OF ADA COUNTY

838 North Cole Road / Boise, Idaho 83704

ADA CLERK
J. DAVID AVAREO
BOISE ID

PIONEER TITLE CO.

94002646
1663000260
JAN 11 1994
FEE 3.00
RECORDED AT THE REQUEST OF

P-127675 DK/SR

WARRANTY DEED (INDIVIDUAL)

FOR VALUE RECEIVED LOGAN B. SCHIRMER and DORIS FAYE SCHIRMER, Husband and Wife,

Grantors, do hereby grant, bargain, sell and convey unto LEONARD ERDMAN and KATHLEEN TESTOLIN, both unmarried persons,

the Grantee, whose current address is: 8901 DEMOCRACY STREET, N.E., ALBUQUERQUE, NM 87109
the following described real property in ADA County, State of Idaho, more particularly described as follows, to-wit:
LOT 3 IN BLOCK 1 OF GULCH RANCH ESTATES, ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 61 OF PLATS AT PAGES 6097 AND 6098, RECORDS OF ADA COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, the Grantors are the owner in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (includes irrigation and utility assessments, (if any) for the current year, which are not yet due and payable, and that Grantors will warrant and defend the same from all lawful claims whatsoever.

Dated: January 04, 1994

Logan B. Schirmer
LOGAN B. SCHIRMER

Doris Faye Schirmer
DORIS FAYE SCHIRMER

STATE OF IDAHO, County of Ada, ss.

On this 4th day of January, in the year of 1994, before me Diane Kellogg, a notary public, per-

sonally appeared LOGAN B. SCHIRMER and DORIS FAYE SCHIRMER known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public: Diane Kellogg
Residing at: Boise, ID
My Commission Expires: 03/25/97

Attachment C