

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: 74-01130

DATE RECEIVED:

RECEIPT NO: X999999

RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. NAME: KENNETH R. KELLY  
ADDRESS: P.O. BOX 64  
LEADORE, ID

83464

NAME: BETTY C. KELLY  
ADDRESS: P.O. BOX 64  
LEADORE, ID

83464



MAY - 8 1990

Department of Water Resources  
Eastern District Office

2. DATE OF PRIORITY: APR 01, 1942

3. SOURCE: GROUNDWATER TRIB. TO:

4. POINT OF DIVERSION:

| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 OF | 1/4 | LOT | COUNTY |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 15N      | 25E   | 3       | SE     | NE     |     |     | LEMHI  |



5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

| PURPOSE    | FROM  | TO    | C.F.S. | (OR) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.040  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

7. TOTAL QUANTITY APPROPRIATED IS:  
0.040 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

| TOWNSHIP | RANGE | SECTION | 1/4 OF 1/4 | LOT | USE   | ACRES |
|----------|-------|---------|------------|-----|-------|-------|
| 15N      | 25E   | 3       | SE NE      |     | STOCK |       |

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREE  
CASE NUMBER:  
COURT :  
DECREE DATE:

DECREE PLAINTIFF

VS

DECREE DEFENDANT

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: 0

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): Kenneth B. Kelly DATE: May 7, 1990  
Betty Kelly DATE: May 7, 1990

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM \_\_\_\_\_ OF  
\_\_\_\_\_, TITLE  
\_\_\_\_\_, THAT I HAVE SIGNED THE FOREGOING  
ORGANIZATION  
DOCUMENT IN THE SPACE BELOW AS \_\_\_\_\_ OF  
\_\_\_\_\_, TITLE  
\_\_\_\_\_, AND THAT THE STATEMENTS CONTAINED IN THE  
ORGANIZATION  
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED AGENT

\_\_\_\_\_  
TITLE AND ORGANIZATION

\_\_\_\_\_  
DATE

STATE OF IDAHO )  
COUNTY OF Lemhi ) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 7th DAY

OF May 19 90

Charles E. Ellis  
NOTARY PUBLIC

SEAL

RESIDING AT Lemhi Idaho

MY COMMISSION EXPIRES 5-1-92

DATE: 02/08/90

MICROFILMED

DEC 14 1992



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

# RECEIVED

DATE OF CLOSING: 11 Sept. '93

POOR ORIGINAL

12 1993

LEGAL DESCRIPTION OF PROPERTY: Township attached Range \_\_\_\_\_  
 Section \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 Govt. Lot \_\_\_\_\_  
 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision/Townsite \_\_\_\_\_  
 Department of Water Resources  
 BM. Eastern District Office

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:

A74-01129; A74-01130; A74-01131

[ ] Name and Address of Former  
Owner/Claimant(s)(Seller):

A74-00380B (as ??)

Kenneth & Betty Kelly

2617 E. Aite Libre Lane

Phoenix, Arizona 85032

[ ] New Owner/Claimant  
(Purchaser):

Christopher & Barbara Boling

[ ] New Mailing Address:

POB 34 HC 68 Box 4A

Leadore, Idaho 83464

[ ] New Telephone Number:

(208) 768-2607

[ ] 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:

Addresses were changed on A74-02210 and

A74-00050B in name of Christopher & Barbara Boling

[ ] Attach proof of  
ownership, describe  
proof attached:

Copy of 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.)

Sign Here

Signature of New  
Owner/Claimant(s)

Christopher H. Boling  
Barbara E. Boling

Date 5/7/93Date 5/7/93

[ ] Signature of Former  
Owner/Claimant(s):

Date \_\_\_\_\_

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:

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

# MICROFILMED

APR 19 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: A74-01130  
Date Received: / /  
Receipt No: X999999  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: CHRISTOPHER BOLING 208-768-2607  
Address: HC 68 BOX 4A  
LEADORE ID 83464  
AND/OR  
Name: BARBARA BOLING 208-768-2607  
Address: HC 68 BOX 4A  
LEADORE ID 83464

2. Date of Priority: APR 1, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 15N      | 25E   | 3       | SE     | NE     |     |     | LEMHI  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.040  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use   | Acres |
|----------|-------|---------|------------|-----|-------|-------|
| 15N      | 25E   | 3       | SE NE      |     | STOCK |       |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

---

Decree Plaintiff

vs

---

Decree Defendant



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

MAY 13, 1993

CHRISTOPHER BOLING  
HC 68 BOX 4A  
LEADORE ID 83464

RE: CHANGE IN OWNERSHIP FOR A74-01129, -01130, 01131,  
AND -00380B

Dear Mr. Boling:

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

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

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson  
Water Right Agent, Adjudications

DC:jt

Enclosure: Notices of Claim

cc: Kenneth and Betty Kelly/copy letter/C/O form  
L. T. Stevenson/copy letter

MICROFILMED

APR 19 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: A74-01130  
Date Received: / /  
Receipt No: X999999  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: WILLIAM B ROBISON  
Address: 841 N 3900 E  
RIGBY ID 83442

AND

Name: NORMA RAE ROBISON  
Address: 841 N 3900 E  
RIGBY ID 83442

2. Date of Priority: APR 1, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 15N      | 25E   | 3       | SE     | NE     |     |     | LEMHI  |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.040  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|----------|-------|---------|--------|-----|-----|-------|-------|
| 15N      | 25E   | 3       | SE     | NE  |     | STOCK |       |

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

---

Decree Plaintiff

vs

---

Decree Defendant



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

## RECEIVED

DATE OF CLOSING: 7/9/1993

POOR ORIGINAL

AUG 12 1993

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 Govt. Lot \_\_\_\_\_, \_\_\_\_\_  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
Department of Water Resources  
Eastern District Office

If you have additional legal descriptions, please attach separate sheet. See attached 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: A74-0050B, A74-02210, A74-01129, A74-01130  
A74-01131, A74-00380B
- [ ] Name and Address of Former Owner/Claimant(s)(Seller): Christopher and Barbara Boling  
HC 68 Box 4A  
Leadore, Idaho 83464
- [ ] New Owner/Claimant (Purchaser): William B. and Norma Rae Robison
- [ ] New Mailing Address: 308 North 4200 East  
841 No. 3900 East  
Rigby, Idaho 83442
- [ ] New Telephone Number: ( ) \_\_\_\_\_ - \_\_\_\_\_
- [ ] 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:

OK  
HT

- [ ] Attach proof of ownership, describe proof attached: copy of 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) William B. Robison Date 7/9/93  
Norma Rae Robison Date 7/9/93
- [ ] Signature of Former Owner/Claimant(s): Christopher H. Boling Date 7/9/93  
Barbara Boling Date 7/9/93

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

### FOR IDWR USE ONLY:

Initial Review and Data-Entry  
Date \_\_\_\_\_ By: \_\_\_\_\_  
Further Action Needed:  
Further Action Taken  
Date \_\_\_\_\_ By: \_\_\_\_\_  
Final Review and Data-Entry  
Date \_\_\_\_\_ By: \_\_\_\_\_  
Claim Numbers of Split, if any:

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

MICROFILMED

APR 19 1994

AUGUST 16, 1993

WILLIAM B ROBISON  
841 N 3900 E  
RIGBY ID 83442

RE: CHANGE IN OWNERSHIP FOR A74-00050B, -02210, -01129,  
-01130, -01131, AND -00380B

Dear Mr. Robison:

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

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

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Gregory J. Taylor  
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice(s) of Claim

File: P

cc: Southern Montana Abstract & Title Company

MICROFILMED

APR 19 1994

OCT-05-1998  
0030

1

RIGHT NUMBER: 74-01130

NAME AND ADDRESS: WILLIAM B ROBISON  
NORMA RAE ROBISON  
841 N 3900 E  
RIGBY ID 83442

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/01/1942

POINT OF DIVERSION: T15N R25E S03 SENE Within LEMHI County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE                     | PERIOD OF USE | QUANTITY |
|----------------|------------------------------------|---------------|----------|
|                | STOCKWATER                         | 01-01 12-31   | 0.04 CFS |
|                | DOMESTIC DOMESTIC, 1 HOME; STOCKWA | 01-01 12-31   | 0.04 CFS |

PLACE OF USE: STOCKWATER Within LEMHI County  
T15N R25E S03 SENE

DOMESTIC Within LEMHI County  
T15N R25E S03 SENE

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.  
PARCEL NO. RP15N25E030000A

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

VRB  
11/9/98  
+  
11/13/98

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s).: 74-74 domestic  
A74-00050B-02210, -01129, -01130, -01131, -00380B
- Adjudication Claim No(s).: \_\_\_\_\_
2. The following REQUIRED information must be submitted with this form:
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)  
OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant William B. Robison
4. New Owner/Claimant(s) 841 N. 3900 E, Rigby, ID 83442  
Lemhi Ranches, LLC  
Guardian LTD Partnership #1  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 927
- City, State and ZIP Code Salmon, ID 83467
- New Telephone Number (208) 756-6622
5. Date you acquired the property 4/15/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_
- Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Rogin Ball - owner 3/4/99  
[Signature] 3/4/99  
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

RECEIVED

MAR 09 1999

Department of Water Resources  
Eastern Region



## COMMITMENT FOR TITLE INSURANCE

ISSUED BY

*First American Title Insurance Company*

### AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.



*First American Title Insurance Company*

BY *Parker S. Kennedy* PRESIDENT

ATTEST *Mark R. Amerson* SECRETARY

BY *[Signature]* COUNTERSIGNED



## SCHEDULE B - Section 1

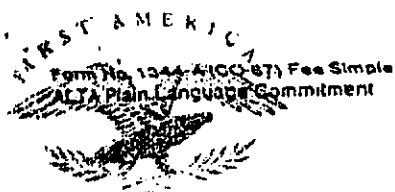
### Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of item(s) \_\_\_\_\_
- (f) Other

(g) You must give us the following information:

- 1. Any off record leases, surveys, etc.
- 2. Statement(s) of identity, all parties.
- 3. Other



## SCHEDULE A

1. Commitment Date: FEBRUARY 19, 1998

Commitment No. 438

2. Policy or Policies to be issued:

Policy Amount

(a) Owners Policy  
Proposed Insured: ROGER BALL, AND/OR ASSIGNS

\$ 790,000.00

(b) Loan Policy  
Proposed Insured

\$

(c) Proposed Insured:

\$

3. The fee simple interest in the land described in this Commitment is owned, at the Commitment Date  
by ~~WILLIAM B. ROBISON AND NORMA RAE ROBISON, HUSBAND AND WIFE~~

---

---

4. The land referred to in this Commitment is described on Schedule C.

SEE ATTACHED EXHIBIT "A"

*Wm B R NRR*



EXHIBIT "A"

Northwest Quarter (NW $\frac{1}{4}$ ), the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section Thirteen, the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ ), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Fourteen, in Township Fifteen (15) North, Range Twenty-five (25) East of the Boise Meridian, Lemhi County, Idaho, excepting therefrom a tract of land 30 ft. in width along the South side of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 15 N., R. 25 E., Boise Meridian, Lemhi County, Idaho.

Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ), the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Ten (10), the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section Eleven (11), all in Township Fifteen (15) North of Range Twenty Five (25) East of the Boise Meridian, Lemhi County, Idaho.

*patm*  
The SE $\frac{1}{4}$ , the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 3 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, Township 15 North, Range 25 East of the Boise Meridian, Lemhi County, Idaho.

*patm*  
Lot 4 of Section 2, and Lots 1 and 2 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 3, in Township 15 North, of Range 25 East of the Boise Meridian, Lemhi County, Idaho.

*See attached legal!*  
The SW $\frac{1}{4}$ NE $\frac{1}{4}$ , the N $\frac{1}{2}$ SW $\frac{1}{4}$ , the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 10, Township 15 North, Range 25 East of the Boise Meridian, Lemhi County, Idaho.

SE $\frac{1}{4}$ NW $\frac{1}{4}$ , the W $\frac{1}{2}$ NE $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, in Township 15 North, Range 25 East of the Boise Meridian, Lemhi County, Idaho.

*WBR*  
*ARR*



(4) Assignor and Buyer agree that Assignee is a facilitator only for purposes of I.R.C. § 1031 and Assignor and Buyer release Assignee from all liability in connection with its participation in this transaction, except liability arising from Assignee's own wilful misconduct or gross negligence. The parties agree that should any dispute arise out of this transaction with regard to the Purchase Agreement, the condition of the Property, or the title thereto, such dispute shall be resolved as if Assignor had sold the Property directly to Buyer.

- (5) In any action arising out of this Agreement, the prevailing party shall be entitled to costs and reasonable attorney's fees.
- (6) This Agreement shall be binding upon and shall inure to the benefit of the respective heirs, successors and assigns of the parties hereto.
- (7) This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, the parties have executed this Agreement as their free and voluntary act and deed on the date indicated by each signature.

**ASSIGNOR:**

By:

Name:

William B. Robison  
William B. Robison

By:

Name:

Norma Rae Robison  
Norma Rae Robison

Dated this 15 day of April, 1998.

**ASSIGNEE:**

Utah First Exchange, Inc., a Utah corporation

By:

Name:

Its:

Richard Limb  
Richard Limb  
Authorized Agent  
Dated this 2nd day of April, 1998.

**BUYER:**

By:

Name:

Roger Ball  
Roger Ball  
Dated this 15 day of April, 1998.

## SCHEDULE B - Section 2

### Exceptions

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

#### PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 1996 ARE DELINQUENT; GENERAL TAXES AND ASSESSMENTS FOR THE FIRST HALF OF 1997 ARE DELINQUENT, GENERAL TAXES AND ASSESSMENTS FOR THE SECOND HALF OF 1997 ARE DUE AND PAYABLE, BUT NOT YET DELINQUENT; GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 1998 ARE AN ACCRUING LIEN.
8. EASEMENT FROM KENNETH R. KELLY, BETTY KELLY, RAY FOLLETT AND ANGELA FOLLETT TO LEMHI TELEPHONE COMPANY, DATED SEPTEMBER 6, 1968 AND RECORDED MARCH 6, 1969, UNDER INSTRUMENT NO. 110763, RECORDS OF LEMHI COUNTY, IDAHO.
9. IDAHO POWER COMPANY, POWER LINE EASEMENT FROM KENNETH KELLY AND BETTY KELLY, HUSBAND AND WIFE, DATED NOVEMBER 10, 1981 AND RECORDED SEPTEMBER 23, 1982, UNDER INSTRUMENT NO. 164332, RECORDS OF LEMHI COUNTY, IDAHO.
10. THE RIGHT, TITLE AND INTEREST OF THE PUBLIC IN AND TO THOSE PORTIONS OF THE ABOVE DESCRIBED PREMISES FALLING WITHIN THE BOUNDS OF ROADS OR HIGHWAYS, DEDICATED AND OR OTHERWISE USED BY THE PUBLIC, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS ATTENDANT AND PERTINENT TO SAID HIGHWAYS.
11. REAL ESTATE MORTGAGE, DATED DECEMBER 6, 1996, FROM WILLIAM B. ROBISON AND NORMA RAE ROBISON, HUSBAND AND WIFE, TO FARM CREDIT SERVICES BEXBURG, IN THE AMOUNT OF \$154,700.00 AND INTEREST, RECORDED DECEMBER 9, 1996, UNDER INSTRUMENT NO. 231980, RECORDS OF LEMHI COUNTY, IDAHO.

The following numbered exceptions \_\_\_\_\_ will be eliminated in an ALTA Extended Coverage Policy.



# WARRANTY DEED

For Value Received WILLIAM B. ROBISON and NORMA RAE ROBISON, husband and wife

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

GUARDIAN LIMITED PARTNERSHIP # 1, BALL ENTERPRISES INC. GENERAL PARTNER

whose address is: PO 1491 IDAHO FALLS ID 83403

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

The SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 3, Township 15 North, Range 25 E.B.M., Lemhi County, Idaho.

Lot 4 of Section 2 and Lot 1 of Section 3, Township 15 North, Range 25 E.B.M., Lemhi County Idaho.

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

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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.

Dated: APRIL 15, 1998

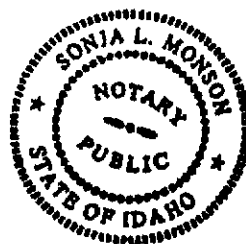
  
WILLIAM B. ROBISON

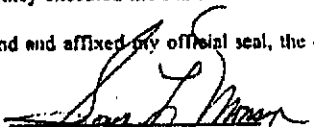
  
NORMA RAE ROBISON

STATE OF IDAHO )  
COUNTY OF JEFFERSON ) ss

On this 15TH day of APRIL, in the year 1998, before me, a Notary Public in and for said State, personally appeared WILLIAM B. ROBISON and NORMA RAE ROBISON, 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.

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



  
Notary Public  
Residing at: IDAHO FALLS ID  
Commission Expires: 07-17-2002

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

|                                                 |   |                                   |
|-------------------------------------------------|---|-----------------------------------|
| In Re SRBA                                      | ) | <b>NOTICE OF COMPLETED</b>        |
|                                                 | ) | <b>ADMINISTRATIVE PROCEEDINGS</b> |
| Case No. 39576                                  | ) |                                   |
|                                                 | ) |                                   |
| <u>                                        </u> | ) | <b>SUB CASE NO. 74-01130</b>      |

**IDWR has completed the following Administrative proceeding: SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐Yes ☒No

|                                                                 |                                                                          |
|-----------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>FROM: Claimant/Seller(s):</b>                                | <b>TO: Claimant/Purchaser(s):</b>                                        |
| <b>Name and Address of Claimant/Seller(s):</b>                  | <b>Name and Address of Claimant/Purchaser(s):</b>                        |
| <br>WILLIAM B ROBISON<br>841 N 3900 E<br>RIGBY ID 83442<br><br> | <br>GUARDIAN LTD PARTNERSHIP #1<br>PO BOX 927<br>SALMON ID 83467<br><br> |
| <b>Phone:</b>                                                   | <b>Phone: (208) 756-6622</b>                                             |

**The Claimant has filed Objections or Responses to the following water rights:**  
**NO OBJECTIONS**

**IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.**

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 12 '99

Ernest Carlson  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 3/17, 1999, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707
2. One Copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
WILLIAM B ROBISON  
841 N 3900 E  
RIGBY ID 83442
3. One Copy to:  
Claimant/Purchaser for Substitution of Party or attorney of record:  
GUARDIAN LTD PARTNERSHIP #1  
PO BOX 927  
SALMON ID 83467
4. One Copy to:  
Each party in the subcase or attorney of record:  
N/A
5. One Copy to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept Of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

Jennifer Hoagland  
Signature of person or attorney mailing the form

-----  
RIGHTS FROM: SOURCE: GROUNDWATER  
-----

RIGHT NUMBER: 74-01130

NAME & ADDRESS: GUARDIAN LTD PARTNERSHIP #1  
PO BOX 927  
SALMON ID 83467

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/01/1942

POINT OF DIVERSION: T15N R25E S03 SENE Within LEMHI County

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE  | PERIOD OF USE | QUANTITY |
|----------------|-----------------|---------------|----------|
|                | STOCKWATER      | 01-01 12-31   | 0.04 CFS |
|                | DOMESTIC 1 HOME | 01-01 12-31   | 0.04 CFS |

PLACE OF USE: STOCKWATER Within LEMHI County  
T15N R25E S03 SENEDOMESTIC Within LEMHI County  
T15N R25E S03 SENE

## OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE  
PARCEL NO. RP15N25E030000A  
STOCKWATER, UNSPECIFIED



## 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

GUARDIAN LTD PARTNERSHIP #1  
PO BOX 927  
SALMON ID 83467

RE: Notice of Change of Water Right Ownership (NCO) for 74-01130  
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Ball:

On March 9, 1999, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland  
Technical Records Specialist

Enclosure

cc: William Robison

WATER RIGHT NUMBER - A74-01130

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
KELLY

KENNETH R.

1 - P.O. BOX 64

2 -

3 -

CITY- LEADORE

STATE- ID ZIP- 83464

PHONE -

KELLY

BETTY C.

1 - P.O. BOX 64

2 -

3 -

CITY- LEADORE

STATE- ID ZIP- 83464

PHONE -

+ - - PRIORITY DATE - - +  
04/01/1942+ - - - REGION - - - +  
15 EASTERN+ - - - STAGE - - - +  
0 - DECREED

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +  
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +  
+ - - - - STREAM INDEX (BLANK IF NO INDEX CODE)

TWN

RNG

SEC

TRACT

LOT

RFLG

COUNTY

15N

25E

3

SE NE

(59) LEMHI

+ - - - - WATER USE - - - - - +  
+ - - - - CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

04 - STOCKWATER

01/01

12/31

0.040

43 - DOMESTIC

01/01

12/31

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +  
0.040 0.0+ - - - - PLACE OF USE - - - - - +  
+ - - - - TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

15N

25E

3

SE NE

LOT

ACRES

CODE

DESCRIPTION

COUNTY

15N

25E

3

SE NE

43

Domestic

59 Lemhi

04

STOCKWATER

(59) LEMHI

+ - - DIVERSION MEANS - well + pump

+ - - NON-IRRIGATION USE - domestic + stockwater

+ - - OTHER RIGHTS FOR SAME USE - none

+ - - - - REMARKS - - - - - +  
NO REMARKS FOUND.+ - - - - OLD WATER RIGHT NUMBERS - - - - - +  
NO OLD WATER RIGHT NUMBERS FOUND.

WATER RIGHT NUMBER - A74-01130

PREFIX TRANSLATION: ADJUDICATION CLAIM

-----  
- - - - - CONDITIONS OF APPROVAL - - - - -  
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - +

+ - - - - DECREE DEFENDANT - - - +

+ - DECREE DATE - +  
00/00/0000

+ - - AUDIT FIELDS - 05/10/90 KEISER

-----  
- - - - - COMMENTS - - - - -  
NO COMMENTS FOUND

-----  
- - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING - 00/00/0000  
OBJECTION FILED DATE - 00/00/0000  
RESPONSE FILED DATE - 00/00/0000  
CLAIM RECEIVED DATE - 00/00/0000  
PROOF DUE DATE - 00/00/0000  
LICENSED DATE - 00/00/0000  
CLAIMS TAPE ERROR FLG -  
FEE EXEMPT FLAG -

FIELD INSPECTION MADE - 00/00/0000  
FIELD INSPECTION FLAG -  
VERIFIED DATE - 00/00/0000  
LAST AMENDED DATE - 00/00/0000  
PROOF MADE DATE - 00/00/0000  
RECEIPT NUMBER - X999999  
POU OWNERSHIP FLAG - Y  
NAME CONNECTOR -

CIVIL CASE NUMBER - 39576  
OLD CASE NUMBER -  
OLD JUDICIAL DISTRICT -  
TEMPORARY RIGHT - P  
WATER DISTRICT -  
FEDERAL/STATE INDICATOR - S  
PRESUMPTION FLAG -  
NOTICE OF ERROR FLAG -

RP 15N25E030000 A

DATA ENTRY

ENTERED 12-6-93 RS

OKED 6-23-94

\*Verified By\*  
Topo Map/Ortho-PO  
ASCS Map  
Watermaster Records  
NAPP Photos  
Field Exam  
Other (See Remarks)  
County Records  
Witness Statement  
Project Records  
DWR Records

VERIFIED  
AUG 09 1992

CERTIFIED  
SEP 15 1992  
WATER EXAMINER

NOV 15 1990