

02/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-4071
NAME AND ADDRESS: DON BURTON
614 WEST BAY STREET
TAMPA FL 33606

SOURCE: GROUND WATER
QUANTITY: 0.040 CFS
7.000 AFY

TRIBUTARY:

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

PRIORITY DATE: 01/01/1939

POINT OF DIVERSION:

T02N R43E S36 SWSWSE Within BONNEVILLE County
TWO POINTS OF DIVERSION LOCATED IN T2N, R44E, S36, SWSESE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION
DOMESTIC

PERIOD OF USE
04/01 10/31
01/01 12/31

QUANTITY
0.040 CFS
7.00 AFY
0.040 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County
T02N R43E S36 SWSE 2.0
DOMESTIC Within BONNEVILLE County
T02N R43E S36 SWSE

2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

02/20/2004

\$ 133
2

RIGHT NUMBER: 23-4071
NAME AND ADDRESS: DON BURTON
614 WEST BAY STREET
TAMPA FL 33606

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS 7. AF
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SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1939

POINT OF
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TWO POINTS OF DIVERSION LOCATED IN T2N, R44E, S36, SWSESE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

DOMESTIC

PERIOD OF USE

04/01 10/31

01/01 12/31

QUANTITY

0.040 CFS

0.040 CFS

7.0 AF
6 AF

7.0 AF

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R43E S36 SWSE 2.0

DOMESTIC Within BONNEVILLE County

T02N R43E S36 SWSE

2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

02/12/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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614 WEST BAY STREET
TAMPA FL 33606

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

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PRIORITY DATE: 01/01/1939

POINT OF DIVERSION:

T02N R43E S36 SWSWSE Within BONNEVILLE County
TWO POINTS OF DIVERSION LOCATED IN T2N, R44E, S36, SWSESE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.040 CFS

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R43E S36 SWSE 2.0

DOMESTIC Within BONNEVILLE County

T02N R43E S36 SWSE

2 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

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: A23-04071

Date Received: 6/05/1989

Receipt No: 608802

Received By: SA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS BITTON
Address: BOX 115
SWAN VALLEY, ID

OR

Name: JUANITA BITTON
Address: BOX 115
SWAN VALLEY, ID

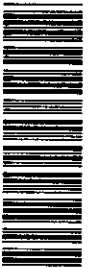
208-483-2055

83449

208-483-2055

83449

A2304071



2. Date of Priority: JAN 01, 1939

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	43E	36	SW	SW	SE		BONNEVILLE

5. Description of diverting works:

TWO WELLS. CULINARY-20' W/ SUBMERSIBLE PUMP|IRR. 20' W/ CENT.PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOME

A23-04071

Page 1

Date: 06/05/89

MICROFILMED
NOV 10 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	43E	36	SW	SE		IRR	2.6
			SW	SE		DOMEST	
Section Acres							2.6
Total Acres							2.6

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Dennis Bittan Date: 6-5-89

Date: _____

State of Idaho
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of June 19 89

[Signature]
Notary Public

Seal

Residing at Lake Falls, ID
My Commission Expires 22 Aug 1994



R43E

A23-04071

T2N

T1N

WAGBE USE
DIR. OF DIVISION
A23-050044

35

LIMITED

1942

Claim no. A23.04071

Claimant Contact Log

Date	Remarks	Agent initials
Don Burton	Fax 813-253-2360	
2-4-04	Called Don Burton AT HIS OFFICE	
IN Florida. AT 9:15 AM M.S.T. ASK FOR		
A NOTICE OF CHANGE IN WATER RIGHT		
OWNERSHIP FAXED. THE FORMS TO THE		
FAX # ABOVE. WAITING FOR RETURN MR Burton		
RETURNED Call 2-4-04 11:30 AM M.S.T. WAS		
RELUCTANT TO SIGN TRANSFER FORM BUT SAID		
HE WOULD WAITING FOR FAX RECEIVED		
FAX 12:15 EVERYTHING LOOK OK. - Nick Oban		

23-04071 Stat. BU

I. ARE POD'S CONNECTED?

IS THIS FOR DOMESTIC (1-2 HOMES) OR MUNICIPAL 200

II. CITY OF SWAN VALLEY OR PRIVATE OWNERSHIP (1000)

III. NEEDS % OR C/A TO: DON BURTON (813) 831-1317 HOME
(813) 253-2500 OFFICE
(813) 205-3868 CELL

I. THE TWO POD ARE NOT CONNECTED.

ONE WELL IS FOR DOMESTIC USE AND IRRIGATION
OF A LAWN IN FRONT OF THE HOUSE.

THE OTHER WELL WELL IS USED FOR
IRRIGATION AND IS PLUMBED INTO A SMALL
CABIN THAT IS NOT BEING LIVED IN
AT THIS TIME. & HASN'T FOR A LONG
TIME. NEED MAJOR RENOVATION

II THE PROPERTY IS PRIVATELY OWNED THE
HOUSE HAS RENTERS AT THIS TIME.

III. Field Visit. 1/13/04. 4:00 pm. NHO

Contacts Data Entry Form *A23-04071*

Don Bueton *614 West Bay St Tampa FL 33606* *813-253-2500*
Owner Type Full Name Address City State Zip Phone

Current Owner *Don Bueton*

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

STATUTORY Claim. Domestic + Irrigation 104 CFS.

*FE. Has a 16' sand point with an
electric pump. For Domestic Water. For All
old log House. NOT lived in AT THIS TIME.
And They Irrigate approx 2 AC OF LAWN
& yard with garden hose & sprinkler.*

Reviewer: _____

Date: _____

04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number: A23-04071

Water Right Point of Diversion: T_____, R_____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T. 24, R. 43E, Sec. 36, SW, 54, SE County: Bonanza

Source: GROUND WATER Tributary: _____

Recommended Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

 Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
-----	-----	-----	---------	----------------	--------	--------

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates:

GPS Coordinates:

GPS Coordinates:

Other rights from this POD? POD. T9#

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

Water Right No(s). A 2304071



GPS DATA:

Tag # misplace Tag # Location: ATTACHED TO 1" STEEL PIPE

Diversion Data:

Source: SUB WATER Trib to: _____

MOTOR

Make: SEARS Model: _____ Hp: 3/4
SN: C 4811

PUMP

Make: SEARS Model: _____ Disch: _____
SN: _____

NOTES:

THIS WELL IS A SAND POINT ABOUT
16" DEEP. THEY IRRIGATE THE LAWN + YARD
ABOUT 2 AC. AN DOMESTIC WATER FOR THE
LOG HOUSE, WHICH IS NOT LIVABLE AT THIS
TIME.

Field Exam Date: 5 JAN 2004 Agent: Kiib Olson

Place Of Use Data Entry Form

Claim Number: A 23-04071☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
2N	43E	36	SW	SE	Bonneville		2.6	Irrigation
"	"	"	SW	SE	"			DOMESTIC

Total Acres 2.6

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

They HAVE A LAWN-TRUCK +
SHRUBS SPRINKLER. Irrigated

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A2304071☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/1	11/1		.04
DOMESTIC	1/1	12/31		.04

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD. 504 4/15 - 10/31 IRRIGATION

Reviewer: _____

Date: _____

Notes

THEIR ARE 2 WELLS ON THE
PROPERTY ONE IS A DOMESTIC WELL
ONLY. HAS HOUSE. + SMALL YARD AND
LAWN.

Memo to File: The following letter date November 6, 2002, was sent out to the claimants and no response was received back to Intrepid.

November 6, 2002

Dear Sir or Madam:

Intrepid Technology and Resources, Inc. (ITR) has been contracted by the Idaho Department of Water Resources (IDWR) to verify information in the State's records regarding the enclosed claim(s). This letter is being sent to the address of record for the enclosed claim(s).

In June or July of 2002, ITR employees visited the point(s) of diversion for the claim(s) in question. The purpose of this letter is to follow up on that visit, and ask for your input to verify the boundary of the area irrigated by each point of diversion. IDWR has supplied the enclosed maps and/or aerial photographs. The points of diversion (wellheads, dams, etc.) are indicated as circles. The irrigated areas are traced with bright yellow lines.

Please take the time to review the map, and correct any inaccuracies by marking changes on the map, and sending the map and claim file back to us in the enclosed postage-paid envelope.

If the claim is no longer in use, please note it on the claim file and return it to us in the enclosed envelope.

This applies only to the enclosed claim file. Water rights or claims not included with this package will be dealt with separately. Please DO NOT mark wells, diversions, or irrigated areas not specifically addressed in this package.

If you have any questions about the letter itself or how to respond, please call Doug Larsen or myself at 208-529-5337. We will be happy to discuss it with you.

Sincerely,

Shaun Dustin, PE
Intrepid Technology & Resources, Inc.



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 23-27



RIGHT ID 23 4071
POD ID 160536
Folder No. A2304071
Claim Status In Use
IDTMEAST 715486
IDTMNORTH 264654
GPSID A0011967

Diversion Description

TWO WELLS. CULINARY-20' W/ SUBMERSIBLE PUMP|IRR. 20' W/ CENT.PUMP.

Assumptions

Assume original diversion description information is accurate. Assume horse power, pressure head.

Invoice

2000-055-23-27-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missing)
Phase-III (Complete w/issues)

Linked

Photos\23-4071-001.JPG Photos\23-4071-003.JPG

Photos

Photos\23-4071-002.JPG

GPS Accuracy (ft)

19 Feet

Date (M/D/Y)

07-22-02

Time

16:00

Flow Rate (CFS)

0.10

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning

(If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 1.5

Pressure Head (psi) 30

Elevation Head (ft) 20

Motor Mfg

Motor Serial #

Pump Type Centrifugal

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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FOLDER NO.

A2304071

RECEIVED

OCT 14 1994

Department of Water Resources
Eastern District Office

Box 208 Irwin, Idaho 83426
Oct. 13, 1994

I, Georgene Whiting attest that the water well located at T32N
R43E S36 now owned by Dennis and Juanita Bilton was in use in the
year 1929. My father George Weeks owned the property and lived there
at that time.

Signed

Georgene Whiting

Daniel R. Traugott
Notary Public

Commission expires
1-19-96

MICROFILMED

NOV 07 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

FAX: (813) 253-2360

TO: Don Burton

2/4/04

FROM: Nick Olson

AL RUBLEY - SR. AGENT

SUBJECT: CHANGES OF OWNERSHIP 23-04071

MR. BURTON, PLEASE SIGN AS TAGGED ON
BACK PAGE. ALSO, A COPY OF THE DEED
OR OTHER CONVEYANCE INSTRUMENT IS NEEDED
TO BE RETURNED WITH THE SIGNED NOTICE
OF CHANGE.

TIME IS OF THE ESSENCE PLEASE RESPOND
QUICKLY

5 PAGES TOTAL

AL Rubley

- Fax Transmission -

From: Don Burton
To: Nick Olson
Time: 11:57 AM
Pages: 11 Including Cover Sheet

Date: 2/4/2004
Fax Phone: 208-525-7177

Pursuant to our telephone conversation of today, please see attached.

Thank you.

*PHONE: 813-253-2500 FAX: 813-253-2360
614 WEST BAY STREET, TAMPA, FL 33606*

OWNER'S POLICY**SCHEDULE A**

Order Number	Policy Number	Date of Policy	Amount of Insurance	Premium Amount
3030102184	13 0042 106 00002553	March 14, 2001 At 3:32PM	\$136,000.00	\$713.00

1. Name of Insured:

Don Burton

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

Don Burton, an unmarried person

4. The land referred to in this policy is described as follows:

See Attached Exhibit "A"

State of Idaho

}
} ss.
}

County of Bannock

On this 14th of March 2001, before me, a Notary Public in and for said state, personally appeared Dennis Bitton and Juanita Bitton known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Bitton Family Trust dated March 5, 1985, and acknowledged to me that they executed the same as Trustee.

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
Residing at:
Commission Expires:

WARRANTY DEED

Order No.:3030102184

FOR VALUE RECEIVED

Dennis Bittou and Juanita Bittou, Trustees of the Bittou Family Trust dated March 5, 1985,

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

Don Burton

whose current address is

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

Beginning at the Southwest corner of the Southeast Quarter of Section 36, Township 2 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho; running thence East 330.0 feet to the True Point of Beginning; running thence East 130 feet; thence North 554.0 feet to the Southeast right-of-way boundary of State Highway 31 (Swan Valley-Victor Highway); thence South 47°06'40" West 458.1 feet along said highway boundary; thence South 41°31'20" East 180.33 feet along the West bank of Rainey Creek; thence South 64°23'34" East 119.85 feet along the West bank of Rainey Creek, thence South 35.0 feet to the True Point of Beginning.

SUBJECT TO: Existing County Road or Highway right-of-way. DWB**LESS AND EXCEPTING:**

Beginning at a point that is South 89°45'14" East along the Section line 441.23 feet from the South ¼ Corner of Section 36, Township 2 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho; running thence South 89°45'14" East along said Section line 20.77 feet; thence North 00°14'46" East 363.40 feet; thence South 83°48'18" West 12.93 feet; thence South 01°30'01" West 362.04 feet to the Point of Beginning.

SUBJECT TO: Existing County Road Right-of-Way and Easements of record.**ALSO LESS AND EXCEPTING:**

Beginning at a point that is South 89°44'27" East along the Section line 441.23 feet and North 1°30'48" East 362.04 feet from the South Quarter Corner of Section 36, Township 2 North, Range 43, East of the Boise Meridian, Bonneville County, Idaho; running thence North 83°49'05" East 114.64 feet; thence North 82°19'05" East 14.57 feet; thence North 2°52'28" East 19.89 feet; thence North 1°16'08" East 270.42 feet more or less to the Southeasterly Right-of-Way line of the Swan Valley-Victor Highway; thence South 46°56'00" West 178.73 feet along the said Right-of-Way line to a point that is North 1°30'48" East from the Point of Beginning; thence South 1°30'48" West 182.52 feet more or less to the Point of Beginning.

LESS AND EXCEPTION: Any County Road or Highway Right-of-Way.

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: March 14, 2001Dennis Bittou, Trustee of the Bittou Family Trust
dated March 5, 1985Juanita Bittou, Trustee of the Bittou Family Trust
dated March 5, 1985

AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY
(10-17-92)

13 0042 106 00002553

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Issued by:
ALLIANCE TITLE AND
ESCROW CORPORATION
451 PARK AVENUE
IDAHO FALLS, ID 83402
(208) 524-5600

CHICAGO TITLE INSURANCE COMPANY

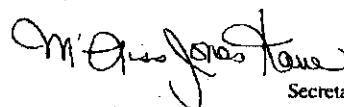
By:



President



By:



Secretary

Claim No.

Department of Water Resources
Eastern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

DENNIS & OR JUANITA BITTON
(Name of Claimant)

(Name of Claimant)

Box 115 SWAN VALLEY, ID
(Mailing Address)

(Mailing Address)

83449
(Zip Code)

Telephone No. 483 2055

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1939 January

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
GROUND WATER tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

{cfs, af)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)

(Mon, Day)

(Mo., Day)

Quantity 0.04 CFS

Use DOMESTIC

Period of Use From

To 12-31

Quantity 0.04 cfs

Use IRIGATION

Period of Use From
Period of Use From

To 11-1

Quantity

Use

Period of Use From

To

Quantity _____

Use

Period of Use From

TO

- (4) 2.04 CFS Use Period of Use From To
(cfs, af) TOTAL QUANTITY USED.
- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SE ¼, Sec. 36 Twp. 2N Rge. 43E B.M., County of BONNEVILLE
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 30 FT DEEP WELL

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 2.6

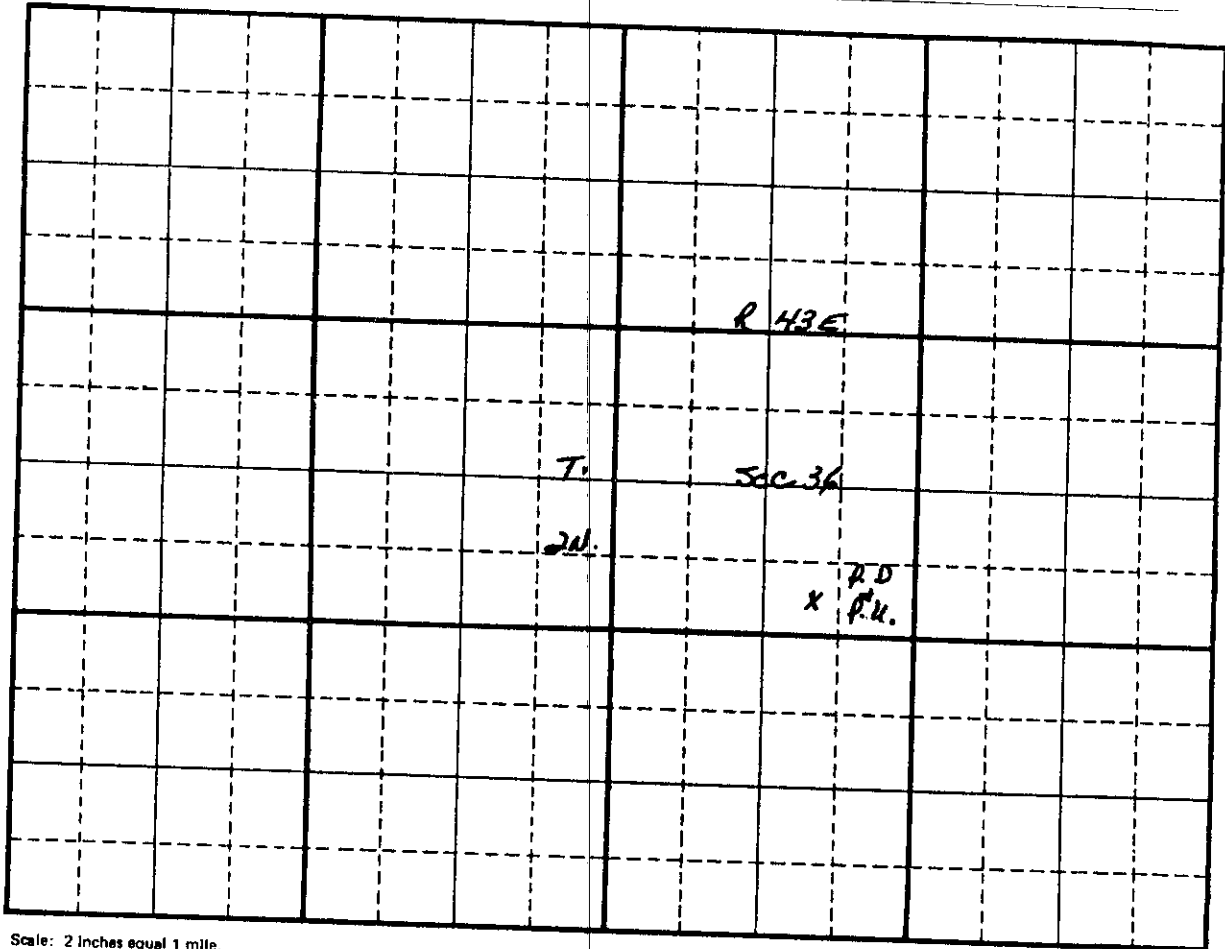
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: MAINLY USED TO WATER LARGE LAWN DOMESTIC

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

44-38861-100

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 27th day of June, 1983.

Dennis Britton
(Claimant)

V. L. Foster
Notary Public
Residing at Idaho Falls

My commission expires October 20, 1983

FOR DEPARTMENT USE ONLY

Received by CW Date 6-27-83
Prelim. check by FW Date 10/25/83
\$30.00 fee received by CW Date 6-27-83
Published in Post Register
Dates 11/10 - 11/17/83

Exception filed by: _____

Forwarded to
claimant by: _____ Date _____

CLERK COUNTY RECORDER
10:00 AM 14/01 PM 332
WARRANTY DEED

Order No.: 3030102184 - 11.0

FOR VALUE RECEIVED

Dennis Bitton and Juanita Bitton, Trustees of the Bitton Family Trust

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

Don Burton, an unmarried person

whose current address is

GENERAL DELIVERY, SWAN VALLEY, ID. 83449

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

INSTRUMENT NO.	1043200
DATE	3-14-01
INST CODE	205
IMAGED PGS	2
FEES	6.00
Filed dated March 5, 1985,	
STATE OF IDAHO)	
COUNTY OF BONNEVILLE) ss	
I hereby certify that the within	
instrument was recorded.	
Ronald Longmore,	
County Recorder	
By	<i>[Signature]</i> Deputy
Request of	ATEC

Beginning at the Southwest corner of the Southeast Quarter of Section 36, Township 2 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho; running thence East 330.0 feet to the True Point of Beginning; running thence East 130 feet; thence North 554.0 feet to the Southeast right-of-way boundary of State Highway 31 (Swan Valley-Victor Highway); thence South 47°06'40" West 488.1 feet along said highway boundary; thence South 41°31'20" East 180.33 feet along the West bank of Rainey Creek; thence South 64°23'34" East 119.85 feet along the West bank of Rainey Creek; thence South 35.0 feet to the True Point of Beginning.

SUBJECT TO: Existing County Road or Highway right-of-way.

LESS AND EXCEPTING:

Beginning at a point that is South 89°45'14" East along the Section line 441.23 feet from the South 1/4 Corner of Section 36, Township 2 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho; running thence South 89°45'14" East along said Section line 20.77 feet; thence North 00°14'46" East 363.40 feet; thence South 83°48'18" West 12.93 feet; thence South 01°30'01" West 362.04 feet to the Point of Beginning.

SUBJECT TO: Existing County Road Right-of-Way and Easements of record.

ALSO LESS AND EXCEPTING:

Beginning at a point that is South 89°44'27" East along the Section line 441.23 feet and North 1°30'48" East 362.04 feet from the South Quarter Corner of Section 36, Township 2 North, Range 43, East of the Boise Meridian, Bonneville County, Idaho; running thence North 83°49'05" East 114.64 feet; thence North 82°19'05" East 14.57 feet; thence North 2°52'28" East 19.89 feet; thence North 1°16'08" East 270.42 feet more or less to the Southeasterly Right-of-Way line of the Swan Valley-Victor Highway; thence South 46°56'00" West 178.73 feet along the said Right-of-Way line to a point that is North 1°30'48" East from the Point of Beginning; thence South 1°30'48" West 182.52 feet more or less to the Point of Beginning.

LESS AND EXCEPTION: Any County Road or Highway Right-of-Way.

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: March 14, 2001

[Signature]
Dennis Bitton, Trustee of the Bitton Family Trust
dated March 5, 1985

[Signature]
Juanita Bitton, Trustee of the Bitton Family Trust
dated March 5, 1985

State of Idaho

}

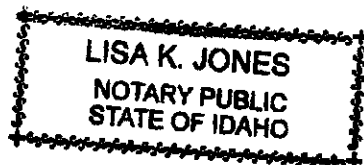
} ss.

County of Bannock

}

On this 14th of March 2001, before me, a Notary Public in and for said state, personally appeared Dennis Bitton and Juanita Bitton known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Bitton Family Trust dated March 5, 1985, and acknowledged to me that they executed the same as Trustee.

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



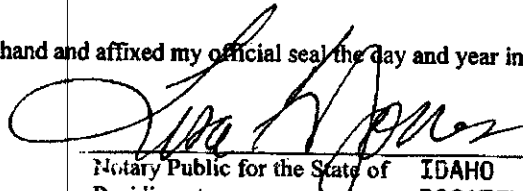

Notary Public for the State of IDAHO
Residing at: POCA TELLO
Commission Expires: 06-07-01

Exhibit "A"

Beginning at the Southwest corner of the Southeast Quarter of Section 36, Township 2 North, Range 43 East of the Boise Meridian, Bonneville County, Idaho; running thence East 330.0 feet to the True Point of Beginning; running thence East 130 feet; thence North 554.0 feet to the Southeast right-of-way boundary of State Highway 31 (Swan Valley-Victor Highway); thence South 47°06'40" West 488.1 feet along said highway boundary; thence South 41°31'20" East 180.33 feet along the West bank of Rainey Creek; thence South 64°23'34" East 119.85 feet along the West bank of Rainey Creek, thence South 35.0 feet to the True Point of Beginning.

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LESS AND EXCEPTION: Any County Road or Highway Right-of-Way.

END OF SCHEDULE A

OWNER'S POLICY

Order No: 3030102184

Policy No: 13 0042 106 00002553

SCHEDULE B PART I**EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SCHEDULE B PART II**Special Exceptions:**

1. Taxes, including any assessments collected therewith, for the year 2001, which are a lien not yet payable.
2. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted to: Silver Star Telephone Co., Inc., a Wyoming Corporation, and to its successors or assigns.
Purpose: Public Utilities.
Recorded: September 13, 1995.
Instrument No.: 906098.

3. Right of way for ditches, tunnels, telephone and distribution lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code.

END OF SCHEDULE B

Countersigned:

Dianne Dexter
Authorized Signature

ALLIANCE

TITLE & ESCROW CORP.

MAR 30 2001

451 Park Ave., Idaho Falls, ID 83405-0642 Phone: (208) 524-5600, Fax: (208) 524-1977

To: WACKERLI REALTY

Date: March 21, 2001
Escrow No.: 3030102184
Re: Burton / Bitton

Attn: Dick Clayton, Jr.

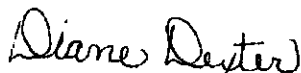
In connection with the above referenced transaction, we enclose the following:

- ❖ Policy of Title Insurance No. 13 0042 106 00002553
- ❖ Warranty Deed #1043200

"THANK YOU" for this opportunity to serve you. Your business is appreciated!

If you should have any questions or if we may be of further assistance, please do not hesitate to contact the undersigned.

Sincerely,
Alliance Title & Escrow Corp.



Diane Dexter - Title
Mary L. Bruggenkamp
Escrow Officer

SOUTH ATLANTIC CAPITAL, INC.

- Fax Transmission -

From: Don Burton
To: Nick Olson
Time: 1:28 PM
Pages: 2 Including Cover Sheet

Date: 2/4/2004
Fax Phone: 208-525-7177

Please see attached signature page executed by Donald (Don) W. Burton per your request. Thank you.

PHONE: 813-253-2500 FAX: 813-253-2360
614 WEST BAY STREET, TAMPA, FL 33606

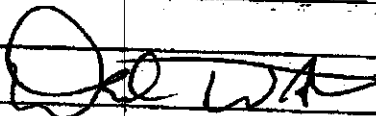
Form 42-248/42-1409(6) July, 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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 _____		
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 _____	_____	_____
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 _____		
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 _____	_____	_____
Total	_____	_____

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



For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

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

Log for claim 23-04071

Spatial Dynamics LTD

6/6/01

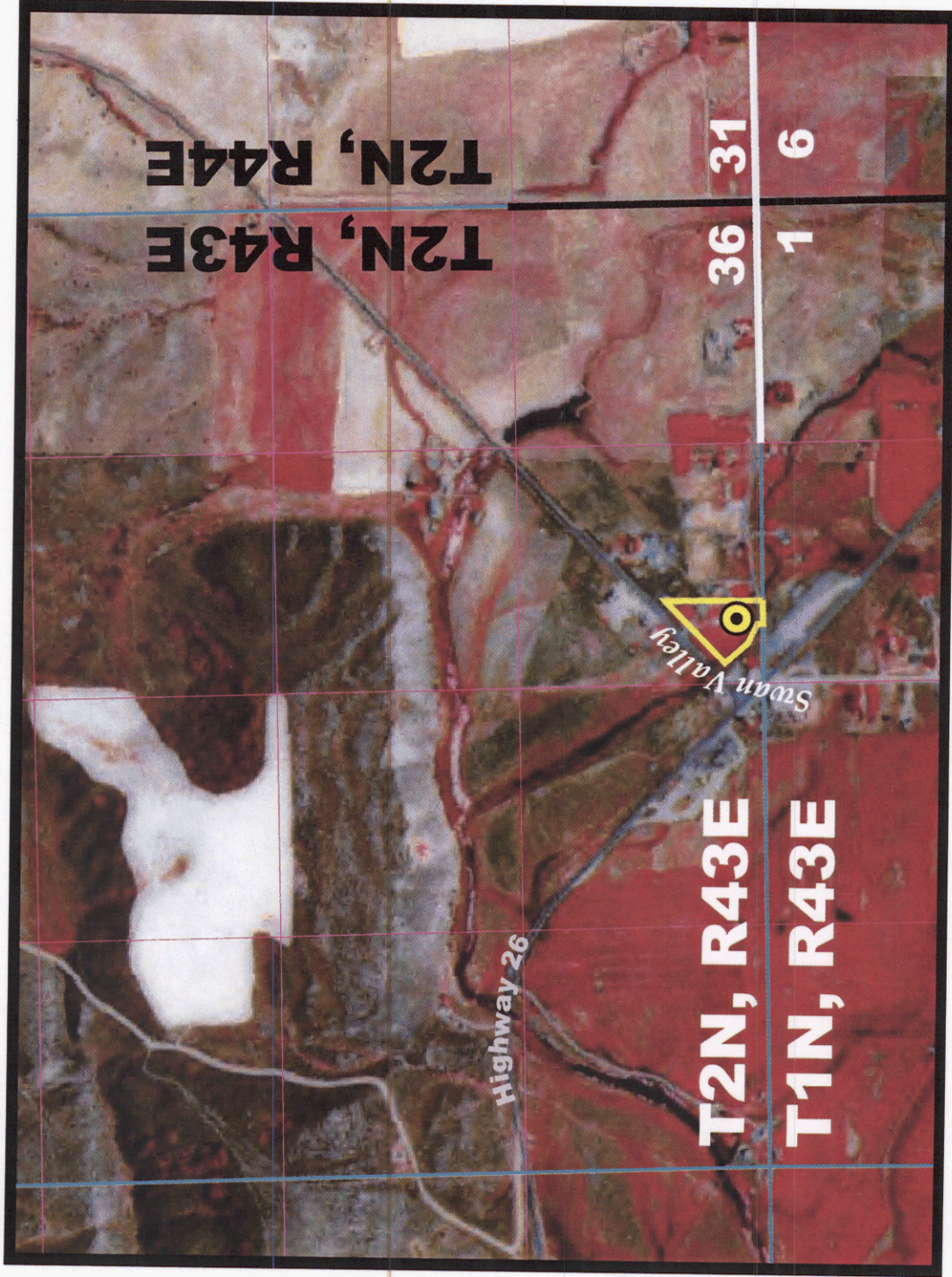
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n43e	36	SWSE	2.6	1.7	
Totals:			2.6	1.7	



State of Idaho

Department of Water Resources

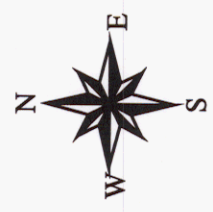
Eastern Region



Water Right(s):
23-04071

Place of Use: T2N, R43E
Sec. 36 (part of) SWSE

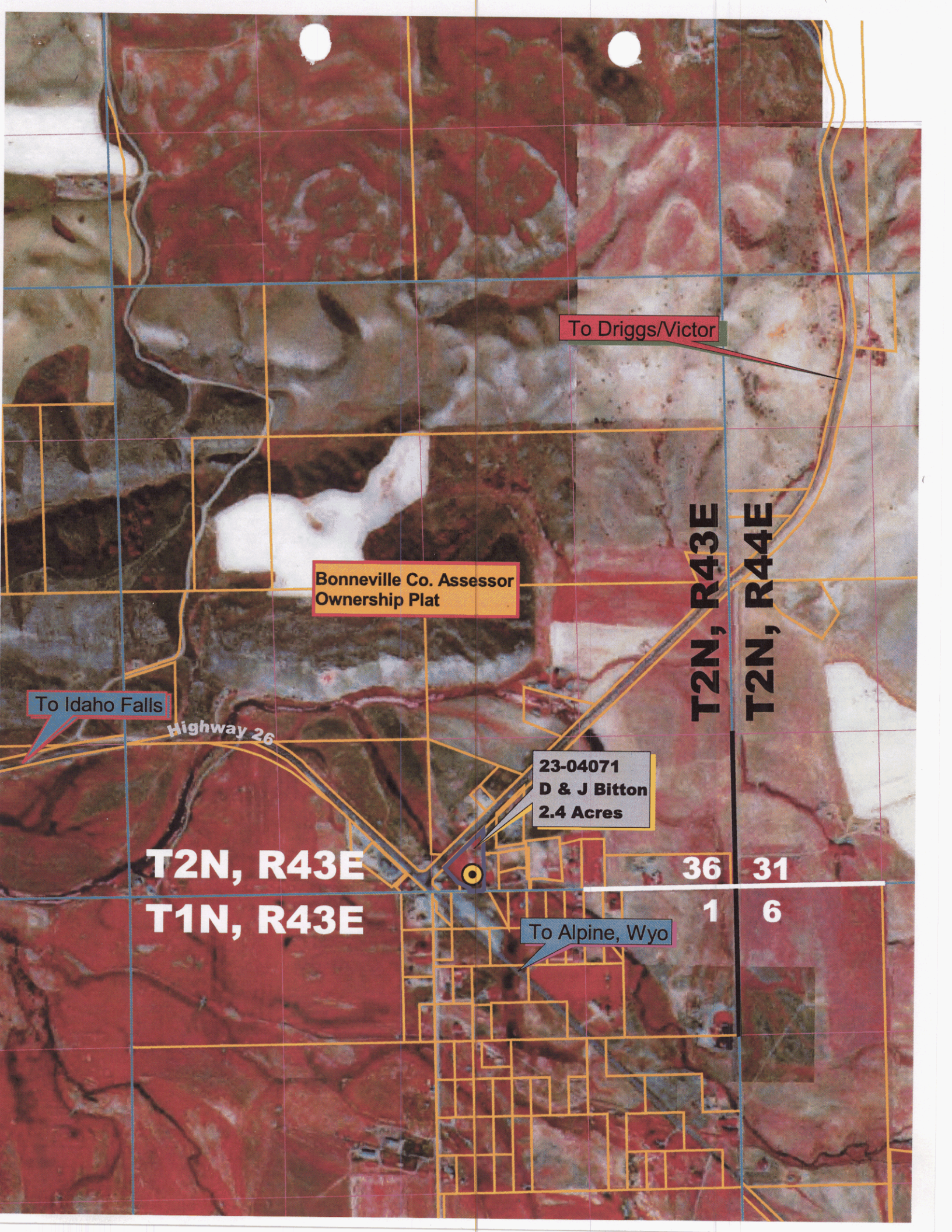
Point(s) of Diversion: T2N, R43E
Sec. 36 SWSWSE (2 wells)



LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2003



To Driggs/Victor

Bonneville Co. Assessor
Ownership Plat

To Idaho Falls

Highway 26

23-04071
D & J Bitton
2.4 Acres

T2N, R43E
T1N, R43E

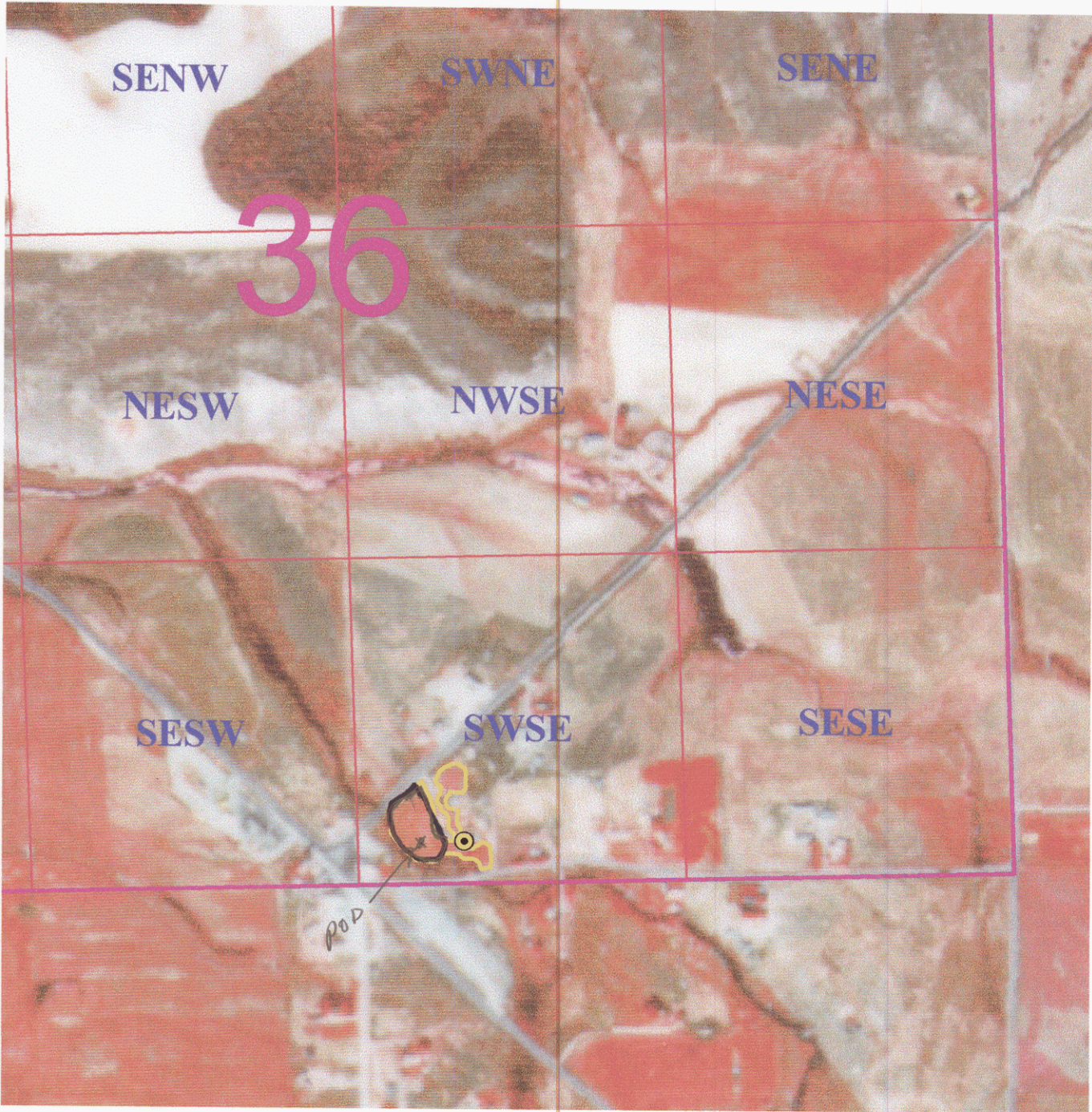
T2N, R43E
T2N, R44E

36 31
1 6

To Alpine, Wyo

Water Right Claim Number 23-04071
Townships , 2N43E, 1N43E

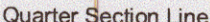
06/06/2001



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend

