

MEMO

FROM: Jim Stanton

DATE: 1-7-05

TO: File

SUBJECT: Splits of 43-4087 & 43-4088 By Change of Ownership, L Hangin C Land LLC

At the request of Peter Grush, I calculated the splits of these water rights, which was then incorporated into the attached Memorandum signed by the various parties. Hal Anderson owns the land and water rights mentioned above. Peter Grush's son Joseph is buying all of the land under the name of L Hangin C Land. Each of the 2 adjacent farms has a large pivot sprinkler, leaving 4 15-acre corners under each right that will not be irrigated (according to ArcView). Anderson is retaining the water rights on these corners until such time as Peter Grush is financially able to buy these rights for transfer to another farm further west that he leases. Peter Grush has filed App for Transfer 71669 a week ago with the understanding that it would not be approved until he gets legal possession of these rights. The transfer split these two rights into 43-13378 to 43-13381, with 13378 & 13380 being the untransferred portions that will belong to L Hangin C. The attached ArcView map shows what is happening. The corners that Peter Grush will dry up under the proposed transfer are labeled "~~Anderson~~ 15 Ac". I have already shown L Hangin C as the owner of the pivot rights as part of data-entering the transfer.

I am including this additional explanation and map with the Change of Ownership, as this is a bit complicated without knowing the whole story. Hope this helps. My theory is that the COO is needed to change ownership of the untransferred parts of these rights, while the transfer will cover the transferred parts. Hopefully you can use the same numbers created by the transfer. The assumption is that Peter Grush will own the corner rights by next summer, so the transfer could be approved by late summer or fall.

R. 27E

Grush
15 Ac

Grush
15 Ac

L Hangin C Land
300 Ac 43-13378

Sec. 14

T. 13S

15 Ac
Grush
Grush
15 Ac

15 Ac
Grush
Grush
15 Ac

POD

L Hangin C Land
300 Ac 43-13380

POD

15 Ac
Grush

15 Ac
Grush

Sec. 23

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

RECEIVED
JAN 03 2005
 Department of Water Resources
 Southern 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-4028</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>43-4087</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>43-4088</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

C O P Y
FOR YOUR FILES

- 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) 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) American West Enterprises, Inc.
2142 South 2450 East
Malta, ID 83342

4. New Owner/Claimant(s) L Hangin C Land LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 2299 South Highway 81

City, State and ZIP Code Malta, ID 83342

New Telephone Number (208) 645-2674

Date you acquired the property November 30, 2004

517

#39466

CORPORATE WARRANTY DEED

RECEIVED
JAN 03 2005Department of Water Resources
Southern Region

FOR VALUE RECEIVED,

American West Enterprises, Inc.

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

L Hangin C Land LLC, an Idaho limited liability companyAddress: **2299 South Highway 81**
Malta, Idaho 83342

GRANTEE, the following described real estate, to-wit:

PARCEL NO. 1:TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHORECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

2004 DEC 17 PM 3 14

FEE
RECORDER
DEPUTYCASSIA COUNTY, IDAHO
LARRY A. MICKELSEN

299517

Section 14: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SAVE AND EXCEPT the following described tract:Beginning at a point where the mid section line joins the West boundary line
of said Section 14, being the Northwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of
said Section 14;

Thence East 100 feet;

Thence South 100 feet;

Thence West 100 feet;

Thence North 100 feet to the Point of Beginning.

Section 23: NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SAVE AND EXCEPT the following described tract:Beginning at the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23;

Thence North 467 feet;

Thence East 467 feet;

Thence South 467 feet;

Thence West 467 feet to the True Point of Beginning.

PARCEL NO. 2:TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHOSection 23: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:Beginning at the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 23;

Thence North 467 feet;

Thence East 467 feet;

Thence South 467 feet;

Thence West 467 feet to the True Point of Beginning.

TOGETHER WITH all ditches and ditch rights used thereon or appurtenant thereto including State of Idaho, Department of Water Resources Water Right Adjudication Nos. 43-4087, 43-4088 and 43-4176.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2004.

Terms and conditions of Easement Creating Right-of-Way between Joseph Hill, a married man whose wife's name is Rozanna S. Hill and Richard Hill, a married man whose wife's name is Arlene Hill, both doing business as Hill Brothers, a co-partnership, party of the first part, and Hal T. Anderson and Brooke R. Anderson, husband and wife, and Jack A. Rampton and Alice Rampton, husband and wife, party of the second part, dated February 12, 1982 and recorded February 16, 1982 as Instrument No. 141131 on Film No. 147, records of Cassia County, Idaho.

Easement as disclosed by Special Warranty Deed executed by Key Bank Of Utah fka Commercial Security Bank, a corporation to Hal T. Anderson and/or Brooke R. Anderson, dated January 26, 1993 and recorded February 1, 1993 as Instrument No. 222977 on Film No. 241, records of Cassia County, Idaho.

Effects, if any, of Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Hill Brothers, Consumer, dated March 18, 1996 and recorded March 28, 1996 as Instrument No. 241904 on Film No. 275; re-recorded April 3, 1996 as Instrument No. 242000 on Film No. 275, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Electric Cooperative Inc., an Idaho rural electric Cooperative of Malta, Seller and Radio Logical Billing Service Pension Trust, Consumer, dated October 3, 1997 and recorded November 14, 1997 as Instrument No. 252154 on Film No. 293, records of Cassia County, Idaho.

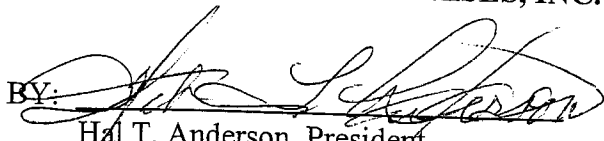
Agreement For Electric Service between Raft River Electric Cooperative Inc., an Idaho rural electric Cooperative of Malta, Seller and Radio Logical Billing Service Pension Trust, Consumer, dated October 3, 1997 and recorded November 14, 1997 as Instrument No. 252155 on Film No. 293, records of Cassia County, Idaho.

Memorandum RE: Certain Water Rights To Be Transferred recorded December 17, 2004 as Instrument No. 299516 records of Cassia County, Idaho.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

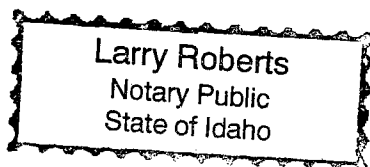
IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President this 17th day of December, 2004.

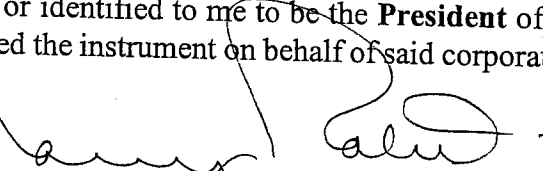
AMERICAN WEST ENTERPRISES, INC.

BY: 
Hal T. Anderson, President

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 17th day of December, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **Hal T. Anderson**, known or identified to me to be the **President** of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.





Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-09