

THIS INDENTURE, Made this 1st day of April
in the year of our Lord one thousand nine hundred and Seventy (1970), between

TOM C. PULLEY and ELLA M. PULLEY, husband and wife,

of Emmett, County of Gem, State of Idaho

the parties of the first part, and

KENNETH PRATT and DOROTHY PRATT, husband and wife,

of Emmett, County of Gem, State of Idaho

the parties of the second part, WITNESSETH:

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

Ten and no/100 (\$10.00) and other valuable consideration - DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey, and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate, situated in the County of Gem, State of Idaho, to-wit:

TRACT I:

All of the following described land lying North of the County Road as now laid out and used over Section 13 and 14, Twp. 8 N., R. 1 E.B.M., to wit: NW $\frac{1}{4}$, N $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 13; NE $\frac{1}{4}$, Lot 2, and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 14.

TRACT II:

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, all in Twp. 8 N., R. 1 E.B.M.

TRACT III:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Twp. 8 N., R. 1 E.B.M., and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Twp. 8 N., R. 1 E.B.M.

TRACT IV:

Those mining claims located in the County of Gem, State of Idaho, and known as Morning, Cincinnati, Iron Crown, and Nellie Gray Mining Claims, as particularly described in Book 1 of Patents, at page 27, records of Gem County, Idaho, EXCEPT the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Twp. 8 N., R. 1 E.B.M.

Also, all of Pulleys' right, title and interest in and to that certain Taylor grazing permit, connected with the above-described Tract I and Tract II relating to 103 acres, more or less.

Including all water and ditch rights appurtenant to said described properties being conveyed or used in connection therewith. Subject to easements and rights of way, if any.

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

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

pril
between
Idaho
Idaho

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eration - DOLLARS,
in hand paid by the said
ve granted, bargained
m unto the said part ies
ing described real estate,
, State of Idaho, to-wit:
e County Road as
N., R. 1 E.B.M.,
and the E $\frac{1}{2}$ of the
NE $\frac{1}{4}$ of Section 15,
, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and
te of Idaho, and
Gray Mining Claims,
ge 27, records of
. 8 N., R. 1 E.B.M.
d to that certain
ibed Tract I and
aid described pro-
h. Subject to

appurtenances thereunto
ler and remainders, rents,
said property, as well in
described premises, together
neir heirs and assigns
premises in the quiet and
irs and assigns, against the
every person and persons
NT and by these presents

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hands
and seal s the day and year above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Tom C. Pulley (Seal)
Elle M. Pulley (Seal)
(Seal)
(Seal)

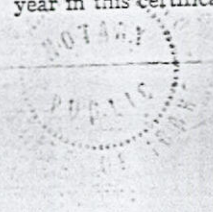
STATE OF IDAHO,
County of Gem.

ss.

On this *29th* day of April in the year 19 *70*, before me,
the undersigned, a Notary Public

in and for said State personally appeared TOM C. PULLEY and ELLA M. PULLEY,
husband and wife,
known to me to be the persons whose names are subscribed to the within instrument,
and acknowledged to me that the y 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.



Samuel H. Young
Notary Public for the State of Idaho
Residing at Emmett, Idaho

WARRANTY DEED

Pulley, Tom C., et ux

(Elle M.)

Pratt, Kenneth, et ux
(Dorothy)

Dated January 2nd, 19 *71*

STATE OF IDAHO,

County of Gem

I hereby certify that this instrument was
at *15* Minutes past *5*

o'clock P. M., this *2nd* day
of January, A.D., 19 *81*

in my office, and duly recorded in Book

of *Deed* at page *5*

Michael E. Kulevsky
Ex-Officio Recorder.

By _____ Deputy.

Fees, \$ *4.00*

Mall to *Kenneth Pratt*

Dorothy Pratt

83670

WARRANTY DEED

INSTRU. NO. 191624

PAGES 1 of 2

FOR VALUE RECEIVED KENNETH F. PRATT and DOROTHY M. PRATT, husband and wife,
the grantors, hereby grant, bargain, sell and convey unto

DAVID W. PRATT and MARIAN D. PRATT, husband and wife, the grantee(s), whose
current address is: Rt. 1, Box 88, Sweet, Idaho 83670, the following described
premises, situate in Gem County, Idaho, to-wit:

That property described in Exhibit A, attached hereto and incorporated herein in
full by reference.

Including all water and ditch rights appurtenant thereto or used in connection
therewith, and including any easements or rights of ways appurtenant to or used
for the benefit of, or dedicated to said described premises. Subject to
easements, rights of ways, reservations and exceptions, if any.

Said property is conveyed "as is" under existing boundary fences, if any, after
reasonable inspection by the grantee and grantor does not make any
representations or warranties as to the qualifications or suitability of said
land or premises for water or electrical power, or as to said land or
improvements meeting any Federal, State or local laws, rules or regulations
pertaining to zoning, building, subdividing, platting, surveys, planning and
use, health, ecology, drainage, irrigation, water quality, sewage or disposal
systems. Grantor makes no warranties as to surveys, boundaries or any matter
mentioned in this paragraph. There are no warranties, express or implied, as to
merchantability, in a general sense or for a particular purpose, except as
herein contained in writing, if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said
Grantee(s), their heirs or assigns forever. And the said Grantor(s) do(es)
hereby covenant to and with the said Grantee(s) that they are/is the owner(s) in
fee simple of said premises; that they are free from all encumbrances, except as
may be otherwise stated herein, and they will warrant and defend the same from
all lawful claims whatsoever.

November
DATED: July 3, 1983

Kenneth F. Pratt
Dorothy M. Pratt

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

3rd On this 3rd day of *November* ~~July~~, 1983, before me, the undersigned, a Notary
Public in and for said state, personally appeared KENNETH F. PRATT and DOROTHY
M. PRATT, husband and wife, known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they executed
the same.

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

[Signature]
Notary Public for Idaho;
Residing at Emmett, Idaho.



Mail to: Mr. & Mrs. David Pratt
9700 Liberty Road
Sweet, Idaho 83670

INSTRUMENT NO. 196994

PAGES 2 of 2

BEING SITUATE IN GEM COUNTY, IDAHO:

In Section 10, T. 8 N., R. 1 E., B.M.:

SE1/4 NE1/4; NE1/4 SE1/4; SW1/4 SE1/4;

In Section 13, T. 8 N., R. 1 E., B.M.:

NW1/4; N1/2 SW1/4 North of Road; AND

W1/2 NE1/4; SE1/4; SW1/4 SW1/4; N1/2 SW1/4 South of Road; AND

The West 26 2/3 rods of the E1/2 of the NE1/4, less the following described tract of land:

Starting at the junction of Timber Butte Road with the present Church-Pratt property line and going North along that property line for 220 feet; thence in a west/southwest direction for 375 feet; thence 250 feet in a south/southeast direction to Timber Butte Road; thence eastward 410 feet along Timber Butte Road to the point of origin.

In Section 14, T. 8 N., R. 1 E., B.M.:

S1/2 S1/2 NW1/4 NE1/4; N1/2 N1/2 SW1/4 NE1/4; and

S1/2 SW1/4; SW1/4 SE1/4; E1/2 SE1/4 South of Road; and

Lot 2; E1/2 SE1/4 North of Road; and

NE1/4, EXCEPTING THEREFROM, the following described

portion: S1/2 S1/2 NW 1/4 NE 1/4, and N1/2 N1/2 SW1/4

NE1/4, Section 14, T. 8 N., R. 1 E., B.M.

In Section 15, T. 8 N., R. 1 E., B.M.:

SE1/4 SE1/4; and

NW1/4 NE1/4

In Section 23, T. 8 N., R. 1 E., B.M.:

N1/2 SE1/4; NE1/4 SW1/4; E1/2 NW1/4; and

NE1/4 less the following described tract of land:

Beginning at the NE corner of Section 23, T. 8 N., R. 1 E., B.M., thence 1,320 feet South to the Real Point of Beginning; thence West 2,640 feet; thence South 500 feet; thence East 2,640 feet; thence North 500 feet, to the Real Point of Beginning, containing approximately 30.3 acres, more or less. In Section 24, T. 8 N., R. 1 E., B.M.:

NW1/4 NE1/4

In Section 12, T. 8 N., R. 1 E., B.M.:

W 13 1/3 Acres SE 1/4 SE 1/4, and the SW 1/4 SE 1/4

In Section 11, T. 8 N., R. 1 E., B.M.:

SW 1/4 NW 1/4, NW 1/4 SW 1/4

Mining claims as follows: Morning, Cincinnatti, Iron Crown, Nellie Gray, in Section 11 and 14, T. 8 N., R. 1 E., B.M., Gem County, Idaho.

196994

Gem County, IDAHO) ss

Recorded at request of

Alliance Title & Escrow

Time 3:55 PM

Date October 9, 1997

Instr. No. 196994

Recorded as a Deed

Thelma R. Kolodziej, Clerk

Ex-officio Recorder

By: *Judy Adams*
Deputy

Fees \$ 6.00

QUITCLAIM DEED

For Value Received

DAVID W. PRATT and SHARON PRATT, husband and wife,

do hereby convey, release, remise and forever quitclaim unto

MARIAN D. PRATT, a single woman

whose current address is 304 E. 3rd Street, Emmett, Idaho 83617

the following described premises, to-wit:

SECTION 11 and SECTION 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho:

MORNING, CINCINNATI, IRON CROWN, NELLIE GRAY MINING CLAIMS.

*This is the deed
From my dad
David W. Pratt & his
wife Sharon to
my Mom Marian
D Pratt. Including
all water rights.*

together with their appurtenances.

Dated: October 8, 1997

David W. Pratt
David W. Pratt

Sharon Pratt
Sharon Pratt

STATE OF IDAHO, COUNTY OF GEM

On this 8th day of October, 1997,
before me, a notary public in and for the said State, personally appeared

David W. Pratt & Sharon Pratt

known to me to be the person whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Thelma R. Kolodziej
Notary Public
Residing at Emmett, Idaho
Comm. Expires 6-30-2000

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at
the request of Alliance Title & Escrow

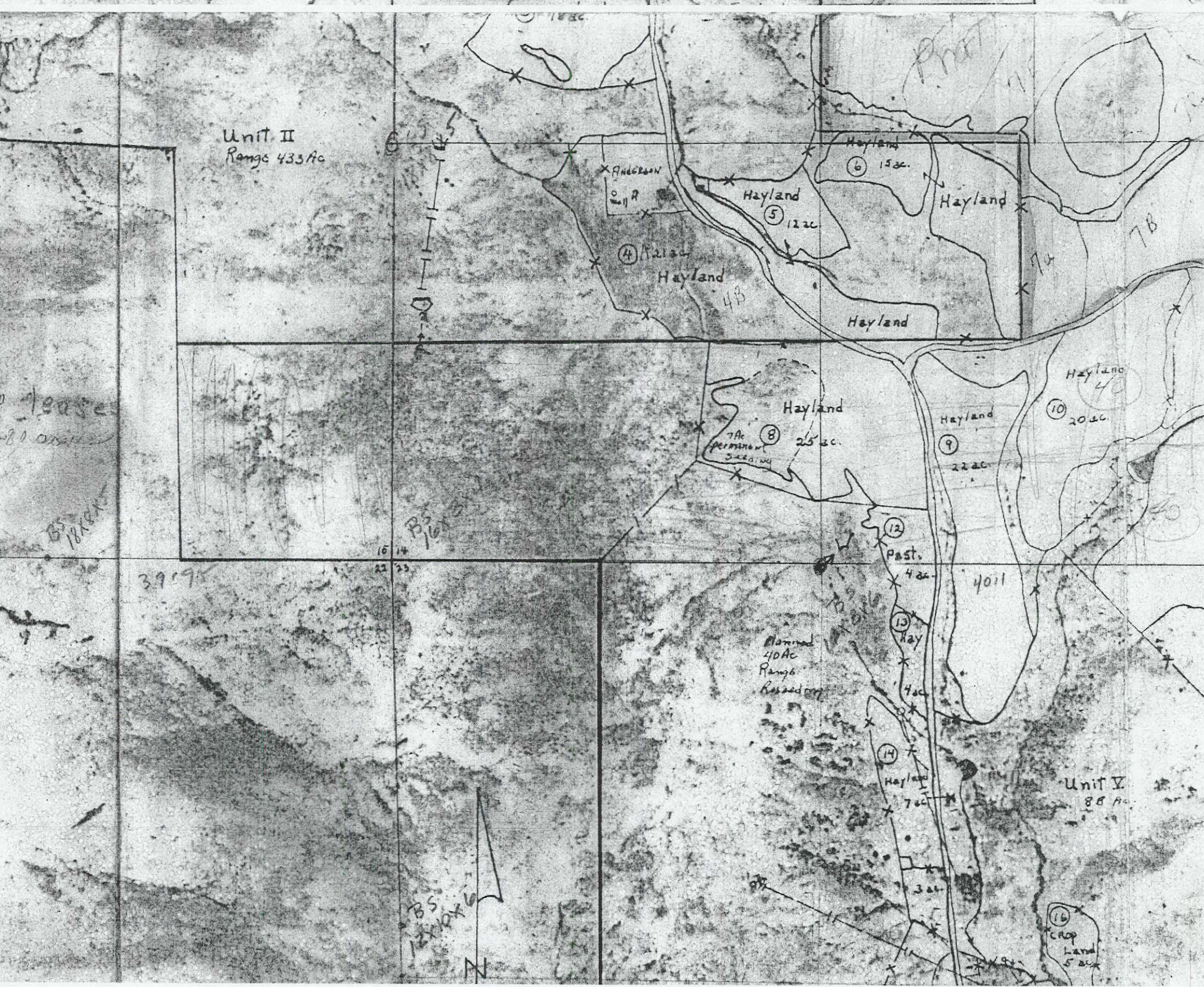
at 01 minutes past 4 o'clock P.M.,
this 9th day of October,
1997, in my office, and duly recorded in Book as a
of Deeds at Page under Instr. #197000.

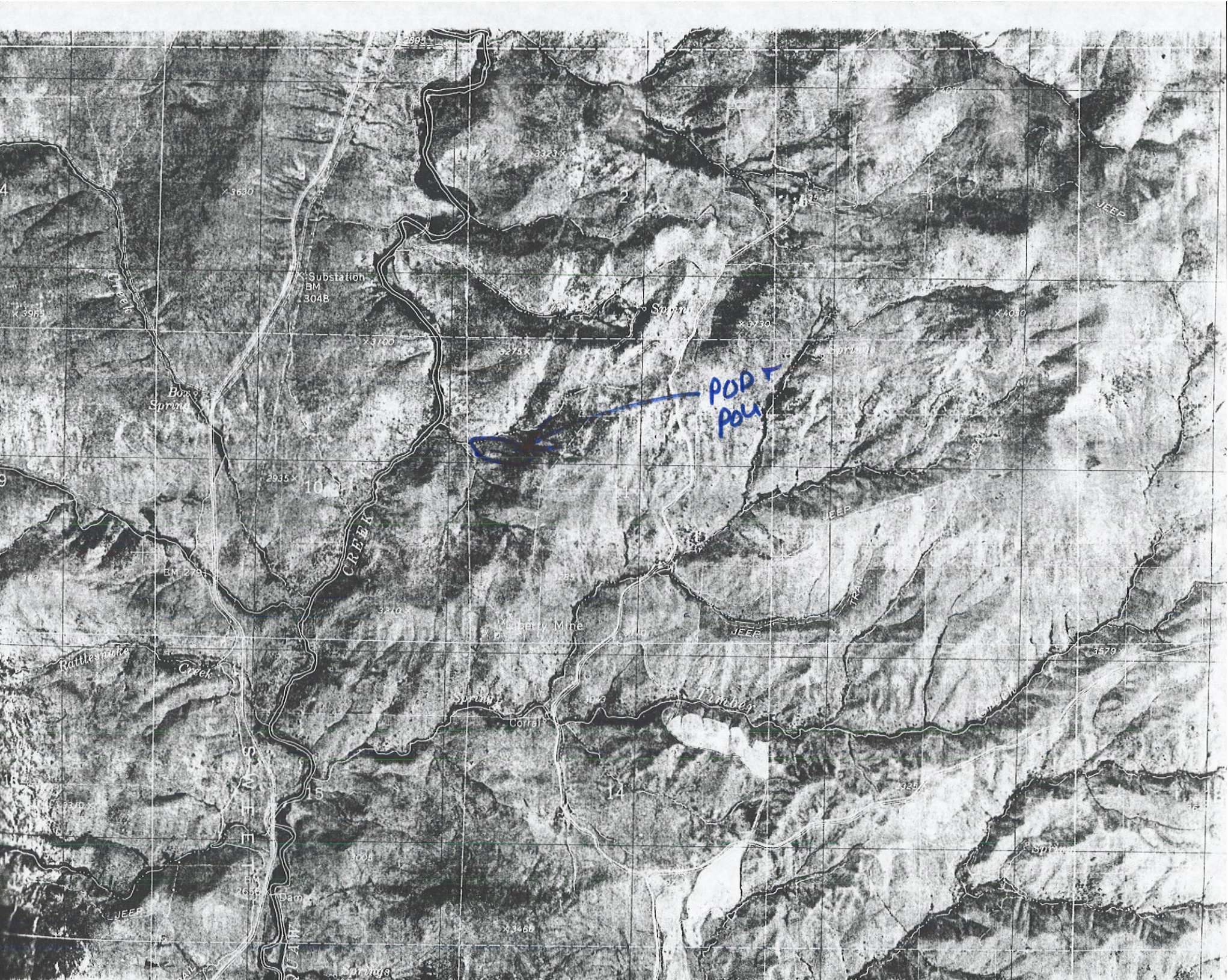
Thelma R. Kolodziej
Ex-Officio Recorder

By *Judy Sigman*
Deputy

Fees \$ 3.00
Mall to: Marian D. Pratt
304 E. 3rd Street
Emmett, Idaho 83617

INSTRUMENT No. 197000





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 65-22268
Date Received: 8/18/00
Receipt No: W026871
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: MARIAN PRATT Phone: (208)365-7351

Address: 304 E 3RD ST
EMMETT ID USA 83617

2. Date of Priority: 01/01/1922

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
08N	01E	11	NW SW NW	GEM

5. Description of diverting works:

Undeveloped spring. Instream Stockwater.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:

0.03 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 60 Range Cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08N	01E	11	SW	NW	STOCKWATER	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

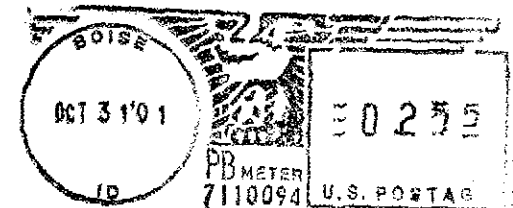
14. Remarks:

15. Basis of Claim: Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED

PRESORTED
FIRST CLASS



RETURN TO SENDER

RECEIVED

NOV 09 2001

WATER RESOURCES
WESTERN REGION

MARIAN PRATT
304 3RD ST
EMMETT ID 83617

PRAT304 836172015 1901 08 11/07/01
RETURN TO SENDER
PRATT MARIAN D
1111 S WASHINGTON AVE
EMMETT ID 83617-3534

RETURN TO SENDER

65-22268

ALMS 83705/5082





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 31, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RICHARD HERSH
BELINDA HERSH
10500 LIBERTY RD
SWEET ID 83670

RE: Water Right No. 65-22268

Dear Property Owners:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region

DB: db

Enclosures

cc: Marian Pratt

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

10/30/2001

WATER RIGHT: 65-22268

NAME AND ADDRESS: RICHARD HERSH
10500 LIBERTY RD
SWEET ID 83670

BELINDA HERSH
10500 LIBERTY RD
SWEET ID 83670

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION:

T08N R01E S11 NWSWNW Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within GEM County
T08N R01E S11 SWNW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

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)

Water Rights: 65-22268

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
☒ Substitution of Party
☐ IC § 42-222 transfer

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: October 31, 2001



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 31, 2001, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

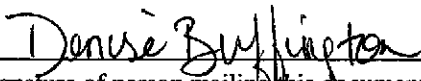
3. Copies to all parties to the subcase:

Marian Pratt (*Former Owner*)
304 E 3rd St
Emmett ID 83617

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Richard Hersh (*Current Owner*)
Belinda Hersh
10500 Liberty Rd
Sweet ID 83670

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

- 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
<u>65-22268</u>					
<u>~~65-22271~~</u>					

- 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**.

- Name and Address of Former Owner/Claimant(s) Marian Pratt

Emmett, ID 83617
- New Owner/Claimant(s) Richard & Belinda Hersh

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address 10500 Liberty Rd

City, State and ZIP Code Sweet, ID 83670

New Telephone Number () No Phone
- Date you acquired the property Sept 27, 2001

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) Richard Hersh
(include title if applicable) Belinda L. Hersh

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 _____

WARRANTY DEED

GRANTOR, MARIAN D. PRATT, a single woman, of Emmett, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto RICHARD HERSH and BELINDA PRATT-HERSH, husband and wife, whose current address is ~~10500 Liberty Road~~, Sweet, ID 83670, as GRANTEEES, and to Grantees' heirs and assigns forever, the following described real estate located in Gem County, Idaho:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

RESERVING, therefrom, a 40 foot wide easement for ingress, egress and utilities to the property described as the "Morning Mine," which easement shall be more particularly described by a survey and made a matter of record.

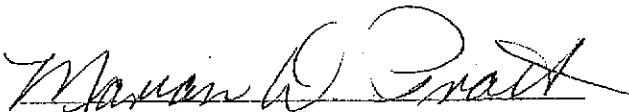
TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for herself, her heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantees, their 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, feminine and the neuter.

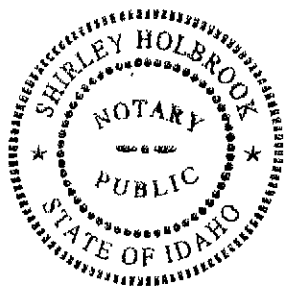
IN WITNESS WHEREOF, GRANTOR has hereunto subscribed her name to this instrument this 27th day of September, 2001.

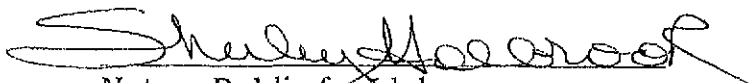

MARIAN D. PRATT

STATE OF IDAHO)
) ss.
County of Gem)

On this 27th day of September, 2001, before me, the undersigned, a Notary Public for Said State, personally appeared MARIAN D. PRATT, a single woman, to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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




Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires 4/19/2006

TRACT I

TOWNSHIP 8 North, Range 1 East, B.M., Gem County, Idaho.

Section 14: The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ North of the County Road.

TRACT II

TOWNSHIP 8 North, Range 1 East, B.M., Gem County, Idaho.

Section 10: The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$.

TRACT III

TOWNSHIP 8 North, Range 1 East, B.M., Gem County, Idaho.

Section 11: The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.

TRACT IV

TOWNSHIP 8 North, Range 1 East, B.M., Gem County, Idaho.

Sections 11 and 14: Mining Claims as follows: Morning, Cincinnati, Iron Crown, Nellie Gray.

TRACT V

TOWNSHIP 8 North, Range 1 East, B.M., Gem County, Idaho.

Section 15: The NW $\frac{1}{4}$ of the NE $\frac{1}{4}$.

TRACT VI

TOGETHER WITH a 40.00 foot wide ingress and egress easement situated in a portion of the NE $\frac{1}{4}$ of Section 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho, lying 20.00 feet either side of the following described centerline:

COMMENCING at the North quarter corner of Section 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho; thence South $00^{\circ}39'40''$ East, 20.00 feet along the West line of said NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING; thence South $83^{\circ}35'03''$ East, 173.00 feet; thence North $85^{\circ}19'14''$ East, 278.27 feet; thence South $25^{\circ}39'04''$ East, 147.12 feet; thence South $02^{\circ}32'58''$ West, 129.98 feet; thence South $11^{\circ}35'50''$ East, 122.26 feet; thence South $19^{\circ}56'29''$ East, 204.34 feet; thence South $56^{\circ}17'13''$ East, 136.82 feet; thence South $48^{\circ}21'05''$ East, 173.25 feet to the point of terminus of this easement.

AND ALSO TOGETHER WITH a 40.00 foot wide ingress and egress easement situated in a portion of the NW $\frac{1}{4}$ of Section 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho, lying 20.00 feet either side of the following described centerline:

COMMENCING at the North quarter corner of Section 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho; thence South $00^{\circ}39'40''$ East, 20.00 feet along the West line of said NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING; thence South $89^{\circ}31'09''$ West, 215.00 feet to the point of terminus of this easement in Liberty Road.

The limits of said easement shall be extended or shortened at all angle points so as to make for a continuous and uniform width of access throughout.

EXCEPT the following tracts of land:

TRACT A

Being a portion of the N $\frac{1}{2}$ of Section 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

BEGINNING at the quarter corner common to Sections 11 and 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho, marked by a found aluminum cap monument; thence North $89^{\circ}25'13''$ East, 1,046.82 feet along the North line of the NE $\frac{1}{4}$ of said Section 14 to a set $\frac{1}{2}''$ iron pin P.L.S. 4108; thence South $00^{\circ}34'47''$ East, 858.42 feet to a found $\frac{1}{2}''$ iron pin and cap PLS 6552; thence North $79^{\circ}02'14''$ West, 695.21 feet to a found $\frac{1}{2}''$ iron pin and cap PLS 6552; thence South $77^{\circ}18'30''$ West, 338.21 feet to a point on the centerline of an existing road and marked by a set $\frac{1}{2}''$ iron pin P.L.S. 4108; thence along the centerline of said existing road the following courses and distances: North $48^{\circ}21'05''$ West, 173.25 feet; North $56^{\circ}17'13''$ West, 136.82 feet; North $19^{\circ}56'29''$ West, 204.34 feet; North $11^{\circ}35'50''$ West, 122.26 feet; North $02^{\circ}32'58''$ East, 99.83 feet; thence leaving said centerline and along the rim of a draw the following courses and distances: South $89^{\circ}25'13''$ West, 33.21 feet to a set $\frac{1}{2}''$ iron pin P.L.S. 4108;

South 51°38'21" West, 80.27 feet to a set ½" iron pin P.L.S. 4108;
 South 42°13'21" West, 135.56 feet to a set ½" iron pin P.L.S. 4108;
 South 29°47'42" West, 206.22 feet to a set ½" iron pin P.L.S. 4108;
 South 49°48'30" West, 98.22 feet to a set ½" iron pin P.L.S. 4108;
 South 07°03'18" West, 314.56 feet to a set ½" iron pin P.L.S. 4108; thence leaving said pin
 South 89°25'19" West, 352.96 feet to a point on a non-tangent curve to the right having a radial
 bearing of South 46°16'08" East, said point being on the centerline of Liberty Road; thence along the
 centerline of Liberty Road the following courses and distances:
 Along a curve to the right having a central angle of 10°30'58", a radius of 500.00 feet, an arc length
 of 97.77 feet and a chord that bears North 48°59'21" East, 91.64 feet;
 North 54°14'50" East, 114.82 feet to the beginning of a curve to the left;
 Along a curve to the left having a central angle of 53°34'44", a radius of 130.00 feet, an arc length of
 121.57 feet and a chord that bears North 27°27'28" East, 117.19 feet;
 North 00°40'06" East, 63.39 feet;
 North 01°46'35" East, 104.27 feet to the beginning of a curve to the right;
 Along the curve to the right having a central angle of 35°00'06", a radius of 250.00 feet, an arc length
 of 152.72 feet and a chord that bears North 19°16'38" East, 150.36 feet;
 North 36°46'41" East, 97.07 feet to the beginning of a curve to the right;
 Along a curve to the right having a central angle of 12°54'40", a radius of 393.73 feet, an arc length
 of 88.72 feet and a chord that bears North 43°14'01" East, 88.54 feet;
 North 49°41'20" East, 323.12 feet to a point on the North line of the NW ¼ of said Section 14; thence
 North 89°31'09" East, 211.32 feet along the North line of the NW ¼ of said Section 14 to the
 REAL POINT OF BEGINNING.

TRACT B

A parcel of land being a portion of the NE ¼ of Section 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho; and being more particularly described as follows:

BEGINNING at an aluminum cap marking the Northwest corner of said NE ¼ of Section 14; thence
 along the Westerly boundary of said NE ¼ of Section 14
 South 00°39'40" East, 1195.52 feet to a point marking the REAL POINT OF BEGINNING; thence
 North 22°12'04" East, 205.69 feet to an iron pin; thence
 North 68°13'29" East, 528.93 feet to an iron pin; thence
 North 73°24'30" East, 69.59 feet to an iron pin; thence
 South 84°50'25" East, 116.03 feet to an iron pin; thence
 North 77°18'30" East, 42.74 feet to an iron pin; thence
 South 70°10'57" East, 91.57 feet to an iron pin; thence
 South 75°25'59" East, 90.53 feet to an iron pin; thence
 South 73°14'22" West, 260.61 feet to an iron pin; thence
 South 75°58'44" West, 135.44 feet to an iron pin; thence
 South 21°15'44" West, 627.57 feet to an iron pin; thence
 North 86°52'24" West, 230.38 feet to an iron pin; thence
 North 59°21'47" West, 50.68 feet to an iron pin; thence
 North 46°29'27" West, 112.88 feet to a point on said Easterly boundary of the NE ¼, the Southwest
 corner of the SE ¼ of Section 14 bears South 00°39'40" East, 3835.29 feet to an aluminum cap;
 thence along the Westerly boundary of said NE ¼ of Section 14,
 North 00°39'40" West 225.08 feet to the REAL POINT OF BEGINNING.

TRACT C

That portion of the NW ¼ of the NE ¼ of section 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho, is described as follows:

COMMENCING at the Northwest corner of the NW ¼ of the NE ¼ of Section 14, Township 8 North,
 Range 1 East, B.M., Gem County, Idaho; thence
 South 00°39'40" East, 1195.52 feet, along the West line of said NW ¼ of the NE ¼; thence
 North 22°12'04" East, 205.69 feet to the REAL POINT OF BEGINNING marked by a found ½" iron
 pin; thence
 North 68°13'29" East, 528.93 feet to a found ½" iron pin; thence
 North 73°24'30" East, 69.59 feet to a found ½" iron pin; thence
 South 84°50'25" East, 116.03 feet to a found ½" iron pin; thence
 North 77°18'30" East, 79.95 feet to a point on the centerline of a 40.00 foot ingress and egress
 easement marked by a ½" iron pin; thence along said centerline the following courses and distances:
 North 48°21'05" West, 173.25 feet;
 North 56°17'13" West, 136.82 feet;
 North 19°56'29" West, 204.34 feet;
 North 11°35'50" West, 122.26 feet;
 North 02°32'58" East, 99.83 feet; thence leaving said centerline
 South 89°25'13" West, 31.21 feet to a found ½" iron pin; thence
 South 51°38'21" West, 80.27 feet to a found ½" iron pin; thence
 South 42°13'23" West, 135.56 feet to a found ½" iron pin; thence
 South 29°47'42" West, 206.22 feet to a found ½" iron pin; thence
 South 49°48'30" West, 98.22 feet to a found ½" iron pin; thence
 South 07°03'18" West, 436.28 feet to the REAL POINT OF BEGINNING.

THIS INDENTURE, Made this 1st day of April
in the year of our Lord one thousand nine hundred and Seventy (1970), between

TOM C. PULLEY and ELLA M. PULLEY, husband and wife,

of Emmett, County of Gem, State of Idaho

the parties of the first part, and

KENNETH PRATT and DOROTHY PRATT, husband and wife,

of Emmett, County of Gem, State of Idaho

the parties of the second part, WITNESSETH:

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

Ten and no/100 (\$10.00) and other valuable consideration - DOLLARS,

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

TRACT I:

All of the following described land lying North of the County Road as now laid out and used over Section 13 and 14, Twp. 8 N., R. 1 E.B.M., to-wit: NW $\frac{1}{4}$, NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 13; NE $\frac{1}{4}$, Lot 2, and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 14.

TRACT II:

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, all in Twp. 8 N., R. 1 E.B.M.

TRACT III:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, Twp. 8 N., R. 1 E.B.M., and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Twp. 8 N., R. 1 E.B.M.

TRACT IV:

Those mining claims located in the County of Gem, State of Idaho, known as Morning, Cincinnati, Iron Crown, and Willie Gray Mining Claims, as particularly described in Book 1 of Patents, at page 27, records of Gem County, Idaho, EXCEPT the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Twp. 8 N., R. 1 E.B.M.

Also, all of Pulleys' right, title and interest in and to that part in Taylor grazing permit, connected with the above-described Tract I and Tract II relating to 103 acres, more or less.

Including all water and ditch rights appurtenant to said described properties being conveyed or used in connection therewith. Subject to easements and rights of way, if any.

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

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

This is the deed
to Kenneth Pratt
From Tom & ELLA
Pully

Including all water rights

pril.

between

Idaho

Idaho

sum of

pration - DOLLARS,
in hand paid by the said
re granted, bargained
m unto the said part ies
ing described real estate,
, State of Idaho, to-wit:
a County Road as
N., R. 1 E.B.M.,
and the E½ of the

NE½ of Section 15,

, and SW¼ NW¼ and

te of Idaho, and
Gray Mining Claims,
ge 27, records of
. 8 N., R. 1 E.B.M.

d to that certain
ibed Tract I and

aid described pro-
h. Subject to

appurtenances thereunto
ler and remainders, rents,
said property, as well to

scribed premises, together
neir heirs and assigns
premises in the quiet and
irs and assigns, against the
every person and persons
NT and by these presents

IN WITNESS WHEREOF, The said part ies of the first part ha hereunto set their hands
and seal s the day and year above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Ellen M. Pulley (Seal)
Ellen M. Pulley (Seal)
Ellen M. Pulley (Seal)
Ellen M. Pulley (Seal)

STATE OF IDAHO,
County of Gem.

On this

28th

day of

in the year 19 *1910*, before me,

the undersigned, a Notary Public

in and for said State personally appeared TOM C. PULLEY, husband and wife,
known to me to be the persons whose names subscribed to the within instrument,
and acknowledged to me that they executed the same.

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



Notary Public for the State of Idaho
Residing at, Idaho

No.

WARRANTY DEED

Pulley, Tom C. et ux

(Ellen M.)

—TO—

Pratt, Kenneth, et ux

(Dorothy)

STATE OF IDAHO,

County of Gem

I hereby certify that this instrument was

at *10* Minutes past *3*

filed for record at request of *Safeco Title*

o'clock *P* M., this *2nd* day

of *January*, A.D., 19 *81*

in my office, and duly recorded in Book

of *Deed* at page

Thelma R. Kuladziej
Ex-Officio Recorder

By Deputy

Fees, \$ *4.00*

Mall to *Kenneth Pratt*

District, Idaho

83670

WARRANTY DEED

INSTRU. NO. 196894

PAGES 1 of 2

FOR VALUE RECEIVED KENNETH F. PRATT and DOROTHY M. PRATT, husband and wife,
the grantors, hereby grant, bargain, sell and convey unto

DAVID W. PRATT and MARIAN D. PRATT, husband and wife, the grantee(s), whose
current address is: Rt. 1, Box 88, Sweet, Idaho 83670, the following described
premises, situate in Gem County, Idaho, to-wit:

That property described in Exhibit A, attached hereto and incorporated herein in
full by reference.

Including all water and ditch rights appurtenant thereto or used in connection
therewith, and including any easements or rights of ways appurtenant to or used
for the benefit of, or dedicated to said described premises. Subject to
easements, rights of ways, reservations and exceptions, if any.

Said property is conveyed "as is" under existing boundary fences, if any, after
reasonable inspection by the grantee and grantor does not make any
representations or warranties as to the qualifications or suitability of said
land or premises for water or electrical power, or as to said land or
improvements meeting any Federal, State or local laws, rules or regulations
pertaining to zoning, building, subdividing, platting, surveys, planning and
use, health, ecology, drainage, irrigation, water quality, sewage or disposal
systems. Grantor makes no warranties as to surveys, boundaries or any matter
mentioned in this paragraph. There are no warranties, express or implied, as to
merchantability, in a general sense or for a particular purpose, except as
herein contained in writing, if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said
Grantee(s), their heirs or assigns forever. And the said Grantor(s) do(es)
hereby covenant to and with the said Grantee(s) that they are/is the owner(s) in
fee simple of said premises; that they are free from all encumbrances, except as
may be otherwise stated herein, and they will warrant and defend the same from
all lawful claims whatsoever.

Witness
DATED: July 3, 1983

STATE OF IDAHO,)
) SS.
County of Gem.)

Witness
On this 3rd day of July, 1983, before me, the undersigned, a Notary
Public in and for said state, personally appeared KENNETH E. PRATT and DOROTHY
M. PRATT, husband and wife, known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they executed
the same.

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

[Signature]
Notary Public for Idaho;
Residing at Emmett, Idaho.

Mail to: Mr. & Mrs. David Pratt
8700 Liberty Road
Sweet, Idaho 83670

This is the deed
From Kenneth &
Dorothy Pratt to
David & Marian
Pratt
Including water rights

BEING SITUATE IN GEM COUNTY, IDAHO:

NO. 196994
PAGE 2

In Section 10, T. 8 N., R. 1 E., B.M.:

SE 1/4 NE 1/4; NE 1/4 SE 1/4; SW 1/4 SE 1/4;

In Section 13, T. 8 N., R. 1 E., B.M.:

NW 1/4; NE 1/2 SW 1/4 North of Road; AND

W 1/2 NE 1/4; SE 1/4; SW 1/4 SW 1/4; NE 1/2 SW 1/4 South of Road; AND

The West 26 2/3 rods of the E 1/2 of the NE 1/4, less the following described tract of land:

Starting at the junction of Timber Butte Road with the present Church-Pratt property line and going North along that property line for 220 feet; thence in a west/southwest direction for 375 feet; thence 250 feet in a south/southeast direction to Timber Butte Road; thence eastward 410 feet along Timber Butte Road to the point of origin.

In Section 14, T. 8 N., R. 1 E., B.M.:

SE 1/2 SW 1/4 NE 1/4; NE 1/2 NE 1/2 SW 1/4 NE 1/4; and

SE 1/2 SW 1/4; SW 1/4 SE 1/4; E 1/2 SE 1/4 South of Road; and

Lot 2; E 1/2 SE 1/4 North of Road; and

NE 1/4, EXCEPTING THEREFROM, the following described

portion: SE 1/2 SW 1/4 NW 1/4 NE 1/4, and NE 1/2 NE 1/2 SW 1/4

NE 1/4, Section 14, T. 8 N., R. 1 E., B.M.

In Section 15, T. 8 N., R. 1 E., B.M.:

SE 1/4 SE 1/4; and

NW 1/4 NE 1/4

In Section 23, T. 8 N., R. 1 E., B.M.:

NE 1/2 SE 1/4; NE 1/4 SW 1/4; E 1/2 NW 1/4; and

NE 1/4 less the following described tract of land:

Beginning at the NE corner of Section 23, T. 8 N., R. 1 E., B.M., thence 1,320 feet South to the Real Point of Beginning; thence West 2,640 feet; thence South 500 feet; thence East 2,640 feet; thence North 500 feet, to the Real Point of Beginning, containing approximately 30.3 acres, more or less. In Section 24, T. 8 N., R. 1 E., B.M.:

NW 1/4 NE 1/4

In Section 12, T. 8 N., R. 1 E., B.M.:

W 13 1/3 Acres SE 1/4 SE 1/4, and the SW 1/4 SE 1/4

In Section 11, T. 8 N., R. 1 E., B.M.:

SW 1/4 NW 1/4, NW 1/4 SW 1/4

Mining claims as follows: Morning, Cincinnati, Iron Crown, Nellie Gray, in Section 11 and 14, T. 8 N., R. 1 E., B.M., Gem County, Idaho.

196994

Gem County, IDAHO) ss

Recorded at request of

Alliance Title & Escrow

Time 3:55 PM

Date October 9, 1997

Instr. No. 196994

Recorded as a Deed

Thelma R. Kolodziej, Clerk

Ex-officio Recorder

By: *Judy S. [Signature]*
Deputy

Fees \$ 6.00

QUITCLAIM DEED

For Value Received

DAVID W. PRATT and SHARON PRATT, husband and wife,

do hereby convey, release, remise and forever quitclaim unto

MARIAN D. PRATT, a single woman

whose current address is 304 E. 3rd Street, Emmett, Idaho 83617

the following described premises, to-wit:

SECTION 11 and SECTION 14, Township 8 North, Range 1 East, B.M., Gem County, Idaho

MORNING, CINCINNATI, IRON CROWN, NELLIE GRAY MINING CLAIMS.

True to the best of my knowledge and belief the above described premises are the same as those described in the deed of David W. Pratt and Sharon Pratt to Marian D. Pratt, dated October 8, 1997, and recorded in Book 197 of Deeds at Page 600 under Instr. #197060.

together with their appurtenances.

Dated: October 8, 1997

David W. Pratt
David W. Pratt

Sharon Pratt
Sharon Pratt

STATE OF IDAHO, COUNTY OF GEM

On this 8th day of October, 1997, before me, a notary public in and for the said State, personally appeared

David W. Pratt & Sharon Pratt

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Thelma R. Kolodziej
Notary Public
Emmett, Idaho
Comm. Expires 6-30-2000

STATE OF IDAHO, COUNTY OF GEM

I hereby certify that this instrument was filed for record at the request of Alliance Title & Escrow

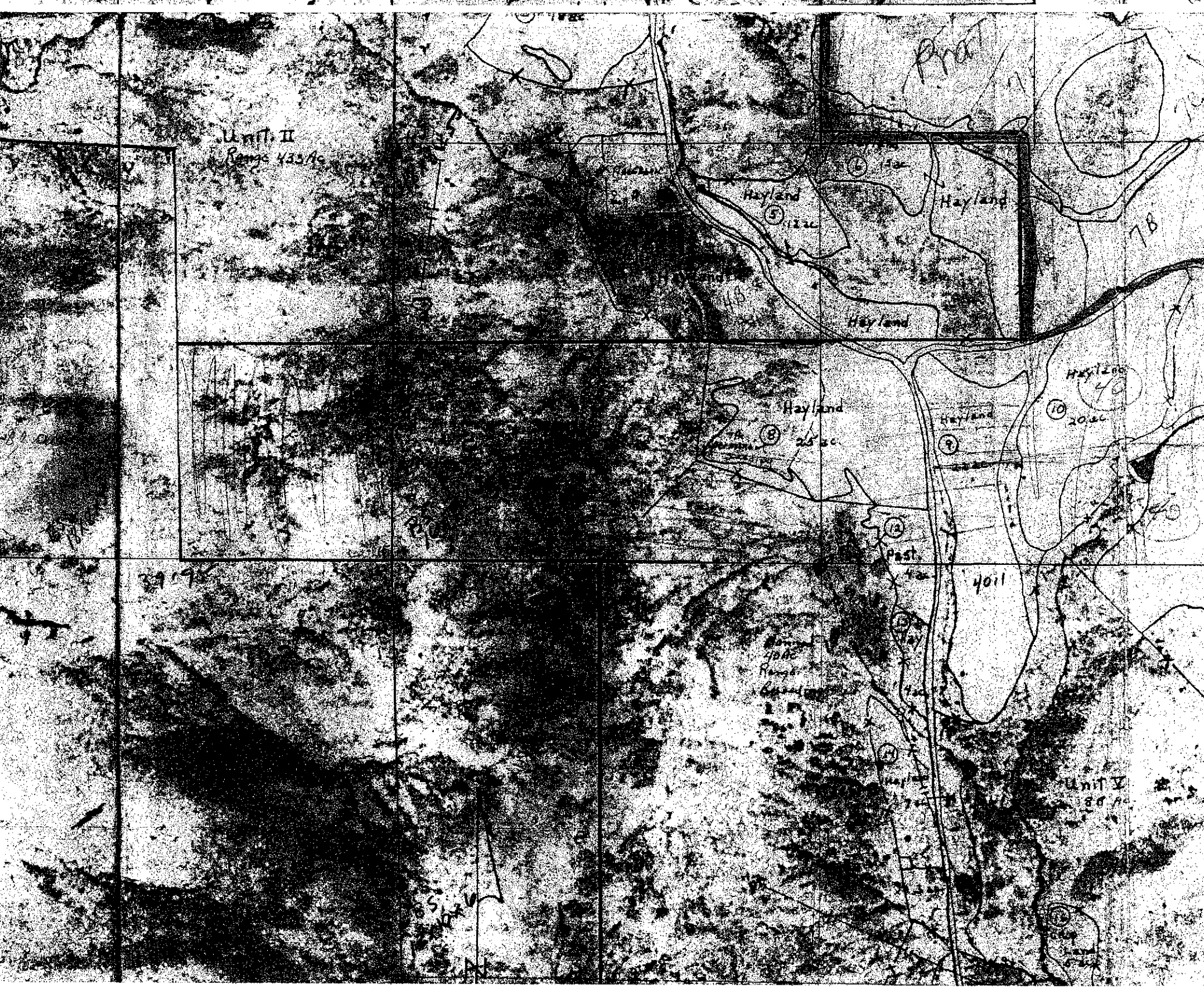
at 01 minutes past 4 o'clock P.M. this 9th day of October 1997, in my office, and duly recorded in Book 197 of Deeds at Page 600 under Instr. #197060.

Thelma R. Kolodziej
Ex-Officio Recorder

By *Judy Light* Deputy

Fee \$3.00
Mail to: Marian D. Pratt
304 E. 3rd Street
Emmett, Idaho 83617

INSTRUMENT NO. 197060



10/06/2000

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

RIGHT NUMBER: 65-22268

NAME AND ADDRESS: MARIAN PRATT
304 E 3RD ST
EMMETT, ID 83617

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1922

POINT OF DIVERSION: T08N R01E S11 NWSWN Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

STOCKWATER Within GEM County
T08N R01E S11 SWNW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Identification No. A65-22268
Date Received 8-18-00
Receipt Number W026821

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) MARIAN PRATT Phone (208) 365-7351
Mailing Address 304 E 3RD ST EMMETT Zip 83617

2. Date of Priority (Only one per claim) 1-1-1922 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other ☒ (a) SPRING
which is tributary to (b) SINKS Name or kind of source

4. Location of point of diversion is: Township 8N Range 1E
Section 11, NW 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____, BM.,
County of GEM

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. UNDEVELOPED SPRING

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For STOCKWATER purposes from 1-1 Month/Day to 12-31 Month/Day amount .03 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .03 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 60 HEAD

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 8N Range 1E
Section 11, SW 1/4 of NW 1/4, Govt. Lot _____, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes _____ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Marianne Pratt

Date

8-18-2000

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 _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Date _____

Title and Organization _____

State of Idaho/or _____)

County of AOA)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 18th day of August 192000

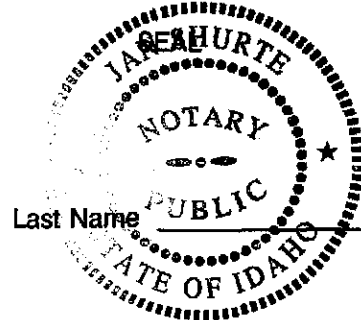
Notary Public Jan Shute

Residing at Meridian ID 83642

My Commission Expires 9-14-2006

Ident No. _____

Copies: White-State, Yellow-Claimant



It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

