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

KENT W. FOSTER
ROBERT E. FARNAM
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DONALD L. HARRIS
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KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

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

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

Of Counsel
Fred J. Hahn

RECEIVED
NOV 0 8 2004
Department of Water Resources
Eastern Region

November 5, 2004

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Michael & Catherine Legge Family Limited Partnership
SRBA claim.

Dear Ladies and Gentlemen:

We are enclosing with this letter an SRBA claim on behalf of the Michael & Catherine Legge Family Limited Partnership with several attachments. The Legges began purchasing this land in about 1997, in their own names and the name of an entity they owned. All of the property they acquired has now been conveyed to the Michael & Catherine Legge Family Limited Partnership, the named claimant on the enclosed claim. We have attached copies of four (4) deeds (numbers 446139, 466140, 472081 and 490747) the most recent of record, showing title in the limited partnership.

The property of the Legges now consists of lots 2, 3, 4, 5, 8, 9, 10 and 11 of Henry's Lake Estates, division number 1, and tax numbers 4120, 4121 and 4122, which total approximately 31 acres located within lots 1 and 2 (NWNW and SWNW) of Section 31, T.16N., R.43E., in Fremont County, Idaho. Two maps are attached. One is a portion of the USGS quadrangle map for Targhee Peak showing the general area and the 31 acres highlighted in yellow. The second is a map showing the layout of the subdivision and tax numbers.

Timber Creek crosses the northeast corner of claimant's 31 acres, and a ditch, which heads on Timber Creek in the NWSE, Section25, T.16N., R.43E., also flows through much of the property. There is an old ditch system, with cuts where water can be diverted for flood irrigation

on the property. The Legges estimate that approximately 25 of their 31 acres have been historically irrigated.

The 31 acres is a portion of the NW1/4 of said Section 31. This land was granted to one Joseph Sherwood by patent from the United States of America on December 12, 1901. (Copy attached). The priority date claimed for this water right is, however, July 20, 1897, based on a Notice of Water Right, filed in the records of Fremont County, Idaho, by Joseph Sherwood on that date. Mr. Sherwood claimed 10 cfs for agricultural and domestic uses to irrigate land lying between the point of diversion on Timber Creek and Henry's Lake. This description clearly includes the land subsequently patented to Mr. Sherwood in 1901.

We have also attached an Affidavit of Mr. H. Gordon Hunt, who purchased the 1/4 section (NE 1/4)adjacent on the east to the Sherwood land in 1949 or 1950. Mr. Hunt is 86 years old, and his mind seems to be quite clear still. Mr. Hunt was personally present on his property, which he used to graze cattle, every summer from the time he acquired it. He became acquainted with the Sherwood family almost immediately after the acquisition of his property. He remembers Joseph Sherwood whose nickname was "Babe" and Mr. Sherwood's mother, who he says was "ancient" when he knew her in the 1950s. Mr. Hunt could not say for sure, but he suspects the Joseph "Babe" Sherwood he knew may have been the son of the Joseph Sherwood who filed the Water Right Notice in 1897 and received the patent in 1901.

Mr. Hunt became familiar with the Sherwood land to some extent because he was interested in acquiring it, and even believed he had an oral commitment from "Babe" to that effect. When the Sherwood family sold the land to Anna Moore in 1965, it came as a surprise, but the deal was concluded before he learned of it and there was nothing he could do. He knew Anna Moore, she had been the barber at Macks Inn, and he also knew the Johnsons to whom Ms. Moore later sold the property in 1968, 1972 and 1979. We have enclosed copies of the Deeds from the Sherwood family to Ms. Moore, and from Ms. Moore to the Johnsons, as well, because they helped confirm the information in Mr. Hunt's Affidavit. Mr. Hunt thinks the Johnsons or someone they worked with did the later subdividing, but he does not know the details after that activity commenced. He was aware that during the time the Sherwoods, then Ms. Moore, and later the Johnsons, owned the property, from 1949 or 1950 until into the late 1980s or early 1990s, the land was used for the pasturing of cattle, and water was diverted from Timber Creek, through ditches, for irrigation of the land to improve the grass. He is unable to estimate the number of acres actually irrigated, but he saw the irrigating being done by the predecessors in interest of the Legges.

As we say, the Legges estimate approximately 25 of their 31 acres receive water when it is diverted through the old cuts in the ditch. The Legge's 31 acres are located in the NWNW (Lot 1) and the SWNW (Lot 2) of Section 31, so we have only estimated the number of irrigated

acres in each, and have claimed 0.02 cfs, or 1 miner's inch, per acre, for a total of 0.5 cfs or 25 miner's inches.

Finally, we have enclosed our check in the amount of $125.00 for the filing fee. We calculated this as $50.00 for the claim, plus $1.00 per acre for each acre claimed, plus a $50.00 late fee.

If we can provide any additional information or be of any assistance, please feel free to call upon us at your convenience. Thank you for your kind attention to this matter.

Yours very truly,

Kent W. Foster

Enclosures

G:\WPDATA\KWF\12144 Legge, Mike & Cathy\IDWR ltr 110504.wpd:cdv

WHEN RECORDED, PLEASE MAIL TO:

Michael and Catherine Legge
Family Limited Partnership
3460 South Eastwood Drive
Salt Lake City, Utah 84109

Microfilm No. 466139
Date 21 NOV 00
At 10:57 O'clock A M
ABBIE MACE
FREMONT CO. RECORDER
Fee $ 9- SB Deputy
Recorded at Request of
William L. Prater
6925 Union Park Center
Midvale Utah. 84047 Suite 265

QUIT-CLAIM DEED

FOR AND IN CONSIDERATION OF Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, MICHAEL LEGGE and CATHERINE LEGGE, of Salt Lake County, State of Utah, Grantors, hereby QUIT-CLAIM unto

MICHAEL AND CATHERINE LEGGE
FAMILY LIMITED PARTNERSHIP,
a Utah limited partnership,

Grantee, whose address is 3460 South Eastwood Drive, Salt Lake City, Utah, the tract of real property situated in Fremont County, State of Idaho, as more particularly described on Exhibit "A" which is attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, said Grantors have executed this instrument this 15th day of November, 2000.

Michael Legge
Michael Legge

Catherine Legge
Catherine Legge

466139

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

On the 15th day of November, 2000, before me, the undersigned Notary, personally appeared Michael Legge, Grantor, who is personally known to me or who proved to me his identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that his signature is voluntary and the document truthful.

Julie Stout
NOTARY PUBLIC
Residing at: Salt Lake Co., Ut.

JULIE STOUT
NOTARY PUBLIC • STATE OF UTAH
6925 UNION PARK CENTER #265
MIDVALE, UT. 84047
COMM. EXP. 8-06-2004

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

On the 15th day of November, 2000, before me, the undersigned Notary, personally appeared Catherine Legge, Grantor, who is personally known to me or who proved to me her identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that her signature is voluntary and the document truthful.

Julie Stout
NOTARY PUBLIC
Residing at: Salt Lake Co., Ut.

My Commission Expires:

JULIE STOUT
NOTARY PUBLIC • STATE OF UTAH
6925 UNION PARK CENTER #265
MIDVALE, UT. 84047
COMM. EXP. 8-06-2004

466139

EXHIBIT "A"

Property Description

The following described property is located in Fremont County, State of Idaho:

Lot 3, HENRY'S LAKE ESTATES, DIVISION NO. 1,
Fremont County, Idaho, as per the recorded plat thereof,

S:\6436\Desd.ID

466140

Microfilm No. 21 Day NOV 20 00
At 10:58 O'clock A M
ABBIE MACE
Fee $ 9.00 FREMONT CO. RECORDER Deputy
Recorded at Request of
William L. Prater

WHEN RECORDED, PLEASE MAIL TO:

Michael and Catherine Legge
Family Limited Partnership
3460 South Eastwood Drive
Salt Lake City, Utah 84109

QUIT-CLAIM DEED

FOR AND IN CONSIDERATION OF Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, MICHAEL H. LEGGE and CATHERINE A. LEGGE, of Salt Lake County, State of Utah, Grantors, hereby QUIT-CLAIM unto

MICHAEL AND CATHERINE LEGGE
FAMILY LIMITED PARTNERSHIP,
a Utah limited partnership,

Grantee, whose address is 3460 South Eastwood Drive, Salt Lake City, Utah, the tract of real property situated in Fremont County, State of Idaho, as more particularly described on Exhibit "A" which is attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, said Grantors have executed this instrument this 15th day of November, 2000.

Michael H Legge
Michael H. Legge

Catherine A. Legge
Catherine A. Legge

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

On the 15th day of November, 2000, before me, the undersigned Notary, personally appeared Michael H. Legge, Grantor, who is personally known to me or who proved to me his identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that his signature is voluntary and the document truthful.

NOTARY PUBLIC
Residing at: Salt Lake Co., Ut.

JULIE STOUT
NOTARY PUBLIC • STATE OF UTAH
8925 UNION PARK CENTER #285
MIDVALE, UT. 84047
COMM. EXP. 8-06-2004

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

On the 15th day of November, 2000, before me, the undersigned Notary, personally appeared Catherine A. Legge, Grantor, who is personally known to me or who proved to me her identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that her signature is voluntary and the document truthful.

NOTARY PUBLIC
Residing at: Salt Lake Co., Ut

My Commission Expires:

JULIE STOUT
NOTARY PUBLIC • STATE OF UTAH
8925 UNION PARK CENTER #285
MIDVALE, UT. 84047
COMM. EXP. 8-06-2004

EXHIBIT "A"

Property Description

The following described property is located in Fremont County, State of Idaho:

Lots 2, 4, 5, 8, 9, and 11 in Block 1 of HENRY'S LAKE ESTATES SUBDIVISION, Division No. 1, Fremont County, Idaho, as per the recorded plat thereof.

S:\6436\Deed.IDA

472081

Microfilm No. _____ Day Dec 01

At 10:37 O'clock A M

ABBIE MACE
FREMONT CO. RECORDER

Fee $ 9.00 DB Deputy

Recorded at Request of
William L. Prater
P.O. Box 7368
SLC Utah 84171

WHEN RECORDED, PLEASE MAIL TO:

MICHAEL AND CATHERINE LEGGE
FAMILY LIMITED PARTNERSHIP
3460 South Eastwood Drive
Salt Lake City, Utah 84109

QUIT-CLAIM DEED

FOR AND IN CONSIDERATION OF Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, TC TIMBER CREEK INVESTMENT, LLC, a Utah limited liability company, of Salt Lake County, State of Utah, Grantor, hereby QUIT-CLAIMS unto

MICHAEL AND CATHERINE LEGGE FAMILY
LIMITED PARTNERSHIP, a Utah limited partnership,

Grantee, whose address is 3460 South Eastwood Drive, Salt Lake City, Utah, the tract of real property situated in Fremont County, State of Idaho, as more particularly described on Exhibit "A" which is attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, said Grantor has executed this instrument this 30 day of November, 2001.

TC TIMBER CREEK INVESTMENT, LLC,
a Utah limited liability company

By: Michael H. Legge
Michael H. Legge, Trustee of the
Michael H. Legge Family Living
Trust, Member

And by: Catherine A Legge
Catherine A. Legge, Trustee of the
Catherine A. Legge Family
Living Trust, Member

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

On the 30 day of November, 2001, before me, the undersigned Notary, personally appeared Michael H. Legge, in his capacity as Trustee of the Michael H. Legge Family Living Trust, which is a member of TC Timber Creek Investment, LLC, Grantor, who is personally known to me or who proved to me his identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that his signature is voluntary and the document truthful.

NOTARY PUBLIC
NYLA J. RALEIGH
1512 WEST 4980 SOUTH
TAYLORSVILLE, UT 84123
MY COMMISSION EXPIRES
MARCH 16TH, 2004
STATE OF UTAH

Nyla J Raleigh
NOTARY PUBLIC
Residing at: Salt Lake County, Utah

My Commission Expires:

March 16th 2004

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

On the 30 day of November, 2001, before me, the undersigned Notary, personally appeared Catherine A. Legge, in her capacity as Trustee of the Catherine A. Legge Family Living Trust, which is a member of TC Timber Creek Investment, LLC, Grantor, who is personally known to me or who proved to me her identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that her signature is voluntary and the document truthful.

NOTARY PUBLIC
NYLA J. RALEIGH
1512 WEST 4980 SOUTH
TAYLORSVILLE, UT 84123
MY COMMISSION EXPIRES
MARCH 16TH, 2004
STATE OF UTAH

Nyla J Raleigh
NOTARY PUBLIC
Residing at: Salt Lake County, Utah

My Commission Expires:

March 16 2004

S:\6436\Deed.id1

EXHIBIT "A"

472081

Property Description

The following described property is located in Fremont County, State of Idaho:

Tract 1:
Commencing 660 feet East of the Southwest corner of Lot 1, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Subject to an 18 foot easement across the South side of the above described property for ingress, egress and utilites for adjacent properties to the West.

Together with rights of ingress and egress to the above described property as set out in Easement and Right of Way recorded as Instrument No 344677.

Together with rights of ingress, egress and utilities across the South 18 feet of the following described parcel: Commencing 990 feet East of the SW corner of Lot 1, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Tract 2:
Commencing at a point that is North along the Section line 990.0 feet from the SW corner of Lot 2, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho, and running thence North 165 feet; thence East 660 feet; thence South 165 feet; thence West 660 feet to the point of beginning.
Subject to a 5 foot Easement along the South side of the above described property for a foot path to the forest ground lying west of the described property.

Also subject to an 18 foot easement along the East side of the above parcel for ingress, egress and utilities to adjoining property to the North.

Together with rights of ingress and egress to the above described property as set out in Easement and Right of Way recorded as Instrument No. 344677.

Together with rights of ingress and egress and utilities across the South 18 feet of the following two parcels:
(1) Commencing 990 feet East of the SW corner of Lot 1, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.
(2) Commencing 660 feet East of the SW corner of Lot 1, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho; thence East 330 feet thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Tract 3:
Commencing at a point that is North along the Section line 1155.0 feet from the Southwest corner of Lot 2, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho, and running thence North 165 feet; thence East 660 feet; thence South 165 feet; thence West 660 feet to the point of beginning.

Together with rights of ingress and egress to the above described property as set out in Easement and right of way recorded as Instrument No. 344677.

Together with rights of ingress, egress and utilities across the South 18 feet of the following two parcels:
(1) Commencing 990 feet East of the SW corner of Lot 1, Section 31, Township 16 North, Rnge 43 E. B. M., Fremont County, Idaho; thence East 330 feet; thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.
(2) Commencing 660 feet East of the SW corner of Lot 1, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho; thence East 330 feet thence South 330 feet; thence West 330 feet; thence North 330 feet to the point of beginning.

Together with rights of ingress, egress and utilities across the East 18 feet of the following parcel: Commencing at a point that is North along the Section line 990.0 feet from the SW corner of Lot 2, Section 31, Township 16 North, Range 43 E. B. M., Fremont County, Idaho, and running thence North 165 feet; thence East 660 feet; thence South 165 feet; thence West 660 feet to the Point of Beginning.

Microfilm No. 490747
20 Day Sept 20 04
At 11:30 O'Clock a M
ABBIE MACE
FREMONT CO RECORDER
Fee $ 16 Deputy
Recorded at Request of
Catherine Legge
P.O. Box 795
Coalville, Ut 84017

WHEN RECORDED, PLEASE MAIL TO:

Michael and Catherine Legge
Family Limited Partnership
P.O. Box 795
Coalville, Utah 84017

QUIT-CLAIM DEED

FOR AND IN CONSIDERATION OF Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby Acknowledged, MICHAEL LEGGE and CATHERINE LEGGE, of Summit County, State of Utah, Grantors, hereby QUIT-CLAIM unto

MICHAEL AND CATHERINE LEGGE
FAMILY LIMITED PARTNERSHIP
a Utah limited partnership,

Grantee, whose address is 1763 S. East Hoytsville Drive, Salt Lake City, Utah, the tract of real property situated in Fremont county, State of Idaho, as more particularly described on Exhibit "A" which is attached hereto and incorporated herein by this reference.

IN Witness Whereof, said Grantors have executed this instrument This 16 day of September, 2004.

Michael Legge
Michael Legge

Catherine Legge
Catherine Legge

Notary Public
NYLA J. RALEIGH
1512 West 4980 South
Taylorsville, Utah 84123
My Commission Expires
March 16, 2008
State of Utah

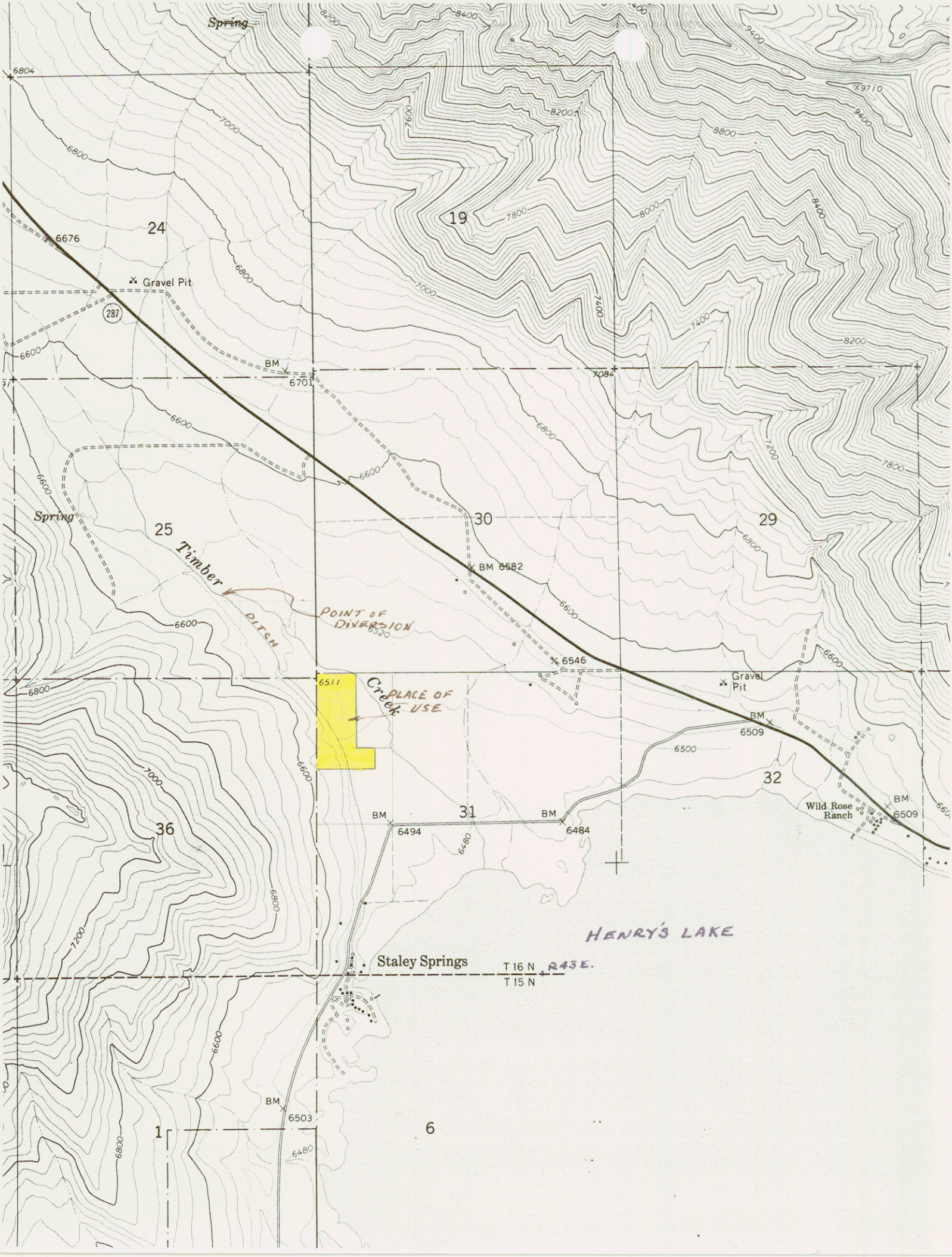
Nyla J Raleigh
9/16/04

EXHIBIT "A"

Property Description

The following described property is located in Fremont County, State of Idaho:

Lot 10 in Block 1 of HENRY'S LAKE ESTATES SUBDIVISION, Division No. 1, Fremont County, Idaho, as per the recorded plat threreof.


Spring
6804
7000
6800
24
6676
Gravel Pit
287
6600
BM
6701
7084
19
7600
8200
8400
9400
9710
8000
7800
7400
7200
6800
Spring
25
Timber
DITCH
POINT OF DIVERSION
6520
30
BM 6582
29
6546
Gravel Pit
6511
Creek
PLACE OF USE
BM
6509
6500
32
Wild Rose Ranch
BM
6509
31
BM
6494
BM
6484
6480
36
HENRY'S LAKE
Staley Springs
T 16 N
T 15 N
R43E.
BM
6503
1
6
6480

(4—407 a.)

THE UNITED STATES OF AMERICA,

Desert Lands.
Certificate No. 1090

To all to whom these presents shall come, Greeting:

Whereas Joseph Sherwood of Fremont County, Idaho

has deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER OF THE LAND OFFICE at St Anthony, Idaho

whereby it appears that **full payment** has been made by the said Joseph Sherwood according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the Lots numbered one and two and the East half of the North West quarter of Section first, one in Township sixteen North of Range forty three East of Boise Meridian in Idaho containing one hundred and sixty one acres and fifty eight hundredths of an acre

according to the OFFICIAL PLAT of the Survey of the said Lands, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL, which said Tract has been purchased by the said Joseph Sherwood

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, **have given and granted,** and by these presents **do give and grant,** unto the said Joseph Sherwood and to his heirs, the said tract above described; **To have and to hold** the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Joseph Sherwood and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Theodore Roosevelt, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the CITY OF WASHINGTON, the twelfth day of December in the year of our Lord one thousand nine hundred and one, and of the Independence of the United States the one hundred and twenty sixth

BY THE PRESIDENT: T. Roosevelt

By F. M. McKean, Secretary.

Recorded Idaho Vol 27, Page 438

W. M. Stone, Recorder of the General Land Office.

Sherwood Jos
Lake Ida

Fremont

305741

Filed for record at the request of
Clarence Sherwood
of
at 50 minutes past 9
o'clock A. M. this 24
day of Aug 1965
and recorded in Book 9
of Patents page 435
Records of Fremont County,
State of Idaho. Fee $ 1.00
Le Monte Bauer
Recorder.
By Maud Field
Deputy.

Clarence Sherwood
371 Hyde Street
Pocatello, Idaho

NOTICE OF WATER RIGHT.

STATE OF IDAHO,
County of Fremont } ss.

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That Joseph Sherwood of Henrys Lake, Idaho, hereby claim the use of the waters of Timber Creek & Big Spring, Situate in the said County & State to the extent of Ten (10) cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: At a point near where the waters of said Timber Creek & Big Spring unite, known as Timber Creek Gulch.

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purposes for which said water is intended to be used is for Agricultural & Domestic

The place of intended use is Henrys Lake, Fremont County, Idaho,

4th. It is intended to divert said water by means of Ditches

The general course of the proposed canal is South easterly

The length of the proposed canal is about (1) one mile

It is intended to use said water for irrigating the following described land: Land lying between said point of diversion & Henrys Lake

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within three years. (This must in no case exceed five years.)

WITNESS my hand at St Anthony, Fremont Co Idaho, this 20th day of July 1897.

Joseph Sherwood } Claimants.

STATE OF IDAHO,
County of Fremont } ss.

Joseph Sherwood being first duly sworn, depose and say that he is of lawful age and is the claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 20th day of July 189, at 20 minutes past 5 o'clock P M.

Subscribed and sworn to before me this 20th day of July 1897

O L French
Probate Judge

NOTE.—The above Certificate may, where there are several claimants, be made and sworn to by one of them.

Filed for record this 20th day of July 1897 at 5.30 o'clock P M.

By W D Williams Deputy.

Ernest N Bramwell Recorder.

AFFIDAVIT OF H. GORDON HUNT

STATE OF IDAHO)
)ss.
County of Bonneville)

H. Gordon Hunt, on his oath, deposes and says:

1. Affiant currently resides at 1948 Hoopes Ave., Idaho Falls, Idaho, 83404. Affiant is 86 years of age, having been born July 15, 1918, in San Jose, California, where he resided during the early part of his life.

2. In 1949 or 1950, affiant began to purchase real property in Fremont County, Idaho, consisting of most of the NE1/4 of Section 31, T.16N., R.43E. The land had previously been operated as a cattle ranch and affiant continued to use the land for this purpose and to reside there during each summer from the time he began to acquire it.

3. Affiant became acquainted with his neighbors who owned the land immediately to the west, consisting of the NW1/4 of the same section. That land was owned and operated by one Joseph Sherwood who was known by affiant as "Babe", and was used for the same purpose as affiant's land, the pasturing of range cattle. Affiant understood the Sherwoods had owned and operated the land for many years before affiant acquired his land. Mr. Sherwood's mother also lived on the Sherwood property and was a very elderly woman when affiant knew her in the early 1950s and affiant understood she had resided on the property for several decades.

4. Affiant was interested in the possible acquisition of the Sherwood property and even understood that Mr. Joseph "Babe" Sherwood had promised to sell the property to affiant when the Sherwoods decided to sell, which affiant understood Sherwoods to be considering in the early to mid 1960s. Affiant was well acquainted with Timber Creek which flowed through the Sherwood property as well as through the SW corner of affiant's property. During all of the time the Sherwoods owned the property, affiant understood that they had irrigated much of it from Timber Creek by means of ditches in order to improve the grass for grazing purposes.

5. To affiant's disappointment, he discovered the Sherwood family had sold its land to one

Anna Moore in about 1965. Mrs. Moore later sold the land to Duayne and Venna Johnson. Affiant was acquainted with both Ms. Moore and the Johnsons and observed that they continued to operate their property pretty much the same as the Sherwoods had, including irrigating much of the pasture land from Timber Creek.

6. In the late 1970s or early 1980s, the Johnson family subdivided some of their land and sold lots to other people, but most of the land remains in the condition it was in when affiant first acquired his property, and is used for the same purposes, that is, the pasturing of livestock and horses. It is affiant's belief and observation that until 1987, and thereafter, most of the land previously owned by the Sherwoods and their successors in interest appeared to be operated and irrigated in the historical manner.

DATED this 4 day of ~~October~~ NOVEMBER, 2004.

H. Gordon Hunt

STATE OF IDAHO)
)ss.
County of Bonneville)

On this 4 day of ~~October~~ November, 2004, before me a notary public in and for said State, personally appeared H. Gordon Hunt, known or identified to me (or proved to me on the oath of H. Gordon Hunt) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(seal)

KENT W. FOSTER
NOTARY PUBLIC
STATE OF IDAHO

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 11/20/04

G:\WPDATA\KWF\12144 Legge, Mike & Cathy\Hunt Affidavit.102004.wpd:cdv

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WARRANTY DEED

THIS INDENTURE, Made this 4th day of January, 1965, between Charles K. Sherwood and Alta Sherwood, husband and wife, of [illegible], County of [illegible], State of Idaho, [illegible] Burton Ainsworth and Rosetta Ainsworth, husband and wife, of [illegible], County of [illegible], State of Idaho, Clarence Sherwood and Edna A. Sherwood, husband and wife, of Pocatello, County of Bannock, State of Idaho, Robert Talbot and Geneva Talbot, husband and wife, of [illegible], County of [illegible], State of Idaho, and Walter Sherwood and Verna Sherwood, husband and wife, of Idaho Falls, County of Bonneville, State of Idaho, the parties of the first part, and Anna Laura Moore, unmarried, of Mack's Inn, County of Fremont, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Twenty-Five Thousand and no/100ths Dollars ($25,000.00), lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to her heirs and assigns forever, all of the following described real estate, situated in Fremont County, State of Idaho, to wit:

TOWNSHIP 16 North, Range 43 East, Boise Meridian.
Section 31. Lots 1 and 2 and the East Half of the NorthWest Quarter.

Together with all water, and Ditch Rights and Spring rights thereunto appertaining.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said

parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, her heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Charles K. Sherwood

Burton Ainsworth

Alta Sherwood

Rosetta Ainsworth

Clarence Sherwood

Robert Talbot

Edna A. Sherwood

Geneva Talbot

Walter Sherwood

Verna Sherwood

STATE OF IDAHO,)
) ss.
County of [illegible])

On this 31 day of [illegible], 1965, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles K. Sherwood and Alta Sherwood, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

THIS INDENTURE, Made this 31st. day of July

in the year of our Lord one thousand nine hundred and sixty-eight , between

Anna Lora Moore, unmarried,

of Hacks Inn , County of Fremont , State of Utah

the party of the first part, and

Duayne T. Johnson and Jenna G. Johnson, husband and wife,

of Salt Lake City , County of Salt Lake , State of Utah ,

the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

Twenty-five and No/100 - DOLLARS,

lawful money of the United States of America, and other valuable considerations, to her in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the , County of Fremont , State of Idaho, to-wit:

990.

The North 60 rods of Lot 2, of Section 31, Township 16 North, Range 43 East, Boise Meridian, Fremont County, Idaho. Together with all ditch, water and spring rights thereto belonging and used therewith.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part of the first part ha hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Anna Laura Moore [Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO
County of Fremont } ss.

On this 31st. day of July in the year 1968, before me the undersigned, a Notary Public in and for said State, personally appeared Anna Laura Moore, unmarried,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Ralph Sutton
Notary Public for the State of Idaho,
Residing at [illegible], Idaho

No. 31395

WARRANTY DEED

—TO—

Dated ....., 19....

STATE OF IDAHO
County of Fremont } ss.

I hereby certify that this instrument was filed for record at request of [illegible] at 2:30 minutes past 2 o'clock P M., this 31 day of July, A. D. 1968 in my office, and duly recorded in Book [illegible] at page [illegible] of [illegible]

Ex-Officio Recorder.

By [illegible] Deputy.

Fees, $1.50

Mail to

SYMS-YORK COMPANY, BOISE

WARRANTY DEED

THIS INDENTURE, made this 20th. day of Nov. 1972
between Anna Laura Moore, unmarried,
of Ashton, County of Fremont, State of Idaho,
the part y of the first part and
Duayne T. Johnson and Venna G. Johnson, his wife,
County of Salt Lake, State of Utah of Salt Lake City, the parties of the second part,

WITNESSETH, that the said part y of the first part, for and in consideration of the sum of Twenty-five and no/100 - Dollars lawful money of the United States of America and other valuable considerations, to her in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, ha granted, bargained, sold, and by these presents, does grant, bargain, sell and convey and confirm unto the said parties of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in the, County of Fremont, State of Idaho, to-wit:

North 48 rods of Lot 1, of Section 31, Township 16 North, Range 43 East, Boise Meridian, Fremont County, Idaho. Together with all water and ditch rights thereto belonging.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever. And the said part y of the first part, and her heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said part y of the first part, and her heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part y of the first part has hereunto set her hand and seal the day and year first above written.

Executed and Delivered in the Presence of

Anna Laura Moore [SEAL]

[SEAL]

STATE OF IDAHO,
County of Fremont } ss.

On this 20th. day of Nov. in the year 19 72, before me the undersigned, a Notary Public in and for said State, personally appeared

Anna Laura Moore, unmarried,

known to me to be the person... whose name... is... subscribed to the within instrument, and acknowledged to me that She... executed the same.

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

Notary Public for the State of Idaho,
Residing at St. Anthony, Idaho.

No. 329069

WARRANTY DEED

TO

Dated ..., 19

STATE OF IDAHO,
County of Fremont } ss.

I hereby certify that this instrument was filed for record at request of Guardian at 2:20 minutes past 4 o'clock P. M., this 27 day of December, 1972, in my office, and duly entered in Book ... of ... at page ...

Ex-Officio Recorder.

By ... Deputy.

Fees, $ 2.00

Mail to Guardian

3276 do 3690 72

Art Porter Printing - Rexburg

Salt Lake City, Utah 8-1-26

Accommodation

WARRANTY DEED

The Grantor of Ashton, County of Fremont, State of Idaho,

the grantor, does hereby grant, bargain, sell and convey unto Eugene T. Johnson and Vesta S. Johnson, husband and wife, of Salt Lake City, County of Salt Lake, State of Utah, the grantees, the following described premises, in Fremont County Idaho, to wit:

Lots 1 and 2, and the East half of the Northeast quarter of Section 31, Township 8 North, Range 43 East, Boise Meridian, Fremont County, Idaho, containing 80.11 acres more or less, with all ditch and water rights thereto belonging. Excepting from said above described Lot 2 the North 60 rods thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all incumbrances

and that She will warrant and defend the same from all lawful claims whatsoever.

Dated: July 6, 1979.

Anna L Moore

STATE OF IDAHO, COUNTY OF FREMONT

On the 6th. day of July, 19 79 before me, a notary public in and for said State, personally appeared Anna Laura Moore, unmarried,

known to me to be the person whose name is described to the within instrument, and acknowledged to me that she executed the same.

Notary Public

Residing at St. Anthony, Idaho

Comm. Expires 1-6-1980

Microfilm No. 362744

3rd Day Dec 19 79

At 4:06 O'Clock P M.

DARLENE M. CALONGE

Fremont Co. Recorder

Fee $2.00 Deputy

Recorded At Request of

[redacted] Title Company

GEO. PRIMES & SONS, INC., POCATELLO, IDAHO