

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 35-47
Date Received: 9/28/2000
Receipt No:
Received By:

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

1. Name of Claimant(s)

CAPITAL LENDING INC Phone: (805) 683-0303
1475 TERMINAL WAY STE E
RENO NV USA 89502

2. Date of Priority: 09/01/1895

3. Source: SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04S	32E	25	NE NE NE	BINGHAM	

5. Description of diverting works:

SPRINGWATER FLOWS INTO UNNAMED STREAM. SPRINGWATER IS PUMPED OUT OF UNNAMED STREAM IN ABOVE DESCRIBED LOCATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.5	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04S	32E	19	SE SW	IRRIGATION	
04S	32E	24	SW SE	IRRIGATION	

			SE	SE	IRRIGATION
04S	32E	25	NE	NE	IRRIGATION
			SW	NE	IRRIGATION
			SE	NE	IRRIGATION

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

OTHER WATER RIGHTS: 35-7141, 35-2016, 35-2014 AND 35-7142.
THIS IS A DECREED WATER RIGHT FROM THE 1910 REXBURG IRRIGATION COMPANY DECREE. IT
HAS BEEN IN CONTINUOUS USE FOR IRRIGATION OF ACREAGE DESCRIBED ABOVE.

15. Basis of Claim: Decreed

16. Signature(s)

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 WR# 35-00047

Date Received 9-26-00

Receipt Number 050579

RECEIVED

SEP 26 2000

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) John Miller Phone (707) 224-6444

Mailing Address P. O. Box 2260, Napa, CA Zip 94558

2. Date of Priority (Only one (1) per claim) 9/1/1895

3. Source of water supply (a) spring
which is tributary to (b) ~~Snake River~~ SNAKE RIVER

4. a. Location of existing point of diversion is: Township 4S Range 32 Section 25,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Bingham

Additional points of diversion if any: N/A

b. If Instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Springwater flows into unnamed stream.

Springwater is pumped out of unnamed stream in above described location. (see
attached map).

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from seasonal to _____ amount .5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is unknown acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
04S	32E	25	X		X	X				X									
04S	32E	19												X					
04S	32E	24															X	X	

Total number of acres irrigated 166.5 acres

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
35-07141; 35-02016; 35-02014; 35-07142 or None ()

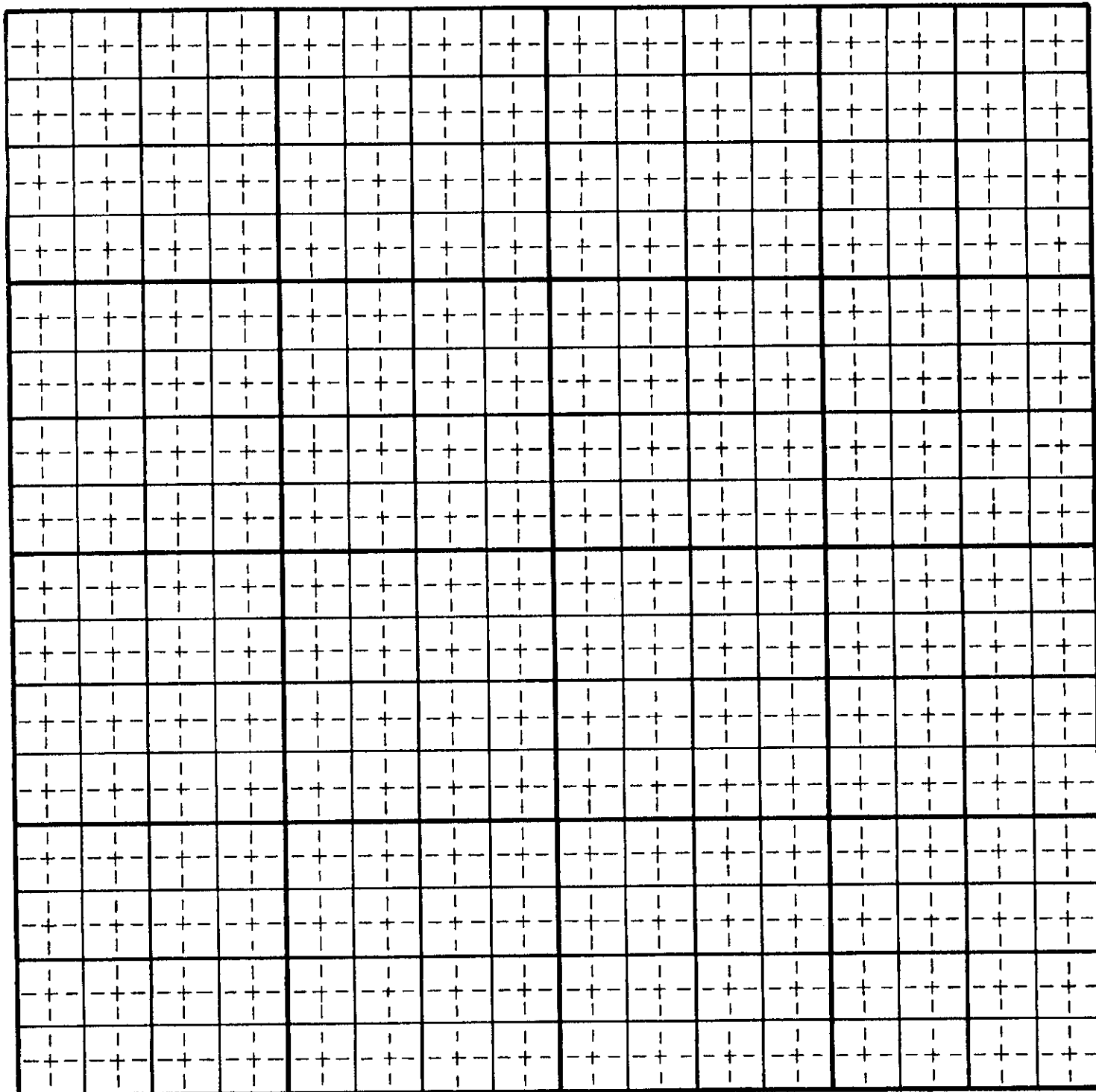
14. Remarks:
This is a decreed water right from the 1910 Rexburg Irrigation Company Decree.
It has been in continuous use for irrigation of acreage described above.

Last Name Miller Ident No. 35-00047

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

Scale: 2 inches equals 1 mile

See attached map.



Last Name Miller Ident No. 35-00047

ROAD 1/2" ROW AND
ASST. SURVEY

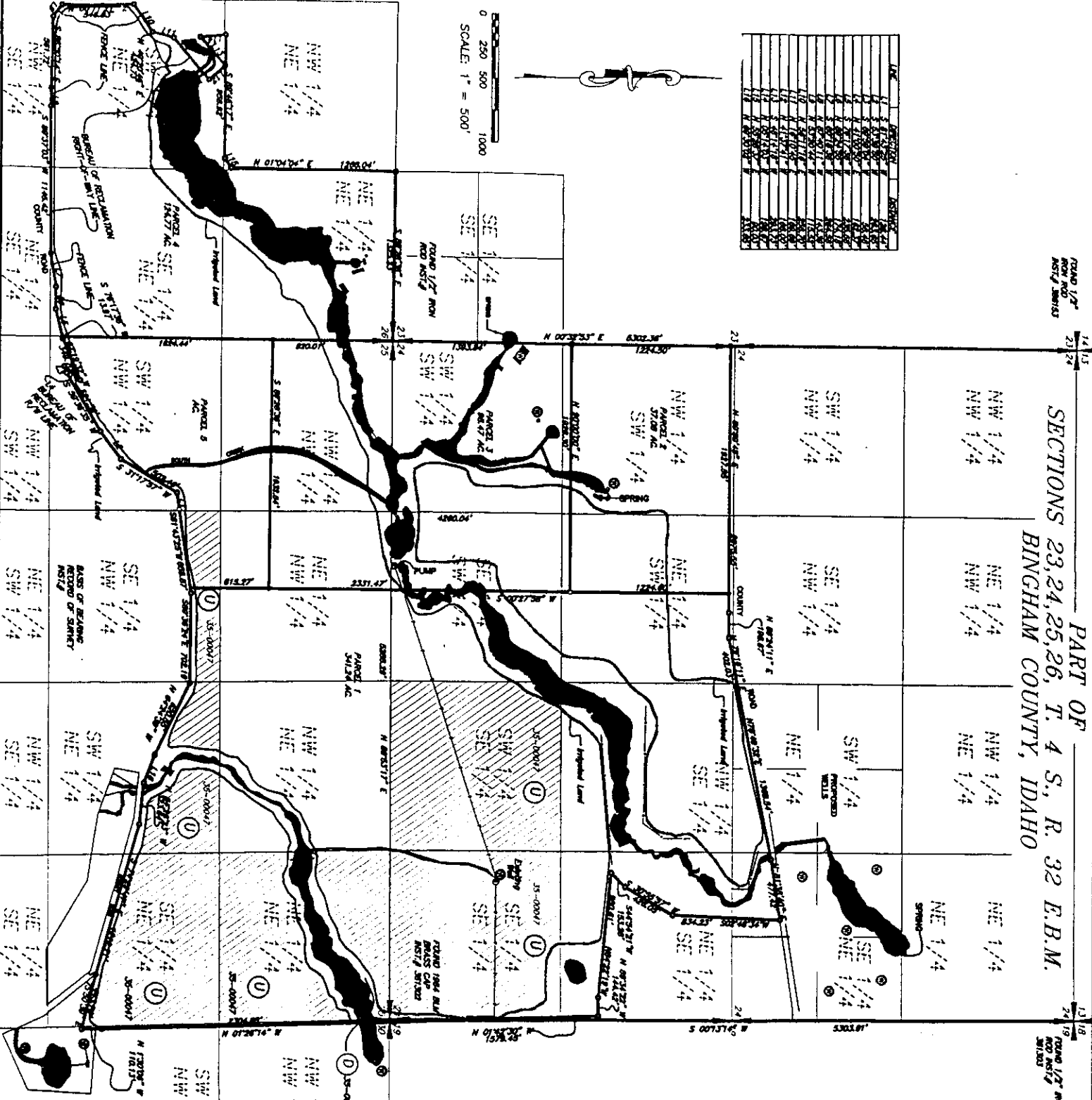
PART OF
SECTIONS 23, 24, 25, 26, T. 4 S., R. 32 E.B.M.
BINGHAM COUNTY, IDAHO

ROAD 1/2" ROW
AND ASST.
SURVEY

LINE	ACRES	ASST.
1	1.00	1.00
2	1.00	1.00
3	1.00	1.00
4	1.00	1.00
5	1.00	1.00
6	1.00	1.00
7	1.00	1.00
8	1.00	1.00
9	1.00	1.00
10	1.00	1.00
11	1.00	1.00
12	1.00	1.00
13	1.00	1.00
14	1.00	1.00
15	1.00	1.00
16	1.00	1.00
17	1.00	1.00
18	1.00	1.00
19	1.00	1.00
20	1.00	1.00
21	1.00	1.00
22	1.00	1.00
23	1.00	1.00
24	1.00	1.00
25	1.00	1.00
26	1.00	1.00
27	1.00	1.00
28	1.00	1.00
29	1.00	1.00
30	1.00	1.00
31	1.00	1.00
32	1.00	1.00
33	1.00	1.00
34	1.00	1.00
35	1.00	1.00
36	1.00	1.00
37	1.00	1.00
38	1.00	1.00
39	1.00	1.00
40	1.00	1.00
41	1.00	1.00
42	1.00	1.00
43	1.00	1.00
44	1.00	1.00
45	1.00	1.00
46	1.00	1.00
47	1.00	1.00
48	1.00	1.00
49	1.00	1.00
50	1.00	1.00
51	1.00	1.00
52	1.00	1.00
53	1.00	1.00
54	1.00	1.00
55	1.00	1.00
56	1.00	1.00
57	1.00	1.00
58	1.00	1.00
59	1.00	1.00
60	1.00	1.00
61	1.00	1.00
62	1.00	1.00
63	1.00	1.00
64	1.00	1.00
65	1.00	1.00
66	1.00	1.00
67	1.00	1.00
68	1.00	1.00
69	1.00	1.00
70	1.00	1.00
71	1.00	1.00
72	1.00	1.00
73	1.00	1.00
74	1.00	1.00
75	1.00	1.00
76	1.00	1.00
77	1.00	1.00
78	1.00	1.00
79	1.00	1.00
80	1.00	1.00
81	1.00	1.00
82	1.00	1.00
83	1.00	1.00
84	1.00	1.00
85	1.00	1.00
86	1.00	1.00
87	1.00	1.00
88	1.00	1.00
89	1.00	1.00
90	1.00	1.00
91	1.00	1.00
92	1.00	1.00
93	1.00	1.00
94	1.00	1.00
95	1.00	1.00
96	1.00	1.00
97	1.00	1.00
98	1.00	1.00
99	1.00	1.00
100	1.00	1.00



SCALE: 1" = 500'



LEGEND

- Section corner symbol
- Record 1/2" x 24" from
- PLS. 3380
- Fence line
- Found 1/2" x 24" from
- Power pole
- Existing with appropriate location
- Ditching
- Overhead Power
- Point of Direction of Water right
- Point of Use of Water right
- Irrigated Land as defined from
- 1987 Aerial Photo

NOTE:
INFORMATION DERIVED ON THIS MAP COMES
FROM THE BUREAU OF REVENUE AND WATER
RESOURCES WATER RIGHT PROJECT REPORT

Rev. 4-11-00

HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERING AND LAND SURVEYING
1000 S. 1000 E.
SALT LAKE CITY, UT 84143
TEL: (801) 466-1111
FAX: (801) 466-1112

JOHNNY MILLER

WATER RIGHTS MAP

35-00047 IRRIGATION

DATE: 12-2-99
SCALE: 1" = 500'
SHEET: 17

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 35-00047

Court 6th District Case Number None Decree Date 1910

Plaintiff vs Defendant Rexburg Irrigation Company, et al. v. Teton Irrigation Canal Company, et al.

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

James L. Miller Date 4-10-08

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

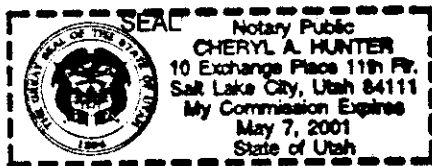
Title and Organization _____

Date _____

State of Idaho/or Utah)

County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 12th day of April 2008



Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Shawn E. Draney will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Shawn E. Draney
Address SNOW, CHRISTENSEN & MARTINEAU
10 Exchange Place, 11th Floor, SLC, UT 84111

Date _____

Last Name Miller Ident. Number 35-00047

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME <u>Miller, John</u>		CLAIM IDENT. NO. <u>35-47</u>	
DATE RECEIVED <u>9-26-00</u>	CK # <u>C050579</u>	AMOUNT \$ <u>266.50</u>	
		YES	NO Required Info?
1. Is the name and address complete with zip code?		☒	☐ *
2. Is a priority date entered?		☒	☐ *
Is the priority date acceptable in view of mandatory filing dates?		☒	☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required.		☒	☐ *
3. (a) Is a source entered?		☒	☐ *
(b) Is a tributary to entered? (if required)		☒ N/A	☐ *
4. Is the legal description of the p.d. sufficient?		☒	☐ *
5. Is there a description of the diverting works?		☒	☐
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.		☒	☐ *
Is the period of use included? <u>4-1-11</u> (<u>seasonal</u>)		☒	☒
Is a quantity claimed for each use?		☒	☐ *
7. Is a total quantity claimed entered?		☒	☐
8. If required is a consumptive use entered?		☒ N/A	☐
Is the consumptive use correct?		☒ N/A	☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.		☒ N/A	☒ *
10. Is (are) the place(s) of use and purpose(s) indicated? <u>no pub #/yr</u>		☒	☒ *
11. Is (are) the county(ies) entered?		☒	☐
12. Is the ownership of p.u. checked?		☒	☐
13. Are other water rights listed or "none" indicated?		☒	☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)		☒ N/A	☐
15. Is the basis of the claim indicated?		☒	☐
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)		☒ N/A	☐
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.		☒	☐ *
18. Has the claim been signed, sealed, and dated by a notary?		☒	☐ *
19. Was this claim filed on time, or was an extension granted?		☒	☐ *
20. Is the fee enclosed correct?		☒ Exempt	☐ *
21. If this claim is based on an existing water right, has the identification number been entered?		☒ N/A	☐
22. Should this claim be data entered?		☒	☐

Claim checked by: J. Sherman Date: 9-28-00
Claim must be returned to claimant: ☒ (Yes) ☐ (No)
Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: J. Masi Date: 9-26-00
Claim data entered by: J. Sherman Date: 9-29-00 Checked by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: Return for period of use dates, # of acres / 00000000

RECEIVED

SEP 26 2000

Department of Water Resources

DISTRICT COURT-SREA Fifth Judicial District County of Twin Falls - State of Idaho	
SEP 19 2000	
By _____	Clerk
_____	Deputy Clerk

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

Case No. 39576

Subcase No. 35-00047

ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM

On April 17, 2000 a Motion to File Late Notice of Claim was filed by
John Miller. All procedural requirements under *Administrative*
Order 1 were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED September 19, 2000

B Wood
BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication

ORDER GRANTING MOTION TO
FILE LATE NOTICE OF CLAIM



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

October 4, 2000

KARL J. DREHER
DIRECTOR

Shawn E. Draney
Snow, Christensen & Martineau
10 Exchange Pl., 11th Fl.
Salt Lake City, UT 84111

RE: Snake River Basin Adjudication (SRBA)
Late Notices of Claim to a Water Right – John Miller
#35-47, Receipt #C050579
#35-2014, Receipt #C050577
#35-7142B, Receipt #C050575

Dear Mr. Draney:

Notices of Claim to a Water Right for your client referenced above were received from the SRBA Court recently. We have enclosed data-entered copies of those claims and your receipts for the fees paid.

Please note water right claim #35-7142 is now water right claim #35-7142B. This change does not affect this water right in any other way. Please refer to this number in any future correspondence.

These Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff'.

Donald V. Shaff, Manager
Adjudication Technical Section

DS:ss:region

Enclosures:

Receipts Referenced Above

Data-entered Copies of Claims Referenced Above

owe \$50-

RECEIVED

DEC 12 2001

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

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 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 (under the "split" heading), 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
35-47	A35-47 <i>all</i>	X	35-8635 ✓	A35-8635 ✓	X
35-7141	A35-7141 <i>split</i>	X	35-8782 ✓	A35-8782 ✓	X
<i>fee</i> — 35-28	A35-28 <i>new pd</i>	X	35-11390 ✓	A35-11390 ⁹ ✓	X
<i>fee</i> — 35-29	A35-29 <i>new pd</i>	X	35-8679 ✓	A35-8679 ✓	X
35-4271	A35-4271	X ✓			

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 rights(s) or claims(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 your water rights(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) is 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 John L. and Linda S. Miller
4. New Owner/Claimant(s) Capital Lending, Inc.
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 3905 State St. Ste. 7148
 City, State and ZIP Code Santa Barbara, CA 93105
 New Telephone Number (208) 683-0303
5. Date you acquired the property 8/15/2001

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

December 11, 2001

Jennifer Crabtree
IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED
DEC 12 2001
Department of Water Resources
Eastern Region

Dear Jennifer:

Enclosed for filing on behalf of Capital Lending, Inc. is another Notice of Change in Water Right Ownership form together with attachments. Capital Lending has purchased two additional parcels (numbered 3 and 5), this time from John L. and Linda S. Miller. Besides the form, we have enclosed a set of maps and another copy of the information on corporate officers for Capital Lending and finally we've attached a copy of relevant deeds.

From the instructions given with the new Notice of Change in Water Right Ownership form, I did not trust the information I have about which of these rights are pending in the general adjudication and which are not. We will have to rely on your calculation of the filing fee and if you will call our office we will immediately send our check for the filing fee which should have accompanied this package. Thank you for your kind assistance in this matter.

Very truly yours,



Kent W. Foster

Enclosures

G:\WPDATA\KIDWELL\Jen Crabtree IDWR02 for wpd.doc

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>35-47</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>1% of .5 cfs</u>	<u>3-4 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
TOTAL	<u>1% of .5 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>35-7141</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>.68 cfs</u>	<u>34 acres</u>
Stock	<u> </u>	<u> </u>
Domestic	<u> </u>	<u> </u>
Other <u> </u>	<u> </u>	<u> </u>
TOTAL	<u>.68 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>35-28</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>.43 cfs</u>	<u>39 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
TOTAL	<u>.43 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>35-29</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	<u>.14 cfs</u>	<u>39 acres</u>
Stock	<u></u>	<u></u>
Domestic	<u></u>	<u></u>
Other <u></u>	<u></u>	<u></u>
TOTAL	<u>.14 cfs</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____ <u>35-4271</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>fish propagation</u> <u>Some of the place of use is in parcel 3</u>		
TOTAL _____		

[illegible]

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>35-8782</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>fish propagation</u> <u>Some of the place of use is in parcel 3</u>		
TOTAL _____		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>35-11390</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other <u>fish propagation</u> <u>Some of the place of use is in parcel 3</u>		
TOTAL _____		

[illegible]

7. Signature of New Owner(s) Or Claimant(s)
(include title if applicable)

President- Capital Lending, Inc.

For Snake River Basin Adjudication Claims: Please attached 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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____



Dean Heller
Nevada Secretary of State
Corporate Information



Name: CAPITAL LENDING, INC.

Type: Corporation	File Number: C9391-1989	State: NEVADA	Incorporated On: November 02, 1989
Status: Current list of officers on file		Corp Type: Regular	
Resident Agent:	CORPORATE SERVICE CENTER, INC. (Accepted)		
Address:	350 S CENTER STREET		
	SUITE 500		
	RENO	NV	89501-2161
President:	G.HARTMAN		
Address:	1475 TERMINAL WAY, SUITE E		
	RENO	NV	89502
Secretary:	G.HARTMAN		
Address:	1475 TERMINAL WAY, SUITE E		
	RENO	NV	89502
Treasurer:	G.HARTMAN		
Address:	1475 TERMINAL WAY, SUITE E		
	RENO	NV	89502

Return to search menu	Search for another Resident Agent
Search for another Office	Search for another Corporation

RE-RECORDED TO CORRECT LEGAL DESCRIPTION.

472679

ORIGINAL FILED BY RECORDER
BLACKFOOT, IDAHO

473520

FEE 9.00 DEP 2

98 DEC 24 PM 12:51

RECORDED AT THE REQUEST OF

Albion Tiller & Son, Inc. Corp.

3:22191-A
WHEN RECORDED, MAIL TO:

John L. Miller
P.O. Box 2260
Napa, California 94558

RECORDED AT THE REQUEST OF
ALBION TILLER & SON, INC. CORP.

99 JAN -6 AM 11:53

FEE 9.00 DEP 2

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

473042

WARRANTY DEED

North Fork Energy, Inc., a corporation organized and existing under the laws of the State of Idaho, with its principal place of business in Bingham County, Idaho, GRANTOR, hereby CONVEYS and WARRANTS to John L. Miller, GRANTEE, of Napa County, California, for the sum of TEN DOLLARS and other good and valuable consideration, the following-described tract of land in Bingham County, Idaho: PART OF SECTION 24, 25, AND 26, TOWNSHIP 4 SOUTH, RANGE 32 EAST BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS:

Beginning at a point on the South line of a County Road that is South 0°13'14" West 2167.35 feet along the Section line and South 81°36'31" West 84.90 feet from the Northeast corner of said Section 24 and running thence south 81°36'31" West 1192.27 feet along said South line; thence South 78°49'32" West 1368.55 feet; thence South 79°16'11" West 402.03 feet; thence South 89°24'11" West 198.67 feet; thence South 89°59'48" West 2075.55 feet along said South line to the West line of said Section 24; thence leaving said County Road South 0°32'53" West 2618.34 feet along the Section line to the South West corner of said Section 24; thence North 89°28'36" West 1325.23 feet along a fence line; thence South 1°04'04" West 1268.04 feet along said fence; thence South 55°28'37" West 90.03 feet; thence North 89°46'17" West 958.92 feet along said fence line to the east line of a county road; thence South 5°14'03" East 199.67 feet along said east line to the Bureau of Reclamation take line; thence along said Bureau of Reclamation take line the following three (3) courses (1) North 48°14'18" East 293.73 feet; (2) thence South 41°37'41" East 168.00 feet; (3) thence South 49°20'46" West 424.73 feet; thence South 16°10'45" West 169.69 feet; thence South 56°11'16" West 256.70 feet; thence South 0°11'21" West 546.83 feet; thence South 53°20'44" East 115.52 feet along said east line to the North line of said County Road; thence South 88°50'14" East 561.72 feet along said North line; thence South 87°40'11" East 149.39 feet; thence North 89°37'03" East 1145.42 feet; thence North 80°18'38" East 264.58 feet; thence South 89°24'55" East 174.18 feet to the Bureau of Reclamation Take Line; thence along said Bureau of Reclamation Take Line the following three (3) courses (1) North 76°17'38" East 235.58 feet; (2) thence North 67°19'32" East 349.70 feet; (3) thence South 41°00'50" West 162.37 feet to the North line of a County Road; thence North 69°59'04" East 56.48 feet; thence North 59°36'35" East 521.39 feet; thence North 53°39'50" East 263.65 feet; thence North 31°17'57" East 502.46 feet; thence North 81°43'25" East 787.30 feet; thence South 89°36'24" East 702.19 feet; thence South 64°24'39" East 620.55 feet; thence South

* AND A PORTION OF SECTIONS 19 & 30, TOWNSHIP 4 SOUTH, RANGE 33 EAST BOISE MERIDIAN

69°30'02" East 233.65 feet; thence South 84°26'23" East 323.64 feet; thence South 74°29'47" East 1219.71 feet; thence South 75°50'39" East 443.76 feet along said North line; thence leaving said County Road North 1°30'06" West 110.13 feet; thence North 1°26'14" West 2304.88 feet along a fence line; thence North 1°42'30" West 3088.94 feet along said fence line to the Point of Beginning.

EXCEPTING THEREFROM the following parcel:

Part of the East Half of the Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at a point in an existing North-South fence line that is North 00°13'14" East 1615.08 feet along the Section line and North 89°34'12" West 33.14 feet from the Southeast corner of said Section 24 and running thence North 01°42'30" West 1509.49 feet along said existing fence line to the south line of an existing County Road; thence South 81°36'31" West 714.85 feet along said South line; thence South 02°48'39" West 834.28 feet; thence South 30°55'57" West 426.02 feet; thence South 44°54'25" West 277.78 feet; thence South 89°34'12" East 1208.22 feet to the Point of Beginning.

TOGETHER WITH:

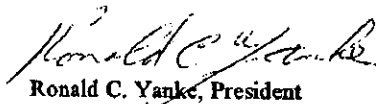
All fixtures and appurtenances located on the described and conveyed real property, including, but not limited to, one trailer home, and all other out buildings located on the property, eight (8) approximately quarter mile long Thunderbird wheeled irrigation lines, two (2) approximately quarter mile long four (4) inch diameter hand irrigation lines, all existing buried main irrigation lines, a 150 horsepower deep well pump and a 100 horsepower centrifugal pump.

AND SUBJECT TO all easements and encumbrances of record.

The officers of North Fork Energy, Inc. who sign this Warranty Deed hereby certify that this Warranty Deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of North Fork Energy, Inc. at a lawful meeting properly noticed and duly held, and attended by a quorum.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23 day of December, 1998.

NORTH FORK ENERGY, INC., Grantor


Ronald C. Yanke, President



473520

ATTEST:

Richard D. Heaton

Richard D. Heaton, Secretary

BLANCH COUNTY RECORDER
BLACKFOOT, IDAHO
FEE 9.00 DEP 01
99 JAN 20 AM 11:31
RECORDED AT THE REQUEST OF
Alliance Title & Escrow Corp.

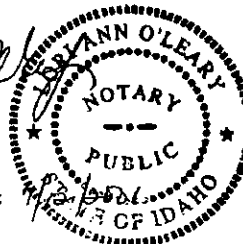
STATE OF IDAHO)
: ss.
COUNTY OF ADA)

On the 23rd day of December, 1998, personally appeared before me Ronald C. Yanke, who having first been duly sworn by me, did say that he is the President of North Fork Energy, Inc., that he has authority to sign the foregoing Warranty Deed on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that the foregoing Warranty Deed was signed on behalf of North Fork Energy by him.

Lori Ann O'Leary
NOTARY PUBLIC
Residing in the State of Idaho

SEAL:

My commission exp: 7/13/2001



STATE OF IDAHO)
: ss.
COUNTY OF ADA)

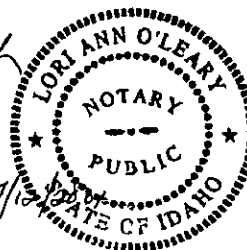
472679

On the 23rd day of December, 1998, personally appeared before me Richard D. Heaton, who having first been duly sworn by me, did say that he is the Secretary of North Fork Energy, Inc., that the President of North Fork Energy, Inc., Ronald C. Yanke, has authority to sign the foregoing Warranty Deed on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that he, Richard D. Heaton, as Secretary of North Fork Energy, Inc., has properly, and pursuant to authority duly granted to him by North Fork Energy, Inc., has signed the foregoing Warranty Deed attesting that the foregoing Warranty Deed was properly signed with authority on behalf of North Fork Energy, Inc.

Lori Ann O'Leary
NOTARY PUBLIC
Residing in the State of Idaho

SEAL:

My commission exp: 7/13/2001



473042

472680

3-22191-H

WHEN RECORDED, MAIL TO:

John L. Miller
P.O. Box 2260
Napa, California 94558

IDAHO COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 18.00 SEP 02

98 DEC 24 PM 12:51

RECORDED AT THE REQUEST OF

Amateur Title Insurance Corp.
Blackfoot, Idaho

**SPECIAL WARRANTY WATER RIGHTS DEED,
WELL DEVELOPMENT AND MAINTENANCE AGREEMENT
AND
WELL DEVELOPMENT AND MAINTENANCE EASEMENT**

North Fork Energy, Inc., a corporation organized and existing under the laws of the State of Idaho, with its principal place of business in Bingham County, Idaho, GRANTOR, hereby CONVEYS and WARRANTS to John L. Miller, or nominee, GRANTEE, of Napa County, California, for the sum of TEN DOLLARS and other good and valuable consideration, all right, title and interest in and to the following-described water rights:

Water Right Number ("WRN") 35-07141 for 4.8 cfs for the irrigation of 240 acres, as described in the Water Right License and the Snake River Basin Adjudication Claim Number ("SRBA Claim Number") A35-7141. Grantor believes this right may be reduced through the Snake River Basin General Adjudication to 4.68 cfs for the irrigation of 234 acres. Grantor makes no warranty beyond 4.68 cfs for the irrigation of 234 acres.

Water Right Number ("WRN") 35-07138 for 1.08 cfs for the irrigation of 54 acres, as described in the Water Right License. Grantor believes that SRBA Claim Number A35-07138 may be incorrect. Grantor makes no warranty except as to 1.08 cfs for the irrigation of 54 acres as described in the Water Right License.

WRN 35-00007 for the irrigation of 103 acres, as described in SRBA Claim Number A35-00007. However, Grantor believes the right may be limited to 2.1 cfs in the Snake River Basin General Adjudication. Grantor makes no warranty beyond 2.1 cfs for the irrigation of 103 acres.

WRN 35-00028 for 1.2 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00028.

WRN 35-00029 for .4 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00029.

WRN 35-02016, as described in SRBA Claim Number A35-02016. Grantor believes that the right may be reduced in the Snake River Basin Adjudication to 1.28 cfs for the irrigation of 64 acres. Grantor makes no warranty beyond 1.28 cfs and 64 acres.

WRN 35-02014, as described in the Water Right License for 1.3 cfs for irrigation as described in the Water Right License.

WRN 35-11390 for 20 cfs for fish propagation as described in SRBA Claim Number A35-11390 and as modified by Transfer Number 5055.

WRN 35-11392 for .04 cfs for the domestic use of one home.

WRN 35-11393 for .04 cfs for the domestic use of one home.

WRN 35-00047. Grantor makes no warranty whatsoever regarding WRN 35-0047.

A portion of WRN 35-007142 for the irrigation of 40 acres. Grantor makes no warranty whatsoever regarding WRN 35-007142.

TOGETHER WITH an undivided interest in the following water rights, and subject to the limitations described below:

WRN 35-04271 for 50 cfs for fish propagation as described in SRBA Claim Number A35-04271 and as modified by Transfer Number 5030.

WRN 35-08635 for .72 cfs for fish propagation as described by the Water Right License and as modified by Transfer Number 5030. Grantor believes that SRBA Claim Number A35-08635 may be incorrect. Grantor makes no warranty beyond .72 cfs.

WRN 35-08782 for 4.64 cfs as described in the Water Right License and as modified by pending, unapproved Transfer Number 5345.

WRN 35-09068 for 4.79 cfs for fish propagation or 3.79 cfs for fish propagation and 1. cfs for commercial use under WRN 35-08679.

WRN 35-08679 for 1.0 cfs for commercial use, as modified by Transfer Number 5030.

As to Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068, Grantor retains the right to use the described flow for fish propagation purposes only on property retained by the Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East

of the Boise Meridian, Bingham County, Idaho. Grantor's use of the water under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 will be virtually non-consumptive.

As to WRN 35-08679, Grantor retains the right to consumptively use up to 1.0 cfs for commercial purposes, or file a transfer to use the water for irrigation or other consumptive purposes, on property retained by the Grantor located in the Northeast Quarter of Section 24 and the Northeast Quarter of the Southeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho.

All flows available for use by Grantor or Grantee under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068, and all flows not consumed by Grantor under WRN 35-08679, shall be discharged to Boom Creek by Grantor at the point where Boom Creek intersects the existing Bingham County road in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. All water discharged by Grantor to Boom Creek shall meet all applicable state, federal and local laws, statutes, rules, regulations and ordinances, shall be free from any significant pathogens or disease which might adversely affect fish or wildlife, and shall be fit for the purposes of fish propagation, wildlife, recreation, the natural stream environment and aesthetics.

Grantor hereby conveys to Grantee a partial undivided right in and to Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 and 35-08679 consisting of the right to use the flow discharged by Grantor below the point described for all authorized purposes subject to any required Transfer from the Idaho Department of Water Resources and further subject to the limitations described above.

Neither Grantor nor the Grantee shall file any application for Transfer involving Water Right Numbers 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 which might in any manner diminish the quantity or quality of water available to the other.

Except as expressly stated otherwise above, Grantor warrants that it is conveying good, marketable, unencumbered title to all of the water rights described above. The same acreage may be an approved place of use for more than one water right. As part of the Snake River Basin General Adjudication, approved flows may be reduced because of this stacking of water rights. Reductions in flow as the result of stacking shall not be considered a breach of Grantor's warranties. As part of the Snake River Basin General Adjudication, small adjustments in approved acreage may be made as the result of the capacity for more precise measurements. Small reductions in acreage as the result of better measurement shall not be considered a breach of Grantor's warranties.

Water Right Number 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 and Transfer Numbers 5030, 5055 and pending Transfer Number T5345, approved a total of 10 wells to be drilled

on property retained by Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. Three of the wells have been completed. Grantor shall continue to develop two (2) additional wells until the total authorized artesian flow from the wells under the described water right numbers and transfer numbers is obtained, or hydro geological data reasonably acceptable to Grantee indicates that additional wells would not result in a net yield from all of the wells of more than 3 cfs. Grantor shall complete the two (2) additional wells on or before August 1, 1999. While Grantor is not obligated to Grantee to develop the full ten (10) wells authorized under the described water rights and transfers, any water developed by Grantor on property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho shall first be used to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above before being used for any other purpose. Grantor shall submit any proof required under the described water rights and transfers and shall timely take all other steps which may be reasonable and necessary to keep the described water rights and transfers in good standing. Grantor shall reasonably operate and maintain the wells in a condition which will maximize the flow to which the Grantor and Grantee have a right under the described water rights and transfers.

If for any reason Grantor fails to diligently and timely complete development of the two additional wells as described above, or alternatively, Grantor fails to maintain any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above, Grantee shall have an easement and a right of ingress and egress across the property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho for the purpose of developing the two additional wells described above, or maintaining any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above.

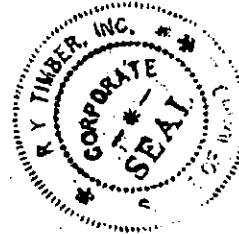
All of Grantor's obligations under this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement shall run with the land and shall bind Grantors successors and assigns.

The officers of North Fork Energy, Inc. who sign this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement hereby certify that this instrument and the agreements and transfers represented thereby was duly authorized under a resolution duly adopted by the board of directors of North Fork Energy, Inc. at a lawful meeting properly noticed and held, and attended by a quorum.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23 day of December, 1998.

NORTH FORK ENERGY, INC., Grantor

Ronald C. Yanke
Ronald C. Yanke, President



ATTEST:

Richard D. Heaton
Richard D. Heaton, Secretary

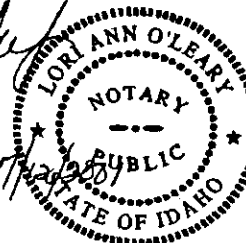
STATE OF IDAHO)

: ss.

COUNTY OF ADA)

On the 23rd day of December, 1998, personally appeared before me Ronald C. Yanke, who having first been duly sworn by me, did say that he is the President of North Fork Energy, Inc., that he has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that the foregoing instrument was signed on behalf of North Fork Energy by him.

Lori Ann O'Leary
NOTARY PUBLIC
Residing in the State of Idaho
SEAL:
My commission exp. 7/24/2001



STATE OF IDAHO)

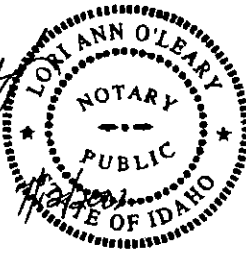
: ss.

COUNTY OF ADA)

On the 23rd day of December, 1998, personally appeared before me Richard D. Heaton, who having first been duly sworn by me, did say that he is the Secretary of North Fork Energy, Inc., that the President of North Fork Energy, Inc., Ronald C. Yanke, has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted

resolution of the board of directors of North Fork Energy, Inc., and that he, Richard D. Heaton, as Secretary of North Fork Energy, Inc., has properly, and pursuant to authority duly granted to him by North Fork Energy, Inc., signed the foregoing instrument attesting that the foregoing instrument was properly signed with authority on behalf of North Fork Energy, Inc.


NOTARY PUBLIC
Residing in the State of Idaho
SEAL:
my commission exp: 11/24/2011



472680

QUITCLAIM DEED

483975

FOR VALUE RECEIVED, NORTH FORK ENERGY, INC., an Idaho corporation, the Grantor, does hereby convey, release, remise and forever quitclaim unto JOHN L. MILLER, a single man, the Grantee, whose address is P.O. Box 2260, Napa, California 94558, the following described premises in Bingham County, Idaho, to wit:

Part of the East ½ of Section 24, Township 4 South, Range 32 East, B.M., Bingham County, Idaho described as:

Beginning at a point in an existing east west fence line that is N 0° 13' 14" E 1615.08 feet along the section line and N 89° 34' 12" W 177.66 feet from the southeast corner of said Section 24 and running thence N 89° 34' 12" W 1063.71 feet; thence N 44° 54' W 5" E 124.50 feet to an existing fence line; thence S 84° 22' 19" E 980.51 feet along said fence line to the point of beginning.

Parcel contains 1.08 acres.

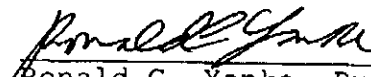
TO HAVE AND TO HOLD the said premises, with their appurtenances unto Grantee and his successors or assigns forever.

DATED: October 4, 1999

GRANTOR:

NORTH FORK ENERGY, INC.

By:


Ronald C. Yanke, President

ATTEST:


Richard D. Heaton, Secretary

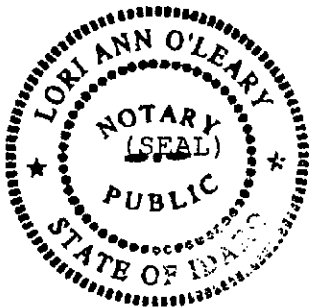
RECORDED AT THE REQUEST OF
JOHN MILLER
1999 OCT 13 PM 12:59
FEE 1.00
XDP

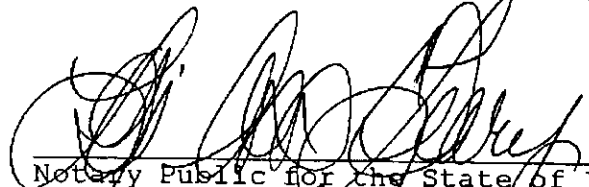
RECORDED AT THE REQUEST OF
JOHN MILLER

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 14th day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **RONALD C. YANKE and RICHARD D. HEATON**, President and Secretary, respectively, of **NORTH FORK ENERGY, INC.**, an Idaho corporation, which executed the foregoing document, known to me or identified to me, to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same for and on behalf of the corporation and in its name.

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 for the State of Idaho

Residing at: Besse

My commission expires: 7/12/2001

483975

FEE 10 DEF SP

1999 NOV 26 PM 4:24

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

, 485199

WARRANTY DEED

For Value Received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (per tithing in kind), the Grantee, whose current address is 50 East North Temple, Salt Lake City, Utah 84150, the following described premises, to wit:

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, B.M., Bingham County, Idaho, described as: Beginning at a point in the Southerly right-of-way fence of a County Road, said point being N. 0°32'53" E. 2618.34 feet along the Section line and N. 89°59'48" E. 1927.55 feet from the SW corner of said Section 24, and running thence along said right-of-way fence the following five (5) courses: (1) N. 89°59'48" E. 148.00 feet; thence (2) N. 89°24'11" E. 198.67 feet; thence (3) N. 79°15'11" E. 402.03 feet; thence (4) N. 78°49'32" E. 1368.54 feet; thence (5) N. 81°36'40" E. 477.42 feet; thence S. 02°48'34" W. 834.23 feet; thence S. 30°55'57" W. 426.05 feet; thence S. 44°54'21" W. 153.28 feet to an existing fence line; thence S. 84°22'19" E. 980.61 feet along said fence; thence S. 89°34'22" E. 144.22 feet to an existing North-South fence line; thence S. 01°42'30" E. 1579.45 feet along said fence; thence S. 01°26'14" E. 2304.88 feet along said fence line; thence S. 01°30'06" E. 110.13 feet along said fence to the Northerly right-of-way fence of a County Road; thence along said right-of-way fence line the following seven (7) courses: (1) N. 75°50'39" W. 443.76 feet; thence (2) N. 74°29'47" W. 1219.71 feet; thence (3) N. 84°26'23" W. 323.64 feet; thence (4) N. 69°30'02" W. 233.65 feet; thence (5) N. 64°24'30" W. 620.55 feet; thence (6) N. 89°36'24" W. 702.19 feet; thence (7) S. 81°43'25" W. 42.49 feet; thence N. 0°27'58" E. 4171.35 feet to the point of beginning.

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

RESERVING EXCLUSIVELY UNTO the Grantors, their heirs, successors, assigns and designees any and all hunting and fishing rights on the above-described property until December 31, 2020, together with the right of vehicular (including water craft), equestrian, and pedestrian ingress and egress over and upon above-described property in order to exercise said rights. This easement may not be abandoned by non-use or revoked for any reason. The Grantee understands and

agrees that this easement gives only the Grantors, their heirs, successors, assigns, and designees the right to hunt or fish upon the above-described property.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

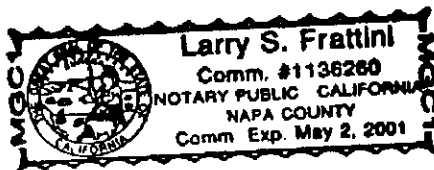
DATED: November 16, 1999


JOHN L. MILLER


LINDA S. MILLER

STATE OF CA)
: ss.
COUNTY OF NAPA)

On this 23 day of November, in the year 1999, before me a Notary Public of said State, personally appeared JOHN L. MILLER and LINDA S. MILLER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




Notary Public for NAPA
Residing at 1720 Second St.
Commission Expires: 5/02/01

NAPA

485199

Property No. 558-2407

After recording, return to:

LDS Church Real Estate - 12th Fl East
50 East North Temple Street
Salt Lake City, UT 84150

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

FEE 21.00 DEP. MP

2000 JUN -5 PM 4:13

RECORDED AT THE REQUEST OF

490762

Property No.

Send Tax Statements to:

LDS Church Tax Admin. - 22nd Fl.
50 East North Temple Street
Salt Lake City, UT 84150-3620

FIRST AMERICAN TITLE COMPANY

AGREEMENT TO CORRECT DEED, TO CONVEY WATER RIGHTS,
AND TO CONVEY PUMP AND WATER PIPELINE EASEMENT

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, (CPB, Grantee) and JOHN L. MILLER and LINDA S. MILLER, husband and wife (Millers, Grantors) of Napa, California, for good and valuable consideration, hereby adopt the following Agreement to Correct Deed (Agreement)

1. BACKGROUND. On or about November 16, 1999, Millers made and delivered to CPB a deed, (the "November Deed"), which was duly recorded in the official records of the county recorder of Bingham County, Idaho, on Nov. 26, 1999, as entry no. 485199. The deed did not identify CPB by its correct name but referred to CPB as The Church of Jesus Christ of Latter-day Saints. The parties desire to correct the November Deed, and to add to it conveyance of certain water rights and a certain pump and water pipeline easement.

2. RESTATED DEED. The parties hereby correct the November Deed by restating it in full as follows:

WARRANTY DEED

For value received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole (per tithing in kind), the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the following premises, to wit:

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, B.M., Bingham County, Idaho, described as: Beginning at a point in the Southerly right-of-way fence of a County Road, said point being N. 0°32'53" E. 2618.34 feet along the Section line and N. 89°59'48" E. 1927.55 feet from the SW corner of said Section 24, and running thence along said right-of-way fence the following five (5) courses: (1) N. 89°59'48" E. 148.00 feet; thence (2) N. 89°24'11" E. 198.67 feet; thence (3) N. 79°15'11" E. 402.03 feet; thence (4) N. 78°49'32" E. 1368.54 feet; thence (5) N. 81°36'40" E. 477.42 feet; thence S. 02°48'34" W. 834.23 feet; thence S. 30°55'57" W. 426.05 feet; thence S. 44°54'21" W. 153.28 feet to an existing fence line; thence S. 84°22'19" E. 980.61 feet along said fence; thence S. 89°34'22" E. 144.22 feet to an existing North-South fence line; thence S. 01°42'30" E. 1579.45 feet along said fence; thence S. 01°26'14" E. 2304.88 feet along said fence line; thence S. 01°30'06" E. 110.13 feet along said fence to the Northerly right-of-way fence of a County Road; thence along said right-of-way fence line the following seven (7) courses; (1) N. 75°50'39" W. 443.76 feet; thence (2) N. 74°29'47" W. 1219.71 feet; thence (3) N. 84°26'23" W. 323.64 feet; thence (4) N. 69°30'02" W. 233.65 feet; thence

(5) N. 64°24'30" W. 620.55 feet; thence (6) N. 89°36'24" W. 702.19 feet; thence (7) S. 81°43'25" W. 42.49 feet; thence N. 0°27'58" E. 4171.35 feet to the point of beginning.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances there unto belonging or in any wise appertaining, except that Grantor conveys only those water rights expressly described within this instrument.

GRANTORS RESERVE UNTO THEMSELVES a personal license in any and all hunting and fishing rights on the above-described property until December 31, 2020, together with the right of vehicular (including water craft), equestrian, and pedestrian ingress and egress over and upon above-described property in order to exercise said rights. This license may not be abandoned by non-use. The Grantee understands and agrees that this personal license gives only the grantors and their designees the right to hunt or fish upon the above-described property. This personal license is revocable at any time by the Grantee, which may revoke the license by notice to Grantors and by recording a copy of the notice.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as herein above set forth and that they will warrant and defend the same from all lawful claims whatsoever.

3. TRANSFER OF WATER RIGHTS. Millers have agreed to transfer certain water rights to CPB by quitclaim. Millers desire to retain portions of the water rights, and to express their intent that any water rights they may own not expressly described by this instrument are retained by them. They hereby convey the said water rights by the following instrument:

WATER QUITCLAIM

For value received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, individuals residing in Napa, California, hereby quitclaim, without warranty or representation, unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the following interests in the following described water rights in Bingham County, State of Idaho, to wit:

GRANTORS HAVE DESCRIBED THE WATER RIGHTS CONVEYED BY THIS INSTRUMENT ON THE ANNEXED EXHIBIT "A"

Grantors do not convey any water rights by this Agreement to Correct Deed other than those expressly described in writing in this Agreement.

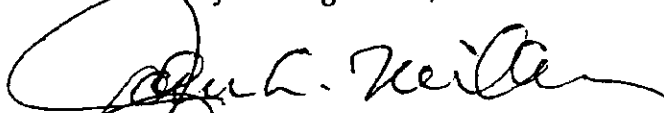
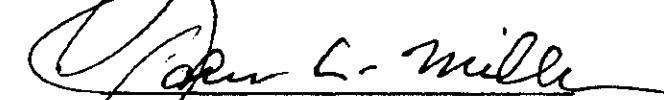
4. CONVEYANCE OF PUMP AND WATER PIPELINE EASEMENT. Millers have agreed to convey to CPB a pump and water pipeline easement. Millers hereby convey the said easement by the following instrument:

PUMP AND WATER PIPELINE EASEMENT QUITCLAIM DEED

For value received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, individuals residing in Napa, California, hereby quitclaim, without warranty or representation, unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the easement over the following described real property in Bingham County, State of Idaho, to wit:

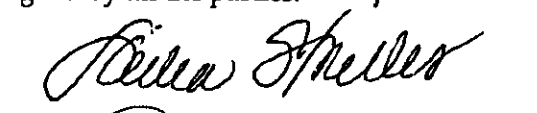
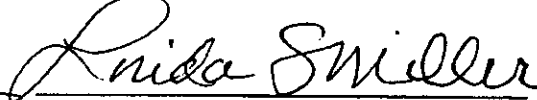
GRANTORS HAVE DESCRIBED THE PUMP AND WATER PIPELINE EASEMENT
CONVEYED BY THIS INSTRUMENT ON THE ANNEXED EXHIBIT "B"

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS AGREEMENT on the dates
written by their signatures, to take effect once signed by all the parties.

JOHN L. MILLER

DATED: this 27 day of April, 2000.

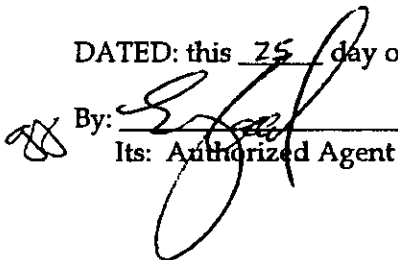



LINDA S. MILLER

DATED: this 27 day of April, 2000.

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation sole

DATED: this 25 day of April, 2000.

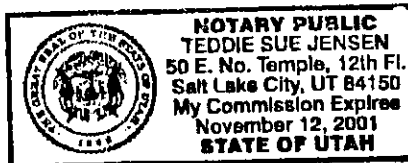
By: 
Its: Authorized Agent



STATE OF UTAH)
: ss
COUNTY OF SALT LAKE)

On this 25 day of April, 2000, personally appeared before me
Edwin J. Pond, personally known to me to be the Authorized Agent of the
Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah
Corporation Sole, who acknowledged to me that he signed the foregoing instrument as
Authorized Agent for said Corporation, that the seal impressed on the within instrument is the
seal of said Corporation, and the said Edwin J. Pond acknowledged to me
that the said Corporation executed the same.

Teddie Sue Jensen
Notary Public



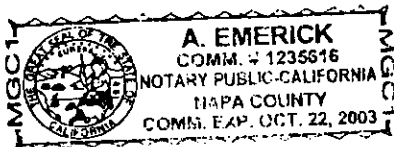
My commission expires: 11/12/01

Residing at: Salt Lake County

STATE OF CALIFORNIA)
: ss
COUNTY OF NAPA)

On the 8th day of May, 2000, before me, A. Emerick, Notary Public,
personally appeared JOHN L. MILLER and LINDA S. MILLER, husband and wife, personally
known to me to be or proved to me on the basis of satisfactory evidence to be the persons
whose names are subscribed to the within instrument and acknowledged to me that they
executed the same.

WITNESS my hand and official seal.



A. Emerick
Notary Public
Residing at Napa County
Commission Expires: 10-22-03

Exhibit "A"

AGREEMENT TO CORRECT DEED, TO CONVEY WATER RIGHTS, AND TO CONVEY PUMP AND WATER PIPELINE EASEMENT

	WATER RIGHT NUMBER	DESCRIPTION OF ORIGINAL RIGHT (consult IDWR records for more complete descriptions)	PERCENTAGE OF RIGHT CONVEYED TO GRANTEE	PERCENTAGE OF RIGHT RETAINED BY GRANTORS
1	35-07141	4.8 cfs and 960 AF/yr. from a well for the irrigation of 240 acres	86.092 %, or 826.48 AF/yr. for the irrigation of 206.62 acres	13.908 %, or 133.52 AF for the irrigation of 33.4 acres
2	35-07138	1.08 cfs and 216 AF/yr. from a well for the irrigation of 81 acres. Use of this right is limited to the irrigation of 54 acres in a single irrigation season. Use of this right in combination with Water Right Number 35-00007 is limited to a total combined diversion rate of 2.06 cfs for the irrigation of a combined total of 103 acres in a single irrigation season.	54.259 % for the irrigation of 29.30 acres in a single irrigation season. The portion of this right conveyed to GRANTEE may be used in combination with the portion of 35-00007 conveyed to the GRANTEE for the irrigation of a combined total of 70.83 acres in a single irrigation season.	45.741 % for the irrigation of 24.7 acres in any single irrigation season. The portion of this right retained by GRANTORS may be used in combination with the portion of 35-00007 retained by GRANTORS for the irrigation of a combined total of 32.17 acres in a single irrigation season.

3	35-00007	2.06 cfs from an unnamed stream for the irrigation of 103 acres. Use of this right with Water Right Number 35-00007 is limited to a total combined diversion rate of 2.06 cfs for the irrigation of a combined total of 103 acres in a single irrigation season.	68.767 % for the irrigation of 70.83 acres. The portion of this right conveyed to GRANTEE may be used in combination with the portion of 35-07138 conveyed to the GRANTEE for the irrigation of a combined total of 70.83 acres in a single irrigation season.	31.233% for the irrigation of 32.17 acres. The portion of this right retained by GRANTORS may be used in combination with the portion of 35-07138 retained by GRANTORS for the irrigation of a combined total of 32.17 acres in a single irrigation season.
4	35-02014	1.3 cfs and 160 AF/yr. from Boone Spring for the irrigation of 80 acres	100%	none
5	35-07142	GRANTORS' interest in this right is limited to the irrigation of 40 acres from an unnamed stream.	100%	none
6	35-02016	1.48 cfs from Tanner Spring and an unnamed stream for the irrigation of 74 acres	100%	none
7	35-00047	.5 cfs from springs and waste water from S.W. Gibbs Ranch for the irrigation of 166.5 acres.	97.898% for the irrigation of 163 acres	2.102 % for the irrigation of 3.5 acres

If the maximum allowable flows under the rights described above (other than Water Right Numbers 35-02014, 35-07142 and 35-02016) were divided in the percentages described, practical use of the rights for irrigation may be impaired. For example, under Water Right Number 35-00047, 2.102 % of .5 cfs would result in only .011 cfs, which may not be enough flow to efficiently operate an irrigation system. Therefore, GRANTORS retain the right at their option to take up to the maximum allowable flow in appropriate turns, such that the annual quantity of water diverted by GRANTORS is consistent with the above described retained portions of the rights.

Exhibit "B"

AGREEMENT TO CORRECT DEED, TO CONVEY WATER RIGHTS, AND TO CONVEY PUMP AND WATER PIPELINE EASEMENT

DESCRIBED SUBJECT PROPERTY

The Southwest quarter of the Southeast quarter of the Southwest quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian.

EASEMENT

The right to use jointly with GRANTOR that existing diversion and pump and all associated pipelines and other associated equipment located in the Southwest quarter of the Southeast quarter of the Southwest quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian, for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007, 35-02014, 35-07142, or 35-00047.

Together with the right to maintain, operate, repair and replace the above facilities and equipment jointly with GRANTOR for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007, 35-02014, 35-07142, or 35-00047.

490762

Property No. 558-2407
After recording, return to:
LDS Church Real Estate - 12th Fl. East
50 East North Temple Street
Salt Lake City, UT 84150

FIRM

8013630408
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

T-185 P.04/10 F-521

FEE 6.00 DEP DP

490763

2000 JUN -5 PM 4:14

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

Property No.
Send Tax Statements to:
LDS Church Tax Admin. - 22nd Fl.
50 East North Temple Street
Salt Lake City, UT 84150-3620

any order

WELL AND WATER PIPELINE EASEMENT QUIT-CLAIM DEED

For Ten Dollars and other good and valuable consideration, THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah Corporation Sole, with its principal office in Salt Lake County, Utah, GRANTOR, hereby quitclaims, without warranty or representation, to JOHN L. MILLER and LINDA S. MILLER, individuals residing in Napa, California, GRANTEES, the following easement over the following described subject real property located in Bingham County, Idaho:

DESCRIBED SUBJECT PROPERTY

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, B.M., Bingham County, Idaho described as:

Beginning at a point in the southerly right-of-way fence of a county road, said point being N 0° 32' 53" E 2618.34 feet along the section line and N 89° 59' 48" E 1927.55 feet from the southwest corner said Section 24, and running thence along said right-of-way fence the following five (5) courses (1) N 89° 59' 48" E 148.00 feet; thence (2) N 89° 24' 11" E 198.67 feet; thence (3) N 79° 15' 11" E 402.03 feet; thence (4) N 78° 49' 32" E 1368.54 feet; thence (5) N 81° 36' 40" E 477.42 feet; thence S 02° 48' 34" W 834.23 feet; thence S 30° 55' 57" W 426.05 feet; thence S 44° 54' 21" W 153.28 feet to an existing fence line; thence S 84° 22' 19" E 980.61 feet along said fence; thence S 89° 34' 22" E 144.22 feet to an existing north-south fence line; thence S 01° 42' 30" E 1579.45 feet along said fence; thence S 01° 26' 14" E 2304.88 feet along said fence line; thence S 01° 30' 06" E 110.13 feet along said fence to the northerly right-of-way fence of a county road; thence along said right-of-way fence line the following seven (7) courses (1) N 75° 50' 39" W 443.76 feet; thence (2) N 74° 29' 47" W 1219.71 feet; thence (3) N 84° 26' 23" W 323.64 feet; thence (4) N 69° 30' 02" W 233.65 feet; thence (5) N 64° 24' 30" W 620.55 feet; thence (6) N 89° 36' 24" W 702.19 feet; thence (7) S 81° 43' 25" W 42.49 feet; thence N 0° 27' 58" E 4171.35 feet to the point of beginning.

EASEMENT

The right to use jointly with GRANTOR that existing well, including the existing pump and all associated pipelines and other equipment, located in the Northwest quarter of

the Southeast quarter of the Southeast quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007 or 35-00047;

Together with the right to maintain, operate, repair and replace the above facilities and equipment jointly with GRANTOR for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007 or 35-00047

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name to be affixed by its duly authorized officer this 25 day of April, 2000.

THE CORPORATION OF THE PRESIDING BISHOP
OF THE CHURCH OF JESUS CHRIST OF LATTER
DAY SAINTS

By: [Signature]
Its: AUTHORIZED AGENT

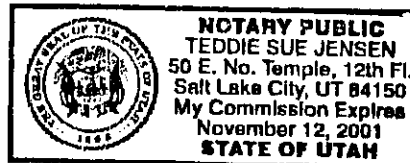
STATE OF UTAH)
 :ss.
COUNTY OF SALT LAKE)

On the 25 day of April, 2000, personally appeared before me
Edwin J. Pond, who first being by me duly sworn, did say that he is
the Authorized Agent of THE CORPORATION OF THE PRESIDING BISHOP
OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, and that he signed the
above Water Rights Quit-Claim Deed on behalf of THE CORPORATION OF THE
PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
by proper authority.

My Commission Expires:

11/12/01

Teddie Sue Jensen
NOTARY PUBLIC
Residing at: Salt Lake County



490763

Property No. 558-2407
After recording, return to:
LDS Church Real Estate - 12th Fl. East
50 East North Temple Street
Salt Lake City, UT 84150

499140

WARRANTY DEED

Property No.
Send Tax Statements to:
LDS Church Tax Admin. - 22nd Fl.
50 East North Temple Street
Salt Lake City, UT 84150-3620

#42964

For value received, JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole (per tithing in kind), the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the following premises, to wit:

Part of the Southwest Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho described as follows:

Beginning at a point that is N 00°32'53" E 210.00 feet along the section line from the southwest corner of said Section 24 and running thence N 00°32'53" E 2408.34 feet along said section line to an existing east-west fence line; thence N 89°59'48" E 1927.55 feet along said east-west fence line; thence S 00°27'58" W 2404.65 feet; thence S 89°53'17" W 1931.02 feet to the point of beginning.

The parcel contains 106.579 acres.

RESERVING UNTO the Grantors, their heirs, successors, assigns and designees the right to use, operate, maintain, repair, rehabilitate, improve or replace existing wells and springs on the Property for the purpose of diverting water into the natural stream and conveying the same for use under Water Right Number 35-11390, as that right may in the future be modified by license, permit, diligence or decree, including reasonable ingress and egress. The rights reserved to Grantors shall be exercised in a manner reasonably compatible with Grantee's use of water under Water Right Numbers 35-11392 and 35-11393 from the point of diversion which is currently approved for Water Right Numbers 35-11392 and 35-11393.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances there unto belonging or in any wise appertaining, except that Grantors convey only those water rights expressly described in a separate Water Right Quit-Claim Deed.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with said appurtenances, unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as herein above set forth and that they will warrant and defend the same from all lawful claims whatsoever.

FIRST AMERICAN TITLE COMPANY

RECORDED AT THE REQUEST OF
2001 APR -4 PM 4:13
FEE \$6.00
BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

John L. Miller

JOHN L. MILLER

DATED: this 27 day of NOV., 2000.

Linda S. Miller

LINDA S. MILLER

DATED: this 27 day of NOV., 2000.

STATE OF CALIFORNIA)

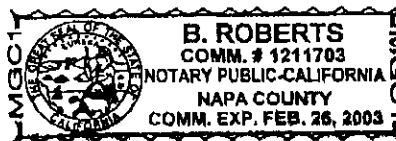
: ss

COUNTY OF NAPA)

On the 27th day of Nov., 2000, before me, B. Roberts,
Notary Public, personally appeared JOHN L. MILLER and LINDA S. MILLER, husband and
wife, personally known to me to be or proved to me on the basis of satisfactory evidence to be
the persons whose names are subscribed to the foregoing Warranty Deed and acknowledged to
me that they executed the same.

WITNESS my hand and official seal.

B. Roberts
Notary Public
Residing at Napa CA
Commission Expires: 2-26-03



499140

503375

WARRANTY DEED

BINGHAM COUNTY RECORDER
BLACKFOOT, IDAHO

Order No.: 3020001893-J

FOR VALUE RECEIVED

John L. Miller and Linda S. Miller, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Capital Lending, Inc.

whose current address is

3905 STATE ST STE. 7148 SANTA BARBARA, CA 93105

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Part of the Northwest Quarter of Section 25 and part of the Southwest Quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at the Southwest corner of said Section 24, and running thence North 00°32'53" East 210.00 feet along the Section line; thence North 89°53'17" East 1931.02 feet; thence South 00°27'58" West 210.00 feet to the North line of said Section 25; thence continuing South 00°27'58" West 941.42 feet; thence North 89°28'36" West 1932.54 feet to the West line of said Section 25; thence North 00°32'53" East 920.01 feet along said West line to the Point of Beginning.

AND

Part of the NW¼ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is South 0°32'53" West 5302.36 feet along the Section line to the Northwest corner of Section 25 and South 0°32'53" West 920.01 feet to the Point of Beginning from the Northwest corner of Section 24 and running thence South 89°28'36" East 1932.54 feet; thence South 0°27'58" West 615.27 feet to the Northerly right-of-way fence of a County Road; thence following said fence the following five (5) courses (1) South 81°43'25" West 744.82 feet; thence (2) South 31°17'57" West 502.46 feet; thence (3) South 53°39'50" West 263.65 feet; thence (4) South 59°36'35" West 521.39 feet; thence (5) South 69°59'04" West 56.48 feet to the monumented Bureau of Reclamation right-of-way line; thence North 41°00'50" East 162.37 feet along said right-of-way line; thence South 67°19'32" West 349.70 feet along said right-of-way; thence South 76°17'38" West 13.97 feet along said right-of-way; thence North 0°32'53" East 1624.44 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated 8/15/2001

John L. Miller

Linda S. Miller

State of California

County of Napa

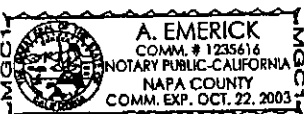
} ss.

503375

On this 8-16-01 before me, a Notary Public in and for said state, personally appeared John L. Miller and Linda S. Miller

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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



Notary Public for the State of California

Residing at: 1700 2nd St., Napa CA

Commission Expires:

10-22-03

RECORDER'S CERTIFICATE
Instrument No. _____
Time of Day _____
Date _____
Recorded in Bingham County, Idaho

LINE	DIRECTION	DISTANCE
1	S 89°50'00" W	128.42
2	S 89°50'00" W	128.42
3	S 89°50'00" W	245.63
4	S 89°50'00" W	245.63
5	N 47°00'50" E	265.37
6	S 76°17'56" W	152.58
7	S 76°17'56" W	174.18
8	S 76°17'56" W	174.18
9	N 87°40'11" W	143.19
10	N 87°40'11" W	143.19
11	N 87°40'11" W	143.19
12	N 87°40'11" W	143.19
13	N 87°40'11" W	143.19
14	N 87°40'11" W	143.19
15	N 87°40'11" W	143.19
16	N 87°40'11" W	143.19
17	N 87°40'11" W	143.19
18	N 87°40'11" W	143.19
19	N 87°40'11" W	143.19
20	N 87°40'11" W	143.19
21	N 87°40'11" W	143.19
22	N 87°40'11" W	143.19
23	N 87°40'11" W	143.19
24	N 87°40'11" W	143.19
25	N 87°40'11" W	143.19
26	N 87°40'11" W	143.19
27	N 87°40'11" W	143.19
28	N 87°40'11" W	143.19
29	N 87°40'11" W	143.19
30	N 87°40'11" W	143.19
31	N 87°40'11" W	143.19
32	N 87°40'11" W	143.19
33	N 87°40'11" W	143.19
34	N 87°40'11" W	143.19
35	N 87°40'11" W	143.19
36	N 87°40'11" W	143.19
37	N 87°40'11" W	143.19
38	N 87°40'11" W	143.19
39	N 87°40'11" W	143.19
40	N 87°40'11" W	143.19
41	N 87°40'11" W	143.19
42	N 87°40'11" W	143.19
43	N 87°40'11" W	143.19
44	N 87°40'11" W	143.19
45	N 87°40'11" W	143.19
46	N 87°40'11" W	143.19
47	N 87°40'11" W	143.19
48	N 87°40'11" W	143.19
49	N 87°40'11" W	143.19
50	N 87°40'11" W	143.19
51	N 87°40'11" W	143.19
52	N 87°40'11" W	143.19
53	N 87°40'11" W	143.19
54	N 87°40'11" W	143.19
55	N 87°40'11" W	143.19
56	N 87°40'11" W	143.19
57	N 87°40'11" W	143.19
58	N 87°40'11" W	143.19
59	N 87°40'11" W	143.19
60	N 87°40'11" W	143.19
61	N 87°40'11" W	143.19
62	N 87°40'11" W	143.19
63	N 87°40'11" W	143.19
64	N 87°40'11" W	143.19
65	N 87°40'11" W	143.19
66	N 87°40'11" W	143.19
67	N 87°40'11" W	143.19
68	N 87°40'11" W	143.19
69	N 87°40'11" W	143.19
70	N 87°40'11" W	143.19
71	N 87°40'11" W	143.19
72	N 87°40'11" W	143.19
73	N 87°40'11" W	143.19
74	N 87°40'11" W	143.19
75	N 87°40'11" W	143.19
76	N 87°40'11" W	143.19
77	N 87°40'11" W	143.19
78	N 87°40'11" W	143.19
79	N 87°40'11" W	143.19
80	N 87°40'11" W	143.19
81	N 87°40'11" W	143.19
82	N 87°40'11" W	143.19
83	N 87°40'11" W	143.19
84	N 87°40'11" W	143.19
85	N 87°40'11" W	143.19
86	N 87°40'11" W	143.19
87	N 87°40'11" W	143.19
88	N 87°40'11" W	143.19
89	N 87°40'11" W	143.19
90	N 87°40'11" W	143.19
91	N 87°40'11" W	143.19
92	N 87°40'11" W	143.19
93		

Section 1/2" X 24" Iron rod with cap marked P.L.S. 5360
Placed on control

Indicates existing fence line.
Found 1/2" X 24" Iron rod

Power Pole
Existing well, approximate location

Building
Overhead Power

LEGAL DESCRIPTIONS

(NEW PARCEL NO. 2)

Part of the Southwest Quarter of Section 24, Township 6 South,
Range 32 East of the Boise Meridian, Bingham County, Idaho
described as follows:

Beginning of a point that is N.09°23'53"E. 210.00 feet along the section line from the Southwest corner of said Section 24 and running thence N.00°23'53"E. 2408.34 feet along said section line to an existing east-west fence line; thence N.89°29'48"E. 927.75 feet along said east-west fence line; thence S.65°02'38"W. 2404.63 feet; thence S.69°53'17"W. 1831.02 feet to the point of beginning.

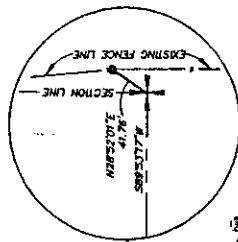
Parcel contains 106.579 acres.

NEW PARCEL NO. 3)

Part of the Northeast Quarter of Section 25 and part of the Southwest Quarter of Section 26, Township 4 South, Range 37 East of the 6th Meridian, Blinn County, Texas described as follows:

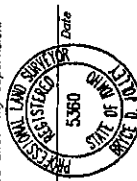
Beginning at the Southwest corner of said Section 24 and running thence N.00°32'53"E. 210.00 feet along the section line thence thence N.89°53'17"E. 1931.02 feet; thence S.00°27'58"W. 210.00 feet to the north line of said Section 25; thence contributing to S.00°27'58"W. 941.42 feet; thence N.89°28'38"W. 1932.54 feet to the west line of said Section 25; thence N.00°32'53"E. 220.01 feet along said west line to the point of beginning.

Each case contains 5000 pages



SURVEYOR'S CERTIFICATE

I, Bryce D. Jolley, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.



Bryce D. Jolley
License No. 5360

RECORD OF SURVEY

JOHNNY MILLER

SEC. 23, 24, 25, 26, 1 S., R. 32 E.B.M.

HARPER-LEAVITT ENGINEERING, INC.
 1000 UNIVERSITY AVENUE, SUITE 1000
 NEWTON, MASSACHUSETTS 02459
 TEL: 617/552-1100 FAX: 617/552-1101
 WWW.HARPER-LEAVITT.COM

FOR ACCOUNTS BYINVESTED AND LAND INVESTMENTS

DATE	1-21-00
DEPT. BY	J.M.M.

1

Building, Johns 21271 (200) 302-2077 Fax (200) 302-2066	Johns / Mrs. Johns 21206 (200) 302-2012 Fax (200) 302-2009	CINCUL HTS R.O.I.	OF
---	--	----------------------	----

1 UNIVERSITY OF TORONTO 415 BATHURST STREET

BASIS OF BEARING = RECORD OF SURVEY INST. NO.

SECTION 23, 24, 25, 26, T. 4 S., R. 32 E.B.M. BINGHAM COUNTY, IDAHO

FOUND 1/2" MON
AND INST. 38153

FOUND 1/2" MON
AND INST. 38153

LINE	DIRECTION	BEARING
1	S 81° 30' E	34.15
2	S 81° 30' E	34.15
3	S 81° 30' E	34.15
4	S 81° 30' E	34.15
5	S 81° 30' E	34.15
6	S 81° 30' E	34.15
7	S 81° 30' E	34.15
8	S 81° 30' E	34.15
9	S 81° 30' E	34.15
10	S 81° 30' E	34.15
11	S 81° 30' E	34.15
12	S 81° 30' E	34.15
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16	S 81° 30' E	34.15
17	S 81° 30' E	34.15
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19	S 81° 30' E	34.15
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21	S 81° 30' E	34.15
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25	S 81° 30' E	34.15
26	S 81° 30' E	34.15
27	S 81° 30' E	34.15
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30	S 81° 30' E	34.15
31	S 81° 30' E	34.15
32	S 81° 30' E	34.15
33	S 81° 30' E	34.15
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41	S 81° 30' E	34.15
42	S 81° 30' E	34.15
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59	S 81° 30' E	34.15
60	S 81° 30' E	34.15
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62	S 81° 30' E	34.15
63	S 81° 30' E	34.15
64	S 81° 30' E	34.15
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68	S 81° 30' E	34.15
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96	S 81° 30' E	34.15
97	S 81° 30' E	34.15
98	S 81° 30' E	34.15
99	S 81° 30' E	34.15
100	S 81° 30' E	34.15

LEGEND

- Section corner control
Placed 1/2" x 24" iron
rod with cap marked
P.L.S. 5360
- Fence line.
- Found 1/2" x 24" iron
rod
- Power Pole
- Existing well, approximate location
- Building
- Overhead Power
- Point of Division of Water right
- Place of Use of Water right

Original Land as digitized from
1987 Aerial Photo.



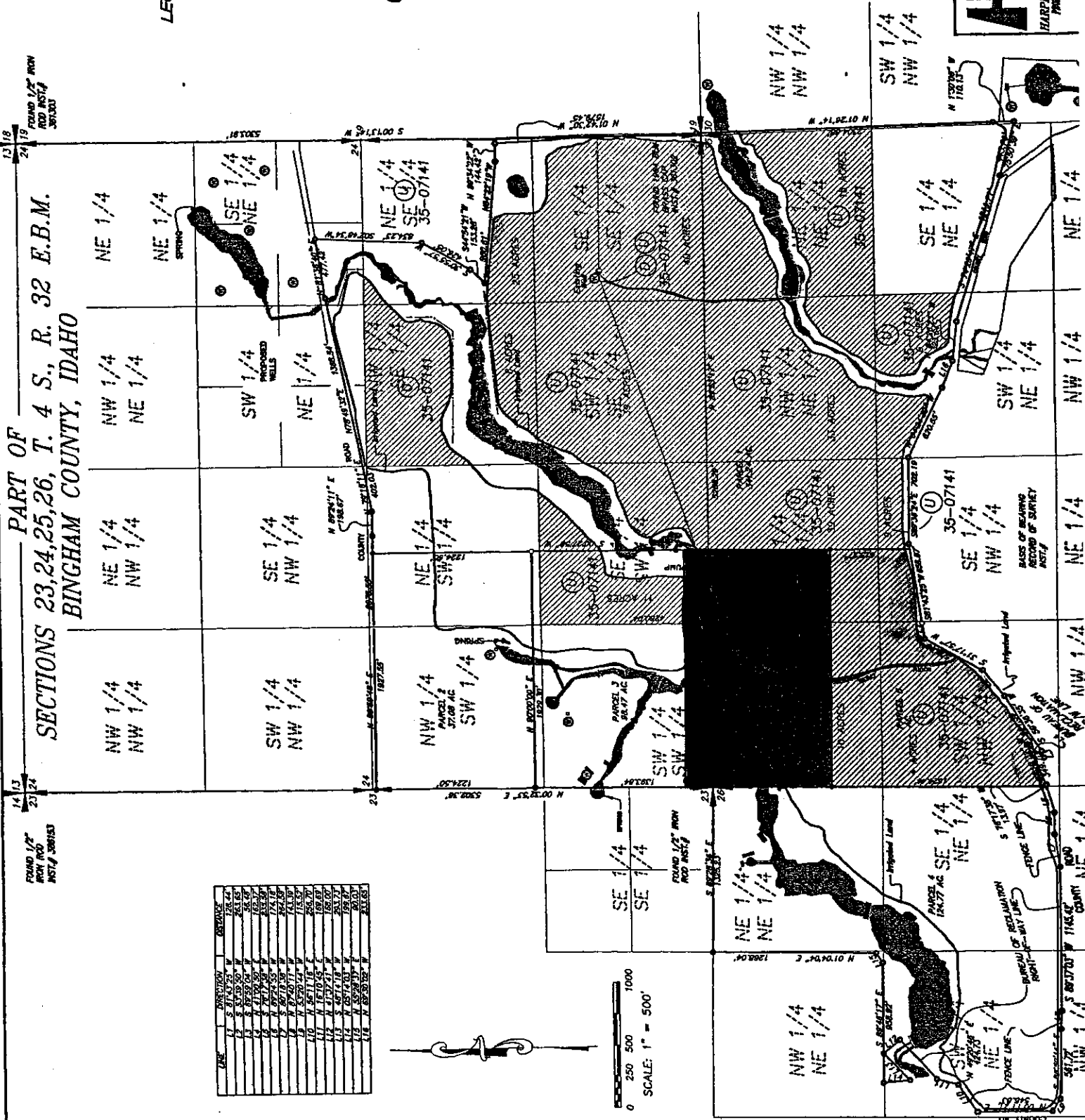
0 250 500 1000
SCALE: 1" = 500'

4.80
CFS

IRRIGATION

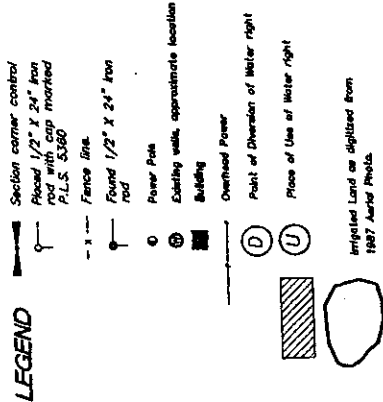


WATER RIGHTS MAP
35-07141; IRRIGATION
JOHNNY MILLER
SEC. 23, 24, 25, 26, T. 4 S., R. 32 E.B.M.
HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
ID. REG. NO. 11-11-41
ID. REG. NO. 11-11-41

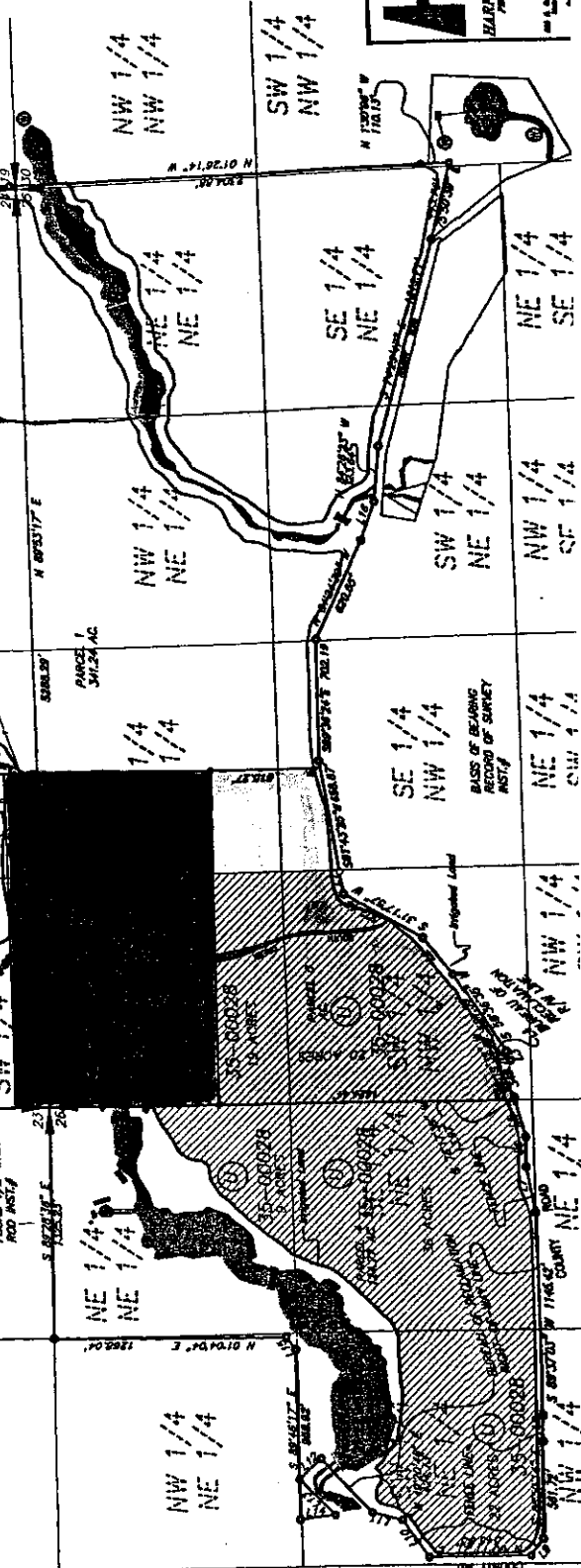


13 18
24 19
FOUND 1 1/2" IRON
ROD INST. #
367323

LINE	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	5	1	12.44	12.44
2	5	1	12.44	12.44
3	5	1	12.44	12.44
4	5	1	12.44	12.44
5	5	1	12.44	12.44
6	5	1	12.44	12.44
7	5	1	12.44	12.44
8	5	1	12.44	12.44
9	5	1	12.44	12.44
10	5	1	12.44	12.44
11	5	1	12.44	12.44
12	5	1	12.44	12.44
13	5	1	12.44	12.44
14	5	1	12.44	12.44
15	5	1	12.44	12.44
16	5	1	12.44	12.44
17	5	1	12.44	12.44
18	5	1	12.44	12.44
19	5	1	12.44	12.44
20	5	1	12.44	12.44
21	5	1	12.44	12.44
22	5	1	12.44	12.44
23	5	1	12.44	12.44
24	5	1	12.44	12.44
25	5	1	12.44	12.44
26	5	1	12.44	12.44
27	5	1	12.44	12.44
28	5	1	12.44	12.44
29	5	1	12.44	12.44
30	5	1	12.44	12.44
31	5	1	12.44	12.44
32	5	1	12.44	12.44
33	5	1	12.44	12.44
34	5	1	12.44	12.44
35	5	1	12.44	12.44
36	5	1	12.44	12.44
37	5	1	12.44	12.44
38	5	1	12.44	12.44
39	5	1	12.44	12.44
40	5	1	12.44	12.44
41	5	1	12.44	12.44
42	5	1	12.44	12.44
43	5	1	12.44	12.44
44	5	1	12.44	12.44
45	5	1	12.44	12.44
46	5	1	12.44	12.44
47	5	1	12.44	12.44
48	5	1	12.44	12.44
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54	5	1	12.44	12.44
55	5	1	12.44	12.44
56	5	1	12.44	12.44
57	5	1	12.44	12.44
58	5	1	12.44	12.44
59	5	1	12.44	12.44
60	5	1	12.44	12.44
61	5	1	12.44	12.44
62	5	1	12.44	12.44
63	5	1	12.44	12.44
64	5	1	12.44	12.44
65	5	1	12.44	12.44
66	5	1	12.44	12.44
67	5	1	12.44	12.44
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73	5	1	12.44	12.44
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79	5	1	12.44	12.44
80	5	1	12.44	12.44
81	5	1	12.44	12.44
82	5	1	12.44	12.44
83	5	1	12.44	12.44
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85	5	1	12.44	12.44
86	5	1	12.44	12.44
87	5	1	12.44	12.44
88	5	1	12.44	12.44
89	5	1	12.44	12.44
90	5	1	12.44	12.44
91	5	1	12.44	12.44
92	5	1	12.44	12.44
93	5	1	12.44	12.44
94	5	1	12.44	12.44
95	5	1	12.44	12.44
96	5	1	12.44	12.44
97	5	1	12.44	12.44
98	5	1	12.44	12.44
99	5	1	12.44	12.44
100	5	1	12.44	12.44



irrigated land as digitized from
1987 Aerial Photo



**WATER RIGHTS MAP
5-00028; IRRIGATION
JOHNNY MILLER**

JOHNNY MILLER

SEC. 23, 24, 25, 26, T. 4
HARPER-LEAVITT ENGINEERING, INC.

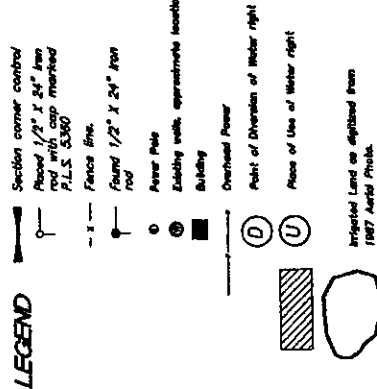
[illegible]

13 18
24 19
FOUND 1/2" INCH
ACID TEST. 8
JULY 1943

DATE	DESCRIPTION	AMOUNT	BALANCE
12-1-77	1	10.00	10.00
12-2-77	2	10.00	20.00
12-3-77	3	10.00	30.00
12-4-77	4	10.00	40.00
12-5-77	5	10.00	50.00
12-6-77	6	10.00	60.00
12-7-77	7	10.00	70.00
12-8-77	8	10.00	80.00
12-9-77	9	10.00	90.00
12-10-77	10	10.00	100.00
12-11-77	11	10.00	110.00
12-12-77	12	10.00	120.00
12-13-77	13	10.00	130.00
12-14-77	14	10.00	140.00
12-15-77	15	10.00	150.00
12-16-77	16	10.00	160.00
12-17-77	17	10.00	170.00
12-18-77	18	10.00	180.00
12-19-77	19	10.00	190.00
12-20-77	20	10.00	200.00
12-21-77	21	10.00	210.00
12-22-77	22	10.00	220.00
12-23-77	23	10.00	230.00
12-24-77	24	10.00	240.00
12-25-77	25	10.00	250.00
12-26-77	26	10.00	260.00
12-27-77	27	10.00	270.00
12-28-77	28	10.00	280.00
12-29-77	29	10.00	290.00
12-30-77	30	10.00	300.00



0 250 500 1000
SCALE: 1" = 500'



irrigated land as digitized from
1987 Aerial Photo.

40
CFS



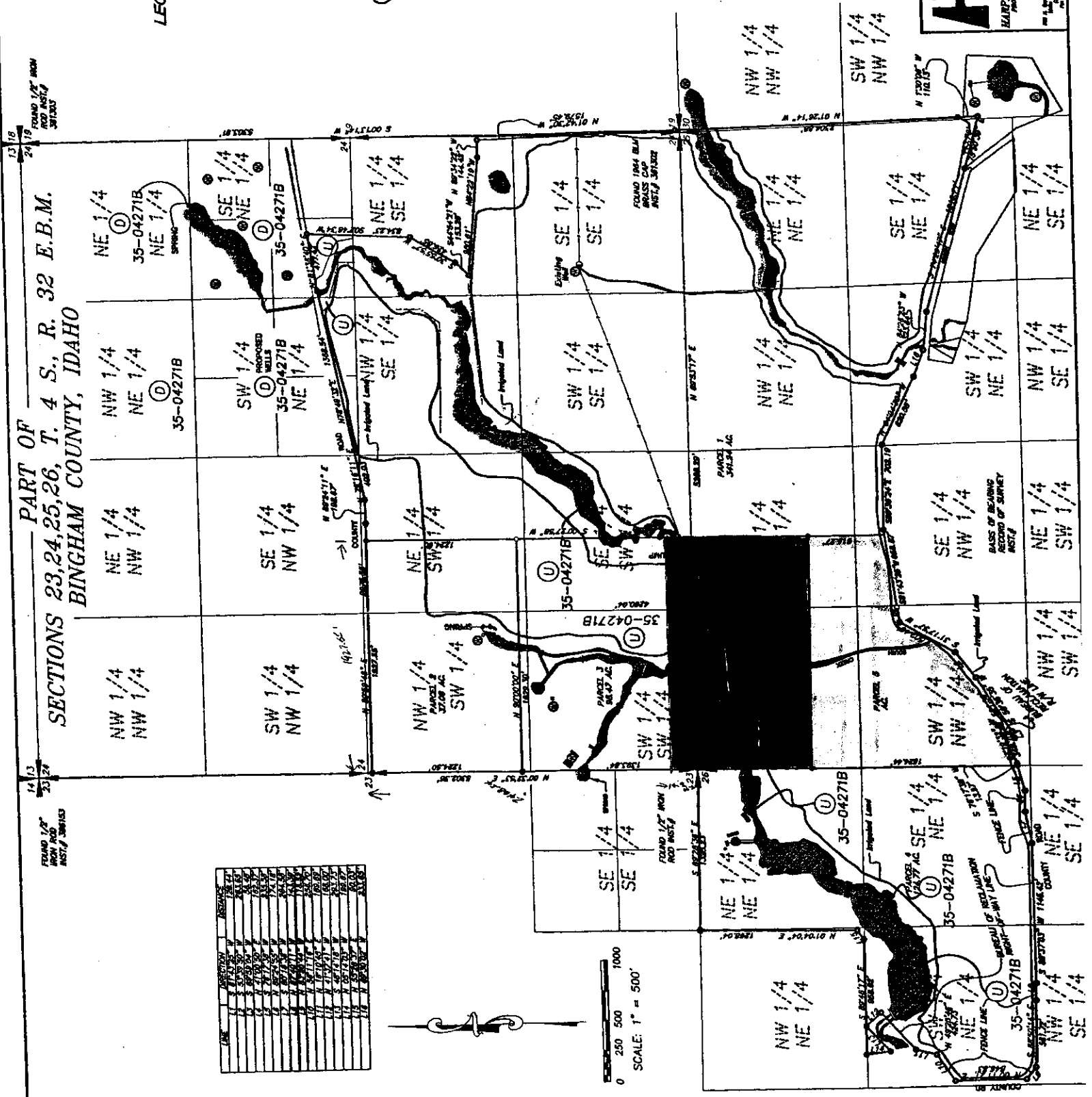
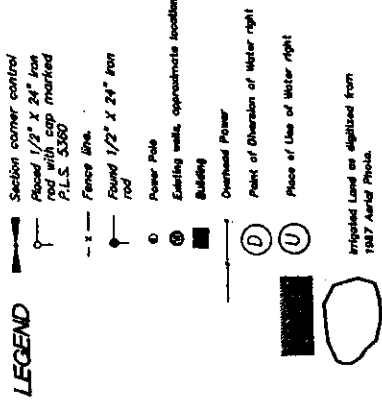
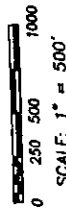
**WATER RIGHTS MAP
35-00029: IRRIGATION**

JOHNNY MILLER

[illegible]

FOUND 1 1/2" IRON
ROD INST. #
381305

LINE	SECTION	REMARKS
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9
10	10	10
11	11	11
12	12	12
13	13	13
14	14	14
15	15	15
16	16	16
17	17	17
18	18	18
19	19	19
20	20	20
21	21	21
22	22	22
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53	53	53
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57	57	57
58	58	58
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60	60	60
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62	62	62
63	63	63
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66	66	66
67	67	67
68	68	68
69	69	69
70	70	70
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82	82	82
83	83	83
84	84	84
85	85	85
86	86	86
87	87	87
88	88	88
89	89	89
90	90	90
91	91	91
92	92	92
93	93	93
94	94	94
95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100



50. cfs
2000
10000

HE

WATER RIGHTS MAP
35-04271B; FISH PROPAGATION

JOHNNY MILLER

SPEC. 23,34,35,36, 7 & 8, R. 33 E.B.1

HARPER-LEVITT ENGINEERING, INC.
 1000 W. 10th St., Suite 100
 Anchorage, Alaska 99501
 Phone: 261-1111

DATE: 10/1/80

SCALE: 1"=100'

PROJECT: 35-04271B

DATE: 10/1/80

PROJECT: 35-04271B

DATE: 10/1/80

PROJECT: 35-04271B

DATE: 10/1/80

SCALE: 1"=100'

PROJECT: 35-04271B

DATE: 10/1/80

PROJECT: 35-04271B

DATE: 10/1/80

PROJECT: 35-04271B

SECTIONS 23, 24, 25, 26, T. 4 S., R. 36 E.D.M. BINGHAM COUNTY, IDAHO

NOT FOR
POSTAL SERVICE

LINE	SECTION	ACRES
1	23	36.00
2	24	36.00
3	25	36.00
4	26	36.00
5	23	36.00
6	24	36.00
7	25	36.00
8	26	36.00
9	23	36.00
10	24	36.00
11	25	36.00
12	26	36.00
13	23	36.00
14	24	36.00
15	25	36.00
16	26	36.00
17	23	36.00
18	24	36.00
19	25	36.00
20	26	36.00
21	23	36.00
22	24	36.00
23	25	36.00
24	26	36.00



0 250 500 1000
SCALE: 1" = 500'

LEGEND

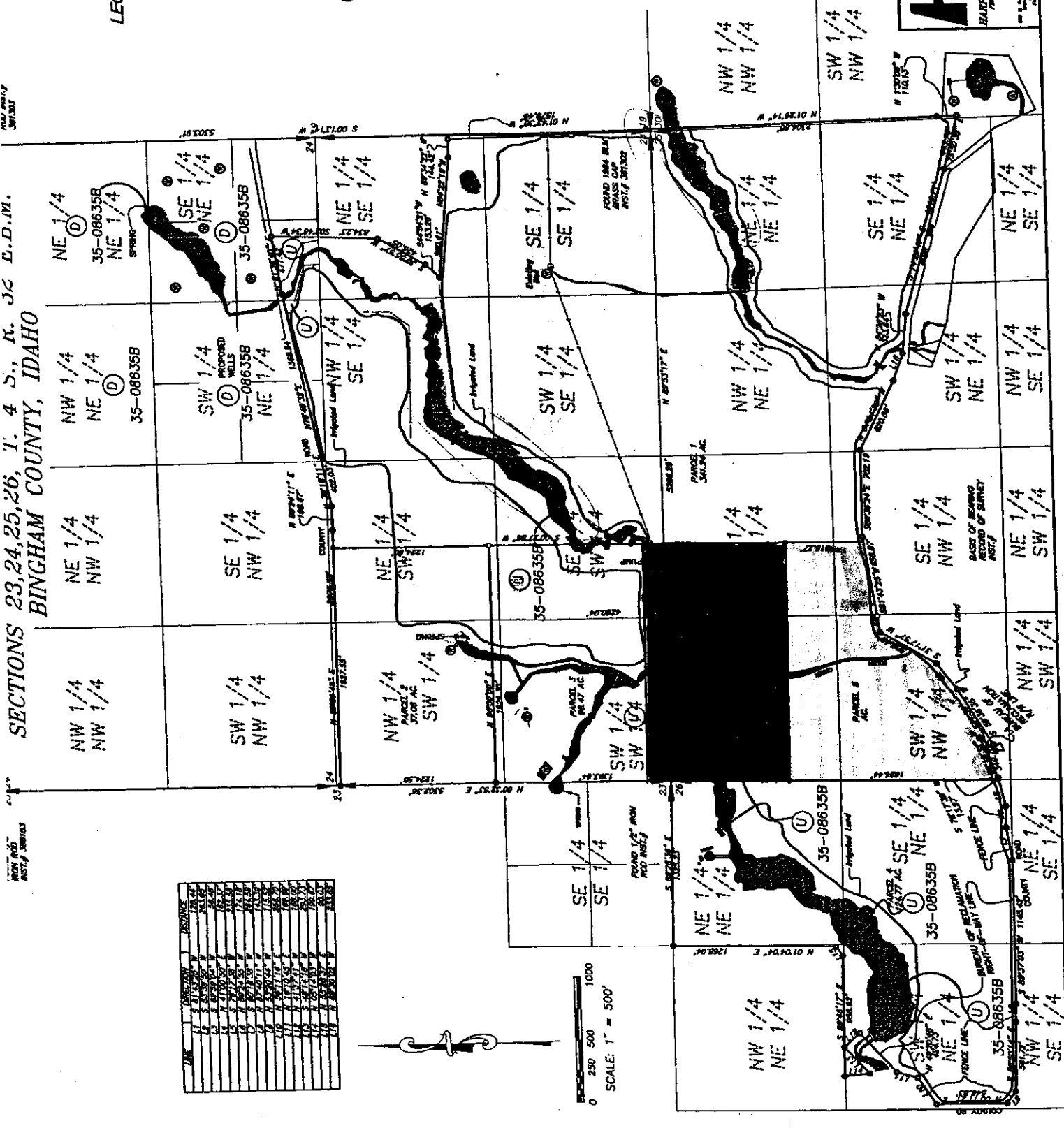
- Section corner control
Pinned 1/2" x 24" iron
rod with cap marked
P.L.S. 5060
- Fence line
- Found 1/2" x 24" iron
rod
- Power Pole
- Building with approximate location
- Building
- Overhead Power
- Point of Direction of Water right
- Point of Use of Water right
- Ingrated Land as digitized from
1987 Aerial Photo



WATER RIGHTS MAP
35-08635B; FISH PROPAGATION

JOHNNY MILLER

SEC. 35-08635B, T. 4 S., R. 36 E.D.M.	DATE	1987
HARPER-LEAVITT ENGINEERING, INC.	DATE	1987
PROFESSIONAL ENGINEERS AND LAND SURVEYORS	DATE	1987
REGISTERED PROFESSIONAL ENGINEER	DATE	1987
REGISTERED LAND SURVEYOR	DATE	1987
REGISTERED PROFESSIONAL ENGINEER	DATE	1987
REGISTERED LAND SURVEYOR	DATE	1987
REGISTERED PROFESSIONAL ENGINEER	DATE	1987
REGISTERED LAND SURVEYOR	DATE	1987



FOUND 1/2" X 24" IRON
RED ALUM. CAP
INST. 38130

PART OF
SECTIONS 23,24,25,26, T. 4 S., R. 32 E.B.M.
BINGHAM COUNTY, IDAHO

FOUND 1/2" X 24" IRON
RED ALUM. CAP
INST. 38130

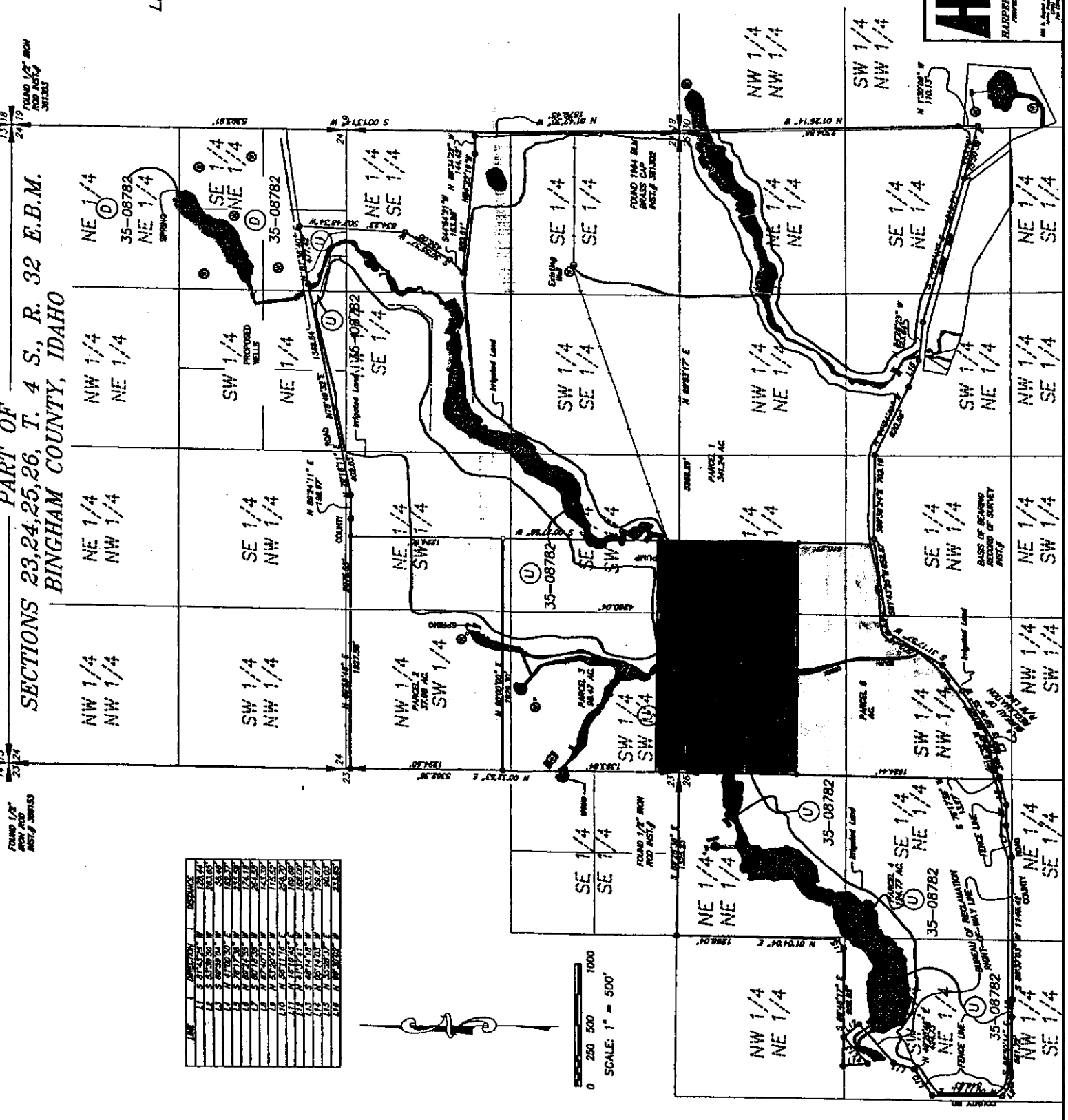
LINE	SECTION	ACRES
1	NE 1/4	37.50
2	SE 1/4	37.50
3	NW 1/4	37.50
4	SW 1/4	37.50
5	NE 1/4	37.50
6	SE 1/4	37.50
7	NW 1/4	37.50
8	SW 1/4	37.50
9	NE 1/4	37.50
10	SE 1/4	37.50
11	NW 1/4	37.50
12	SW 1/4	37.50
13	NE 1/4	37.50
14	SE 1/4	37.50
15	NW 1/4	37.50
16	SW 1/4	37.50



0 250 500 1000
SCALE: 1" = 500'

LEGEND

- Section corner control
Fixed 1/2" X 24" iron
red alum. cap marked
PLS 3500
 - Fence line
 - Fixed 1/2" X 24" iron
rod
 - Power pole
 - Existing well, approximate location
 - Building
 - Overhead Power
 - Point of Direction of Water right
 - Phase of Use of Water right
- Imported Land as depicted from
1987 Aerial Photo.



WATER RIGHTS MAP
35-08782; FISH PROPAGATION
JOHNNY MILLER
SEC. 23,24,25,26, T. 4 S., R. 32 E.B.M.
HARPER-LEAVITT ENGINEERING, INC.
PROFESSIONAL ENGINEER
ID. No. 10000
DATE: 11-1-89
CHECKED BY: J.M.L.
DATE: 11-1-89
SCALE: 1" = 500'

FOUND 1/2"
IRON ROD
AST-# 3007150

LEGEND

Section corner control
Placed 1/2" x 24" iron
rod 12" above marked
P.L.S. 5360

Fence line.

Found 1/2" x 24" iron
rod

Power Pole

Existing walls, approximate location

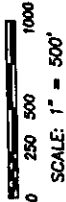
Building

Overhead Power

Point of Intersection of Water right

Phase of Use of Water right

Impriated Land as digitized from
1927 Aerial Photo.



**WATER RIGHTS MAP
35-11390; FISH PROPAGATION**

JOHNNY MILLER

14,25,26, T. 4 S., R. 32 E.B.M.

[illegible]

DATE	10/10/10
TIME	10:00
BY	10:00
CHKD.	10:00
BY	10:00
DATE	10/10/10
TIME	10:00
BY	10:00
CHKD.	10:00
BY	10:00

44-38861 (Rev. 1-25-60)
150-100 (Rev. 1-25-60)
150-100 (Rev. 1-25-60)

FOUND 1/2" IRON ROD NOTED SURVEY

PART OF
SECTIONS 23,24,25,26, T. 4 S., R. 32 E.B.M.
BINGHAM COUNTY, IDAHO

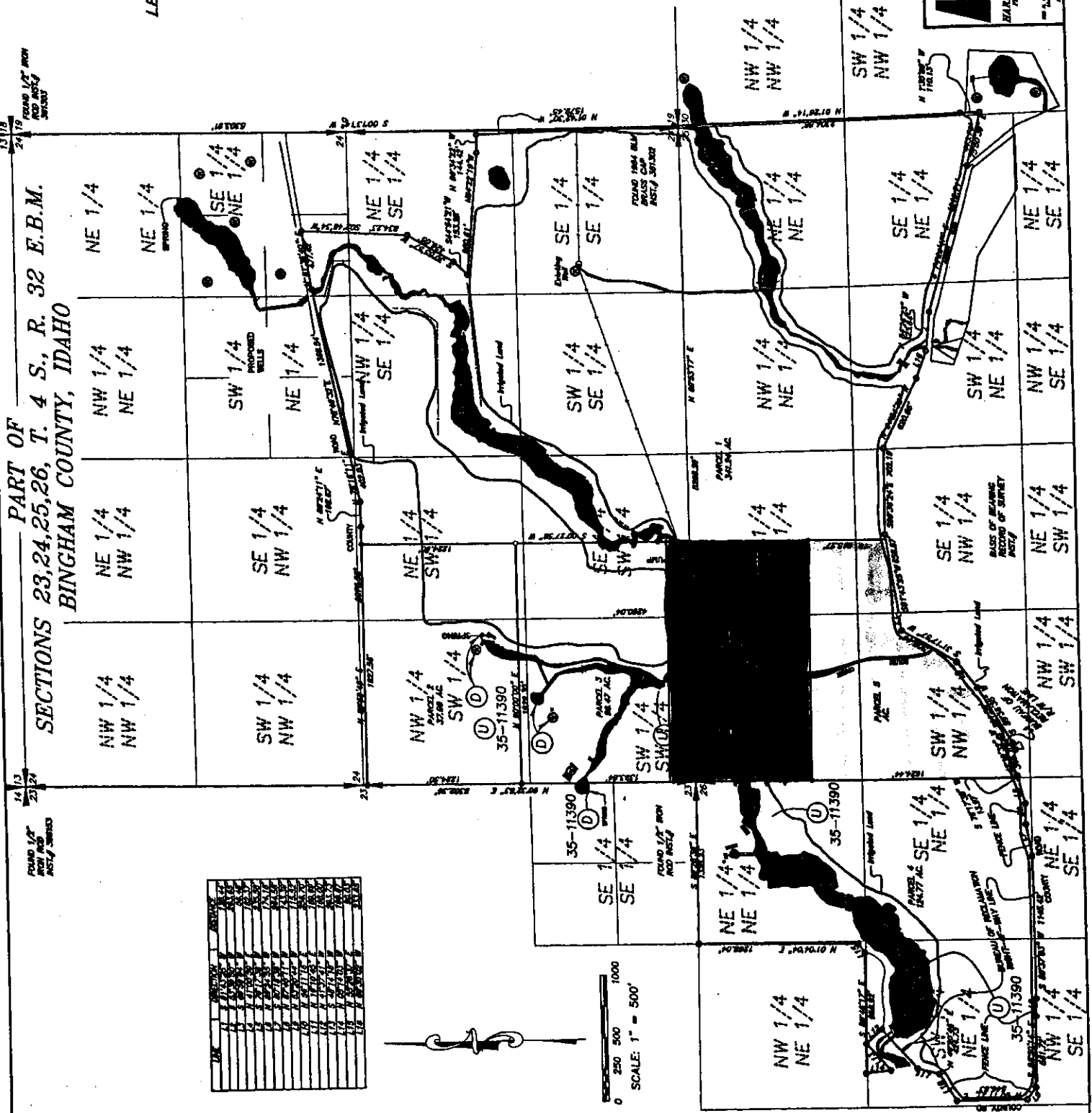
LEGEND

- Section corner control
Found 1/2" x 24" iron rod not noted marked P.L.S. 3350
- Fence line
- Found 1/2" x 24" iron rod
- Power Pole
- Existing well, approximate location
- Building
- Overlaid Power
- Point of Direction of Water right
- Phase of Use of Water right
- Overlaid Land as digitized from 1987 Aerial Photo.

LINE	ACRES
1	1.00
2	1.00
3	1.00
4	1.00
5	1.00
6	1.00
7	1.00
8	1.00
9	1.00
10	1.00
11	1.00
12	1.00
13	1.00
14	1.00
15	1.00
16	1.00
17	1.00
18	1.00
19	1.00
20	1.00
21	1.00
22	1.00
23	1.00
24	1.00
25	1.00
26	1.00
27	1.00
28	1.00
29	1.00
30	1.00
31	1.00
32	1.00
33	1.00
34	1.00
35	1.00
36	1.00
37	1.00
38	1.00
39	1.00
40	1.00
41	1.00
42	1.00
43	1.00
44	1.00
45	1.00
46	1.00
47	1.00
48	1.00
49	1.00
50	1.00



0 250 500 1000
SCALE: 1" = 500'



HE

WATER RIGHTS MAP
35-11390; FISH PROPAGATION

JOHNNY MILLER

35-11390; FISH PROPAGATION

NO.	DATE	BY	REVISION
1	10/1/81	JM	ORIGINAL
2	10/1/81	JM	REVISION
3	10/1/81	JM	REVISION
4	10/1/81	JM	REVISION
5	10/1/81	JM	REVISION
6	10/1/81	JM	REVISION
7	10/1/81	JM	REVISION
8	10/1/81	JM	REVISION
9	10/1/81	JM	REVISION
10	10/1/81	JM	REVISION
11	10/1/81	JM	REVISION
12	10/1/81	JM	REVISION
13	10/1/81	JM	REVISION
14	10/1/81	JM	REVISION

