

RECEIVED
APR 13 2004STATE OF IDAHO
Department of Water Resources
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

APR 06 2004

Department of Water Resources
Eastern RegionPlease 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
<u>22-11034</u>	<u>A-22-11034</u>	—	_____	_____	_____
<u>22-02194</u>	<u>A-22-02194</u>	<u>B</u>	_____	_____	_____
<u>22-02273</u>	<u>A-22-02273</u>	—	_____	_____	_____
<u>22-10982</u>	<u>A-22-10982</u>	<u>\$25</u>	_____	_____	_____
<u>22-10979</u>	<u>A-22-10979</u>	<u>\$25</u>	_____	_____	_____

2. The following REQUIRED information must be submitted with this form:

A. The appropriate FILING FEE. See instructions for fee amounts.

\$50

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)

Cornelison and Olsen Partnership
P.O. Box 817 Rexburg, ID

4. New Owner/Claimant(s)

Wilcox Brothers LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1110 Golden Beauty Dr.

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 356-7563

5. Date you acquired the property

Feb. 4, 2000

SUPPORT
IN FILE # 22-10979

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) *Tommy Wilson*
(include title if applicable) *Member*

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 *JS* Date *4-6-04* Fee *5.50-*
 Received by *JS* Date *4-6-04* Receipt No. *E029684*
 Processed by _____ AJ Date _____ WR _____ Date _____

282406

First American Title Company
M & J 26785-B

SECOND MORTGAGE OF REAL PROPERTY

THIS INDENTURE, made between Wilcox Brothers, L.L.C., an Idaho Limited Liability Company whose mailing address is 30 Golden Beauty Drive, Rexburg, Idaho 83440, hereinafter termed Party of the First Part, and Cornelison & Olsen Partnership, an Idaho general partnership, whose partners are Keith Cornelison and Ronald Olsen whose mailing address is P.O. Box 396, Rexburg, Idaho, 83440, hereinafter termed Party of the Second Part,

WITNESSETH:

That the said Party of the First Part, for and in consideration of the sum of FIVE HUNDRED FORTY THOUSAND DOLLARS and NO/100 (\$540,000.00) lawful money of the United States of America, does by these presents grant, bargain, sell and convey unto the said Party of the Second Part, and to its heirs and assigns forever, all that certain real property situate in the County of Madison, State of Idaho, and bounded and particularly described as follows, to-wit:

PARCEL 2: Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho.
Section 26: The East 342 feet of said Section;
Section 35: The East 342 feet of the NE1/4NE1/4;
Section 25: W1/2; SE1/4, LESS THE FOLLOWING PROPERTY: Starting at the point of the Southwest corner of the SE1/4 of Section 25, then running North 275 feet; thence East 160 feet; thence South 275 feet; thence West 160 feet to the point of beginning.

Section 24: Commencing at a point approximately 1419 feet East of the Northwest corner of the Southwest Quarter and running thence South 30°9' East approximately 974 feet; thence South 22°40' East 970 feet; thence South 49° East 145 feet; thence South 1°18' East 805 feet, more or less, to the South line of said Section; thence South 89°6' East 380 feet to the Southeast corner of the Southwest Quarter; thence North approximately 2640 feet to the center of said Section; thence West approximately 1221 feet to the point of beginning.

ALSO: Commencing at a point approximately 792 feet East of the Northwest corner of the Southwest Quarter and running thence East 627 feet; thence South 30°09' East approximately 974 feet; thence South 22°40' East 970 feet; thence South 49° East 145 feet; thence South 1°18' East 805 feet, more or less, to the South line of said Section; thence West 363 feet to the East line of the County Road; thence Northwesterly along the East line of said County Road 2871 feet, more or less, to the point of beginning.

Section 36: W1/2

PARCEL 3:

Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho:
Section 24: SE1/4

Township 5 North, Range 41 East, Boise Meridian, Madison County, Idaho:
Section 30: Lots 2, 3 and 4; SE1/4 NW1/4; E1/2 SW1/4

PARCEL 4: Starting at the point of the Southwest corner of the Southeast quarter of Section 25, Township 5 North, Range 40 East, running thence North 275 feet; thence East 160 feet; thence South 275 feet; thence West 160 feet to the point of beginning.

Together with all water and water rights, namely,

Idaho Department of Water Resources Permit Numbers:

A 22-02194 A; A 22-02194 B; A 22-11034; A 22-10939; A 22-02273; A 22-11034; A 22-10979; A 22-10982; A-22-02247; A-22-11034 (expansion of A 22-02273); A-22-07073.

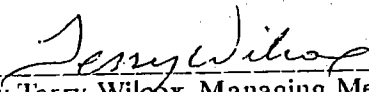
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or appertaining, SUBJECT HOWEVER, to all easements and rights-of-way-appearing on such premises or of record, reservations in favor of the United States or the State of Idaho.

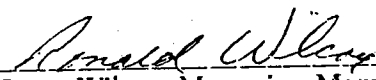
THIS GRANT is intended as a mortgage to secure the payment of \$540,000.00 due Second Party pursuant to an Agreement of Sale of even date herewith between the parties, executed by the said Party of the First Part as Buyer and the said Party of the Second Part as Seller. These presents shall be void if such payment is made. In case default shall be made in the payment of said principal sum of money or any part thereof or the interest thereon, after thirty (30) days notice as provided in said Agreement of Sale, or if default be made in the performance of any of the covenants, conditions or agreements herein contained, then it shall be optional with the said Party of the Second Part, its executors, administrators or assigns, to consider the whole of said principal sum as immediately due and payable; and immediately to enter into and upon all and singular the above described premises, and to sell and dispose of the same according to law, and out of the money arising from such sale to retain the principal and interest which shall then be due under said Agreement of Sale, together with the costs and charges if a foreclosure suit, including reasonable attorney's fees and also the amounts of all such payments of taxes, assessments, encumbrances, or insurance as may have been made by said Party of the Second Part, its heirs, executors, or assigns, with the interest on the same, rendering the overplus of the purchase money (if any there shall be) unto the said Party of the First Part, its heirs, executors, administrators or assigns.

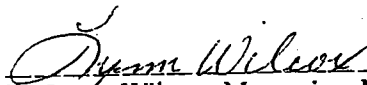
The payment for which this mortgage is security is due pursuant to Section Three of the Agreement of Sale entered into the parties upon February 4th, 2000.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set its hand and seal the day and year first above written.

WILCOX BROTHERS, L.L.C.


By Terry Wilcox, Managing Member


By ~~Lynn~~ Wilcox, Managing Member
Ronald


By Lynn Wilcox, Managing Member