

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

RECEIVED
MAY 12 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
13-4135					

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**.
(Warranty Deed Attached)
- 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)

Alvin E. Kackley & Ellis N. Kackley
670 William T. Woodman
P.O. Box 61, Rupert, ID. 83350

4. New Owner/Claimant(s)

Gilbert Farms, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1805 Power Plant Road

City, State and ZIP Code

Groce, ID. 83241

New Telephone Number

(208) 425-3332

5. Date you acquired the property

2/4/02

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) Gilbert Farms, LLC
(include title if applicable)

By Dan W. Gilbert
Dan W. Gilbert, Manager

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>AM</u>	Date <u>5/12/04</u>	Fee <u>\$ 25.00</u>
Received by <u>AM</u>	Date <u>5/12/04</u>	Receipt No. <u>COR839</u>
Processed by _____	AJ Date _____	WR _____ Date _____

Mail Tax Notices to:
Gilbert Farms, LLC
1805 Powerplant Road
Grace, ID 83241

STATE OF IDAHO 165260

County of Caribou

I hereby certify that this instrument was filed at the request
of Caribou Title
at 2:40 o'clock P m this 4 day of
February, 2002 in my office and duly
recorded official Records

Recorder Edie Izatt

Denise Hersley
Signature Deputy 1500

WARRANTY DEED

For Value Received **ALVIN E. KACKLEY AND ELLIS N. KACKLEY,**
both single persons, the grantors of Tucson, Arizona, do hereby
grant, bargain, sell and convey unto **GILBERT FARMS, LLC,** of Grace,
Caribou County, Idaho, the grantee, the following described
premises located in Caribou County, Idaho, to-wit:

Township 10 South, Range 40 East of the Boise Meridian:

Section 21: E $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT THEREFROM, Beginning at a point
on the North boundary line of the SW $\frac{1}{4}$ of said Section
21, Township and Range aforesaid, said point being
marked by concrete block 8 inches square on top, 26
inches long bearing lead plug on which is stamped No.
"3" whence Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said
Section 21 bearings North 89°03' West on said Section
line 77.2 feet;
thence South 89°03' East on said Section line
1581.5 feet to a point;
thence South 46°55' West 1202.6 feet to a point;
thence South 10°12' East 568.3 feet to a point;
thence South 73°42' West 175 feet to a point marked by
a concrete monument similar to one described above
and stamped No. "4";
thence North 23°25' West 1588.8 feet;
to the point of beginning.
ALSO, EXCEPT THEREFROM, Beginning at the center of
the SW $\frac{1}{4}$ of Section 21, Township and Range aforesaid,
thence North 1349 feet, more or less, to the
Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21;
thence East 77.4 feet;
thence South 24°18' East 1588.8 feet;
thence South 72°59' West 868.3 feet, more or less,
to the Bear River;
thence Northerly along bank of said River
approximately 350 feet to the Northerly boundary
line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21;
thence East 98 feet, more or less,
to the point of beginning.
ALSO, EXCEPT THEREFROM, Beginning at a point in the
South boundary of the right of way purchased by The
Telluride Power Co., said point bearing South 73°42'
West 475 feet from monument No. 4;
thence South 01°25' West 463.1 feet to said point;
thence North 89°17' West 372.2 feet to a point on
the river bank;

thence North 01°01' East 348 feet along the East bank
 Bear River to the Southwest corner of the above
 mentioned Telluride Power Company's right of way;
 thence North 73°42' East 393.248 feet, more or less,
 along said right of way;
 to the point of beginning.

ALSO, EXCEPT THEREFROM, Beginning at channel and
 center of the bed of Bear River where same is
 intersected by Northerly boundary line of Section 28,
 Township and Range, aforesaid;

thence South 87°53' East 513 feet;

thence North 628 feet, more or less, to concrete
 property monument marked "201" which monument is
 set on Southerly boundary of tract of land now
 owned by Utah Power & Light Company;

thence North 89°17' West 438 feet, more or less, to
 channel and center of bed of the Bear River;

thence Southwesterly along the channel and center of
 bed of the Bear River 625 feet, more or less,
 to the point of beginning.

ALSO, EXCEPT THEREFROM, Beginning on the South
 boundary of Section 21, Township and Range aforesaid,
 at a point 1452.0 feet South 87°53' East from the
 Southwest corner of said Section 21, which point is on
 the Eastern boundary of property owned by Utah Power
 & Light Company;

thence running South 87°53' East 884.0 feet;

thence North 535.0 feet;

thence North 12°48' West 800.0 feet;

thence South 73°42' West 750.0 feet;

thence South 01°25' East along the East boundary of
 the property of Utah Power & Light Company, 1091.0
 feet,

to the point of beginning.

Section 28: W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

EXCEPT THEREFROM, a strip of land 200 feet wide, being
 100 feet on each side of a centerline described as
 follows:

Beginning at a point on the Southerly boundary line
 of Section 28, Township and Range aforesaid, said
 point being North 89°00' West 3836.6 feet from the
 Southeast corner of said Section 28;

thence North 13°55' East 543 feet;

thence North 11°07' West 809 feet;

thence North 16°45' West 767 feet;

thence North 05°51' East 784 feet;

thence North 10°38' West 1206 feet to the South line
 of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 28,

to the point of beginning.

ALSO, EXCEPT THEREFROM, Beginning at the Northwest
 corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28, Township and
 Range aforesaid, which corner is marked "C-2";

thence running South 87°53' East 497.6 feet;

thence South 10°18' West 232.0 feet;

thence South 43°58' West 680.5 feet;
 thence North 01°39' East 738.2 feet,
 to the point of beginning.

ALSO, EXCEPT THEREFROM, a tract of land in the SE¼SW¼ of said Section 28, Township and Range aforesaid, lying and being between the West line of Utah Power & Light land and the West line of the SE¼SW¼ of said Section 28, and being more particularly described as follows:

Beginning at a point 90.8 feet North and 3932 feet West from the Southeast corner of said Section 28, said point being on the West line of said SE¼SW¼;
 thence running North 13°55' East 520.8 feet;
 thence North 11°07' West 557.8 feet to the West line of said SE¼SW¼;
 thence South 01°03' West along the West line of said SE¼SW¼ 1060 feet,
 to the point of beginning.

Section 33: NE¼, E½NW¼, E½SW¼, W½SE¼, NE¼SE¼, EXCEPT THEREFROM, Beginning at a point North 89°00' West 3933 feet from the Northeast corner of said Section 33, Township and Range aforesaid;
 thence South 01°13' West 2010 feet along the West boundary of the E½NW¼ of said Section 33;
 thence South 89°00' East 670 feet;
 thence North 01°13' East 1340 feet;
 thence North 89°00' West 233.5 feet;
 thence North 24°58' West 614 feet;
 thence North 13°55' East 121 feet;
 thence North 89°00' West 192.2 feet,
 to the point of beginning.

ALSO, EXCEPT THEREFROM, a tract of land in Sections 28 and 33, Township and Range aforesaid, being more particularly described as follows:

Beginning at a point which is South 89°00' East 1311.0 feet and South 52°54' East 209.33 feet from the Northwest corner of said Section 33, and running
 thence South 24°47' East 332.94 feet;
 thence North 14°06' East 528.20 feet;
 thence North 75°54' West 209.00 feet;
 thence South 14°06' West 270.00 feet,
 to the point of beginning.

TOGETHER with all water and water rights appurtenant thereto, including, but not limited to the following:

1150 shares of stock of Last Chance Canal Company
 1150 shares of stock of Bench Canal Company
 1150 shares of First West Lateral Canal Company

Claim No. 13 4135 filed with the Idaho Depart of Water resources for an unnamed spring with up to 4.0 cfs of irrigation water and .26 cfs of stock water and the water from "Kackley" Spring.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: ~~December 20, 2001.~~

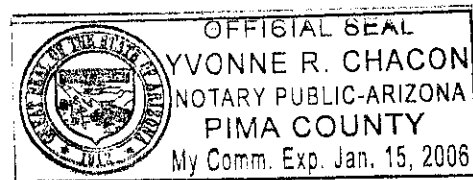
1/19/02


ALVIN E. KACKLEY

STATE OF ARIZONA)
 : ss.
County of Pima)

On this 19th day of January 2002, before me the undersigned, a notary public in and for said County and State, personally appeared ALVIN E. KACKLEY, a single man, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

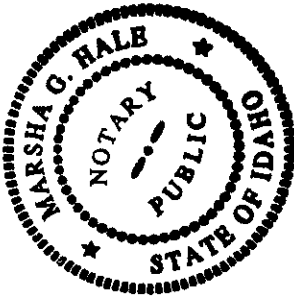

NOTARY PUBLIC FOR THE STATE OF AZ
Residing at: Tucson, AZ
My commission expires: 1/15/06



Ellis N. Kackley
ELLIS N. KACKLEY

STATE OF IDAHO)
 : ss.
County of Ada)

On this 7th day of December, 2001, before me, the undersigned, a notary public in and for said county and state, personally appeared **ELLIS N. KACKLEY**, a **single man**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Marsha G. Hale
NOTARY PUBLIC for the State of ID
Residing at Boise, ID
My commission expires: 1/2/7