



RECEIVED
AUG 26 2005
Department of Water Resources

101 S. Capitol Boulevard, Suite 1900
Boise, Idaho 83702
main 208.389.9000
fax 208.389.9040
www.stoel.com

August 26, 2005

TERESA A. HILL
Direct (208) 387-4264
tahill@stoel.com

VIA HAND DELIVERY

Roxanne Brown, Sr. Water Resource Agent
State of Idaho - Department of Water Resources
322 Front Street
Boise, Idaho 83720

Re: Evidence of Priority Date – Water Right No. 75-4309

Dear Ms. Brown:

I am writing in response to your June 29, 2005 letter requesting evidence of the priority date and historic use of Water Right No. 75-04309. The letter required a response by July 29, 2005, however, Zulma Velazquez spoke to your office on July 18, 2005 and received a thirty-day extension, which pushed our deadline to August 29, 2005. We are timely submitting the requested evidence based on the extended deadline.

Enclosed is the Affidavit of Steven H. Porter, which attaches the evidence we were able to find regarding the 1928 priority date for Water Right No. 75-04309. As noted in the affidavit, in 1927 the deed to the land associated with the water right referenced the water rights associated with the property. More specifically, tax records from 1928 show that William Hoffman, the then owner of the property associated with Water Right No. 75-04309, paid taxes on "irrigated and grazing land." See Exhibit C. Subsequent transfers of the land continue to reference the ditches, water and water rights appurtenant to the land. Mr. Porter was also able to speak to individuals who had knowledge of the historical use of the water right on the property for irrigation beginning in the late 1920s, however, the individuals were not willing to sign affidavits to submit to the Department. Regardless, the information we were able to obtain, specifically the tax records from 1928, corroborate these oral histories. Information provided on the Department's website specifically mentions "property tax documents showing property was taxed as irrigated agriculture" as an example of documents that may be evidence of the priority date. Therefore, the 1928 tax records provide sufficient proof of the priority date and historical use.

For your information, the land associated with Water Right No. 75-4309, and the water right, were recently deeded to Elizabeth Porter Daane, Trustee of the Trust F/B/O Steven Porter Under the Main Trust of Frank H. Porter. See Exhibit A (August 1, 2005 Quitclaim Deed). We will be



Roxanne Brown
August 26, 2005
Page 2

filing a notice of change of ownership with the Department. In the meantime, I wanted to make you aware of this change to alleviate any confusion.

Please do not hesitate to contact me if you have any questions regarding the water right or the evidence provided. Thank you for all of your assistance in this matter.

Very truly yours,

Teresa A. Hill

Enclosures

RECEIVED

AUG 26 2005

Department of Water Resources

AFFIDAVIT OF STEVEN H. PORTER

STATE OF IDAHO)

) ss:

County of LEMHI

I, STEVEN H. PORTER, being first duly sworn, state that the following facts are true and correct and based upon my personal knowledge. If called to testify regarding these facts, I am competent to do so and would testify as follows:

1. I am the owner of the land referenced on the attached Exhibit "A" along with Water Right No. 75-4309. I make this Affidavit on belief and information gathered in response to a letter from the Idaho Department of Water Resources ("IDWR") dated June 29, 2005 requesting evidence of priority date for water right no. 75-4309.
2. On Thursday, August 11, 2005, I met with Bill Hoffman, son of William Hoffman. Bill informed me that he was born on the land in question and that his father William and his big brother Merle irrigated the hayfield and built the ditches beginning in the spring of 1928 after William Hoffman purchased the property on June 14, 1927, recorded as Instrument No. 33276 and attached hereto as Exhibit "B". The attached Exhibit B transfers all of the ditches, water and water rights appurtenant or belonging to said land. The property was first irrigated for agricultural use and grazing land in the spring of 1928.
3. On Friday, August 12, 2005, I visited the Lemhi County Tax Assessors and located handwritten tax records for the year 1928 evidencing that William Hoffman paid taxes on irrigated and grazing land on this property. A copy of the tax records for 1928 is attached hereto as Exhibit "C".
4. On Thursday, August 11, 2005, I met with Roy Hoffman son of Merle Hoffman who also was born on this property. Merle H. Hoffman and Ileta A. Hoffman, purchased the property on December 31, 1937, recorded on January 17, 1938 in Book 31 of Deeds, on page 391, Records of Lemhi County and attached hereto as Exhibit "D". The attached Exhibit D transfers all of the ditches, water and water rights appurtenant or belonging to said land. Roy Hoffman told me that his father, Merle, irrigated the land for a truck garden in the 1930's and 1940's.
5. On August 15, 1947, Merle H. Hoffman and Ileta F. Hoffman sold the property to Harold J. Landon and Zelma Landon recorded as Instrument No. 66793 and attached hereto as Exhibit "E". The attached Exhibit E transfers all of the ditches, water and water rights appurtenant or belonging to said land
6. On March 29, 1949, Stanley A. Morgan and Elna Turner Morgan purchased the property recorded as Instrument No. 70918 and attached hereto as Exhibit "F". The attached Exhibit F transfers all of the ditches, water and water rights appurtenant or belonging to said land

7. On November 26, 1951, Howard Nelson and Edna L. Nelson purchased the property recorded as Instrument No. 249976 and attached hereto as Exhibit "G". The attached Exhibit G

transfers all of the ditches, water and water rights appurtenant or belonging to said land

8. Claire R. Hisey and Theodore C. Hisey purchased the property on July 27, 1962, recorded as Instrument No. 97829 and attached hereto as Exhibit "H". The attached Exhibit H transfers all of the ditches, water and water rights appurtenant or belonging to said land Claire Hisey told me that she started living on the property in 1959 and irrigated the land throughout the 1960's for hay and grazing. Claire Hisey also informed me that during that time her husband Ted Hisey raised stock for the U.S.F.S.

9. On March 17, 1970, my parents, Frank H. Porter and Nancy L. Porter purchased the property attached hereto as Exhibit "I". The attached Exhibit I transfers all of the ditches, water and water rights appurtenant or belonging to said land My father, Frank Porter irrigated the fields for hay and also planted fruit trees. Frank Porter passed away in 2002.

DATED this 24 day of August, 2005.

STEVEN H. PORTER

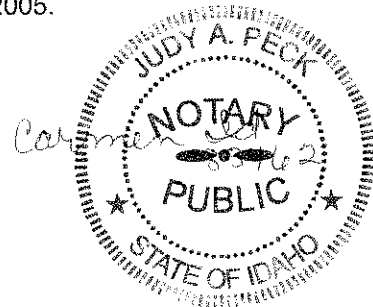


SUBSCRIBED AND SWORN to before me this 24th day of August, 2005.

NOTARY PUBLIC in and for the State

of Idaho, residing at: 348 Hwy 93N

My Commission Expires: 6-09-06



AFTER RECORDING, RETURN TO:

Dale G. Higer
STOEL RIVES LLP
101 S. Capitol Blvd., Ste. 1900
Boise, ID 83702

State of Idaho)
County of Lemhi) SS No. 263912
This instrument was filed for record at the request
of Stoel Rives LLP
at 12:30 clock p.m. 8-1 2005
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Es-Offical Recorder
By Terri J. Morton Deputy
Fee 9.00
Return to Stoel Rives

AMENDED QUITCLAIM DEED

(previously recorded as Instrument No. 262674)

FOR VALUE RECEIVED, ELIZABETH PORTER DAANE, SUCCESSOR TRUSTEE OF THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, AS AMENDED, Grantor, does hereby convey, release, remise and forever quitclaim unto ELIZABETH PORTER DAANE, TRUSTEE OF THE TRUST F/B/O STEVEN PORTER UNDER THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, Grantee, whose address is 29425 Chagrin Boulevard, Suite 207, Pepper Pike, Ohio 44122, the real property situated in Lemhi County, Idaho and more particularly described in Exhibit A attached hereto and made a part hereof, together with its appurtenances.

DATED this 26th day of July, 2005.

Elizabeth Porter Daane
ELIZABETH PORTER DAANE, SUCCESSOR
TRUSTEE OF THE MAIN TRUST OF
FRANK H. PORTER DATED JUNE 7, 2000

STATE OF OHIO)
) ss.
County of Cuyahoga)

On this 26th day of July, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared ELIZABETH PORTER DAANE, SUCCESSOR TRUSTEE OF THE MAIN TRUST OF FRANK H. PORTER DATED JUNE 7, 2000, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument as Successor Trustee, and acknowledged to me that he executed the same as such Successor Trustee.

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

Albert J. Barnabei
Notary Public for Ohio
Residing at PEPPER PIKE OHIO
My commission expires: DEC 9, 2009

ALBERT J. BARNABEI
Notary Public, State of Ohio

My Commission Expires Dec. 9, 2009

EXHIBIT

A

EXHIBIT A**PARCEL "A"**

The following described premises, in Lemhi County Idaho, to-wit:

Lots 8, 9, 10 and 11, Section 1; and Lot 8, Section 2, Township 23 North of Range 21 East of the Boise Meridian. Consisting of approximately 191.79 acres, more or less.

Together with all water and water rights, ditch and ditch rights thereunto belonging or in anywise appertaining thereto.

Together with all mineral and mineral rights, known and unknown, if any.

Together with appurtenances thereto.

PARCEL "B"

A parcel of land located in the E ½, Section 34, T. 24 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the E ¼ Corner of said Section from which the NE Corner of Section 34 bears N 00°02'00" W, 2634.62 ft. the Basis of Bearing of this description, run thence S 00°03'26" E a distance of 446.78 ft. to a point on the right-of-way of U.S. Highway 93;

Thence S 45°36'07" W along said right-of-way a distance of 1217.88 ft. to the POINT OF BEGINNING;

Continue thence along said right-of-way the following courses:

S 45°36'07" W, 960.71 ft.; 867.20 ft. along a curve to the right having a radius of 586.62 ft., a central angle of 84°42'00" and a chord bearing N 83°19'42" W for 790.36 ft.;

Along the chord of a spiral curve to the right N 34°11'34" W, 169.10 ft.; 758.30 ft. along a curve to the right having a radius of 1223.24 ft., a central angle of 35°31'06" and a chord bearing N 11°04'09" W for 746.22 ft.;

Thence N 33°56'46" E leaving said right-of-way a distance of 505.13 ft.;

Thence N 33°28'22" E a distance of 541.20 ft.;

Thence N 87°52'56" E a distance of 76.33 ft.;

Thence S 22°33'15" E a distance of 226.01 ft.;

Thence S 11°07'22" E a distance of 407.44 ft.;

Thence S 57°43'15" E a distance of 750.03 ft.;

Thence N 71°52'50" E a distance of 197.60 ft.;

Thence S 16°48'02" E a distance of 227.27 ft. to the POINT OF BEGINNING.

**PARCEL CONTAINS 41.85 ACRES
THREE (3) SPLITS REMAIN**

SUBJECT TO: A 30.00 ft. wide ingress/egress easement 15.00 ft. each side of the following described line:

Commencing at said E ¼ Corner of Section 34 from which the NE Corner of Section 34 bears N 00°02'00" W, 2634.62 ft., the Basis Of Bearing of this description, run thence S 67°28'54" W a distance of 2798.70 ft. to a point in the easterly right-of-way of U.S. Highway 93, said point being the **POINT OF BEGINNING**;

Thence along the center of an existing driveway the following courses:

N 64°22'52" E, 41.63 ft.; N 45°10'40" E, 51.19 ft.;

N 34°37'12" E, 91.23 ft.; N 25°52'09" E, 66.19 ft.;

N 18°48'21" E, 111.42 ft.; N 31°05'14" E, 61.12 ft.;

N 46°22'55" E, 191.70 ft.; N 37°35'58" E, 157.30 ft.;

N 22°41'08" E., 184.95 ft.; N 38°09'44" E, 68.77 ft.;

74.02 ft. along a curve to the right having a radius of 40.00 ft., a central angle of 106°01'35" and a chord bearing S 88°49'29" E for 63.90 ft.;

S 35°48'41" E, 42.49 ft.; S 18°20'24" E, 257.51 ft.;

S 14°31'57" E, 221.88 ft.; S 22°01'21" E, 72.92 ft.;

S 28°01'02" E, 98.09 ft.; S 36°12'49" E, 301.66 ft.;

S 53°56'25" E, 84.62 ft.; S 77°20'07" E, 203.95 ft.;

76.32 along a curve to the left having a radius of 30.00 ft., a central angle of 145°45'51" and a chord bearing N 29°46'58" E for 57.34 ft.;

N 43°05'58" W, 133.63 ft.; N 14°55'26" W, 91.16 ft. to a point on the northerly boundary of the above described parcel, said point being the **POINT OF TERMINUS**.

The sidelines of this easement being lengthened or shortened to conform with the grantor's and grantee's property lines.

Together with all water and water rights, ditch and ditch rights thereunto belonging or in anywise appertaining thereto.

Together with all mineral and mineral rights, known and unknown, if any.

Together with appurtenances thereto.

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:31PM P6

8

Instrument No. 53275

This Indenture, Made this 14th day of June in the year of our Lord one thousand nine hundred and twenty-seven Between ALLEN C. MERRITT and INEZ M. MERRITT, husband and wife, of Salmon, Lemhi County, State of Idaho, the parties of the first part, and

WILLIAM J. HOFFMAN of Lemhi County, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of EIGHT HUNDRED DOLLARS, 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 his heirs and assigns forever, all those certain lots, pieces or parcels of land situated, lying and being in the County of Lemhi, State of Idaho, particularly described as follows, to-wit:

Lots five and nine, the southeast quarter of the northeast quarter, the south half of the northeast quarter of the northeast quarter, and the east half of the northeast quarter of the northeast quarter of the northeast quarter of Section thirty-four (34) in Township twenty-four north, Range twenty-one East Boise Meridian; containing 125.05 acres of land according to the government survey thereof; Together with all ditches, water and water rights appurtenant or belonging to the said land or used in connection therewith;

Together with all and singular and tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part, his 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.

Signed, sealed and delivered in the presence of

Allen C. Merritt

Inez M. Merritt

SEAL

SEAL

SEAL

STATE OF IDAHO,
COUNTY OF LEMHI,

On this 14th day of June, in the year 1927, before me John H. Padgham

a Notary Public in and for the said County, personally appeared Allen C. Merritt and Inez M. Merritt, 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.

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-

John H. Padgham

Notary Public of the State of Idaho,

Residing at Salmon, Lemhi County, Idaho.

Recorded at request of William J. Hoffman

at 7 minutes past 4

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EXHIBIT

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W.H. Simmons

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FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:31PM P5

74

Instrument No. 56696

Blackfoot 044114

4--1003

THE UNITED STATES OF AMERICA,

TO ALL/WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of William J. Hoffman has been established, and duly consummated, in conformity to law, for the Lot sixteen of Section thirty-four in Township twenty-four north of Range twenty-one east of the Boise Meridian, Idaho, containing twenty-seven acres and ninety-three hundredths of an acre, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE;

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant 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 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, Franklin D. 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 TWENTY-THIRD day of JUNE in the year of our Lord one thousand nine hundred and THIRTY-THREE and of the Independence of the United States the one hundred and FIFTY-SEVENTH

By the President Franklin D. Roosevelt
By Leafie E. Gietz, Secretary

(SEAL)

Emma L. Warren
Recorder of the General Land
Office

RECORDED: Patent Number 1064846 6--6020

Recorded at the request of Preston Thatcher August 11, 1947 at 56 minutes past 11 o'clock A.M., in Book 40 of Deeds page 374 Records of Lemhi County, Idaho.

W. W. Simmonds, County Recorder

By Linda M. M. [Signature] Deputy

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FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:32PM P7

This Indenture, Made this 31st day of December in the year of our
 one thousand nine hundred and thirty-seven between
William J. Hoffman and Esther M. Hoffman, husband and wife, of Salmon, County of Lemhi,
State of Idaho the part 1st of the first part, and
Merle H. Hoffman and Elata A. Hoffman of Salmon, County of Lemhi, State of Idaho
 the part 1st of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of
ONE DOLLAR and other valuable consideration DOLLARS
lawful money of the United States of America, to them in hand paid by the said parties of the second part,
 receipt where of is hereby acknowledged, have 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
 the following described real estate, situated in the County of Lemhi, State of Idaho,
 to-wit:
Lots 5, 9 and 6, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section
Township 24 North, Range 21 East of the Boise Meridian, in Lemhi County, Idaho.
Together with all water, water rights, ditches and ditch rights thereto belonging or
in anywise appertaining.
 Except that part of said Lot 6 embraced in H. E. S. #30 in said Section 34.
 This conveyance is made subject to one certain mortgage given by said parties of the
 first part to John H. Coles, dated November 21, 1932, and given to secure one certain
 note of even date with said mortgage in the sum of \$2218.52, due three years after its
 date and bearing interest at the rate of 7% per annum, payable annually, which said note
 and mortgage the said parties of the second part assume and agree to pay and to hold the
 said parties of the first part harmless therefrom.
 Said mortgage being recorded in the office of the County Recorder of said county of
 Lemhi in Book "N" of Mortgages at page 51.

Documentary stamp \$.50 canceled W J H, E M H 12-31-37

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
 the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the
 said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, unto the said
 parties of the second part, and to their heirs and assigns forever.

TO HAVE AND 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 parties of the first part, and their heirs,
 the said premises in the quiet and peaceful possession of the said parties of the second part, their 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 hand and seals, the day and
 year first above written.

Signed, sealed and delivered in the presence of
William J. Hoffman (SEAL)
Esther M. Hoffman (SEAL)
(SEAL)

STATE OF IDAHO, }
 COUNTY OF LEMHI, } ss.

On this 31st day of December, in the year 1937, before me Enoch W. Whitcomb
Notary Public in and for said County, personally appeared
William J. Hoffman and Esther M. Hoffman, known

to me to be the person whose name are subscribed to the within instrument, 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 in this certificate first above
 written.

(SEAL)

Enoch W. Whitcomb
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Recorded at request of Merle H. Hoffman at minutes past 2
PM, this 17th day of January, 1938, in Book 31 of Deeds, on page 391, Records of Lemhi County,

W. W. Simmonds

County Recorder.

EXHIBIT

tabbies

04

Instrument No. 66793

A F F I D A V I T

STATE OF IDAHO :
County of Lemhi : ss.

W. H. SHOUP being first duly sworn according to law, deposes and says:

I am a natural born citizen of the United States of America over the age of twenty-one years, and a resident of Lemhi County, Idaho;

That I know of my own knowledge that Martha J. Carman, grantee of that certain Town site Deed, dated July 22, 1885 and recorded July 29, 1885, in Book D of Deeds page 121, Records of Lemhi County, Idaho and Mrs. Martha J. Carman, grantor of that certain Deed dated March 4, 1886 and recorded March 27, 1886 in Book C of Deeds page 575, Records of Lemhi County, Idaho, was one and the same person and she was an unmarried woman as of the date of both the above described conveyances.

Further deponent saveth not.

W. H. Shoup

Subscribed and sworn to before me this 2 day of Sept, 1947.

(SEAL)

Charles Herndon
Notary Public for the State of Idaho
Residing at Salmon, Idaho.

Recorded at the request of Charles Harndon September 2, 1947 at 45 minutes past 11 o'clock A. M. in Book 40 of Deeds page 404 Records of Lemhi County, Idaho.

W. W. Simmonds, County Recorder

Fees, \$.50 Paid

By Harold M. M. Frederick, Dep.

Instrument No. 66794

WARRANTY DEED

- THIS INDENTURE, Made this 15th day of August in the year of our Lord one thousand hundred and forty-seven between Marie H. Hoffman and Ileta F. Hoffman, husband and wife of the, County of Lemhi, State of Idaho the parties of the first part, and Harold J. Landon and Zelma Landon, husband and wife, of the, County of Lemhi State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of EIGHTY FIVE HUNDRED and No/100 DOLLARS, lawful money of the United States of America to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, ha 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 assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to wit:

Lots 5, 9, and 16 and the ~~SIDE~~^{SOUTHWEST} 1/4 of Section 34, Twp. 24 North, Range 21 E., E.M.; and that portion of Homestead Entry Survey No. 50, situate in said Section 34, Twp. and Range aforesaid, particularly described as follows, to-wit:

Beginning at Corner No. 5, H.E.S. No. 50 in Section 34, and Section 27, Township 24 North of Range 21 East of the Boise Meridian thence North 28 deg. 58' West 668 feet more or less, to the easterly right of way line of U.S. Highway 93; thence northeasterly along said easterly right of way line of U.S. Highway 93 925 feet; thence South 89 deg. 58' East 35 feet to the line between Corner No. 5 and Corner No. 6 of H.E.S. No. 50; thence South 0 deg. 02' East 850 feet more or less to the place of beginning, containing 9.8 acres more or less.

Together with all water rights, ditches and ditch rights, and any and all range rights belonging thereto or used in connection therewith.

DOCUMENTARY STAMPS \$9.35 CANCELLED 9-2-47 P. T.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto 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 parties of the second part, and to their 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 parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, 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.

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EXHIBIT

Abstract

Instrument No. 70916

WARRANTY DEED

THIS INDENTURE, Made this 29th day of March, in the year of our Lord, One Thousand Nine Hundred and forty nine., by and between Harold J Landon, and Zelma Landon husband and wife, of the County of Jefferson County, State of Idaho, the parties of the first part, and Stanley A Morgan and Elma Turner Morgan husband and wife of the County of Jefferson, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ten and other trade values. - - - DOLLARS lawful money of the United States of America, to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part and to their heirs and assigns forever, all the following described real estate, situate in the County of Lemhi, State of Idaho, to wit: lots five nine and sixteen and the ~~Sixth~~ of section 34 twp 24 north range 21E B M. and that portion of homestead entry survey No 50, situated in said section 34, Twp and range aforesaid particularly described as follows to wit.

beginning at the corner no 5 H.E.S. no 50 in section 34 and section 27, township 24 north of range 21 E B M. thence north 89 degrees 58 west 668 feet more or less to the easterly right of way line of U S. highway 93 thence northeasterly along said easterly right of way line of U S highway 93, 925 feet thence south 29 deg. 58 east 35 feet to the line between corner no 5, and corner no 6, of H E S, no 50. thence south 0 deg 08 east 850 feet more or less to the place of beginning containing 9.8 acres more or less.

together with all water rights ditches and ditch rights and any and all range rights belonging thereto or used in connection therewith.

and to assume and pay one certain mortgage of \$3,300.00 now thereon.

DOCUMENTARY STAMPS	\$6.05	CANCELLED	10/25/49	S.M.
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TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or 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 parties of the second part, and to their 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 parties of the second part, and their 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 part of the first part have hereunto set their hands and seals the day and year first above written.

Harold J Landon (SEAL)
Zelma Landon (SEAL)

Signed, sealed and delivered)
in the presence of)

STATE OF IDAHO,)
) ss.
County of Bonneville)

On this 8th day of April, in the year 1949 before me, S T Johnson, a Notary Public in and for State of Idaho, personally appeared Harold J Landon and Zelma Landon his 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.

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

S. T. Johnson (((SEAL)))
Notary Public.
Residing at Idaho Falls Idaho
My commission expires January 17th, 1952.

STATE OF IDAHO,)
) ss.
County of Lemhi)

I hereby certify that this instrument was filed for record at the request of Stanley A. Morgan at 55 minutes past 11 o'clock A.M., this 25th day of October, 1949 in my office and duly recorded in Book 42 of Deeds, at page 149.

Fees, \$1.50 Pd.

W. W. Simmonds,
Ex-Officio Recorder.

EXHIBIT

BY Handwritten Signature Deputy

Instrument No. 74976

WARRANTY DEED

THIS INDENTURE, Made this 26th. day of November in the year of our Lord one thousand nine hundred and Fifty-One, between Stanley A. Morgan and Elna Turner Morgan, his wife of Salmon, County of Lemhi State of Idaho, the parties of the first part, and Howard Nelson and Edna L. Nelson Husband and Wife of Garmon, County of Lemhi State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Seventy-Seven Hundred-Fifty and No/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents does 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 Legal Description Below County of Lemhi, State of Idaho, to-wit:

Lots, 5, 9, 16 (Five, Nine and Sixteen) and the S $\frac{1}{2}$ -SE $\frac{1}{4}$ of Section 34, Twp. 24 North Range 21 E.B.M. and that Portion of Homestead Entry survey No. 50, situated in said Section 34, Twp. and Range aforesaid, particularly described as follows to-wit:

Beginning at a corner No 5 H.E.S. No. 50 in Section 34 and Section 27, Twp. 24 North of Range 21 E.B.M. thence North 89 degrees 58' West 668 feet more or less to the Easterly Right of Way Line of U.S. Highway 93 thence Northerly, or Northeasterly along said Easterly Right of way line of U.S. Highway 93, 925 feet thence South 89 degrees, 58' East 35 feet to the line between corner No 5, and corner No 6, of H.E.S. No 50 thence South 0 deg. 02 East 850 feet more or less to the place of beginning, Containing 9.8 Acres more or less

Together with all water, water rights, ditches and ditch rights and any and all Range rights belonging there-to or used in connection therewith.

DOCUMENTARY STAMPS \$8.80 Cancelled 1/23/52 H.N.

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 parties of the second part, and to their 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 parties of the second part their 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Stanley A. Morgan
Elna L. Morgan

(Seal)
(Seal)

STATE OF IDAHO,)
COUNTY OF LEMHI) ss.

On this 4th. day of December in the year 1951, before me The Undersigned, a Notary Public in and for said State, personally appeared Stanley A. Morgan & Elna L. Morgan his 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.

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))

F. W. Moultrie
Notary Public for the State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO,)
COUNTY OF LEMHI) ss.

I hereby certify that this instrument was filed for record at request of F. W. Moultrie at 51 minutes past 4 o'clock P.M., this 23rd day of January, A.D. 1952 in my office, and duly entered in Book 43 of Deeds at page 403

W. W. Simmonds
Ex-Officio Recorder

By *Lin C. Stenness*

EXHIBIT

B

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:34PM P11

said State, personally appeared VIRGIL M. HARRIS and FRIEDA HARRIS known 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 WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

C Walker Lyon
Notary Public for the State of Idaho
Residing at Salmon, Idaho

(SEAL)

STATE OF IDAHO,) SS.
COUNTY OF LEMHI)

I hereby certify that this instrument was filed for record at request of Hazel Schofield at 30 minutes past 3 o'clock P. M., this 26th day of September, A.D. 1962 in my office, and duly entered in Book 48 of Deeds at pages 516-17.

Paul Adams - Ex-Officio Recorder

Fee, \$1.75 Paid

By Marguerite Butler Deputy

Instrument No. 97829

WARRANTY DEED

WARRANTY DEED

THIS INDENTURE, Made this 27th day of July in the year of our Lord one thousand nine hundred and sixty-two, between HOWARD NELSON and EDNA L. NELSON, husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and THEODORE G. HISEY and CLAIRE R. HISEY, husband and wife, of the County of Lemhi State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and clearance of title, lawful money of the United States of America, to them in hand paid by the said parties 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 parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to-wit:

Lots 5, 6 and 9 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of S. 34, T. 24 North Range 21, E.B.M. and that portion of Homestead Entry Survey No. 50, situated in said Section 34, T. and Range aforesaid, particularly described as follows, to-wit:

Beginning at a corner No. 5 H. E. S. No. 50 in S. 34 and S. 27, T. 24 N.R. 21, E.B.M., and thence North 89° 58' West 668 feet, more or less, to the easterly right of way line of U. S. Highway 93; thence Northwardly, or Northeasterly along said Easterly right of way line of U.S. Highway 93, 925 feet; thence South 89° 58' East 35 feet to the line between corner No. 5 and corner No. 6 of H.E.S. No. 50; thence South 0° 02' East 850 feet, more or less to the place of beginning, containing 9.8 acres, more or less.

EXCEPTING a fraction of Lots 6 and 9 in S. 34, T. 24 N., R. 21 E., Boise Meridian, more particularly described as follows, to-wit:

Beginning at Corner No. 4 of H.E.S. No. 50 in said Lot 6, run thence East along the South boundary of H.E.S. No. 50, a distance of 340.0 feet, more or less, to a point on the Westerly right-of-way line of U.S. Highway No. 93; thence Southeasterly along said right of way line 2300.00 feet; thence South to the Northeasterly bank of Salmon River; thence Northwesterly along the Northeasterly bank of Salmon River 2600 feet, more or less, to beginning.

This is a correction deed to correct the description appearing in that deed dated March 20, 1961, recorded June 28, 1961, in Book 48 of Deeds at page 168 in the office of the County Recorder at Salmon, Idaho, it being understood that the description as set forth in this present deed is the correct description and is the description that should have appeared in the original deed.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging 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 parties of the second part, and to their 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 parties of the second part their 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Howard Nelson (Seal)
Edna L. Nelson (Seal)

STATE OF IDAHO,) SS.
COUNTY OF LEMHI)

On this 27th day of July in the year 1962, before me the undersigned, a Notary Public in and for said State, personally appeared Howard Nelson and Edna L. Nelson, 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.

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

Frederick Hughes Snook
Notary Public for the State of Idaho
Residing at Salmon, Idaho

(SEAL)

STATE OF IDAHO,) SS.
COUNTY OF LEMHI)

I hereby certify that this instrument was filed for record at request of Fred H. Snook at 25 minutes past 3 o'clock P. M., this 27th day of September, A.D. 1962 in my office, and duly entered in Book 48 of Deeds at page 517

Paul Adams - Ex-Officio Recorder

Fee, \$2.25 Paid

By Marguerite Butler Deputy

EXHIBIT

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the sum of **nothing**;

FROM : TRANSPORTER ALASKA

FAX NO. : 406 682 3588

Aug. 15 2005 02:35PM P13

that the estimated expense of closing the estate will amount to **nothing**

, leaving a

residue of **all property listed in inventory**

; and it appearing

that all claims and debts against the said decedent, and all State, County and Municipal taxes legally levied on the personal property of said estate, and all transfer and estate taxes that have attached to or accrued

against the said estate,

and all debts, expenses and charges of administration have been fully paid and discharged, and that said estate is ready for distribution and in conditions to be closed;

And it further appearing to the Court that the said **Theodore C. Hisey**

died **in** testate, in the County of

Lamhi

, State of

Idaho

on the **10th**

day of

August

, A.D. 19**69**, leaving surviving

Claire R. Hisey, surviving wife;

That the said **Claire R. Hisey is**

entitled to

all

the residue of said estate

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the residue of said estate of

Theodore C. Hisey

, deceased, hereinafter particularly

described and now remaining in the hands of said

administratrix

described as follows, to-wit:

Certain real and personal property in Lemhi County, Idaho, described as follows, to wit:

Lots 5, 6 and 9 and the S. 34, T. 24, N.R. 21, E.B.M., and that portion of Homestead Entry Survey No. 50, situated in said S. 34, Township and Range aforesaid, particularly described as follows, to wit:

Beginning at corner No. 5, H.E.S. No. 50 in S. 34 and S. 27, T. 24 N.R. 21, E.B.M., and thence N. $89^{\circ}58'$ W. 668 feet, more or less, to the easterly right of way line of U.S. Highway 93; thence Northerly, or Northeasterly along said Easterly right of way line of U.S. Highway 93, 925 feet; thence South $89^{\circ}58'$ E. 35 feet to the line between corner No. 5 and corner No. 6 of H.E.S. No. 50; thence South $0^{\circ}02'$ E. 850 feet, more or less, to the place of beginning, containing 9.8 acres, more or less.

EXCEPTING a fraction of Lots 6 and 9 in S. 34, T. 24 N., R. 21 E., Boise Meridian, more particularly described as follows, to wit:

Beginning at Corner No. 4 of H.E.S. No. 50 in said Lot 6, run thence East along the South boundary of H.E.S. No. 50, a distance of 340.0 feet, more or less, to a point on the Westerly right of way line of U.S. Highway No. 93; thence Southeasterly along said right of way line 2300.0 feet; thence South to the Northeasterly bank of Salmon River; thence Northwesterly along the Northeasterly bank of Salmon River 2600 feet, more or less, to beginning.

Together with all water and water rights, ditch and ditch rights used in connection therewith.

Balance owing on the Nelson sales agreement;

(1) one Chevrolet station wagon and (1) one Scout motor vehicle;

All cash in the Idaho First National Bank at Salmon, Idaho;

IN THE PROBATE COURT, COUNTY OF LEMHI, STATE OF IDAHO

I, Irvin C. Robertson, Judge and Ex-Officio Clerk of the aforesaid Court, do hereby certify that the within or hereunto annexed instrument is a true, true and correct copy of the original *Microfilm*

Without Judicial Review & Distribution on file

In this Court, File No. *10610* of *Probate*

Records, Lemhi County, State of Idaho.

IN WITNESS WHEREOF, I, this *23rd* day of *March* 19*70*, hereunto set my hand and affixed the seal of this Court.

Irvin C. Robertson
Probate Judge

and any other property not now known or discovered, which may belong to the said estate or to which the said estate may have any interest, be and the same is hereby distributed as follows, to-wit: to **CLAIRE R. HISEY.**

113509

State of Idaho }
County of Lemhi } ss

Recorded at the request of

Fred H. Snook

March 24 19 70

at 5 minutes past 2 o'clock

P. M. in File of

Deed Records of Lemhi
County, Idaho

Eleanor Aldous

County Recorder

By *Marguerite Butler*
Deputy

Fee: \$ 3.00 Paid

WARRANTY DEED

1 For value received, ~~CLAIRE R. HUSEY~~, a widow, the grantor,
 2 does hereby grant, bargain, sell and convey unto FRANK H. PORTER
 3 and NANCY L. PORTER, husband and wife, the grantees, the following
 4 described premises in Lemhi County, State of Idaho, to wit:
 5

6 Lots 5, 6 and 9, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 24
 7 North, Range 21, East Boise Meridian, and that portion of Homestead
 8 Entry Survey No. 50, situated in said Section 34, Township and Range
 9 aforesaid, particularly described as follows, to wit:

10 Beginning at a corner No. 5, H.E.S. No. 50, in Section 34 and
 11 Section 27, Township 24 North, Range 21, East Boise Meridian, and
 12 thence North 89°58' West 668 feet, more or less, to the easterly
 13 right-of-way line of U.S. Highway No. 93; thence North 36°36' East,
 14 1061.0 feet, more or less; thence South 89°58' East, 35 feet to the
 15 line between corner No. 5 and corner No. 6 of H.E.S. No. 50; thence
 16 South 0°02' East 850 feet, more or less, to the place of beginning,
 17 together with all water and water rights used in connection there-
 18 with.

19 EXCEPTING a fraction of Lots 6 and 9 of Section 34, Township
 20 24 North, Range 21, East Boise Meridian, more particularly described
 21 as follows, to wit:

22 Beginning at Corner No. 4 of H.E.S. No. 50 of said Lot 6, run
 23 thence East along the South boundary of H.E.S. No. 50 a distance of
 24 340.0 feet, more or less, to a point on the Westerly right-of-way
 25 line of U.S. Highway No. 93; thence Southeasterly along said right-
 26 of-way line 2300.0 feet; thence South to the Northeasterly bank of
 27 Salmon River; thence Northwesterly along the Northeasterly bank of
 28 the Salmon River, 2600 feet, more or less, to beginning, together
 29 with all water and water rights used in connection therewith.

30 ALSO, EXCEPTING a fraction of Lot 6 and 9, in Section 34,
 31 Township 24 North, Range 21 East, Boise Meridian, more particularly
 32 described as follows, to wit:

33 Commencing at the intersection of the South boundary of H.E.S.
 34 No. 50, in said Lot 6, and the Easterly right-of-way line of U.S.
 35 Highway No. 93, run thence Southerly along the Easterly right-of-way
 36 line of U.S. Highway No. 93, on a curve to the East for a distance
 37 of 247.4 feet to the point of beginning, and the Northwesterly
 38 corner of the tract of land herein described; thence North 81°43'
 39 East 168.9 feet; thence South 15°11' East 389.0 feet; thence South
 40 78°55' West 183.8 feet to a point on the Easterly right-of-way line
 41 of U.S. Highway No. 93; thence Northerly along said right-of-way
 42 line, on a curve to the East for a distance of 395.5 feet, more or
 43 less, to the point of beginning, together with all improvements
 44 thereon and all water and water rights, ditch and ditch rights used
 45 in connection therewith.

46 The grantor hereby gives and grants to the grantees
 47 to use the existing road across the property described here
 48 the exception for purposes of ingress and egress to the pr
 49 being purchased by said grantee.

50 TO HAVE AND TO HOLD the said premises, with their
 51
 52

EXHIBIT

I

1 unto the said grantees, their heirs and assigns forever. And the
 2 said grantor does hereby covenant to and with the said grantees,
 3 that she is the owner in fee simple of said premises; that said
 4 premises are free from all incumbrances and that she will warrant
 5 and defend the same from all lawful claims whatsoever.
 6

7 Dated: March 17, 1970.

8 Claire R. Hisey
 9

10 STATE OF IDAHO
 11

12 County of Lemhi--SS

13 On this 17th day of March, 1970, before me, a notary public
 14 in and for said state, personally appeared Claire R. Hisey, a
 15 widow, known to me to be the person whose name is subscribed to
 16 the within instrument, and acknowledged to me that she executed
 17 the same.
 18

19 Fredrick K. Hughes
 20

21 Notary Public for Idaho, Residing at Salmon, Idaho.

22 213875

23 State of Idaho }
 24 County of Lemhi } ss

25 Recorded at the request of
 26 Lemhi Title & Abstract

27 May 25th 19 70
 28 at 21 minutes past 3 o'clock

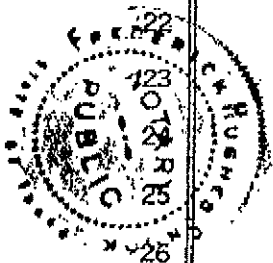
29 P. M. to File of

30 Deed Records of Lemhi
 31 County Idaho

32 Eleanor Aldous

Notary Recorder

Opal Reddington



THE FIDELITY
LAWYER
SALMON, IDAHO

2

Fees, \$2.00 Paid