

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: A29-04157
Date Received: 4/11/1990
Receipt No: 2013088
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER JOHNSON 208-254-3348
Address: 3369 E. HWY. 30
MC CAMMON, ID 83250
OR
Name: KAYE JOHNSON 208-254-3348
Address: 3369 E. HWY. 30
MC CAMMON, ID 83250

2. Date of Priority: JUN 01, 1955

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	37E	20	NE	SW	NE	2	BANNOCK
			SW	SW	NW	4	BANNOCK

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

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

8. Total consumptive use is 157.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-04157

Page 1

Date: 04/11/90

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NOV 13 1992

A2904157



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	19	SE	NE	3	IRR	25.2
						Section Acres	25.2
		20	SW	NE	2	IRR	9.0
			SE	NE	1	IRR	4.0
			SW	NW	4	IRR	24.8
						Section Acres	37.8
						Total Acres	63.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

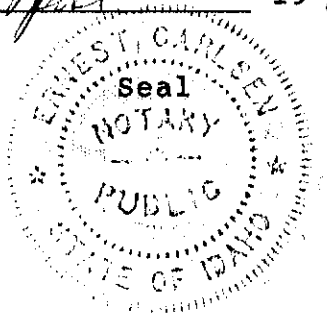
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Gloria Johnson Date: 4-11-1990

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of April 19 90. Ernest J. Carlson
Notary Public



Residing at Alto Falls, ID.
My Commission Expires 6-14-1994

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: A29-04157
Date Received: 4/11/1990
Receipt No: E013088
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MARCIA KELLY
Address: 6755 S OLD HWY 91
MC CAMMON ID

208-237-4112

83250

2. Date of Priority: JUN 1, 1955

3. Source: PORTNEUF RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	37E	20	NE	SW	NE	2	BANNOCK
			SW	SW	NW	4	BANNOCK

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

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

A.F.A.

8. Total consumptive use is 157.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	37E	19	SE	NE	3	IRR	25.2

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.2
		20	SW	NE	2	IRR 9.0
			SE	NE	1	IRR 4.0
			SW	NW	4	IRR 24.8
					Section Acres	37.8
					Total Acres	63.0

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:

14. Remarks:

CHANGED OWNERSHIP 11/18/96/JT/GT

15. Basis of Claim: STATUTORY CLAIM

DELOG JC
10/30/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**OCT 30 2000**Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A29-04157				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Marcia Kelly
 6755 S. Oldbury 91 McCammon 83250

- X4. New Owner/Claimant(s)

A Leon Hardcastle
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

675 N 8th E

City, State and ZIP Code

Preston ID 83263

New Telephone Number

() _____

5. Date you acquired the property

29-04157

(1) CHANGE OF OWNERSHIP IS INDICATED.

2.) DEEDS SHOW CHAIN OF TITLE AS:

<u>SELLER</u>	<u>BUYER</u>	<u>DEED DATE</u>	<u>REMARKS</u>
JOHNSON	KELLY	4/30/1996	(NO MENTION OF Rts.)
KELLY	MID OHIO SEC.	7/5/2000	(NO MENTION OF Rts.)
MID OHIO SEC.	PORTER	7/6/2000	(CUTLON DITCH Rts. WITHHELD)
PORTER	HARDCASTLE	7/6/2000	(CUTLON DITCH Rts. WITHHELD)

b.) C/O INDICATES CHANGE OF 29-4157 FROM KELLY (ORIGINAL CLAIMANT) TO HARDCASTLE (NEWEST BUYER).
WITH CHAIN OF TITLE THIS IS ACCEPTABLE.

Q6: c.) WHAT'S DISTURBING ABOUT THIS TRANSACTION IS THE WITHOLDING OF THE CUTLON DITCH Rts.

1.) WHAT DOES MID OHIO SEC. WANT WITH THEM?
(FIRST WITHOLDING BY DEED) $\Rightarrow$ NO KNOWN CLAIM/TRANS.

2.) IS 29-4157 ATTEMPTING TO REPERCUSS A CUTLON DITCH RIGHT ASSERTING AN ACCOMPLISHED TRANSFER (42-1426) $\Rightarrow$ CO2, CO3? DON'T THINK SO.

3.) ARE THERE EVEN CUTLON DITCH RIGHTS TO PONDER?

4.) WHAT ABOUT W/TH DELIVERY TO 29-4157 AND/OR $\pm$ CUTLON DITCH RIGHTS? IF SO, Q = _____?

(2) EVIDENCE OF PRIORITY IS ACCEPTABLE AS AFFIDAVIT.

MEMORANDUM

To: File 29-200
File 29-4159
File 29-13145
Hardcastle split of 29-4157
Fr: Bryce Contor
Date: 1/31/2001
Re: Cutler Ditch



Hardcastles came in today in response to a request for a more complete chain of title for a Notice of Change of Ownership for a portion of 29-4157, and to file claims on 29-200 and 29-4159, which appear to be appurtenant to this land but have not previously been claimed in the Adjudication.

The deed specifically excludes "Cutler Ditch Water" from the sale. AJ query indicates that an entity called "Cutler Ditch" has several AJ claims, and the names in the files appear to be neighbors of Hardcastles. A search of "Cutler Ditch" on the Secretary of State website failed to produce a result, so apparently the Cutler Ditch is not a formally organized entity.

29-200 is noted in the decree as delivered via the Cutler Ditch, but it is neither decreed to nor claimed by Cutler Ditch nor any of the identified owners of Cutler Ditch. At this point I interpret this to mean 29-200 was a private right originally conveyed via the Cutler Ditch but not owned by the Ditch association. On that assumption, I accepted AJ claim 29-200 with an accomplished change in POD to the heading of the current delivery ditch.

Hardcastles have not owned this property long and are not certain exactly where the Cutler Ditch is, but the current users appear to be on the north side of the highway. The current delivery ditch for Hardcastles' land is on the south of the railroad.

The 1987 NAPP clearly indicates more acres of irrigation than the combination of 29-200, 29-4159, and Hardcastles' portion of 29-4157. At this point it is unclear whether this irrigation was from Cutler Ditch shares owned by Hardcastles' predecessors, and retained in the deed, or whether this is a beneficial use right.

I accepted claim 29-13145 as a beneficial use claim, with the intention that if evidence is not provided, it still may be possible to recommend some of it as an enlargement. I cautioned the claimants that the exclusion of the "Cutler Ditch" water in the deed (copy in Notice of Change of Ownership 29-4157) is problematic.

Harold Jones is familiar with some of the history of the Cutler Ditch, and indicated that watermaster Arlin Olsen says the Cutler Ditch had severe leakage and water seldom made it as far down the ditch as this general area. Jones says the Cutler Ditch claims were filed by Roger Johnson and there is not actually a Cutler Ditch association to his knowledge. Jones also relates that Ken Andrus and his brother have inquired about a transfer of the Cutler Ditch rights which they have purchased or intend to purchase, Jones told them to wait until the AJ determines what the rights may actually be.



A Pioneer Company

PIONEER TITLE COMPANY
OF BANNOCK COUNTY

135 North Arthur Avenue / P.O. Box 1057 / Pocatello, Idaho 83204 / Telephone (208) 233-9595
FAX (208) 234-0621

January 4, 2001

Mrs. Alice Hardcastle
675 N. 8th E.
Preston, Idaho 83263

Re: Escrow 55579

Dear Mrs. Hardcastle:

Attached are copies of the deed which show the transfer of title
as follows:

- (1) Marcia Kelly to Mid Ohio Securities FBO LaDell Wylie IRA
- (2) Mid Ohio Securities FBO LaDell Wylie IRA to Terrel J. Porter
and Kay Arlene Porter
- (3) Terrel J. Porter and Kay Arlene Porter to A. Leon Hardcastle
and Alice B. Hardcastle, Trustee (and to their Successors
in Trust) of the Hardcastle Family Trust u/a/d dated
May 16, 1990, as to each an undivided 50% interest

Hopefully this information is sufficient in order to get the water
rights transferred.

Sincerely,

Arlene K. Evans
Assistant Vice President



20010763

A Pioneer Company
PIONEER TITLE COMPANY
 OF BANNOCK COUNTY

135 North Arthur Avenue / P.O. Box 1057 / Pocatello, Idaho 83204 / Telephone (208) 233-9595

WARRANTY DEED

For Value Received

TERREL J. PORTER and KAY ARLENE B. PORTER, husband and wife,

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

A. LEON HARDCASTLE AND ALICE B. HARDCASTLE, TRUSTEES (and to their Successors in trust) of the
 Hardcastle Family Trust u/a/d dated May 16, 1990, as to an undivided 50% interest
 each

hereinafter referred to as Grantee, whose current address is

675 N. 8th E., PRESTON, ID 83263

the following described premises, to-wit:

EXHIBIT A LEGAL DESCRIPTION ATTACHED

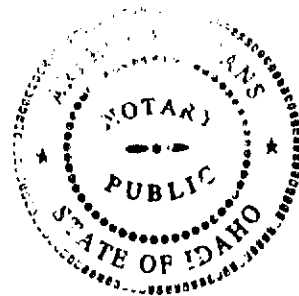
EXCLUDING THEREFROM; THE CUTLER DITCH WATER RIGHTS

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that 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.

Dated: July 6, 2000.

Terrel J. Porter
 TERREL J. PORTER

Kay Arlene B. Porter
 KAY ARLENE B. PORTER



STATE OF IDAHO)
 ss.
 COUNTY OF BANNOCK)

On This 7th day of July, in the year 2000, before me, a Notary Public in and for said State, personally appeared TERREL J. PORTER and KAY ARLENE B. PORTER, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

Robert L. Evans
 Notary Public of Idaho
 Residing at: *Pocatello, Idaho*
 Commission expires: *8/29/00*

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EXHIBIT A

20010763

PARCEL 1:

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 2:

All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 3:

All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 4:

All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 5:

A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of $08^{\circ}56'50''$ a distance of 802.18 feet to the point of tangency (Chord= South $70^{\circ}59'28''$ West 801.37 feet); thence South $66^{\circ}31'03''$ West 621.80 feet to the beginning of a 281.18 foot spiral curve with a $03^{\circ}03'00''$ delta;

thence South $67^{\circ}41'00''$ West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North $27^{\circ}41'51''$ East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North $46^{\circ}06'50''$ West 169.52 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the Northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North $85^{\circ}01'21''$ West 38.58 feet; thence North $67^{\circ}35'49''$ West 127.48 feet; thence North $53^{\circ}37'14''$ West 154.22 feet; thence North $85^{\circ}51'38''$ West 96.51 feet; thence South $44^{\circ}51'52''$ West 135.51 feet; thence North $59^{\circ}33'58''$ West 118.74 feet; thence North $39^{\circ}50'41''$ West 212.32 feet; thence North $88^{\circ}41'10''$ West 99.08 feet; thence South $52^{\circ}18'09''$ West 232.50 feet;

thence North $80^{\circ}50'47''$ West 168.73 feet; thence South $86^{\circ}29'36''$ West 99.23 feet; thence South $74^{\circ}46'54''$ West 160.70 feet; thence North $65^{\circ}51'32''$ West 118.65 feet; thence South $68^{\circ}10'58''$ West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North $00^{\circ}34'39''$ West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North $69^{\circ}22'56''$ East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of $48^{\circ}41'54''$ a distance of 311.47 feet to the point of tangency (Chord=North $45^{\circ}01'59''$ East 302.18 feet); thence North $20^{\circ}41'03''$ East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North $85^{\circ}54'05''$ East 2168.06 feet to the true point of beginning.

PARCEL 6:

A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South $89^{\circ}39'11''$ West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South $85^{\circ}54'05''$ West 2168.06 feet along a right of way fence line to a 5/8-inch

24-4

20010763

rebar with cap; thence South $83^{\circ}04'27''$ West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South $27^{\circ}43'22''$ West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North $46^{\circ}06'14''$ West; thence Southwesterly along said curve through a central angle of $25^{\circ}29'10''$ a distance of 131.87 feet to the point of tangency (Chord=South $56^{\circ}38'24''$ West 130.78 feet); thence South $69^{\circ}22'56''$ West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North $06^{\circ}10'08''$ East;

thence Southeasterly along said curve through a central angle of $01^{\circ}31'13''$ a distance of 31.73 feet to a point (Chord=South $84^{\circ}35'29''$ East 31.73 feet); thence North $04^{\circ}38'55''$ East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North $04^{\circ}38'55''$ East; thence Southeasterly along said curve through a central angle of $08^{\circ}34'46''$ a distance of 178.58 feet to the point of tangency (Chord=South $89^{\circ}38'28''$ East 178.41 feet); thence North $87^{\circ}32'29''$ East 166.13 feet along a right of way fence line to the true point of beginning.

NO 20010763

RECORDED AT REQUEST OF
PIONEER TITLE

2000 JUL 7 PM 4 58

OFFICIAL RECORD BOOK NO 762

BANNOCK COUNTY IDAHO

LARRY W GHAN RECORDER

FEE 120 DEPUTY BQ

QUITCLAIM DEED

JgP
KABP

FOR VALUE RECEIVED

MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA

do hereby convey, release, remise and forever quit claim

unto TERREL J. PORTER AND KAY ARLENE B. PORTER, HUSBAND AND WIFE

whose address is 2400 W. 2800 S., Weston, Idaho 83286

the following described premises, to-wit:

EXHIBIT A LEGAL DESCRIPTION ATTACHED

EXCLUDING THEREFROM: THE CUTLER DITCH WATER RIGHTS

together with their appurtenances, together with any after acquired title.

dated: 7-6-00

MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA

BY:

LEONARD J. GIBEL, VICE PRESIDENT

OHIO
STATE OF IDAHO, COUNTY OFOn this 6th day of July, 192000
before me, a notary public in and for said State, personally
appeared Leonard J. Gibeland
Vice-President known to me to
be the President and Secretary of the corporation that executed this instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Linda J. Borthwick

Notary Public

Residing at
Comm. ExpiresIdaho
OhioLINDA J. BORTHWICK
Notary Public, State of Ohio
My Commission Expires 07-07-01Pioneer Title Company of Bannock County
Pocatello, Idaho - 208-233-9595

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NO 20010762

RECORDED AT REQUEST OF
PIONEER TITLE

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of

2000 JUL 7 PM 4 56

OFFICIAL RECORD BOOK NO 762

BANNOCK COUNTY IDAHO

LARRY W CHAN RECORDER

FEE 1200 DEPUTY BO

By

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Mail to:

Record

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EXHIBIT A**PARCEL 1:**

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 2:

All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 3:

All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 4:

All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 5:

A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of $08^{\circ}56'50''$ a distance of 802.18 feet to the point of tangency (Chord= South $70^{\circ}59'28''$ West 801.37 feet); thence South $66^{\circ}31'03''$ West 621.80 feet to the beginning of a 281.18 foot spiral curve with a $03^{\circ}03'00''$ delta;

thence South $67^{\circ}41'00''$ West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North $27^{\circ}41'51''$ East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North $46^{\circ}06'50''$ West 169.52 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the Northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North $85^{\circ}01'21''$ West 38.58 feet; thence North $67^{\circ}35'49''$ West 127.48 feet; thence North $53^{\circ}37'14''$ West 154.22 feet; thence North $85^{\circ}51'38''$ West 96.51 feet; thence South $44^{\circ}51'52''$ West 135.51 feet; thence North $59^{\circ}33'58''$ West 118.74 feet; thence North $39^{\circ}50'41''$ West 212.32 feet; thence North $88^{\circ}41'10''$ West 99.08 feet; thence South $52^{\circ}18'09''$ West 232.50 feet;

thence North $80^{\circ}50'47''$ West 168.73 feet; thence South $86^{\circ}29'36''$ West 99.23 feet; thence South $74^{\circ}46'54''$ West 160.70 feet; thence North $65^{\circ}51'32''$ West 118.65 feet; thence South $68^{\circ}10'58''$ West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North $00^{\circ}34'39''$ West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North $69^{\circ}22'56''$ East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of $48^{\circ}41'54''$ a distance of 311.47 feet to the point of tangency (Chord=North $45^{\circ}01'59''$ East 302.18 feet); thence North $20^{\circ}41'03''$ East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North $85^{\circ}54'05''$ East 2168.06 feet to the true point of beginning.

PARCEL 6:

A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South $89^{\circ}39'11''$ West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South $85^{\circ}54'05''$ West 2168.06 feet along a right of way fence line to a 5/8-inch

11-4
rebar with cap; thence South $83^{\circ}04'27''$ West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South $27^{\circ}43'22''$ West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North $46^{\circ}06'14''$ West; thence Southwesterly along said curve through a central angle of $25^{\circ}29'10''$ a distance of 131.87 feet to the point of tangency (Chord=South $56^{\circ}38'24''$ West 130.78 feet); thence South $69^{\circ}22'56''$ West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North $06^{\circ}10'08''$ East;

thence Southeasterly along said curve through a central angle of $01^{\circ}31'13''$ a distance of 31.73 feet to a point (Chord=South $84^{\circ}35'29''$ East 31.73 feet); thence North $04^{\circ}38'55''$ East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North $04^{\circ}38'55''$ East; thence Southeasterly along said curve through a central angle of $08^{\circ}34'46''$ a distance of 178.58 feet to the point of tangency (Chord=South $89^{\circ}38'28''$ East 178.41 feet); thence North $87^{\circ}32'29''$ East 166.13 feet along a right of way fence line to the true point of beginning.

QUITCLAIM DEED

FOR VALUE RECEIVED

MARCIA KELLY, A SINGLE PERSON

do hereby convey, release, remise and forever quit claim
unto MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA
whose address is 36 Lake Ave., Elyria, Ohio 44036
the following described premises, to-wit:

ATTACHED EXHIBIT A LEGAL DESCRIPTION

AND: Execution of this Deed by the Grantor fully releases any Rights of Redemption as may be set forth in the Decree of Foreclosure and Order of Sale under Case No. SVOC-99-01395D, recorded December 27, 1999 as Instrument No. 99021038.

together with their appurtenances, together with any after acquired title.

dated: July 5, 2000

Marcia Kelly
MARCIA KELLY

ACKNOWLEDGMENT: Individual
STATE OF IDAHO, County of Bannock
On this 5th day of July, in
the year of 2000, before me
the undersigned, a notary public,
personally appeared Marcia Kelly
, known or
identified to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Notary Public: Arlene K. Evans
Residing at: Pocatello, Idaho
Comm. Exp: 8/29/04

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record
at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:

NO 20010761
RECORDED AT REQUEST OF
PIONEER TITLE
2000 JUL 7 PM 4 56
OFFICIAL RECORD BOOK NO 76
BANNOCK COUNTY IDAHO
LARRY W. CHAN RECORDER
FEE 12.00 LITTON 12

EXHIBIT A**PARCEL 1:**

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 2:

All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 3:

All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 4:

All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 5:

A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

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4-4

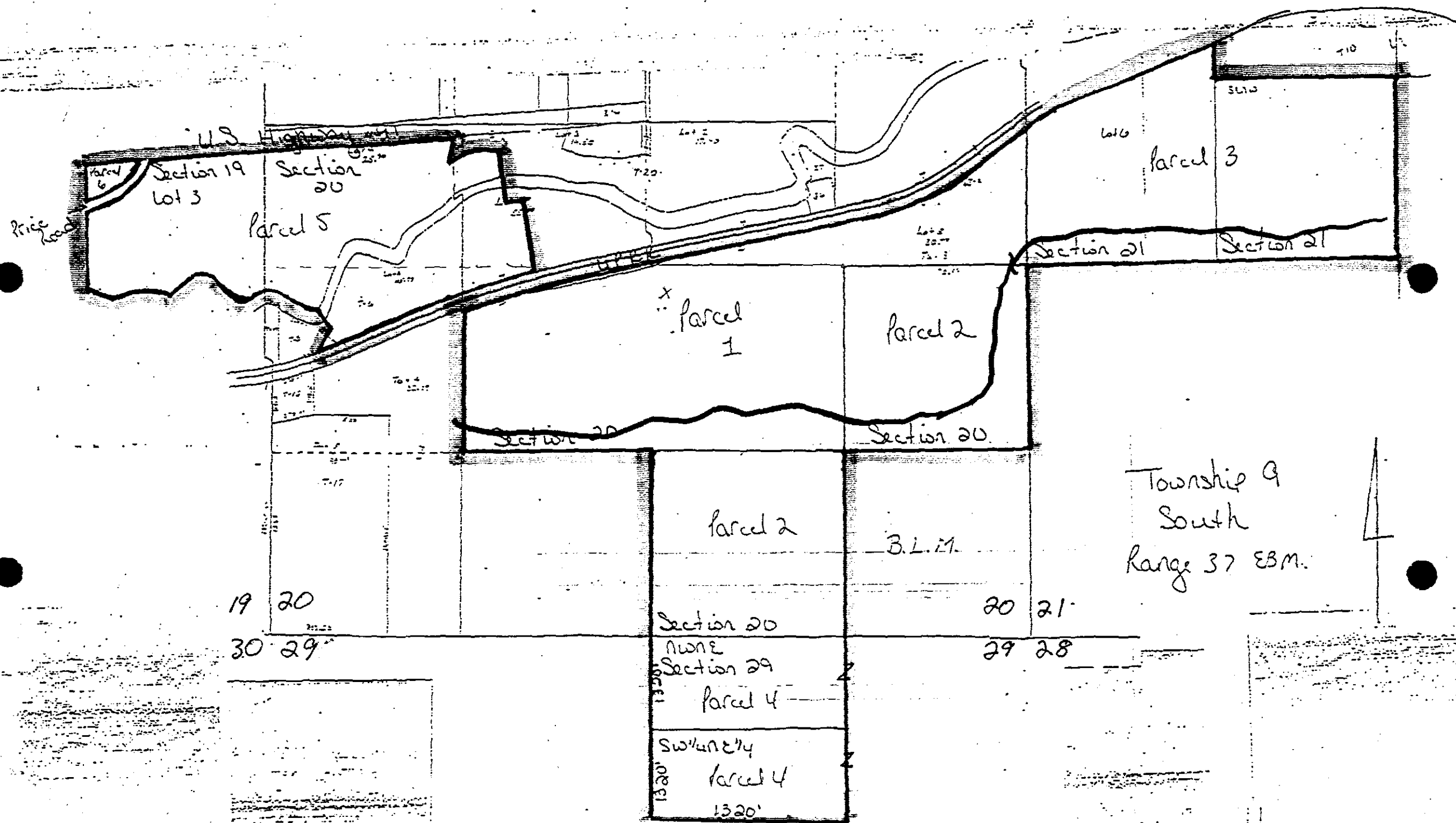
20010761

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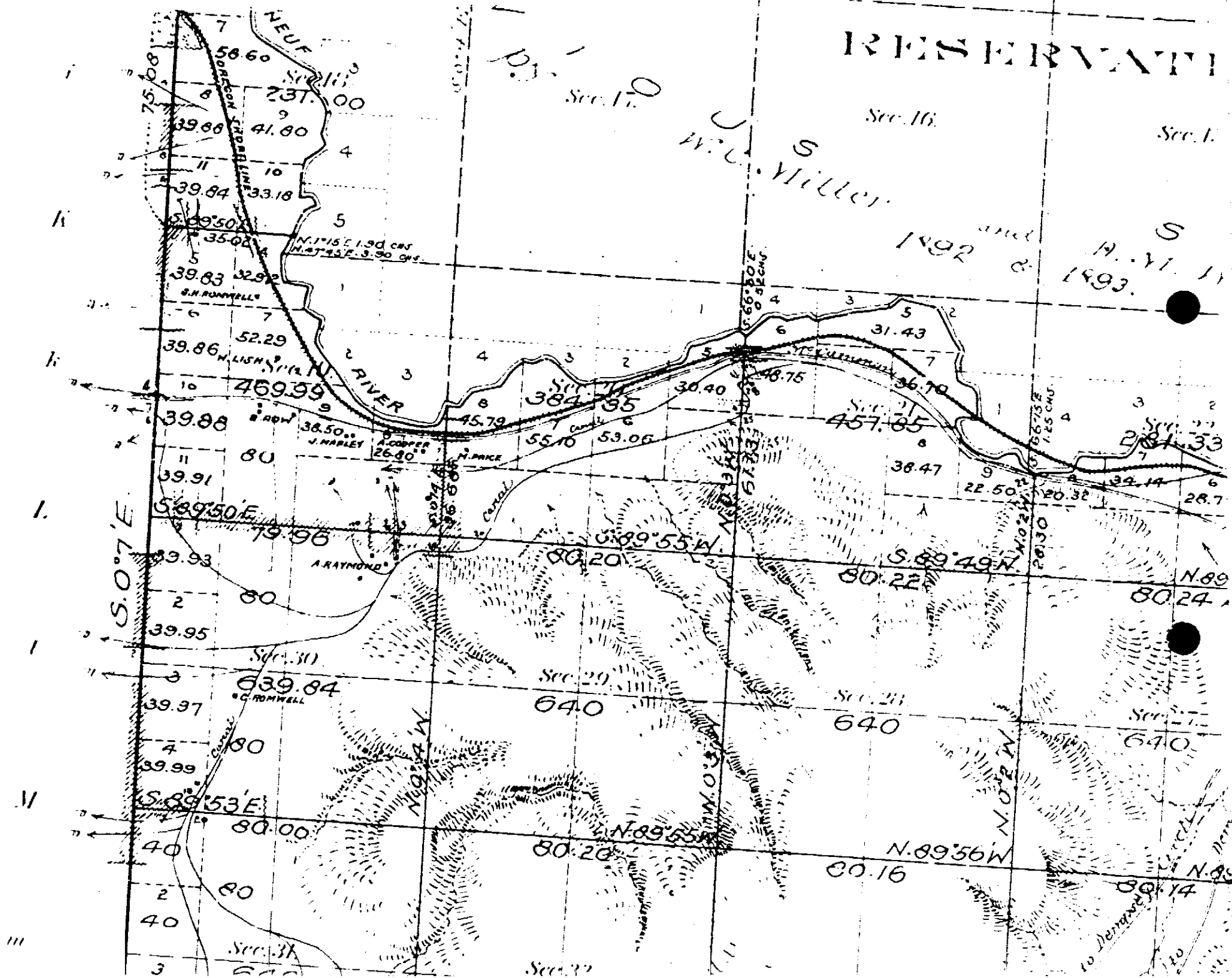
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10-1
Sec. 10





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 8, 2000

A LEON HARDCASTLE
675 N 8TH E
PRESTON ID 83263

RE: OWNERSHIP CHANGE FOR 29-04157

Dear Mr. Hardcastle:

Per your request, one of our water agents researched to see which water rights are appurtenant to your property. 29-04157 goes to your property but is in the name of Marcia Kelly. In order for our office to change the ownership from her to you, please do the following:

- 1) fill in the orange highlighted items on the "Notice of Change in Water Right Ownership" form.
- 2) Sign item #7 on the back of the same form.
- 3) Provide a chain of title from Marcia Kelly to you. The enclosed quitclaim deed is from Mid Ohio Securities to Terrel and Arlene Porter. Provide the documents that convey this property from the Porter's to you. Call the Bannock County assessor and they can help you.

Once I receive the above items, I will proceed with changing the water right ownership of 29-04157.

Our research also discovered two additional water rights that were claimed for your property but never filed in the Snake River Basin Adjudication. To file on this water, please fill out the enclosed "Notice of Claim to a Water Right". The "water right reports" are inserted to assist you in this process. The fees for these filings are: \$50.00 per claim, \$50.00 late fee, and \$1.00 per acre.

If you have further questions about this matter, please contact Water Rights Supervisor Ernie Carlsen.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Crabtree". The signature is fluid and written in dark ink.

Jennifer Crabtree
Technical Records Specialist

Enclosure

Log for claim A29-04157

Spatial Dynamics PJM

9/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	19	SENE	25	27	
09s37e	20	SWNE	9	18	
09s37e	20	SENE	4	2.6	Indiscernible
09s37e	20	SWNW	24	25	
Totals:			62	72.6	



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

November 19, 1996

MARCIA KELLY
6755 S OLD HWY 91
MC CAMMON ID 83250

Re: Change in Ownership from Roger Johnson.

Dear Marcia:

Please find enclosed Notice of Claim No. A29-04157. It has been modified to reflect you as the current owner and you may keep it for your records.

All of the other water rights that appear to pertain to the property you purchased are in the name of Cutler Ditch or Portneuf Irrigating Co.. As we discussed, you will need to contact the two companies to have shares transferred to your name.

Please do not hesitate to contact this office if you have any questions regarding this matter, or, if you believe this is in some way in error.

Sincerely,


Gregory J. Taylor
Sr. Water Agent, Adjudications

FILE

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

11-8-96
ET

- A79-11274, 00051, 11253

47810
31
WARRANTY DEED

96007061

FOR VALUE RECEIVED

ROGER S. JOHNSON AND KAYE R. JOHNSON, ALSO SHOWN AS
KAY R. JOHNSON, HUSBAND AND WIFE

The Grantor S , do hereby grant, bargain, sell and convey unto

MARCIA KELLY, A SINGLE PERSON

The Grantee S , whose address is 6755 S. OLD HWY. 91, MCCAMMON, ID 83250

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee ,
HER heirs and assigns forever. And the said GrantorS do hereby covenant to
and with the said Grantee , that T he Y ARE the ownerS in fee simple of said premises; that said
premises are free from all encumbrances

and that The Y will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 30, 1996

Roger S. Johnson
ROGER S. JOHNSON

Kaye R. Johnson
KAYE R. JOHNSON

STATE OF IDAHO, COUNTY OF BANNOCK

On this 30TH day of APRIL , 19 96 .
before me, Notary Public in and for said State, personally appeared

ROGER S. JOHNSON AND KAYE R. JOHNSON,
HUSBAND AND WIFE

known to me to be the persons whose names are subscribed to the foregoing instrument

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the
request

at
this
19
of Deed

NO 96007061

RECORDED AT REQUEST OF

PIONEER TITLE

JOHNSON TO KELLY 4/1996
KELLY TO MID OHIO SEC. 7/5/2000
MID OHIO TO PORTON 7/6/2000
PORTON TO HARDCASTLE 7/6/2000

Q's: ① Does WM own this right?

② Cutler Ditch Rights? Which?

③ Why did MID OHIO w/have Cutler
Ditch Rights?

④ Where are the Cutler Ditch Rights now?

MAR 27 1995

Department of Water Resources
Eastern District Office

McCammon, Idaho
March 24, 1995

Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho

Dear Sirs:

I, Roger Johnson filed the claim for 2.50 cfs for use on the land in described in claim No. A29-04157 on 04/10/1955. Enclosed is a notarized statement from Irvin Gilbert.

We were raising sugar beets. Surface irrigation water would sink in the ground in less than 300 ft.

We checked with France Potter, the water master, and used one diesel powered pump to pump from the Portneuf river and sprinkler irrigate the sugar beets. France Potter said that when we pumped, it made no difference in the river flow at the next division two miles down the river. With his permission we used two diesel powered pumps to sprinkler irrigate the sugar beets. He determined that the two pumps pumped 2.50 cfs of water. When we were using 2.50 cfs of water from the river it made no difference in the flow of the river at the next diversion point on the river.

Mr. Potter suggested that this would be a good water right and that we should file for this water.

We have raised sugar beets, grain and alfalfa hay on this land.

Sincerely yours,

Roger Johnson

Roger Johnson,
Roger Johnson,

Roger Johnson Came
before me 3-24-95
Belva Olsen Hansen
exp date 11-95

NOTED
NOTED

RECEIVED

MAR 27 1995

Department of Water Resources
Eastern District Office

Virginia, Idaho
March, 7, 1995

Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho

Dear Sirs:

I Ervin Gilbert having lived in this area over sixty years do witness that Roger Johnson did apply water to land that lies west of his house in 1955. He used two portable pumps and pumped out of the river to irrigate sugar beets. The beets were irrigated from May to the end of September.

Ervin Gilbert

State of Arizona
Maricopa County

The foregoing instrument was acknowledged before me this 13 day of March 19 95. Witness my hand and official seal.

Dorothy D. Lynch
Notary

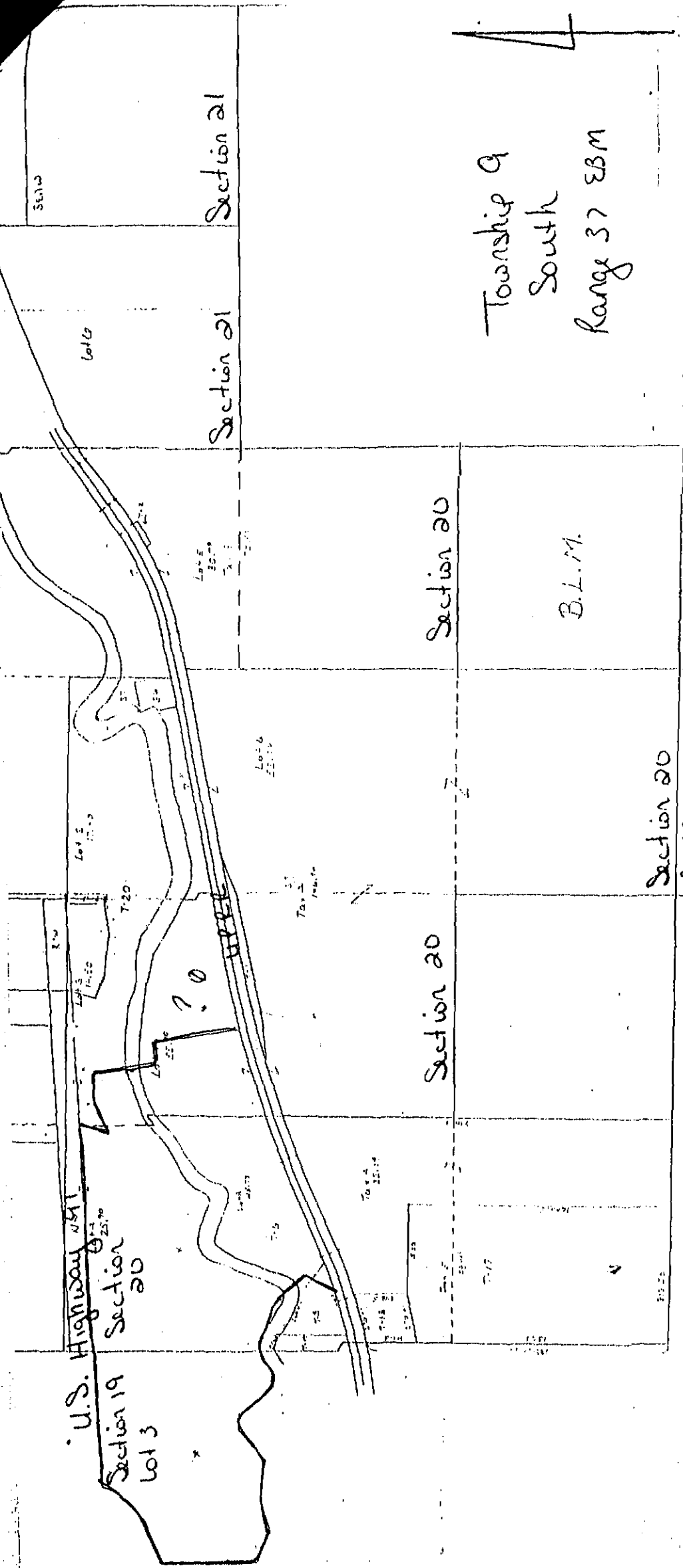
My Commission Expires Dec. 11, 1996

My commission expires

*Endorse of Priority
1955 - Bottom of river
season, June 1, 55
is OK*

RECORDED
MAY 13 1996

U.S. Highway 41
Section 19 Section 20
Lot 3



Township 9
South
Range 37 EBM

Section 20

B.L.M.

Section 20

Section 20

None
Section 29

SW 1/4 NE 1/4

1320'

Z

Z

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

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thence North 80°50'47" West 168.73 feet; thence South 86°29'36" West 99.23 feet; thence South 74°46'54" West 160.70 feet; thence North 65°51'32" West 118.65 feet; thence South 68°10'58" West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North 00°34'39" West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

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Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labelled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South 85°54'05" West 2168.06 feet along a right of way fence line to a 5/8-inch rebar with cap; thence South 83°04'27" West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South 27°43'22" West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North 46°06'14" West; thence Southwesterly along said curve through a central angle of 25°29'10" a distance of 131.87 feet to the point of tangency (Chord=South 56°38'24" West 130.78 feet); thence South 69°22'56" West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North 01°19'25" East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North 06°10'08" East;

thence Southeasterly along said curve through a central angle of 01°31'13" a distance of 31.73 feet to a point (Chord=South 84°35'29" East 31.73 feet); thence North 04°38'55" East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North 04°38'55" East; thence Southeasterly along said curve through a central angle of 08°34'46" a distance of 178.58 feet to the point of tangency (Chord=South 89°38'28" East 178.41 feet); thence North 87°32'29" East 166.13 feet along a right of way fence line to the true point of beginning.