Idaho Department of Water Resources

Claim Number: 65-03124A

Legal: T08N, R02W, S2

Reviewed By:

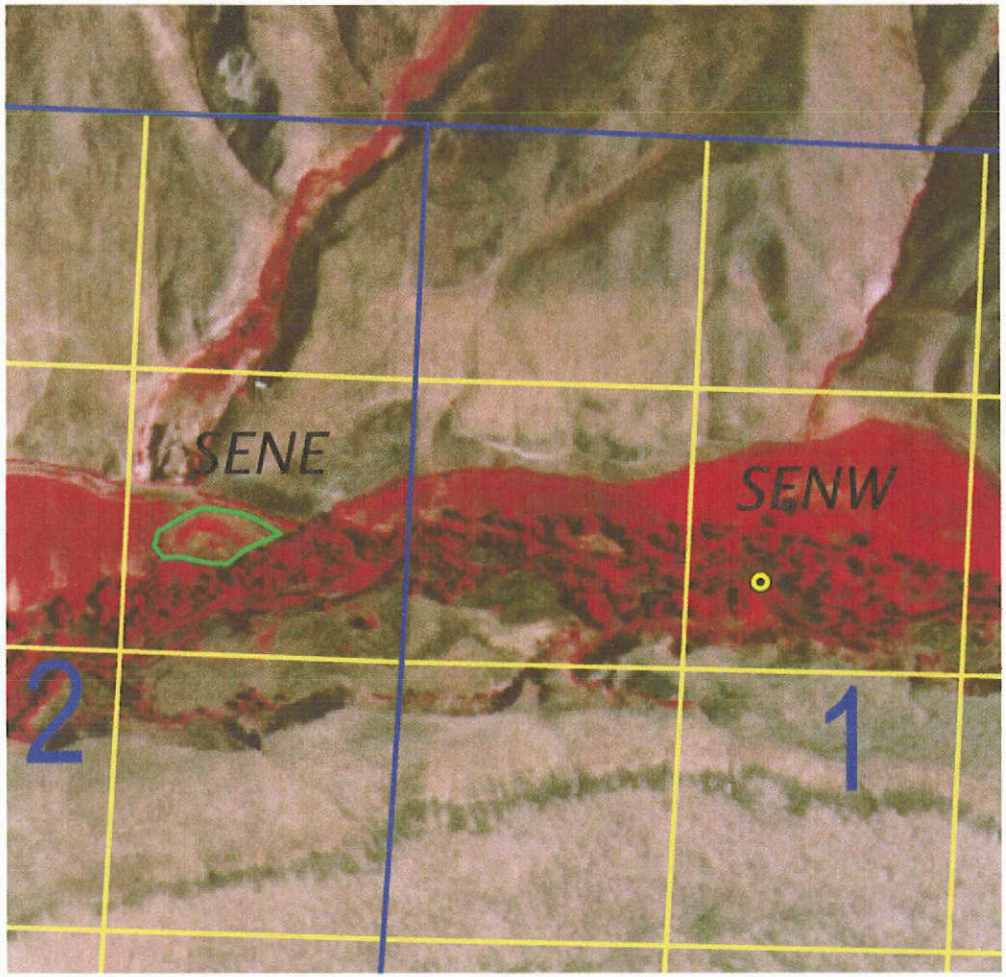
Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

N



1987 Napp Photo

0 0.25 0.5 0.75 Mile

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A65-03124A**
Date Received: 4/ 3/1990
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRY L BETTIS 208-365-2512
   Address: 10775 SUCKER CREEK RD
   PAYETTE ID 83661

2. Date of Priority: MAY 1, 1871

3. Source: BIG WILLOW CREEK Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08N	02W	1	SE NW		PAYETTE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
AUG 0 3 1994

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	02W	2	SE NE		IRR	2.0
				Section Acres		2.0
				Total Acres		2.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO
Decree Plaintiff

vs

A & C CORP., ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED
AUG 0 3 1994

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 0 3 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-03124A
DATE RECEIVED: 4-3-90
RECEIPT NO: 2909999
RECEIVED BY: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. NAME: HARRY L. BETTIS
ADDRESS: STAR ROUTE
PAYETTE, ID 83661

2. DATE OF PRIORITY: MAY 01, 1871

3. SOURCE: BIG WILLOW CREEK TRIB. TO:

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4 OF 1/4	LOT	COUNTY
08N	02W	1	SE NW		PAYETTE

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S (OR)	A.F.A.
IRRIGATION	03/15	11/15	0.040	

7. TOTAL QUANTITY APPROPRIATED IS:
0.040 C.F.S. (AND/OR) A.F.A.

8. TOTAL CONSUMPTIVE USE IS ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF 1/4	LOT	USE	ACRES
08N	02W	2	SE NE		IRR	2.0
				SECTION ACRES		2.0
				TOTAL ACRES		2.0

MICROFILMED
AUG 0 3 1994

11. PLACE OF USE IN COUNTIES: PAYETTE, PAYETTE

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREED
    CASE NUMBER:
    COURT :
    DECREE DATE: 1/21/1986

STATE OF IDAHO
DECREE PLAINTIFF

VS

A & C CORP., ET AL.
DECREE DEFENDANT

MICROFILMED
AUG 0 3 1994

16. SIGNATURE(S)

(A.) BY SIGNING BELOW, I/WE ACKNOWLEDGE THAT I/WE HAVE RECEIVED, READ AND UNDERSTAND THE FORM ENTITLED "HOW YOU WILL RECEIVE NOTICE IN THE SNAKE RIVER BASIN ADJUDICATION." (B.) I/WE DO ____ DO NOT ____ WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: _____

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): Gary Bitton DATE: 4-3-90

_____ DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF
TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF
TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

_____
SIGNATURE OF AUTHORIZED AGENT

_____
TITLE AND ORGANIZATION

_____
DATE

STATE OF IDAHO)
) SS.
COUNTY OF ADA)

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 3RD DAY OF April 19 90

Jan Shurte
NOTARY PUBLIC

SEAL

RESIDING AT JAN SHURTE
RESIDING AT MERIDIAN, IDAHO
MY COMMISSION EXPIRES MY COMMISSION EXPIRES SEPT. 14 1994

MICROFILMED
AUG 0 3 1994

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT-SRBA
TWIN FALLS CO IDAHO
FILED
2004 JUN 22 AM 11 22

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 65-03124A

NAME AND ADDRESS: JG SCHWARZ
KRISTIN SCHWARZ
6000 BIG WILLOW RD
PAYETTE, ID 83661

SOURCE: BIG WILLOW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1871

POINT OF DIVERSION: T08N R02W S01 SENW Within Payette County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-15 TO 11-15	0.04 CFS

PLACE OF USE: Irrigation Within Payette County
T08N R02W S02 SENE 2.0
2.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER OCTOBER 18, 1977.

* THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3. IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE EVENT OF INJURY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION
JUN 22 2004
SPECIAL MASTER

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED
JAN 24 2002
WATER RESOURCES
WESTERN REGION

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
)
)
_____)

A. Subcase 65-3124A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234
Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Kristin Schwarz & JG Schwarz
Address: 6000 Big Willow Rd.
Payette, ID 83661

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

■ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**

1. ☐ **Name and Address**
   Should be:

2. ☐ **Source**
   Should be:

3. ☐ **Quantity**
   Should be:

4. ☐ **Priority Date**
   Should be:

5. ☐ **Point(s) of Diversion**
   Should be:

6. ☐ **Instream Flow Description**
   Should be:

7. ☐ **Purpose(s) of Use**
   Should be:

8. ☐ **Period of Year**
   Should be:

9. ☐ **Place of Use**
   Should be:

11. **I object because:**

☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):
The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

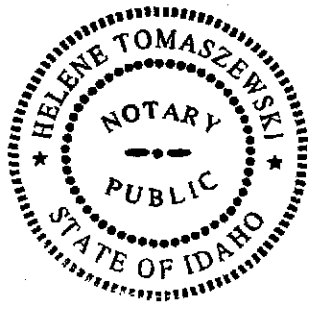
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 9, 2002



Helene Tomaszewski
Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted**. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Kristin Schwarz & JG Schwarz

Address: 6000 Big Willow Rd.
Payette, ID 83661

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Dale S. Walton

Signature of Objector or attorney mailing on Objector's behalf

08/27/2001

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

RIGHT NUMBER: 65-3124A

NAME AND ADDRESS: JG SCHWARZ
KRISTIN SCHWARZ
6000 BIG WILLOW RD
PAYETTE, ID 83661

SOURCE: BIG WILLOW CREEK TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1871

POINT OF DIVERSION: T08N R02W S1 SENW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-15 11-15	0.04 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County

T08N R02W S2	SENE	2

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Form 42-248/42-1409(6) July, 2000

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

RECEIVED
AUG 23 2001
WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
See attached List					

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

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

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

3. Name and Address of Former Owner/Claimant(s): Betti's Family Partnership
   10775 Sucker Creek Rd.; Payette, ID

4. New Owner/Claimant(s): J.G. & Kristin Schwarz
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: 6000 Big Willow Rd.

   City, State and ZIP Code: Payette, ID 83661

   New Telephone Number: 208-278-3898

5. Date you acquired the property: 10-2000

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

ATTACHMENT TO NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP-----BETTIS TO J.G. & KRISTIN SCHWARZ

RECEIVED
AUG 23 2001
WATER RESOURCES
WESTERN REGION

IRRIGATION RIGHTS

A65-2204	A65-3128	A65-10533
-2500	-3247	-10534
-2501	-3248	-10535
-2601	-4486B	-10536
-3124A	-4487	-9076
-3125	-4982	-7789
-3126	-4983	-7603
-3127	-7136	

DOMESTIC & STOCK RIGHTS

A65-1217	A65-3457	A65-3458
-3459	-3491	-3492
-6708	-6709	-6710
-6711	-6712	-4489
-4490	-6459	

293806

STATE OF IDAHO } SS
County of Payette

I hereby certify that this instrument was filed for record at the request of

ALLIANCE TITLE & ESCROW CORP.
Time 4:50 PM
Date May 22, 2001
Instrument # 293806 - Deeds
LAURA L. STIGILE
Ex-officio Recorder
By Kathryn A Turner
Deputy
Fee 9.00

RECORDING INFORMATION:

Until a change is requested, all tax statements shall be sent to:
JKJ, LLC
6075 Big Willow Road
Payette ID 83661

After recording return to:
Alliance Title & Escrow Corp.
34 South Main
Payette ID 83661

Prepared by: Yturri Rose LLP, PO Box S, Ontario OR 97914

WARRANTY DEED

GRANTORS, SHIRLEY SCOTT BARKER, a married woman dealing with her sole and separate property, joined in by her husband, DARRELL BARKER, as to any community property interest therein, 6000 Big Willow Road, Payette, Idaho 83661, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JKJ, LLC, an Idaho Limited Liability Company, 6075 Big Willow Road, Payette, Idaho 83661, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real property located in the County of Payette, Idaho:

See Exhibit A attached hereto and by this reference incorporated herein

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

Subject to:

See Exhibit B attached hereto and by this reference incorporated herein.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said Premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

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

293806

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this 22nd day of May, 2001.

Shirley Scott Barker
Shirley Scott Barker

Darrell Barker
Darrell Barker

State of Idaho)
) ss
County of Payette)

On this 22nd day of May, 2001, before me the undersigned, a Notary Public for Idaho, personally appeared SHIRLEY SCOTT BARKER and DARRELL BARKER, 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 first above written.

D. KUESTER FUNKE NOTARY PUBLIC STATE OF IDAHO

D. Kuester Funke
Notary Public for Idaho
Residing at: Payette
My commission expires: 01/21/05

Prepared by Yturri Rose LLP, PO Box "S" Ontario OR 97914
230101/d2/21May01kn

293806

Exhibit A
(Legal Description)

No water rights

PARCEL I:
A portion of the NW1/4NW1/4 of Sec. 24, Twp. 8 N., R. 4 W., B.M., Payette County, Idaho, described as follows:
Commencing at the Northeast corner of the NW1/4NW1/4 of said Sec.;
thence South along the West boundary of the E1/2NW1/4, 2200 feet to the True Point of Beginning;
thence East parallel to the South boundary of the NW1/4 of said Sec., 800 feet;
thence South parallel to the West boundary of the SE1/4NW1/4 and NE1/4SW1/4, 600 feet;
thence West parallel to the North boundary of the NE1/4SW1/4, 800 feet;
thence North along the West boundary of the NE1/4SW1/4 and SE1/4NW1/4, 600 feet to the True Point of Beginning.

293806

Exhibit B
(Exceptions)

1. Any rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, rights of way and easements established or of record.

2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.

3. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.

4. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Purpose: Telephone lines and equipment.
Recorded: May 11, 1904.
Book: A, Page: 89 of Official Records.
Affects: Sec. 24, Twp. 8 N., R. 4 W., B.M.

6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: American Telephone and Telegraph Company of Wyoming.
Purpose: Construct, operate and maintain a communication system.
Recorded: September 12, 1941 & May 26, 1941.
Instrument / File No. 50343, 50642, & 50645 of Official Records.
Affects: Secs. 13 & 24, Twp. 8 N., R. 4 W., B.M.

7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: March 2, 1943.
Official Records: 53979.

8. Easements, reservations, notes and/or dedications as shown on the official plat.

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: November 24, 1928.
Instrument / File No. 23052.
Book: 1, Page: 373 of Official Records.

10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: June 21, 1974.
Instrument / File No. 155060 of Official Records.

293805

RECORDING INFORMATION:

Until a change is requested, all tax statements shall be sent to:
JKJ, LLC
6075 Big Willow Road
Payette ID 83661

After recording return to:
Alliance Title & Escrow Corp.
34 South Main
Payette ID 83661

Prepared by: Yturri Rose LLP, PO Box S, Ontario OR 97914

STATE OF IDAHO } SS
County of Payette }

I hereby certify that this instrument was filed for record at the request of
ALLIANCE TITLE & ESCROW CORP.
Time 4:49 PM
Date May 22, 2001
Instrument # 293805 - Deeds
LAURA L. STIGILE
Ex-officio Recorder
By Kathryn A Turner
Deputy
Fee 12.00

WARRANTY DEED

GRANTORS, DARRELL BARKER and SHIRLEY SCOTT BARKER, Trustees of The Barker Family Living Trust, 6000 Big Willow Road, Payette, Idaho 83661, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JKJ, LLC, an Idaho Limited Liability Company, 6075 Big Willow Road, Payette, Idaho, 83661, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real property located in the County of Payette, Idaho:

See Exhibit A attached hereto and by this reference incorporated herein

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

Subject to:

See Exhibit B attached hereto and by this reference incorporated herein.

Grantors, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said Premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

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

IN WITNESS WHEREOF, Grantors have hereunto subscribed their name to this instrument this 22nd day of May, 2001.

Darrell Barker, Trustee of the Barker Family Living Trust

Shirley Scott Barker, Trustee of the Barker Family Trust

State of Idaho)
) ss
County of Payette)

On this 22 day of May, 2001, before me the undersigned, a Notary Public for Idaho, personally appeared DARRELL BARKER and SHIRLEY SCOTT BARKER, as Trustees of The Barker Family Living Trust, 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 first above written.

Notary Public for Idaho
Residing at: Payette
My commission expires: 01/21/05

Prepared by Ynurri Rose LLP, PO Box "S" Ontario OR 97914
230101/d3/21May01kn

293805

Exhibit A
(Legal Description)

4986 Lot 7
4983 pt

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:
In Sec. 24: NW1/4NE1/4; NE1/4NW1/4; SW1/4NE1/4 West of the County Road;
NW1/4SE1/4 West of the County Road;
SE1/4NW1/4; NE1/4SW1/4 West of the County Road;
EXCEPTING THEREFROM the following described parcel of land:
Commencing at the Northeast corner of the NW1/4NW1/4 of said Sec.;
thence South along the West boundary of the E1/2NW1/4, 2200 feet to the True Point of Beginning;
thence East parallel to the South boundary of the NW1/4 of said Sec., 800 feet;
thence South parallel to the West boundary of the SE1/4NW1/4 and NE1/4SW1/4, 600 feet;
thence West parallel to the North boundary of the NE1/4SW1/4, 800 feet;
thence North along the West boundary of the NE1/4SW1/4 and SE1/4NW1/4, 600 feet to the True Point of Beginning.

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:
In Sec. 13: SE1/4SW1/4; SW1/4SE1/4; NE1/4SE1/4; NW1/4SE1/4;
EXCEPTING THEREFROM the following portion of the NW1/4SE1/4 of said Sec. 13:
Beginning at the East quarter corner of Sec. 13, Twp. 8 N., R. 4 W., B.M.;
thence N. 89°34' W. along the midsection line of said Sec., 1,764 feet, more or less, to a fence, and the True Point of Beginning;
thence S. 50°7.5' W. along said fence 1,107.5 feet to a point on the West boundary of the NW1/4SE1/4;
thence North along the West boundary of the NW1/4SE1/4, 710 feet, more or less, to the North boundary of the NW1/4SE1/4;
thence S. 89°34' E. along the North boundary of the NW1/4SE1/4, 850 feet to the True Point of Beginning:

Prepared by Yturri Rose LLP, PO Box "S" Ontario OR 97914
230101/d3/21May01km

293805

Exhibit B
(Exceptions)

1. Any rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, rights of way and easements established or of record.

2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.

3. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof.

4. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

5. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Purpose: Telephone lines and equipment.
Recorded: May 11, 1904.
Book: A, Page: 89 of Official Records.
Affects: Sec. 24, Twp. 8 N., R. 4 W., B.M.

6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: American Telephone and Telegraph Company of Wyoming.
Purpose: Construct, operate and maintain a communication system.
Recorded: September 12, 1941 & May 26, 1941.
Instrument / File No. 50343, 50642, & 50645 of Official Records.
Affects: Secs. 13 & 24, Twp. 8 N., R. 4 W., B.M.

7. Reservations and exceptions in the United States Patent, and in the act authorizing the issuance thereof.
Recorded: March 2, 1943.
Official Records: 53979.

8. Easements, reservations, notes and/or dedications as shown on the official plat.

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: November 24, 1928.
Instrument / File No. 23052.
Book: 1, Page: 373 of Official Records.

10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: Idaho Power Company, a corporation.
Purpose: Utilities.
Recorded: June 21, 1974.
Instrument / File No. 155060 of Official Records.

290023

Filed for Record at the Request of: **Space for Recorder's Use**

J. G. and Kristin Schwarz
6075 Big Willow Road
~~Emmett~~ Payette, Idaho 83661

Payette

State of Idaho, County of Payette
I certify that this instrument was filed for record at the request of ALLIANCE TITLE & ESCROW CORP.
Time 10:36 A.M. Date Oct 5 2000 Instrument # 290023 Deeds
Laura L. Stigile, Ex-Officio Recorder by Judy A. Spencer Deputy Fee $9.00

AFTER RECORDING MAIL TO:

Melanie G. Rubocki
Holland & Hart LLP
Suite 1400, 101 S. Capitol Blvd.
Boise, Idaho 83702

QUITCLAIM DEED

For good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, The Bettis Family Limited Partnership, an Idaho limited partnership ("Grantor"), hereby conveys, releases, remises and forever quitclaims unto J. G. and Kristin Schwarz, a married couple who resides at 6075 Big Willow Road, ~~Emmett~~ Payette, Idaho 83661, all of Grantor's right, title and interest in and to that certain parcel of real property located in Payette County, Idaho, and more particularly described in **Exhibit A** attached hereto, together with its appurtenances.

IN WITNESS WHEREOF, Grantor has executed this instrument the 4th day of October, 2000.

THE BETTIS FAMILY LIMITED PARTNERSHIP,
an Idaho limited partnership

Harry L. Bettis, General Partner

(Notary acknowledgement follows) No water rights

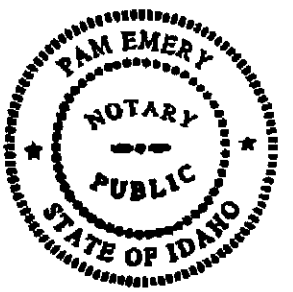
290023

STATE OF IDAHO)
)ss.
COUNTY OF Payette)

On this 4th day of October, 2000 before me, a notary public in and for said state, personally appeared HARRY L. BETTIS, as general partner of The Bettis Family Limited Partnership, known or identified to me to be the person who executed the 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.

Pam Emery
Notary Public
Residing at: Payette, Id.
My Commission Expires: 11-16-05



290023

Exhibit A

Legal Description

North one half of the Northwest Quarter of Section 33,
Township 8 North, Range 3 West, Boise Meridian,
Payette County, Idaho

241965
DEC. 31 1992

BARGAIN AND SALE DEED

THIS INDENTURE, made the 30th day of December, 1992, between HARRY L. BETTIS, a single man, "Grantor," and THE BETTIS FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership, whose current address is Star Route, Payette, Idaho 83661, "Grantee."

W I T N E S S E T H:

That Grantor, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantee, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, and to its heirs and assigns, forever, all of those certain pieces or parcels of land situate, lying and being located in the County of Payette, State of Idaho, particularly described as follows, to-wit:

See Exhibit A attached hereto and made a part hereof by this reference.

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 the estate, right, title, interest in the property, possession, claim and demand whatsoever, as well in law as in equity, of the Grantor, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Harry L. Bettis
HARRY L. BETTIS

Barker parcels.

241365

DEC 31 1992

STATE OF Idaho)
: ss.
County of Payette)

On this 30th day of December, 1992, before me, Sheryl Miller, a notary public for said State, personally appeared HARRY L. BETTIS, known or identified to me to be the person who executed the 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.

Sheryl Miller
Notary Public
Residing at: Payette
My Commission Expires: 3-1-97

23547

241365

EXHIBIT A

Barker and Sons, Inc. Ranch

Land in Twp. 8 N., R. 2 W., B.M., Payette County, Idaho:

In Sec. 30: Government Lots 3 and 4 and SE¼SW¼;
In Sec. 31: Government Lot 1;

Land in Twp. 8 N., R. 3 W., B.M., Payette County, Idaho:

In Sec. 1: S½S½;
In Sec. 2: S½SE¼ and SW¼SW¼;
In Sec. 3: S½SE¼;
In Sec. 10: NE¼; E½NW¼ and N½SE¼; S½SE¼
In Sec. 11: All of Section;
In Sec. 12: W½W½; NE¼NW¼ and NW¼NE¼;
In Sec. 13: NW¼NW¼ and W½SW¼;
In Sec. 14: All of Section;
In Sec. 15: NE¼;
In Sec. 20: W½; SE¼ and S½NE¼;
In Sec. 21: S½SW¼ and SW¼SE¼;
In Sec. 22: SE¼NE¼;
In Sec. 23: E½SW¼; SE¼; NW¼ and NE¼NE¼;
In Sec. 24: NW¼NW¼ and S½SW¼;
In Sec. 25: N½NW¼; SE¼NW¼; W½SW¼; SE¼SW¼; SE¼ and S½NE¼;
In Sec. 26: E½; E½NW¼ and NE¼SW¼;
In Sec. 27: S½NW¼; SW¼ and SW¼SE¼;
In Sec. 28: W½; SE¼; S½NE¼ and NW¼NE¼;
In Sec. 29: N½ and SE¼;
In Sec. 30: NE¼; NE¼NW¼ and Government Lot 1;
In Sec. 31: E½NE¼;
In Sec. 32: N½;
In Sec. 19: E½; E½W½; Government Lots 2, 3 and 4; and Government Lot 1 lying South of the County Road right of way EXCEPTING THEREFROM that portion that lies within Lots 1 and 2:
Commencing at the Southeast corner of said Lot 1;
thence S. 89°44'10" E., along the South boundary of said Lot 1 a distance of 56.10 feet to the TRUE POINT OF BEGINNING;
thence S. 0°15'11" E., 242.77 feet;
thence N. 89°44'10" W., parallel with the South boundary of Lot 1 a distance of 864.98 feet;
thence N. 0°06'57" W., 662.46 feet, more or less, to a point on the Southerly right of way line of the County Road as it now exists;
thence along said Southerly right of way the following four courses:
N. 68°15'30" E. 79.60 feet;

241965 DEC 31 1992

thence on a curve to the right a distance of 221.86 feet, whose radius is 555.25 feet, with a central angle of 22°53'37" and a long chord that bears N. 79°42'19" E., 220.39 feet;
thence S. 88°50'53" E., 322.21 feet;
thence on a curve to the left 273.46 feet, which radius is 359.23 feet, with a central angle of 43°36'58" and a long chord that bears N. 69°20'38" E., 266.90 feet;
thence leaving said right of way S. 0°15'11" E., 580.73 feet, more or less, to the TRUE POINT OF BEGINNING.

Land in Twp. 8 N., R. 4 W., B.M., Payette County, Idaho:

In Sec. 24: The SE¼NE¼; the NW¼NE¼ lying Southeasterly of the County Road right of way; the SW¼NE¼ lying Southeasterly of the County Road right of way; the S½SE¼; the NE¼SE¼; the NE¼SW¼ lying Southeasterly of the County Road right of way; and the NW¼SE¼ lying Southeasterly of the County Road right of way;
EXCEPTING THEREFROM the following described parcel of land lying in the NW¼SE¼ and in the SW¼NE¼;
Commencing at the Northwest corner of the NW¼SE¼;
thence S. 89°38'09" E., along the North boundary of said NW¼SE¼, 565.60 feet, more or less to the East side of the County Road right of way, as it now exists, said point being the TRUE POINT OF BEGINNING;
thence N. 20°15'44" E., along said East side of said County Road right of way 78.52 feet;
thence S. 21°10'34" E., 259.25 feet;
thence S. 31°41'29" E., 204.65 feet;
thence S. 54°31'33" W., 52.76 feet;
thence S. 67°03'22" W. 242.42 feet;
thence N. 31°01'20" W. 175.30 feet to a point on the East side of said County Road right of way;
thence N. 25°17'32" E., along said right of way, 119.12 feet;
thence N. 20°15'44" E., along said right of way, 223.22 feet to the True Point of Beginning.

In Sec. 25: N½NE¼; and the following portion of the N½NW¼;
Beginning at the Northeast corner of said N½NW¼;
thence South following the East side line of said N½NW¼ to the Southeast corner thereof;

241965

DEC 31 1992

thence West following the South side line of said N½NW¼ to the point where the same is intersected by the center line of Big Willow Creek;
thence in a Northerly and Easterly direction following said center line to the point where the same intersects the North side line of said N½NW¼;
thence East following said North side line to the Point of Beginning.

Land in Twp. 9 N., R. 3 W., B.M., Payette County:

In Sec. 25: SE¼SE¼.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

DARK BETTS

Naylor Ranch

That property located in Twp. 8 N., R. 2 W.B.M., Payette County, Idaho, described as follows:

Lot 1, 2, S½ NE¼, N½S½, SE¼SE¼, SW¼SW¼ SE¼NW¼, Section 2;
S½NE¼, NE¼SW¼, S½SW¼, SE¼, Section 3;
Lots 1, 2, 3 4, S½N½, S½, Section 4;
Lots 1, 2, 3, S½N½, S½, Section 5;
Lots 3, 4, NE¼NE¼, S½N½, S½, SE¼NW¼, E½SW¼, SE¼, Section 7;
NE¼, W½, W½SE¼, SE¼SE¼, Section 8;
N½N½, SW¼SW¼, Section 9;
NE¼NE¼, Section 10;
NE¼NE¼, Section 11;
Lots 1, 2, 3, SE¼NE¼, SE¼NW¼, E½SW¼, SE¼, Section 17

Including all water and ditch rights appurtenant thereto or used in connection therewith, if any. Subject to easements, rights-of-way, exceptions and reservations, if any.

Jack Miller Ranch

In Twp. 8 N., R. 2 W., B.M., Payette County, Idaho:

In Sec. 2: SW¼NW¼ and Govt. Lot 4;
In Sec. 3: Lots 1, 2, 3, 4 and NW¼SW¼ and S½NW¼.

In Twp. 9 N., R. 2 W., B.M., Payette County, Idaho:

INSTRU. NO 213390
PAGES 1 OF 9

290024
290099

Sec 12 SWSW
Sec 13 all
Sec 24 N2
Payette County Property

Filed for Record at the Request of:

J. G. and Kristin Schwarz
6075 Big Willow Road
Emmett Idaho 83661
Payette

State of Idaho, County of Payette
I certify that this instrument was filed for record at the request of ALLIANCE TITLE & ESCROW CORP.
Time 10:38 AM Date Oct. 5, 2000 Instrument # 290024 Deeds
Laura L. Stigile, Ex-Officio Recorder by Judy B. Rammle Deputy Fee $27.00

Space for Recorder's Use

AFTER RECORDING MAIL TO:

Melanie G. Rubocki
Holland & Hart LLP
Suite 1400, 101 S. Capitol Blvd.
Boise, Idaho 83702
405000798

290099
State of Idaho, County of Payette
I certify that this instrument was filed for record at the request of ALLIANCE TITLE & ESCROW CORP.
Time 4:58 PM Date Oct. 10, 2000 Instrument # 290099 Deeds
Laura L. Stigile, Ex-Officio Recorder by Judy B. Rammle Deputy Fee $57.00

WARRANTY DEED

FOR VALUE RECEIVED, The Bettis Family Limited Partnership, an Idaho limited partnership (the "Grantor"), does hereby grant, bargain, sell and convey unto J. G. and Kristin Schwarz, husband and wife, whose address is 6075 Big Willow Road, Emmett, Idaho 83661 (the "Grantees"), those parcels of real property located in Gem and Payette Counties and more particularly described on Exhibit A attached hereto.

Payette

TO HAVE AND TO HOLD the 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 the owner in fee simple of said premises, that said premises are free from all encumbrances except those described on Exhibit B attached hereto and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, Grantor has executed this instrument the 4th day of October, 2000.

Bettis
to
Schwarz

THE BETTIS FAMILY LIMITED PARTNERSHIP,
an Idaho limited partnership

Harry L. Bettis, General Partner

(Notary acknowledgement follows)

Instrument # 213390
EMMETT, GEM, IDAHO
2000-10-05 12:50:00 No. of Pages: 9
Recorded for : ALLIANCE TITLE & ESCROW
SUSAN K. HOWARD Fee: 27.00
Ex-Officio Recorder Deputy Judy Bigham
Index to: DEED

405000798

290099

290024

INSTRU. NO 213390
PAGES 2 OF 9

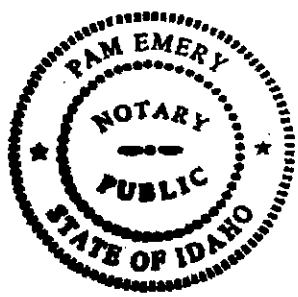
STATE OF IDAHO)
)ss.
COUNTY OF Payette)

On this 4th day of October, 2000 before me, a notary public in and for said state, personally appeared HARRY L. BETTIS, as general partner of The Bettis Family Limited Partnership, known or identified to me to be the person who executed the 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.

Pam Emery

Notary Public
Residing at: Payette, Id.
My Commission Expires: 11-16-05



290099

290024

INSTRU. NO. 913390
PAGES 3 OF 9

EXHIBIT A

Legal Description

290099

290024

INSTRU. NO. 213590
PAGES 4 OF 9

EXHIBIT B

(See attached Schedule B - Section 2 from Title Commitment of Alliance Title Order Nos. 4060000385 and 405000798)

Nothing that impacts water rights!

290099

290024

INSTRU. NO. 213390
PAGES 5 OF 9

Land in Township 8 North, Range 2 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 2: Lots 1, 2, & 4, S1/2N1/2, N1/2S1/2, SW1/4SW1/4,SE1/4SE1/4.

Section 3: All.

Section 4: All.

Section 5: Lots 1, 2, & 3, S1/2N1/2, S1/2.

Section 7: Lots 3 & 4, NE1/4NE1/4; S1/2N1/2; E1/2SW1/4, SE1/4.

Section 8: All.

Section 9: All.

Section 10: W1/2, NE1/4, N1/2SE1/4. 3458

Section 11: NE1/4NE1/4, N1/2SW1/4, SE1/4SW1/4, S1/2SE1/4, all that part of the S1/2NW1/4, N1/2SE1/4 and SW1/4NE1/4 which lies South and West of the following described line: 3457

Beginning at a point on the West section line on the West side of the SW1/4NW1/4 of Section 11, which is 1241 feet North of the West quarter corner of said Section 11; thence North 71°38' East 216 feet; thence North 68°52' East 50 feet to the North side line of said SW1/4NW1/4 of said Section 11; thence East following said North side line 978 feet; thence South 71°22' East 150 feet to the quarter-quarter section line in the East side of said SW1/4NW1/4 of said Section 11; thence South 57°37' East 785 feet; thence South 69°21' East 289 feet; thence South 81°59' East to the quarter section line at a point 710 feet North of the center of said Section 11; thence South 44°43' East 492 feet; thence South 58°23' East 697 feet to the North side line of the NW1/4SE1/4 of said Section 11; thence South 79°10' East 998 feet to a point in the NE1/4SE1/4 of said Section 11; thence South 58°15' East 490 feet; thence South 65°00' East 330 feet to a point on the East section line of said Section 11 which is 740 feet North of the Southeast corner of the NE1/4SE1/4 of said Section 11.

Section 14: E1/2E1/2.

Section 15: E1/2NW1/4, NW1/4NW1/4.

Section 17: Lots 1 – 4, S1/2NW1/4, SE1/4NE1/4, S1/2.

Section 18: Lots 1, 3, 4, & 7, S1/2NE1/4, SE1/4. 1217

Section 19: Lots 1 – 4, S1/2SE1/4, SE1/4SW1/4.

Section 20: E1/2, SW1/4.

Section 21: W1/2W1/2.

Section 30: N1/2NE1/4, NE1/4NW1/4, Lots 1, 3 & 4, SE1/4SW1/4.)

Section 31: Lot 1.

CONTINUED

290099

290024

INSTRU. NO 213300
PAGES 6 OF 9

Land in Township 8 North, Range 3 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 1: S1/2S1/2.

Section 2: SW1/4SW1/4, S1/2SE1/4.

Section 3: S1/2SE1/4.

Section 4: In Government Lot 3 and that portion of Government Lot 2, of the SW1/4NE1/4 of the SE1/4NW1/4 and of the SW1/4 lying West of the center line of the county road, said center line being described as follows: Beginning at a point 211 feet East of the North quarter corner of said Section 4; thence South 28°30' West 240 feet; thence South 8°40' West 831 feet, more or less, to its intersection with the West side line of said SW1/4NE1/4, at a point which is 200 feet South of the Northeast corner of the SE1/4NW1/4; thence South 28°30' West 2644 feet; thence South 14°30 West 886 feet; thence South 29° West 570 feet to a point on the South side line of said SW1/4SW1/4, which is 800 feet East of the Southwest corner of said Section 4.

Section 5: Lots 2, 3, & 4, S1/2NW1/4, S1/2.

Section 6: Lots 1 – 6, SE1/4NW1/4; S1/2NE1/4, SE1/4, E1/2SW1/4.

Section 7: E1/2.

Section 8: W1/2, W1/2E1/2, E1/2NE1/4, NE1/4SE1/4.

Section 9: S1/2SE1/4, SE1/4SW1/4 and that portion of the NW1/4NW1/4 lying West of the center line of the county road, said center line being described as follows: Beginning at a point on the North side line of said NW1/4NW1/4 which is 800 feet East of the Northwest corner of said Section 9; thence South 29° West 236 feet; thence South 21°45' West 886 feet; thence South 32°15' West 343 feet, more or less, to the South side line of said NW1/4NW1/4.

X **Section 10:** E1/2NW1/4, S1/2SW1/4, E1/2. 6459

Section 11: ALL

Section 12: W1/2W1/2, NE1/4NW1/4, E1/2SW1/4, NW1/4NE1/4, SE1/4.

Section 13: NE1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, N1/2NE1/4, SE1/4NE1/4, SE1/4.

Section 14: ALL.

Section 15: ALL.

Section 16: ALL.

Section 17: ALL.

Section 18: E1/2, E1/2SW1/4, Lot 4.

Section 19: ALL. 4487, 4992, 4993, 4490

Section 20: ALL.

Section 21: ALL.

Section 22: ALL.

Section 23: W1/2, SE1/4, NE1/4NE1/4.

Section 24: NW1/4NW1/4, S1/2SW1/4, E1/2.

Section 25: N1/2NW1/4, SE1/4NW1/4, W1/2SW1/4, SE1/4SW1/4, E1/2.

Section 26: ALL.

Section 27: ALL.

Section 28: W1/2, W1/2E1/2, SE1/4NE1/4, E1/2SE1/4. 4489, -

Section 29: N1/2, SE1/4.

Section 30: NE1/4, NE1/4NW1/4, Lot 1.

Section 31: E1/2NE1/4.

Section 32: N1/2.

~~**Section 33:** N1/2NW1/4.~~ a

CONTINUED

290099

290024

INSTRU. NO. 213392
PAGES 7 OF 9

Land in Township 8 North, Range 4 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 1: Lots 1 & 2, S1/2NE1/4, N1/2SE1/4.

Section 13: SE1/4SE1/4.

Section 24: E1/2NE1/4, S1/2SE1/4, NE1/4SE1/4; the NW1/4NE1/4, NE1/4SW1/4 and NW1/4SE1/4 lying Southeasterly of the county road right of way;
EXCEPTING THEREFROM the following described parcel of land lying in the NW1/4SE1/4 and in the SW1/4NE1/4;
Commencing at the Northwest corner of the NW1/4SE1/4; thence South 89°38'09" East, along the North boundary of said NW1/4SE1/4, 565.60 feet, more or less, to the East side of the county road right of way, as it now exists, said point being the True Point of Beginning; thence North 20°15'44" East, along said East side of said county road right of way 78.52 feet; thence South 21°10'34" East, 259.25 feet; thence South 31°41'29" East, 204.65 feet; thence South 54°31'33" West, 52.76 feet; thence South 67°03'22" West, 242.42 feet; thence North 31°01'20" West, 175.30 feet to a point on the East side of said county road right of way; thence North 25°17'32" East, along said right of way, 119.12 feet; thence North 20°15'44" East, along said right of way, 223.22 feet to the True Point of Beginning.

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Section 25: N1/2NE1/4, and the following portion of the N1/2NW1/4;
Beginning at the Northeast corner of said N1/2NW1/4; thence South following the East side line of said N1/2NW1/4 to the Southeast corner thereof; thence West following the South side line of said N1/2NW1/4 to the point where the same is intersected by the center line of Big Willow Creek; thence in a Northerly and Easterly direction following said center line to the point where the same intersects the North side line of said N1/2NW1/4; thence East following said North side line to the Point of Beginning.

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Land in Township 9 North, Range 2 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 33: S1/2, S1/2N1/2.

Section 34: SE1/4SE1/4, E1/2NW1/4, SW1/4, NW1/4SE1/4.

Section 35: SW1/4.

CONTINUED

290099

290024

INSTRU. NO. 213390
PAGES 8 OF 9

Land in Township 9 North, Range 3 West, Boise Meridian, Payette County, Idaho, more particularly described as follows:

Section 21: S1/2SE1/4.

Section 25: SE1/4SE1/4.

Section 28: S1/2NW1/4, SW1/4, E1/2.

Section 29: E1/2, E1/2W1/2, S1/2SW1/4SW1/4, NW1/4SW1/4SW1/4.

Section 32: W1/2, NE1/4NE1/4, S1/2NE1/4, N1/2SE1/4, SW1/4SE1/4.

Section 33: W1/2, W1/2NE1/4 and that portion of the E1/2NE1/4 lying West of the center line of the county road, said center line being described as follows: Beginning at a point 57.5 feet West of the Northeast corner of said Section 33; thence South 22°15' West 615 feet; thence South 14°45' West 1608 feet; thence South 38°30' West 640 feet, more or less, to a point on the South side line of said E1/2NE1/4, which is 1120 feet West of the East quarter corner of said Section 33;

ALSO, all that portion of the W1/2SE1/4 lying West of the center line of the county road, said center line being described as follows:
Beginning at a point 200 feet South of the Northeast corner of said W1/2SE1/4; thence South 28°30' West 2770 feet, more or less, to the South quarter corner of said Section 33.

[redacted] 290099 290024 Arb 0001

That property located in Township 8 North, Range 2 West, B.M., Gem County, Idaho, described as follows:

Section 13: The NW ¼; the W ½ of the NE ¼; the SE ¼ of the NE ¼, and the S ½

Section 24: The N ½ of the NW ¼; the N ½ of the NE ¼; the SE ¼ of the NW ¼.

That part of the NW ¼ of the SW ¼ and of the S ½ of the SW ¼ of Section 12, Township 8 North, Range 2 West, B.M., which lies South and West of the following described line:

BEGINNING at a point on the West line of said Section 12, which is 740 feet North of the Southwest corner of the NW ¼ of the SW ¼ of said Section 12; thence
South 51°44' East 85 feet; thence
South 63°06' East 1450 feet, to a point in the Southwest part of the NE ¼ of the SW ¼ of Section 12; thence
South 32°22' East 492 feet; thence
South 4°54' East 337 feet; thence
South 65°17' East 388 feet; thence
South 36°17' East 417 feet to the South line of said Section 12, which is 2413 feet East of the Southwest corner of said Section 12.

INSTRU. NO. 213590
PAGES 9 OF 9

09/12/2000 09:56 2083554541 ATEC PAGE 02

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2001

Dear Basin 65 water user:

This letter is to inform you that you may be eligible to file a stockwater claim with the Idaho Department of Water Resources (IDWR) in connection with the Snake River Basin Adjudication (SRBA). IDWR is sending this letter to water users in Basin 65 who might have relied upon the non-irrigation season stockwater provision in the Payette Adjudication. This provision states:

> "When stockwater is not a specifically mentioned use for a right that includes irrigation, a reasonable flow is implied and included for the watering of livestock during the non-irrigation season."

In another basin, the Idaho Supreme Court struck down general provisions that contained similar language. The non-irrigation season stockwater language quoted above was not included in the General Provisions for Basin 65 because of the Idaho Supreme Court's ruling.

IDWR recognizes that in reliance on the non-irrigation season stockwater language in the Payette Adjudication, water users might not have filed stockwater claims in the SRBA to cover the non-irrigation season period. Individuals who historically watered livestock during the non-irrigation season without a separate stockwater claim might desire to file a new stockwater claim with IDWR.

To be eligible for a new non-irrigation season stockwater claim:

1. You must have actually and historically watered livestock during the non-irrigation season without a separate stockwater right.
2. You must have filed a surface water irrigation claim in both the Payette Adjudication and the SRBA.
3. You must not have filed a stockwater claim with the surface water irrigation claim.

If you meet these three requirements, you may file a Notice of Claim form for stockwater with IDWR. **To have a timely filing you must file this claim with IDWR by May 25, 2001**. IDWR will waive filing fees for these stockwater claims if filed before this deadline. Failure to file your claim in a timely manner may prevent you from claiming it in the future. Notice of Claim forms are available on IDWR's website at www.idwr.state.id.us/info/water/srba/forms.htm or from any IDWR office. Claimants can call IDWR, Western Region at (208) 334-2190 to make an appointment if they need assistance filling out a Notice of Claim form.

Sincerely,

David R. Tuthill, Jr., P.E.
Adjudication Bureau Chief

01/16/2001

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

RIGHT NUMBER: 65-3124A

NAME AND ADDRESS: HARRY L BETTIS
10775 SUCKER CREEK RD
PAYETTE, ID 83661

SOURCE: BIG WILLOW CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 05/01/1871

POINT OF DIVERSION: T08N R02W S1 SENW Within PAYETTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-15 11-15	0.04 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County
T08N R02W S2 SENE 2

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CLAIM NUMBER: A65-03124A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY L BETTIS	05/01/1871	IRRIGATION	03-15	11-15	0.040 CFS	
					TOTAL DIVERSION:	0.040 CFS	

Water Source: BIG WILLOW CREEK Tributary to: Payette River Stage: DECREED

Point(s) of Diversion: T08N R02W S01 SENW PAYETTE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
08N	02W	2				02													2.0
																	TOTAL ACRES		2.0

POU County: PAYETTE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:
Presumption Flag:

C18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY L. BETTIS STAR ROUTE PAYETTE ID 83661	05/01/1871	IRRIGATION	03/15	11/15	0.040 CFS TOTAL DIVERSION: 0.040 CFS	

Water Source: BIG WILLOW CREEK Tributary to: Stage: DECREED

Point(s) of Diversion: T08N R02W S01 SENW PAYETTE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
08N	02W	2				02													2.0
																	TOTAL ACRES		2.0

Pou County: PAYETTE

Dates: App. Received: Priority Date: 05/01/1871
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Idaho Department of Water Resources

Claim Number: 65-03124A

Legal: T08N, R02W, S2

Reviewed By:

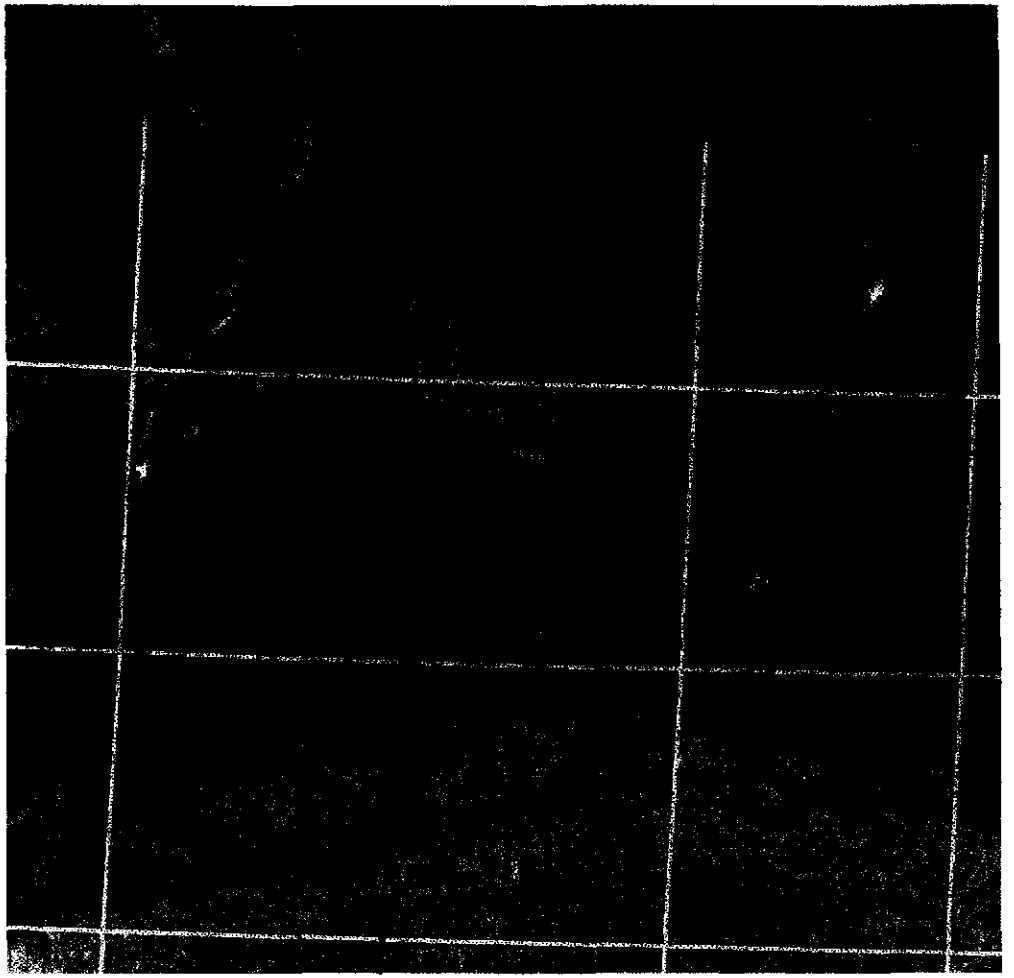
Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

N



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