

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: A27-07318
Date Received: 4/ 4/1989
Receipt No: E006686
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CHARLES DANSIE 208-785-7068
Address: PO BOX 445
BLACKFOOT ID 83221
AND/OR
Name: CAROL DANSIE 208-785-7068
Address: PO BOX 445
BLACKFOOT ID 83221

2. Date of Priority: MAY 18, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	36E	27	NW	NW			BINGHAM

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOTS & LATERALS WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.500		

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

8. Total consumptive use is 437.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	36E	27	NE		NW		IRR	28.0
			NW		NW		IRR	37.0
							Section Acres	65.0
		28	NE		NE		IRR	33.0
			SW		NE		IRR	40.0
			SE		NE		IRR	37.0
							Section Acres	110.0
							Total Acres	175.0

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:
EASTERN IDAHO SLOUGH

14. Remarks:
CHANGED OWNERSHIP 10/13/95/JT/GT

15. Basis of Claim: LICENSE

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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: A27-07318
Date Received: 4/04/1989
Receipt No: E006686
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LANCE I. GARDNER 208-785-5156
Address: 589 NORTH 150 WEST
BLACKFOOT, ID 83221

OR

Name: MARK W. GARDNER 208-785-5087
Address: 119 WEST 600 NORTH
BLACKFOOT, ID 83221

2. Date of Priority: MAY 18, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
02S	36E	27	NW NW		BINGHAM

5. Description of diverting works:

WELL PUMP MAINLINE TO CENTER PIVOTS & LATERALS WITH SPRINKLERS

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7. Total Quantity Appropriated is:

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8. Total consumptive use is 437.5 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A27-07318

Page 1

Date: 04.04.89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	36E	27	NE	NW		IRR	28.0
			NW	NW		IRR	37.0
					Section Acres		65.0
		28	NE	NE		IRR	33.0
			SW	NE		IRR	40.0
			SE	NE		IRR	37.0
					Section Acres		110.0
					Total Acres		175.0

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:
EASTERN IDAHO SLOUGH

14. Remarks:

15. Basis of Claim: LICENSE

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): Ronald Hudson Date: 4/4/89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 89 Betty J. Thompson
Notary Public

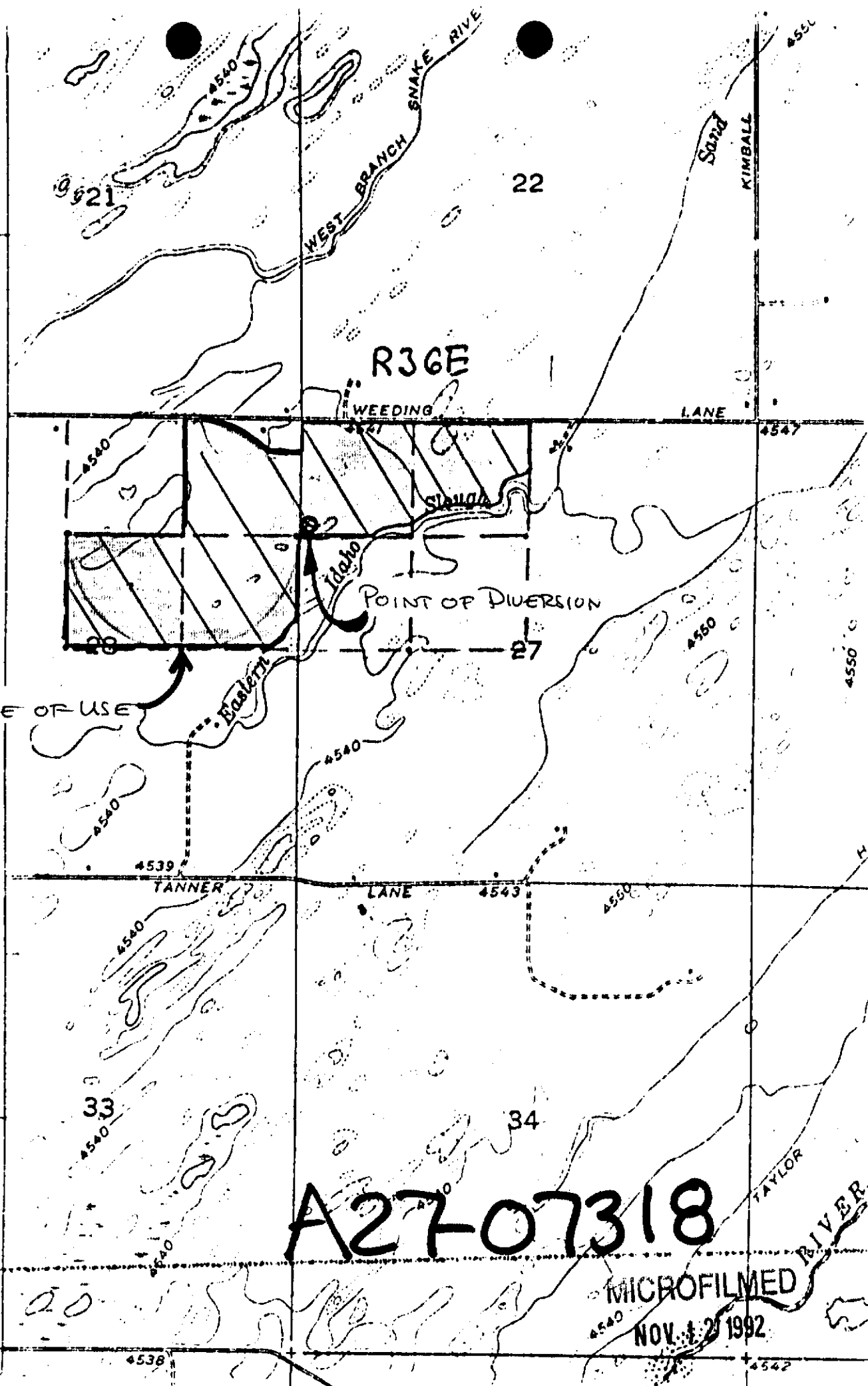
Seal

Residing at BETTY J. THOMPSON, Notary Public
My Commission Expires APR 11 1992

27-7318

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PLACE OF USE



A27-07318

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Log for claim 27-07318

Spatial Dynamics LTD

1/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s36e	27	NENW	28	28	
02s36e	27	NWNW	37	38	
02s36e	28	NENE	33	29	
02s36e	28	SENE	37	39	
02s36e	28	SWNE	40	40	
Totals:			175	174	

AJ5809WP
No. A27-07318

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 134

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHARLES DANSIE	05/18/1982	IRRIGATION	03-15 11-15	3.500 CFS	
C	CAROL DANSIE					
	PO BOX 445					
	BLACKFOOT ID 83221			TOTAL DIVERSION:	3.500 CFS	
	(208) 785-7068			CONSUMPTIVE USE:		437.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T02S R36E S27

NWNW

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02S	36E	27	:					28	37											:	65.0
02S	36E	28	:	33		40	37													:	110.0
																				TOTAL ACRES	175.0

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: EASTERN IDAHO SLOUGH

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

27-10025 A27-073038 A27-10025

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

A01-00001J A01-00298 A27-00022D A27-00035D

Conditions of Approval:

- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for
- irrigation of the lands above.

Remarks: GEN CHANGED OWNERSHIP 10/13/95/JT/GT

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/04/89 WILSON 01/17/95 JTHOMPSO 03/29/95 POST-STD 10/13/95 JTHOMPSO

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. [REDACTED]

Priority: May 18, 1982

Amount: 3.50 CFS

612.5 AFA

This is to certify, that DONALD KEITH TAYLOR
PENNY TAYLOR

RT. 3 BOX 471

BLACKFOOT, ID 83221

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated May 18, 1982, and has submitted proof to the Department of Water Resources on August 16, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 3.56 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	3.50 cfs	612.5 afa

LOCATION OF POINT OF DIVERSION(S): NWNW , Sec. 27, Township 2S, Range 36E
Bingham County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
2S	36E	27	NENW 28	NWNW 37			65
		28	NENE 33	SWNE 40	SENE 37		110

Total number of acres irrigated: 175

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 25TH day of SEPTEMBER, 1987.

MICROFILMED

Acting for the

Director

Norman C. Young

OCT 02 1987

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant Donald Keith or Penny Taylor Phone 785-5332

Post office address Rt. #3, Box 471, Blackfoot, ID 83221

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27 Township 2S

Range 36E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.86 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.86 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, mainline with laterals

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 16 inches; proposed depth of well is 180 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

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: _____ horsepower 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 _____.

If water is to be used for other purposes describe: _____

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MARCH 1978

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	36E	27					33	40											73
		28	40		40	40													120

Total number of acres to be irrigated 193

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

Shares in Blackfoot Slough Col, Eastern Idaho Water Co., East Branch
of Blackfoot Irrigation Co., and Blackfoot Irrigation Company

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

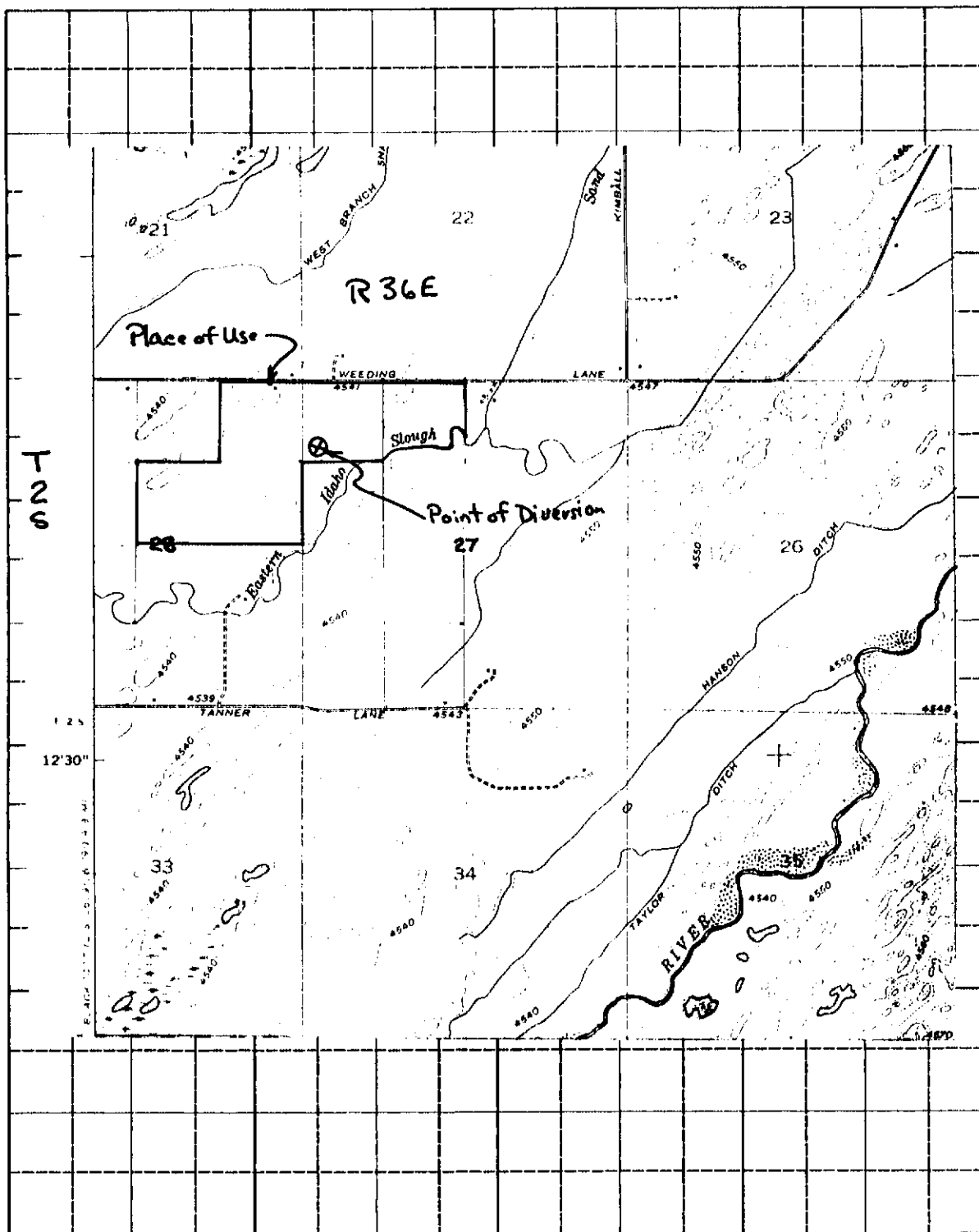
b. Who owns the land to be irrigated or place of use Applicant

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 _____

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 JUN 10 1964
 U.S. DEPT. OF AGRICULTURE
 WASHINGTON, D.C.

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.

MICROFILMED

Larry Taylor
(Applicant)

Received by Qs. 16 by KAW Date 18 May 82 Time 1200
 Preliminary check by HWS Fee \$ 8.105²⁹ + 122251
 Receipted by KAW Date 18 May 82
 Publication prepared by BP Date 5-19-82
 Published in Blackfoot News
 Publication dates 5-27-6-3-1982
 Publication approved CW Date 6-14-82
 Protests filed by: None

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by EMC RC

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. 27-7318, 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 June 1, 19 87.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
 An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 24th day of June, 1982.

J. Glen Saxton
 Chief, Operations Bureau

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OCT 1 1984

Department of Water Resources

Permit No. 27-7318

Phone No. 785-5132

1. Owner: Donald K Taylor Phone No. 785-5332
Current Address: Rt 3 Box 471 Blackfoot, ID
2. Accompanied by: NA EXAM. DATE: 9-12-84
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Groundwater tributary to _____

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	100	RTJ617340	Alura Verti-Line	NA

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. **System Description** (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well pump to T-manline to 11 Sprinkler line
Bowls set at 30' - Aluminum Manholes 6" TD
911

Motor - 460 volts, 60 cycles

Service Rider 1-15

FL RPM - 1765

6.	Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

7. Measurements Theoretical ☐ Additional data/computation sheets attached

See L.R.

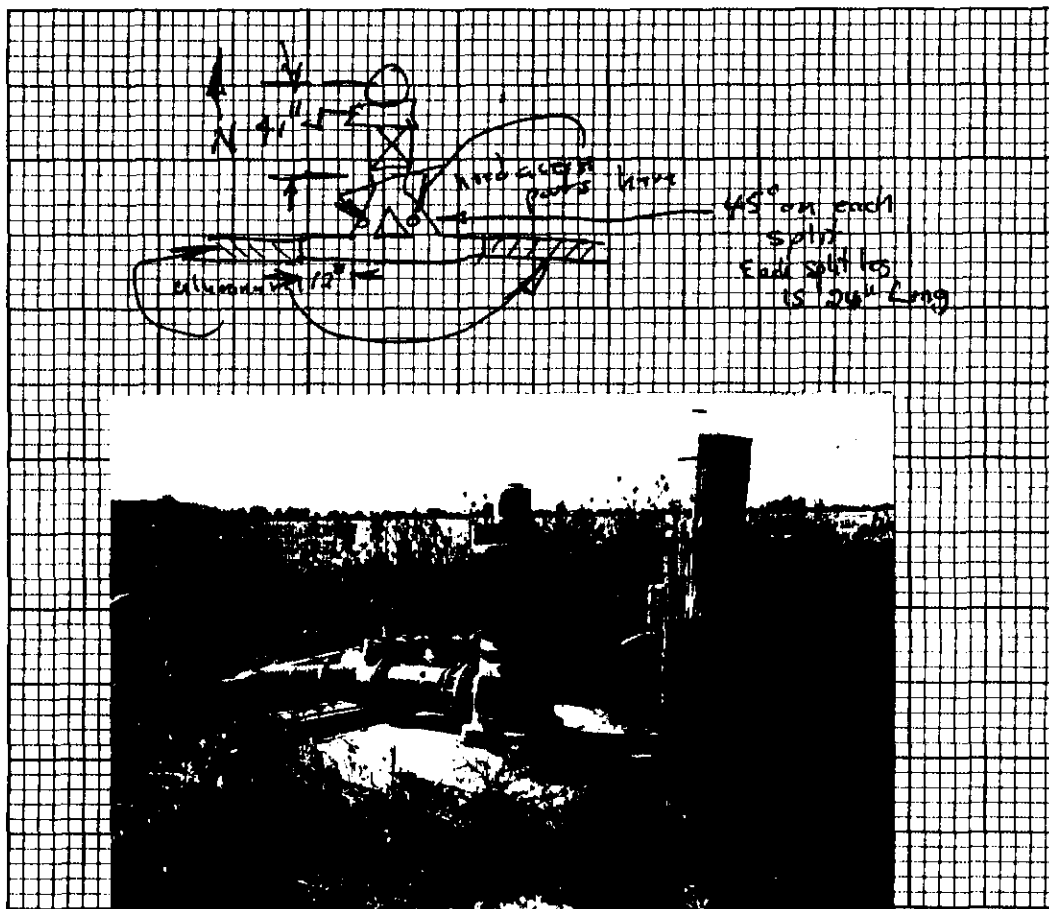
- | 8. Point(s) of Diversion: | Indicate Method of Determination |
|---------------------------|----------------------------------|
|---------------------------|----------------------------------|

[illegible]

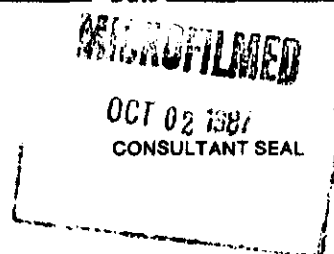
- | | | |
|----|------------------|---|
| 9. | Place(s) of Use: | Irrigation - give acres served by system at time of exam.
Indicate Method of Determination |
|----|------------------|---|

[illegible]

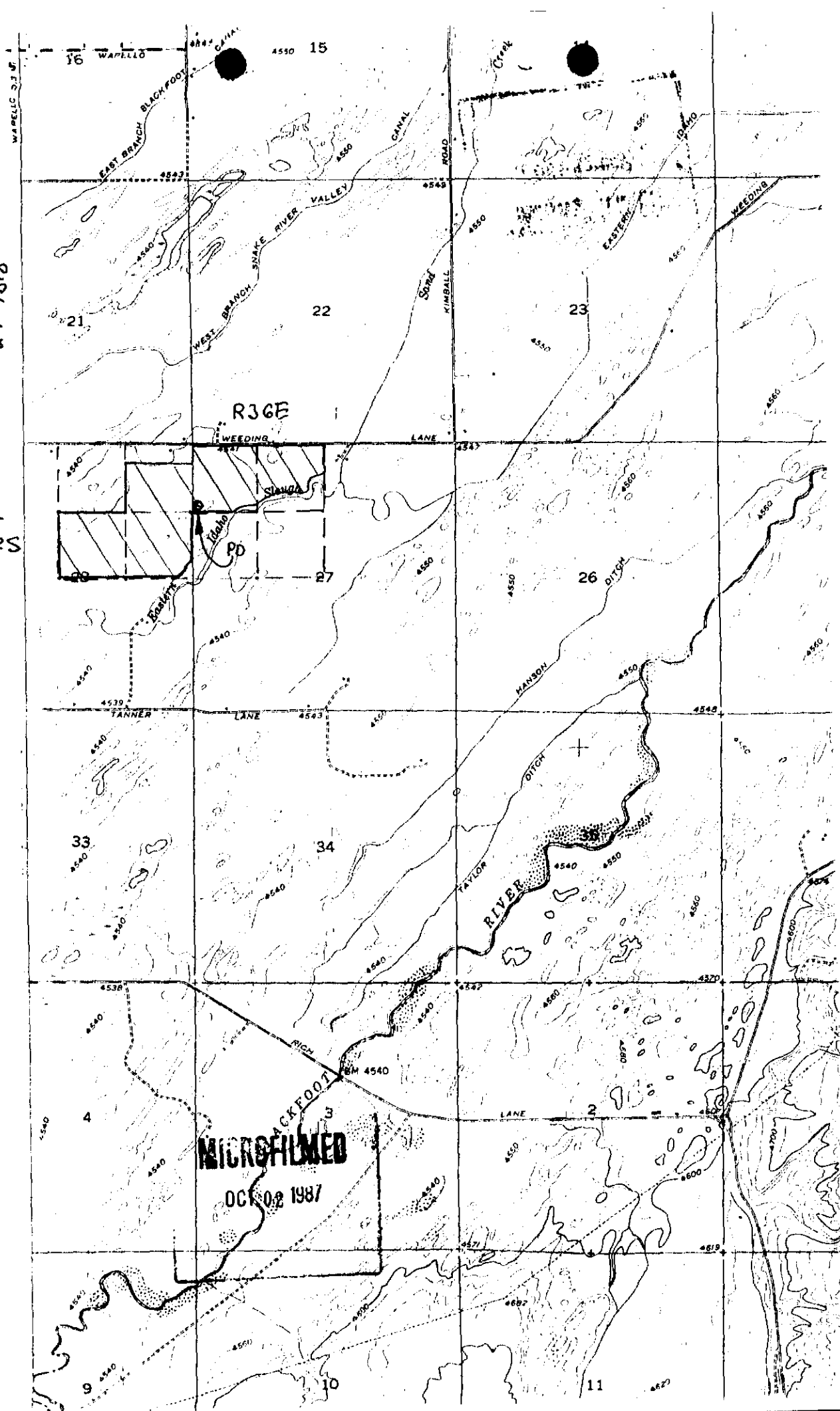
10. Other water rights on these lands Shares in several ditches
11. Other water right diverted from same p.d. _____
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks Exam History - I initially tried to measure system on 8-10-83 but only 7 of 11 lines were running & no access ports were on mainline. A second attempt was made in July 1984 but hired hand forgot to meet me & still no access ports on mainline. If a measurement is required a welder will have to put 2 access ports on for proper measurement to be made.
15. Recommended Amendments
☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other
16. Examiner's/Consultant's Signature H.W. Jones Date 9-13-84
 Consultant's License Number _____
 IDWR Director's Authorization to Conduct
 Beneficial Use Examination _____
 Date _____



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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

OCTOBER 13, 1995

CHARLES DANSIE
PO BOX 445
BLACKFOOT ID 83221

RE: CHANGE IN OWNERSHIP FOR A27-07318

Dear Mr. Dansie:

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 copy of the Notice(s) of Claim, 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.

Contact the Eastern Idaho Water Company to change the canal water records.

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 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

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)

NO - R -

☐ Water Right Number(s)
Assigned by IDWR: A27-07318

☒ Name and Address of Former Owner/Claimant(s)(Seller): _____

☒ New Owner/Claimant (Purchaser): Charles Dansie

☐ New Mailing Address: Carol Dansie
P.O. Box 445
Blackfoot 83221

☐ New Telephone Number: (801) 785-7068

☐ 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:

☐ Attach proof of ownership, describe proof attached: _____

(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): Charles Dansie Date Oct 12, 1995

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(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:

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NOV 13 1995

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

SCHEDULE A

1. Commitment Date: December 7, 1994, at 9:00 a.m.
2. Policy or Policies to be issued: Policy Amount

[X]	(a) Owner's Standard Policy Form 1402-92 (10/17/92) Proposed Insured: CHARLES DANSIE and CAROL DANSIE	\$335,000.00
-----	---	--------------
3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by FARM CREDIT BANK OF SPOKANE, successor by merger to THE FEDERAL LAND BANK OF SPOKANE.
4. The Land referred to in this Commitment is described as follows:

TRACT I:

Township 2 South, Range 36 E.B.M., Bingham County, Idaho

Section 27: ~~NE1/4NW1/4~~ ✓

Section 28: ~~S1/2NE1/4~~, ~~NE1/4NE1/4~~, EXCEPTING THEREFROM: Beginning at the NE corner of said Section 28; thence S. along the East line of said Section, 400 feet; thence W. ^{y. 50 AC} 806 feet; thence N. 400 feet to the N. line of said Section 28; thence E. 806 feet to the point of beginning. ALSO EXCEPTING THEREFROM: Beginning at a point that is W. 806.00 feet along the Section line from the NE corner of said Section 28 and running thence W. 204.00 feet along the Section line; thence S. 143.63 feet to a point of curve which is the outside radius of an irrigation pivot; thence to the right 217.79 feet along said curve (Curve Data: Delta=90°48'37", Radius=1272.00 feet) chord bears S. 69°41'15" E. 217.53 feet; thence N. 219.14 feet to the point of beginning.

(Continued)

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NOV 13 1996

SCHEDULE A
(Continued)

4. Legal description continued:

TRACT II:

Part of the NE~~NE~~ of Section 28, Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as:
Beginning at a point that is W. 806.00 feet along the Section line and S. 219.14 feet from the NE corner of said Section 28, said point being on a curve (which is the outside radius of an irrigation pivot) and running thence to the right 239.72 feet along said curve (Curve Data: Delta=10°47'53", Radius=1272.00 feet) chord bears S. 59°23'00" E. 239.37 feet; thence S. 58.95 feet; thence W. 206.00 feet; thence N. 180.86 feet to the point of beginning.

TRACT III:

Part of the NE~~NE~~ of Section 28, Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as:
Beginning at a point that is W. 600.00 feet along the Section line and S. 341.05 feet from the NE corner of said Section 28 said point being on a curve (which is the outside radius of an irrigation pivot) and running thence to the right 95.43 feet along said curve (Curve Data: Delta=4°17'54", Radius=1272.00 feet) chord bears S. 51°50'06" E. 95.40 feet; thence W. 75.01 feet; thence N. 58.95 feet to the point of beginning.

TRACT IV:

Township 2 South, Range 36 E.B.M., Bingham County, Idaho

Section 28: A strip of land 2 rods wide off the entire E. side of the NW~~NE~~.

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NOV 13 1996

Warranty Deed

431678

For Value Received MARK W. GARDNER AND ^JGERRI LU GARDNER, husband and wife and LANCE I. GARDNER and LINDA GARDNER, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

HIGH COUNTRY TITLE, a Utah Corporation, as Intermediary

whose address is: 1729 Sidewinder Dr Park City Ut 84060

Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit:

TRACT I:

Township 2 South, Range 36 E.B.M., Bingham County, Idaho

Section 27: N $\frac{1}{2}$ NW $\frac{1}{4}$

Section 28: S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, **EXCEPTING THEREFROM:** Beginning at the NE corner of said Section 28; thence S. along the East line of said Section, 400 feet; thence W. 806 feet; thence N. 400 feet to the N. line of said Section 28; thence E. 806 feet to the point of beginning. **ALSO EXCEPTING THEREFROM:** Beginning at a point that is W. 806.00 feet along the Section line from the NE corner of said Section 28 and running thence W. 204.00 feet along the Section line; thence S. 143.63 feet to a point of curve which is the outside radius of an irrigation pivot; thence to the right 217.79 feet along said curve (Curve Data: Delta=9°48'37", Radius=1272.00 feet) chord bears S. 69°41'15" E. 217.53 feet; thence N. 219.14 feet to the point of beginning.

TRACT II:

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as:

Beginning at a point that is W. 806.00 feet along the Section line and S. 219.14 feet from the NE corner of said Section 28, said point being on a curve (which is the outside radius of an irrigation pivot) and running thence to the right 239.72 feet along said curve (Curve Data: Delta=10°47'53", Radius=1272.00 feet) chord bears S. 59°23'00" E. 239.37 feet; thence S. 58.95 feet; thence W. 206.00 feet; thence N. 180.86 feet to the point of beginning.

TRACT III:

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 2 South, Range 36 E.B.M., Bingham County, Idaho, described as:

Beginning at a point that is W. 600.00 feet along the Section line and S. 341.05 feet from the NE corner of said Section 28 said point being on a curve (which is the outside radius of an irrigation pivot) and running thence to the right 95.43 feet along said curve (Curve Data: Delta=4°17'54", Radius=1272.00 feet) chord bears S. 51°50'06" E. 95.40 feet; thence W. 75.01 feet; thence N. 58.95 feet to the point of beginning.

TRACT IV:

Township 2 South, Range 36 E.B.M., Bingham County, Idaho

Section 28: A strip of land 2 rods wide off the entire E. side of the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, including all water, water rights, ditch and ditch rights.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

FIRST AMERICAN TITLE

RECORDED AT THE REQUEST OF

95 JAN 5 PM 2 50

600 SEP 18

BINGHAM COUNTY RECORDED
BINGHAM COUNTY, IDAHO

ed: JANUARY 5, 1995

Mark W. Gardner
MARK W. GARDNER

Lance I. Gardner
LANCE I. GARDNER

Gerri Lu Gardner
GERRI LU GARDNER
Linda Gardner
LINDA GARDNER

STATE OF IDAHO)
COUNTY OF BINGHAM) : ss.

On this 5th day of January, 1995, before me the undersigned, a Notary Public in and for the said county and state, personally appeared LANCE I. GARDNER AND LINDA GARDNER AND MARK W. GARDNER AND GERRI LU GARDNER, known or proved to me to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same.

Anta McArthur
Notary Public for Idaho
Residing at: BLACKFOOT
My Commission Expires: 5/20/2000

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