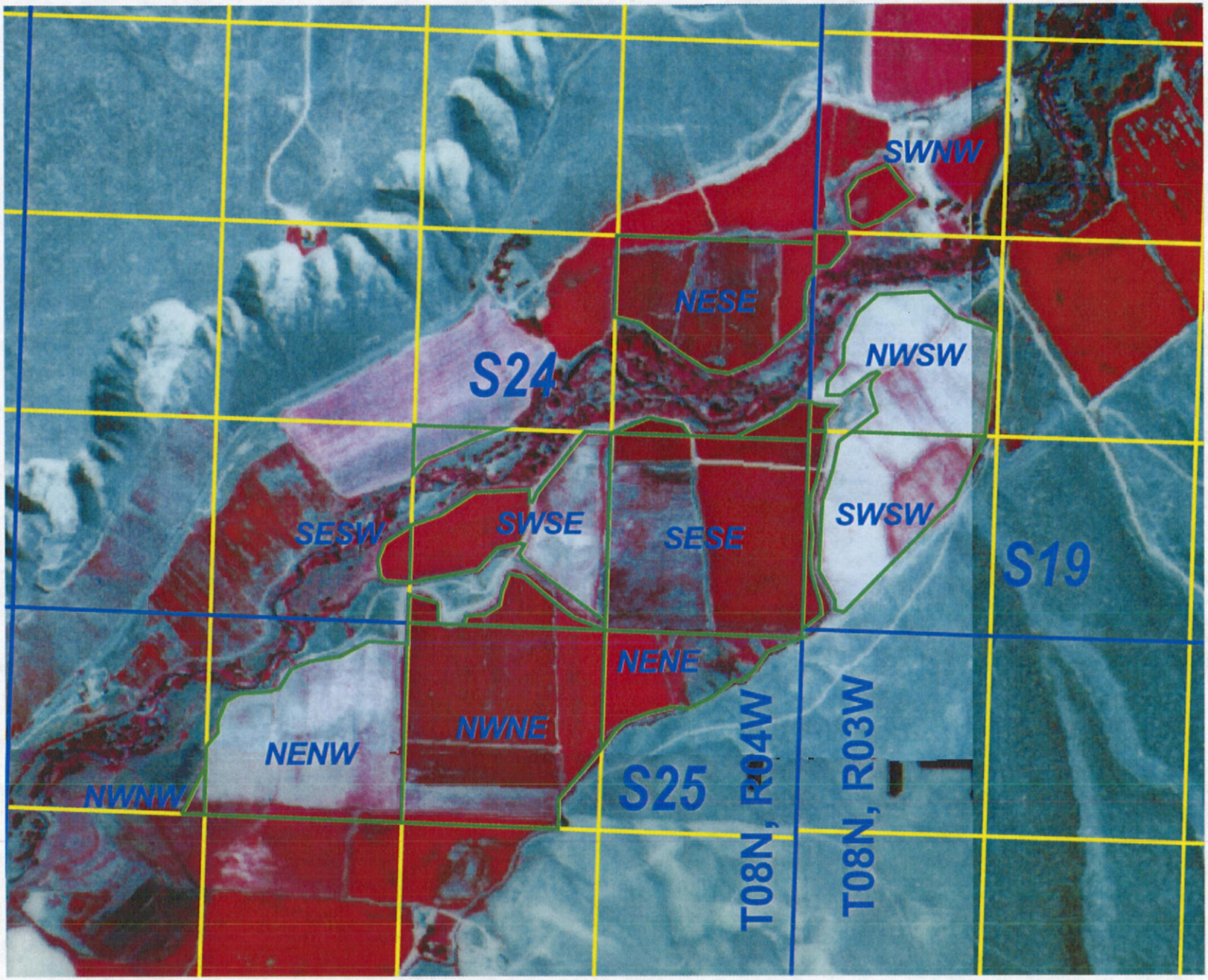
Idaho Department of Water Resources

Claim(s) 65-04982
Owner(s) Barker & Sons INC
Prepared by:
Ron Howerton
Date: 03/13/00



Place of use

POD

SECTION LINES

1/4 1/4

N
W
E
S

1987 NAPP

0 0.25 0.5 0.75 1 1.25 Miles

Idaho Department of Water Resources

Claim(s) 65-04982
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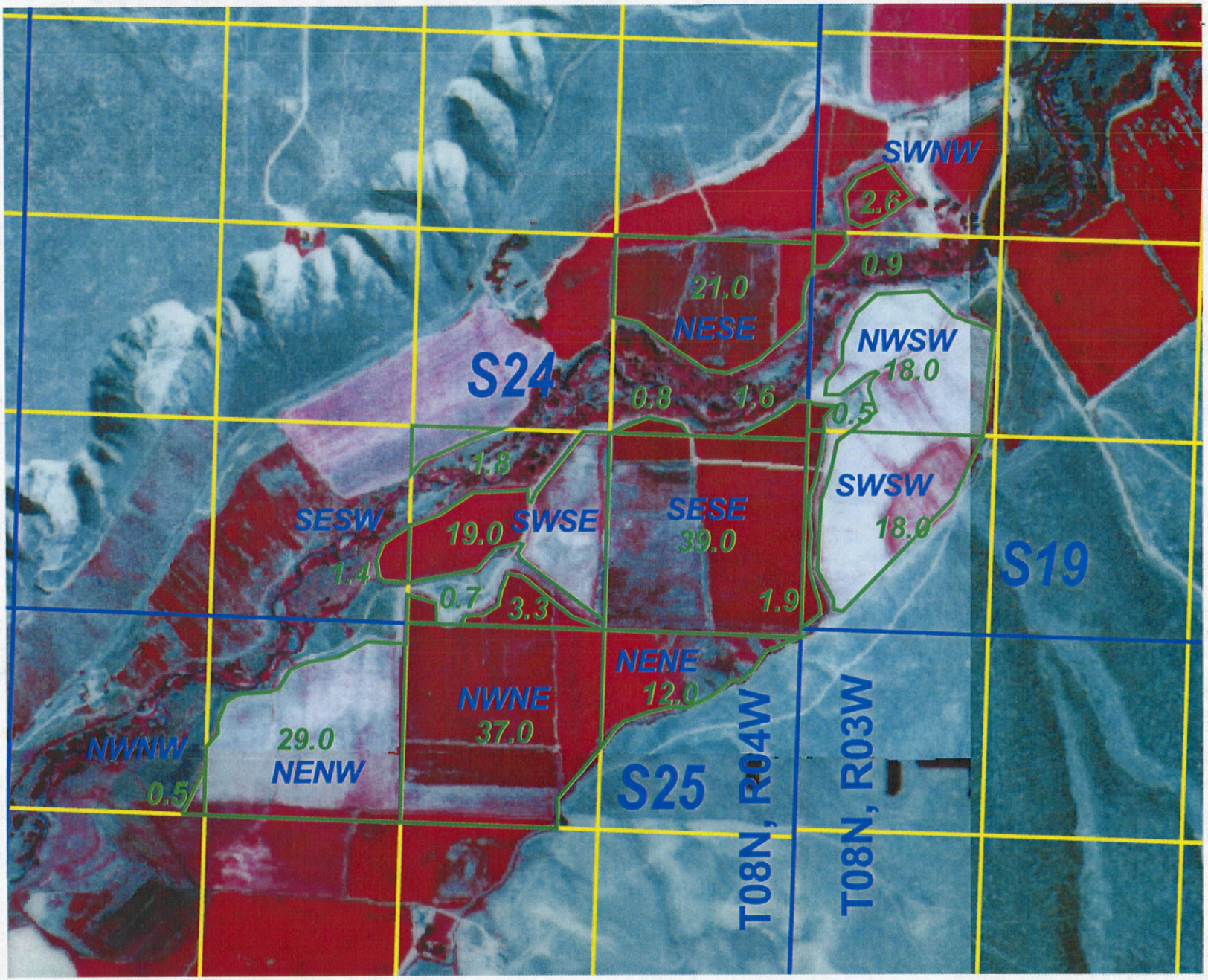
Prepared by:
Ron Howerton
Date: 03/13/00



Place of use

POD

SECTION LINES

1/4 1/4

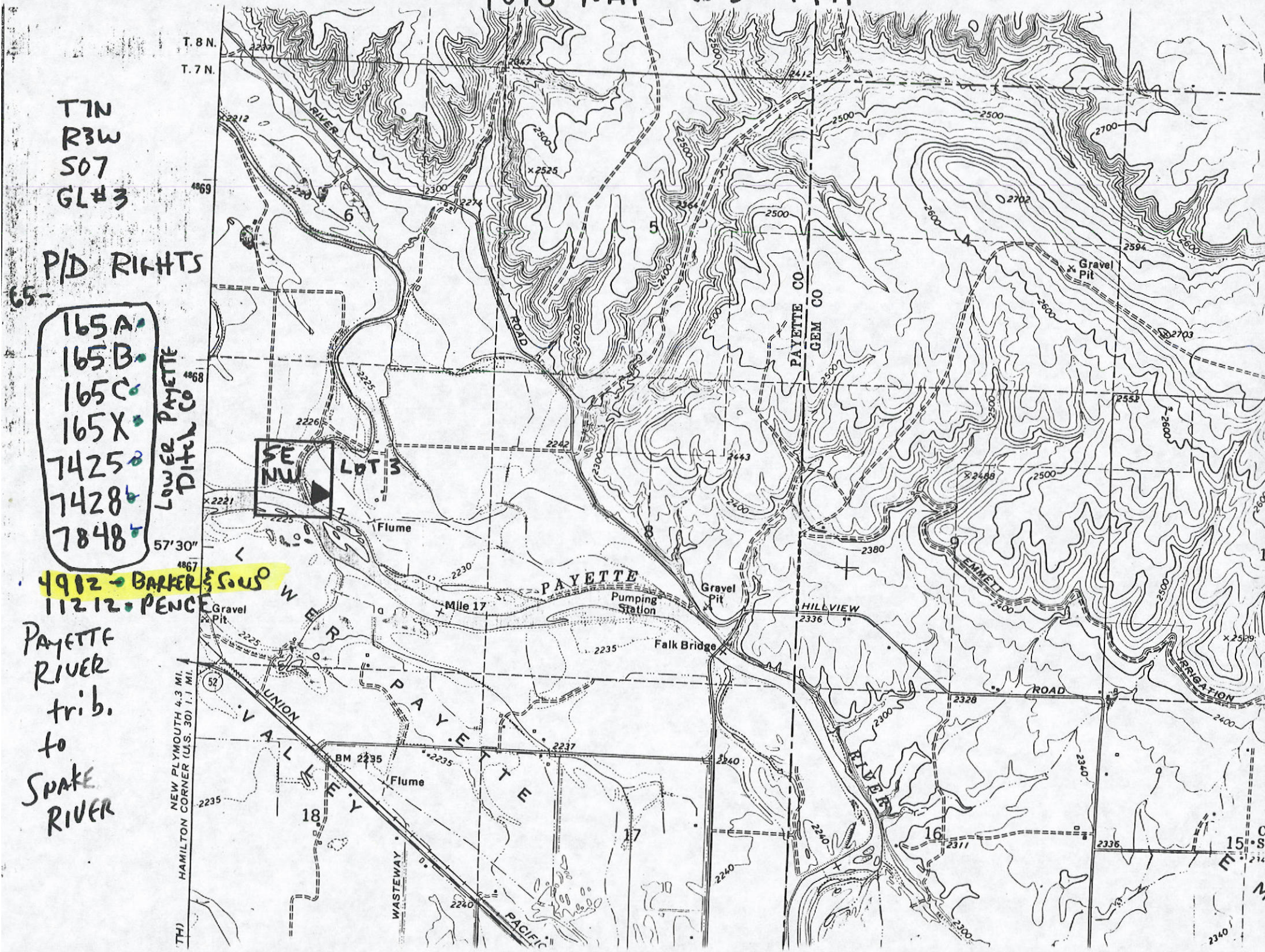
209 Acres

N
W E
S

1987 NAPP

0 0.25 0.5 0.75 1 1.25 Miles

TOPO MAP WS-1971



T7N
R3W
S07
GL#3

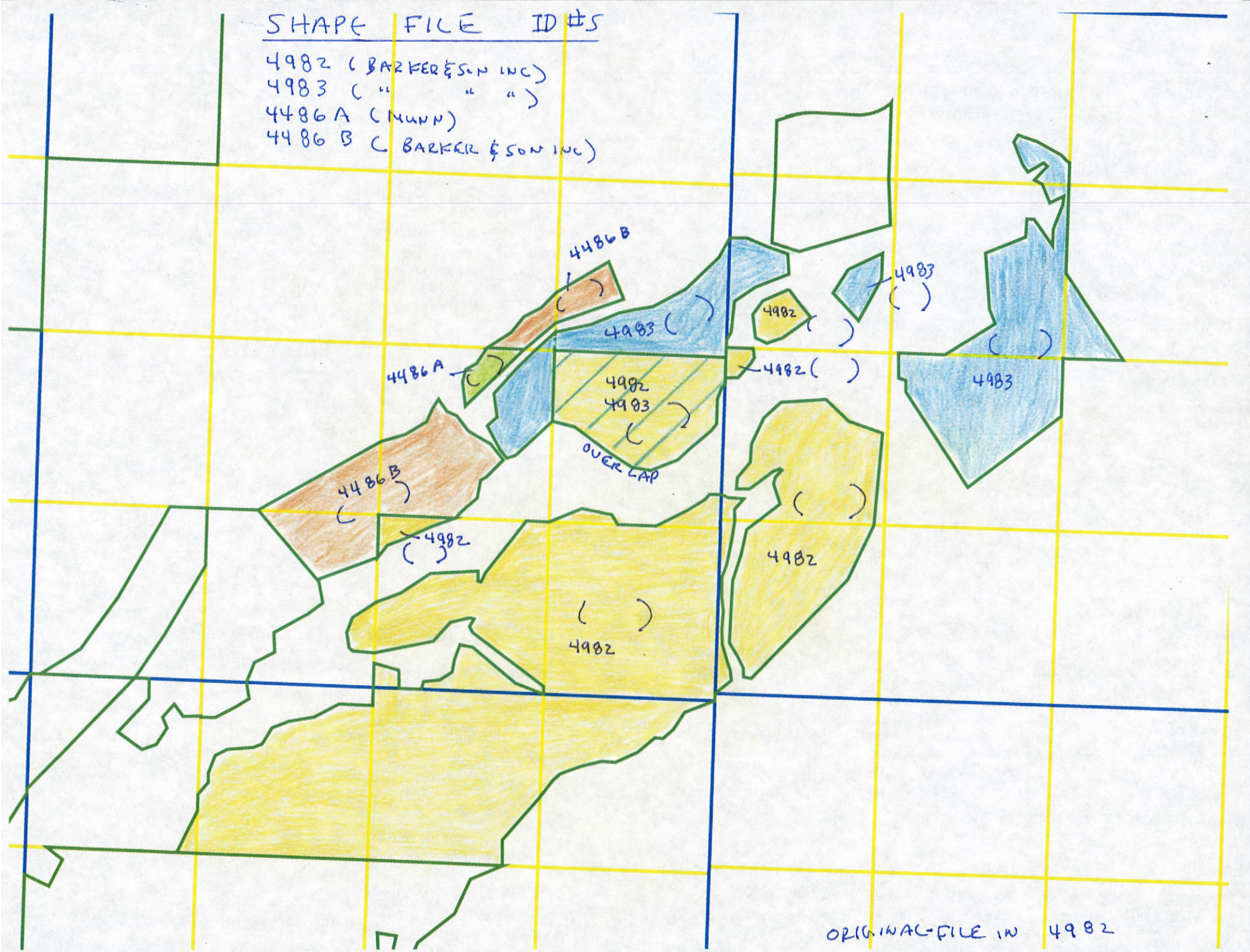
P/D RIGHTS

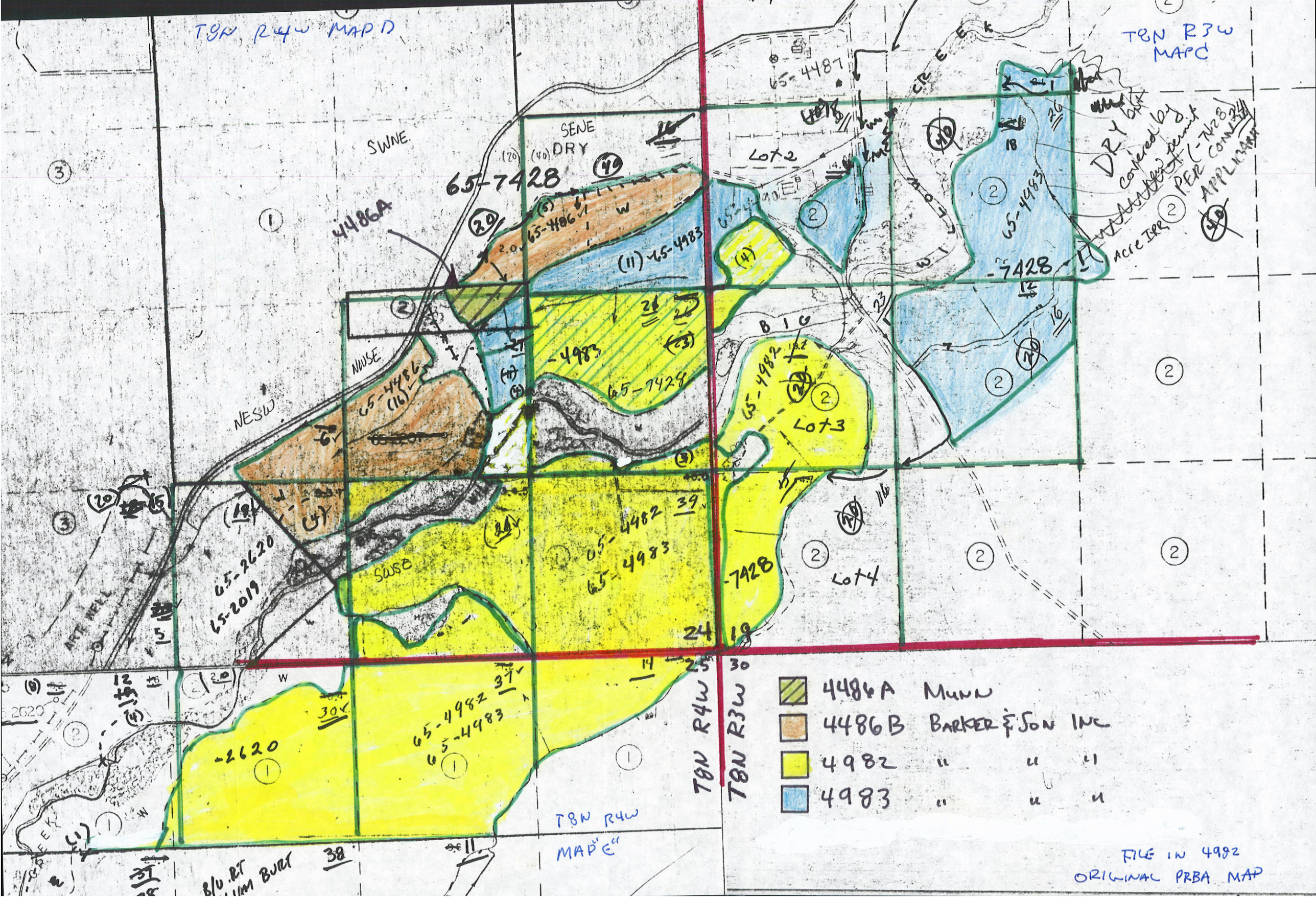
65-

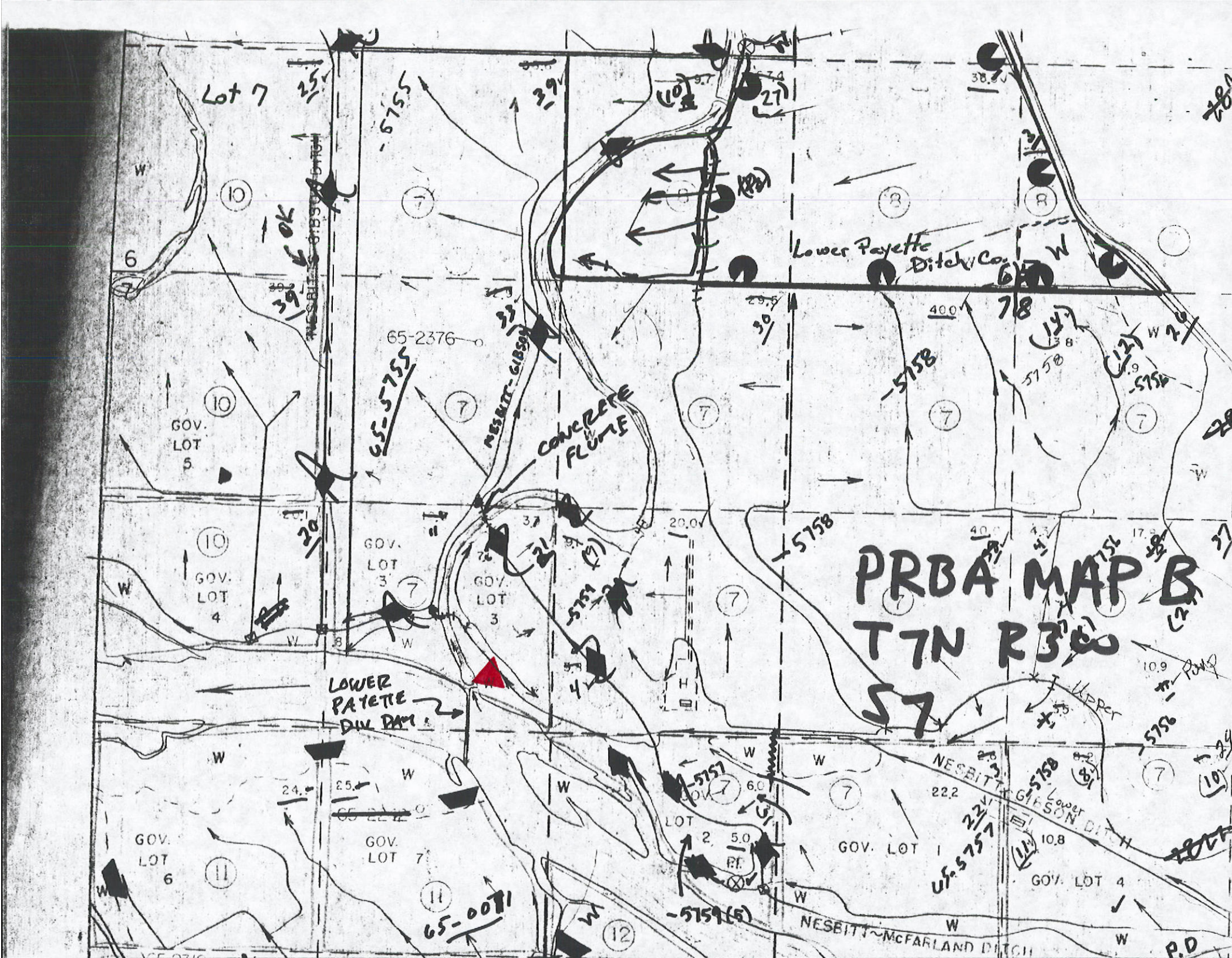
165A
165B
165C
165X
7425
7428
7848

4912 - BARKER & SONS
11212 - PENCE

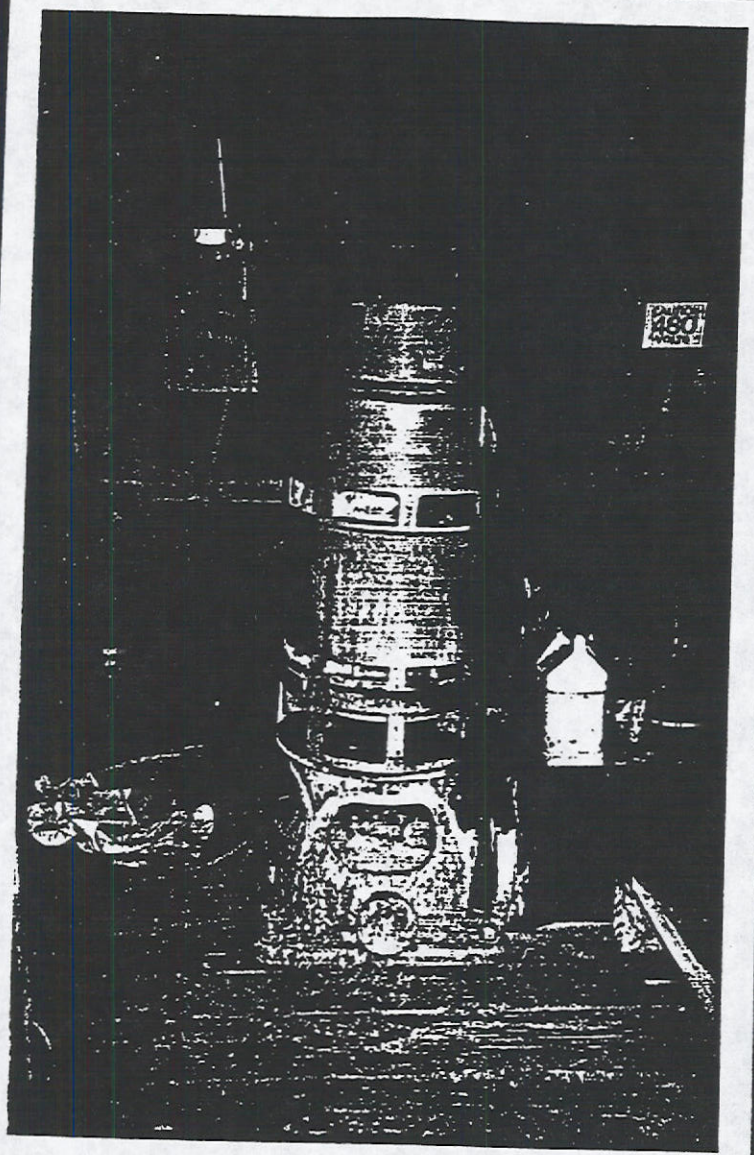
PAYETTE RIVER trib. to SNAKE RIVER

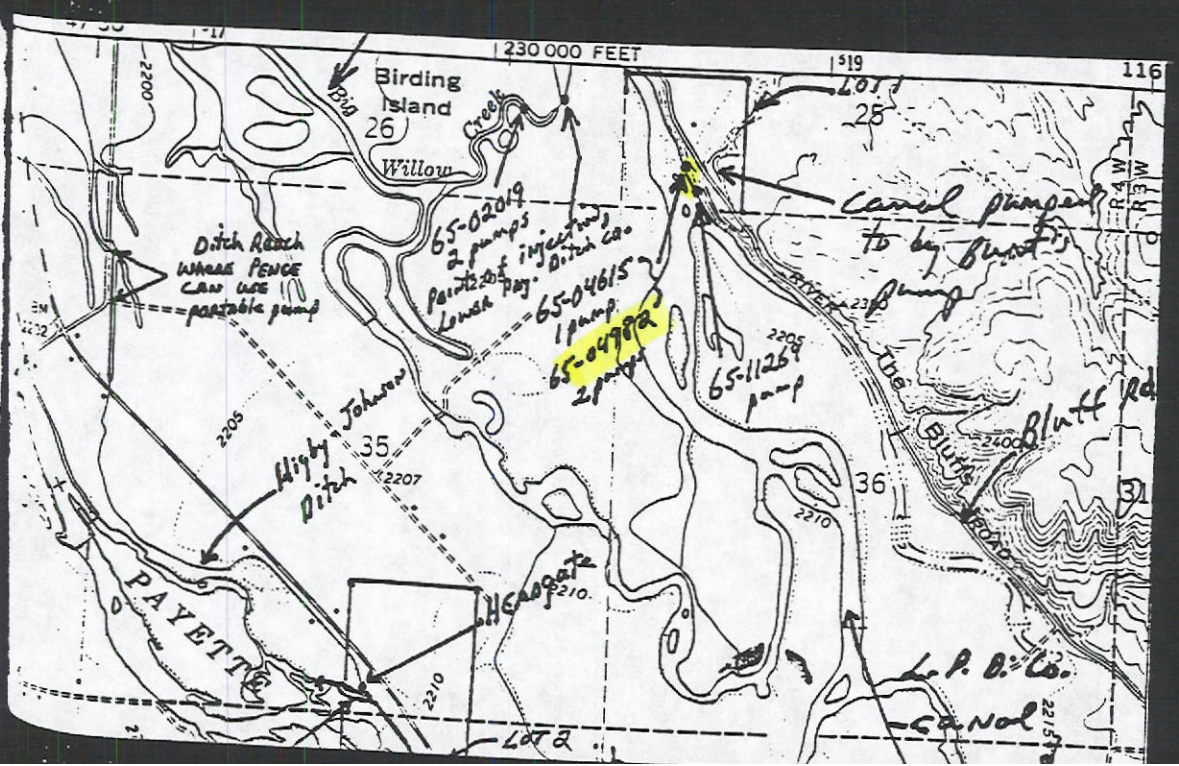

SHAPE FILE ID #S
4982 (BARKER & SON INC)
4983 (" " ")
4486A (MUNN)
4486 B (BARKER & SON INC)
4486B
4983
4982
4983
4486A
4982
4983
4982
4983
OVERLAP
4486B
4982
4982
4982
ORIGINAL FILE IN 4982


T8N R4W MAP D
T8N R3W MAP C
T8N R4W MAP "E"
T8N R4W
T8N R3W
SWNE
SENE
DRY
NWSE
NESW
SWSE
65-7428
4486A
65-4486
65-4983
65-4982
65-2620
65-2019
65-4487
Lot 2
Lot 3
Lot 4
-7428
-4983
-2620
DRY but covered by new permit (-7428) PER CONN APPLICANT
ACRE IRR
4486A MUNN
4486B BARKER & SON INC
4982 " " "
4983 " " "
FILE IN 4982 ORIGINAL PRBA MAP


PRBA MAP B
T7N R3E
S7
Lot 7
Lower Payette Ditch Co.
NESBITT-GIBSON DITCH
65-2376
65-5755
CONCRETE FLUME
LOWER PAYETTE DIV. DAM
NESBITT-McFARLAND DITCH
Lower GIBSON DITCH
65-0071
GOV. LOT 5
GOV. LOT 4
GOV. LOT 3
GOV. LOT 6
GOV. LOT 7
GOV. LOT 2
GOV. LOT 1
-5758
-5759(6)

View inside pump-house of Burt pump. 12" main goes to right.





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: **A65-04982**
Date Received: 12/ 5/1988
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BARKER & SONS, INC. 208-278-3386
   Address: 6000 BIG WILLOW RD.
   PAYETTE ID 83661

2. Date of Priority: JUN 1, 1912

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	03W	7		3	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	4.180		

7. Total Quantity Appropriated is:
   4.180 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	03W	19	SW	NW		IRR	4.0
			NW	SW		IRR	19.0
			SW	SW		IRR	15.0

MICROFILMED
SEP 22 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	38.0
	04W	24	NE	SE		IRR	26.0
			NW	SE		IRR	4.0
			SW	SE		IRR	20.0
			SE	SE		IRR	39.0
						Section Acres	89.0
		25	NE	NE		IRR	14.0
			NW	NE		IRR	37.0
			NE	NW		IRR	30.0
			NW	NW		IRR	1.0
						Section Acres	82.0
						Total Acres	209.0

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:
THIS RIGHT WHEN COMBINED WITH RIGHT 65-4983 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

STATE OF IDAHO — Decree Plaintiff

vs

A & C CORP., ET AL. — Decree Defendant

MICROFILMED
SEP 22 1992

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: _____

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
SEP 2 2 1992

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: 3956
Subcont. No.

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

Please type or print clearly:

Name of claimant(s) Barker & Son, Inc

Mailing Address
(including zip code) 6000 Big Wilson Rd
Payette Id 83661

Phone Number (208) 278 - 3386

MICROFILMED
SEP 22 1992

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: **A65-04982**
Date Received: 12/05/1988
Receipt No: X9999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 12 1990
Department of Water Resources

1. Name: BARKER & SONS, INC.
   Address: STAR ROUTE
   PAYETTE, ID 83661

2. Date of Priority: JUN 01, 1912

3. Source: PAYETTE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	03W	7		3	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	4.180		

7. Total Quantity Appropriated is:
   4.180 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	03W	19	SW	NW		IRR	4.0
			NW	SW		IRR	19.0
			SW	SW		IRR	15.0
					Section Acres		38.0

MICROFILMED
SEP 22 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
08N	04W	24	NE	SE		IRR	26.0
			NW	SE		IRR	4.0
			SW	SE		IRR	20.0
			SE	SE		IRR	39.0
						Section Acres	89.0
		25	NE	NE		IRR	14.0
			NW	NE		IRR	37.0
			NE	NW		IRR	30.0
			NW	NW		IRR	1.0
						Section Acres	82.0
						Total Acres	209.0

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:
THIS RIGHT WHEN COMBINED WITH RIGHT 65-4983 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

STATE OF IDAHO
Decree Plaintiff

vs

A & C CORP., ET AL.
Decree Defendant

MICROFILMED
SEP 22 1992

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 Organizations:

I do solemnly swear or affirm that I am Darrell Barker (Title) of Barker & Son Inc. (Organization), that I have signed the foregoing document in the space below as Pres. (Title) of Barker & Son Inc. (Organization) and that the statements contained in the foregoing document are true and correct.

Darrell Barker
Signature of Authorized Agent

Pres. of Barker & Son Inc.
Title and Organization

12 April 90
Date

State of Idaho)
) SS.
County of ADA)

Subscribed and sworn (or affirmed) before me this 12th day of April 19 90

Melvin Jane Gibson
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 9-2-1994

MICROFILMED
SEP 22 1992

08/28/2001

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

RIGHT NUMBER: 65-4982

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

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.18 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT 65-04983 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T07N R03W S7 LOT 3 SENW Within PAYETTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-15 11-15	4.18 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County

T08N R03W S19	SWNW	2.6	T08N R03W S19	NWSW	19.4
T08N R03W S19	SWSW	19.9	T08N R04W S24	SESW	1.4
T08N R04W S24	NESE	23.4	T08N R04W S24	SWSE	24.8
T08N R04W S24	SESE	39	T08N R04W S25	NENE	12
T08N R04W S25	NWNE	37	T08N R04W S25	NENW	29
T08N R04W S25	NWNW	0.5			

209 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 2 3 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
Exofficio Recorder
By Kathryn A Furrer
Deputy
Fee $12.00

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. KUS[illegible]S FUNKE NOTARY PUBLIC STATE OF IDAHO

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)

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 Stigile
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
Darrell Barker, Trustee of the Barker Family Living Trust

/ Shirley Scott Barker
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.

STATE OF IDAHO ★ D. KURTIS FUNKE ★ NOTARY PUBLIC

D. K. F.
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)

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:

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
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 Recorded
Laura L. Stigile, Ex-Officio Recorder by Judy L. Lamarle 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, 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)

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

PAM EMERY
NOTARY
PUBLIC
STATE OF IDAHO

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

2715413_1.DOC

241965
DEC. 31 1992

Pt 100 600 x 300 x 700 x 400 x 800 x 2000 x 110 100 x 1600 x 112
200 x 100 x 202 x 500 x 900 x 1100 x 111
Pt 400 x 1600 x 118 1601 190 300 x 118 3400 x 3600 x 3800 x 191

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

241965

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: 7-1-96

25647

DEC 2 1 1992

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;

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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.

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. Hammle 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. Hammle 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~~ Payette Idaho 83661 (the "Grantees"), those parcels of real property located in Gem and Payette Counties and more particularly described on Exhibit A attached hereto.

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 Bohem
Index to: DEED

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

PAM EMERY
NOTARY
PUBLIC
STATE OF IDAHO

290099

290024

INSTRU. NO. 21,390
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)

290099

290024

NSTRU. NO. 213590
AGES 1 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. 1417

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 213302
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. 0489

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, 4982, 4983, 4401

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. 4487, c

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.~~

CONTINUED

290099

290024

INSTRU. NO. 213590
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.

4982
4983
4486B

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.

4982
4983

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.

Arb 0001

~~Parcel~~ 290099 290024

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:

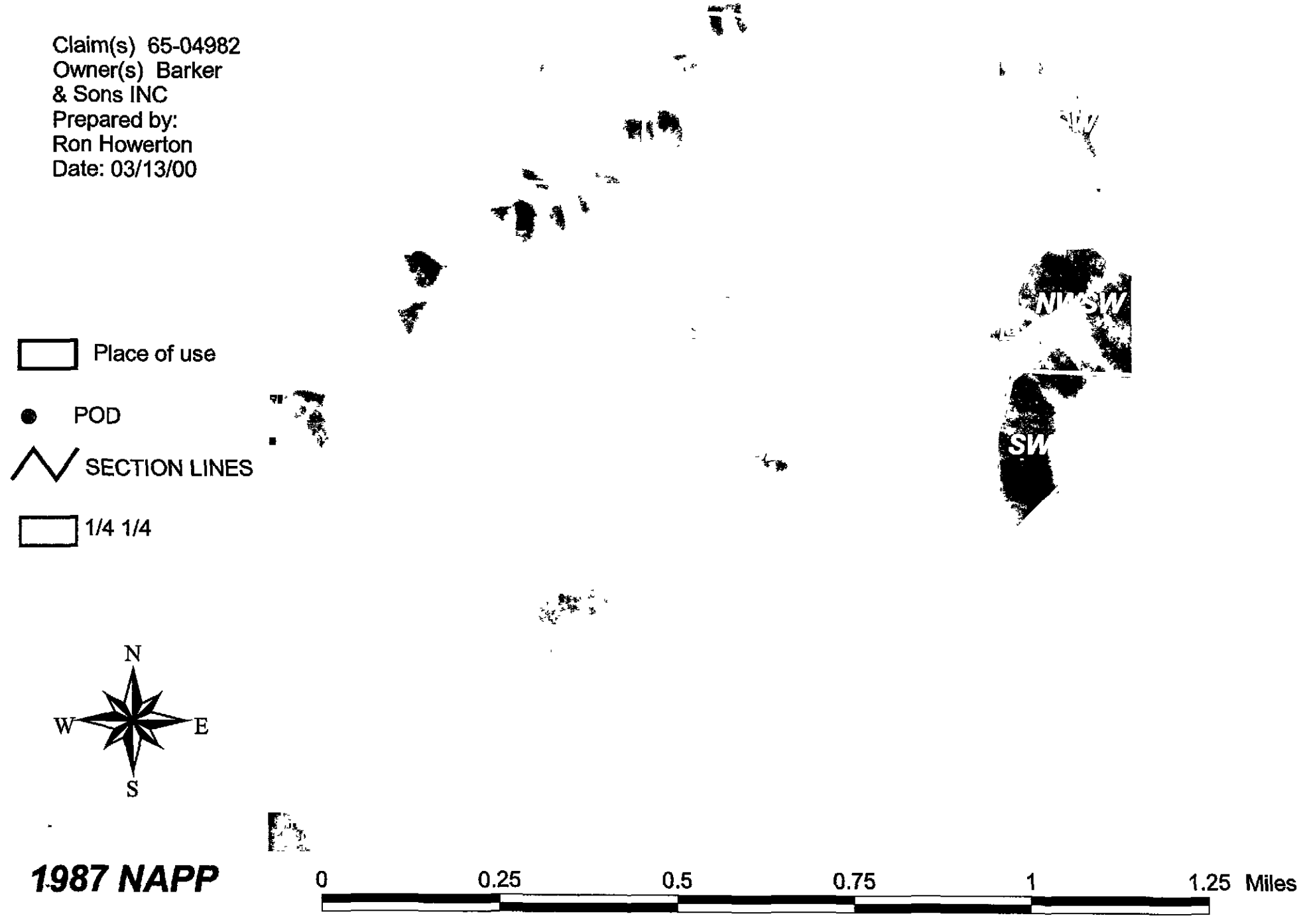
BEGINNING at a point on the West line of said Section 12, which is 740 feet North of the Southwest corner of the NW ¼ of the SW ¼ of said Section 12; thence
South 51°44' East 85 feet; thence
South 63°06' East 1450 feet, to a point in the Southwest part of the NE ¼ of the SW ¼ of Section 12; thence
South 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

09/12/2008 09:55 2083654541 ATEC PAGE 02

Idaho Department of Water Resources

Claim(s) 65-04982
Owner(s) Barker & Sons INC
Prepared by:
Ron Howerton
Date: 03/13/00



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

01/12/2001

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

RIGHT NUMBER: 65-4982

NAME AND ADDRESS: BARKER & SONS INC
6000 BIG WILLOW RD
PAYETTE, ID 83661

SOURCE: PAYETTE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 4.18 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT 65-04983 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.

PRIORITY DATE: 06/01/1912

POINT OF DIVERSION: T07N R03W S7 LOT 3 SENW Within PAYETTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3-15 11-15	4.18 CFS

PLACE OF USE:

IRRIGATION Within PAYETTE County

T08N R03W S19	SWNW	2.6	T08N R03W S19	NWSW	19.4
T08N R03W S19	SWSW	19.9	T08N R04W S24	SESW	1.4
T08N R04W S24	NESE	23.4	T08N R04W S24	SWSE	24.8
T08N R04W S24	SESE	39	T08N R04W S25	NENE	12
T08N R04W S25	NWNE	37	T08N R04W S25	NENW	29
T08N R04W S25	NWNW	0.5			

209 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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	BARKER & SONS INC 6000 BIG WILLOW RD PAYETTE ID 83661 (208) 278-3386	06/01/1912	IRRIGATION	03-15	11-15	4.180 CFS	
				TOTAL DIVERSION:		4.180 CFS	

Water Source: PAYETTE RIVER Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T07N R03W S07 Lot03(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	03W	19											02					19	19								41.9
08N	04W	24																		01		23			24	39	88.6
08N	04W	25		12		37					29	.5															78.5
																								TOTAL ACRES			209.0

POU County: PAYETTE

Remarks: QNT THIS RIGHT WHEN COMBINED WITH RIGHT 65-04983 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-00165A, 65-00165B, 65-00165C, 65-00165X, 65-07425, 65-07428, 65-07448 & 65-11212.

DEL

Dates: Exam Made Date: Verified Date: 03/15/2000 Objection Filed Date:

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

Audit: 03/15/00 RHOWERTO

PRO C18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
P	BARKER & SONS, INC. 6000 BIG WILLOW RD. PAYETTE ID 83661 (208) 278-3386	06/01/1912	IRRIGATION	03/15	11/15	4.180 CFS	
			TOTAL DIVERSION:			4.180 CFS	
C	BARKER & SONS INC. STAR RT. PAYETTE ID 83661						

Water Source: PAYETTE RIVER Tributary to: Stage: DECREED

Point(s) of Diversion: T07N R03W S07 Lot 03(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 03W 19													2.6	04					19.4	19	19.9	15			23.4	0	24.8						38.0
08N 04W 24																							1.4		26	26	20				39		89.0
08N 04W 25	14		(37)						30		09																				OK		82.0
	12		OK						29		.5																						
																							ADD TRACT				TOTAL ACRES						209.0

Pou County: PAYETTE

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-4983 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

Dates: App. Received: Priority Date: 06/01/1912
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(s) 65-04982
Owner(s) Barker & Sons INC
Prepared by:
Ron Howerton
Date: 03/13/00

TOPO MAP WS-1911

T7N
R3W
S07
GL#3

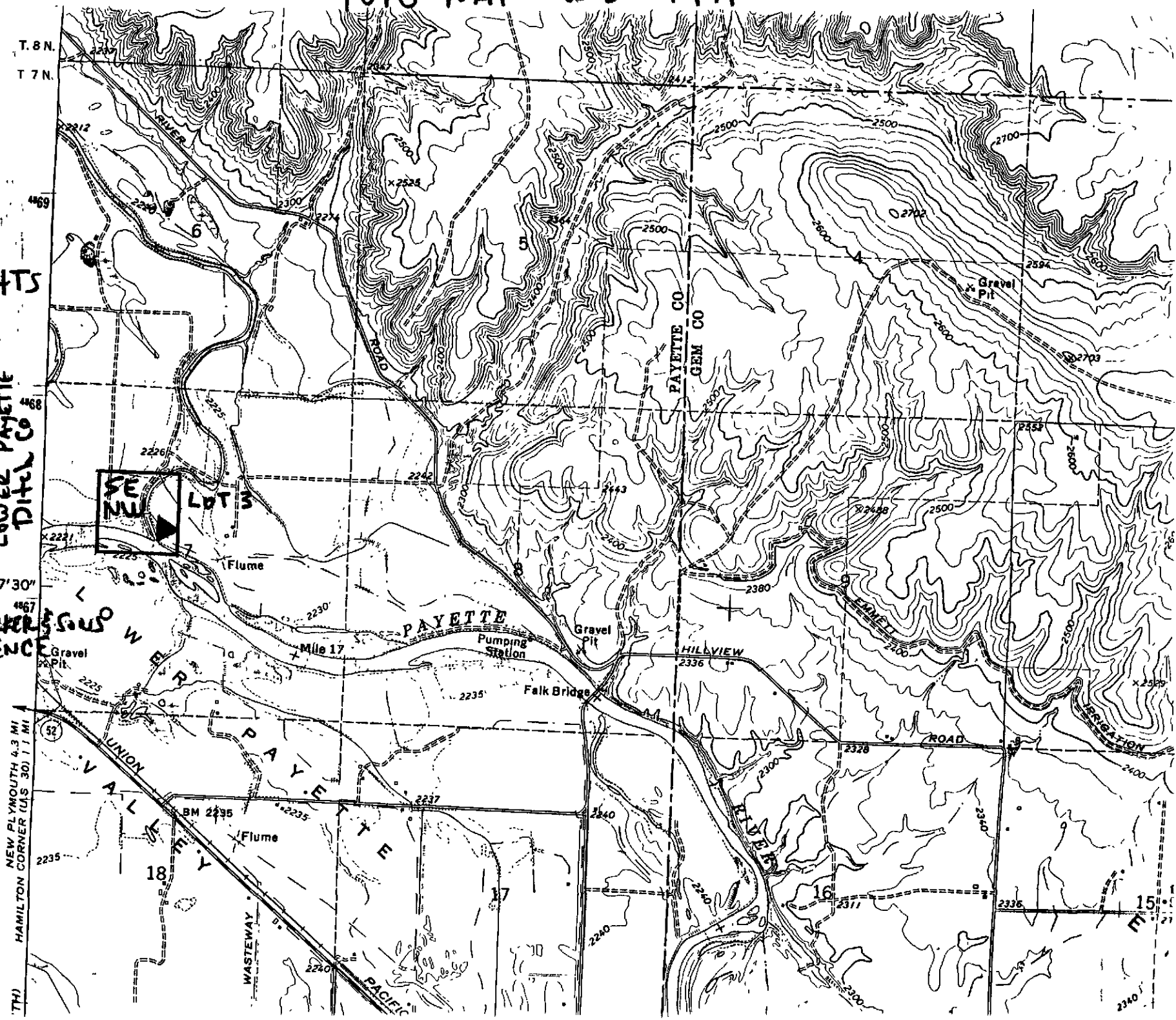
P/D RIGHTS

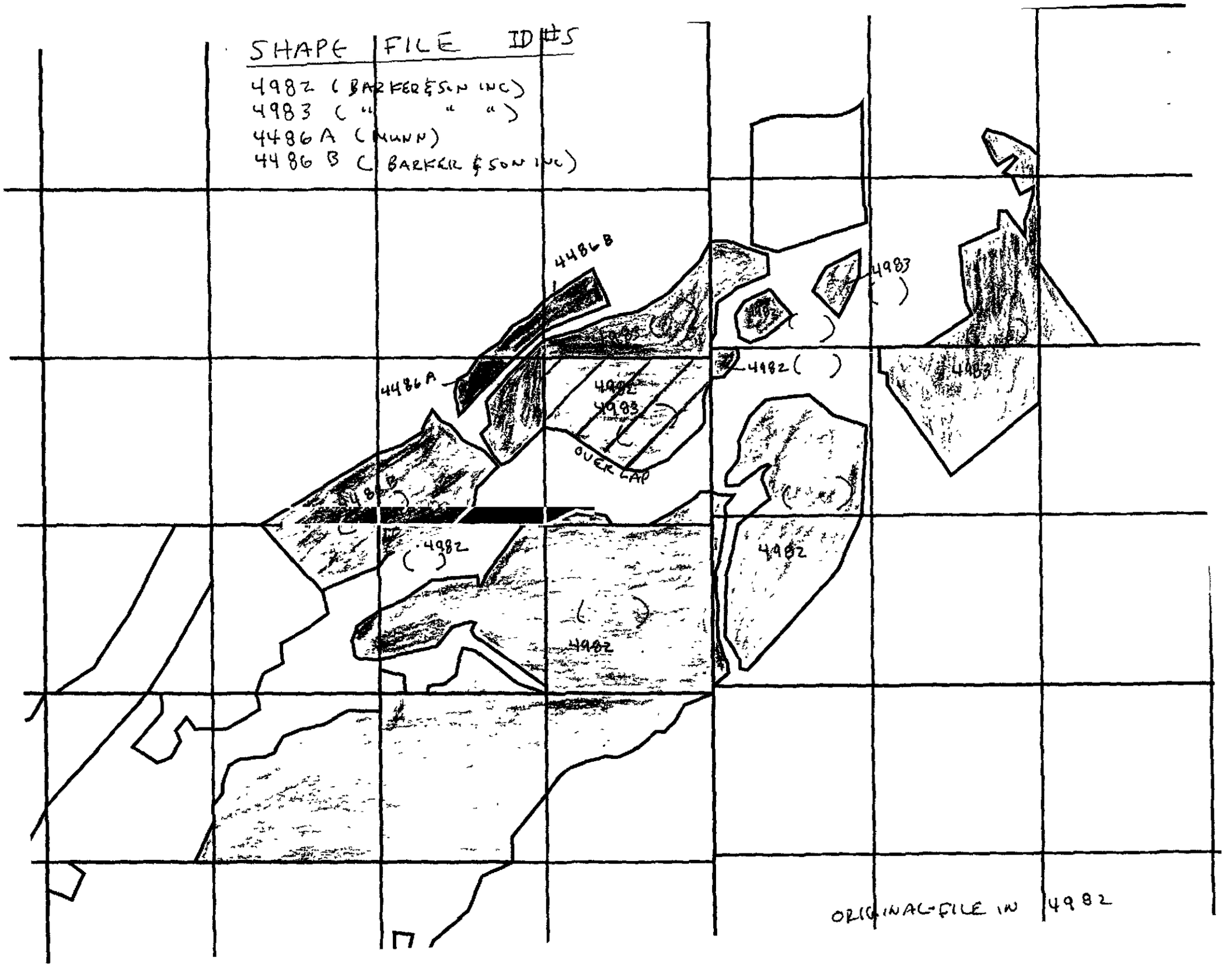
165A
165B
165C
165X
7425
7428
7848

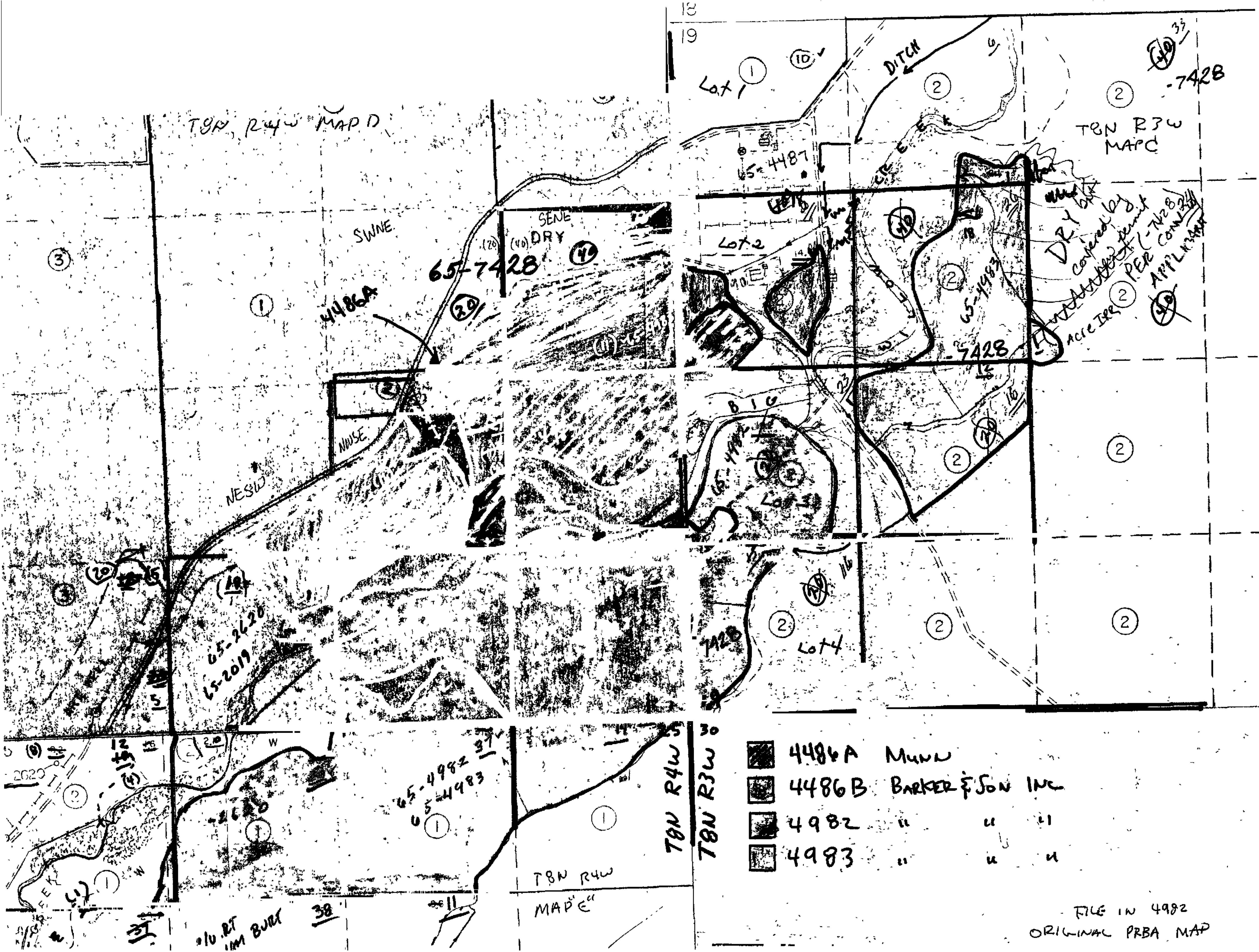
Lower Payette Ditch Co

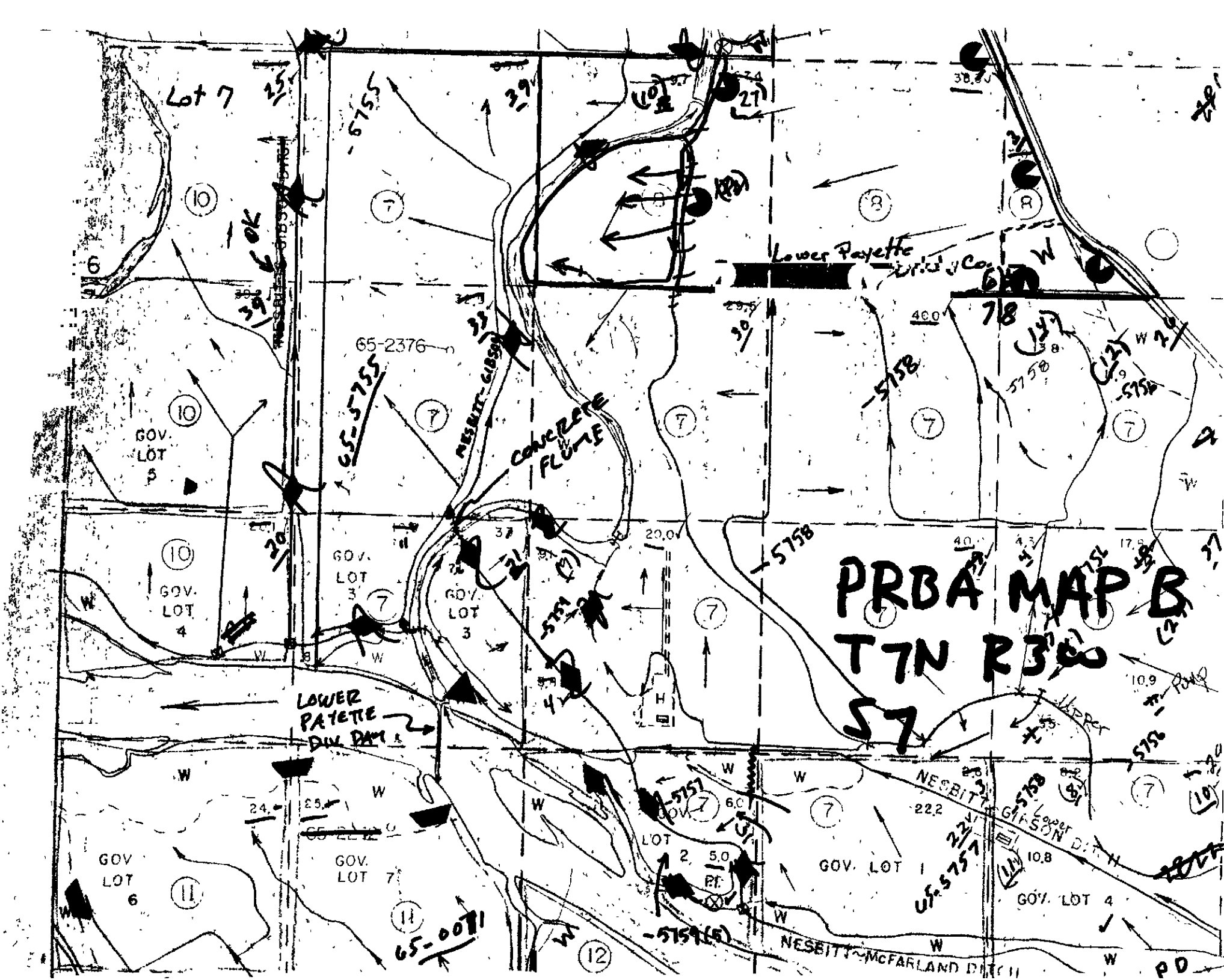
4982 - BARKER
11212 - PENCE

PAYETTE RIVER trib. to SNAKE RIVER




SHAPE FILE ID #5
4982 (BARKER & SON INC)
4983 (" " ")
4486A (MUNN)
4486 B (BARKER & SON INC)
4486B
4486A
4983
4982
4983
OVERLAP
4982
4982
4982
4983
4982
ORIGINAL FILE IN 4982


T8N R4W MAP D
T8N R3W MAP C
T8N R4W
MAP "E"
T8N R4W
T8N R3W
SWNE
SENE
DRY
65-7428
4486A
NESW
NWSE
65-2620
65-2019
65-4982
65-4983
65-4487
65-4483
Lot 1
Lot 2
Lot 3
Lot 4
DITCH
BIG
-7428
DRY covered by permit (-7428) PER CONN. APPLICANT
ACIC IRR
19
18
30
4486A MUNN
4486B BARKER & SON INC
4982 " " "
4983 " " "
FILE IN 4982
ORIGINAL PRBA MAP


PRBA MAP B
T7N R3W
57
Lot 7
Lower Payette
65-2376
CONCRETE FLUME
LOWER PAYETTE DIV. DAM
GOV. LOT 5
GOV. LOT 4
GOV. LOT 3
GOV. LOT 6
GOV. LOT 7
GOV. LOT 1
GOV. LOT 2
GOV. LOT 4
NESBITT-GIBSON DITCH
NESBITT-McFARLAND DITCH
65-5755
65-5758
65-5757
65-0071
-5759(5)

DATE: 12/16/92 ~~DATA COLLECTED BY:~~ Steven Lester

STREAM: Payette River

DIVERSION NAME: Barker & Hendrickson/Wookey Pumps

POINT OF DIVERSION: Lot 1 (5½ SWSW) S.25 T8N R4W *

ACCESS: South side of Bluff Rd across from 7188 Bluff Rd. (Hendrickson's house)

USGS MAP: New Plymouth (name) W4 (number)

WATERMASTER CONTROL: ___ Yes ✓ No W4 NE (NAPP I.D. #)

DIVERSION DESCRIPTION: Water is diverted from river via Lower Payette Ditch Co. canal & from canal by pumps. Pumped water is delivered to canal on opposite side of Bluff Road for "gravity" irrigation from canal. Two pumps are for Barker (65-04982) & 1 pump is for Wookey/Hendrickson (65-04615).

~~MEASUREMENT:~~ Barker: #1 GE 75 motor, serial # KJJ1024444, Layne & Bowler Pump Vert-Line model 16KHM, serial # 73-07031A, 16" mainline.

Barker: #2 same size/type motor # KJJ1024445, same type/model pump, serial # 73-07031B, 16" main. Hendrickson/Wookey: 125 hp US motor i.d. # R-9982-00 307 R2097163M, Layne & Bowler Wet-Line Pump # T79152, 5 Stage.

CURRENT WATER RIGHTS: No measuring devices found. Could do HP equation if assume low pro for open discharge into canal. Each pump: lift ≈ 80' (tops). OR, could do current meter measurement in canal.

* Same note as preceding right: pld actually Lower Payette Ditch Co. canal; point of control is pump location.

DIAGRAM (if applicable):

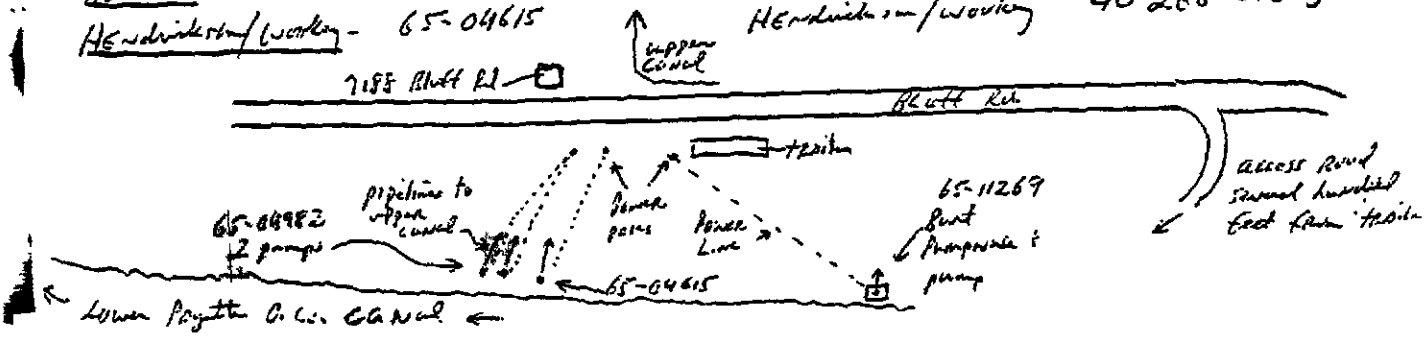
Barker - 65-04982

Hendrickson/Wookey - 65-04615

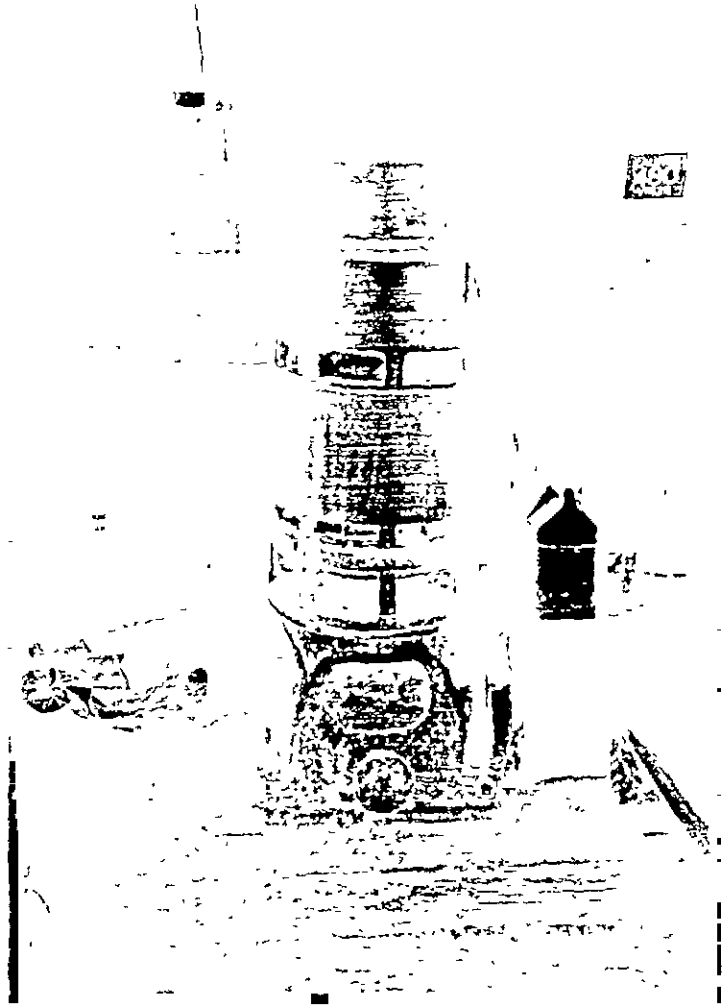
IDAHO POWER METER #:

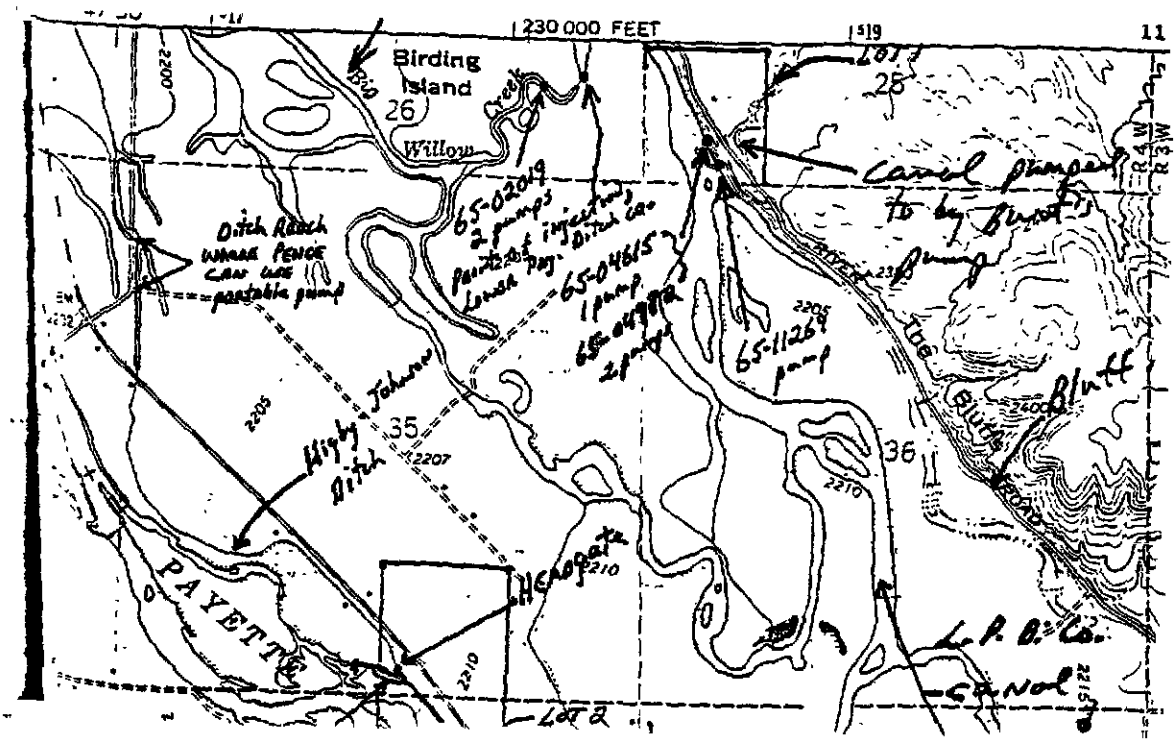
Barker 2 pumps/1 meter 62 089 036 G.E.

Hendrickson/Wookey 40 266 278 G.E.



View inside pump-house of Boat pump. 12" main Goes to Right





IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM #: 65-04982

CLAIMANT: Barker + Sons, Inc.

Overlap Claim Numbers: 65-04983

Date: 10-30-99

				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Sum
Claim	08N	31W	19							4			17	15						38
GIS										4			19	15						38
										2.6			19.4	19.9						
Claim	8N	4W	24													26	4	20	39	89
GIS															1.4	*30	4	20	39	93
																23.4		24.8		
Claim	8N	4W	25	14	37			30	1											82
GIS				14	37			30	1											82
				12				29	.5											
Claim																				
GIS																				

POU_ID #(s): 8, 9, 10, 30, 31

POD_ID #(s): 2

Total Claimed Acres: 209

Total GIS Acres: ~~213~~ 209

COMMENTS:

all land on this claim is owned by Bettis Family.
* 524 NESE - can't distinguish 26 out of 30

UPDATED Pou Rch

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:55:56
03/13/00

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A65-04982

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			RCh					RCh
POINT OF DIV			IN OFFICE					3/15/00
SOURCE			3/15/00					
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:55:56
03/13/00

PAGE: 1

1

GENERAL INFORMATION

CLAIM NUMBER: A65-04982

LAST: BARKER & SONS INC FIRST:
ADDRESS: 6000 BIG WILLOW RD
CITY: PAYETTE STATE: ID ZIP: 83661
PHONE NUMBER: 208-278-3386

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	Y	Y(___) N(/)

CLAIM REMARKS: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-4983 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IN-OFFICE PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: 3/15/00 APPOINTMENT MADE: Y(___) N(/) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY: _____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

SEE MAPS IN FILE

A. AJ CLAIM: # A65-04982 PRIORITY DATE: 06-01-1912 STAGE: D

B. WR RECORD: # 65-04982 PRIORITY DATE: 06-01-1912 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(✓) N(___)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(___) N(✓)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) Y(___) N(✓)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(✓) Y(___) N(___)

FIELD EXAM COMPLETED N/A(✓) Y(___) N(___)

FIELD EXAM SENT TO STATE OFFICE N/A(✓) Y(___) N(___)

LICENSE ISSUED N/A(✓) Y(___) N(___)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED? N/A(___) Y(___) N(✓)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(✓) N(___)

NOTES: _____

RECOMMENDED PRIORITY DATE:

06-01-1912

REVIEWED BY Reh DATE 3/15/00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A65-04982	07N	03W	7				3		PAYETTE		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A65-07425	NONE
A65-07428	
A65-07848	
A65-18465	

WR RECORDS IN SAME 40 ACRE TRACT

65-00165A
65-00165B
65-00165C
65-06587
65-07425

SOURCE: PAYETTE RIVER TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
65-04982	07N	03W	7				3		PAYETTE		

OTHER WR RECORDS WITH SAME WR POD

65-00165A
65-00165B
65-00165C
65-06587
65-07425

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A65-07425	NONE
A65-07428	
A65-07848	
A65-18465	

SOURCE: PAYETTE RIVER TRIB:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A(___) Y(✓) N(___)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(✓) N(___)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(___) N(___)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(___) N(___)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: GPS 1987 MAPP & PRBA. ALSO SEE ATTACHED 12/16/92 Ex by Steve Lester, shows pump out OF CANAL LOCATION.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
07N	03W	7		SE	NW	3		PAYETTE		

SOURCE: PAYETTE RIVER TRIB: SNAKE RIVER

REVIEWED BY: RCH DATE: 2/15/00

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (X)

A. ROOT WATER RIGHT NUMBERS: A65-04982

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	03W	19	SW	NW		BARKER & SONS INC	A65-04982 / 4.0	65-04982 / 4.0			
			SW	NW		BARKER & SON INC	65-04490 /	65-04490 /			
			SW	NW		BARKER & SON INC	A65-04490 /	- /			
			SW	NW		BARKER & SONS INC	A65-04983 / 14.0	65-04983 / 14.0			
			SW	NW	2	LOWER PAYETTE DITCH CO.		65-07428 / 1.0			
08N	03W	19	NW	SW		BARKER & SONS INC	A65-04982 / 19.0	65-04982 / 19.0			
			NW	SW	3	LOWER PAYETTE DITCH CO.		65-07428 / 4.0			
08N	03W	19	SW	SW		BARKER & SONS INC	A65-04982 / 15.0	65-04982 / 15.0			
			SW	SW		LOWER PAYETTE DITCH CO	A65-07882 / 20.0	- /			
			SW	SW	4	LOWER PAYETTE DITCH CO.		65-07428 / 1.0			
08N	04W	24	NE	SE		BARKER & SONS INC	A65-04982 / 26.0	65-04982 / 26.0	37.0		
08N	04W	24	NW	SE		BARKER & SONS INC	A65-04982 / 4.0	65-04982 / 4.0	32.0		
			NW	SE		MUNN, MARIE H	A65-04488 /	65-04488 /			
			NW	SE		MUNN, MARIE H	A65-04486A / 2.0	- /			
			NW	SE		BARKER & SON INC	A65-04486B / 16.0	- /			
			NW	SE		MUNN, MARIE H	65-04488 /	- /			
			NW	SE		BARKER & SON INC.		65-04486 / 16.0			
08N	04W	24	SW	SE		BARKER & SONS INC	A65-04982 / 20.0	65-04982 / 20.0	37.0		
08N	04W	24	SE	SE		BARKER & SONS INC	A65-04982 / 39.0	65-04982 / 39.0	39.0		39.0
08N	04W	25	NE	NE		BARKER & SONS INC	A65-04982 / 14.0	65-04982 / 14.0	16.0		
08N	04W	25	NW	NE		BARKER & SONS INC	A65-04982 / 37.0	65-04982 / 37.0	36.0		
08N	04W	25	NE	NW		BARKER & SONS INC	A65-04982 / 30.0	65-04982 / 30.0	39.0		
			NE	NW		PENCE JR, THOMAS F	A65-02019 / 2.0	65-02019 / 2.0			
			NE	NW		PENCE JR, THOMAS F	A65-02620 / 2.0	65-02620 / 2.0			
08N	04W	25	NW	NW		BARKER & SONS INC	A65-04982 / 1.0	65-04982 / 1.0	33.0		
			NW	NW		PENCE JR, THOMAS F	A65-02019 / 12.0	65-02019 / 12.0			
			NW	NW		PENCE JR, THOMAS F	A65-02620 / 12.0	65-02620 / 12.0			
ADDITIONAL POU FOUND											
						TOTAL ACRES A65-04982	209.00	209.00	269.00		

(SAME AS DECREE)
209 TOTAL

SEE NAPP PHOTO FOR ACRES RECOMMENDED

POU COUNTY: PAYETTE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y(✓) N(__)

* IF YES, ARE THESE TRACTS LISTED ABOVE (__), OR ARE THEY LISTED ON AN ATTACHED SHEET (✓) N APP PHOTO

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A65-04982	PAYETTE RIVER	BARKER & SONS INC	4.180	0.020		
A65-02019	PAYETTE RIVER	PENCE JR, THOMAS F	1.380	0.020		
A65-02620	GROUNDWATER	PENCE JR, THOMAS F	3.000	0.010		
A65-04486A	BIG WILLOW CREEK	MUNN, MARIE H	0.040	0.020		
A65-04486B	BIG WILLOW CREEK	BARKER & SON INC	0.660	0.020		
A65-04983	BIG WILLOW CREEK	BARKER & SONS INC	2.080	0.024	4.00	0.04
A65-07882	GRAVEYARD GULCH WASTEWAY	LOWER PAYETTE DITCH CO	30.000	0.002		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
65-04490	DOMESTIC	BARKER & SON INC	FROM 01-01 TO 12-31	0.080 CFS	2.40 AF/A
65-04490	STOCKWATER	BARKER & SON INC	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
A65-04490	DOMESTIC	BARKER & SON INC	FROM 01-01 TO 12-31	0.080 CFS	2.40 AF/A
A65-04490	STOCKWATER	BARKER & SON INC	FROM 01-01 TO 12-31	0.030 CFS	1.40 AF/A
A65-04488	DOMESTIC	MUNN, MARIE H	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A
65-04488	DOMESTIC	MUNN, MARIE H	FROM 01-01 TO 12-31	0.040 CFS	1.20 AF/A

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y(✓) N(__)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 65-4983

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(__) Y(✓) N(__)

MAPPING GIS ACRES IS DIFFERENT THAN PRBA HOWEVER TOTAL ACRES ARE SAME

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A(__) Y(✓) N(__)

7
CLAIM NUMBER: A65-04982

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y(__) N(✓)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y(__) N(✓)

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDWR NO. _____; ( ) TOPOGRAPHIC QUAD, IDWR NO. _____;
(✓) NAPP, IDWR NO. _____; ( ) ASCS PHOTO; (✓) OTHER PRBA MAPS

NOTES: _____

RECOMMENDATIONS:

TOTAL ACRES: 209 N/A(__)

REVIEWED BY: RCH DATE: 3/15/00

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CLAIM NUMBER: A65-04982

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A65-04982	IRRIGATION	FROM 03-15 TO 11-15	4.180 CFS	
		TOTAL DIVERSION RATE/VOLUME	4.180 CFS	

B. WR RECORDED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
65-04982	IRRIGATION	FROM 03-15 TO 11-15	4.180 CFS	
		TOTAL DIVERSION RATE/VOLUME	4.180 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(✓) N(__)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(__) Y(✓) N(__)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(__) N(✓)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(✓) N(__)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(✓) N(__)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(__) Y(✓) N(__)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(__) Y(__) N(✓)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(✓) Y(__) N(__)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(✓) Y(__) N(__)

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 4.180 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 4.180 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(___) N(✓)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

E. FLOW MEASUREMENT

MEASUREMENT METHOD N A, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 209 x 0.02 CFS/ACRE = 4.18 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(___) N(✓)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(___) N(___)

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW (___) OR SEE ATTACHMENT (___)

NOTES:

WR RECORD CONDITIONS/REMARKS:

SEE WR PROFILE

RECOMMENDATIONS REVIEW SHEET

12
CLAIM NUMBER: A65-04982

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

REC. PURPOSE OF USE	REC. PERIOD FROM	TO	REC. DIV RATE CFS DATABASE	EXAMINER	REC. DIV VOL. AF/A DATABASE	EXAMINER	REC. CONS. USE DATABASE	EXAMINER
IRRIGATION	03-15	11-15	4.180				0.0	
TOTAL FOR THIS RIGHT			4.180				0.0	

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: RCL DATE: 3/15/00

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE): QNT E28

EXPLANATORY CONDITIONS (CODE): EXP F06

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	(✓)	( )
FORFEIT/ABANDON	(✓)	( )
ADDITIONAL DIV. AMOUNT	( )	( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-04982

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 4.180 — EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A65-04982	4.180	-		65-04982	4.180
	TOTAL CFS	4.180				4.180

DIVERSION RATE REVIEW

	DATABASE	FIELD EXAMINER
DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)	Y	Y(___) N(___)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW (___) OR SEE ATTACHMENT (___)?		

NO SPLITS

NOTES:

AUTHENTICATION:

SIGNATURE: Ron Howerton DATE: 3/15/00

NAME OF FIELD EXAMINER: ~~Ron Howerton~~ TITLE: Sr Water Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION		COPY INCLUDED IN FILE?
( ) ORTHOPHOTOQUAD	DATE OF PHOTO _____	IDWR ID NO. _____	Y( ) N( )
(X) TOPOGRAPHIC	DATE FIELD CHECKED 1971	IDWR ID NO. W5	Y(X) N( )
(X) NAPP	DATE OF PHOTO 1987	IDWR ID NO. _____	Y(X) N( )
( ) ASCS AERIAL PHOTO	DATE OF PHOTO _____		Y( ) N( )
( ) ASCS COLOR SLIDE	DATE OF PHOTO _____		Y( ) N( )
( ) BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____		Y( ) N( )
( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____		Y( ) N( )
( ) SCS SOIL SURVEY MAP	DATE ISSUED _____		Y( ) N( )
( ) SUBDIVISION PLAT MAP	DATE OF MAP _____		Y( ) N( )
(X) OTHER PRBA MAPS	DATE ORIGINAL IN this FILE		Y(X) N( )
(X) OTHER PRW FILE	DATE WR RECORD		Y(X) N( )
(X) OTHER Notes	DATE 2/6/92	Field Notes From PID fx 2 PAGES	Y(X) N( )

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION		NO. OF PAGES	NOTES
( ) LICENSING FIELD EXAM	DATE OF FIELD EXAM	_____	___	_____
( ) WATER RIGHT LICENSE	DATE LICENSE SIGNED	_____	___	_____
( ) IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED	_____	___	_____
( ) SYSTEM DESCRIPTION	DATE DRAWN	_____	___	_____
( ) PHOTOGRAPHS	DATE(S) PHOTOS TAKEN	_____	___	_____
( ) SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED	_____	___	_____
( ) HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED	_____	___	_____
( ) CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED	_____	___	_____
( ) FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED	_____	___	_____
(X) OTHER Map "B"	DATE	PRBA Map	1	Shows PID
( ) OTHER _____	DATE	_____	___	_____

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	BARKER & SONS INC	06/01/1912	IRRIGATION	03-15	11-15	4.180 CFS	
				TOTAL DIVERSION:		4.180 CFS	

Water Source: PAYETTE RIVER Tributary to: Stage: DECREED

Point(s) of Diversion: T07N R03W S07 Lot03( ) 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	03W	19							04			19	15						38.0
08N	04W	24													26	04	20	39	89.0
08N	04W	25	14	37			30	01											82.0
																TOTAL ACRES			209.0

POU County: PAYETTE

Remarks: GEN THIS RIGHT WHEN COMBINED WITH RIGHT 65-4983 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.

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

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

SD-0605-2 Township: 07N Range: 03W Section: 7 Tract: SENW Lot: 3

Max # Records 30

SEL	Tract	LOT	RDV	STATE Water Right No.	Name Last, First	OWN	STG	Priority Date	Source	Total Diversion
_		3		A65-07425	LOWER PAYETTE	C	P	10/11/1973	PAYETTE RIV	39.00
_		3		A65-04982	BARKER & SONS	C	D	06/01/1912	PAYETTE RIV	4.18
_		3		A65-07428	LOWER PAYETTE	C	P	10/25/1973	PAYETTE RIV	4.80
_		3		A65-07848	LOWER PAYETTE	C	P	04/15/1977	PAYETTE RIV	2.40
_	SWNE	3		A65-07425	LOWER PAYETTE	C	P	10/11/1973	PAYETTE RIV	39.00
_	SWNE	3		A65-07428	LOWER PAYETTE	C	P	10/25/1973	PAYETTE RIV	4.80
_	SENW	3		A65-00165A	LOWER PAYETTE	C	D	03/22/1884	PAYETTE RIV	63.32
_	SENW	3		A65-00165B	LOWER PAYETTE	C	D	06/20/1896	PAYETTE RIV	37.63
_	SENW	3		A65-00165C	LOWER PAYETTE	C	D	04/01/1917	PAYETTE RIV	59.23
_	SENW	3		A65-00165X	LOWER PAYETTE	C	D	06/01/1882	PAYETTE RIV	122.12
_	SENW	3		A65-11212	PENCE JR, THOM	C	D	11/27/1889	PAYETTE RIV	3.90
_	NESW	3		A65-07848	LOWER PAYETTE	C	P	04/15/1977	PAYETTE RIV	2.40
_										
_										
_										
_										
_										

(Enter=Continue) (GOLD7=This Query) (Menu _____)

POOR ORIGINAL

Payette River diversions were mapped for the Water District 65 in winter 1992-1993.* For pod locations, photos, map copies, and water pages, see the water district pod notebook assembled by Tim Luke at S.O.

I mapped the following rights. Information about these is available on master maps (SL) or in notebook (Tim Luke):

65-02847
- 05755 thru 05759
- 00003
- 04982
- 04615
- 11269
- 11212
- 02019
- 00165 A
- " B
- " C
- " X
- 07425
- 07428
- 07848
- 12756
- 05459
- 11258
- 05921
- 08627
- 11261
- 11255

65-03617
- 07461
- 02809
- 00486
- 10505
- 06037
- 04298
- 05817
- 06591
- 12623
- 00072
- 11061

— Steve Lester

1/21/93

MICROFILMED
AUG 03 1994

* From mouth Gardena to Emmettland stretch of river.