

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

RECEIVED

JUL 28 2004

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, 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
29-11398					

 DEPARTMENT OF
WATER RESOURCES

AUG 02 2004

RECEIVED

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) Barry L. Keller
4. New Owner/Claimant(s) 1598 Del Mar Circle, Idaho Falls, ID 83404
Cynthia Keller-Peck and Jennifer K. Saathoff
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 4063 S. Mill Site Ave.
- City, State and ZIP Code Boise, ID 83716
- New Telephone Number (208) 343-4878
5. Date you acquired the property May 13, 2002

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)

Cynthia Keller Park
Jennifer Keller Smith

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>JC</u>	Date <u>7-28-04</u>	Fee <u>\$25 -</u>
Received by <u>JC</u>	Date <u>7-28-04</u>	Receipt No. <u>E030083</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

Send Property Tax Notices to:
Cynthia Keller-Peck
4063 South Mill Site Avenue
Boise, Idaho 83716

2-1

2030751

20307513

RECORDED AT REQUEST

FEE 6.00 DEPUTY 7M

Anderson, Hall, R.

2003 MAR 27 PM 12 0.

TRUSTEES' DISTRIBUTION DEED

Background

1. By trust agreement dated October 8, 2001, as amended (the "*Trust Agreement*"), Barry Lee Keller ("Barry"), as both grantor and trustee, created and placed in effect The Barry Keller Living Trust. By Warranty Deed dated October 8, 2001, and recorded in Bannock County as Instrument No. 20120626 on October 22, 2001, Barry conveyed to the trustee of The Barry Keller Living Trust the real estate described below and located in Bannock County, Idaho.

2. Barry died on May 13, 2002, and was survived by his spouse Nancy Keller ("Nancy"). Pursuant to that certain Change of Trustee for The Barry Keller Living Trust Dated April 29, 2002, Barry had resigned as trustee prior to his death and had designated as replacement trustees his two daughters, Cynthia Keller-Peck and Jennifer Keller Saathoff. A Registration of Trust dated August 8, 2002, for "The Barry Keller Living Trust u/a/d October 8, 2001" was filed in Bonneville County, Case No. CV02-3311, and confirms Cynthia Keller-Peck and Jennifer Keller Saathoff as co-trustees of the trust. By their signatures below, the undersigned hereby affirm that said Cynthia Keller-Peck and Jennifer Keller Saathoff are the current trustees of the trust.

3. Although Nancy as the surviving spouse of Barry agrees that the following-described property was Barry's separate property, she executes this deed as a grantor to eliminate any question on that issue as a matter of record. As set forth in the Exchange and Distribution Agreement Among Heirs dated January __, 2003, the parties agreed that the trust's interest in the following-described property would be distributed to Cynthia Keller-Peck and Jennifer Keller Saathoff in equal shares as provided herein.

Distribution Deed

GRANTORS, CYNTHIA KELLER-PECK and JENNIFER KELLER SAATHOFF, as co-trustees of The Barry Keller Living Trust u/a/d October 8, 2001, joined by NANCY KELLER for the purpose of confirming ownership as set forth herein, for the reasons set forth above and for other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT and CONVEY to the following GRANTEE all of GRANTORS' right, title and interest in the following described real estate, with 50% of Grantors' interest to GRANTEE CYNTHIA KELLER-PECK, of 4063 South Mill Site Avenue, Boise, Idaho 83716, and 50% of Grantors' interest to GRANTEE JENNIFER KELLER SAATHOFF, of 78 East 1720 North, Layton, Utah 84041:

Lot #16, Phase 1, LAVA RANCH SUBDIVISION, Bannock County, Idaho,
as the same appears on the official plat thereof, filed in the office of the
County Recorder of Bannock County, Idaho

TOGETHER with all improvements, water, water rights, easements, hereditaments, and appurtenances thereto, and subject to such rights, easements, covenants, restrictions, and zoning regulations as appear of record or based upon the premises.

ORIGINAL

Pursuant to Idaho Code § 2-906 and the provisions of the *Trust Agreement*, the property distributed from the trust hereunder shall be received by each Grantee as her sole and separate property, with the income, rents, issues and profits thereon to remain her sole and separate property subject to any change made in writing by such Grantee.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument on the day set forth in each Grantor's notary block

20307513

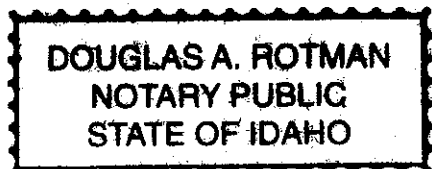
Nancy Keller
NANCY KELLER

Cynthia Keller-Peck
CYNTHIA KELLER-PECK, co-trustee of THE
BARRY KELLER LIVING TRUST u/a/d 10/8/01

Jennifer Keller Saathoff
JENNIFER KELLER SAATHOFF, co-trustee of THE
BARRY KELLER LIVING TRUST u/a/d 10/8/01

STATE OF IDAHO)
Ada, IDA) ss
County of Bonneville)

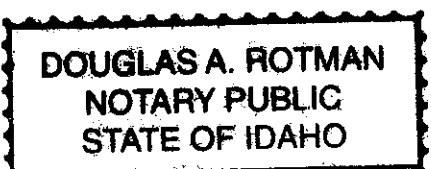
On this 18th day of March, 2003, before me, a Notary Public for said state, personally appeared NANCY KELLER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same IN WITNESS WHEREOF, I have set my hand and affixed by official seal the day and year first above written



Douglas A. Rotman
Notary Public
Residing At: Boise, ID
My Commission Expires: 03-Aug-07

STATE OF IDAHO)
Ada, IDA) ss
County of Bonneville)

On this 18th day of March, 2003, before me, a Notary Public for said state, personally appeared CYNTHIA KELLER-PECK, known or proved to me to be the CO-TRUSTEE of The Barry Keller Living Trust u/a/d October 8, 2001, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity as co-trustee of such trust IN WITNESS WHEREOF, I have set my hand and affixed by official seal the day and year first above written

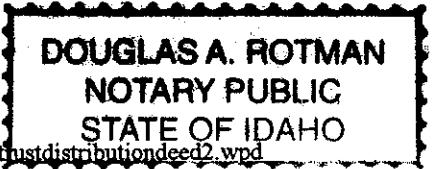


Douglas A. Rotman
Notary Public
Residing At: Boise, ID
My Commission Expires: 03-Aug-07

STATE OF Idaho)
) ss
County of Ada)

On this 18th day of March, 2003, before me, a Notary Public for said state, personally appeared JENNIFER KELLER SAA IHOFF, known or proved to me to be the CO-TRUSTEE of The Barry Keller Living Trust u/a/d October 8, 2001, and the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity as co-trustee of such trust.

IN WITNESS WHEREOF, I have set my hand and affixed by official seal the day and year first above written



Douglas A. Rotman
Notary Public
Residing At: Boise, ID
My Commission Expires: 03-Aug-07

L:\srp\5001\trustdistributiondeed2.wpd

WARRANTY DEED

20120626

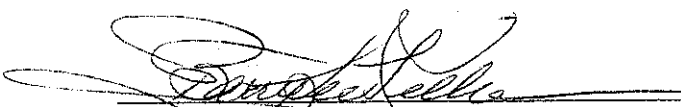
GRANTOR, BARRY LEE KELLER, also known as BARRY L. KELLER, of Bonneville County, Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto BARRY LEE KELLER, or his successors, as trustee of THE BARRY KELLER LIVING TRUST under agreement dated October 6, 2001, whose current mailing address is 1598 Delmar Circle, Idaho Falls, Idaho 83404, as GRANTEE, and to Grantee's successors and assigns forever, all of the following described real estate located in Bonneville County, Idaho:

Lot #16, Phase 1, LAVA RANCH SUBDIVISION, Bannock County, Idaho, as the same appears on the official plat thereof, filed in the office of the County Recorder of Bannock County, Idaho.

TOGETHER with all improvements, water, water rights, easements, hereditaments, and appurtenances thereto, and subject to such rights, easements, covenants, restrictions, and zoning regulations as appear of record or based upon the premises.

GRANTOR, for himself, his successors and assigns, does hereby covenant, warrant, and shall defend the quiet and peaceable possession of said premises by GRANTEE, its successors and assigns forever against all lawful claims of all persons

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed his name to this instrument this 6 day of October, 2001.

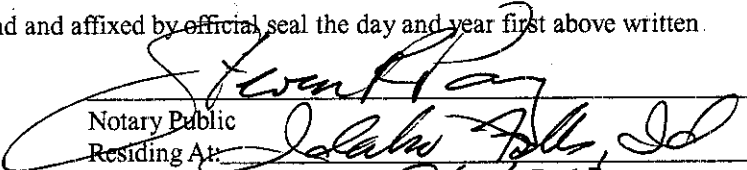

BARRY LEE KELLER, Grantor

STATE OF IDAHO)
) ss.
County of Bonneville)

On this 8th day of October, 2001, before me, a Notary Public for said state, personally appeared BARRY LEE KELLER, known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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




Notary Public

Residing At: Idaho Falls, ID

My Commission Expires: 7/1/2003

I:\srp\5001\special\wardeed6

NO 20120626
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW
2001 OCT 22 PM 3 44
BOOK NO 796
BANNOCK COUNTY IDAHO
LARRY W. GILBERT RECORDED
FEE 3