

RECEIVED

AUG 29 2005

Department of Water Resources

Dennis Edwards and Deborah Davis
4150 Landore Rd.
Council, ID 83612
August 24, 2005

Mr. Michael Ciscell
ID Department of Water Resources
322 Front St
PO Box 83720
Boise, ID 83720-0098

Dear Michael ,

Thank you for discussing our water right with me last week and again on August 22.. We were glad to learn that you have been able to move the date of our water right 69-4011 from June 1, 1901 to April 15, 1901 to coincide with the rest of the Bear Creek Ditch share holders. We also appreciate your efforts to show the irrigated land on the map included. As I mentioned there is an additional point of water diversion not shown or hidden under the insert "25" on your map. The location not shown on the map of this gulch diversion is N45 02.493, W116 39.258' by my GPS. The location of the spring diversion shown on the map is N45 02.486', W116 39.413' on my GPS.

The other parcel I mentioned is a small piece that historically has been part of the ranch and I believe was deeded to Paul Ernest, our predecessor from Bert Warner, predecessor to Joe Warner who owns property immediately to the south. The points of this triangular piece by my GPS are:

N45 02.519', W116 39.753'
N45 02.467', W116 39 791'
N45 02.464', W116 39.756'

Our title insurance describes it as in Section 26 "that portion of the North 50 feet of the SE1/4NE1/4 lying east of the county road. Excepting county road right of way as now established." Do these look like the same piece to you? This land originally was part of the Warner property and would have enjoyed the water rights they claimed for that quarter section. We would like to file on it even if it does not show on the county records as we are confident we can correct this.

Knowing that we will likely face yet another water right review some day down the road, I am submitting a notarized affidavit from Mr. Bert Warner who has lived in Bear all his life. He has testified as to the water rights associated with this property and I thought it would be valuable to have in the record.

I will make a trip to the head gate of the ditch soon and report to you the GPS reading I get. Again, I thank you for your time and assistance

We believe these statements are true and accurate.



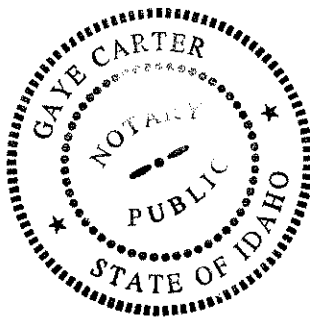
Dennis M. Edwards



Deborah C. Davis

P.S. Since writing the letter, I have retrieved copy of deeds which is enclosed

*Gaye Carter
Notary
Council, Idaho
83612
exp 9/2011*





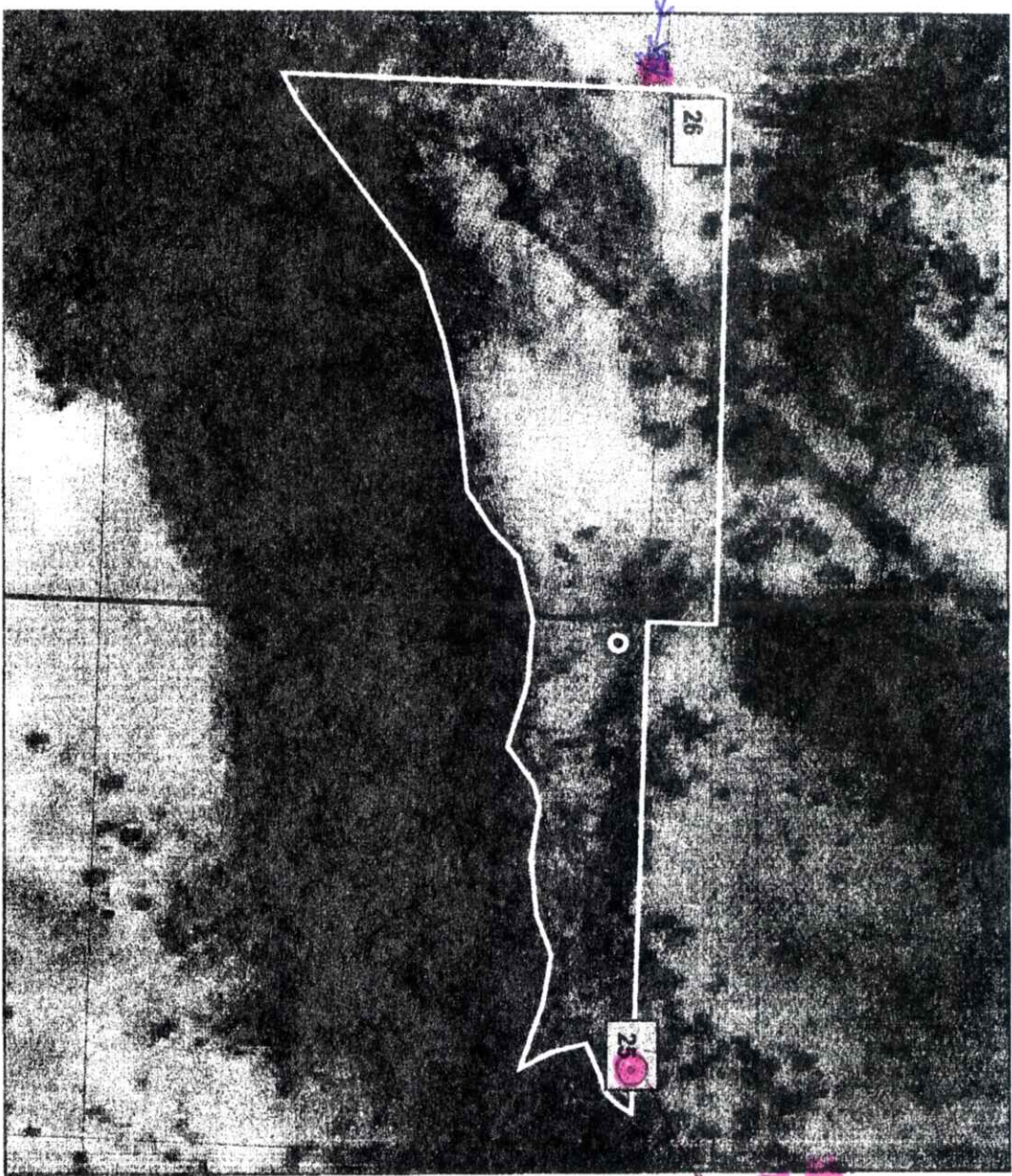
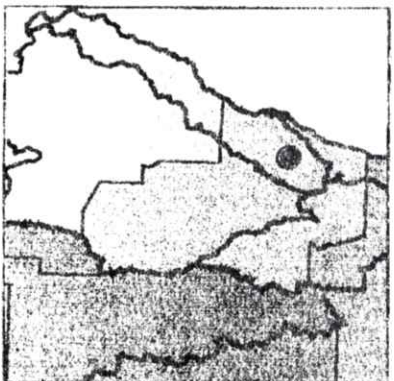
Idaho Department of Water Resources

Adjudication Claim Number: **69-4011**

T20N R03W

Legend

- Point of Diversion
- Place Of Use
- PLS Sections
- Quarter Quarters



Prepared by M. C. [unclear]
On Monday, August 20, 2012
108788 Ave at Phoebe Rd

PC30705

INSTRUMENT NO. **96432**

PAGE 1 OF 1

WARRANTY DEED



INITIAL

FOR VALUE RECEIVED PAUL ERNST and RUTH ERNST, CO-TRUSTEES OF THE ERNST FAMILY TRUST DATED

the Grantors, do hereby grant, bargain, sell and convey unto DENNIS M. EDWARDS and DEBORAH C. DAVIS, husband and wife

the Grantees, whose address is 4150 Landore Road, Council, ID, 83612

the following described premises, to-wit:

Township 20 North, Range 3 West, Boise Meridian, Adams County, Idaho
Section 25: N1/2SW1/4
Section 26: E1/2SE1/4; ALSO a tract of land commencing at the Southwest Corner of the SE1/4NE1/4, running thence Northerly 10 rods; Thence Easterly 80 rods; Thence Southerly 10 rods; Thence Westerly 80 rods to the REAL POINT OF BEGINNING being a portion of the SE1/4NE1/4; ALSO that portion of the North 50 feet of the NW1/4SE1/4 lying East of the County Road.
EXCEPTING COUNTY ROAD RIGHT OF WAY AS NOW ESTABLISHED

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1999 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: June 29, 1999

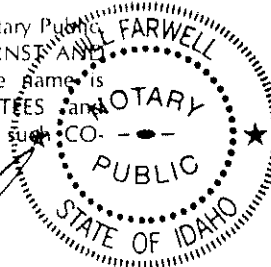
Paul F Ernst
PAUL ERNST, CO-TRUSTEE

Ruth Ernst
RUTH ERNST, CO-TRUSTEE

STATE OF IDAHO
COUNTY OF CANYON

On this 12th day of June in the year 1999, before me, a Notary Public in and for the said State, personally appeared PAUL ERNST and RUTH ERNST known to me to be the person whose name is subscribed to the within instrument as CO-TRUSTEES and acknowledged to me that THEY executed the same as such CO-TRUSTEES.

Will Farwell
Notary Public
Residing at CALDWELL
My commission expires 6/22/01



PIONEER TITLE COMPANY
OF CANYON COUNTY

INSTRUMENT NO. 96432
State of Idaho)
County of Adams) ss
Filed for record at the request of
Timberline Title & Escrow
this 13 day of July, 1999
at 5:00 min. past 3 o'clock P.M.
by Michael Fisk Recorder
Fee \$ 3.00 Deputy

INSTRUMENT NO. 106310
PAGE 1 OF 2

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

ESTATE PLANNING LEGAL CONSULTANTS, PLLC
1036 E. IRON EAGLE DRIVE, SUITE 105
EAGLE, IDAHO 83616
(208) 939-7658

Instrument # 106310

COUNCIL, ADAMS, IDAHO

2004-06-14 09:04:05 No. of Pages: 2

Recorded for : ESTATE PLANNING

MICHAEL FISK

Fee: 8.00

Ex-Officio Recorder Deputy

Index to: DEED

(SPACE ABOVE LINE FOR RECORDER'S USE)

QUITCLAIM DEED

DENNIS M. EDWARDS AND DEBORAH C. DAVIS, Grantors, 4150 Landore Road, Council, Idaho, hereby quitclaims to DENNIS M. EDWARDS AND DEBORAH C. DAVIS, Trustees, or their successors in trust, under the DAVIS AND EDWARDS LIVING TRUST, dated December 15, 2003, and any amendments thereto, Grantees, all of their right, title and interest in and to that certain real property 4150 Landore Road, Council, Idaho, tract of land in Adams County, Idaho, described as follows:

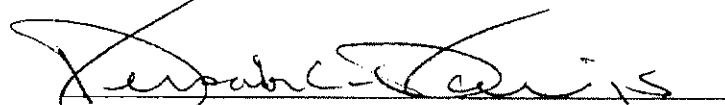
Township 20 North, Range 3 West, Boise Meridian, Adams County, Idaho
Section 25: N1/2SW1/4

Section 26: E1/2SE1/4; ALSO a tract of land commencing at the Southwest Corner of the SE1/4NE1/4, running thence Northerly 10 rods; Thence Easterly 80 rods; Thence Southerly 10 rods; Thence Westerly 80 rods to the REAL POINT OF BEGINNING being a portion of the SE1/4NE1/4; ALSO that portion of the North 50 feet of the NW1/4SE1/4 lying East of the County Road.

EXCEPTING COUNTY ROAD RIGHT OF WAY AS NOW ESTABLISHED

Witness the hand of said Grantors this 7th day of June, 2004.


DENNIS M. EDWARDS, Grantor


DEBORAH C. DAVIS, Grantor

Affidavit

The purpose of this document is to attest to the water rights for Dennis Edwards and Deborah Davis owners of the 165 acres at 4150 Landore Rd. (Bear), Council, ID 83612. I, Bert J. Warner have lived in Bear all my 82 years. My relatives and their neighbors created the Bear Creek Ditch, and I know personally that the original owners of the Edwards/Davis property were involved with the creation of the ditch and that all the water rights claimed by Edwards and Davis on their property have been in continuous use since 1901.

Bert J. Warner

**Bert J. Warner
4127 Landore Road (Bear)
Council, ID 83612
August 14, 2005**

Affirmation of signature:

Gaye Carter
Notary
Council, Idaho
exp 9/2005

