

O- BAC 11/5/00

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

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

1. Water Right No(s): 124 => 29-00164 RECEIVED
APR 19 2000
Adjudication Claim No(s): _____
 2. The following **REQUIRED** information must be submitted with this form:

Department of Water Resources
Lewiston, Idaho

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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
 3. Name and Address of Former Owner/Claimant Leland Avery
Lava Hot Springs Idaho 83246
 4. New Owner/Claimant(s) RONNIE D. TELLOTON SHERILL I. TELLOTON
New Mailing Address P O Box 261
City, State and ZIP Code LAVA HOT SPRINGS, IDAHO 83246
New Telephone Number (208) 776-5267
 5. Date you acquired the property November 4th 1998
 6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.
- Number of acres you irrigate with this water right 35 Number and type of stock 50-100 Dairy Hiepas

Diversion rate in CFS _____ Number of homes you acquired None Other uses _____
7. Signature of New Owner(s) or Claimant(s) Ronnie D. Teltaton
Sherill I. Teltaton
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
 8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

3022737

Escrow #: 52719SW-MH

Approved by:

RBZ
[Signature]

4-1
WARRANTY DEED

FOR VALUE RECEIVED, LELAND AVERY, AN UNMARRIED MAN

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto RONNIE D. TILLOTSON AND SHERRIL I. TILLOTSON, HUSBAND AND WIFE

the Grantee(s), whose address is 11937 S DEMPSEY CREEK RD, LAVA HOT SPRINGS, ID 83246

(Mailing Address), AS PER LEGAL, LAVA HOT SPRINGS, ID 83246

(Property Address),

the following described premises, situated in BANNOCK County, Idaho:

LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

*ALONG WITH ALL MINERAL & WATER RIGHTS ASSOCIATED WITH SAID
PROPERTY AND SPECIFICALLY RIGHT #124 ON THE DEMPSEY CREEK
WATER; A TRIBUTORY OF THE PORTNEUF RIVER*

29-00164
0.29 cfs

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APR 19 2000

Department of the Secretary of State
Bureau of Records

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 52719SW, dated November 06, 1998; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Parcel 1

Beginning at a point 316 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North ~~75°51'~~^{75°51'} West 920 feet to the East side of a County Road;

thence following the East side of said County Road in a Northeasterly direction 348.5 feet, more or less, to a point 846 feet due North of the South boundary line of said Section 32; thence East 1221.5 feet, more or less, to a point 822 feet due West of the West 1/16 line of Section 33; thence South ~~12°59'~~^{12°59'} West 629.2 feet to a point 221 feet North of the South line of Section 33; thence North 75°51' West 392 feet, more or less, to the point of beginning.

Parcel 2

Beginning at a point 1326 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence East 1320 feet, more or less, to the Southwest 1/16 corner of Section 33; thence South along the West 1/16 line of said Section 33 a distance of 294.5 feet;

thence North 75°51' West 734 feet to the center of the water bed of Dempsey Creek; thence South 12°59' West 390.5 feet; thence West 1221.5 feet, more or less, to the East side of the county road; thence following the said county road in a Northeasterly direction 533 feet, more or less, to the South 1/16 line of Section 32; thence East along the said South 1/16 line 437.5 feet, more or less, to the point of beginning.

Parcel 3

Beginning at point on the South line of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; the said point being two rods West of the West side of the country road at its intersection with the said South section line;

thence North 13°36' East 594 feet; thence South 75°51' ^{East} East 99 feet to the West side of the county road; thence North about 22° ~~West~~ and following the West side of the county road 844 feet, more or less, to the South 1/16 line of said section;

thence West along said South 1/16 line 46 rods, more or less, to the Northwest corner of the SE1/4 SE1/4 of said Section 32; thence South 3 rods; thence South 65°15' West 87 rods to the meridional center line of said section;

thence South along said center line 43 rods to the South quarter corner of the said Section 32; thence East along the South line of said section 88.6 rods, more or less, to the point of beginning.

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EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

Exception No. 1

Beginning at the South quarter corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North $0^{\circ}08'$ East along the meridional center line of the said Section 32 a distance of 174.24 feet; thence East 250.0 feet; thence South $0^{\circ}08'$ West 174.24 feet, more or less, to the South boundary of the said Section 32; thence West 250.0 feet, more or less, to the point of beginning.

Being a part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho.

Exception No. 2

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North $45^{\circ}12'29''$ West a distance of 1141.06 feet to the true point of beginning, a $\frac{5}{8}$ " rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Westerly right-of-way line of Dempsey Creek Road; thence North $58^{\circ}28'57''$ West a distance of 148.68 feet to a $\frac{5}{8}$ " rebar with cap;

thence North $34^{\circ}32'26''$ East a distance of 53.04 feet to a $\frac{5}{8}$ " rebar with cap; thence North $21^{\circ}11'46''$ East a distance of 111.78 feet to a $\frac{5}{8}$ " rebar with cap; thence North $13^{\circ}29'24''$ East a distance of 172.80 feet to a $\frac{5}{8}$ " rebar with cap; thence North $04^{\circ}17'19''$ West a distance of 60.42 feet to a $\frac{5}{8}$ " rebar with cap;

thence North $63^{\circ}09'18''$ West a distance of 52.10 feet to a $\frac{5}{8}$ " rebar with cap; thence North $82^{\circ}19'02''$ West a distance of 140.96 feet to a $\frac{5}{8}$ " rebar with cap; thence South $82^{\circ}42'35''$ West a distance of 88.66 feet to a $\frac{5}{8}$ " rebar with cap; thence South $73^{\circ}15'36''$ West a distance of 169.17 feet to a $\frac{5}{8}$ " rebar with cap;

thence South $88^{\circ}29'21''$ West a distance of 148.09 feet to a $\frac{5}{8}$ " rebar with cap set on a fence line; thence following said fence line through the following four courses; North $68^{\circ}57'02''$ East a distance of 153.15 feet to a $\frac{5}{8}$ " rebar with cap; thence North $74^{\circ}19'23''$ East a distance of 129.10 feet to a $\frac{5}{8}$ " rebar with cap;

thence North $88^{\circ}44'53''$ East 428.00 feet to a $\frac{5}{8}$ " rebar with cap; thence South $88^{\circ}50'46''$ East a distance of 150.81 feet to a $\frac{5}{8}$ " rebar with cap set on the West right of way line of Dempsey Creek Road; thence South $23^{\circ}25'00''$ West 309.33 feet to a $\frac{5}{8}$ " rebar with cap set on the point of curvature of a 3019.03 foot radius tangent curve concave to the Northwest;

thence Southwesterly through a central angle of $03^{\circ}45'25''$ a distance of 197.96 feet to a $\frac{5}{8}$ " rebar with cap (chord = South $25^{\circ}17'43''$ West 197.93 feet); thence South $27^{\circ}10'26''$ West a distance of 73.96 feet to the true point of beginning.

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APR 19 2000

Department of State & Security
Records Section

Exception No. 3

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North $40^{\circ}12'25''$ West a distance of 1113.17 feet to the true point of beginning, a $5/8$ " rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Easterly right-of-way line of Dempsey Creek Road. Said point being the point of curvature of a 3079.03 foot radius non-tangent curve whose center bears North $62^{\circ}59'26''$ West;

thence Northeasterly along said curve through a central angle of $02^{\circ}27'50''$ a distance of 132.40 feet to a $5/8$ " rebar with cap; (Chord = North $25^{\circ}46'40''$ East 132.40 feet); thence North $27^{\circ}57'09''$ East a distance of 59.07 feet to a $5/8$ " rebar with cap; thence North $50^{\circ}01'03''$ East a distance of 84.63 feet to a $5/8$ " rebar with cap;

thence North $74^{\circ}05'16''$ East a distance of 43.92 feet to a $5/8$ " rebar with cap; thence South $81^{\circ}54'55''$ East a distance of 22.87 feet to a $5/8$ " rebar with cap set on a fence line; thence South $22^{\circ}07'45''$ West a distance of 97.92 feet along said fence line to a $5/8$ " rebar with cap; thence South $13^{\circ}41'21''$ West a distance of 148.13 feet along said fence line to a $5/8$ " rebar with cap; thence North $89^{\circ}59'40''$ West a distance of 143.06 feet along said fence line to the true point of beginning.

Exception No. 4

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the Southeast corner of said Section 32; thence North $52^{\circ}55'51''$ West 1104.3 feet to a $1/2$ -inch rebar with cap labelled "AA HUDSON PLS 4735" set on the Northerly right of way line of Dempsey Creek Road, the true point of beginning;

thence South $75^{\circ}27'16''$ West 155.39 feet to a $1/2$ -inch rebar with cap; thence North $67^{\circ}05'32''$ West 40.86 feet to a $1/2$ -inch rebar with cap; thence South $83^{\circ}22'18''$ West 45.26 feet to a $1/2$ -inch rebar with cap; thence North $48^{\circ}06'43''$ West 54.97 feet to a $1/2$ -inch rebar with cap;

thence North $48^{\circ}28'56''$ East 134.02 feet to a $1/2$ -inch rebar with cap; thence North $57^{\circ}34'13''$ East 77.64 feet to a $1/2$ -inch rebar with cap; thence North $44^{\circ}24'26''$ East 44.58 feet to a $1/2$ -inch rebar with cap; thence South $58^{\circ}28'57''$ East 153.17 feet to a $1/2$ -inch rebar with cap set on said Westerly right of way line; thence South $30^{\circ}39'52''$ West 105.32 feet along said right of way line to the true point of beginning.

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APR 19 2000

COUNTY CLERK
BANNOCK COUNTY, IDAHO

Agent#	State	County	Prop	Tran	Issue Amt.	Reissue Tran	Code	Amt.	Code	Int.	Code	Amt.	Simultaneous Issue#
11007	11	005	4	010				\$				\$	#

OWNERS POLICY
SCHEDULE A

File No: 52719

Policy No.: SV 2791819

Amount: \$100,000.00

Premium: \$ 555.00

1. Policy Date: November 12, 1998 as of 4:20 p.m.
2. Name of Insured:
Ronnie D. Tillotson and Sherril I. Tillotson
3. The estate or interest in the land described herein and which is covered by this policy is:
Fee Simple
4. Title to the estate or interest covered by this policy at the date hereof is vested in
Ronnie D. Tillotson and Sherril I. Tillotson, husband and wife
5. The land referred to in this policy is situated in the County of Bannock, State of Idaho, and is described as follows:
See Exhibit A attached to and made a part hereof.

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APR 19 2000

Deputy Clerk, County of Bannock, Idaho

Parcel 1

Beginning at a point 316 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North 75°51' West 920 feet to the East side of a County Road;

thence following the East side of said County Road in a Northeasterly direction 348.5 feet, more or less, to a point 846 feet due North of the South boundary line of said Section 32; thence East 1221.5 feet, more or less, to a point 822 feet due West of the West 1/16 line of Section 33; thence South 12°59' West 629.2 feet to a point 221 feet North of the South line of Section 33; thence North 75°51' West 392 feet, more or less, to the point of beginning.

Parcel 2

Beginning at a point 1326 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence East 1320 feet, more or less, to the Southwest 1/16 corner of Section 33; thence South along the West 1/16 line of said Section 33 a distance of 294.5 feet;

thence North 75°51' West 734 feet to the center of the water bed of Dempsey Creek; thence South 12°59' West 390.5 feet; thence West 1221.5 feet, more or less, to the East side of the county road; thence following the said county road in a Northeasterly direction 533 feet, more or less, to the South 1/16 line of Section 32; thence East along the said South 1/16 line 437.5 feet, more or less, to the point of beginning.

Parcel 3

Beginning at point on the South line of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; the said point being two rods West of the West side of the country road at its intersection with the said South section line;

thence North 13°36' East 594 feet; thence South 75°51' East 99 feet to the West side of the county road; thence North about 22° West and following the West side of the county road 844 feet, more or less, to the South 1/16 line of said section;

thence West along said South 1/16 line 46 rods, more or less, to the Northwest corner of the SE1/4 SE1/4 of said Section 32; thence South 3 rods; thence South 65°15' West 87 rods to the meridional center line of said section;

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APR 1 1977

thence South along said center line 43 rods to the South quarter corner of the said Section 32; thence East along the South line of said section 88.6 rods, more or less, to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

Exception No. 1

Beginning at the South quarter corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North 0°08' East along the meridional center line of the said Section 32 a distance of 174.24 feet; thence East 250.0 feet; thence South 0°08' West 174.24 feet, more or less, to the South boundary of the said Section 32; thence West 250.0 feet, more or less, to the point of beginning.

Being a part of the SW1/4 SE1/4 of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho.

Exception No. 2

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North 45°12'29" West a distance of 1141.06 feet to the true point of beginning, a 5/8" rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Westerly right-of-way line of Dempsey Creek Road; thence North 58°28'57" West a distance of 148.68 feet to a 5/8" rebar with cap;

thence North 34°32'26" East a distance of 53.04 feet to a 5/8" rebar with cap; thence North 21°11'46" East a distance of 111.78 feet to a 5/8" rebar with cap; thence North 13°29'24" East a distance of 172.80 feet to a 5/8" rebar with cap; thence North 04°17'19" West a distance of 60.42 feet to a 5/8" rebar with cap;

thence North 63°09'18" West a distance of 52.10 feet to a 5/8" rebar with cap; thence North 82°19'02" West a distance of 140.96 feet to a 5/8" rebar with cap; thence South 82°42'35" West a distance of 88.66 feet to a 5/8" rebar with cap; thence South 73°15'36" West a distance of 169.17 feet to a 5/8" rebar with cap;

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APR 19 2020

County of Bannock, Idaho

thence South $88^{\circ}29'21''$ West a distance of 148.09 feet to a 5/8" rebar with cap set on a fence line; thence following said fence line through the following four courses; North $68^{\circ}57'02''$ East a distance of 153.15 feet to a 5/8" rebar with cap; thence North $74^{\circ}19'23''$ East a distance of 129.10 feet to a 5/8" rebar with cap;

thence North $88^{\circ}44'53''$ East 428.00 feet to a 5/8" rebar with cap; thence South $88^{\circ}50'46''$ East a distance of 150.81 feet to a 5/8" rebar with cap set on the West right of way line of Dempsey Creek Road; thence South $23^{\circ}25'00''$ West 309.33 feet to a 5/8" rebar with cap set on the point of curvature of a 3019.03 foot radius tangent curve concave to the Northwest;

thence Southwesterly through a central angle of $03^{\circ}45'25''$ a distance of 197.96 feet to a 5/8" rebar with cap (chord = South $25^{\circ}17'43''$ West 197.93 feet); thence South $27^{\circ}10'26''$ West a distance of 73.96 feet to the true point of beginning.

Exception No. 3

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North $40^{\circ}12'25''$ West a distance of 1113.17 feet to the true point of beginning, a 5/8" rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Easterly right-of-way line of Dempsey Creek Road. Said point being the point of curvature of a 3079.03 foot radius non-tangent curve whose center bears North $62^{\circ}59'26''$ West;

thence Northeasterly along said curve through a central angle of $02^{\circ}27'50''$ a distance of 132.40 feet to a 5/8" rebar with cap; (Chord = North $25^{\circ}46'40''$ East 132.40 feet); thence North $27^{\circ}57'09''$ East a distance of 59.07 feet to a 5/8" rebar with cap; thence North $50^{\circ}01'03''$ East a distance of 84.63 feet to a 5/8" rebar with cap;

thence North $74^{\circ}05'16''$ East a distance of 43.92 feet to a 5/8" rebar with cap; thence South $81^{\circ}54'55''$ East a distance of 22.87 feet to a 5/8" rebar with cap set on a fence line; thence South $22^{\circ}07'45''$ West a distance of 97.92 feet along said fence line to a 5/8" rebar with cap; thence South $13^{\circ}41'21''$ West a distance of 148.13 feet along said fence line to a 5/8" rebar with cap; thence North $89^{\circ}59'40''$ West a distance of 143.06 feet along said fence line to the true point of beginning.

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Exception No. 4

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the Southeast corner of said Section 32; thence North $52^{\circ}55'51''$ West 1104.3 feet to a 1/2-inch rebar with cap labelled "AA HUDSON PLS 4735" set on the Northerly right of way line of Dempsey Creek Road, the true point of beginning;

thence South $75^{\circ}27'16''$ West 155.39 feet to a 1/2-inch rebar with cap; thence North $67^{\circ}05'32''$ West 40.86 feet to a 1/2-inch rebar with cap; thence South $83^{\circ}22'18''$ West 45.26 feet to a 1/2-inch rebar with cap; thence North $48^{\circ}06'43''$ West 54.97 feet to a 1/2-inch rebar with cap;

thence North $48^{\circ}28'56''$ East 134.02 feet to a 1/2-inch rebar with cap; thence North $57^{\circ}34'13''$ East 77.64 feet to a 1/2-inch rebar with cap; thence North $44^{\circ}24'26''$ East 44.58 feet to a 1/2-inch rebar with cap; thence South $58^{\circ}28'57''$ East 153.17 feet to a 1/2-inch rebar with cap set on said Westerly right of way line; thence South $30^{\circ}39'52''$ West 105.32 feet along said right of way line to the true point of beginning.

BOISE, IDAHO
APR 1 2 1963
RECORDED

Policy No. SV 2791819

52719

This policy does not insure against loss or damage by reason of the following:

STANDARD EXCEPTIONS

- (a) Rights or claims of parties in possession not shown by the public records.
- (b) Easements, or claims of easements, not shown by the public records.
- (c) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
- (d) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (e) Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
- (f) Any service, installation or connection charge for sewer, water or electricity.
- (g) General taxes not now payable; matters relating to special levies or assessments, if any, preceding the same becoming a lien.

SPECIAL EXCEPTIONS

1. A Boundary Line Agreement and Quit Claim Deed executed by and between the parties herein named upon the terms, conditions and provisions therein provided.

Between: Leland Avery and Maxine Avery,
husband and wife; Karma S. Van Lauven, a
single person; Rex L. Baker and Peggy Ann
Baker, husband and wife; and Bruce L. Baker
and Peggy L. Baker, husband and wife

Dated: March 9, 1994
Recorded: March 17, 1994
Instrument No.: 94004705

RECORDED

APR 13 1994

1994

SCHEDULE B (continued)

Policy No. SV 2791819

52719

2. A Deed of Trust to secure an indebtedness of \$90,000.00, and any other amounts payable under the terms thereof.

Dated: November 11, 1998

Grantor: Ronnie D. Tillotson and Sherril I. Tillotson, husband and wife

Trustee: Pioneer Title Company of Bannock County

Beneficiary: Leland Avery, an unmarried man

Recorded: November 12, 1998

Instrument No.: 98022798

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APR 19 2000
COUNTY CLERK

6-1

BOUNDARY LINE AGREEMENT

AND
QUIT CLAIM DEED

THIS AGREEMENT made and entered into this 9th day of March 1994, by and between LELAND AVERY and MAXINE AVERY, husband and wife whose current address is 12200 South Dempsey Creek Road, Lava Hot Springs, Idaho 83246 (hereinafter "FIRST PARTY"), and KARMA S. VAN LAUVEN, a single person whose current address is 11723 So. Dempsey Creek Road, Lava Hot Springs, Idaho 83246, and BRENDA F. SMITH, a single person, whose current address is Box F, Grace, Idaho 83241, and REX L. BAKER and PEGGY ANN BAKER, husband and wife whose current address is 11716 So. Dempsey Creek Road, Lava Hot Springs, Idaho 83246, and BRUCE L. BAKER and PEGGY L. BAKER, Husband and wife, 4810 East Highway 30, Lava Hot Springs, Idaho 832476, (hereinafter "SECOND PARTY").

RECITALS

I.

The parties to this agreement are adjoining landowners of parcels of property located and described as follows:

FIRST PARTY:

Beginning at a point on the South line of Section 32, that is 1178 feet West of the Southeast corner of Section 32, Township 9, South, Range 38 East, Boise Meridian, Bannock County, Idaho; the said point being two rods West of the West side of the County Road at its intersection with the said South section line; running thence North 13° 36' East 594 feet; Thence 75° 51' East, 99 feet to the West side of the County Road; Thence North about 22° West, and following the West side of the County Road 844 feet, more or less, to the South 1/16 line of said section; Thence West along said South 1/16 line 46 rods, more or less, to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said section 32; Thence South 3 rods; Thence South 65° 15' West 87 rods to the meridional center line of said section; Thence South along said center line, 43 rods to the South Quarter corner of the said Section 32; Thence East along the South line of said Section, 88 rods, more or less, to the point of beginning.

THERE IS HOWEVER EXCEPTED FROM THE ABOVE TRACT, THE FOLLOWING TRACT:

BOUNDARY LINE AGREEMENT

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APR 19 2000

Bannock County, Idaho
Recorder's Office

6-2

Beginning at the South 1/4 corner of Section 32, Township 9 South, Range 38 East, Boise Beridian, thence North 0' 08' East along the meridional center line of the said Section 32, 174.25 feet;
 Thence East 250.0 feet;
 Thence South 0' 08' West, 174.24 feet, more or less, to the South boundary of the said Section 32;
 Thence West 250.00 feet, more or less, to the point of beginning. Being a part of the SW 1/4 SE 1/4 of Section 32, Township 9 South, Range 38 East of Boise Meridian, and containing 1.0 acre more or less.

SECOND PARTY: The East Half of the Southwest Quarter, the North Half of the Southeast Quarter and also, commencing at the Northwest corner of the Southwest Quarter of the Southeast Quarter and running thence South 37 rods;
 Thence in a Northeasterly direction 82 rods;
 Thence North 3 rods;
 Thence West 80 rods to the Place of Beginning, all in Section 32, Township 9 South, Range 38 East, Boise Meridian, in Idaho.

II.

The existing common boundary line between the two properties, as set forth in the deeds held by the parties is described as follows:

FIRST PARTY:

Thence West along said South 1/16 line, 46 rods, more or less, to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 32.

SECOND PARTY:

South line of the North half of the Southeast Quarter.

The parties desire to establish a new boundary line along an established fence line as a matter of mutual convenience between the adjoining properties.

For the reasons set forth above, and in consideration of the mutual covenants and promises contained in this agreement FIRST PARTY and SECOND PARTY agree as follows:

1. The new boundary line between the property owned by FIRST PARTY and SECOND PARTY, as established by a survey prepared by Alexander A. Hudson, a Professional Land Surveyor in the State of Idaho, shall be located as follows:

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A common boundary line located in Section 32, Township 9 South Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of said Section 32; Thence North 23° 06' 17" West 1448.71 feet to a 5/8" rebar with cap labelled "A.A. HUDSON, PLS 4735" set on the Westerly right-of-way line of Dempsey Creek Road, the True Point of Beginning;

Thence along a fence line through the following four courses; North 88° 50' 46" West 150.81 feet to a 5/8" rebar with cap; South 88° 44' 53" West 428.00 feet to a 5/8" rebar with cap; South 74° 19' 23" West 129.10 feet to a 5/8" rebar with cap; South 68° 57' 02" West 153.15 feet to a 5/8" rebar with cap.

2. Each of us does hereby remise, release and quitclaim as necessary to other party in this agreement any land lying between the common boundary line by deed and the new common boundary line.

~~Between the parties, constituting the entire agreement~~
representations of any kind preceding the date of this agreement shall not be binding on either party except to the extent incorporated in this agreement.

4. Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only in writing signed by each party or an authorized representative of each party.

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

FIRST PARTY:

Leland Avery
LELAND AVERY

Maxine Avery
MAXINE AVERY

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APR 18 2010

County Clerk, Bannock County, Idaho

6-4

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SECOND PARTY:

Karma S. Van Lauven
KARMA S. VAN LAUVEN

Brenda F. Smith
BRENDA F. SMITH

Rex L. Baker
REX L. BAKER

94004705

NO. 1
RECORDED
PIONEER TITLE

'94 MAR 17 A11:38

OFFICIAL
BANNOCK COUNTY
LARRY W. CHAN
EE-18 DEPUTY

Peggy Ann Baker
PEGGY ANN BAKER

Bruce L. Baker
BRUCE L. BAKER

Peggy L. Baker
PEGGY L. BAKER

STATE OF IDAHO)
County of Bannock) ss

On this 9th day of March, 1994, before me, the undersigned Notary Public, personally appeared Leland Avery and Maxine Avery, husband and wife and known to me to be the parties whose names are subscribed to the foregoing document and acknowledged to me that they executed the same.

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

Janice R. Casner

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

NOTARY SEAL

Janice R. Canine
NOTARY PUBLIC FOR IDAHO
Residing at: Law Hot Springs, Id.
Commission Expires: May 14, 1994

(SEAL)

STATE OF IDAHO)
 : ss
County of Bannock)

On this 9th day of March, 1994, before me, the undersigned Notary Public, personally appeared Karma S. Van Lauven, a single person, and known to me to be the partie whose name is subscribed to the foregoing document 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 first above written.

NOTARY SEAL

Janice R. Canine
NOTARY PUBLIC FOR IDAHO
Residing at: Law Hot Springs, Id.
Commission Expires: May 14, 1994

(SEAL)

STATE OF IDAHO)
 : ss
County of Bannock)

On this 10th day of March, 1994, before me, the undersigned Notary Public, personally appeared Brenda F. Smith, a single person and known to me to be the partie whose name is subscribed to the foregoing document 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 first above written.

Janice R. Canine
NOTARY PUBLIC FOR IDAHO

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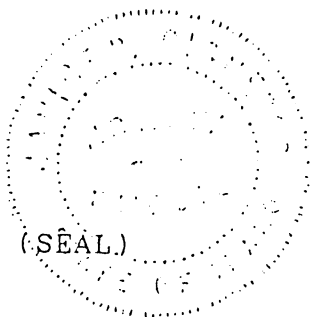
Residing at: Lava Hot Springs, Id.
Commission Expires: May 14, 1994

(SEAL)

STATE OF IDAHO)
: ss
County of Bannock)

On this 9th day of March, 1994, before me, the undersigned Notary Public, personally appeared Rex L. Baker and Peggy Ann Baker, husband and wife and known to me to be the parties whose names are subscribed to the foregoing document and acknowledged to me that they executed the same.

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

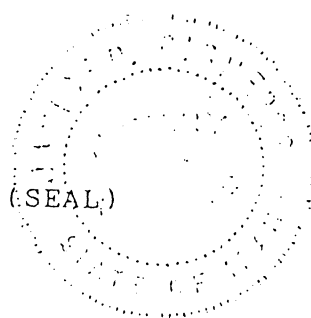


Janice R. Casner
NOTARY PUBLIC FOR IDAHO
Residing at: Lava Hot Springs, Id.
Commission Expires: May 14, 1994

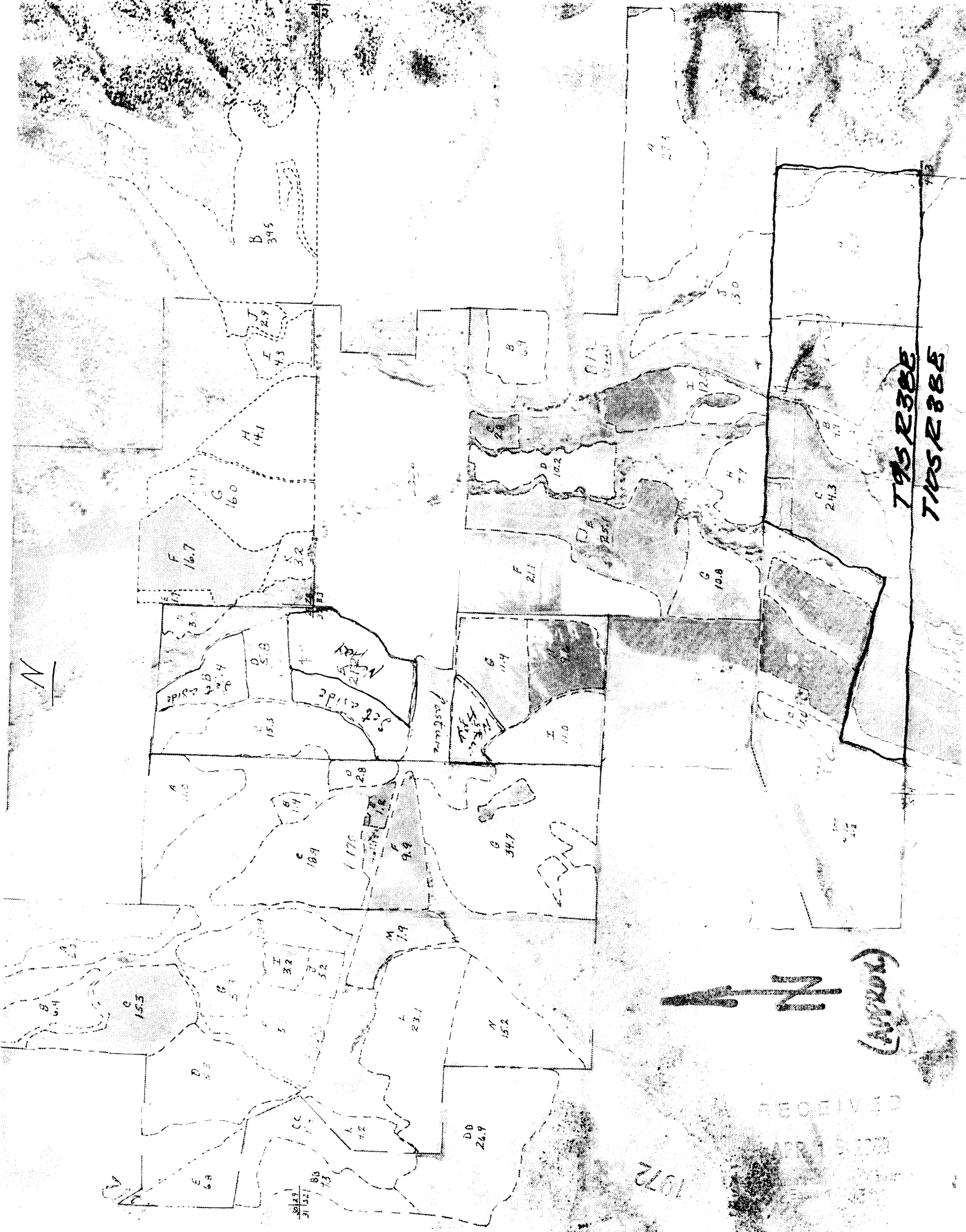
STATE OF IDAHO)
: ss
County of Bannock)

On this 10th day of March, 1994 before me, the undersigned Notary Public, personally appeared Bruce L. Baker and Peggy L. Baker, husband and wife and known to me to be the parties whose names are subscribed to the foregoing document and acknowledged to me that they executed the same.

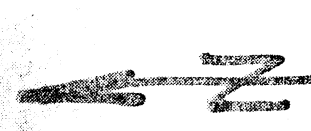
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Janice R. Casner
NOTARY PUBLIC FOR IDAHO
Residing at: Lava Hot Springs, Id.
Commission Expires: May 14, 1994



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