

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

RECEIVED
SEP 13 2004
 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
421-11027					

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) ROBERT & NANCY WESTENSKOW
4. New Owner/Claimant(s) 725 SHADOW WOOD DR., MURRAY UT 84123
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Owner/Claimant(s) ROBERT AND NANCY WESTENSKOW FAMILY TRUST
- New Mailing Address 725 SHADOW WOOD DR.
- City, State and ZIP Code MURRAY, UT 84123
- New Telephone Number (801) 262-4849
5. Date you acquired the property 29 July 1991

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) Robert W. Westenskow TRUSTEE
(include title if applicable) Nancy Westenskow TRUSTEE

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 9-8-04 Fee \$25
 Received by JC Date 9-8-04 Receipt No. E030223
 Processed by _____ AJ Date _____ WR _____ Date _____

Certificate Of Trust Existence And Authority

To Whom It May Concern:

On the 13th day of June, 2003, the Settlor established The **ROBERT AND NANCY WESTENSKOW FAMILY TRUST** with **Robert W. Westenskow** and **Nancy L. Westenskow**, serving as duly acting and qualified Co-Trustees of said Trust.

The following provisions are found in said Trust Agreement and may be relied upon as a full statement of the matters covered in such provisions by anyone dealing with any of the original Trustees or their successors:

6.2 Investments. The Trustee may purchase, acquire or retain any kind of investment asset which a Trustee may hold under the law of the jurisdiction in which the Trust is being administered. The Trustee's actions in managing the assets of the Trust Estate shall be measured by the overall performance of the Trust Estate's assets, and not by the performance or lack of performance of individual assets.

6.3 Types of Transactions. The Trustee may sell, exchange, lease, pledge, mortgage, transfer, convert, or otherwise dispose of or grant options with respect to any properties of the Trust Estate. The Trustee may enter leases and contracts even though the term of the lease or contract may extend beyond the period fixed by statute for leases or contracts made by fiduciaries or beyond the duration of any trust hereunder.

6.4 Borrowing. The Trustee may borrow money from any source for the benefit of the Trust Estate, and as security for any such loan, may mortgage or pledge any property in the Trust Estate. The Trustee may loan money to the Trust provided the terms of the loan are no more beneficial to the Trustee than those terms that would be charged by a commercial lender in the community in which the Trust is being administered.

7.5 Resignation. Any Trustee may resign by giving thirty (30) days written notice to all of the beneficiaries who are at that time permissible distributees. The Trustee shall give notice to the natural or legal guardian for any legally disabled beneficiary. No resignation shall be effective until a successor Trustee accepts the office of Trustee and begins serving as the Trustee of the Trust involved.

7.6 Trustees. The following will act as original Trustees, and as successor Trustees in the following order of succession:

- (a) **Robert W. Westenskow and Nancy L. Westenskow.** If either should cease or fail to serve, the survivor shall serve alone.
- (b) **Bruce R. Westenskow**
- (c) **Teresa N. Porter**
- (d) **Cindy G. Dahl**

- (e) A Trustee chosen by the majority of the beneficiaries, with the natural or legal guardian voting for legally disabled beneficiaries.

Upon the death of the survivor of Settlor, the next listed Trustee shall automatically become Trustee. Thereafter, if a Trustee fails to accept trusteeship, dies or resigns, then the next listed Trustee shall automatically be appointed to serve as Trustee. In the discretion of the Trustee, additional Trustees may be added in the succession above indicated if more than two Trustees are desired. If an institutional trustee is appointed Trustee, then no successor Trustee to said institution need be appointed.

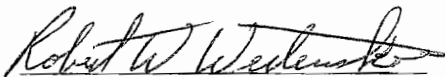
7.8 Delegation of Authority. A Trustee may from time to time delegate to one or more of the remaining Trustees, specific powers, duties or discretions, provided that the delegation is limited both in time and in the scope of the power, duty or discretion conferred. To be effective, any delegation must be in writing and must be delivered to the delegate or delegates. The delegation shall remain effective for the time specified or until earlier revocation in writing delivered to the delegate or delegates. Anyone dealing with the delegate shall be protected in relying upon the certificate of the Trustee setting forth the terms of the delegation.

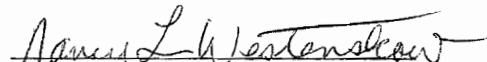
In confirmation and affirmation of the foregoing, the Settlor hereby state that the assertion by any Trustee hereinabove designated that (i) he/she is acting either alone or with another as a qualified Trustee, or (ii) he/she is acting with full delegated powers from a Co-Trustee, shall be sufficient on its face and no person shall be put to further inquiry into the right of such Trustee to so act.

Reproductions of this executed original (with reproduced signatures) shall be deemed to be original counterparts of this Certificate.

Dated this 13th day of June, 2003.

In Witness Whereof, the Settlor execute this Certificate of Trust Existence and Authority.


Robert W. Westenskow, Settlor
and Co-Trustee


Nancy L. Westenskow, Settlor
and Co-Trustee

State Of Utah)
: ss.
County Of Salt Lake)

Subscribed, sworn to and acknowledged before me by **Robert W. Westenskow**, Settlor and Co-Trustee and **Nancy L. Westenskow**, Settlor and Co-Trustee whose identities are known to me or proven on the basis of satisfactory evidence, this 13th day of June, 2003.

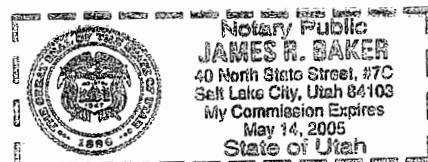

Notary Public

Residing At:

My Commission Expires:

511

MAY 14 2005



Microfilm No. 481949
20 Day June 2003
10:30 O'Clock A M
ABBIE MACE
3. FREMONT CO REC'D
Recorded at Request of
Nancy Westenskow

QUIT CLAIM DEED

Upon Recording Return to:

Robert W. Westenskow
725 Shadow Wood Drive
Murray, UT 84123.

THIS QUIT CLAIM DEED, Executed this 13th day of June, 2003 by first party, Robert W. Westenskow and Nancy L. Westenskow, husband and wife, whose post office address is, 725 Shadow Wood Drive, Murray, UT 84123, to second party, Robert W. Westenskow and Nancy L. Westenskow, Trustees of the ROBERT AND NANCY WESTENSKOW FAMILY TRUST, dated the 13th day of June, 2003, whose post office address is, 725 Shadow Wood Drive, Murray, UT 84123,

WITNESSETH, That the said first party, for good consideration and for the sum of \$10 Dollars paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim his interest unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Fremont, State of Idaho, to wit:

Lot 11, Block 58, ISLAND PARK SUBDIVISION, Division No. 1, Fremont County, Idaho, as per the recorded plat thereof.

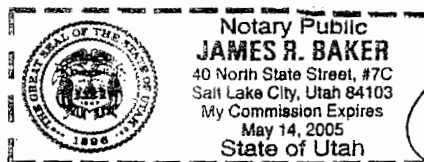
IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.

Robert W. Westenskow
Robert W. Westenskow

Nancy L. Westenskow
Nancy L. Westenskow

State of Utah)
SS:
County of Salt Lake)

On the 13th day of June, 2003 personally appeared before me, Robert W. Westenskow and Nancy L. Westenskow known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.



Notary Public
Residing in SLC
My commission expires: MAY 14, 2005

WARRANTY DEED

For Value Received DOUGLAS K. BARNES AND GINNY M. BARNES, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT W. WESTENSKOW AND NANCY L. WESTENSKOW, husband and wife

whose address is: 725 SHADOW WOOD DRIVE, MURRAY, UTAH 84123

Hereinafter called the Grantee, the following described premises situated in FREMONT County, Idaho, to-wit:

Lot 11, Block 58, ISLAND PARK SUBDIVISION, Division No. 1, Fremont County, Idaho, as per the recorded plat thereof.

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED
IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL
ON FILE AND OF RECORD IN MY OFFICE, SAME HAVING
BEEN FILED 7-29-91
ATTEST Aug 5 19 91
MICKIE FUNKE, CLERK OF THE DISTRICT COURT OF THE
SEVENTH JUDICIAL DISTRICT IN AND FOR FREMONT
COUNTY IDAHO. BY Claudette Miller DEPUTY

Microfilm No. 418956
29 Day July 19 91
At 11:01 O'clock A.M
MICKIE FUNKE
FREMONT CO. RECORDER
Fee \$ 3- CJA Deputy
Recorded At Request of
First American Title Company

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 their 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.

Dated: July 29, 1991

Douglas K. Barnes
DOUGLAS K. BARNES

Ginny M. Barnes
GINNY M. BARNES

STATE OF IDAHO)

COUNTY OF BONNEVILLE)

On this 29th day of July, in the year 1991, before me, a Notary Public in and for said State, personally appeared DOUGLAS K. BARNES and GINNY M. BARNES 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.

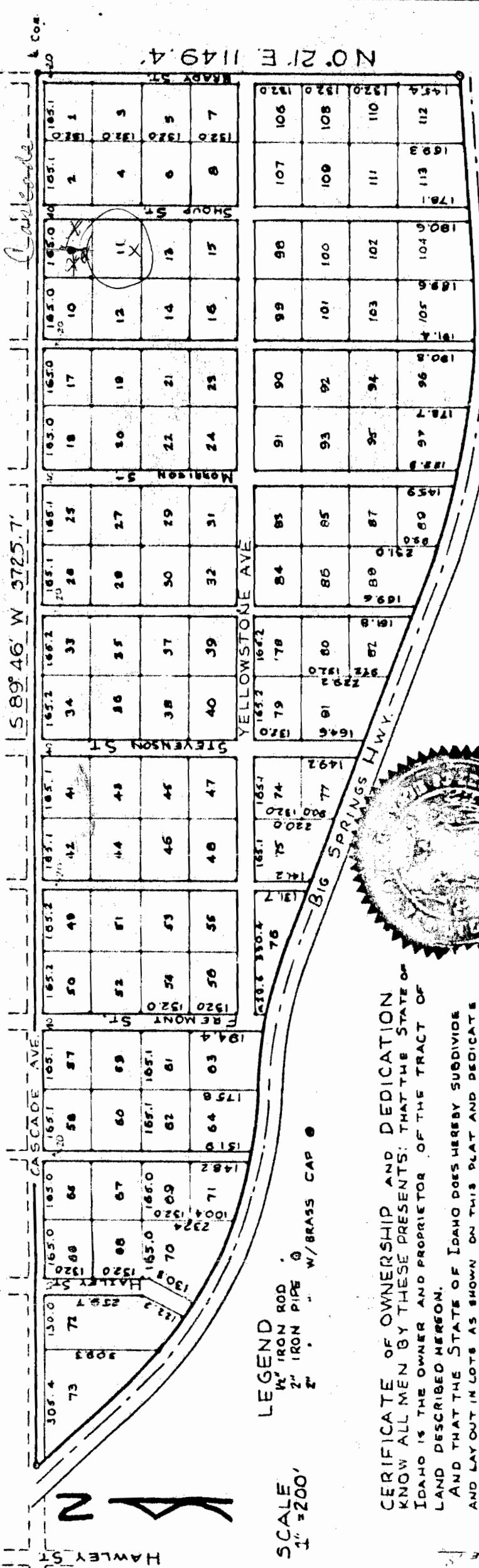
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Dianna Webb

Notary Public for: Idaho
Residing at: Idaho Falls
Commission Expires: 12/22/95

Sec. 36
T14N
R43E

ISLAND PARK SUBDIVISION
SOMETIMES CALLED FLAT ROCK



LEGAL DESCRIPTION
STARTING AT THE EAST 1/4 CORNER OF SECTION 36, T14N, R43E B.M., THENCE S 89° 46' W 3725.7' TO THE NORTHERLY RIGHT OF WAY OF STATE HIGHWAY NO 287 CALLED THE BIG SPRINGS HIGHWAY; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY TO THE EAST LINE OF SAID SECTION 36; THENCE N 0° 21' E 1149.4' TO THE POINT OF BEGINNING AND CONTAINING 70.2 ACRES MORE OR LESS ALL BEING IN THE N 1/4, S 1/4 SECTION 36, T14N, R43E B.M.

ENGINEERS CERTIFICATE

I RAYMOND T. MCHENER, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS PLAT OF ISLAND PARK SUBDIVISION, ADDITION NO. 3 HAS BEEN MADE BY ME FROM NOTES OF AN ACTUAL SURVEY MADE BY ME IN OCTOBER 1962 AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Raymond T. Mchener
Mar 18, 1963

CERTIFICATE OF ACCEPTANCE

THIS DEDICATION, PLAT AND DESCRIPTION OF ISLAND PARK SUBDIVISION ADDITION NO. 3 IS ACCEPTED FOR RECORD BY THE STATE OF IDAHO.

CERTIFICATE OF OWNERSHIP AND DEDICATION
KNOW ALL MEN BY THESE PRESENTS: THAT THE STATE OF IDAHO IS THE OWNER AND PROPRIETOR OF THE TRACT OF LAND DESCRIBED HEREON.

AND THAT THE STATE OF IDAHO DOES HEREBY SUBDIVIDE AND LAY OUT IN LOTS AS SHOWN ON THIS PLAT AND DEDICATE THE STREETS, ROADS, OR ALIYS AS SHOWN ON THIS PLAT TO THE USE OF THE PUBLIC FOREVER.

AND THAT THE STATE OF IDAHO DOES HEREBY ACCEPT AND ADOPT THIS PLAT.

IN WITNESS WHEREOF: I, ROBERT E. SMYLIE, THE GOVERNOR OF THE STATE OF IDAHO HAVE HEREUNTO SIGNED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IDAHO AND THE SEAL OF THE STATE BOARD OF LAND COMMISSIONERS TO BE HEREUNTO AFFIXED THIS 22 DAY OF March, 1963

Robert E. Smylie
Governor

Anna E. Smylie
Secretary of State

Olaf Gustafson
State Land Commissioner

STATE OF IDAHO)
COUNTY OF ADA)
ON THIS 22 DAY OF March, 1963, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED ROBERT E. SMYLIE, KNOWN TO ME TO BE THE GOVERNOR; AND ARNOLD WILLIAMS KNOWN TO ME TO BE THE SECRETARY OF STATE; AND O. J. BURTON KNOWN TO ME TO BE THE STATE LAND COMMISSIONER; OF THE STATE OF IDAHO, THE PERSONS WHO EXECUTED THE WITHIN INSTRUMENTS AND ACKNOWLEDGED TO ME THAT IN THEIR OFFICIAL CAPACITIES THEY EXECUTED THE SAME