

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: A21-10944
Date Received: 3/08/1989
Receipt No: 6006278
Received By: SD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH FREMONT CANAL SYSTEMS, INC. 208-652-3984
Address: C/O JEFF MAROTZ, SEC.
1245 N. 4300 E.
ASHTON, ID 83420

2. Date of Priority: JUN 01, 1892

3. Source: FALL RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	42E	4	NE	NE	NE	I	FREMONT
			NE	NE	NE	R	FREMONT
09N	43E	35	NE	NE	SE		FREMONT

5. Description of diverting works:
HEAD WORKS OF FARMERS OWN CANAL, CONCRETE DIVER DAM & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.900		

7. Total Quantity Appropriated is:
1.900 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 17792.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A21-10944

Page 1

Date: 03/21/89

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OCT 23 1992

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	42E	1	NE		NE		IRR	39.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	38.0
			NW		SW		IRR	37.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
							Section Acres	432.0
		2	NE		NE		IRR	31.0
			NW		NE		IRR	34.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	13.0
			NW		NW		IRR	38.0
			SW		NW		IRR	15.0
			SE		NW		IRR	39.0
			NE		SW		IRR	39.0
			NW		SW		IRR	37.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	39.0
			SW		SE		IRR	40.0
			SE		SE		IRR	38.0
							Section Acres	562.0
		3	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			SW		NW		IRR	38.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.0
			NE		SE		IRR	35.0
			NW		SE		IRR	30.0
			SW		SE		IRR	32.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	3	SE	SE		IRR	29.0
Section Acres							519.0
		4	NE	NE		IRR	37.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			SW	NW		IRR	38.0
			SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
			NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0
Section Acres							549.0
		5	SW	NE		IRR	25.0
			SE	NE		IRR	25.0
			SE	NW		IRR	10.0
			NE	SW		IRR	40.0
			SE	SW		IRR	30.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							290.0
		6	NE	SW		IRR	22.0
			SW	SW		IRR	13.0
			SE	SW		IRR	40.0
			NE	SE		IRR	38.0
			NW	SE		IRR	33.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							226.0
		7	NE	NE		IRR	40.0
			NW	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	42E	7	NE		NW		IRR	40.0
			NW		NW		IRR	27.0
			SW		NW		IRR	40.0
			Section Acres					187.0
		8	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	15.0
			SW		SE		IRR	5.0
			SE		SE		IRR	15.0
			Section Acres					393.0
		9	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	38.0
			NW		SE		IRR	40.0
			SW		SE		IRR	30.0
			SE		SE		IRR	30.0
			Section Acres					575.0
		10	NE		NW		IRR	30.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			Section Acres					110.0
		11	NE		NW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	11	NW	NW		IRR	38.0
			Section Acres				77.0
	43E	3	NE	NE		IRR	4.0
			NW	NE		IRR	32.0
			SW	NE		IRR	5.0
			NE	NW		IRR	30.0
			NW	NW		IRR	20.0
			Section Acres				91.0
		5	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			Section Acres				80.0
		6	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	40.0
			Section Acres				159.0
09N	42E	22	NE	NE		IRR	30.0
			NW	NE		IRR	30.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0
			NE	NW		IRR	5.0
			SE	NW		IRR	39.0
			NE	SW		IRR	39.0
			SW	SW		IRR	25.0
			SE	SW		IRR	40.0
			NE	SE		IRR	37.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	35.0
			Section Acres				439.0
		23	SW	NE		IRR	25.0
			SE	NE		IRR	29.0
			NE	NW		IRR	7.0
			NW	NW		IRR	22.0
			SW	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	42E	23	SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	30.0
			SW		SW		IRR	20.0
			SE		SW		IRR	20.0
			NW		SE		IRR	20.0
			SW		SE		IRR	40.0
			SE		SE		IRR	25.0
							Section Acres	358.0
		24	NE		SW		IRR	5.0
			NW		SW		IRR	12.0
			SW		SW		IRR	34.0
							Section Acres	51.0
		25	NW		NW		IRR	38.0
			SW		NW		IRR	26.0
			NW		SW		IRR	10.0
							Section Acres	74.0
		26	NE		NE		IRR	33.0
			NW		NE		IRR	33.0
			SW		NE		IRR	38.0
			SE		NE		IRR	38.0
			NE		NW		IRR	40.0
			NW		NW		IRR	17.0
			SW		NW		IRR	20.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	17.0
			SW		SW		IRR	35.0
			SE		SW		IRR	39.0
			NE		SE		IRR	27.0
			NW		SE		IRR	38.0
			SW		SE		IRR	37.0
			SE		SE		IRR	38.0
							Section Acres	530.0
		27	NE		NE		IRR	40.0
			NW		NE		IRR	20.0
			SW		NE		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09N	42E	27	SE		NE		IRR	35.0
			NE		NW		IRR	35.0
			NW		NW		IRR	15.0
			NE		SW		IRR	40.0
			NW		SW		IRR	35.0
			SW		SW		IRR	35.0
			SE		SW		IRR	39.0
			NE		SE		IRR	33.0
			NW		SE		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	37.0
							Section Acres	472.0
		28	NE		SE		IRR	1.0
			SW		SE		IRR	7.0
			SE		SE		IRR	28.0
							Section Acres	36.0
		34	NE		NE		IRR	38.0
			NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	30.0
			NE		SE		IRR	40.0
			SE		SE		IRR	39.0
							Section Acres	305.0
		35	NE		NE		IRR	28.0
			NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	32.0
			NE		NW		IRR	40.0
			NW		NW		IRR	35.0
							Section Acres	213.0
		36	NE		NE		IRR	31.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	111.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	43E	31	NE	NE		IRR	21.0
						Section Acres	21.0
		32	NW	NW		IRR	3.0
			SE	NW		IRR	20.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	143.0
		33	NE	SE		IRR	38.0
			SW	SE		IRR	39.0
			SE	SE		IRR	37.0
						Section Acres	114.0
						Total Acres	7117.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
21-00048, 00049, 00050, 00114, 00075

14. Remarks:
SINCE THE FARMERS OWN,
YELLOWSTONE AND MARYSVILLE CANAL CO.'S HAVE COMBINED TO FORM
THE NORTH FREMONT CANAL SYSTEMS, INC. THE RIGHTS WILL BE
FILED UNDER THIS CO. NAME, BUT PLACE OF USE AND POINT OF DIVER.
FOR THE INDIVIDUAL RIGHTS WILL BE RETAINED AS HISTORICALLY USED.
COMPANY DELIVERS WATER TO INDIVIDUAL LAND OWNERS W/I THE
DELIVERY AREA BASED UPON OWNERSHIP OF COMPANY SHARES.
SOME WATER IN CANAL FLOWS INTO BLACK SPRING DRAINAGE AND IS
REDIVERTED BY PUMP FROM BLACK SPING AS INDICATED IN ITEM 4.
**** THIS CLAIM COMBINES DECREED RIGHTS 21-00038 & 00074.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff
A21-10944

Page vs
8

TETON IRR. CANAL CO. ET AL
Decree Defendant
Date: 03/21/89

MICROFILMED
OCT 23 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not / wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Secretary Title of North Fremont Canal Systems, Inc. Organization that I have signed the foregoing document in the space below as Secretary Title of North Fremont Canal Systems, Inc. Organization and that the statements contained in the foregoing document are true and correct.

Jeff Maerz
Signature of Authorized Agent
Secretary, North Fremont Canal Systems, Inc.
Title and Organization

3-21-89
Date

State of Idaho)
County of Bonanza) SS.

Subscribed and sworn (or affirmed) before me this 21 day
of March 19 89

[Signature]
Notary Public

Seal

Residing at

RESIDING AT EDWARD FALLS, IDAHO
MY COMMISSION EXPIRES 8-22-1991

My Commission Expires



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

May 1, 1995

R. KEITH HIGGINSON
DIRECTOR

LANNETTE C WILSON
FEDERAL LAND BANK OF UTAH
406 W SOUTH JORDAN PARKWAY #500
SOUTH JORDAN UT 84095

RE: Snake River Basin Adjudication - SRBA
Fremont County

Dear Ms. Wilson:

We have received a request from Shelly Barfuss of Northern Title Company in Logan, Utah to acknowledge the Notice of Pledge for Loan No. 0620012500 by Eugene K. and Colleen H. Olsen. We have checked the SRBA data base and the only claims found for the E½ of the SW¼ of Section 6, Township 8 North, Rand 43 East, B.M. were in the name of North Fremont Canal Systems, Inc. Enclosed is the Notice of Pledge Acknowledgment copy and a numeric index of the claims we found.

We will place a copy of the Notice of Pledge in each of the claim files identified on the enclosed index. If you have any questions, you may contact me at 1-208-327-7939.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

CF:cf:region:ss
Enclosure:

Notice of Pledge Acknowledgment Copy
Adjudication Numeric Index

cc: Shelly Barfuss w/Enclosures

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NOV 11 1995

March 21, 1995

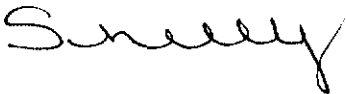
STATE OF IDAHO
Department of Water Resources
State House
981 Grove
Boise, Idaho 83702
Att: Reclamation Engineer

Enclosed is a NOTICE OF PLEDGE for Eugene K. Olsen and Colleen H. Olsen.
Please acknowledged receipt and send one original signed document to Federal Land Bank
Association of Utah at:

406 West South Jordan Parkway #500,
South Jordan, UT 84095
Att: Lannette C. Wilson

Please fax a copy of the acknowledged document to me at (801)752-3612.

Thank you,



Shelly Barfuss
Escrow Assistant

MICROFILMED
NOV 06 1996

NOTICE OF PLEDGE

STATE OF IDAHO
Department of Water Resources
Statehouse
Boise, Idaho 83720⁰²

Loan No. 0620012500

Attention: Reclamation Engineer

Please be notified that the undersigned have this date executed a Mortgage in favor of the Federal Land Bank Association of Utah, FLCA, covering certain land in Fremont County, State of Idaho, together with all of the Mortgagor's right to use the following:

All water rights appurtenant to the E 1/2 SW 1/4 SECTION 6, TOWNSHIP 8 NORTH, RANGE 43 EAST, BOISE MERIDIAN, including but not limited to 120 acre feet in the Fremont-Madison Irrigation District.

The said Mortgage, given to secure a promissory note of even date, was recorded

3/20/95, in the office of the County Recorder of the above referenced County, as Instrument No. 435313.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Federal Land Bank Association of Utah, FLCA, 406 West South Jordan Parkway (Suite 500), South Jordan, Utah 84095

Dated: March 13, 1995

Eugene K. Olsen
Eugene K. Olsen

Colleen H. Olsen
Colleen H. Olsen

ACKNOWLEDGMENT FROM STATE DEPARTMENT OF WATER RESOURCES

Receipt of the Notice of Pledge, of which this is a duplicate original, is acknowledged. One original of this notice will be filed with the records of the subject water rights in this Office.

4-26-95
Date

Carter Fritschel
Signature of authorized person representing
the Department of Water Resources

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NOV 06 1996

Water Rights Supervisor
Title

See attached numeric listing of SRBA claims.

OD-XXX
AJ5801NP
SELECTION FILE: CLF-21-FLBA-UTAH

ADJUDICATION
NUMERIC INDEX

DATE: 04/26/95
TIME: 09:38:31
PAGE: 1

WATER RIGHT NUMBER	STG STS	PRIORITY DATE	O C	CLAIMANT NAMES	SOURCES OF WATER	TRIBUTARIES TO
A21-00048	D/	04/01/1896	C	NORTH FREMONT CANAL SYSTEMS INC	FALL RIVER	HENRYS FORK
A21-00049	D/	05/01/1904	C	NORTH FREMONT CANAL SYSTEMS INC	FALL RIVER	HENRYS FORK
A21-00050	D/	05/01/1905	C	NORTH FREMONT CANAL SYSTEMS INC	FALL RIVER	HENRYS FORK
A21-00073A	D/	11/05/1895	C	NORTH FREMONT CANAL SYSTEMS INC	FALLS RIVER	HENRYS FORK
A21-00075	D/	06/01/1894	C	NORTH FREMONT CANAL SYSTEMS INC	FALL RIVER	HENRYS FORK
A21-00114A	D/	06/01/1890	C	NORTH FREMONT CANAL SYSTEMS INC	FALL RIVER	HENRYS FORK
A21-10944	D/	06/01/1892	C	NORTH FREMONT CANAL SYSTEMS INC	FALL RIVER	HENRYS FORK

MICROFILMED
NOV 06 1990

WARRANTY DEED

FOR VALUE RECEIVED, Wayne H. Valentine and Caroline Valentine, and Wayne H. Valentine and Caroline Valentine, trustees of the Wayne and Caroline Valentine Trust of 5535 N. Citadel Way, Boise, ID 83703, hereinafter termed Grantors, do hereby grant, bargain, sell and convey unto Eugene K. Olsen, DDS PC of 550 E. 1400 N., Suite E, Logan, Utah 84341, hereinafter termed Grantee, the following described premises, to-wit:

Approximately 80 acres described as E1/2SW1/4 of Section 6, Township 8 North, Range 43 E.B.M., Fremont County, Idaho, together with Grantors' interest in all sprinkler equipment, pumps and buried mainline located on the premises together with 70 shares of Capital Stock of Marysville Irrigation Company and 51 shares of Capital Stock of Farmers Own Canal Company and all Fremont Madison water rights appertaining, together with all permanent improvements appurtenant thereto, including all tenements, improvements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. These premises are subject to all easements, roadways and rights-of-way of record.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do 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 except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Dated this 3 day of ~~February~~ ^{March}, 1995.

WAYNE AND CAROLINE VALENTINE TRUST

Wayne H. Valentine
WAYNE H. VALENTINE, Trustee

Caroline Valentine
CAROLINE VALENTINE, Trustee

Wayne H. Valentine
WAYNE H. VALENTINE, Individually

Caroline Valentine
CAROLINE VALENTINE, Individually

STATE OF ARIZONA)

County of Pima)

ss.

On this 3 day of ~~February~~ ^{March}, 1995, before me, a Notary Public in and for said state, personally appeared Wayne H. Valentine and Caroline Valentine known or identified to me and known or identified to me to be the Co-Trustees of the Wayne and Caroline Valentine Trust, the persons and the trust that executed the instrument or the persons who executed the instrument on behalf of said Wayne and Caroline Valentine Trust, and acknowledged to me that such Wayne and Caroline Valentine Trust executed the same.



Betty Topping
Notary Public for Arizona
Residing at:
Comm. Expires:

NT-20092

When recorded mail to:
EUGENE K. OLSEN
878 NORTH 6400 WEST
PETERSBORO, UT 84325-

QUIT CLAIM DEED

EUGENE K. OLSEN, DDS PC,

Grantor(s)

of LOGAN, County of CACHE, State of UT, hereby Quit Claims to

EUGENE K. OLSEN AND COLLEEN H. OLSEN,

Grantee(s)

of LOGAN, County of , State of UT,

for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Cache County, State of Utah:

Approximately 80 acres described as E1/2SW1/4 of section 6, Township 8 North, Range 43 E.B.M., Fremont County, Idaho, together with Grantor's interest in all sprinkler equipment, pumps and buried mainline located on the premises together with 70 shares of Capital Stock of Marysville Irrigation Company and 51 shares of Capital Stock of Farmers Own Canal Company and all Fremont Madison water rights appertaining, together with all permanent improvements appurtenant thereto, including all tenements, improvements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. These premises are subject to all easements, roadways and rights-of-way of record.

Subject to easements, restrictions and rights of way of record, and taxes for the year 1995 and thereafter.

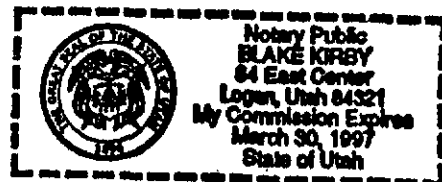
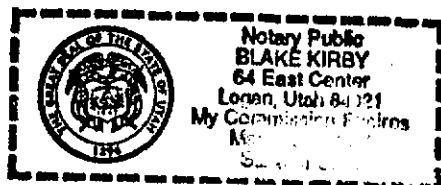
Witness, the hand(s) of said grantor(s), this 16 day of MARCH, 1995.

Eugene K. Olsen Pres.
EUGENE K. OLSEN, DDS PC

State of Utah }
County of Cache }ss:

On the 16 day of MARCH, 1995, personally appeared before me
EUGENE K. OLSEN, ~~DDS PC~~ *President of Eugene K. Olsen DDS PC*
the signor(s) of the within instrument, who duly acknowledged to me that they executed
they same.

Blake Kirby
Notary Public



NORTHERN TITLE COMPANY

64 EAST CENTER STREET • LOGAN, UTAH 84321 • (801) 752-3600