

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: A27-07048
Date Received: 6/ 6/1988
Receipt No: E000341
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: RYAN NEIBAUR 208-522-9646
Address: 2320 ROSS
IDAHO FALLS ID 83406

2. Date of Priority: NOV 12, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	37E	36		NE	NE		BINGHAM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.150		

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

8. Total consumptive use is 382.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	37E	36	NE	NE		IRR	39.0
			SE	NE		IRR	38.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	77.0
	38E	31	NW	NW	IRR	38.0
			SW	NW	IRR	38.0
					Section Acres	76.0
					Total Acres	153.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP 4/11/95/JT/GT

15. Basis of Claim: LICENSE

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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: A27-07048
Date Received: 6/06/1988
Receipt No: E000341
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEONARD FOSTER, JR. 208-357-7081
Address: 1145 EAST 1400 NORTH
SHELLEY, ID 83274

2. Date of Priority: NOV 12, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	37E	36	NE	NE			BINGHAM

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.150		

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

8. Total consumptive use is 382.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	37E	36	NE	NE		IRR	39.0
			SE	NE		IRR	38.0
Section Acres							77.0

A27-07048

Page 1

Date: 06/06/88

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NOV 12 1992

A2707048

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	38E	31	NW	NW		IRR	38.0
			SW	NW		IRR	38.0
						Section Acres	76.0
						Total Acres	153.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number:

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

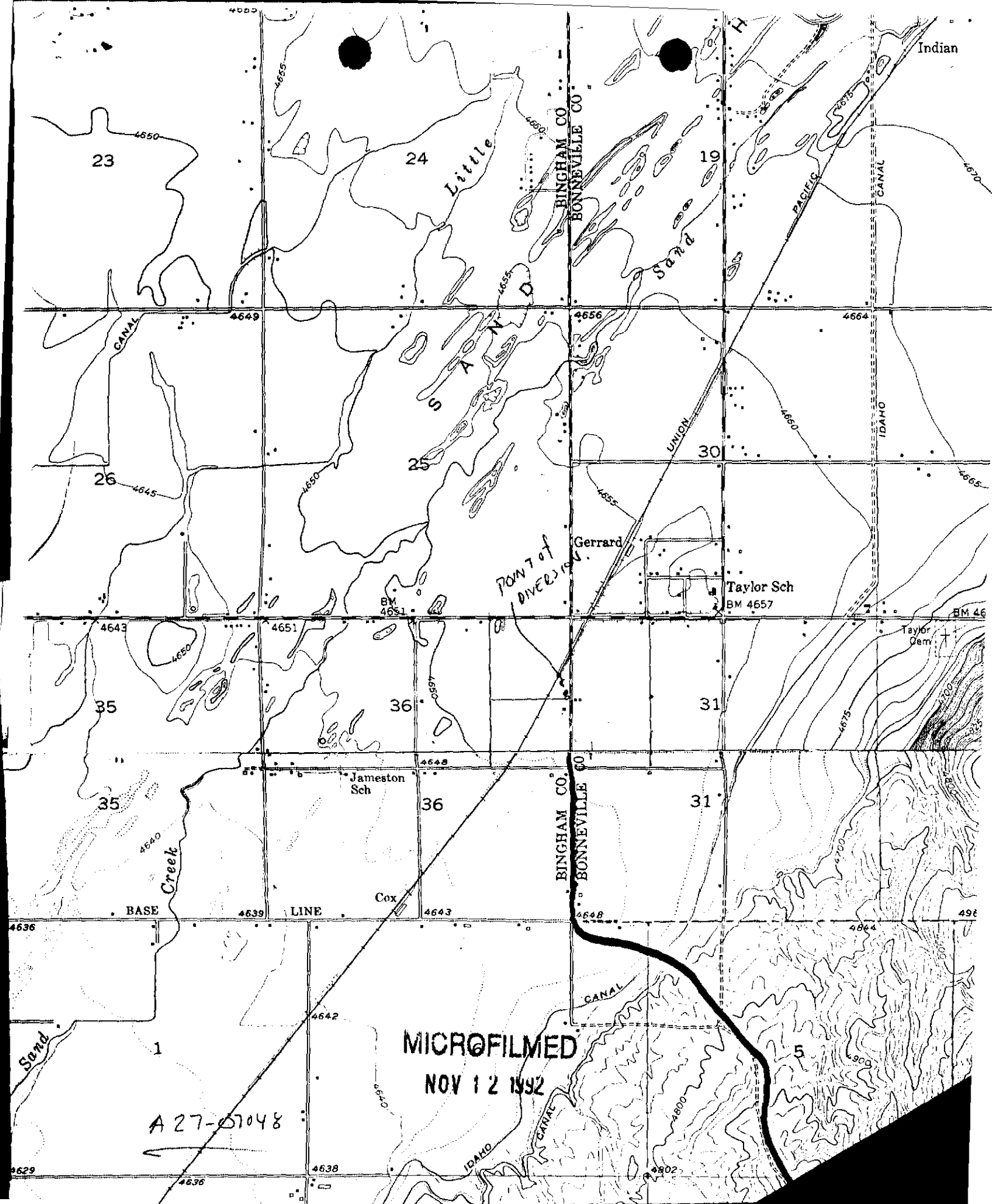
Signature of Claimant(s): *Leonard Foster Jr* Date: 6-6-88
Jean Foster Date: 6-6-88

State of Idaho)
County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of June 19 88 *Douglas V. Dredge*
Notary Public

Seal

Residing at *Shelley, Idaho*
My Commission Expires 9-23-93



Log for claim 27-07048

Spatial Dynamics LTD

11/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n37e	36	NENE	39	39	
01n37e	36	SENE	38	37	
01n38e	31	NWNW	38	39	
01n38e	31	SWNW	38	37	
Totals:			153	152	

AJ5809NP
No. A27-07048

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 44

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RYAN WEIBAUR 2320 ROSS IDAHO FALLS ID 83406 (208) 522-9646	11/12/1974	IRRIGATION	04-01 11-01	2.150 CFS	
					TOTAL DIVERSION:	2.150 CFS
					CONSUMPTIVE USE:	382.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R37E S36

NENE

BINGHAM County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE																				
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
01N	37E	36	:	39				38	:																								77.0	
01N	38E	31	:						:		38	38																					76.0	
																																TOTAL ACRES	153.0	

POU County: BINGHAM

Other Water Rights Listing Overlapping Place(s) of Use:

A01-0007520 A01-0007620 A01-0031220 A01-0036820 A01-0036920 A01-0037020 A25-0022420

Remarks: GEN CHANGED OWNERSHIP 4/11/95/JT/GT

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 06/06/88 MCC 10/04/94 JTHOMPSO 03/29/95 POST-STD 04/11/95 JTHOMPSO

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right 27-7048 Priority November 12, 1974 Amount 2.15 cfs

THIS IS TO CERTIFY, that LEONARD FOSTER, JR.

of Shelley, Idaho, has complied with the terms and conditions of Permit No. 27-7048 issued pursuant to Application for Permit dated November 12, 1974, and has submitted proof to the Department of Water Resources on January 28, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.15 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from April 1 to November 1	at 2.15 cfs	and 536 acre feet
	from _____	at _____ cfs	and _____
	from _____	at _____ cfs	and _____

(both dates inclusive)

Subject, however, to the condition that no more than 2.15 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and appurtenant for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 536 acre feet per year, said waters to be diverted within the NE1/4 Sec. 36, Twp. 1N, Rge. 37E, B. M. in the County of Bingham

Description and location of place of use:

Twp.	Range	Section	Section														Totals
			NEW	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	
1N	38E	31						38	38								76
1N	37E	36	39				38										77

Total number of acres irrigated 153

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of January, 19 79

Director

WILLIAM H. HARRIS

27 7048

Identification No. _____

Application No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

To Appropriation the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

1. Name of applicant Leonard Foster Jr. Phone: 357-7081
post office address Rt. 1 Box 43 Shelly, Idaho
2. Source of water supply Ground water which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36 Township 1N
Range 37E B.M. Bingham County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.0 for Irr purpose from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Well, pump sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ (Mo. Day) inclusive.
c. Proposed well diameter is 16 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years
b. Estimated construction cost is \$ 25,000
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

APPROVED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	37E	36	40			40													80
1N	38E	31					40	40											80

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above.

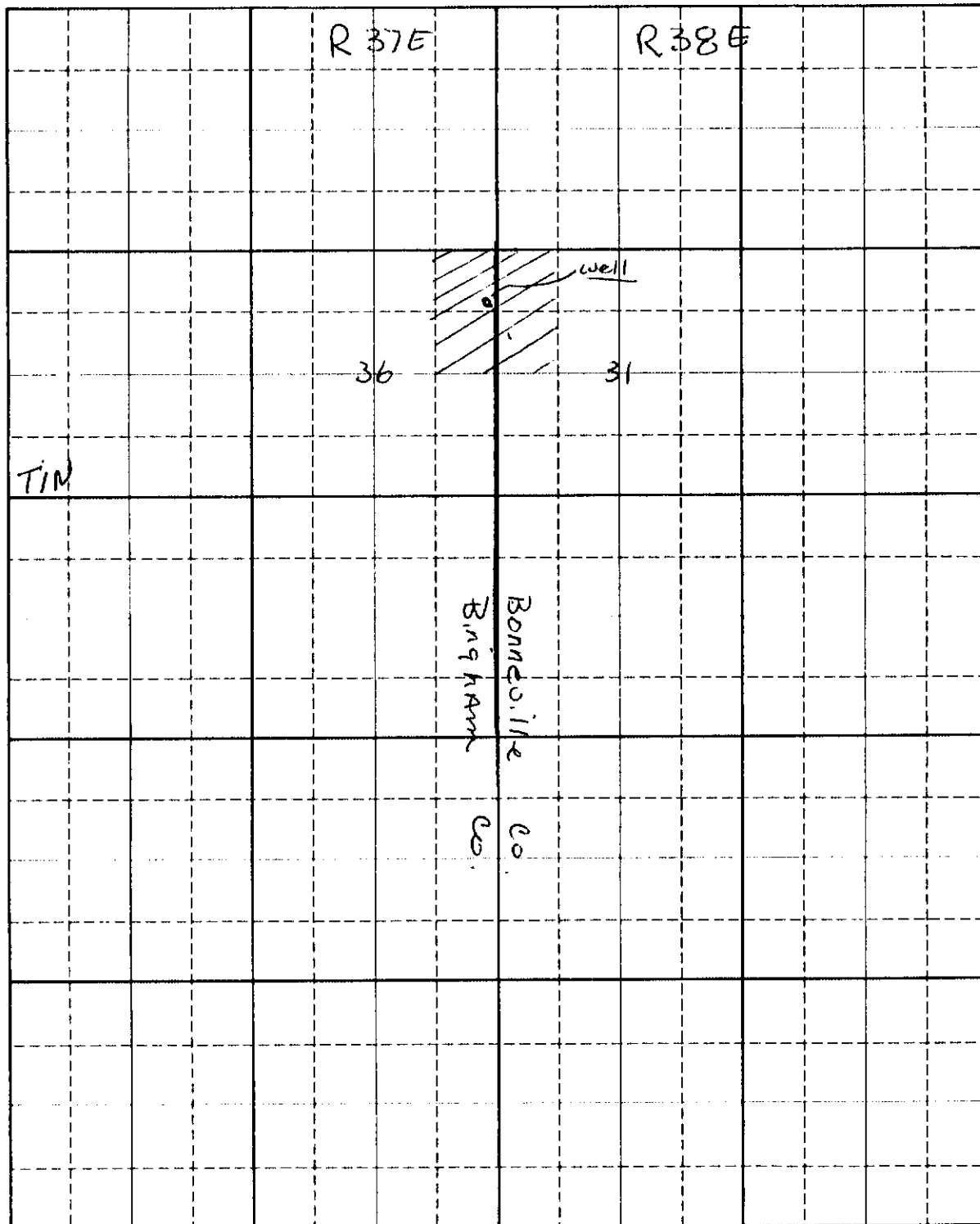
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Donald Foster Jr.
(Applicant)

Received by WR Date Nov 14 74 Time 12:05 pm
 Preliminary check by JG Fee \$ 95.00
 Receipted by WR Date Nov 14 1974 # 13142
 Publication prepared by OW Date 11-15-74
 Published in Blackfoot News
 Publication dates 11/21 & 11/28/74
 Publication approved OW Date 12-12-74
 Priority reduced to _____ Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by H BDF

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

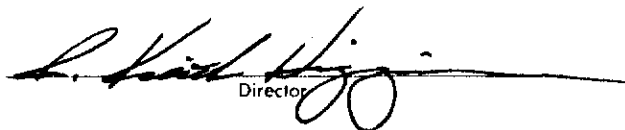
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 27-7048, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 19 79.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 24 day of _____ December 19 74.


 Director

RECEIVED

FFB 5 1976

(name spring, stream, etc.)

Permit No. 27-7048
Examination for b/u

[illegible]

TOTAL ACREAGE _____ **160** _____

R 37E

R38E

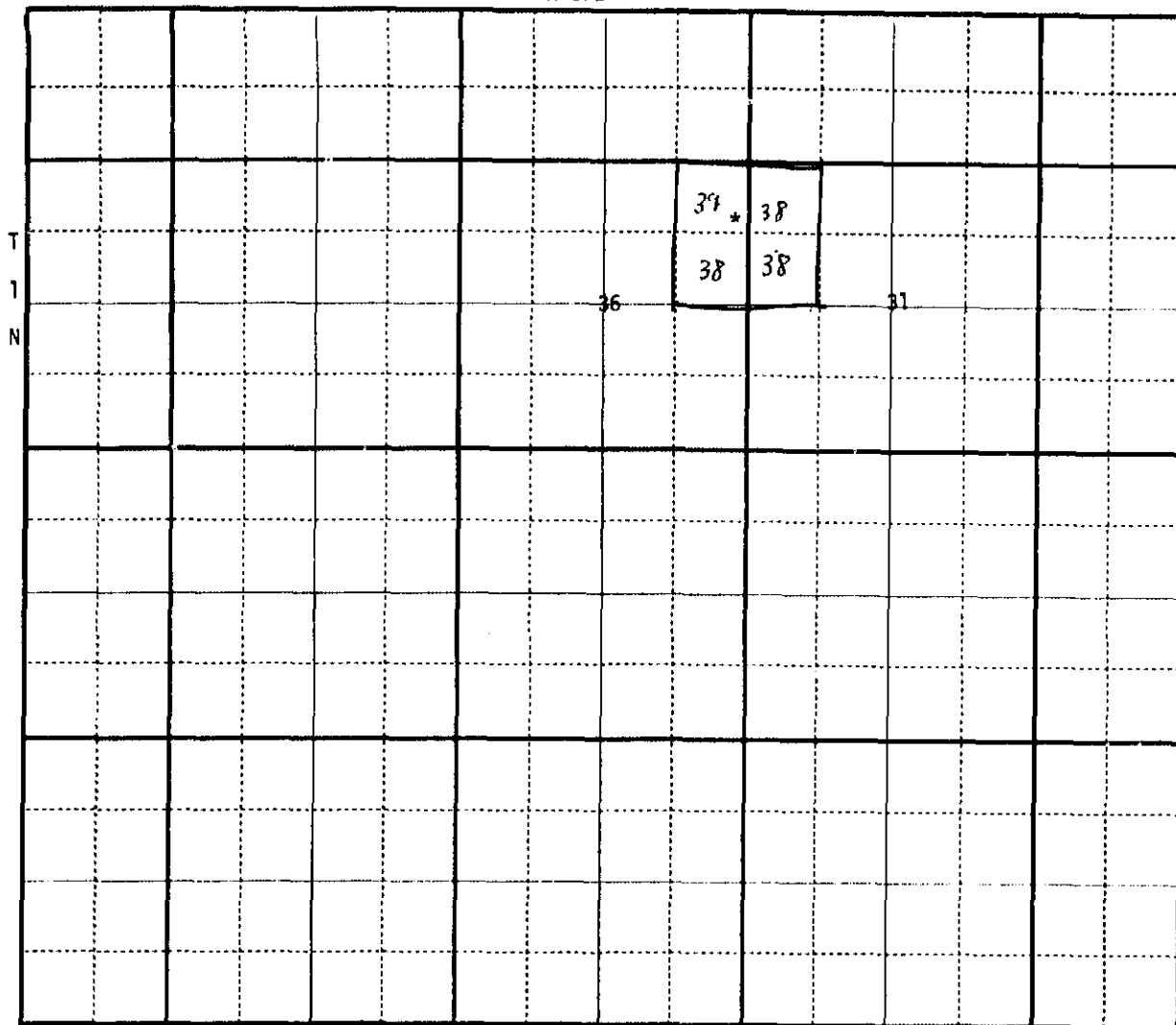
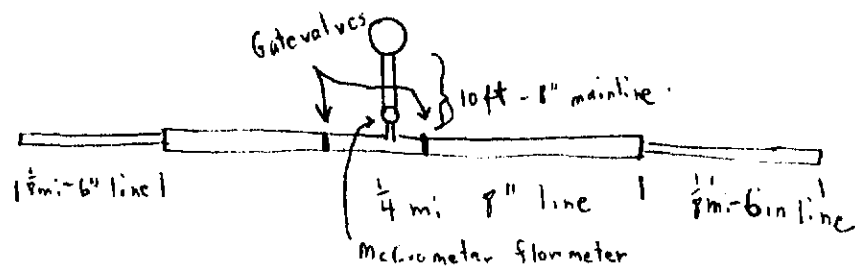


Diagram of System

N



43
180
223

DATE OF EXAM 7/16/76

ACREAGE
Found 153
Recommended 153

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 2.15 c.f.s. V = 535.5 AF/Ann. from Apr 1 to Nov 1
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann. from to

Is water co-mingled? yes no X

Name source:
twp. N/S, Rge E/W, B.M., Sec , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec , Sub. 1/4 1/4 County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec , Sub. 1/4 1/4 County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec , Sub. 1/4 1/4 County

Total Q measured 2.15 cfs Method of measurement In line flow meter

Total Q recommended 2.15 cfs Meter No 76-8-2090 Type McLeod Condition Good

Total V recommended 535.5 cfs Direct reading 800 gal/min
(sh-ges)

Recommended Amendments: None

Timed flow = .01 AF/203 sec

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:

$$Q = \left(\frac{.01 \text{ AF}}{203 \text{ sec}} \right) \left(\frac{42,560 \text{ ft}^3}{1 \text{ A}} \right) = 2.15 \text{ cfs} \quad Q_{\text{theo}} = \frac{(100 \times 2.114 \times .50)}{2.2 + 60(2.308)} = 3.18$$

$$V = (153)(3.5) = 535.5$$

SYSTEM DESCRIPTION:

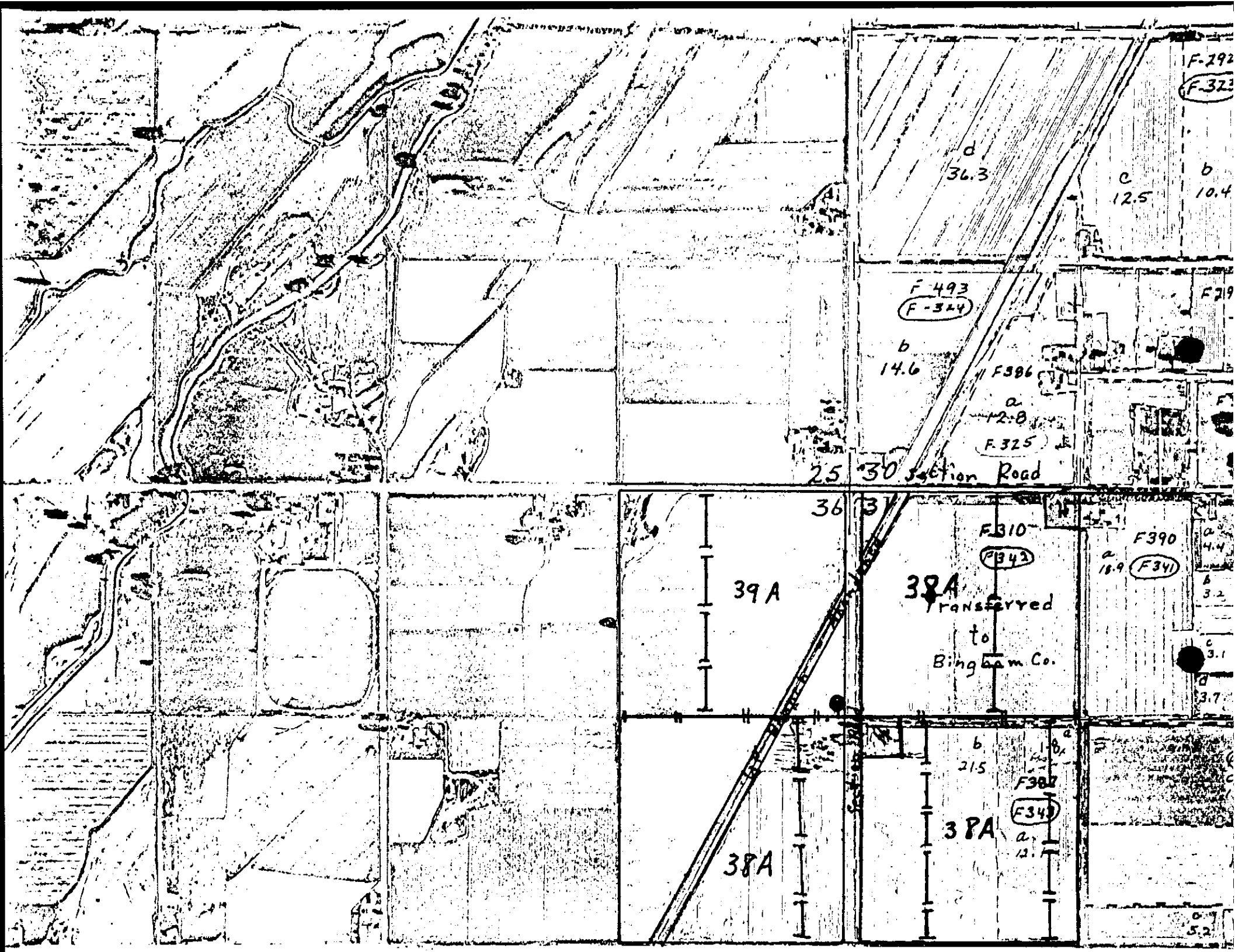
Pump motor: US 100 HP; SN: C5983-00-357; Pump Johnston model 12940
8" mainline runs 10 ft South to E-W buried 1" lateral 2 mi for
4 mi. + 8 mi. 6" line on each end. 5-32 nozzle head lines 2-32 nozzle

REMARKS:

Examiner's Signature William B. Ashen Date 7/26/76

Checked by Ernest M. Carlson Date 10/24/76

Approved by Date





State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

APRIL 11, 1995

RYAN NEIBAUR
2320 ROSS
IDAHO FALLS ID 83406

RE: CHANGE IN OWNERSHIP FOR A27-07048

Dear Mr. Neibaur:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a typed Notice with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,


Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

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NOV 13 1995

Anderson, Nelson & Hall
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

Eugene L. Bush
(1928-1986)
Arthur L. Smith
(1916-1988)

of counsel
John M. Sharp

490 MEMORIAL DRIVE
POST OFFICE BOX 51630
IDAHO FALLS, IDAHO 83405-1630
TELEPHONE (208) 522-3001
FAX (208) 523-7254

W. Joe Anderson
Douglas R. Nelson
Blake G. Hall
Scott R. Hall
Joel E. Tingey
Steven R. Parry
Todd R. Erikson

April 5, 1995

Department of Water Resources
900 North Skyline Drive
Idaho Falls, ID 83402

RECEIVED

APR - 6 1995

Department of Water Resources
Eastern District Office

RE: Notice of Change of Water Right Ownership

Dear Manager:

Enclosed for filing with the Department of Water Resources are the following three (3) Notice of Change of Water Right Ownership:

1. Water Right No. A27-07048 being transferred from Leonard Foster to Ryan Neibaur.
2. Water Right No. A31-07293C being transferred from Ryan Neibaur to Leonard Foster.
3. Water Right No. A31-07293C being transferred from Leonard Foster to Blaine Larsen.

Copies of the Warranty Deeds are attached to each of these notices. These documents are being filed pursuant to a multi-party like-kind exchange.

If you have any questions, please feel free to contact me or any of the parties directly.

With a copy of this letter, I am providing to each of the parties the yellow and pink copies of the notices. However, I have not made any review of the status of the water rights except to review a copy of the original licenses. Consequently, I recommend to the Larsens and the Neibaur that they independently review the status of the water rights, including the status of any adjudication claims filed with your office. If additional filings are necessary with respect to the adjudication claims, please contact the respective parties.

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NOV 13 1996

April 5, 1995
Page 2

We appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven R. Parry", written over the printed name.

Steven R. Parry

SRP/cp

Enclosures

cc: Leonard and Jean Foster
Blaine and Connie Larsen
Ryan and Vicki Neibaur

L:\SRP\2652.3\IDWR.003

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NOV 13 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
APR - 6 1995
Department of Water Resources
Eastern District Office

DATE OF CLOSING: 4/3/95

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A 27-07048^{OK}

☐ Name and Address of Former Owner/Claimant(s)(Seller): LEONARD FOSTER
1145 E 1400 N

☐ New Owner/Claimant (Purchaser): SHELLY ID 83274
RYAN NELBAUR

☐ New Mailing Address: 2320 ROSS
IDAHO FALLS ID 83406

☐ New Telephone Number: (208) 337-9646

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Claimants are swapping property
NO POD'S or POU'S Being Changed
NO transfers involved

☐ Attach proof of ownership, describe proof attached: Copy 2 W/D

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Ryan Nelbaur Date 4-3-95

☐ Signature of Former Owner/Claimant(s): Leonard Foster Date 3/27/95
Amy Jean Foster Date 3/27/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
NOV 13 1995

WARRANTY DEED

(Like Kind Exchange)

GRANTORS, LEONARD FOSTER, JR. and AMY JEAN FOSTER, husband and wife, of 1145 East 1400 North, Shelley, Bingham County, Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey unto RYAN R. NEIBAUR and VICKI L. NEIBAUR, husband and wife, whose current address is 2320 Ross, Idaho Falls, Idaho 83406, as GRANTEES,

(1) all of the following described real estate located in Bonneville County, Idaho:

SEE EXHIBIT "A" ATTACHED HERETO

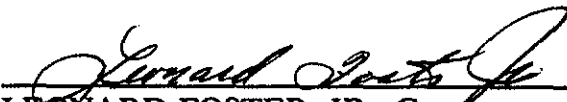
and, (2) all of the following described real estate located in Bingham County, Idaho:

SEE EXHIBIT "B" ATTACHED HERETO

GRANTORS, for themselves, their heirs and assigns, do hereby covenant, warrant, and shall defend the quiet and peaceable possession of said premises by the GRANTEES, their heirs and assigns forever against all lawful claims of all persons.

This Deed is executed pursuant to an exchange agreement between Grantors and Grantees.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 3 day of April, 1995.

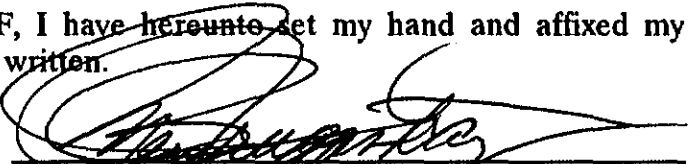

LEONARD FOSTER, JR., Grantor


AMY JEAN FOSTER, Grantor

STATE OF IDAHO)
 :SS.
County of Bonneville)

On this 3 day of April, 1995, before me the undersigned, a Notary Public for Idaho, personally appeared LEONARD FOSTER, JR. and ANY JEAN FOSTER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument 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 first above written.



Notary Public for the State of Idaho
Residing at Idaho Falls
My Commission Expires: 2/15/98

LASRP2652.2NEIBAUR.DED

WARRANTY DEED - 2

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NOV 13 1996

EXHIBIT "A"

Tract I

The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 31, Township 1 North, Range 38, E.B.M., Bonneville County, Idaho, Less and Excepting therefrom any Highway or County Road Rights of Way.

EXCEPTING THEREFROM:

Beginning at a point on the North line of the NW1/4 of Section 31, Township 1 North, Range 38, East of the Boise Meridian, said point being West 656.8 feet, from the Northeast corner of the said NW1/4, Thence running South 165 feet, thence East 132 feet, thence North 165 feet, thence West 132 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Beginning at a point on the North line of the NW1/4 of Section 31, T. 1 N. R. 38, E.B.M. said point being 524.8 feet, West from the NE corner of said NW1/4 running thence S. 165 feet; thence W. 132 feet; thence S. 0°7'E. 74.34 feet, thence E. 182 feet; thence North 0°7'W. 239.31 feet, to the North line of said Section 31, Thence West along the said North line 50 feet more or less to the point of beginning, all in Bonneville County, Idaho.

Tract II

The Southwest quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 31, Township 1 North, Range 38, E.B.M., in Bonneville County, Idaho, LESS AND EXCEPTING THEREFROM:

Commencing at the Northwest Corner of said property and running thence East 210 feet; thence South 213 feet; thence West 210 feet; thence North 213 feet; to the point of beginning.

LESS AND EXCEPTING THEREFROM any Highway or County Road Rights of Way.

SUBJECT TO existing rights of way, easements, covenants and restrictions of record, and any other right, title, and interest of the Public in and to those portions of the above described premises falling within the bounds of roads and highways, including the Easement to Oregon Short Line Railroad Company recorded in Book 21, Page 494 of Bonneville County, and the Easement to Intermountain Gas Company recorded in Book 17, at Page 161 in Bonneville County.

TOGETHER WITH all related water rights, whether appurtenant or not, and whether represented in the form of a water license, water permit, water shares or otherwise, including without limitation Water Right License No. 27-7048.

This transfer includes irrigation equipment, including two pumps and mainline, but does not include sprinkler pipe.

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EXHIBIT "B"

The East Half of the Northeast Quarter (E1/2NE1/4) of Section 36, Township 1 North, Range 37 East, Boise Meridian, Bingham County, Idaho, according to the recorded plat thereof. LESS railroad right-of-way as disclosed by Deed dated November 15, 1923, recorded December 7, 1923, as No. 5244, and by Deed dated August 27, 1923, recorded October 9, 1923, as No. 4429. ALSO EXCEPTING THEREFROM, Beginning at the intersection of the South right of way line of a County Blacktop road and the West right of way line of a County Gravel road near the Northeast corner of Section 36, Township 1 North, Range 37 East, Boise Meridian, Bingham County, Idaho, thence South 30 feet; thence N 45° W 42.43 feet; thence East 30 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM:

Beginning at a point that is West along the section line 1298.96 feet from the Northeast corner of Section 36, Township 1 North, Range 37 East of the Boise Meridian; running thence West 20.00 feet; thence South 71.00 feet; thence East 20.00 feet; thence North 71.00 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

The existing county road right-of-way along the North side.

SUBJECT TO existing rights of way, easements, covenants and restrictions of record, and any other right, title and interest of the Public in and to those portions of the above described premises falling within the bounds of roads and highways.

TOGETHER WITH all related water rights, whether appurtenant or not, and whether represented in the form of a water license, water permit, water shares or otherwise, including without limitation Water Right License No. 27-7048.

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