

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 1-10393  
Date Received: 10/2/00  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BEAR CREST LLC Phone:

PO BOX 413  
REXBURG ID USA 83440

BEAR CREST LLC Phone:

PO BOX 413  
REXBURG ID USA 83440

2. Date of Priority: 06/01/1887

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  |
|----------|-------|---------|-----------------------|---------|
| 05N      | 39E   | 35      | SE NE SE              | MADISON |

5. Description of diverting works:

HEADWROKS OF LIBERTY PARK CANAL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 1.9    |            |

7. Total Quantity Appropriated is:  
1.9 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

A0110393



| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 39E   | 28      | NE         | NE  | IRRIGATION    | 30    |
|          |       |         | NW         | NE  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 40    |
|          |       |         |            |     | Total Acres   | 40    |

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

**THIS IS A SPLIT OF 01-49A BY CHANGE OF OWNERSHIP. THIS RECORD ALSO INCORPORATES AMENDMENTS MADE TO 01-49A WHICH WERE NOT INCLUDED ON THE ELECTRONIC RECORD.**

THIS CLAIM IS FOR A PORTION OF DECREED RIGHTS WHICH ARE DELIVERED VIA A CARRIAGE AGREEMENT WITH LIBERTY PARK CANAL AND COMINGLED ON A PERMISSIBLE PLACE OF USE BASIS WITH CANAL SHARES. THE ORIGINAL CLAIM WAS FOR 53 ACRES WITHIN 117 ACRES, USING 4.0 CFS OF WATER. THIS PORTION OF CLAIM IS FOR 25.2 ACRES OF IRRIGATION WITHIN 40 ACRES, USING 1.9 CFS OF WATER. THE OTHER PORTION OF THE ORIGINAL CLAIM IS ALLOCATED TO 01-10392, FRO IRRIGATION OF 27.8 ACRES OF IRRIGATION WITHIN 77 ACRES, USING 2.1 CFS OF WATER. SEE MEMO IN PAPER FILE. BCONTOR 10/2/2000.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

October 5, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BEAR CREST LLC  
PO BOX 413  
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR 01-49A

Dear Sir/Madam:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

01-49A SPLIT INTO:

01-10392, 2.1 CFS ON 77 ACRES, ALLRED

01-10393, 1.9 CFS ON 40 ACRES, BEAR CREST LLC

TOTAL: 4.0 CFS ON 117 ACRES

01-10388 was not changed because it is not appurtenant to the property indicated in your deed. However, 01-10393 reflects all of the property conveyed in your deed.

If you have any questions please contact Senior Water Agent Bryce Contor is this office.

Respectfully submitted,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

To: A01-00049A  
A01-10388  
A01-10392  
A01-10393  
Fr: Bryce Contor  
Date: 10/2/2000



Re: Split by change of ownership.

Issues:

1. Intent of A01-10388 and A01-00049A.

The original intent of claimant Allred was to put all of 01-00049A on all of his POU on a comingled Permissible Place of Use basis with his Liberty Park canal shares. 01-00049A is delivered through Liberty Park Canal via a carriage agreement.

Initially I prepared and accepted A01-10388 as an enlargement claim to accomplish this. Upon receiving more guidance, I prepared an amended version of A01-00049A to simply make a Permissible Place of Use, with an invitation to the claimant to withdraw A01-10388 to clarify the record.

Two blunders occurred, however. First, when signed amended claim A01-00049A came back, it was never released from the temporary host to the permanent host, so the pre-amendment version was copied to the new Enterprise database. Second, A01-10388 was never withdrawn.

The clear intent of Mr. Allred as he and I met in the fall of 2000 was to arrange the water rights so that he could sell of part of the property and with it sell a proportionate share of both the Liberty Park canal shares and a proportionate share of decreed right 01-00049A.

2. Documentation of Chain of Ownership

File A01-00049A contains the documentation submitted by purchaser Ferguson. It includes the deed and exhibit "A" for the parcel in question here, as well as an unnecessary and confusing exhibit "A" for a different parcel. Note the court house document numbers.

3. Calculation of split amounts

The deed specifies that Ferguson shall receive "95 inches of a water right" and references number 01-00049. The deed also states the right "consists of a total of 300 inches of which Sellers own a portion and are transferring herewith 95 inches of said water." Claim A01-00049A is for 4.0 cfs, or 200 inches.

I assume based on the above that the intent was for Ferguson to receive 95 inches or 1.9 cfs, and for Allred to retain  $200 - 95 = 105$  inches, or 2.1 cfs.

The original claim as amended was for 53 acres of irrigation within a 117 acre PPU. Calculating  $53/4.0 * 1.9 = 25.2$  acres allocated to Ferguson.  $53 - 25.2 = 27.8$  acres allocated to Allred.

Of the 117 acres originally claimed for the PPU, 40 are in quarter-quarters deeded to Ferguson. Therefore I allocate 40 to Ferguson and 77 to Allred.

4. Claim A01-10388

This claim is not claimed on any lands conveyed to Ferguson, so no part is split off to Ferguson. Since this claim is 100% overlapped with A01-00049A as amended, and since it is for no additional Q, in reality A01-10388 does not do anything, even though it was not withdrawn.

ok - Bal 10/2/00  
RECEIVED

APR 03 2000

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.1. Water Right No(s): <sup>1wr</sup> 0100049, 0100049A, A0110388,  
Adjudication Claim No(s): <sup>1ad</sup> \_\_\_\_\_

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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/ClaimantAllred Brothers Partnership

4. New Owner/Claimant(s)

Roger & Sybil Ferguson / Bear Crest LLCName Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 413

City, State and ZIP Code

Rexburg, Idaho 83440

New Telephone Number

208 356-0657

5. Date you acquired the property

24th Sept 1999

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right \_\_\_\_\_ Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes you acquired \_\_\_\_\_ Other uses \_\_\_\_\_

7. Signature of New Owner(s) [Signature] / Bear Crest LLC  
or Claimant(s)

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

11-26624-1

**COPY**

First American Title Company

280693

## WARRANTY DEED

THIS INDENTURE, made this 24<sup>th</sup> day of September, 1999, between CORAL STEPHEN ALLRED and SALLY I. ALLRED, his wife, of 1627 East Nines Point Lane, Boise, Idaho 83702; WILLIAM EDGAR ALLRED and LINDA M. ALLRED, his wife, of 4101 East Menan-Lorenzo Hwy., Rigby, Idaho 83442; DAVID LORIN ALLRED, a single man, of 1614 7th Avenue, Clarkston, Washington 99403; and LEON C. PETERSON and MARGARET CLAIRE PETERSON a/k/a MARGARET CLAIRE ALLRED, of 197 Hillridge, Blackfoot, Idaho 83221, the Grantors, and ROGER FERGUSON and SYBIL FERGUSON, husband and wife, of 1900 North 6000 West, Rexburg, Madison County, Idaho 83440, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Madison, State of Idaho, to-wit:

## SEE ATTACHED EXHIBIT A

TOGETHER with the following water rights and no others:

A. 95 inches of a water right having a priority of June 1, 1887, originally a part of the Rexburg Decree, which was decreed to George L. and Lester S. Corey. It is now identified by the Idaho Department of Water Resources as Water Right Number 0100049 and consists of a total of 300 inches of which Sellers own a portion and are transferring herewith 95 inches of said water.

B. 16.625 shares of stock in the Liberty Park Canal, representing an interest in the water rights of said canal.

C. 19 shares of stock in the Liberty Park Canal representing only a carrying right for the waters described in Paragraph A, not an interest in the water of said canal company.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

9/21/00

11:20

Grant will FAX  
exhibit A



## FAX COVER LETTER

TO: BryceDATE: 9-29-00Dept Wk. ResourcesFAX #: 528-7177FROM: Grant

FIRST AMERICAN TITLE CO.

REXBURG OFFICE

(208) 356-3653

Fax (208) 356-3669

MEMO: Copy Wk Re: Ferguson you requested

ORIGINALS TO FOLLOW BY MAIL \_\_\_\_\_

FAX ONLY ☒number of pages: 6 (including cover)

M-26629-1

First American Title Company

280693

## WARRANTY DEED

THIS INDENTURE, made this 24<sup>th</sup> day of September, 1999, between CORAL STEPHEN ALLRED and SALLY I. ALLRED, his wife, of 1627 East Nines Point Lane, Boise, Idaho 83702; WILLIAM EDGAR ALLRED and LINDA M. ALLRED, his wife, of 4101 East Menan-Lorenzo Hwy., Rigby, Idaho 83442; DAVID LORIN ALLRED, a single man, of 1614 7th Avenue, Clarkston, Washington 99403; and LEON C. PETERSON and MARGARET CLAIRE PETERSON a/k/a MARGARET CLAIRE ALLRED, of 197 Hillridge, Blackfoot, Idaho 83221, the Grantors, and ROGER FERGUSON and SYBIL FERGUSON, husband and wife, of 1900 North 6000 West, Rexburg, Madison County, Idaho 83440, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Madison, State of Idaho, to-wit:

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C. 19 shares of stock in the Liberty Park Canal representing only a carrying right for the waters described in Paragraph A, not an interest in the water of said canal company.

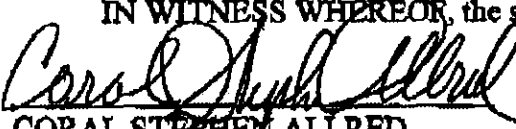
TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor,

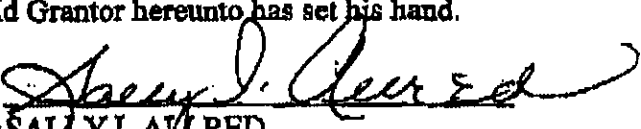
TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

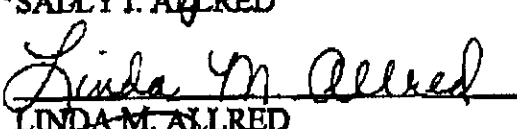
280693

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

  
 CORAL STEPHEN ALLRED

  
 SALLY I. ALLRED

  
 WILLIAM EDGAR ALLRED

  
 LINDA M. ALLRED

  
 DAVID LORIN ALLRED

  
 LEON C. PETERSON

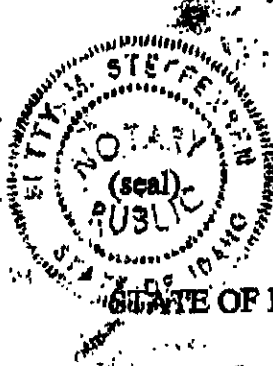
  
 MARGARET CLAIRE PETERSON

STATE OF IDAHO )

County of Bingham )  
 )ss

On this 4 day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared CORAL STEPHEN ALLRED and SALLY I. ALLRED, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

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


  
 Notary Public for Idaho
Residing at: BlackfootCommission Expires: 4-10-2001

STATE OF IDAHO )

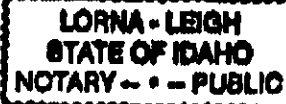
County of )  
 )ss

On this 21<sup>st</sup> day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared WILLIAM EDGAR ALLRED and LINDA M. ALLRED, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

280693

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

(seal)

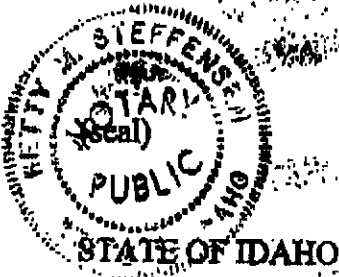


Lorna Leigh  
Notary Public for Idaho  
Residing at Fremont County, Id.  
Commission Expires: 2-16-2001

STATE OF Idaho)  
County of Bingham)ss

On this 4 day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared **DAVID LORIN ALLRED**, known to me to be the person whose name is subscribed to the foregoing, and acknowledged to me that he executed the same.

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

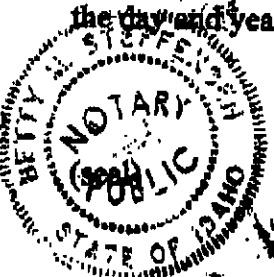


STATE OF IDAHO )  
County of Bingham)ss

Betty M. Steffensen  
Notary Public for  
Residing at: Blackfoot  
Commission Expires: 4-10-2001

On this 4 day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared **LEON C. PETERSON and MARGARET CLAIRE PETERSON**, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

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



Betty M. Steffensen  
Notary Public for Idaho  
Residing at: Blackfoot  
Commission Expires: 4-10-2001

280693

# THOMPSON ENGINEERING INC. CONSULTING ENGINEERS

4229 East 653 North Box 55  
Rigby, Idaho 83442  
745-6086

JOB NAME ..... B. H. Alred  
JOB NO. .... 98C22  
DATE ..... November 19, 1996  
PARCEL NO. .... 3A

## LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.

THENCE S89°52'58"W FOR A DISTANCE OF 1317.48 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST;

THENCE S89°30'15"W FOR A DISTANCE OF 45.00 FEET TO THE CENTERLINE OF A D. E. THE FOLLOWING CALLS BEING ALONG THE CENTERLINE OF SAID DIKE.

THENCE N46°32'02"W FOR A DISTANCE OF 413.63 FEET;

THENCE N44°12'10"W FOR A DISTANCE OF 228.47 FEET;

THENCE N39°04'18"W FOR A DISTANCE OF 138.17 FEET;

THENCE N25°58'48"W FOR A DISTANCE OF 144.51 FEET;

THENCE N19°57'11"W FOR A DISTANCE OF 113.38 FEET;

THENCE N23°17'57"W FOR A DISTANCE OF 468.59 FEET;

THENCE N16°38'20"W FOR A DISTANCE OF 92.93 FEET TO THE NORTH LINE OF SECTION 28;

THENCE N89°45'22"E FOR A DISTANCE OF 2218.33 TO THE NORTHEAST CORNER OF

SECTION 28: TOWNSHIP 5 NORTH, RANGE 39 EAST.

THENCE S00°14'01"E FOR A DISTANCE OF 1319.73 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 57.18 ACRES MORE OR LESS.

DOTM  
671987.50E  
295,353.66N

**THOMPSON ENGINEERING INC.**  
**CONSULTING ENGINEERS**

4229 East 653 North Box 55

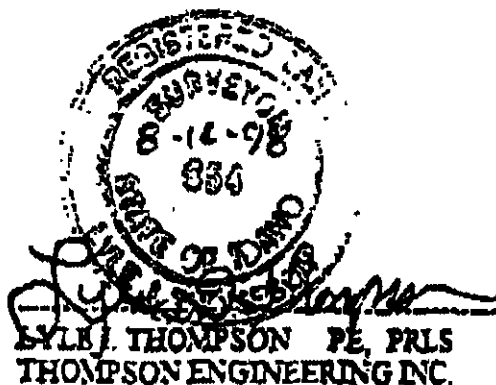
**Richy, Idaho 85442**

**745-6680**

**JOB NAME** ----- Bill Allred  
**JOB NO.** ----- 98022  
**DATE** ----- August 14, 1998  
**PARCEL NO.** ----- 2

## LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.  
THENCE N00°14'01"W FOR A DISTANCE OF 1919.73 FEET TO THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST;  
THENCE S09°27'53"E FOR A DISTANCE OF 94.38 FEET TO THE WEST RIGHT-OF-WAY OF A COUNTY ROAD.  
THENCE S24°53'55"E ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 568.93 FEET;  
THENCE S19°21'34"W FOR A DISTANCE OF 753.16 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 3.66 ACRES MORE OR LESS.



280693

Microfilm No.

Day

~~SECRET~~

At

1440

O'clock

11

MARILYN R. RASMUSSEN

MADISON COUNTY RECORDER

Free 2

15

Deputy

Recorded At Request of

## Fast Forward

JAN-24-2000 17:09

FIRST AMERICAN-REXBURG.

200 356 3669 P.10

First American Title Company

COPY

Microfilm No.

280694

Day OCT 04 1999

At 1:44 P.M. O'clock

MARILYN R. RASMUSSEN

MADISON COUNTY RECORDER

Fee \$ 9.00 Deputy

Recorded At Request of

First American Title Company

## QUITCLAIM DEED

GRANTOR, Bear Crest Limited LLC, an Idaho limited liability company of 2120 North 6000 West, Rexburg, Madison County, Idaho, for a good and valuable consideration the receipt whereof is hereby acknowledged does REMISE, RELEASE, and forever QUITCLAIM, unto Roger Ferguson and Sybil Ferguson, husband and wife, whose address is 1900 North 6000 West, Rexburg, Madison County, Idaho, as GRANTEES, and to GRANTEES' heirs and assigns, forever, all the following described property situated in Fremont County, Idaho:

## SEE ATTACHED EXHIBIT A

Together with all and singular the tenements, hereditaments and appurtenances belonging to or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property. To have and to hold all and singular the premises, together with the appurtenances, to GRANTEES and to GRANTEES' heirs and assigns forever.

IN WITNESS WHEREOF, the said GRANTOR has executed this instrument this 30<sup>th</sup> day of September, 1999.

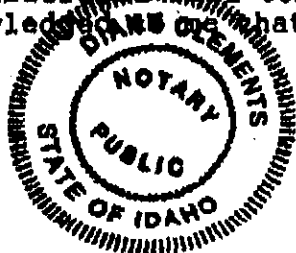
GRANTOR

BEAR CREST LIMITED LLC, an  
Idaho limited liability company

Michael D. Ferguson  
Michael D. Ferguson, Manager

STATE OF IDAHO )  
 ) ss  
County of Madison )

On this 30<sup>th</sup> day of September, in the year 1999, before me, a Notary Public, personally appeared Michael D. Ferguson, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be one of the members in the limited liability company of Bear Crest Limited LLC and the member who subscribed said company name to the foregoing instrument, and acknowledged that he executed the same in said company name.



Diana Clements  
Notary Public for Idaho  
Residing at: Rexburg, Idaho  
My Commission Expires: 4/22/05

JAN-24-2000 17:10

WEST AMERICAN-RXBRO.

208 356 3669 P.11

280694

## EXHIBIT A

# THOMPSON ENGINEERING INC. CONSULTING ENGINEERS

4229 East 653 North Box 55

Rigby, Idaho 83442

745-8065

JOB NAME ----- Bill Alfred  
JOB NO. ----- 98022  
DATE ----- November 19, 1998  
PARCEL NO. ----- 3A

## LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.

THENCE S89°52'58"W FOR A DISTANCE OF 1317.48 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST;

THENCE S89°30'15"W FOR A DISTANCE OF 45.00 FEET TO THE CENTERLINE OF A.D. E, THE FOLLOWING CALLS BEING ALONG THE CENTERLINE OF SAID DICE.

THENCE N46°32'02"W FOR A DISTANCE OF 413.63 FEET;

THENCE N44°12'10"W FOR A DISTANCE OF 228.47 FEET;

THENCE N39°04'18"W FOR A DISTANCE OF 138.17 FEET;

THENCE N25°58'48"W FOR A DISTANCE OF 144.51 FEET;

THENCE N19°57'11"W FOR A DISTANCE OF 115.38 FEET;

THENCE N23°17'57"W FOR A DISTANCE OF 468.59 FEET;

THENCE N16°38'20"W FOR A DISTANCE OF 92.93 FEET TO THE NORTH LINE OF SECTION 28;

THENCE N89°45'22"E FOR A DISTANCE OF 2218.33 TO THE NORTHEAST CORNER OF SECTION 28; TOWNSHIP 5 NORTH, RANGE 39 EAST.

THENCE S00°14'01"E FOR A DISTANCE OF 1319.73 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 57.18 ACRES MORE OR LESS.

# THOMPSON ENGINEERING INC. CONSULTING ENGINEERS

4229 East 653 North Box 65  
Rigby, Idaho 83442  
745-6680

280694

JOB NAME ----- Bill Alfred  
JOB NO. ----- 98022  
DATE ----- August 14, 1998  
PARCEL NO. ----- 2

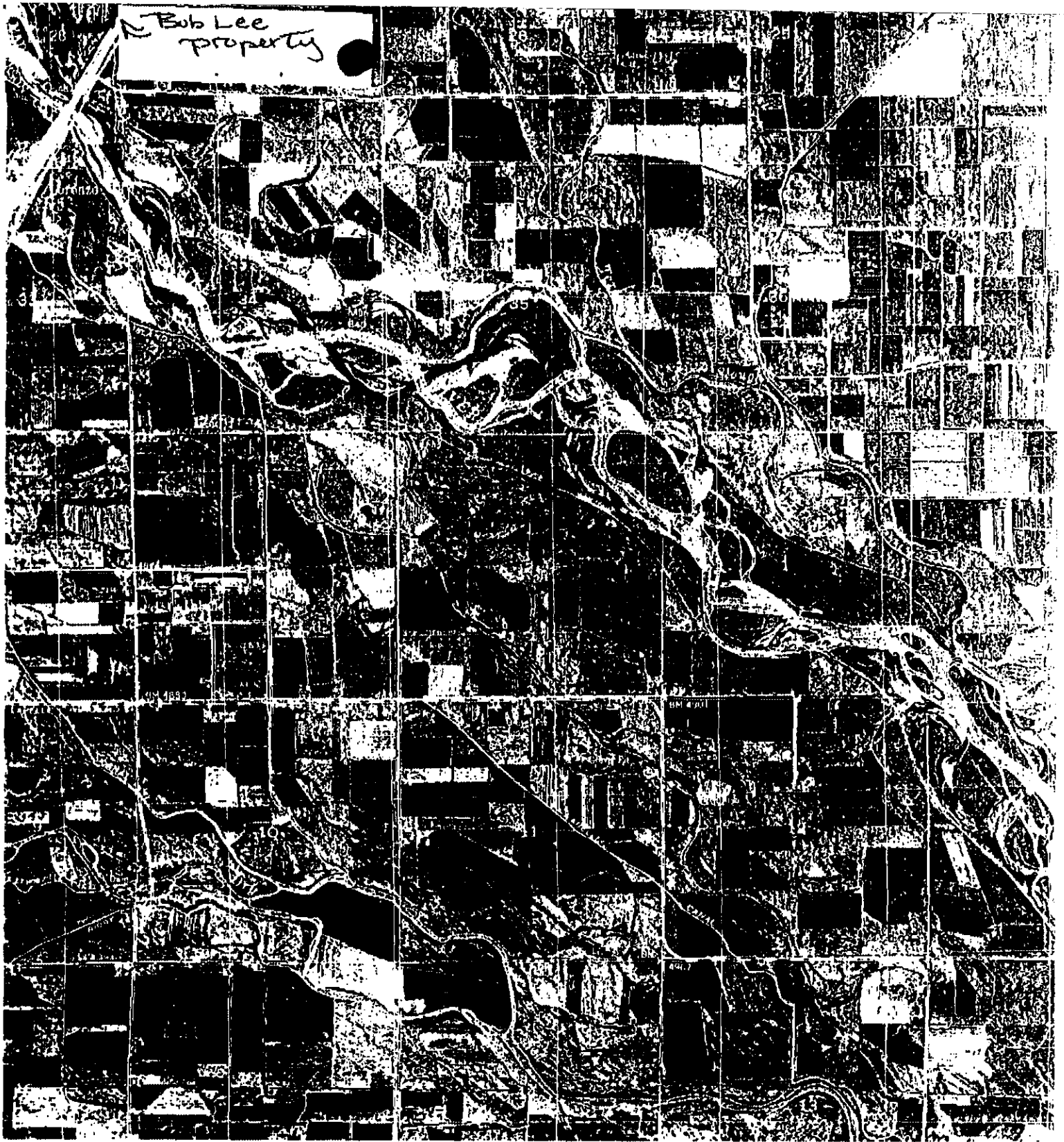
## LEGAL DESCRIPTION

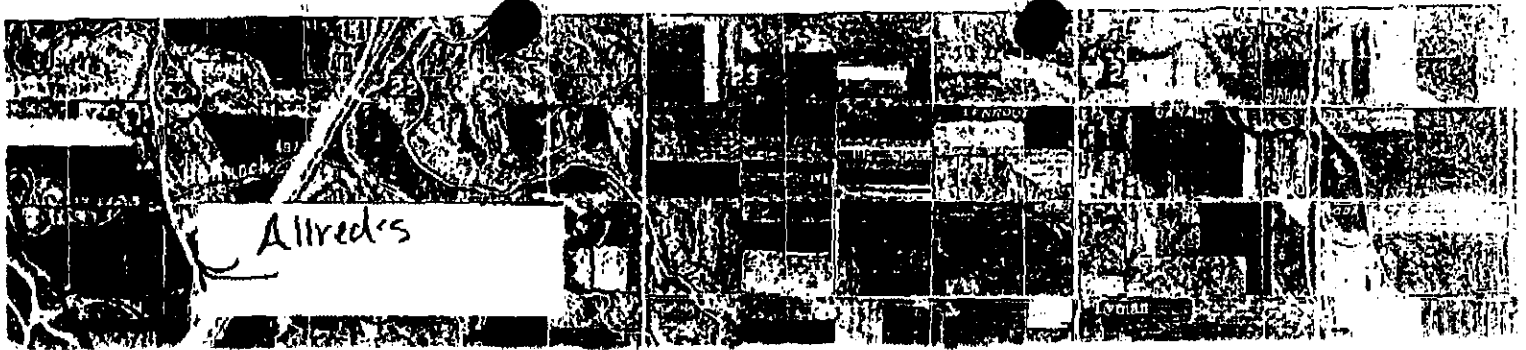
A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.  
THENCE N00°14'01"W FOR A DISTANCE OF 1319.73 FEET TO THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST;  
THENCE S09°27'53"E FOR A DISTANCE OF 94.38 FEET TO THE WEST RIGHT-OF-WAY OF A COUNTY ROAD.  
THENCE S24°53'55"E ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 568.93 FEET;  
THENCE S19°21'34"W FOR A DISTANCE OF 753.16 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 3.66 ACRES MORE OR LESS.



LYLE J. THOMPSON PE, PLS  
THOMPSON ENGINEERING INC.

Bob Lee  
property





AJ580MP  
No. A01-10388

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS              | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | ALLRED BROTHERS PARTNERSHIP | 02/15/1945       | IRRIGATION | 04-01 10-31           | 2.190 CFS         |                     |
| TOTAL DIVERSION: |                             |                  |            |                       | 2.190 CFS         |                     |

Water Source: SNAKE RIVER, SOUTH FORK

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: 705N R39E S35

SENESE

MADISON County

Place of use Legal Description for: IRRIGATION

| NE          |     |      |    | NW   |    |      |    | SW   |    |      |    | SE   |    |      |    |      |    |      |    |      |    |      |      |    |      |
|-------------|-----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|------|----|------|
| NENE        |     | NWNE |    | SUNE |    | SENE |    | NENW |    | NWNV |    | SWNV |    | SENV |    | NENE |    | NWSE |    | SWSE |    | SESE |      |    |      |
| T           | R   | S    | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt | Ac   | Lt   | Ac | SUM  |
| 05N         | 39E | 21   | :  |      |    |      |    |      |    |      |    |      |    |      |    |      | 05 | 06   | 22 | 31   | :  |      |      |    | 64.0 |
| TOTAL ACRES |     |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      | 64.0 |    |      |

POU County: MADISON

Other Rights: LIBERTY PARK CANAL

Conditions of Approval:

- COS - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
- SECTION 42-1425, IDAHO CODE.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 01-00049A IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 4.00 CFS.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 01-00049A IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 53 ACRES IN A SINGLE  
IRRIGATION SEASON.  
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 53 ACRES WITHIN  
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

GEN FILED AS ENLARGEMENT OF A01-00049A. THIS IS NOT TRULY AN  
ENLARGEMENT BUT RATHER REPRESENTS A PERMISSIBLE PLACE OF USE  
AS CO-MINGLED WITH LIBERTY PARK CANAL WATER. A01-00049A IS  
DELIVERED THROUGH LIBERTY PARK CANAL VIA CARRIAGE AGREEMENT;  
CO-MINGLED WATERS ARE INDISTINGUISHABLE AND HAVE BEEN  
HISTORICALLY DELIVERED TO ENTIRE PLACE OF USE. PRIORITY DATE  
BASED UPON DOCUMENTATION OF THIS DELIVERY PRACTICE.  
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF  
WATER DISTRICT 01.  
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT  
NO. 01-00049A PURSUANT TO SECTION 42-1426, IDAHO CODE.  
FOLLOWING REVIEW OF SITUATION W/ DON SCHAFF AND CARTER  
FRITSCHLE, IT APPEARS CLAIM A01-00049A SHOULD HAVE BEEN CLAIMED  
AS A PERMISSIBLE PLACE OF USE RATHER THAN FILING THIS ENLARGMENT  
CLAIM. PER PHONE CALL CLAIMANT PLANS TO AMEND A01-00049A AND

|                  |                         |                  |               |
|------------------|-------------------------|------------------|---------------|
| Post-it Fax Note | 7671                    | Date: 01/25/2000 | # of pages: 1 |
| To: Bill DePree  | From: Kent C. W. Jensen |                  |               |
| Co/Dept:         | Off: DePree             |                  |               |
| Phone #          | Phone # 325-7161        |                  |               |
| Fax # 351-0238   | Fax # 525-7177          |                  |               |

01/25/2000 12:11

2085257177

IDWR EASTERN

PAGE 01

A15800ND

IDMR DEPARTMENT OF WATER RESOURCES

DATE: 01/24/08

AD1-10388A

ADJUDICATION CLAIM PROFILE REPORT

PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS              | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | ALLRED BROTHERS PARTNERSHIP | 06/01/1887       | IRRIGATION | 04-01 10-31           | 4.000 CFS         |                     |
| TOTAL DIVERSION: |                             |                  |            |                       | 4.000 CFS         |                     |

Water Source: SNAKE RIVER, SOUTH FORK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: 105N 39E S35

SENESE

MADISON County

Place of Use Legal Description for: IRRIGATION

|     |     |    |   | NE   |       |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |             |      |
|-----|-----|----|---|------|-------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------------|------|
|     |     |    |   | NEWE | WUNE  | SENE | SENE | NEWQ | WUNW | SEWQ | SEWQ | WESW | WUNW | SEWQ | SEWQ | WESE | WUNW | SEWQ | SEWQ        | SUM  |
| T   | R   | S  |   | Lt   | Ac    | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac          |      |
| 05N | 39E | 21 | : |      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |             | 3.0  |
| 05N | 39E | 27 | : |      |       |      |      | 10   |      |      |      |      |      |      |      |      |      |      |             | 10.0 |
| 05N | 39E | 28 | : | 30   | 06-10 |      |      |      |      |      |      |      |      |      |      |      |      |      |             | 40.0 |
|     |     |    |   |      |       |      |      |      |      |      |      |      |      |      |      |      |      |      | TOTAL ACRES |      |
|     |     |    |   |      |       |      |      |      |      |      |      |      |      |      |      |      |      |      | 53.0        |      |

POU County: MADISON

Non-Irrigation Uses: N/A

Other Rights: N/A

Remarks: GNT USE OF THIS RIGHT WITH RIGHT NO. 01-10388 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 01-10388 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 53 ACRES IN A SINGLE IRRIGATION SEASON.

GEN Location of P/D is best estimate.  
THIS RIGHT IS DELIVERED VIA CARRIAGE AGREEMENT WITH LIBERTY PARK CANAL. WATER IS CO-MINGLED WITH LIBERTY PARK WATER AND DELIVERED TO A LARGER PLACE OF USE PER CLAIM A01-10388. THOUGH A01-10388 IS FILED AS AN ENLARGEMENT CLAIM, IT IS ACTUALLY USED ON A PERMISSIBLE PLACE OF USE BASIS AND THERE IS NOT ANY ENLARGEMENT OF ACRES OR DIVERSION RATE. REMARK CODES ADDED TO THIS CLAIM 9/13/1999 BY B. CONTOR.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 01.

EXP RIGHT NO. 01-10388 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

|                  |                     |                  |               |
|------------------|---------------------|------------------|---------------|
| Post-It Fax Note | 7671                | Date: 01/24/2008 | # of Pages: 1 |
| To: Bill DePree  | From: KATH CUDWISOR |                  |               |
| Co/Dept:         | Off: IDWR           |                  |               |
| Phone #          | Phone # 525-7161    |                  |               |
| Fax # 351        | Fax # 525-7177      |                  |               |

*Bill DePree*  
*02 CFS mid*  
*06-1 = approx*  
*CFS*

EXP  
No. A01-10388

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00  
PAGE: 2

Remarks: WITHDRAW THIS CLAIM. BAC 9/17/1999.

EXP THIS RIGHT IS FOR AN ENLARGEMENT OF 64 ACRES WITHIN THE  
PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 09/17/99 BCONTR

01/25/2000 11:11

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