

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: A29-02406
Date Received: 4/16/1990
Receipt No: E013172
Received By: KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRAZIER INC. 208-232-7891
Address: C/O DENNIS FRAZIER
1270 NORTH MINK CREEK ROAD
POCATELLO, ID 83204

2. Date of Priority: FEB 23, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	35E	30		NE	SE		BANNOCK

5. Description of diverting works:
WELL PUMP MAINLINE TO 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	0.280		

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

8. Total consumptive use is 42.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	35E	30	NE	SE		IRR	17.0
Section Acres							17.0

A29-02406

Page 1

Date: 04/16/90

MICROFILMED
NOV 13 1992

A2902406

10. Place of Use: Continued

Total Acres 17.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 27800

(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.

For Organizations:

Hazus, Inc. and that the statements contained in the
Organization
foregoing document are true and correct. Census Hazus

Title and Organization

Date _____

of Apr 19 90

~~Notary Public~~

Seal

My Commission Expires: 6-30-94

AJ0749NP
No. A29-02406

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/19/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JEFFERY L MATKIN	02/23/1959	IRRIGATION	03-15 11-15	0.28 CFS	
C	JILL A MATKIN 702 S 1ST AVE POCATELLO ID 83201 (208) 234-4436			TOTAL DIVERSION: CONSUMPTIVE USE:	0.28 CFS	42.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07S R35E S30 NESE

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
07S	35E	30	:					:					:					:					:	17.0
TOTAL ACRES																							17.0	

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN CHANGE OF OWNERSHIP 8/19/98.

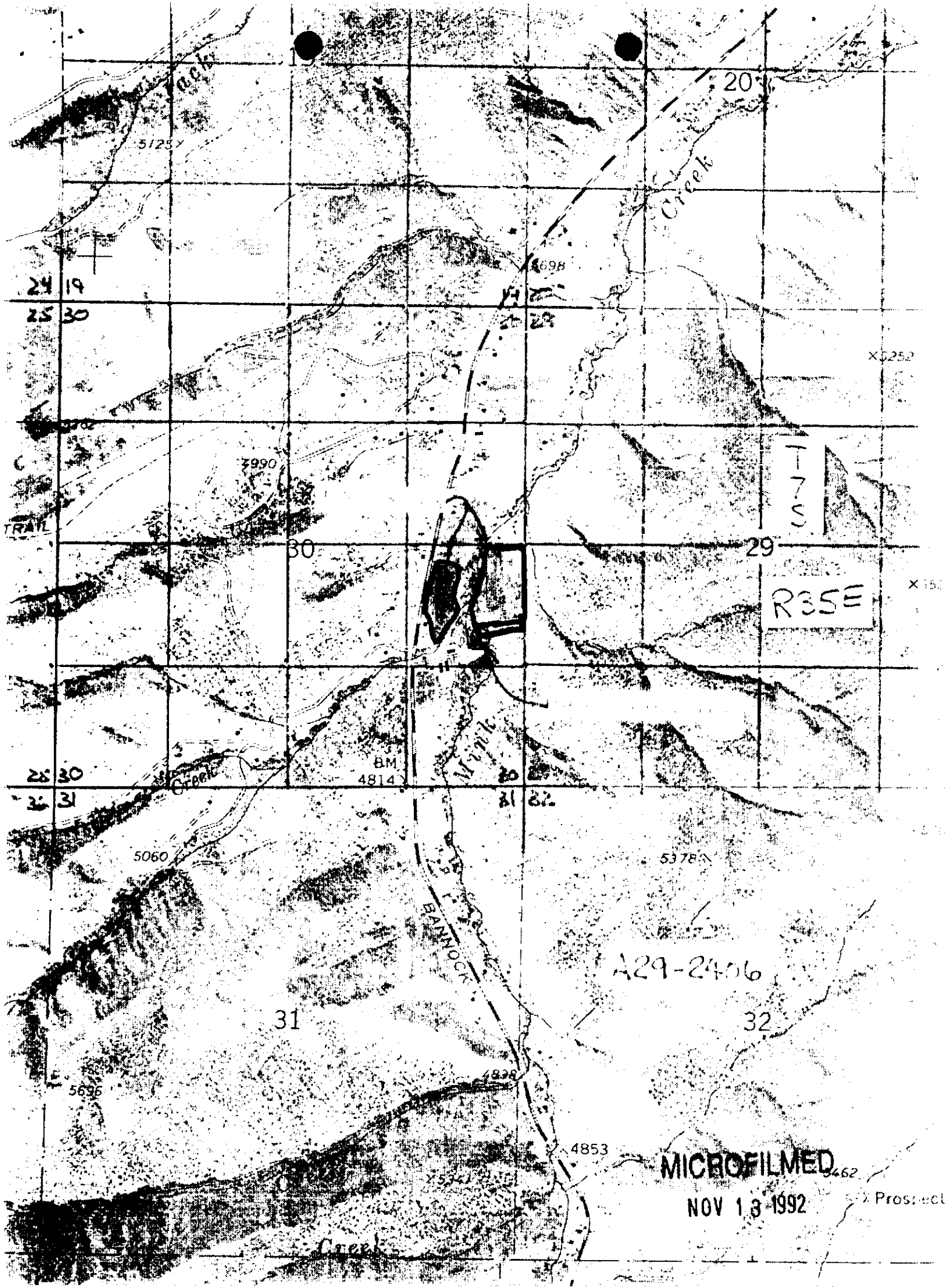
Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:



T
7
S

R35E

A29-2456

MICROFILMED

NOV 13 1992

Prospect

Log for claim A29-02406

Spatial Dynamics LTD

8/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s35e	30	NESE	17	18	
Totals:			17	18	

AJ5809NP
No. A29-02406

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 149

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
-----		-----	-----	-----	-----	-----
C	JEFFERY L MATKIN	02/23/1959	IRRIGATION	03-15 11-15	0.280 CFS	
C	JILL A MATKIN					
	702 S 1ST AVE			TOTAL DIVERSION:	0.280 CFS	
	POCATELLO ID 83201			CONSUMPTIVE USE:		42.50 AFA
	(208) 234-4436					
Water Source: GROUNDWATER		Tributary to:		Stage: LICENSE		

AJ5809NP
No. A29-02406

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/18/00
PAGE: 150

Point(s) of Diversion: T07S R35E S30 NESE BANNOCK 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	: Lt	Ac	Lt	Ac	Lt	Ac	: SUM	
07S	35E	30	:								:								:						:	17.0
																							TOTAL ACRES	17.0		

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

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

A29-11334 A29-11335

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

A29-00274A A29-11331 A29-11334

Remarks: GEN CHANGE OF OWNERSHIP 8/19/98.

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

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

Audit: 04/17/90 WILSON 06/30/94 COX 03/29/95 POST-STD 08/19/98 ARUBERRY

State of Idaho

License and Certificate of Water Right

Water License No. G-27800

Amount 0.28 c.f.s.

Water District No. _____

Priority February 23, 1959

THIS IS TO CERTIFY that J. V. FRAZIER

of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 23, 19 59; that Permit No. G-27800 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.28 second feet, was issued thereunder on October 20, 19 65, showing that said works were completed on the 22nd day of June, 19 64; and that on the 22nd day of June, 19 64, J. V. Frazier

of Pocatello, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of agriculture and domestic, under Use Permit No. G-27800 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8327, on the 20th day of October, 19 65; The right hereby confirmed dates from February 23, 19 59;

The Point of Diversion is located

in the NE ¼ SE ¼, Sec. 30, Tp. 7 S., R. 35 E., B. M. Bannock County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.28 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S	35 E	30	NE ¼ SE ¼	40	10
			SE ¼ SE ¼	40	7
			Total number of acres for agriculture and domestic uses:		17

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 20th day of October, 19 65.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

29 2406

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-35741
Permit No. G- 27800
District No.

L. F. Racine, Jr.
Attorney At Law
P. O. Box 1243
Pocatello, Idaho

1. Name of Applicant: J. V. FRAZIER
Postoffice address: Pocatello County: Bannock State: Idaho
Mink Creek Road
2. Quantity of water claimed: 40 Inches
(a) Rate of withdrawal in cubic feet per second 0.8 or Idaho
Miners' inches 40 or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean - deep well
4. Location of point of diversion or well is in the NE 1/4 of the SE 1/4 of Section 30
Twp. 7 S., Rge. 35 E., B.M., County of Bannock
5. Water is to be used for: Agriculture and domestic
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled well, cased, 200 feet (expected) pump and motor
8. Estimated cost of works: \$ 12,000
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 30 inches out of Mink Creek for irrigation and domestic purposes
(a) 30 In. (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) 10 In. (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: (See Below)

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.

/s/ J. V. Frazier
Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. February 23, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27800

Recorded in Book 98 Page 27800 Approved March 2, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before September 2, 1961

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before March 2, 1964

Witness my hand this 2nd day of March, 1959

/s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of March, 1959.

Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ ARNOLD WILLIAMS
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
7 S.	35 E.	30				x x	63.11 Acres
			REMARKS: Applicant has maintained a drilled well, cased, 59 feet in depth for approximately 10 years prior to the date of this application, and has operated such well by means of a Berkley combination pump and has from such well and with such pump developed 90 gallons per minute. This water has been used for domestic and irrigation purposes on the land described and as supplemental to the water right described from the waters of Mink Creek, a tributary of Portneuf River. Permit No. G-27800 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that J. V. Frazier of Pocatello, County of Bannock and State of Idaho, the holder of Permit No. G-27800, issued upon Application No. G-35741, bearing date of priority of February 23, 1959, authorizing the diversion of 0.8 second feet of waters of a well County of Bannock, State of Idaho, for agriculture and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.28 second feet of the waters of a well from subterranean flow that the point of diversion of said water NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 30, T 7 S., R 35 E., B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to wit: E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 30, T 7 S., R 35 E., B.M. Witness my hand this 20th day of October A.D., 1965. proof of Completion of Works Made June 22, 1964.				
			S/ RALPH W. THOMAS Deputy State Reclamation Engineer				

LICENSE ISSUED FOR 6.28 SEC. FT.
LICENSE PAGE NO. 8327

Field examine: -

Measure both wells

Only flow out of one
well be taken into

consideration as application

calls for only one well in
NE⁴NE⁴, Sec 30, T. 78. - R. 35E.

Final determination will be
made after examination.

Produce 2.00 12.5
Flow 1.00 1.80 24/64
Coll 1.00 1.00 16/64

8

21800

Proposed production 2 wells
Current production 1 well

Flow 1.00 1.00 16/64

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 0-35741

This proof is for Completion of Works & Bene. Use

In Water District No. _____

1. Name of applicant J. V. Frazier2. Source of water supply: Subterranean - deep well3. Location of point of diversion: Is in the NE¹SE¹ of Section 30T. 7S R. 35^{EH} County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: _____

The works consist in two wells; one is for orchard irrigation only by sprinkler or ditch. The second & smaller well is used for domestic water, sprinkler irrigation, & ditch supplement. (See B below for further information.)

5. Water is used for: Agriculture and domestic6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation);

E¹SE¹, Sec. 30, T7S.-R35^{EH} making a total of 63.11 acres to be irrigated

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

#1 #30 R.B. "4" 4 8-20" each riser 13 Risers @ 53psi

10 H.P. U.S. Motor # 2100628 Deming Pump # T13085

1" Disch to 2" Gate Valve 13 Risers

#2- 20 A R.B. 3/2 Nozzle 7 Risers @ 53psi

5 H.P. G.E. Motor # Model 5KC215 EG 92 Wayne Bowler Pump # D02841

3" Disch to 2" line Enclosed with 1000 gal Tank

in Concrete Block Pump house

J.V. Frazier Along

This examination was made on the 14 day of September, 19 62

(Signed) _____

Don Wether
Examiner.

J. V. Frazier
Mink Creek Road
Pocatello, Idaho
Permit No. G-27500

Examination for Completion of Works & Bene. Use

County Bannock

Sec. 30 T. 7S R. 35E BM

Quantity: 6.8

Source: Well

P.D.: NESE, 30-7S-35E

Use: irrigation + domestic

Filed: 2-22-59

Due: 5-5-64

Extension:

Protest:

Completion of Works:

Other Rights: 30" out of
Mink Cr.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
SEP 20 1965

Department of Reclamation

P 35 E

T

7

S

30

10

P.D. 1

7

P.D. 2

Subdivisions = 2

Area = 17 A

Q = 0.28 cfs

$$Q_1 = 13(9.6) = 124.8 \text{ gpm} = .26 \text{ cfs}$$

$$Q_2 = 5.11(7) = 35.77 \text{ gpm} = .08 \text{ cfs}$$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-27800

REPORT ON PROOF OF Completion of Works & Beneficial Use

J. V. Frazier, Mink Creek Road, Pocatello, Idaho



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 21, 1998

JEFFERY & JILL MATKIN
702 S 1ST AVE
POCATELLO ID 83201

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A29-02406,
A29-11331, A29-11334, A29-11335

Dear Mr. & Mrs. Matkin:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
GARY L. COOPER
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
REED W. LARSEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
BRENT R. KING
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, COOPER & BUDGE
CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, MAROTZ
& SMITH
414 SHoup
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
SCOTT W. MAROTZ
BRYAN D. SMITH†
†ALSO ADMITTED IN CA

June 30, 1998

Idaho Department of Water Resources
Eastern Region
900 N. Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED

JUL 01 1998

Department of Water Resources
Eastern Region

Re: Water Right Nos. A29-11335, A29-11334, A29-11331, A29-02406

To Whom It May Concern:

Enclosed for filing you will find New Property Owner Notice of Change of Water Right Ownership. Thank you for your assistance.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosure

cc: Jeffery and Jill Matkin
Gerald and Noreen Frazier



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUL 01 1998

DATE OF CLOSING: 6/26/98

LEGAL DESCRIPTION OF PROPERTY: Township 7 S. Range 35 E. Department of Water Resources
Section 30, E 1/2 ~~1/4~~ of SE 1/4 of 1/4 Govt. Lot , BM. Eastern Region
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: ^{Dom. Comm.} A29-11335, ¹²² A29-11334, ¹²² A29-11331, ¹²² A29-02406
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Frazier's, Inc.
1270 N. Mink Creek Road
Pocatello, Idaho 83204
- ☐ New Owner/Claimant (Purchaser): Jeffery L. and Jill A. Matkin
- ☐ New Mailing Address: 702 S. 1st Avenue
Pocatello, Idaho 83201
- ☐ New Telephone Number: (208) 234-4436
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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: See attached copy of recorded Warranty Deed

(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) [Signature] Date 6/26/98
[Signature] Date 6/26/98
- ☐ Signature of Former Owner/Claimant(s) James E. Frazier Date 6/26/98
[Signature] Date 6/26/98

(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

1-68344-1
4-1
WARRANTY DEED

98012680

FOR VALUE RECEIVED, FRAZIER'S, INC., of 1270 N. Mink Creek Road, Pocatello, Bannock County, Idaho 83204 (hereinafter "Grantor"), does hereby grant, bargain, sell and convey unto JEFFERY L. MATKIN and JILL A. MATKIN, husband and wife, whose current address is 702 South 1st Avenue, Pocatello, Bannock County, Idaho 83201 (hereinafter "Grantees"), their heirs and assigns forever, the following described premises in Bannock County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED BY REFERENCE.

DATED this 26th day of June, 1998.

FRAZIER'S, INC.

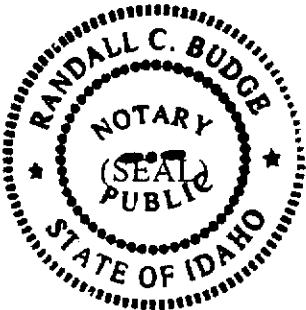
By James E. Frazier
JAMES E. FRAZIER, President

By Gerald A. Frazier
GERALD A. FRAZIER, Sec/Treasurer

STATE OF IDAHO)
 : ss
County of Bannock)

On this 26th day of June, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES E. FRAZIER and GERALD A. FRAZIER, President and Secretary/Treasurer respectively of FRAZIER'S, INC., an Idaho corporation, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same for said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, Id.
My Commission expires: 10/11/2000

EXHIBIT "A"

98012680

98012680

NO.
RECORDED AT REQUEST OF
ALLIANCE TITLE & ESCROW

'98 JUN 26 PM 4 23

OFFICIAL RECORD BOOK NO 715

BANNOCK COUNTY IDAHO

LARRY W. CHAN RECORDER

FEE 12 DEPUTY WJ

Order Number: 1-68344

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

NO. 1: A STRIP OF LAND 90 FEET WIDE BEING 40 FEET ON EAST AND 50 FEET ON WEST SIDE OF FOLLOWING DESCRIBED CENTERLINE OF SAID HIGHWAY AS SURVEYED AND SHOWN ON OFFICIAL PLAT OF BANNOCK HIGHWAY SURVEY ON FILE IN THE OFFICE OF DEPARTMENT OF PUBLIC WORKS OF STATE OF IDAHO AND LYING OVER AND ACROSS SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, NORTHEAST QUARTER OF SOUTHEAST QUARTER AND SOUTHEAST QUARTER OF SOUTHEAST QUARTER OF SECTION 30 AND NORTHEAST QUARTER OF NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BEGINNING AT STATION 329+34.8 OF SAID HIGHWAY SURVEY WHICH STATION IS THE NORTH 1/16 LINE OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., 596.3 FEET EASTERLY FROM THE NORTHEAST 1/16 CORNER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M.; THENCE RUNNING SOUTH 4°34' WEST, 80.5 FEET, THENCE ON A 5° CURVE TO THE RIGHT 288.3 FEET; THENCE SOUTH 18°59' WEST 378.8 FEET; THENCE ON A 2° CURVE TO THE LEFT 440.0 FEET; THENCE SOUTH 10°11' WEST 1267.7 FEET; THENCE ON A 4° CURVE TO LEFT 317.5 FEET; THENCE SOUTH 2°31' EAST 1230.6 FEET, MORE OR LESS, TO A POINT ON SOUTH LINE OF SAID SECTION 30, WHICH POINT IS SOUTH 89°28' WEST 1235.2 FEET, MORE OR LESS, DISTANT FROM THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE CONTINUING SOUTH 2°31' EAST, 459.7 FEET; THENCE ON A 4° CURVE TO LEFT 649.22 FEET; THENCE SOUTH 28°29' EAST, 250.4 FEET, MORE OR LESS, TO A POINT ON NORTH 1/16 LINE OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., FROM WHENCE THE NORTH 1/16 CORNER ON EAST LINE OF SAID SECTION 31 BEARS, NORTH 89°43' EAST 927 FEET, MORE OR LESS, DISTANT.

NO. 2: BEGINNING AT THE EAST 1/16 CORNER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO; THENCE SOUTH ALONG THE EAST 1/16 LINE OF SAID SECTION, A DISTANCE OF 1040 FEET, MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF BANNOCK HIGHWAY; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE WESTERLY RIGHT OF WAY OF BANNOCK HIGHWAY 1650 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE LATITUDINAL CENTERLINE OF SAID SECTION 30, THENCE WEST ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 30, 200 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

NO. 3: THE SOUTH 250 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO.

NO. 4: COMMENCING AT THE NORTHWEST CORNER OF THE NE¼SE¼ OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M., BANNOCK COUNTY, IDAHO, AND RUNNING THENCE IN AN EASTERLY DIRECTION ALONG THE NORTH LINE OF THE SAID NE¼SE¼, 295 FEET, MORE OR LESS, TO THE EASTERLY SIDE OF U.S. HIGHWAY 38, THE POINT OF BEGINNING OF THIS SURVEY, THENCE IN A SOUTHWESTERLY DIRECTION FOLLOWING THE EASTERLY SIDE OF THE HIGHWAY, 210 FEET; THENCE EAST TO THE CENTER OF MINK CREEK;

THENCE IN A NORTHEASTERLY DIRECTION FOLLOWING THE CENTERLINE OF MINK CREEK, 210 FEET, MORE OR LESS, TO THE NORTH LINE OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$; THENCE IN A WESTERLY DIRECTION ALONG THE NORTH LINE OF THE SAID NE $\frac{1}{4}$ SE $\frac{1}{4}$, 430 FEET, MORE OR LESS, TO THE POINT OF BEGINNING OF THIS SURVEY.

ALSO EXCEPTING THEREFROM:

A TRACT OF LAND IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST OF THE BOISE MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 30, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 0°06'06" EAST, 541.06 FEET; THENCE NORTH 0°06'06" WEST, ALONG SAID EAST LINE, 180.23 FEET; THENCE NORTH 43°42'57" WEST, 503.00 FEET; THENCE SOUTH 64°00'34" WEST, 76.04 FEET; THENCE SOUTH 56°42'41" WEST, 67.34 FEET; THENCE SOUTH 9°52'02" WEST, 22.57 FEET; THENCE SOUTH 53°09'30" WEST, 118.22 FEET; THENCE NORTH 79°16'49" WEST, 214.25 FEET; THENCE SOUTH 3°48'47" WEST, 268.89 FEET; THENCE SOUTH 51°11'52" EAST, 240.98 FEET; THENCE SOUTH 89°54'43" EAST, 611.65 FEET, TO THE POINT OF BEGINNING.

ALSO EXCEPT:

A TRACT OF LAND IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST OF THE BOISE MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID SECTION 30, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS SOUTH 0°06'06" EAST, 541.06 FEET THENCE NORTH 89°54'43" WEST, 611.65 FEET, TO THE TRUE POINT OF BEGINNING; THENCE NORTH 54°11'54" WEST 240.98 FEET; THENCE NORTH 03°38'47" EAST 268.89 FEET; THENCE SOUTH 79°16'49" EAST 214.25 FEET; THENCE NORTH 70°47'41" WEST 272.30 FEET; THENCE SOUTH 03°48'47" WEST 469.68 FEET; THENCE SOUTH 89°54'51" EAST 247.78 FEET TO THE TRUE POINT OF BEGINNING.

ALSO AN EASEMENT FOR ACCESS AND UTILITIES, BEING 30.00 FEET IN WIDTH, LYING 15.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE MOST WESTERLY CORNER OF THE ABOVE DESCRIBED TRACT OF LAND; THENCE SOUTH 80°24'41" WEST, 222.12 FEET; THENCE SOUTH 84°56'30" WEST, 200.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF BANNOCK HIGHWAY.

ALSO EXCEPTING THEREFROM A PARCEL OF LAND SITUATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMECING AT THE SOUTHEAST CORNER OF SAID SECTION 30; THENCE SOUTH 89°24' WEST ALONG THE SOUTH LINE OF SAID SECTION 30, 1232.2 FEET TO A POINT ON THE CENTERLINE OF BANNOCK HIGHWAY, SAID POINT BEING AT STATION 369+43 OF BANNOCK HIGHWAY AS SHOWN AND SURVEYED ON THE OFFICIAL PLAT OF BANNOCK HIGHWAY SURVEY ON FILE IN THE OFFICE OF THE STATE HIGHWAY DEPARTMENT;

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THENCE NORTH $2^{\circ}31'$ WEST ALONG THE CENTERLINE OF BANNOCK HIGHWAY 1230.6 FEET TO A POINT OF CURVATURE, SAID POINT BEING AT STATION 357+12.4 OF BANNOCK HIGHWAY; THENCE CONTINUING ALONG SAID CENTERLINE ALONG A CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF $12^{\circ}42'$ AND A RADIUS OF 1432.39 FEET FOR AN ARC LENGTH OF 317.5 FEET TO A POINT OF TANGENCY, SAID POINT BEING AT STATION 353+94.9 FEET OF BANNOCK HIGHWAY; THENCE NORTH $10^{\circ}11'$ EAST ALONG SAID CENTERLINE 190 FEET, MORE OR LESS, THENCE SOUTH $79^{\circ}49'$ EAST AT RIGHT ANGLES TO SAID CENTERLINE 40.0 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF BANNOCK HIGHWAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH $79^{\circ}49'$ EAST 80 FEET, MORE OR LESS, THENCE NORTH $10^{\circ}11'$ EAST AT RIGHT ANGLES TO LAST DESCRIBED COURSE 197 FEET, MORE OR LESS, THENCE NORTH $79^{\circ}49'$ WEST AT RIGHT ANGLES TO LAST DESCRIBED COURSE 80 FEET, MORE OR LESS, TO THE EASTERLY RIGHT OF WAY OF BANNOCK HIGHWAY; THENCE SOUTH $10^{\circ}11'$ WEST AT RIGHT ANGLES TO LAST DESCRIBED COURSE AND ALONG THE EASTERLY RIGHT OF WAY OF BANNOCK HIGHWAY 197 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

CONTINUATION PAGE

Commitment

STAND-LL.CMT

6/24/96