

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
IN THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

JESSE WEEKS AND SONS, A
PARTNERSHIP,

Plaintiff,

vs.

RONALD D. CARLSON, WATERMASTER
WATER DISTRICT NO. 1, DEPARTMENT
OF WATER RESOURCES, STATE OF
IDAHO,

Defendant.

Case No. 29561

REPORT IN THE NATURE
OF PROPOSED FINDING OF
WATER RIGHTS

23-5

Burton Sp.
23-110

MICROFILMED
NOV 07 1990

MICROFILMED
NOV 06 1992

RECOMMENDATIONS TO THE COURT

Based upon the foregoing findings of fact and conclusions of law, the Director makes the following recommendations:

1. The plaintiff's right to the use of water shall be as follows:

a. source: Burton Spring

b. date of priority: April 1, 1917

c. nature of use: irrigation and stockwater

d. rate of diversion: .84 cfs (irrigation)

.03 cfs (stockwater)

.87 cfs total

e. point of diversion: NE 1/4 NW 1/4 Section 35,

T. 1 N., R. 44 E., B.M.

f. place of use:

Lot 1 (NE 1/4 NE 1/4) Sec. 34 (31 acres)

Lot 1 (W 1/2 NE 1/4) Sec. 35 (11 acres)

All in T. 1 N., R. 44 E., B.M. (42 acres total)

g. period of use:

April 1 to November 1 of each year (irrigation)

January 1 to December 31 of each year (stockwater)

h. annual volume of consumptive use: 97.9 af per year

i. basis of right: Beneficial use.

2. The plaintiff shall be required to install and maintain a measuring device and a lockable headgate or other flow control device acceptable to the Department in accordance with Idaho Code

MICROFILMED
NOV 07 1996

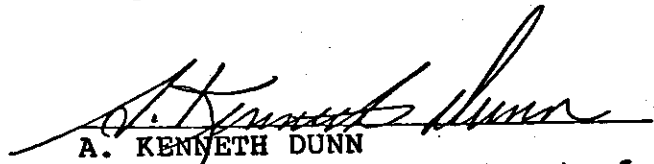
MICROFILMED
NOV 06 1992

§ 42-701 (1977).

3. The use of water pursuant to the right herein set forth in conjunction with any other water right owned by the plaintiff shall not exceed .02 cfs per acre of land irrigated.

DATED this 30th day of June, 1986.

Respectfully submitted,



A. KENNETH DUNN
Director, Idaho Department of
Water Resources

MICROFILMED

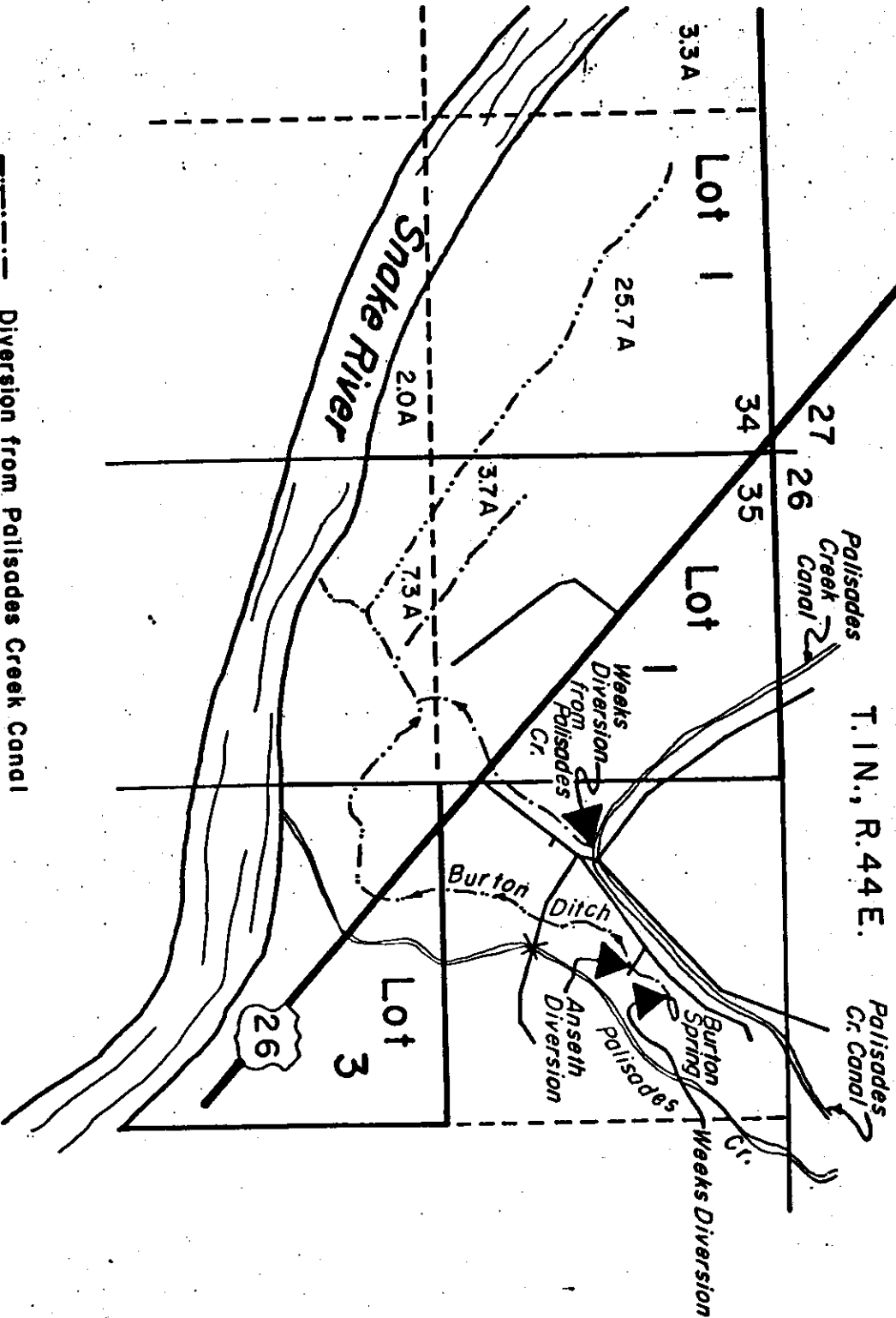
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NOV 08 1992

WEEKS VS. CARLSON EXHIBIT A

T. 1 N., R. 4 E.



NOV 0 7 1996

NOV 0 6 1992

MICROFILMED

03/01/2004

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

RIGHT NUMBER: 23-11220

NAME AND ADDRESS: ELIZABETH T HALTER
PO BOX 247
SWAN VALLEY ID 83449

SOURCE: BURTON SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.040 CFS
4.660 AFY

PRIORITY DATE: 04/01/1917

POINT OF DIVERSION:

T01N R44E S35 NENENW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
0.040 CFS
4.66 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S35 Lot 1 SWNW 2.0

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.

EXPLANATORY MATERIAL: Decreed

01/28/2004

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

RIGHT NUMBER: 23-11220

NAME AND ADDRESS: MOUNTAIN STATES MARKETING CORP
PO BOX 7399-206
BRECKENRIDGE CO 80424

GUARDIOLA REVOCABLE TRUST
PO BOX 147
IRWIN ID 83428

SOURCE: BURTON SPRING

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.040 CFS
4.660 AFY

PRIORITY DATE: 04/01/1917

POINT OF DIVERSION:

T01N R44E S35 NENENW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.040 CFS 4.66 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S35 Lot 1 SWNW 2.0

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.

EXPLANATORY MATERIAL: Decreed

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 23-11220
Date Received: 11/28/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

MOUNTAIN STATES MARKETING CORP Phone:

PO BOX 7399-206
BRECKENRIDGE CO USA 80424

GUARDIOLA REVOCABLE TRUST Phone:

PO BOX 147
IRWIN ID USA 83428

483-2944

2. Date of Priority: 04/01/1917

3. Source: BURTON SPRING Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01N	44E	35	NE	NE	NW	BONNEVILLE	

5. Description of diverting works:

POND WITH GRAVITY FLOW DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

A2311220



Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	44E	35	NW	NW	1	IRRIGATION 0.45
			SW	NW	1	IRRIGATION 1.55
						Section Acres 2
						Total Acres 2

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:

14. Remarks:

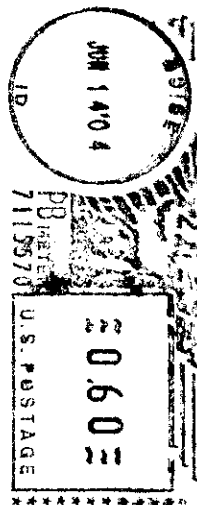
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 23-00110.

15. Basis of Claim: Decreed

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED

PRESORTED
FIRST CLASS



RECEIVED
JUN 18 2004
Department of Water Resources

RETURNED TO
SENDER
AUTHORIZED TIME FOR
FORWARDING HAS EXPIRED

Return Rb. 84704

CHRISTI GUARDIOLA
PO BOX 147
IRWIN ID 83428

*Resent 7-6-04
130 Cedar Meadows Rd.
North Hampton MA 01060*

*23-11220
Resumen Latin*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s)**. Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

1058482 SEP24'01 PM 3:53

24,607

GRANT DEED

THIS INDENTURE is made effective as of the 21st day of September, 2001, by H. SPENCE WARNER and LINDA ~~X~~ WARNER, husband and wife, the "Grantor", to CHRISTI GUARDIOLA, as Trustee of the Christi Guardiola Revocable Trust, and MOUNTAIN STATES MARKETING CORPORATION, a Nevada corporation, whose mailing address is Post Office Box 7399-206, Breckenridge, Colorado 80424, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described real property in the County of Bonneville, State of Idaho, to-wit:

Tract 1:

Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, Bonneville County, Idaho, according to the recorded plat thereof.

Tract 2:

Beginning at the Southwest corner of Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, Bonneville County, Idaho; running thence along the South line of said Lot 1 the following four (4) courses: S.82°20'14"E. 27.72 feet; thence N.73°00'42"E. 87.99 feet; thence N.26°27'00"E. 14.82 feet; thence S.65°47'18"E. 66.02 feet; thence S.19°46'20"W. 167.39 feet to the mean high water line of the South Fork of the Snake River; thence N.71°56'17"W. along said line 149.97 feet; thence N.11°25'03"E. 104.89 feet to the POINT OF BEGINNING.

SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property; the foregoing including but not limited to the following:

1. Real property taxes and assessments for the year 2001, a lien not yet due and payable.

Idaho Title & Trust
P.O. Box 50367
Idaho Falls, ID 83404

APR

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	23-11220				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Mountain States Marketing Corporation
Elizabeth T. Halter, President
4. New Owner/Claimant(s) Elizabeth T. Halter, an Individual
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 247
- City, State and ZIP Code Swan Valley, ID 83449
- New Telephone Number (208) 483-2944
5. Date you acquired the property September 20, 2001

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) Elizabeth H. Hatten
(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 _____

2. All easements and rights-of-way for highways, roads, railroads, ditches, canals, gas, pole, power and transmission lines as they may exist.
3. Easements as disclosed on the recorded plat.
4. Power Line Easement as granted to the United States of America by instrument recorded March 13, 1956, in Book 15 of Lease and Contracts at page 467, records of Bonneville County Idaho; including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
5. The effect of the declaration of restrictions recorded November 27, 1996, as Instrument No. 932713, records of Bonneville County, Idaho.

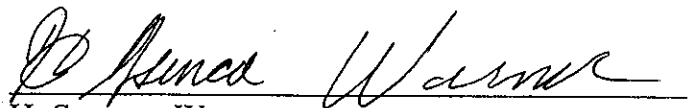
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

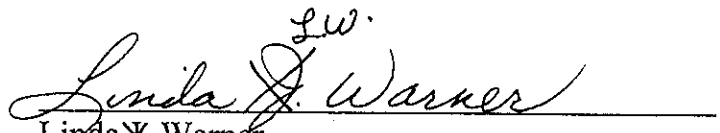
TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

INSTRUMENT NO.	1058482
DATE	9-24-01
INST. CODE	200
IMAGED PGS	3
FEE	9.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Recorded Longmore,	
County of Bonneville	
By	M. Gelling Deputy
Request of	


H. Spencer Warner

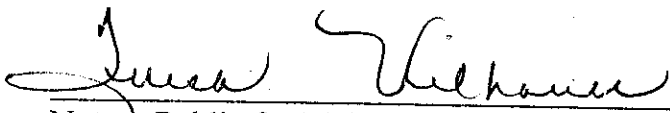

Linda X Warner
L.W.

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 21ST day of September, 2001, before me, the undersigned notary public in and for said State, personally appeared H. Spencer Warner, known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that he executed the same.

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

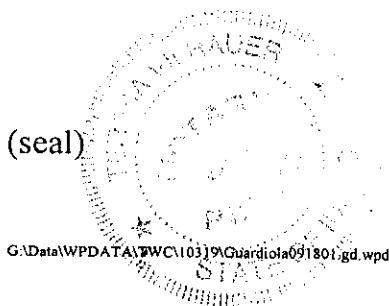


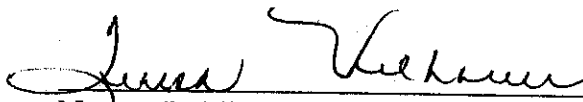

Notary Public for Idaho TV
Residing at ~~Idaho Falls, Idaho~~ RIGBY, ID
My Commission Expires: 08/19/02

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 21ST day of September, 2001, before me, the undersigned notary public in and for said State, personally appeared Linda J. Warner, known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that she executed the same.

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




Notary Public for Idaho TV
Residing at ~~Idaho Falls, Idaho~~ RIGBY, ID
My Commission Expires: 08/19/02

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GRANT DEED

THIS INDENTURE is made this 25th day of May, 2002, between **Christi Guardiola, not Individually, but as Trustee of THE CHRISTI GUARDIOLA REVOCABLE TRUST**, the "Grantor", and **MOUNTAIN STATES MARKETING CORPORATION**, a Nevada corporation, whose mailing address is P.O. Box 7399-200, Breckenridge, CO 80424, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

Tract 1

Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, Bonneville County, Idaho, according to the recorded plat thereof.

Tract 2

Beginning at the Southwest corner of Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, Bonneville County, Idaho; running thence along the South line of said Lot 1 the following four (4) courses: South 82°20'14" East 27.72 feet; thence North 73°00'42" East 87.99 feet; thence North 26°27'00" East 14.82 feet; thence South 65°47'18" East 66.02 feet; thence South 19°46'20" West 167.39 feet to the mean high water line of the South Fork of the Snake River; thence North 71°56'17" West along said line 149.97 feet; thence North 11°25'03" East 104.89 feet to the POINT OF BEGINNING.

SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable

zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of property; the foregoing including but not limited to the following:

1. Real property taxes and assessments for the year 2002, a lien not yet due and payable.
2. All easements and rights-of-way for highways, roads, railroads, ditches, canals, gas, pole, power and transmission lines as they may exist.
3. Easements as disclosed on the recorded plat.
4. Power Line Easement as granted to the United States of America by instrument recorded March 13, 1956, in Book 15 of Lease and Contracts at page 467 records of Bonneville County, Idaho; including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
5. The effect of the declaration of restrictions recorded November 27, 1996, as Instrument No. 932713, records of Bonneville County, Idaho.
6. A deed of trust recorded on Sept. 24, 2001 as instrument # 1058483 records of Bonneville County, Idaho executed by Christi Guardiola as trustee of the Christi Guardiola Revocable Trust and Mountain States Marketing Corporation in favor of H. Spencer Warner and Linda Warner, husband and wife. The grantor described herein agrees to assume, pay and perform the obligations evidenced by said deed of trust and indemnify, defend and hold harmless the grantee herein therefrom.

SUBJECT TO all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns, forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

GRANTOR:

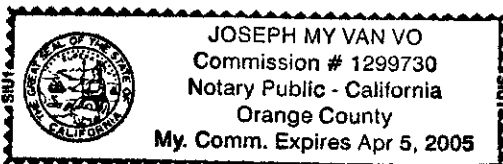
CHRISTI GUARDIOLA REVOCABLE TRUST

By: Christi Guardiola, Trustee 5/24/02

STATE OF California)
County of Orange) ss.

On the 24 day of May, 2002, before me, the undersigned notary public in and for said State, personally appeared **CHRISTI GUARDIOLA**, not individually, but as Trustee for **THE CHRISTI GUARDIOLA REVOCABLE TRUST**, known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that she executed the same.

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



(seal)

Notary Public for the State of California
Residing at 3339 S. Birch St. Santa Ana 92705
My Commission Expires: 4/05/2005

C:\MyFiles\SPE-Clients\4682\GrantDeed.wpd

INSTRUMENT NO.	<u>1081169</u>
DATE	<u>6-17-02</u>
INST. CODE	<u>200</u>
IMAGED PGS	<u>4</u>
FEE	<u>12.00</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By <u>[Signature]</u>	Deputy
Request of <u>ITT</u>	

CORPORATION WARRANTY DEED

MOUNTAIN STATES MARKETING CORPORATION, a Corporation under the laws of the State of Nevada having been duly authorized by its Board of Directors, as **GRANTOR**,
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **ELIZABETH T. HALTER, a married woman dealing with her sole and separate property**, as **GRANTEE**, whose address is 111 Raven Road, Irwin, ID 83428, and Grantee's successors and assigns, all of the following described real property, to-wit:

TRACT 1:

Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof.

TRACT 2:

Beginning at the Southwest Corner of Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, to the County of Bonneville, State of Idaho, according to the recorded plat thereof; running thence along the South line of said Lot 1 the following four (4) courses: (1) S82°20'14"E 27.72 feet; thence (2) N73°00'42"E 87.99 feet; thence (3) N26°27'00"E 14.82 feet; thence (4) S65°47'18"E 66.02 feet; thence S19°46'20"W 167.39 feet to the mean high water line of the South Fork of the Snake River; thence N71°56'17"W along said line 149.97 feet; thence N11°25'03"E 104.89 feet to the point of beginning.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for itself, and its successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: September 29, 2003

MOUNTAIN STATES MARKETING CORPORATION

Corporation Name

by: _____

President

STATE OF IDAHO)

) ss

COUNTY OF Bonneville)

On September 29, 2003, before me, the undersigned, personally appeared

known or identified to me to be _____ of the corporation that
executed the within instrument, and acknowledged to me that such corporation
executed the same.

Notary Public for the State of Idaho

Commission Expiration Date: _____

Bonneville Land & Title Co.

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) ss
COUNTY OF Bonneville)

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known or identified to me to be _____ of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

Notary Public for the State of Idaho
Commission Expiration Date: _____

REQUEST FOR C/O
SENT 1/9/04. ABR

1/28/04 NO RESPONSE -

RECOMMENDATION MADE

AS CLAIM Dictator

Bonneville Land & Title Co.

23-11220 DISCREED

I. THIS RIGHT IS A SPLIT FROM 23-110.

ALSO SEE 23-11219 (WEEKS) SEE ATTACHED SPLIT HISTORY

II. SOME QUESTION OF OWNERSHIP PARCEL. $\Rightarrow$ ^{OK} ELIZABETH HALTER
MAY STATUS MEETING.

III. WHERE IS POD _____ ^{ORIGIN SOURCE} BURTON SPG. ^{NO! RECOMMEND} ^{UNIMPROVED STREAM.}
USGS DQ 449 DOES NOT RECOGNIZE BURTON SPG. BØ1

4/14/03 FB: BURTON SPRING (LOCALLY KNOWN AS) FLOWS IN
ITS OWN CHANNEL. CROSSES Hwy 26 ABOUT 100 yds NO. OF
WHERE PALISADES CR CROSSES. CONTINUES TO FLOW AROUND
BELOW THE LODGE AT PALISADES CR TO A LARGE ICE-11
POND THEN DUMPS INTO SNAKE RIVER. THERE IS A DITCH
WHICH GOES NORTH TO DENNIS WEEKS PROPERTY AND ON TO THIS
PROP.

SEE SPLIT HISTORY

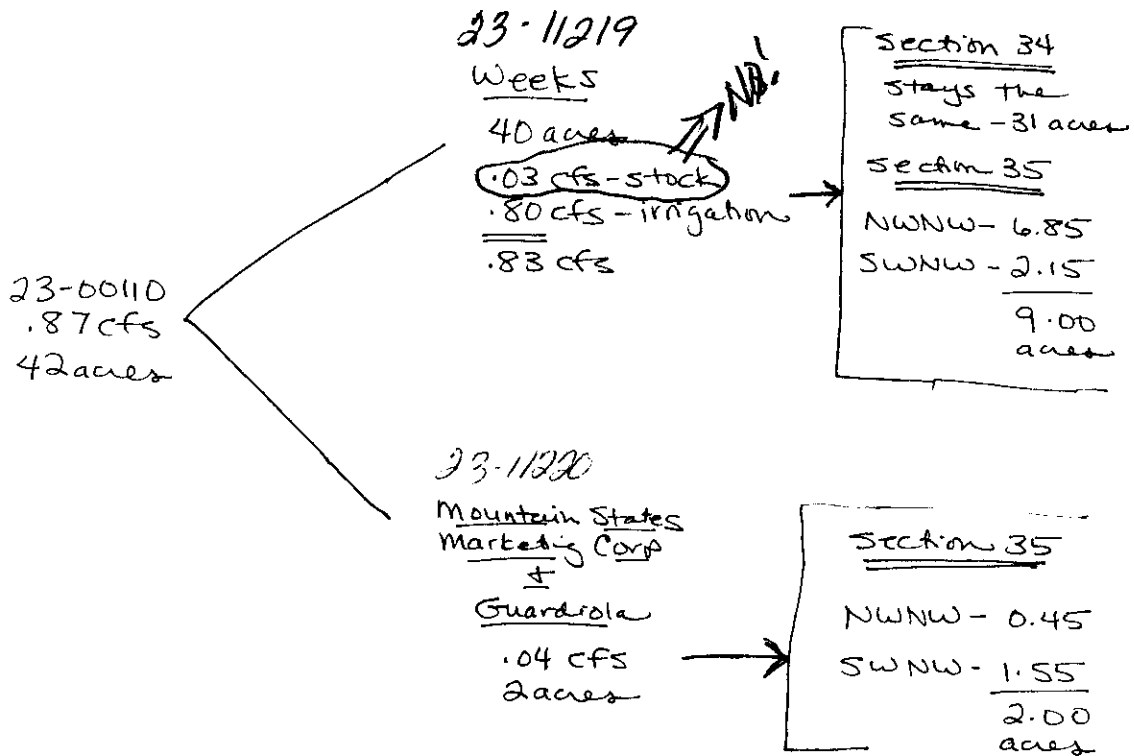
1/28/04

ACCORDING TO DENNIS WEEKS THIS RIGHT (AS SPLIT FROM
ORIGINAL 23-110) WAS NEVER ADMINISTERED BY BASIN WATER
MASTER BECAUSE, SUPPOSEDLY, IT WAS NOT TRIBUTARY - BUT
IT IS TRIBUTARY @ NWNW (LOT 1) T. 1N. R. 4E. TRIBUTARY
FLOW IS ON THIS PROPERTY —

I misplaced the
 ownership from. (Ernie has it!)
 It is split between
 Dennis + Ruthann ①
 Weeks (claimant)

 and Mountain States
 +
 Marketing Corp + Christi ②
 Guardia Revocable Trust
 + Christi Guardia Trustee.
~~their address is on~~ ↓
~~the deed.~~ her
 address
 on
 atty
 letter

Ask if you need
 help!



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

*NOTICE OF AND INVITATION
TO PRE-SEASON PUBLIC MEETINGS*
ABR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83702-1718

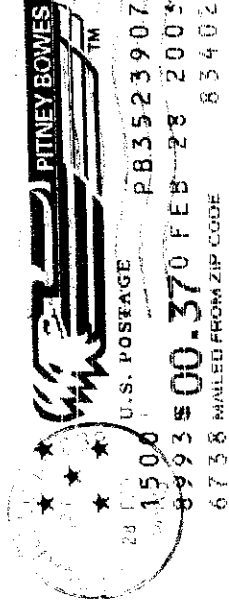
RETURN SERVICE REQUESTED

GUARDIOLA REVOCABLE TRUST
PO BOX 147
IRWIN ID 83428

GUAR 147

GUAR147 T834282005 1902 04 03/03/03
RETURN TO SENDER
GUARDIOLA, CHRISTI
TEMPORARILY AWAY
RETURN TO SENDER

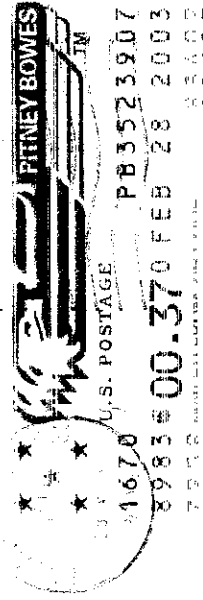
8342846193



CHRISTI GUARDIOLA
PO BOX 147
IRWIN ID 83428

GUAR 147

GUAR147 T834282005 1902 04 03/03/03
RETURN TO SENDER
GUARDIOLA, CHRISTI
TEMPORARILY AWAY
RETURN TO SENDER



8342846193

23-11220
CofD Complete
Letter & Claim

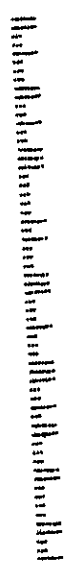
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Return Service Requested

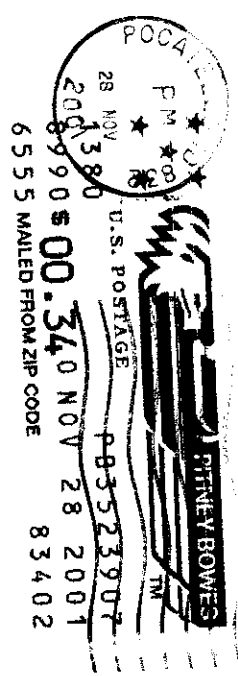
GUARDIOLA REVOCABLE TRUST
C/O CHRISTI GUARDIOLA TRUSTEE
PO BOX 147
IRWIN ID 83428

GUAR 147

83402-1718



GUAR147 1034202004 1A01 04 11/30/01
RETURN TO SENDER
GUARDIOLA TRUSTEE
TEMPORARILY AWAY
RETURN TO SENDER





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

November 28, 2001

GUARDIOLA REVOCABLE TRUST
C/O CHRISTI GUARDIOLA TRUSTEE
PO BOX 147
IRWIN ID 83428

RE: CHANGE IN OWNERSHIP FOR A23-00110

Dear Sir or Madam:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

23-11219: 0.83 CFS, 40 ACRES, WEEKS

23-11220: 0.04 CFS, 2 ACRES, MOUNTAIN STATES MARKETING CORP &
GUARDIOLA REVOCABLE TRUST

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

Cheri Vandermeulen
Records Clerk

Enclosure(s)



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

November 28, 2001

MOUNTAIN STATES MARKETING CORP
PO BOX 7399-206
BRECKENRIDGE CO 80424

RE: CHANGE IN OWNERSHIP FOR A23-00110

Dear Sir or Madam:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

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Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

1058482 SEP24'01 PM 3:53

24,667

GRANT DEED

THIS INDENTURE is made effective as of the 21st day of September, 2001, by H. SPENCE WARNER and LINDA ^W WARNER, husband and wife, the "Grantor", to CHRISTI GUARDIOLA, as Trustee of the Christi Guardiola Revocable Trust, and MOUNTAIN STATES MARKETING CORPORATION, a Nevada corporation, whose mailing address is Post Office Box 7399-206, Breckenridge, Colorado 80424, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described real property in the County of Bonneville, State of Idaho, to-wit:

Tract 1:

Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, Bonneville County, Idaho, according to the recorded plat thereof.

Tract 2:

Beginning at the Southwest corner of Lot 1, Block 3, Eagle-View Subdivision, Division No. 1, Bonneville County, Idaho; running thence along the South line of said Lot 1 the following four (4) courses: S.82°20'14"E. 27.72 feet; thence N.73°00'42"E. 87.99 feet; thence N.26°27'00"E. 14.82 feet; thence S.65°47'18"E. 66.02 feet; thence S.19°46'20"W. 167.39 feet to the mean high water line of the South Fork of the Snake River; thence N.71°56'17"W. along said line 149.97 feet; thence N.11°25'03"E. 104.89 feet to the POINT OF BEGINNING.

SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property; the foregoing including but not limited to the following:

1. Real property taxes and assessments for the year 2001, a lien not yet due and payable.

Idaho Title & Trust
P.O. Box 50367
Idaho Falls, ID 83404

2. All easements and rights-of-way for highways, roads, railroads, ditches, canals, gas, pole, power and transmission lines as they may exist.
3. Easements as disclosed on the recorded plat.
4. Power Line Easement as granted to the United States of America by instrument recorded March 13, 1956, in Book 15 of Lease and Contracts at page 467, records of Bonneville County Idaho; including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.
5. The effect of the declaration of restrictions recorded November 27, 1996, as Instrument No. 932713, records of Bonneville County, Idaho.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

INSTRUMENT NO.	2058482
DATE	9-24-01
INST. CODE	200
IMAGED PGS	3
FEE	9.00
STATE OF IDAHO) COUNTY OF BONNEVILLE)	
I hereby certify that the within instrument was recorded.	
Recorded for more.	
County of Bonneville.	
By	<i>[Signature]</i> Deputy
Request of	

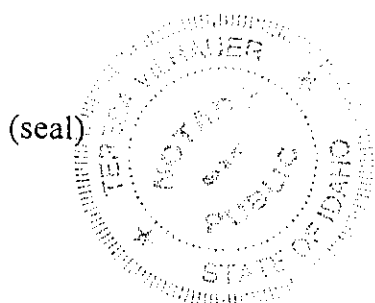
[Signature]
H. Spencer Warner

[Signature]
Linda X Warner
L.W.

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 21ST day of September, 2001, before me, the undersigned notary public in and for said State, personally appeared H. Spencer Warner, known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that he executed the same.

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

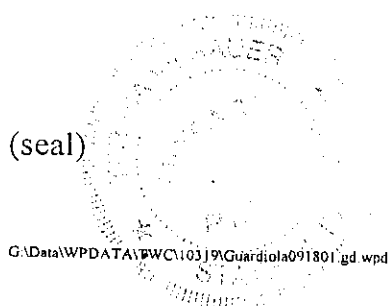


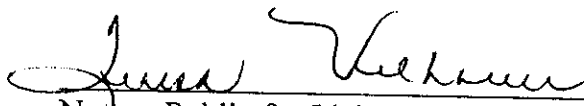

Notary Public for Idaho TV
Residing at ~~Idaho Falls, Idaho~~ RIGBY, ID
My Commission Expires: 08/19/02

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 21ST day of September, 2001, before me, the undersigned notary public in and for said State, personally appeared Linda J. Warner, known or identified to me to be the person whose name is subscribed to the within Grant Deed, and acknowledged to me that she executed the same.

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




Notary Public for Idaho TV
Residing at ~~Idaho Falls, Idaho~~ RIGBY, ID
My Commission Expires: 08/19/02

G:\Data\WPDATA\FWC\10319\Guardiola091801.gd.wpd

Law Offices of
MARTIN & ESKELSON, PLLC

Stephen E. Martin, Email: semartin@onewest.net
Scott P. Eskelson, Email: seskelson@onewest.net

P.O. BOX 3189
IDAHO FALLS, ID 83403-3189
PHONE: (208) 523-6644
FAX: (208) 522-0791

RECEIVED

OCT 23 2001

Department of Water Resources
Eastern Region

OFFICES:
425 S. HOLMES
IDAHO FALLS, ID 83401

October 19, 2001

Ernie Carlson
Idaho Department of Water Resources
900 N. Skyline Drive
Idaho Falls, ID 83402

Re: Warner - Guardiola - Mountain States Marketing Corporation Water
Right No. 23110

Dear Ernie:

The above transaction is now concluded. Enclosed with this letter will be a copy of the Grant Deed recorded as Instrument No. 1058482, records of Bonneville County, Idaho. Please process the appropriate division of this water right.

Should you need to contact my clients, you can correspondence directly with them. Their names and addresses are:

Jean Guathier
P.O. Box 7399-206
Breckenridge, CO 80424

Christi Guardiola
P.O. Box 147
Irwin, ID 83428

My clients will contact your office in the future should they desire to change this water right to permit the use of a pond as you and I had previously discussed.

Very truly yours,



Scott P. Eskelson

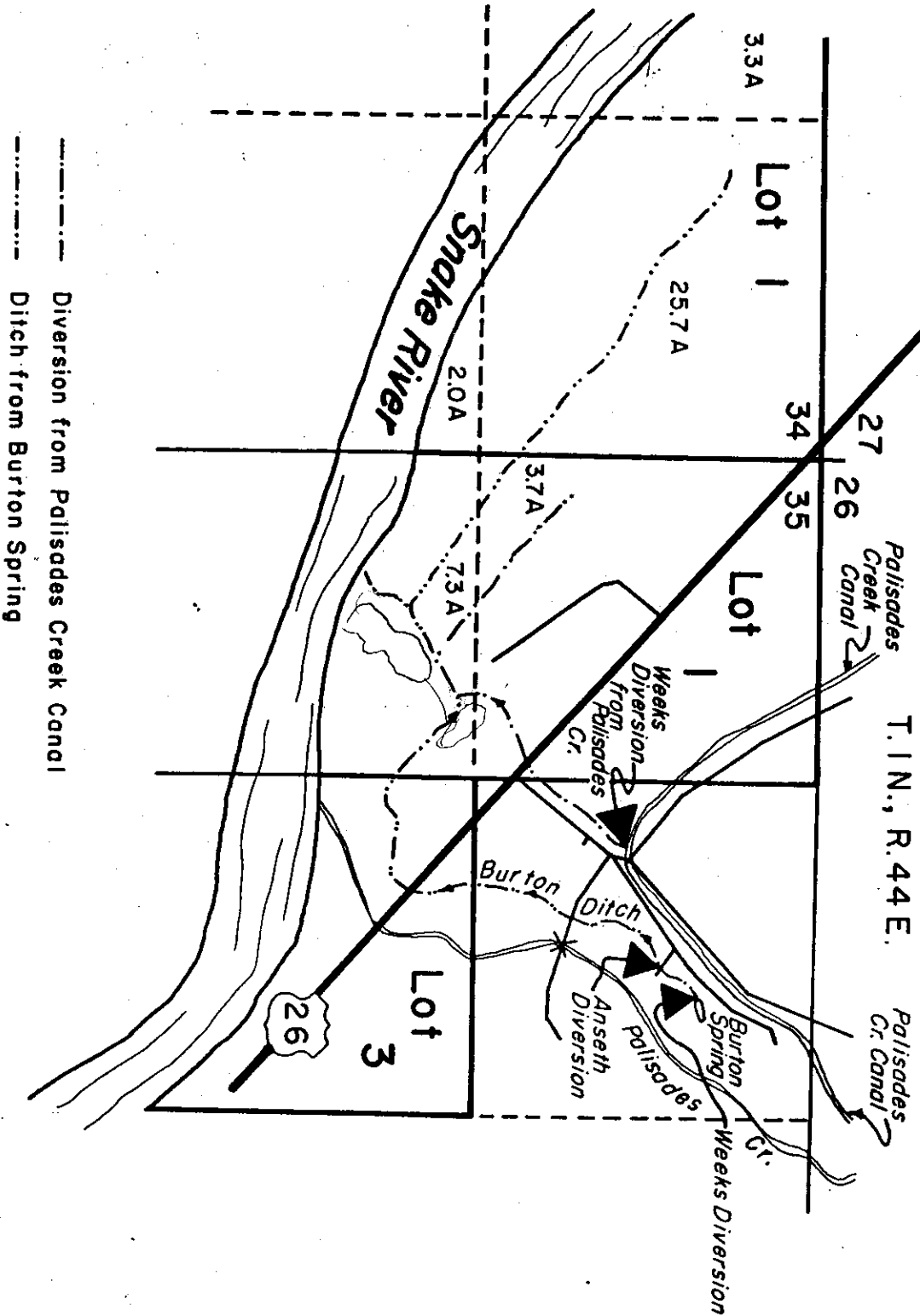
Enclosure

cc: Jean Gauthier
Christi Guardiola
Charles A. Homer, Esq.

C:\MyFiles\SPE-Clients\4682\01oct19-IdahoWaterResources.wpd

WEEKS VS. CARLSON EXHIBIT A

*file in
Guardiola's
claim*





Department of Water Resources

Eastern Region



Water Right(s):

23-11220

Place of Use: (parts of)

T1N, R44E

Sec. 35 NWNW (L1)

Point(s) of Diversion:

T1N, R44E

Sec. 35 NENENW

LEGEND



Point of Diversion



Place of Use



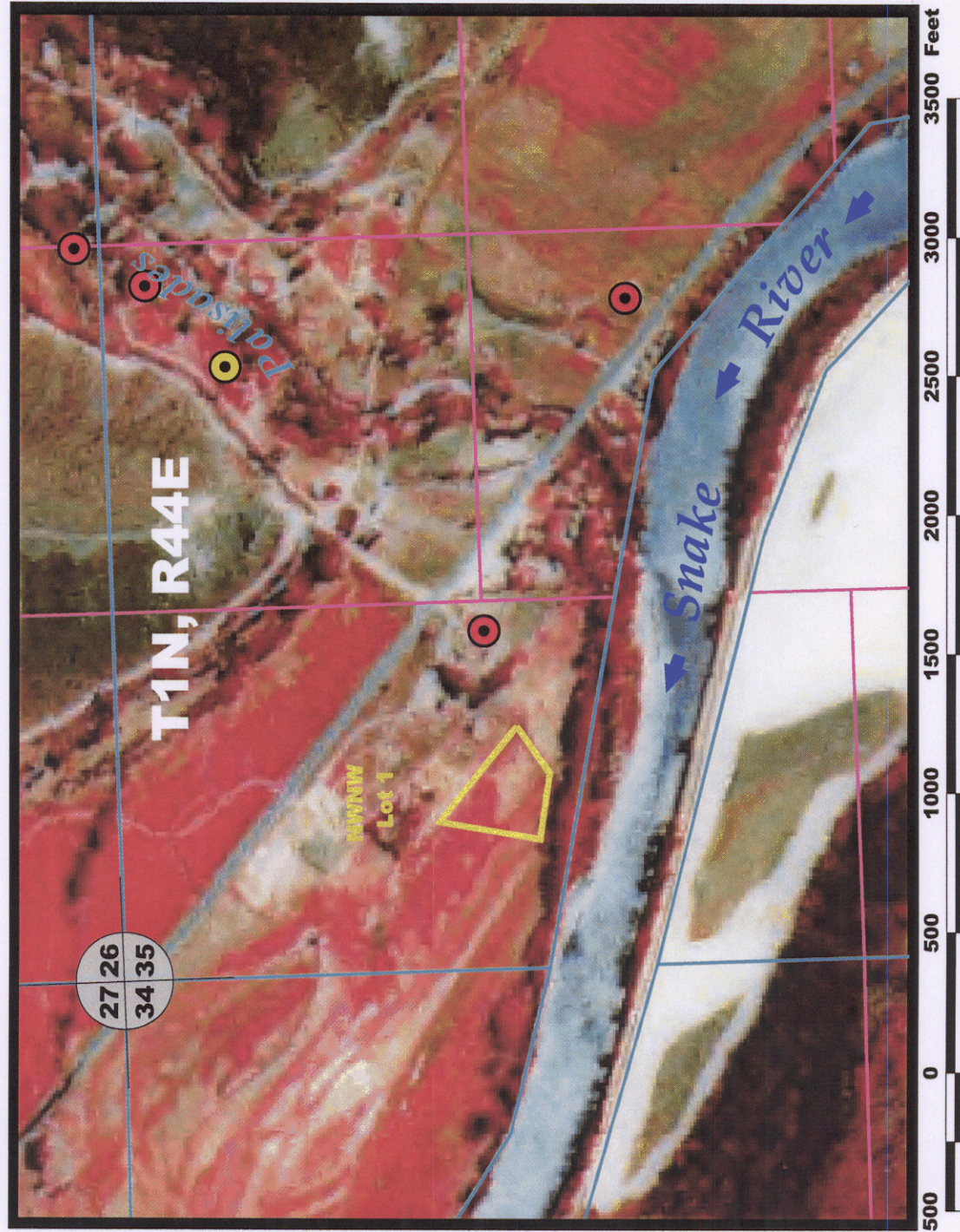
Section



Quarter-Quarter

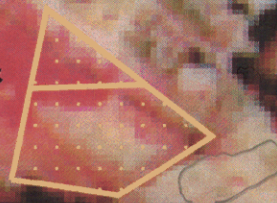


**GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2004**



Guardiola & Mt. States

T1N
R44E
S 35
NWNW &
SWNW



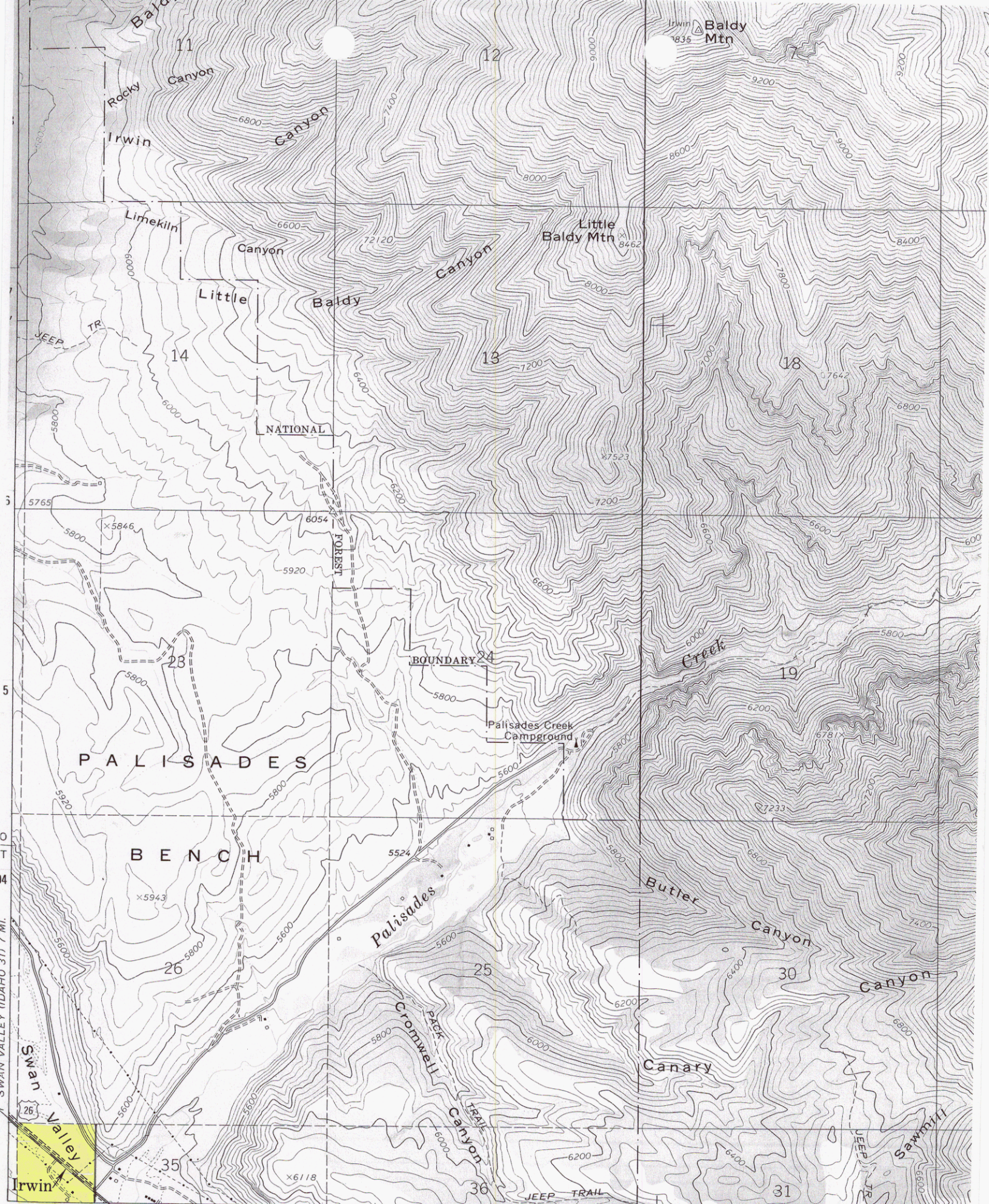
T1N, R44E

27 26
34 35

Palisades Creek

Snake River





19° 16' 34" E
731.71'

2

4.13 AC

3438

3479

3643

2.18 a.u.

Wedge #1
Palisades Creek

6.495 acr

3731

N 78° 45' W

33.00

QUESTION IF
THIS OVERLAP
EXISTS

227.13

55