

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 22-2048F
Date Received: 11/2/1988
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

JOHN DOUGLAS MERRILL Phone: (208)354-3422
PO BOX 459
DRIGGS ID USA 83422

PATRICIA A MERRILL Phone: (208)354-3422
PO BOX 459
DRIGGS ID USA 83422

2. Date of Priority: 03/18/1910

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	44E	1	SW SE	TETON	

5. Description of diverting works:

HEADGATE TO DITCHES TO SPRINKLERS AT P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.74	

7. Total Quantity Appropriated is:
0.74 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
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04N	45E	6	SW	SE	IRRIGATION	37
					Section Acres	37
					Total Acres	37

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL LICENSE INDICATES P/U IN SEC6 T4N R44E. THIS APPEARS TO BE IN ERROR. ACTUAL P/U IS AS LISTED. P/D CHANGED FROM SESW SEC 12 T4N R44E TO PRESENT LOCATION ~1975.

*** 'C' PORTION OF RIGHT SPLIT BY CHANGE OF OWNERSHIP.

'C' PORTION AS SPLIT TO E AND F IS CLAIMED IN-FULL.

A22-02048C, 1.36 CFS, ON 68.0 AC, A22-02048E, 0.62 CFS, ON 31.0 AC, D.R. BEVAN A22-02048F, 0.74 CFS, ON 37.0 AC, J. CUSHMAN III OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,D,E AND F.

SEE RECEIPT NO. E003735. SPLIT ANALYSIS FLOW CHART IN A29-02048C. **CHANGED ADDRESS PER REQUEST; DID NOT CHANGE LOUIS' ADDRESS 5/6/97/JT**

15. Basis of Claim: License

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: **A22-02048F**
Date Received: 11/ 2/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JOHN C CUSHMAN III 213-629-6575
Address: 601 S FIGUEROA ST #4700
LOS ANGELES CA 90017
OR
Name: LOUIS B CUSHMAN 713-877-1700
Address: 2800 POST OAK BLVD
SUITE 5300
HOUSTON TX 77056

2. Date of Priority: MAR 18, 1910

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	1	SW	SE			TETON

5. Description of diverting works:
HEADGATE TO DITCHES TO SPRINKLERS AT P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.740		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	6	SW SE		IRR	37.0
Section Acres						37.0
Total Acres						37.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL LICENSE INDICATES P/U IN SEC6 T4N R44E. THIS APPEARS TO BE IN ERROR. ACTUAL P/U IS AS LISTED. P/D CHANGED FROM SESW SEC 12 T4N R44E TO PRESENT LOCATION ~1975.

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A22-02048C, 1.36 CFS, ON 68.0 AC,

A22-02048E, 0.62 CFS, ON 31.0 AC, D.R. BEVAN

A22-02048F, 0.74 CFS, ON 37.0 AC, J. CUSHMAN III

OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,D,E AND F.

SEE RECEIPT NO. E003735. SPLIT ANALYSIS FLOW CHART IN A29-02048C.

**CHANGED ADDRESS PER REQUEST; DID NOT CHANGE LOUIS' ADDRESS

5/6/97/JT**

15. Basis of Claim: LICENSE

Water Right Number: 5834

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: A22-02048F
Date Received: 11/ 2/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN C CUSHMAN III
Address: 333 S GRAND AVE
SUITE 400
LOS ANGELES CA 90071

213-613-1505

OR

Name: LOUIS B CUSHMAN
Address: 2800 POST OAK BLVD
SUITE 5300
HOUSTON TX 77056

713-877-1700

2. Date of Priority: MAR 18, 1910

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	1	SW	SE			TETON

5. Description of diverting works:
HEADGATE TO DITCHES TO SPRINKLERS AT P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.740		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A2202048F

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	6	SW	SE		IRR	37.0
Section Acres							37.0
Total Acres							37.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL LICENSE INDICATES P/U IN SEC6 T4N R44E. THIS APPEARS TO BE IN ERROR. ACTUAL P/U IS AS LISTED. P/D CHANGED FROM SESW SEC 12 T4N R44E TO PRESENT LOCATION ~1975.

'C' PORTION OF RIGHT SPLIT BY CHANGE OF OWNERSHIP.

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A22-02048C, 1.36 CFS, ON 68.0 AC,

A22-02048E, 0.62 CFS, ON 31.0 AC, D.R. BEVAN

A22-02048F, 0.74 CFS, ON 37.0 AC, J. CUSHMAN III

OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,D,E AND F.

SEE RECEIPT NO. E003735. SPLIT ANALYSIS FLOW CHART IN A29-02048C.

15. Basis of Claim: LICENSE

Water Right Number: 5834



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

September 17, 2003

JOHN D & PATRICIA MERRILL
PO BOX 459
DRIGGS ID 83422

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-2048F

Dear Mr. & Mrs. Merrill:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren
Office Specialist 1

Enclosure

STATE OF IDAHO

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.
Incomplete forms will be returned.

OK
JC
9/17/03
RECEIVED
SEP 23 2003
Department of Water Resources
Eastern Region

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
	22-2048F	N			

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) John C Cushman III or Louis B Cushman
601 S Figueroa ST #4700 2800 POST OAK BLVD, STE 5300
Los Angeles, CA 90017 Houston, TX 77056
4. New Owner/Claimant(s) John D. & Patricia Merrill
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 459
- City, State and ZIP Code Priggs, ID 83422
- New Telephone Number (208) 354-3422
5. Date you acquired the property 12/30/1993

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)

Day Men

Patricia Merrill

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 _____

RECEIVED

MAY 16 1997

127197

TETON CO., ID
CLERK RECORDER

QUITCLAIM DEED

For Value Received

Big Hole Tree and Sod Farm, a general partnership
do hereby convey, release, remise and forever quit claim unto

John Douglas Merrill and Patricia A. Merrill, husband and wife
whose current address is

P.O. Box 801, Driggs, ID 83422
the following described premises, to-wit:

The West 1/2 of the Southwest 1/4 of the Southeast 1/4,
Section 6, Township 4 North, Range 45 East, Boise
Meridian, Teton County, Idaho, containing approximately
20 acres.

together with their appurtenances.

Dated: February 27, 1997

John Douglas Merrill
John Douglas Merrill, partner

Steve M. Hammond
Steve M. Hammond, partner

STATE OF IDAHO, COUNTY OF Teton

On this 15th day of May, 1997,
before me, a notary public in and for said State, personally
appeared

John Douglas Merrill and Steve M.
Hammond, Partners of Big Hole Tree and
Sod Farm

known to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.
on behalf of said partnership

Stacy A. Stewart
Notary Public
Residing at Teton, Idaho
Comm. Expires 6-28-2003

OFFICIAL SEAL
STACY A. STEWART
NOTARY PUBLIC - IDAHO
TETON COUNTY

MY COMMISSION EXPIRES 6/28/2003

127197

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 15 MINUTES PAST 10 a.m.

DATE May 16, 1997

Dea J. Drake

CLERK OF RECORD

BY Nora Rigby DEPUTY

Furnished by the 127197

ALLIANCE

BATES

WARRANTY DEED

1. DATE

December 30, 1993

2. PARTIES

Grantor: Louis B. Cushman, a married man of 2800 Post Oak Boulevard, Suite 5300, Houston, Texas 77056-6111, dealing with his sole and separate property, joined by his wife Christina S. Cushman to convey any community property interest she may have in the property, and John C. Cushman, III and Jeanine S. Cushman, husband and wife of 601 South Figueroa Street, Suite 4700, Los Angeles, California 90017-5752.

Grantee: John Douglas Merrill and Steve M. Hammond, individually and as partners d/b/a Big Hole Tree and Sod Farm, a general partnership

Current Address: P.O. Box 2032, Jackson, Wyoming 83001

3. PROPERTY

Transferred interest: All

Idaho county: Teton

Description:

Southwest ¼ of the Southeast ¼, Section 6, Township 4 North, Range 45 East, Boise Meridian, containing approximately 40 acres.

Together With:

1. All water rights appurtenant to the property;
2. All appurtenant mineral rights, if any;
3. All reversions and remainders;
4. All rents, issues and profits; and
5. The tenements, hereditaments, appurtenances, improvements and fixtures, including one (1) wheel move surface irrigation line, and the ~~right~~ prorata use of the pump, panel, screen box, and portable mainlines with the adjoining land owner subject to paying the prorata share of all maintenance costs.

^ and electricity

(based on acreage)

CSC
JCH
[Handwritten signatures and initials]

Subject To:

1. Taxes for 1993 and subsequent years.
2. If zoning ordinances permit, buyers may build not more than one (1) single family residence and associated out buildings reasonably necessary to the use of the premises may be constructed on the property on each half, roughly twenty acres, of the property. This provision is a covenant running with the land to be permanently enforced.
3. Buyers may construct buildings reasonably necessary for a tree-sod farm operation of the property.
4. All conditions, covenants, restrictions and ordinances effecting the property.

4. CONSIDERATION

Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is acknowledged.

5. GRANT

For the consideration stated, grantor grants, bargains, sells, and conveys to grantee and to grantee's heirs and assigns forever the transferred interest in the property described in this deed.

6. WARRANTIES

Grantor, for himself, his heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed.

Grantor has good right to convey the property described in this deed to grantee.

The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

Grantor and his heirs and successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, his heirs, successors and assigns against the lawful claims of all persons.

7. CONSTRUCTION

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



John C. Cushman, III

Louis B. Cushman

Jeanine S. Cushman

Christina S. Cushman

STATE OF Idaho
(ss.
County of Teton)

On December 30, 1993, before me, Mark S. Rockafella(n) a notary public, personally appeared John C. Cushman, III and Jeanine S. Cushman, 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.

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

Mark S. Rockafella
Notary Public for ID
Residing at: Driggs, 83422
My Commission expires: 3-16-94

(SEAL)

STATE OF Idaho
(ss.
County of Teton)

On December 30 1993, before me, Mark S. Rockafella(n) a notary public, personally appeared Louis B. Cushman and Christina S. Cushman, 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.

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

Mark S. Rockafella
Notary Public for ID
Residing at: Driggs, 83422
My Commission expires: 3-16-94

(SEAL)

WAR-DEED.DOC

**ASSESSMENT NOTICE
& ESTIMATE OF TAX**

THIS IS NOT A BILL
DO NOT PAY.

CEL DESCRIPTION:

SW4SE4
C 6 T4N R45E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 354-3507

PARCEL ADDRESS:

450 W 200 S

MERRILL JOHN DOUGLAS

P O BOX 801
DRIGGS

ID 83422

Appeals of your property value must be filed in writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area: 13-00

Parcel Number: RP 04N45E068550 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
IRRIGTD AG	19.330 AC	8,273	8,273
RURAL HOMESITE	1.000 AC	9,000	9,000
RURAL RES BLDG		239,545	265,777
RURAL IMP ON AG		1,776	1,776
SUBTOTAL:	20.330	258,594	284,826
LESS HOMEOWNERS EXEMPTION:		50,000	50,000
NET TAXABLE PROPERTY VALUE:		208,594	234,826

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
JNTY	404.86	455.76	208-354-2905	08/26/2002
4 DIST 401	847.32	953.88	208-354-2207	06/10/2002
M BATES	6.38	7.18		NO RESPONSE
RE PROTECTION	280.18	318.86	208-354-2760	08/20/2002
BRARY	23.54	26.50	208-787-2201	08/27/2002
SUBTOTAL:	1,562.28	1,750.18		
FEES:	110.00	110.00		
TOTAL PROPERTY TAXES & FEES:	1,672.28	1,870.18		

THIS IS NOT A BILL. DO NOT PAY.
See the back of this Notice for details.

MAKE CHECK PAYABLE TO:
TETON COUNTY TAX COLLECTOR
BONNIE C HATCH 203-354-2254
89 N MAIN #3
DRIGGS ID 83422

2002 TAX BILL/RECEIPT
BILL# 5365 CODE AREA 13-00

PARCEL NUMBER
AP0414-2053550A
L 17,273
I 267,553

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	
TAX	863.94	TAX	363.94	TAX	1,727.88	HM-	50,000
LATE		LATE		LATE		NET MV	234,826
INT		INT		INT		TOT ACS	20.330
COST		COST		COST			
TOT		TOT		TOT			

MERRILL JOHN DOUGLAS
P O BOX 901
DRIGGS ID 83422

N25W4SE4
SEC 5 T4N R45E

TAXING DISTRICT	RATE	AMOUNT
COUNTY	.001682566	395.10
SCH DIST 401	.004038908	948.44
CEM BATES	.000029388	6.90
FIRE PROTECTION	.001079156	244.48
(APPLICABLE MV	0)	
LIBRARY	.000097819	22.96
DISTRICT TOTAL	.006927637	1,617.88
LANDFILL		30.00
WATER		30.00
AMOUNT DUE		1,727.88

450 W 200 S

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

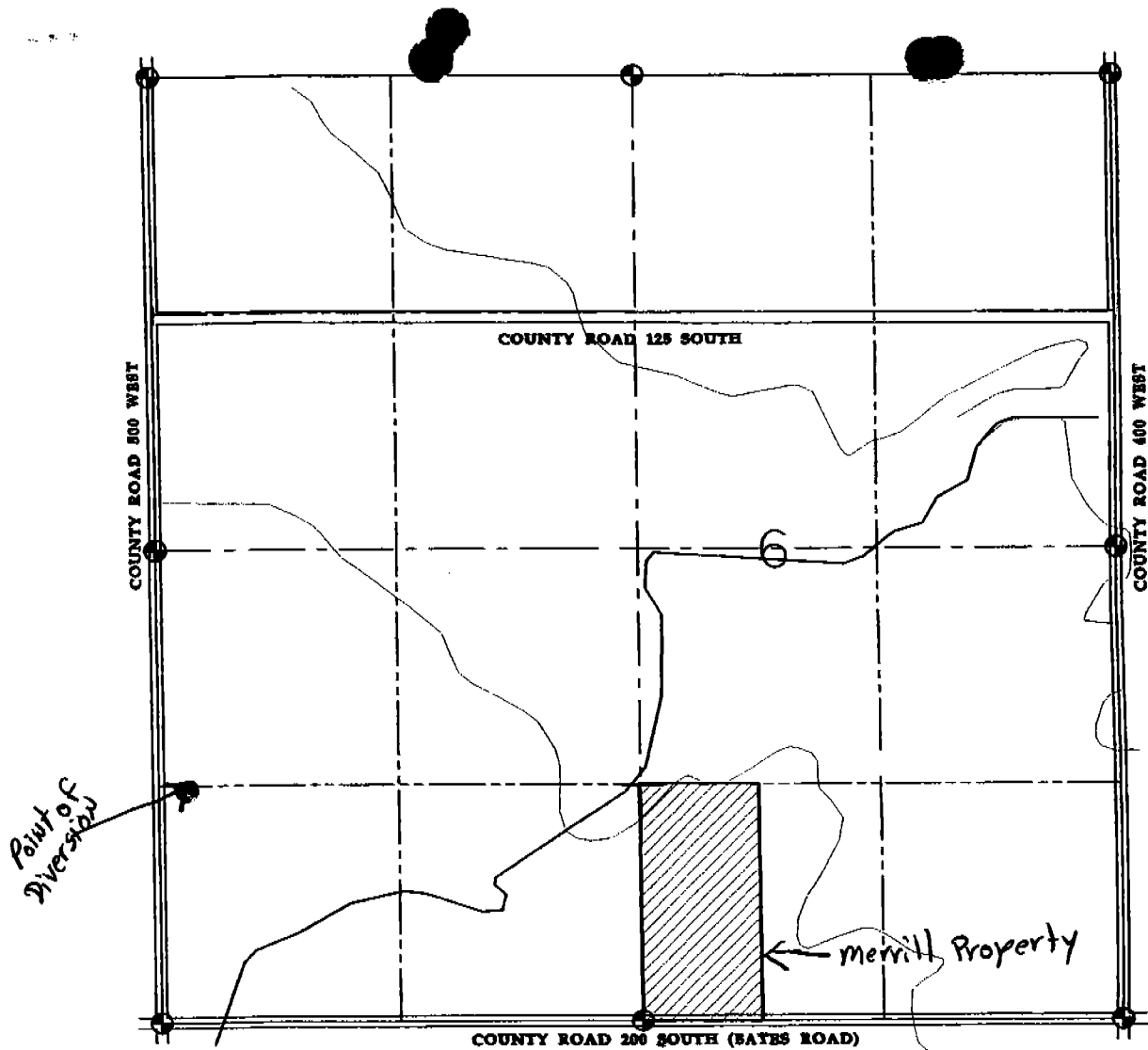
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

PLEASE READ THE BACK OF THIS NOTICE
YOUR RETURNED CHECK IS YOUR RECEIPT

BATES



VICINITY MAP

SECTION 6, TWP. 4N., RNG. 45E., B.M.,
TETON COUNTY, IDAHO

SCALE 1" = 1000'

RECORDER'S CERTIFICATE

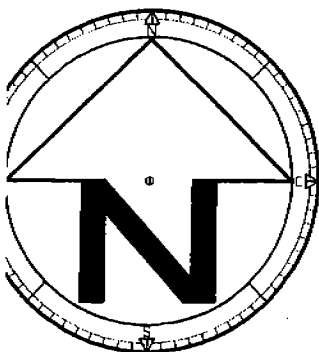
STATE OF IDAHO)
) SS
COUNTY OF TETON)

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS _____ DAY
OF _____, 200__, AT _____
AT THE REQUEST OF _____
INSTRUMENT NUMBER _____

COUNTY RECORDER

PROPERTY DESCRIPTION

50 100 150 200
CALE 1" = 100'



COUNTY OF TETON)

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS _____ DAY
OF _____, 200__, AT _____
AT THE REQUEST OF _____
INSTRUMENT NUMBER _____

COUNTY RECORDER

PROPERTY DESCRIPTION

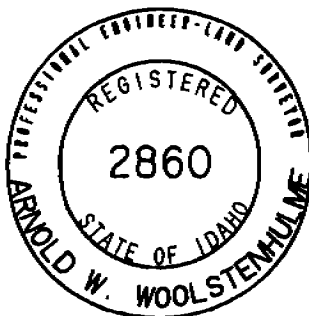
THE W 1/2 SW 1/4 SE 1/4 SECTION 6, TWP. 4N,
RNG. 45E, B.M., TETON COUNTY, IDAHO.

CONTAINS 20.12 ACRES MORE OR LESS.

SUBJECT TO A 30' COUNTY ROAD EASEMENT ALONG THE
SOUTHERN PROPERTY LINE.

SURVEYOR'S CERTIFICATE

I, ARNOLD W. WOOLSTENHULME, BEING A
REGISTERED LAND SURVEYOR / ENGINEER
IN THE STATE OF IDAHO, No. 2860, DO
HEREBY CERTIFY THAT I DID CAUSE THE
SURVEY OF THE TRACT OF LAND AS HEREIN
PLATTED AND DESCRIBED.



EAST CORNER SECTION 6
ID 60 P NAIL
F.R. INDEX E-5
102323

RECORD OF SURVEY SITE SURVEY

THE W 1/2 SW 1/4 SE 1/4 SECTION 6, TWP. 4N.,
RNG. 45E, B.M., TETON COUNTY, IDAHO

SURVEYED FOR:

JOHN & PATTY MERRILL
PO BOX 801
DRIGGS, ID 83422

AW ENGINEERING
4 North Main P.O. Box 139
Victor, Idaho 83455
(208) 787-2952 aweng@srv.net

PROJECT NO. 2002 - 119

SECTION 6

MERRILL.DAT

DRAWN HGK

07/10/02

MERRILL.GCD

RECEIVED

APR 24 1997

Department of Water Resources
California

~~CHANGE IN ADDRESS~~
This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number (s): A22-02048F

[] Old Mailing Address: 333 S. GRAND AVENUE
SUITE 4000
LOS ANGELES, CA 90071

[] New Mailing Address: 601 S. FIGUEROA ST. #4700
LOS ANGELES, CA 90017

New Telephone Number: (213) 674-0575

[] Signature of Claimant: *Louis Cushman*

Date: 4/31/97

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 5-6-97 By: *Jo*

*Did not have authorization to change
Louis Cushman's address; left as is.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 25, 1997

DEL RAY BEVAN
4184 S 4050 W
WEST VALLEY CITY UT 84120

RE: CHANGE IN OWNERSHIP FOR A22-02048C

Dear Mr. Bevan:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect 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:

A22-02048E, Beven, 0.62 cfs, 31 acres
A22-02048F, Cushman, 0.74 cfs, 37 acres

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

CC: Cushman III/copy claim/copy letter

- UNDER CONTRACT OF SALE FROM POTTER ENT. TO J.C. CUSHMAN III DEEDED 29 NOV 96.

A22-02D4B J.C. CUSHMAN III

2.1 cfs MAHOGANY CK 18 MAR 1910
P.O.U. AS SEC. 6 T. 4N. R. 45E.
SWSW 31.0 AC LOT 7
SESW 37.0 AC
SWSE 37.0 AC
105.0 AC

(A) A22-02D4BA J.C. CUSHMAN III
1.73 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 45E SEC 6
SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.
E²SESW 18.5 AC.
86.5 AC

(B) • WARRANTY DEED 26 NOV 96
A22-02D4BB HE EDWARDS
0.37 cfs MAHOGANY CK
P.O.U. T. 4N. R. 45E SEC 6 W²SESW
18.5 AC

(C) A22-02D4BC J.C. CUSHMAN III
1.36 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 45E SEC. 6
SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.
68.0 AC.

(D) • WARRANTY DEED 13 DEC 96
A22-02D4BD T.J. BOLES
0.37 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T. 4N. R. 45E. SEC. 6
E²SESW 18.5 AC.
• REQUEST FOR 9/0 7 JAN 97
• REC'D 10 FEB 97

③ A22-0204BC J.C. CUSHMAN III
1.36 cfs MAHOGANY CK 18 MAR 1910
P.O.U. T.4N. R.45E. SEC.6
SWSE 37.0 AC
(Lot 7) SWSW 31.0 AC
68.0 AC.

④ A22-0204BF J.C. CUSHMAN III
0.74 cfs MAHOGANY CK. 18 MAR 1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6
SWSE 37 AC.

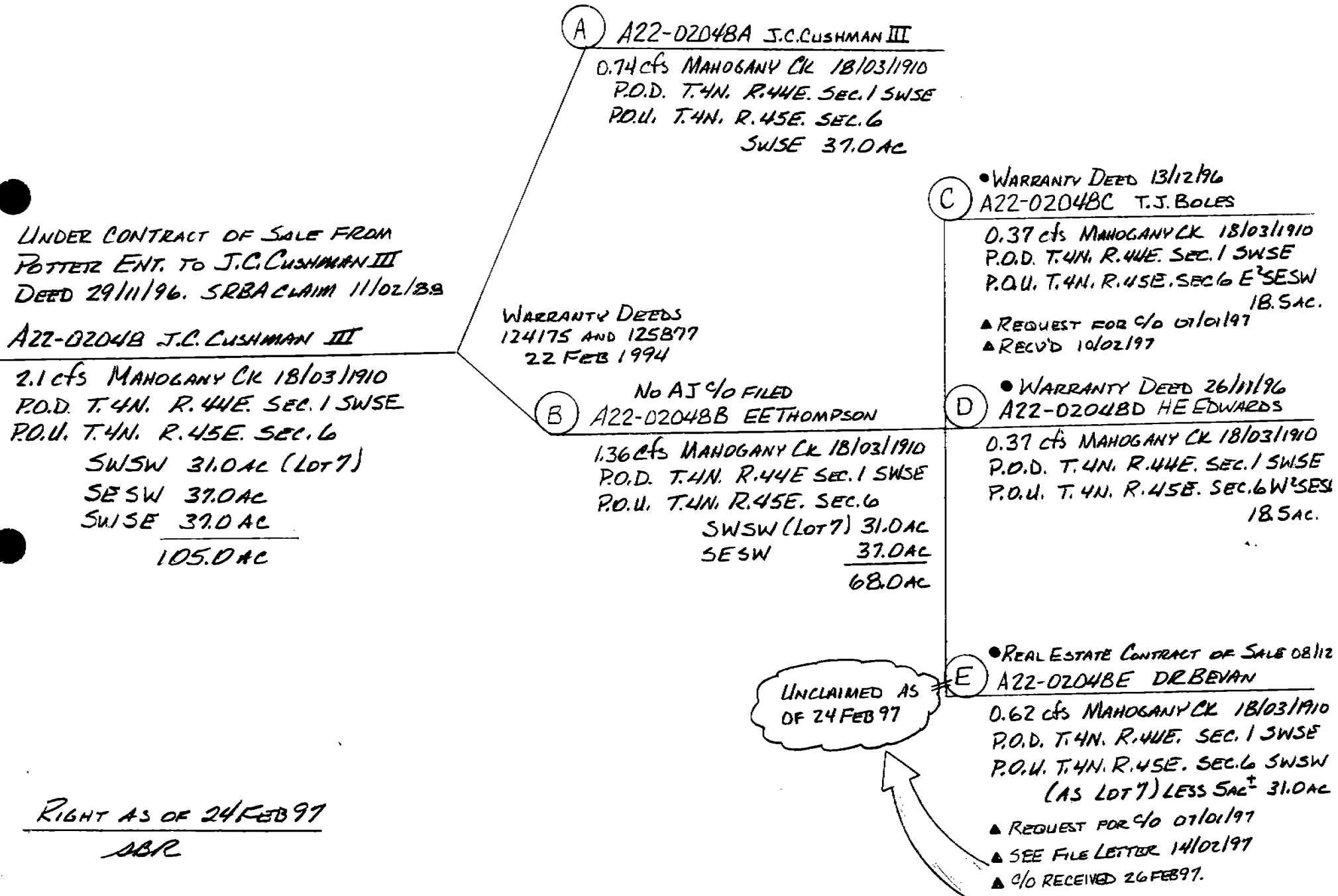
25 MAR 97
ABR

* THIS SPLIT PORTION IS ACTUALLY SPLIT
FROM EE THOMPSON WHO DID NOT FILE
A CHANGE OF OWNERSHIP WHEN PURCHASED
FROM J.C. CUSHMAN III, 22 FEB 1994.

⑤ *A22-0204BE DR. BEVAN
0.62 cfs MAHOGANY CK 18 MAR 1910
P.O.D. T.4N. R.44E. SEC.1 SWSE
P.O.U. T.4N. R.45E. SEC.6 SWSW
(AS Lot 7) LESS SAC* 31.0 AC

DECEED RIGHT 22-0204B (AS SPLIT)
ENJOINED TO SRBA RECEIPT No. EDD3735

SPLIT ANALYSIS FLOW CHART
(ACTUAL)



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

RECEIVED

FEB 26 1997

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

Department of Water Resources
Eastern Service Office

1. Water Right Number(s) A22-02048
Adjudication Claim Number(s) A22-02048 (TO BE SPLIT)
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) ERIC & SANDY THOMPSON
1101 HIDDEN BEACH ROAD
LAKE ALMANOR, CA, 96137
4. New Owner/Claimant(s) DEL RAY & RETA BEVAN
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 4184 SOUTH JENSEN CIRCLE
City, State and ZIP Code WEST VALLEY CITY, UTAH 84120
New Telephone Number (801) 963-0410
5. Date you acquired the property Dec, 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 35 Number and type of stock
Diversion rate in CFS Number of homes 0 Other uses
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Del Ray Bevan Date Jan. 16, 1997
Date
8. (Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

Alliance Title & Escrow Corp.
P.O. Box 644
Driggs, Idaho 83422

1. DATE

December 8, 1995

2. PARTIES

Grantor: Eric E. Thompson and Sandra A. Thompson

Current Address: 1101 Hidden ^{Peak} Valley Road
Lake Almanor, CA 96137

Grantee: Del Ray Bevan and Reta Bevan

Current Address: 4184 South 4050 West
West Valley City, UT 84120

3. PROPERTY

Transferred interest: All

Idaho county: Teton

Description:

A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, Township 4 North, Range 45 East of the Boise Meridian Teton county, Idaho described as:

Commencing at the Southwest corner of said Section 6; then North 0°07'09" West 496.80 feet along the West section line to a point in line with an existing fence line, the point of beginning,

Then North 0°07'09" West 824.35 feet further along the West section line to the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,

Then North 89°50'49" East, 1136.24 feet to the Northeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,

Then South 0°20'32" East 1322.59 feet to the Southeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,

Then South 89°54'30" West 859.40 feet along the South section line to a point in line with an existing fence line,

Then North 0°12'30" West 499.11 feet along said fence line to a fence corner

The South 89°38'00" West 481.21 feet along an existing fence line to the point of beginning.

Together With:

1. All water rights appurtenant to the property;
2. All appurtenant mineral rights, if any;
3. All reversions and remainders;
4. All rents, issues and profits; and
5. The tenements, hereditaments, appurtenances, improvements and fixtures, and the right to prorata use (based on acreage) of the pump, panel, screen box, and portable mainlines with the adjoining land owners to the east, subject to paying the prorata share (based on acreage) of all maintenance and electricity costs to include the responsibility for and obligation to pay costs pursuant to the Agreement for Electrical Service dated April 16, 1991.

Subject To:

1. Taxes for 1995 and subsequent years.
2. Development for housing purposes shall be limited to no more than one (1) single-family residence and associated out-buildings on this parcel. Seller's adjoining parcel east of the property subject of this contract is subject to a like restriction. The seller may construct a third single-family residence with associated out-buildings on the parcel the seller is retaining. No more than three single-family residence may be constructed on the two parcels, i.e. SW¼SE¼ (less tax #2689) and SE¼SW¼. This provision is a covenant running with the land to be permanently enforced.
3. All conditions, covenants, restrictions and ordinances effecting the property.
4. All easements of records

4. CONSIDERATION

Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is acknowledged.

5. GRANT

For the consideration stated, grantor grants, bargains, sells, and conveys to grantee and to grantee's heirs and assigns forever the transferred interest in the property described in this deed.

6. WARRANTIES

Grantor, for himself, his heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed.

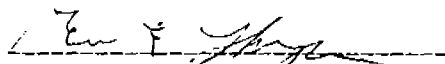
Grantor has good right to convey the property described in this deed to grantee.

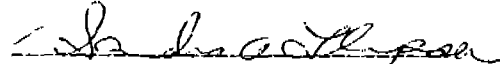
The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

Grantor and his heirs and successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, his heirs, successors and assigns against the lawful claims of all persons.

7. CONSTRUCTION

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


Eric E. Thompson


Sandra A. Thompson

STATE OF)
 (ss.
County of)

On December ____, 1995, before me, _____, a(n) _____ notary public, personally appeared Eric E. Thompson and Sandra A. Thompson, 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.

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

Notary Public for _____
Residing at:
My Commission expires:

(SEAL)

POLICY OF TITLE INSURANCE

Schedule A

Office File Number: 35-8841-G
Policy Number: 13 0043 106 00000079
Date of Policy: December 13, 1995, at 03:37 pm
Amount of Insurance: \$105,360.00
Premium: \$429.75

1. Name of Insured:
DEL RAY BEVAN and RETA BEVAN, husband and wife
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:
DEL RAY BEVAN and RETA BEVAN, husband and wife
4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:
SEE SCHEDULE B

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

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

A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:

Commencing at the Southwest corner of said Section 6; thence North 0°07'09" West 496.80 feet along the Western section line to a point in-line with an existing fence line, the point of beginning:

Thence North 0°07'09" West, 824.35 feet further along the Western section line to the Northwest corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence North 89°50'49" East, 1336.24 feet to the Northeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence South 0°20'32" East, 1322.59 feet to the Southeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence South 89°54'30" West, 859.40 feet along the Souther Section line to a point in-line with an existing fence line;

Thence North 0°12'30" West, 499.11 feet along said fence line to a fence corner;

Thence South 89°38'00" West, 481.21 feet along an existing fence line to the point of beginning.

SCHEDULE A

Owner Form

OWNER.POL

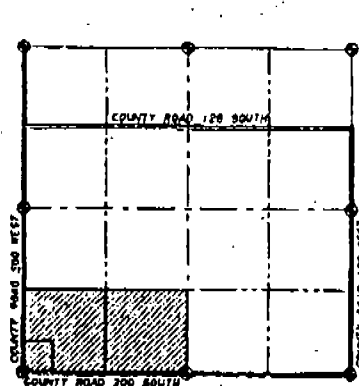
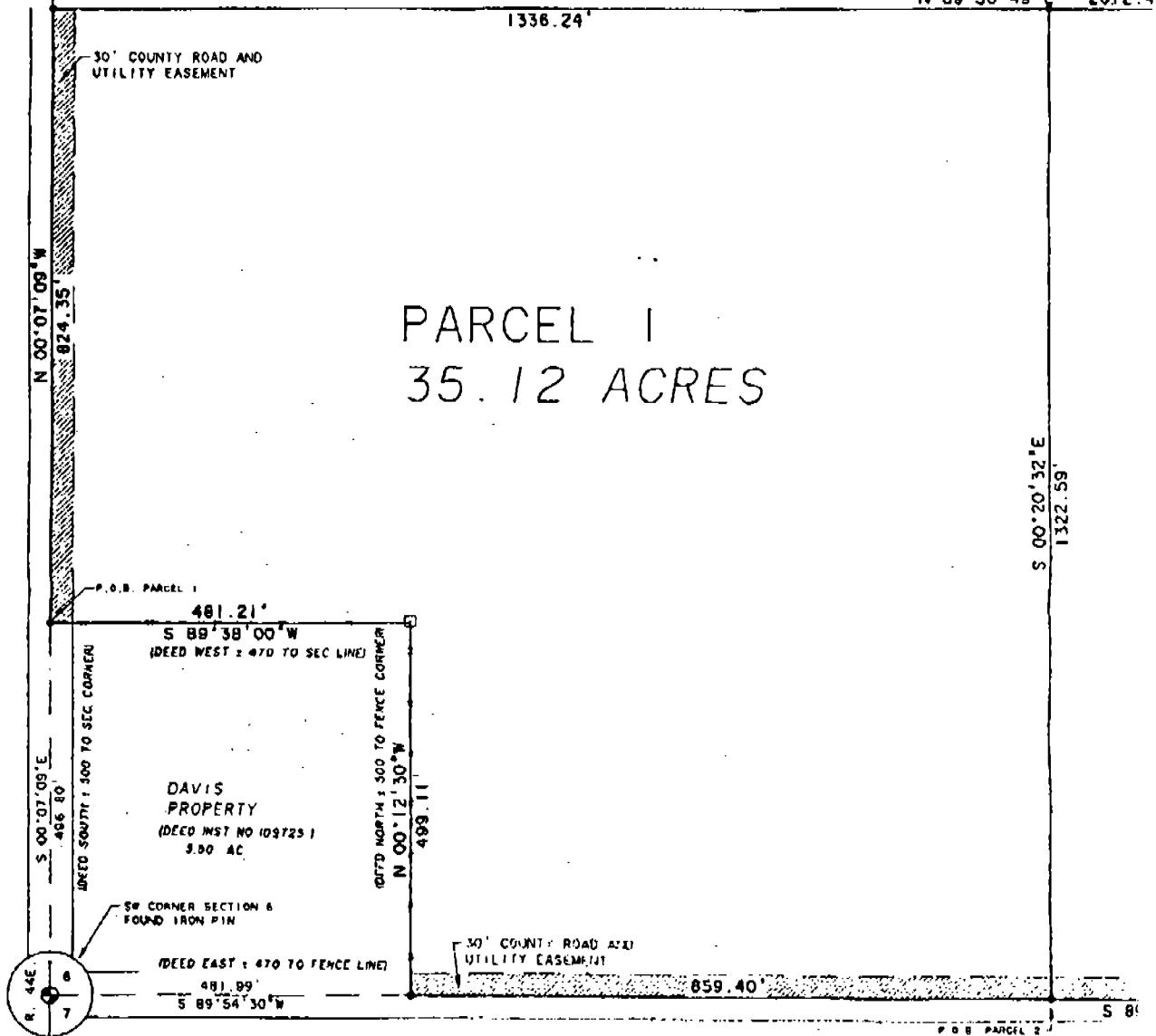
Valid Only If Schedule B and Cover Are Attached

W 1/4 CORNER SECTION 8
SE1 5/0' X 24' IRON P
WITH 2' ALUMINUM CAP
INSCRIBED: AN END 25

PANEL 2

THE SE 1/4
DESCRIBED /
CONVEYING
SOUTHERN 1/4
BEGINNING
THENCE N 0°
THENCE 11 0°
THENCE S 0°
SAID SECTION
THENCE S 0°
BEGINNING
CONTAINS 40
SUBJECT TO

N 89°50'49"E 2672.4



SECTION 0, TWP. 4N, R27E 45E, 0 M.

- SECTION CORNER FOUND AS NOTED
FENCE CORNER AND PROPERTY CORNER FOUND
SET SECTION CORNER AS NOTED
SET 3/8" X 24" IRON PIN WITH 1 1/2" ALUMINUM CAP IDENTIFIED
AS ENG 2800 AND MARKED 1/18
CALCULATED CORNER IN-LINE WITH EXISTING FENCE CORNER
SECTIONAL BREAKDOWN LINE
FENCE LINE
EASEMENT - TYPE AND WIDTH AS NOTED

COPY

RECEIVED

MAR 13 1997

Department of Water Resources
Eastern Region

7 JANUARY 1997

MR DEL RAY BEVAN
4184 S 4050 W
WEST VALLEY CITY UT 84120

RE: PURCHASE OF PROPERTY WITH WATER RIGHTS, A22-02048 (PART)

Dear Mr Bevan;

It has come to our attention that you may have recently purchased a parcel of property in, or near, Driggs, Idaho. The legal description of this parcel would be SW1/4SW1/4 Section 6, T04N, R45E, B.M., (with a small exclusion). According to Idaho Department of Water Resources records, the parcel which we understand you may have purchased has appurtenant to it a portion of a water right.

If, in-fact, our information is correct and you wish to claim the portion of the water appurtenant to this parcel I have enclosed a Notice of Change of Water Right Ownership form and a Proof Report of the right (in it's entirety) for your convenience. Please complete the form, sign it, and return it to our office as soon as possible. Also, please note the need for the required document(s) in item 2 of the form. There is no fee for a change of ownership filing.

This water right is enjoined to the on-going Snake River Basin Adjudication (SRBA), and it is our goal to favorably recommend this water right to the court. In review of this matter should you have questions regarding this water right please feel free to contact this office at the above address and/or telephone number.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

Enclosure: Change of Ownership Form
Proof Report, A22-02048

COPY