

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

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JAN 26 2005

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 |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <u>A22-11984</u>      |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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FEB 18 2005

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. \$25 -
- 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)

Lowell B. Curtis and/orJulina L. Curtis

4. New Owner/Claimant(s) Blackfoot Farms, L.C.

Mike R. Stears and/or AssigneeName Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

414 W 525 S 500 Huntsman Way

City, State and ZIP Code

Victor, Idaho 83455 Subalta City, UT

New Telephone Number

(801) 584-5864

5. Date you acquired the property

12/17/04

84108

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 _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| 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 _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*Don Whitt*  
*Blackfoot Farms, 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 JC Date 2-10-05 Fee \$25-  
 Received by JC Date 2-10-05 Receipt No. E030595  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

**RECEIVED**

DEC 17 2004

TETON CO., ID  
CLERK RECORDER**GRANT DEED**  
(A)**Instrument # 165240**

DRIGGS, TETON, IDAHO

2004-12-17

01:58:55 No. of Pages: 3

Recorded for: ALLIANCE TITLE &amp; ESCROW

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy *[Signature]*

Index to: DEED, GRANT

THIS INDENTURE is made this 15 day of December, 2004, between Lowell B. Curtis and Julina L. Curtis, husband and wife, the "Grantor", and Blackfoot Farms, L.C., whose mailing address is Attn: Tom Muir, 500 Huntsman Way, Salt Lake City, Utah, 84108, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

See Attached Legal Description

SUBJECT to all patent reservations, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and rights of way, easements and encumbrances of record, including but not limited to the following:

1. Each of the special exceptions on Schedule B-Section 2, Section C. Special Exceptions contained in Title Commitment No. 3040412909-G issued by Alliance Title & Escrow Corp, as updated December 9, 2004.
2. Any discrepancies between the described boundary and the fence lines as described on the record of survey performed by A W Engineering, as surveyed August 10, 2004, drawn August 17, 2004, and revised December 8, 2004, and the record of survey as surveyed July 27, 2004, drawn August 8, 2004, and revised December 1, 2004.
3. Subject to ditch easement that conveys water to adjoining property in the S½NW¼ of Section 26.

TOGETHER with all water rights appurtenant thereto, and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

**165240**

## DEED A

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.  
Section 23: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$

Beginning at the Northwest corner of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence South 40 rods; thence East 80 rods; thence North 12 rods; thence East 80 rods; thence North 28 rods; thence West 160 rods to the point of beginning. Excepting therefrom the rail road right of way.

Beginning at the Southwest <sup>q.s.</sup>corner of the Northeast Quarter of the Northwest Quarter of Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence North 52 rods; thence East 115 feet; thence Southeasterly along the railroad right of way to a point that is 560 feet East of the Southwest corner of the Northeast Quarter of the Northwest Quarter; thence West 560 feet to the point of beginning.

The South Half of the Northwest Quarter of the Northwest Quarter, Section 26, Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

The North Half of the Southeast Quarter; the Southwest Quarter; the East Half of the Northeast Quarter; and the Southwest Quarter of the Northeast Quarter of Section 27, Township 5 North, Range 45 East Boise Meridian, Teton County, Idaho.

Less and Excepting therefrom: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from John D. Killpack, Jr., et ux, by Warranty Deed dated May 11, 1910, filed for record December 3, 1912, in Book 10 of Deeds at Page 361 of the Records of Fremont County, Idaho, being described in said deed as follows:

A strip of land 100 feet wide, being 50 feet in width on each side of the centerline of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 23, Township 5 North, Range 45 East, Boise Meridian. The course of said centerline of main track being more particularly described as follows, to-wit: Beginning at a point in the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 23 and 372.2 feet Easterly from the Northwest corner thereof; thence South 31°01' East, 1562 feet to a point in the South line of said Section 23 and 1198 feet Easterly from the Southwest corner thereof.

Also excepting therefrom: All of that certain strip of land heretofore acquired by Yellowstone Park Railroad Company (predecessor to Oregon Short Line Railroad Company) from Pratt Ranch Company, et al, by Warranty Deed dated May 12, 1920 filed for record December 3, 1912 in Block 10 of Deeds at page 569 of the records of Fremont County, Idaho, being described in said deed as follows: "A strip of land 100 feet wide being 50 feet in width on each side of the center-line of main track of the Teton Basin Branch of the Yellowstone Park Railroad as located across the N  $\frac{1}{2}$  NW  $\frac{1}{4}$  of Section 25, Township 5 North, Range 45 East of the Boise Meridian.

The course of said centerline of main track being more particularly described as follows, to wit: Beginning at a point in the North line of said NW  $\frac{1}{4}$  of Section 26 and 1198 feet easterly from the Northwest corner thereof; thence South 32°1' East 868.4 feet; thence Southerly along a spiraled curve to the right with a radius of 1910.1 feet for a distance of 678.3 feet, more or less, to a point in the South line of NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of said Section 26 and 1953.2 feet, more or less, Easterly from the Southwest corner of the N  $\frac{1}{2}$  NW  $\frac{1}{4}$  thereof."

**RECEIVED****165241**

DEC 17 2004

TETON CO., ID  
CLERK RECORDERGRANT DEED  
(B)

Instrument # 165241

DRIGGS, TETON, IDAHO

2004-12-17

01:58:55 No. of Pages: 3

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NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy *[Signature]*

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WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

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SUBJECT to all patent reservations, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and rights of way, easements and encumbrances of record, including but not limited to the following:

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TOGETHER with all water rights appurtenant thereto, and all improvements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

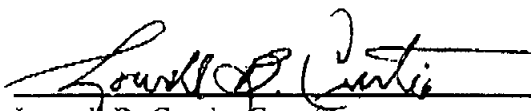
TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

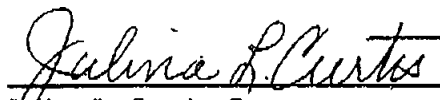
**165241**

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

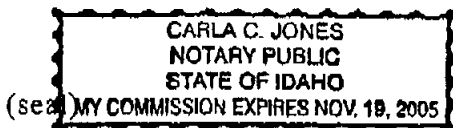
  
Lowell B. Curtis, Grantor

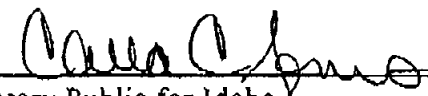
  
Julina L. Curtis, Grantor

STATE OF IDAHO            )  
                                  )ss.  
County of Teton            )

On the 15 day of December, 2004, before me, the undersigned, a notary public, in and for said State, personally appeared Lowell B. Curtis and Julina L. Curtis, husband and wife, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



  
Notary Public for Idaho  
Residing at: Briggs  
My Commission Expires: 11/19/05