Trent

Here is proof for water rights:

22-2281
22-10835
22-2128

Please let me know if you need anything else.

Thanks. Sara Poch

Sara Poch
2628 Cruise Bay Ct.
SLC, UT 84121
(801) 944-4959 Home
" 688-4859 cell
SLCpoch@juno.com

This document corrects inaccurate statement recorded by D.O on 8-2-05 regarding purchased date. Glen Nelson used the water through 1982.

CONTRACT OF SALE

THIS AGREEMENT, made and entered into this 1st day of November, 1982, between Glen D. Nelson and Bonnie S. Nelson, husband and wife, of P.O. Box 126, Tetonia, Teton County, State of Idaho, hereinafter called the "sellers" and Lois M. McCulloch, a single person, dealing in her own right and on behalf of her separate property, the rents, issues, and profits therefrom to remain her sole and separate property, of 176 South 1st West, Rexburg, Madison County, State of Idaho, hereinafter called the "buyer",

WITNESSETH:

PROPERTY DESCRIPTION AND PURCHASE PRICE

That for and in consideration of the purchase price hereinafter referred to, and the mutual convenants and agreements herein contained, the sellers agree to sell and the buyer agrees to buy on the terms and conditions herein specified, the following described real property situated in Teton County, Idaho, to-wit:

E½SW¼, W½SE¼ of Sec. 29, Twp. 6 N., Rge. 45 E., Boise Mer.

Together with all existing decreed water rights.

Subject to: Recorded right-of-way easement of Oregon Shortline Railroad Company; conditions in a recorded coal mining lease; recorded oil and gas lease; and easements, if any, for roads, ditches, and utilities.

RECEIVED
JUN 07 2007
Department of Water Resources
Eastern Region

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining also the rents, issues and profits thereof, for a total sum and purchase price of One Hundred Twenty Thousand Dollars ($120,000) together with interest on all deferred payments thereof at the rate of nine and one-half (9½%) percent

IRRIGATION WELL AND PUMPS

It is mutually understood and agreed that:

1. The deep well pump, together with five (5) quarter (¼) mile portable four inch (4") hand lines, plus the existing one-half (½) mile of buried mainline, and one (1) 75 h.p. General Electric motor are being conveyed as part of the purchase price herein specified.

2. Sellers agree to transfer the water permit to said well to the buyer on or before June 1, 1983, and to deposit the same in escrow at Valley Bank, in Driggs, Idaho.

LIENS

No mortgages nor liens may be placed upon the real or personal property without sellers' prior written consent. Sellers consent and agree that the property to be conveyed to buyer is free and clear of any and all encumbrances except the indebtedness to Adrian H. Cook and Martha W. Cook, husband and wife, under that certain Contract of Sale dated January 1, 1980. Pursuant to said contract between Cooks and Nelsons, the Cooks have given their written consent to allow the Nelsons to sell the land herein described to the buyer.

Nelsons further agree that following the final payment by Nelsons on the Adrian H. Cook and Martha W. Cook Contract dated January 1, 1980, Nelsons will immediately record the Warranty Deed they received from the escrow, so as to avoid any delay or break in the Chain of Title.

TRUTH-IN-LENDING -- UNIFORM CONSUMER CREDIT CODE

It is hereby disclosed by the sellers on this date, and acknowledged by the buyer, that the sellers are not persons

03/10/2006

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

RIGHT NUMBER: 22-2281

NAME AND ADDRESS: LOIS MC CULLOCH
176 S 1ST W
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.330 CFS

PRIORITY DATE: 12/02/1966

POINT OF DIVERSION:
T06N R45E S29 SESWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	0.330 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S29	NWNE	34.00	T06N R45E S29	SWNE	39.00
T06N R45E S29	NENW	40.00	T06N R45E S29	NWNW	34.00
T06N R45E S29	SWNW	6.70	T06N R45E S29	SENW	38.00

191.7 ACRES TOTAL

Right Nos. 22-2128 and 22-2281 are limited to the irrigation of a combined total of 191.7 acres in a single irrigation season.

This right is limited to the irrigation of 34.47 acres within the place of use described above in a single irrigation season.

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 remainder of this right was forfeited for non-use from 1980 to 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

06/23/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-2281

NAME AND ADDRESS: LOIS MC CULLOCH
176 S 1ST W
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.330 CFS
103.000 AFY

PRIORITY DATE: 12/02/1966

POINT OF DIVERSION:

T06N R45E S29 SESWNE Within TETON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	0.330 CFS 103.00 AFY

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S29	NWNE	34.00	T06N R45E S29	SWNE	39.00
T06N R45E S29	NENW	40.00	T06N R45E S29	NWNW	34.00
T06N R45E S29	SWNW	6.70	T06N R45E S29	SENW	38.00

191.7 ACRES TOTAL

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The remainder of this right was forfeited for non-use from 1980 to 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Please see enclosed documents proving use

Claim no. _____

Claimant Contact Log

Date	Remarks	Agent initials

Owners used accomplished transfer to move 18 ac. of POU to the NWNE, which was not previously included on license. The rest of the acres claimed have not been irrigated since 1980, therefore there has been a partial forfeiture / abandonment. Only recommending 18 ac. of NWNE in POU w/ 22-2128 and 22-10835.

This statement is according to the notes from Dee Obrien. Partial forfeiture from 1980 to present. TF 3-10-06 * actually 34.47 acres in NWNE

cfs will be given at .0095cfs/acre which is .33 cfs for 34.47 acres.

Please restore water right

This is not true See enclosed documents

... CALL - BUT I

3/8/05 NEVER GOT A CALL

20 , TW/ A ;

FORFEITURE IS AN ISSUE. ... ever

3/26/05 ... 's ground.

I have proof that these dates are not correct. I have not included them as they are not during the 1980-1987 timeframe.

3/28/05 - 1988-1998 - Clay Smith ran property. He used the north well for the property in NE¼ and NW¼ but did not use POD #2 Suggested I call Glen Nelson.

8/2/05 - I visited with Glen Nelson. Nelsons owned the land irrigated by well #2. They farmed it through the late 1970's and sold the land to Lois McCulloch in 1979 or 1980. Mr Nelson indicated that he always used the well and could run 5 lines of pipe until July. When water level dropped they cut back to 3 lines. They raised hay and grain and 1 or 2 years raised seed potatoes. They were the last ones to farm the ground. So well was last used around 1980.

20

The water right 22-2281 was used by Glen Nelson until he sold the land to Lois McCulloch in Nov. 1982. (see contract of sale.)

This statement is not correct. See leases, check registers & Fall River electric statements and signed affidavits.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-2281

WATER RIGHT NUMBER: 22-2281

Owner Type	Name and Address
Current Owner	ADRIAN H COOK PO BOX 158 TETONIA, ID 83452

Please restore

Priority Date: 12/02/1966

Basis: License

Status: Active

Source: GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Annual Volume
IRRIGATION	4/15	10/15	1.440 CFS	456.00 AF
		Total Diversion:	1.440 CFS	456.00 AF

Location of Point(s) of Diversion

GROUND WATER — SW1/4SE1/4 — Sec. 29, Twp 06N, Rge 45E, B.M.

TETON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	45E	29									38.0			38.0		38.0	38.0		152.0

Total Acres: 152

Conditions of Approval:

Remarks:

Comments:

USDA

Prepared by FSA

1" = 978'

N

Date: July 13, 2006

FARM 219/T 438

Lois McCulloch

well # 1 = Fall River number 2353-105

well # 2 = Fall River number 2353-104

Water Right No(s). _____

This well was used by Glen Nelson through 1982. and then after he sold the land to Lois McCulloch in 1982 well was used by Delwin Smith from 83-85. Delwin told me (Sara Poch) the well was really sandy-hard on the bowls – NOT FILLED WITH SAND AS STATED BELOW.

GPS DATA:

Tag # AQ 013689 Location: Elbow Panel

Diversion Data:

Source: GW Trib to: _____

MOTOR
Make: GE Model: 5K6258XHIA Hp: 75
SN: HKJ807469

PUMP
Make: Layne-Bowler Model: 12TMH Disch: 8"
SN: D9734

NOTES: 8" Pump Disch to 10" Pipeline which goes to POU W2SE and E2SW Sec. 29. Thence is the City of Folsom Source. Lagoon in W2NESW Sec. 29.
Approximately this well is filled in with Sand. Not used in Several Years

Incorrect Statement

Field Exam Date: 7/13/04 Agent: _____

ASCS-578 (6-7-78)

REPORT OF ACREAGE

USDA - ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE OF

KEY		FARM NO.	NAME AND ADDRESS	FARM-LAND	CROP-LAND
1	OPERATOR	228 A OP	Delwin SMITH Kent Smith Fent ID	490	418
2	OWNER	228 A OW	Lois McCulloch 176 S 1st W Rexburg, Idaho 83440	490	418

OTHER FARMS: G-6

OPERATOR: A-41

OWNER: None

PROGRAM YEAR: 1983

OTHER: W. L. Points

OTHER INTERESTED PRODUCERS

KEY	NAME AND ADDRESS	OTHER FARMS	ASSIGNMENT CROP	ASSIGNMENT JOB
3	CUSTOM FARMING			
4				
5	NOT PARTICIPATING ON BLY (Delwin)			
6				
7				

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO. 1	FIELD NO. 2	CROP OR LAND USE 3	CROP OR LAND USE SUMMARY 4: Bly in	Wht			PIK CUA		KEY 5	SHARE 6	DISPOSITION 7	METHOD 8	GROSS ACRES 9	DEDUCTIONS IDENT./MEAS. 10	DEDUCTIONS ACRES 11	NET ACRES 12	INITIAL & DATE 13
G6 346-A	A	CUA PIK SF					35.4		2	all							
G6 346-A	A	M. Bly	141.8														
	B		10.8														
	C		10.1														
G6 359-A	A		45.6														
	B		~~47~~ 17.8														
	C		48.0														
	D		23.2														
BWW ~~7/1~~ 7/1/83 Other 17.3 NO OTHER PC PLANTED			365.3														
TOTAL OPERATOR REPORT			~~217.7~~	-0-			35.4										
TOTAL REPORTER'S REPORT																	

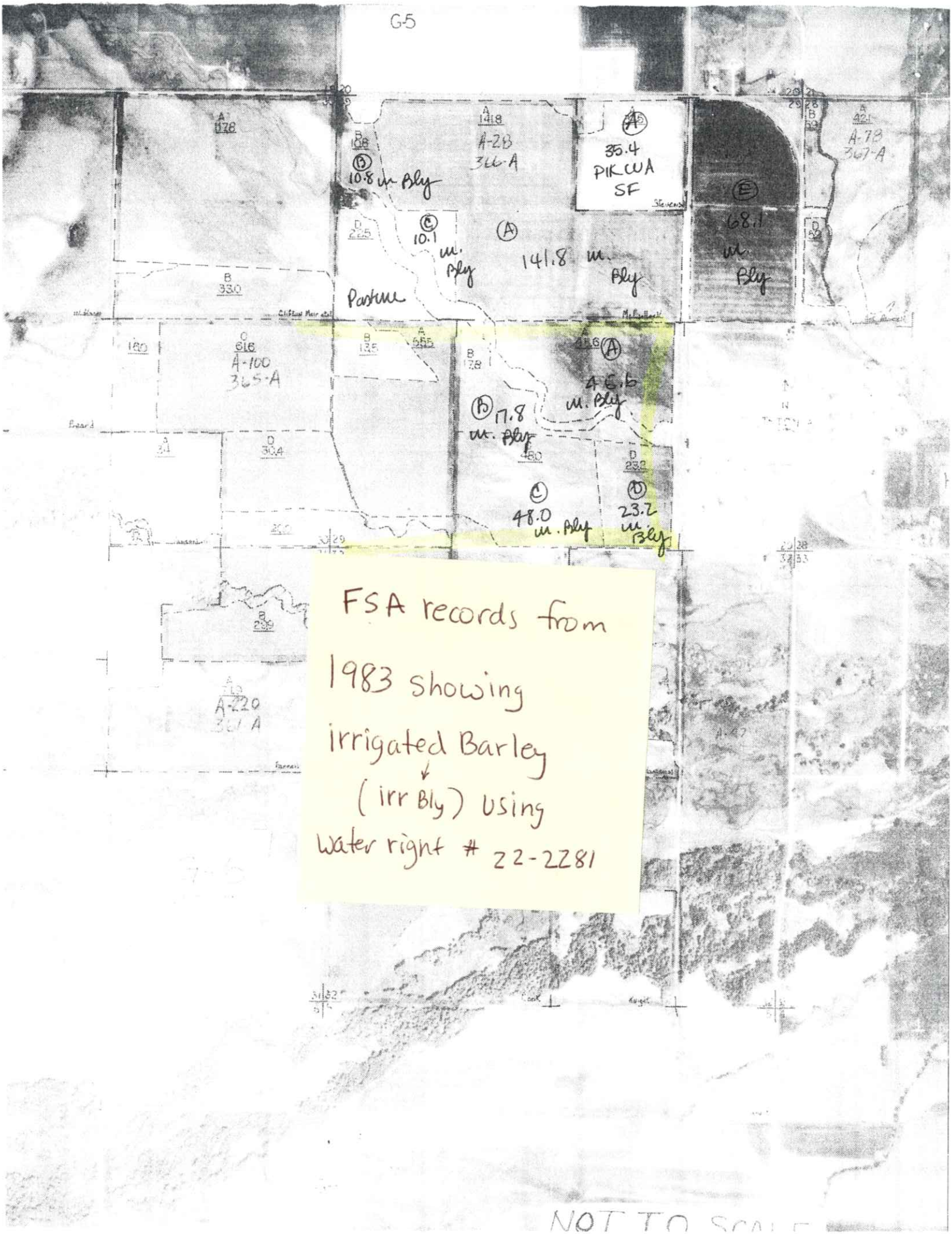
The CUA shown as SF would have been planted if I had not recevied a PIK contract. Delwin a Smith

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. Further, my signature constitutes authority for ASCS personnel to enter my farm for making any program determinations.

OPERATOR'S SIGNATURE: Delwin a Smith DATE: 7/1/83

OPERATOR'S SIGNATURE: DATE:



FSA records from 1983 showing irrigated Barley (irr Bly) using water right # 22-2281

NOT TO SCALE

83 RECORD ALL CHARGES OR CREDITS THAT AFFECT YOUR A

NUMBER	DATE	DESCRIPTION OF TRANSACTION	PAYMENT/DEBIT (-)	T	FEE (IF ANY) (-)	DEPO
120	9/14	Appl Blazer Home Improvement	3002 —			
121	9/21	Fall River REC 2-75 HP pumps	4129 68			
122	12/1	Dora McCulloch	8000 —			
123	12/12	Lois McCulloch loan pymt	20000 —			
124	4/11	Terry McC	500 —			
125	2/24	Lois McCulloch	3000			
126	3/14	" " Roofing & Misc	2000 —			
127	3/27	Lois McC Roof + MK	3000 —			
128	2/9	Lois McCulloch	3000 —			
129	4/15	IRS 1983 Inc	3603 —			
130	4/13	State 1983 Inc	2735 —			
131	5/7	MONARCH LIFE INS	25000 —			
132		Void				

REMEMBER TO RECORD AUTOMATIC PAYMENTS / DEPOSITS ON DATE

1983

Check register for Lois McCulloch shows payment of electricity combined payment

→ for 2 pumps #104 and #105

Water right 22-2281

1984

RECORD ALL TRANSACTIONS THAT AFFECT YOUR ACCOUNT

NUMBER	DATE	DESCRIPTION OF PAYMENTS—DEBITS—FEES OR DEPOSITS—CREDITS	AMOUNT OF PAYMENT-DEBIT OR FEE (−)		T ✓	AMOUNT OF DEPOSIT OR CREDIT (+)		BALANCE FORWARD		
								114	247	87
12	5/1	To First Sec. Bank For Col prin ~~479 58~~ ~~249 28~~ To Prin 410 8.34 101 2.42 For	5120	81	✓			Pay't or Dep. 5	120	81
								109	127	06
								Pay't or Dep. 3	000	—
								106	127	06
13	5/1	To Joe Fife For Roof	3000	—	✓			Pay't or Dep.		
								Bal.		
14	5/1	To M — L For Invest-	60000	—	✓			Pay't or Dep. 10	—	—
								46	127	06
15	5/1	To First Sec Bank VISA For	150	—	✓			Pay't or Dep.	150	—
								45	977	06
	5/4	To Fall River REC For 2 Pumps	✓					Pay't or Dep.		
								Bal.		

Nelson/Cook →

17	5/4	To #2353704 548 52 For #2353705 547.86	1096	38	✓			Pay't or Dep. 0	96	38
								44	880	68
16	5/4	To ~~Cooper~~ Trover For Hotel + Prog Int	214	—	✓			Pay't or Dep.	214	—
								44	666	68
18	5/4	To Zions Cons For	229 5	—	✓			Pay't or Dep. 2	295	—
								42	371	68
19	5/4	To Boise Cascade For Rs Repairs 32	3226	05	✓			Pay't or Dep. 3	226	05
								39	145	63
20	5/4	To Bellow Homes + C For 5/84 to 4/85	12	97	✓			Pay't or Dep.	12	97
								39	132	66
21	5/4	To Bishop Stephen Hoopes For Fuel Oil	500	—	✓			Pay't or Dep.	500	—
								38	632	66
122	5/9	To Betty Osterlog For Boat Book — M2K	31	61	✓			Pay't or Dep.	31	61
								38	601	05

REMINDER: RECORD AUTOMATIC PAYMENTS OR DEPOSITS ON DATE OF TRANSACTION

Lois McCulloch's 1984

Check register showing payment for

2 pumps in 1984 # 104 - Nelson/Cook (Southern well)

105 (Northern well)

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	69208		352.14CR
IRRIGAT	0	0	
ADV PAY - $12/HP			900.00

pd 5-4-84

ACCOUNT NO. 2353-105
AMOUNT DUE 547.86
BILLING DATE 4/25/84
PAYMENT RECEIVED AFTER
DUE DATE 05/15/84
NOT INCLUDED IN BILLING

45-114000-01

This one is for North pump

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	63557		351.48CR
IRRIGAT	0	0	
ADV PAY - $12/HP			900.00

pd 5-4-84

ACCOUNT NO. 2353-104
AMOUNT DUE 548.52
BILLING DATE 4/25/84
PAYMENT RECEIVED AFTER
DUE DATE 05/15/84
NOT INCLUDED IN BILLING

45-113500-02

L. H. McCULLOCH
OR S. M. McCULLOCH

No. 17

May 19 84 92-42/1241

PAY TO THE ORDER OF Fall River REC $1096 38

Ten Hundred ninety-six and 38/100 DOLLARS

IDAHO FIRST NATIONAL BANK
REXBURG OFFICE
P.O. Box 125
Rexburg, Idaho 83440

Idaho first The Bank

⑈ 3 0 1 0 8 1 6 ⑈ L. H. McCulloch
Lou McCulloch

⑆124100420⑆ ⑆00427100053⑈ ⑈180 "0000109638"

BL

#104 is the South pump for Nelson/Cook for 22-2281

1984

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	862		1029.77
IRRIGAT	7268	6406	272.26
DEMAND	KW	.00	497.70

9-14-84

ACCOUNT NO. 2353-104
AMOUNT DUE 1,799.73
BILLING DATE 8/31/84
PAYMENT RECEIVED AFTER 08/31/84
DUE DATE 09/24/84
NOT INCLUDED IN BILLING

45-113500-02

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	63650		854.05CR
IRRIGAT	862	37212	1386.12
DEMAND	KW	60.00	497.70

Paid 9-5-84

ACCOUNT NO. 2353-104
AMOUNT DUE 1,029.77
BILLING DATE 7/31/84
PAYMENT RECEIVED AFTER 07/31/84
DUE DATE 08/22/84
NOT INCLUDED IN BILLING

45-113500-02

FARM LEASE CONTRACT

This contract made and executed on this 29 day of April, 1985, by and among Lois McCulloch, 176 S.1st W., Rexburg, Idaho 83440, phone 356-5695(hereinafter called the Landlord) and Delwin W. Smith P.O. Box 111, Tetonia, Idaho 83452, phone 456-2371, (hereinafter called the tenants).

Location of Rental Unit: 440 acres at the Junction of Highways 33 and 32 and running East toward Tetonia Township and South to road running parellel to highway.

Rental Period:

The term of this contract shall begin and end: With the SPRING PLANTING SEASON 1984WITH THE FALL HARVEST SEASON 1985,

RENTAL ACCOMODATIONS:

The Landlord agrees to provide the following accomadations:

LAND: 440 acres, less house on five acres and loafing shed on five acres.

WATER: Furnished by irrigation well with two 75 H.P. motor and pump, Decreed Water Rights in North Leigh Creek (original owner: John c. Letham) with a priority date of June 1, 1896, of 80" (i.6cfs.)

EXPENSE: The expense of repairing two 75 H.P. wells and of repairing the valve on some of the barried main line for irrigation purposes. The Landlo shall furnish 1/3 fertilizer, seed, chemical spray for weed control, and all electrical repair and electrical power, 1/3 Fargo.

The tenants shall furnish all machinery, fuel and labor, 2/3 seed, fertilizer, chemical spray for weed control, @ Fargo, necessary to plant barley crop and shall generally supervise the growing crop and upon maturity shall harvest and negotiate the sale of the barley crop.

ADDITIONAL RENTAL ACCOMODATIONS:

The money received from this barley crop is to be a shared basis with,

33,1/3 % to belong to the landlord

66,2/3 % to belong to the Tenants.

GENERAL PROVISIONS:

All parties to this contract agree that in their respective rolls as Tenants and Landlord, they will make a resonable effort to maintain the rental unit in a safe and sanitary condition: to protect and maintain the facility; to respect the peace and privacy of the neighborhood and strive to maintain good neighbor policies.

SPECIAL PROVISIONS:

All minor repairs, upkeep and maintaince shall be the responsibility of the tenant. No additions or changes shall be made without the erpress permission of the Landlord. The Landlord shall have the fight of entry for purposes of inspection or repair or use or removal of personal property at any time.

ALL TERMS OF THIS CONTRACT HAVE BEEN READ AND ACCEPTED BY THE UNDERSIGNED PROPERTIES:

Lois McCulloch

~~Lois McCulloch~~, Landlord

Delwin W. Smith

Delwin W. Smith, Tenant

1985

RECORD ALL TRANSACTIONS THAT AFFECT YOUR ACCOUNT

NUMBER	DATE	DESCRIPTION OF PAYMENTS—DEBITS—FEES OR DEPOSITS—CREDITS	AMOUNT OF PAYMENT-DEBIT OR FEE (-)	T ✓	AMOUNT OF DEPOSIT OR CREDIT (+)	BALANCE FORWARD
						831 38
85	1/	To Madison Clerk				Pay't or Dep. 38 32
		For Lois Exam	38 32			Bal. 792 97
1985		To				Pay't or Dep.
Mar 1		For	(13.50)			Bal. 792 97
		To 1985 Prin Int			52666 67	Pay't 706 29
		For			6003962	Bal. 499 26
86		To SLC Corp				Pay't or Dep. 19 64
		For Lemon	19 64	✓		Bal. 479 62
87		To 5th Ward 505				Pay't or Dep. 500 —
		For Fast Offering	500 —	✓		Bal. 979 62
88 89 90	5/2	To 5th Ward tithe				Pay't or Dep. 000 —
		For	12 000 —	✓		Bal. 979 62

93	5/1	To Doug McCulloch	2800 —	✓	
		For Interest			
91	5/2	To Rec pump 104	665 09	✓	← Pump # 104 is for water right 22-2281
92		For Rec pump 105	671 38	✓	
94	5/2	To Sorry McCulloch			This is the check Register for Lois McCulloch
		For	50 —	✓	
95	5/2	To Basin Lumber Co			1985.
		For Farm	10 79	✓	
96	5/2	To M-h			
		For CMS	6000 —	✓	
97	5/2	To SC Penny			
		For BRAUS	23 48	✓	
		To			
		For			

REMINDER: RECORD AUTOMATIC PAYMENTS OR DEPOSITS ON DATE

Fall River Electric Bills for 1985
proving use of water right
#22-2281 on Nelson/Cook property

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	7268		234.91CR
IRRIGAT	0	0	
pd 5-2-85			
ADV PAY - $12/HP			900.00

ACCOUNT NO.	AMOUNT DUE
2353-104	665.09

BILLING DATE	PAYMENT RECEIVED AFTER	DUE DATE
4/16/85	04/12/85	05/01/85

45-113500-02 NOT INCLUDED IN BILLING

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	7268		900.00CR
IRRIGAT	26902	19634	834.45
DEMAND	KW	62.00	440.82

ACCOUNT NO.	AMOUNT DUE
2353-104	375.27

BILLING DATE	PAYMENT RECEIVED AFTER	DUE DATE
6/30/85	06/29/85	07/15/85

45-113500-02 NOT INCLUDED IN BILLING

FIRST CLASS MAIL U.S. POSTAGE PAID 1 OZ. PERMIT NO. 1
RETURN POSTAGE GUARANTEED
ADDRESS CORRECTION REQUESTED
ASHTON IDAHO 83420
PRESORTED FIRST CLASS

ELVIN MCCULLOCH
75 HP PUMP
176 SO 1ST W
REXBURG ID
83440-0000

RETURN THIS STUB

ACCOUNT NO.	AMOUNT DUE
2353-104	414.15CR

BILLING DATE	DUE DATE
10/31/85	11/16/85

45-113500-02

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.
WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	53249		242.47CR
IRRIGAT	0	0	
RES EXCHG CREDIT			171.68CR

ACCOUNT NO.	AMOUNT DUE
2353-104	414.15CR

BILLING DATE	PAYMENT RECEIVED AFTER	DUE DATE
10/31/85	10/31/85	11/16/85

45-113500-02 NOT INCLUDED IN BILLING

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
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WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	26902		375.27
IRRIGAT	53249	26347	1098.20
DEMAND	KW	62.00	440.82
Paid 8-27-85			

ACCOUNT NO.	AMOUNT DUE
2353-104	1,914.29

BILLING DATE	PAYMENT RECEIVED AFTER	DUE DATE
7/31/85	07/31/85	08/15/85

45-113500-02 NOT INCLUDED IN BILLING

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OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	53249		5.63
IRRIGAT	0	0	
pd 9-6-85			
RES EXCHG CREDIT			242.47CR

ACCOUNT NO.	AMOUNT DUE
2353-104	236.84CR

BILLING DATE	PAYMENT RECEIVED AFTER	DUE DATE
8/31/85	08/31/85	09/16/85

45-113500-02 NOT INCLUDED IN BILLING

1985 1986

RECORD ALL CHARGES OR CREDITS THAT AFFECT YOU

NUMBER	DATE	DESCRIPTION OF TRANSACTION	PAYMENT/DEBIT (-)		√ T	FEE (IF ANY) (-)
143	7/16	Lois McCulloch	$300	—		$
144	7/21	RLA 2333-104 Spring Pump	1914	29		
145	7/21	RLA 23 5 5 105 Spring pump	2047	71		
146	9/17	2RS 1985 Inc tax 2202 —	2202			
147	9/19	Jim McCulloch Expenses —	1500			
148	12/24 90 84	IRS 1984 1999 60 Penalty 100 94 Interest 121 54				
149	12/10	Jim McCulloch Loan paid —	500	—		
		1986				
101	5/30/86	Valley Bank # G-Mated Escrow 007-0820 Int. 2443.63 Id. First ck.	20,918	50		

REMEMBER TO RECORD AUTOMATIC PAYMENTS / DEPOSITS ON T

well #2 South

well #1 North

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431

PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.

WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	53249		414.15CR
IRRIGAT	0	0	
RES EXCHG CREDIT			63.49CR

ACCOUNT NO. 2353-104

AMOUNT DUE 477.64CR

BILLING DATE 1/25/86

PAYMENT RECEIVED AFTER 01/28/86

DUE DATE 02/15/86

45-113500-02

NOT INCLUDED IN BILLING

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431

PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.

WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

So. Pumps

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	53249		477.64CR
IRRIGAT	0	0	
ADV PAY - $12/HP			900.00

ACCOUNT NO. 2353-104

AMOUNT DUE 422.36

BILLING DATE 3/25/86

PAYMENT RECEIVED AFTER 03/28/86

DUE DATE 04/15/86

45-113500-02

NOT INCLUDED IN BILLING

South - Nelson place

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431

PLEASE REGISTER ANY INQUIRY OR COMPLAINT AT ABOVE ADDRESS.

WATTS IN STATE 800-632-5726
OUT OF STATE 800-635-5755

RETAIN FOR YOUR RECORDS

DESCRIPTION	READING	KWH	AMOUNT
BAL FWD	53249		477.64CR
IRRIGAT	0	0	
ADV PAY - $12/HP			900.00

ACCOUNT NO. 2353-104

AMOUNT DUE 422.36

BILLING DATE 4/25/86

PAYMENT RECEIVED AFTER 04/28/86

DUE DATE 05/15/86

45-113500-02

NOT INCLUDED IN BILLING

ASHTON IDAHO 83420

RETURN POSTAGE GUARANTEED

ADDRESS CORRECTION REQUESTED

FIRST CLASS MAIL
U.S. POSTAGE
PAID 1 OZ.
PERMIT NO. 1

PRESORTED FIRST CLASS

ELVIN MCCULLOCH
75 HP PUMP
176 SO 1ST W ST

REXBURG ID
83440-1817

RETURN THIS STUB

BILLING DATE	ACCOUNT NO.
4/25/86	2353-104
DUE DATE	AMOUNT DUE
05/15/86	422.36

45-113500-02

Fall River Electric Bills for 1986 proving use of water right # 22-2281 on Nelson/Cook property.

03/10/2006

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

RIGHT NUMBER: 22-10835

Disallowed

NAME AND ADDRESS: LOIS MC CULLOCH
176 S 1ST W
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.940 CFS

PRIORITY DATE: 06/01/1960

POINT OF DIVERSION:
T06N R45E S29 SESWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4/15 10/15	1.940 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S29	NENE	36.00	T06N R45E S29	NWNE	22.00
T06N R45E S29	SENE	39.00			

97 ACRES TOTAL

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

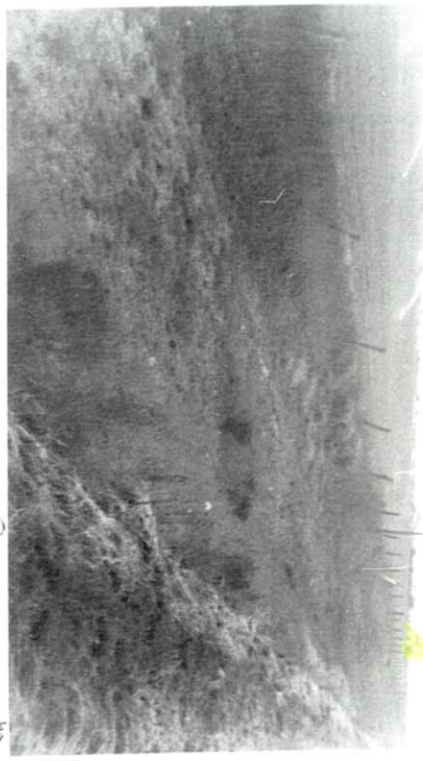
No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

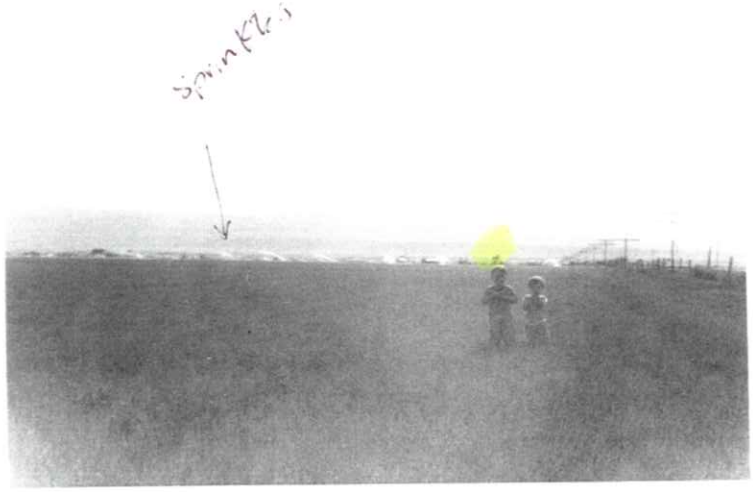
No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

Please see evidence for water right #22-10835

Lois McCulloch in house located @ Jct of Hwy 32/33 in Teton Valley Idaho. Also Sara Born 6-4-60 Steven 3-6-59



This is taken w/ photographer facing the sprinklers/west



Steven and Sara w/ Sprinklers in background
This picture is taken with photographer facing West

Evidence for # 22-10835

This is excerpts from a life history written by my Mother Lois McCulloch. Highlighted portions form a timeline.

FOR SARA - LOIS LIFE STORY

Lois Marie Hales McCulloch

I was born on Sunday AM 3-3-18, in Bingham Canyon, Utah, the 2nd child, 1st daughter of Jesse Fielding Hales and LaVon Pierce Hales. J. Fielding was born in Spanish Fork. LaVon was born in Springville Utah. J.F. in 1892 & LaVon in 1893. They met thru LaVon's father Andrew Pierce who was a carpenter and J. Fielding was a carpenter's helper. They married in S.L.C. in Jan 1916.

Eventually they had nine children all in Utah

Jesse F. Born Spanish Fork Sept 29, 191
Lois Marie " Bingham Canyon March 3, 191
Cleo Lucille B. Soldiers' Summit " July 3, 1920
Gladys Merton " " May 25, 1922
She died at age 1½ yrs (Diphtheria)
Marjorie LaVon Born Bingham Cyn May 23, 1925
Don Russell " " " May 10, 1927
William Perry " " " Sep 26, 1929
Marilyn " " " March 15, 1932
Charles Harmon " S.L.C. Ut. Oct 15, 1935

Don died when he crashed a small plane near Great Salt Lake (Block Rock) age 20
Jesse Jr. died SLC 17 Aug 1988
Buried Lake Hills Cemetery SLC (So State St)

As work progressed, Elvin was able to get well-matched brick to cover the extended house. Every window & every wall was changed so it didn't look like a re-done house.

On March 6th 1959 Steven was born by Caesarean section in the Madison Memorial hospital. I was just 3 days after my 41st birthday. What a change in my life. I loved it. I didn't have any milk, so he was put on ~~semi lac~~, but did well.

With the coming of spring we were back up to the dry farm house doing the farming routine. Then come fall back to do more work on Dora's house.

Fall 1959 That ~~fall~~ T.K. & family moved back to Las Vegas. The land around their rented house was for sale and Elvin had tried to get T.K. to buy it so he would have land of his own. T.K. wasn't interested. So, Elvin decided to make a

Spring '60 down payment on it and the next spring we moved into the house. It had two upstairs bedrooms, a living room, kitchen and a small bathroom with a shower. Also we installed a washer & dryer which was very convention

Summer '60 As Kota was born on June 9th 1960 also at Madison Hospital and also by Caesarean. The more convenient house was a welcome change. ~~That year Elvin~~ And we had both Reids & children) the store & post office were only two miles away. We could put our children in cardboard box beds and go to the SPUD outdoor drive-in theatre for an occasional movie.

Another year a neighbor, Art Rammell, had a heart attack & thought he might soon die. We had 80 acres adjoining our newly acquired highway property and decided Elvin should buy it. So here we were making payments on two properties. The $20 + the 80 & and Elvin decided to grow

Purchase of 80 acres East of RR tracks evidence for water right # 22-10835 →

Summer '61

evidence of purchase of Sprinkler pipe.
water is required to grow potatoes

Potatoes on that 80 acres. We bought our first sprinkler pipe in the summer of 1961. I remember it well. It had just been delivered in early June 1961 when my father age 69 died and we left for SLC for the funeral. Dad had had a stroke 5 years before. The world says this hands were always cold. He was buried in the Lake Hills Cemetery ~~at south~~ 10055 So State ~~SLC~~ Sandy Utah

~~Mom~~ Dad had already arranged for mother to live in their home along as she lived & for it to be sold & the money divided among their children. As it happened mother lived to be 91 years & age. She was in fairly good health to her 87th year. Then she had a stroke and was in a nursing home her last 5 years. She died in 1984 in SLC and was also buried at Lake Hills Cemetery.

evidence for water right # 22-10835

May 27, 2007

My name is George Rammell and I have lived in Tetonia most of my life. With the exception of a few years in Idaho Falls. I can remember in approximately the year 1960 my father Art Rammell sold 80 acres East of the Rail Road tracks that bordered Highway 33 to Elvin McCulloch. I remember Elvin putting sprinkler pipe through an existing culvert that went under the rail road tracks so he could sprinkler irrigate his ground which he had purchased from my Father.

George Rammell May 29-07

SUBSCRIBED & SWORN TO BEFORE
ME THIS 29th DAY OF May, 2007
Maureen Green
NOTARY PUBLIC
RESIDING AT: Teton Co
MY COMMISSION EXPIRES: 08/05/08

MAUREEN GREEN
Notary Public
State of Idaho

Buried mainline used for irrigation from well #1 goes through culvert under R.R. tracks to irrigate East side. Also goes ½ way along West side of RR tracks heading North – then T's and goes west.

USDA

Prepared by FSA

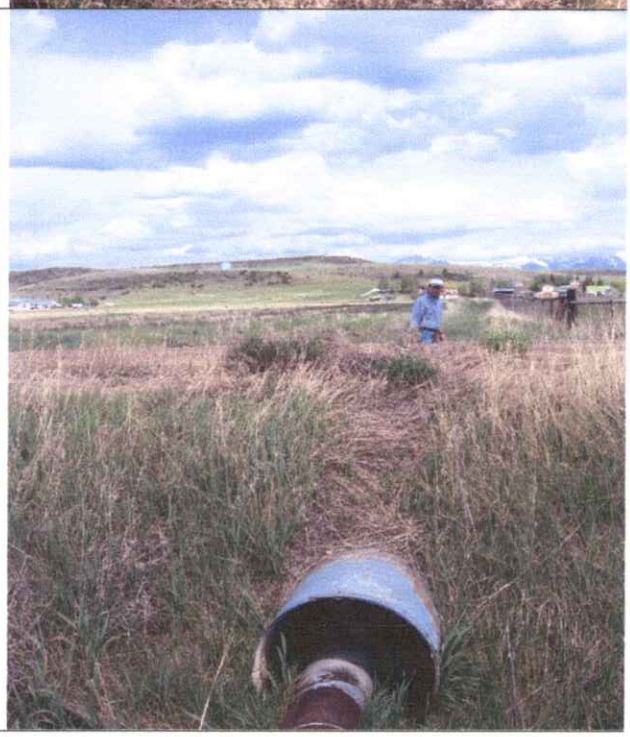
1" = 978'

Date: July 13, 2006

FARM 219/T 438

View TO North - old RR track - East Side on your right.

Standing on the old R.R. track location and looking West you can see well #1 and pipe going East into culvert.



closeup

Looking East where mainline goes through culvert under old RR tracks.

WORK ORDER

ROGERS IRRIGATION SUPPLY

Idaho Falls, Idaho

57

Date 10-26-61

me Mc Watters Stone Work

iress ~~ress~~ Salesman

Material	Hours	
length of airline 135'		
static water level 90'		
draw down 20' pumping 160" of water		
pumpes 160" at 110° on 10-26-61.		
20" casing at top of well		
95' of 20"		
Paid $35.25 for service	~~Paid~~	

06/23/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-2128

NAME AND ADDRESS: LOIS MC CULLOCH
176 S 1ST W
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 3.000 CFS
671.000 AFY

PRIORITY DATE: 09/04/1948

POINT OF DIVERSION:

T06N R45E S29 SWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	3.000 CFS 671.00 AFY

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S29	NWNE	34.00	T06N R45E S29	SWNE	39.00
T06N R45E S29	NENW	40.00	T06N R45E S29	NWNW	34.00
T06N R45E S29	SWNW	6.70	T06N R45E S29	SENW	38.00

191.7 ACRES TOTAL

Right Nos. 22-2128 and 22-2281 are limited to the irrigation of a combined total of 191.7 acres in a single irrigation season.

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 - License

This is incorrect. Water right # 22-2281 should have 152 acres of which 18 ac were moved (see claimant contact log)

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06N	45E	29	SE	SW		IRR	38.0
			NW	SE		IRR	38.0
			SW	SE		IRR	38.0
						Section Acres	152.0
						Total Acres	152.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
TETONIA CANAL CO.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 33246

MICROFILMED
OCT 29 1992

Claim no. _____

Claimant Contact Log

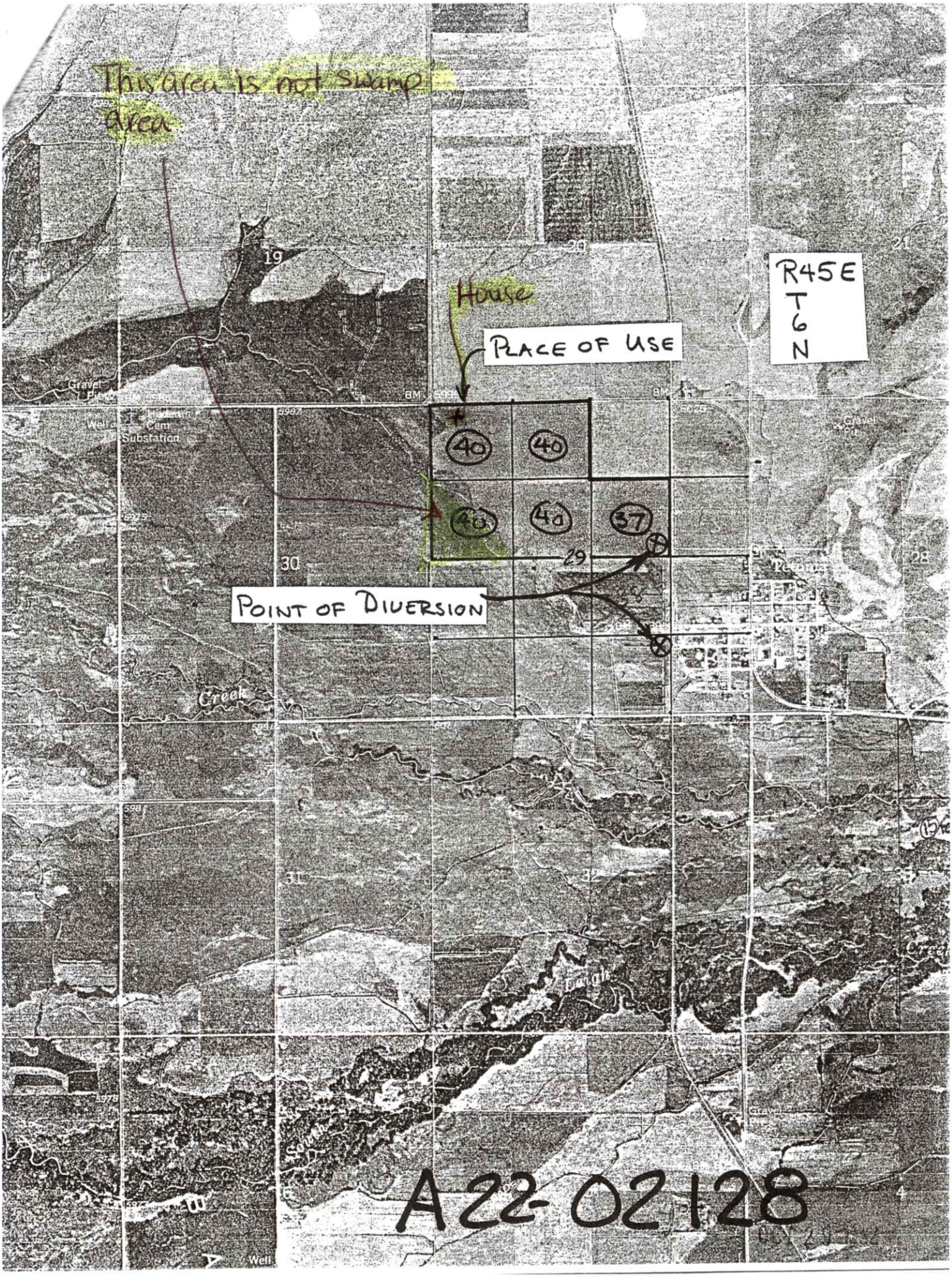
Date	Remarks	Agent initials

Owners used accomplished transfer to move 18 ac. of POU to the NWNE, which was not previously included on license. The rest of the acres claimed have not been irrigated since 1980, therefore there has been a partial forfeiture / abandonment. Only recommending 18 ac. of NWNE in PPU w/ 22-2128 and 22-10835. INcorrect

This statement is according to the notes from Dee Obrien. Partial forfeiture from 1989 to present. ↓ 3-10-06 * actually 34.47 acres in NWNE

cfs will be given at .0095cfs/acre which is .33 cfs for 34.47 acres.

this is wrong - Partial Forfeiture was determined by wrong information. Please see documents proving 22-2281


This area is not swamp area
House
PLACE OF USE
R45E
T6N
POINT OF DIVERSION
40
40
40
40
37
19
30
29
28
31
32
Creek
Well
Substation
Cem
Gravel Pit
A22-02128

Water right # 22-2128

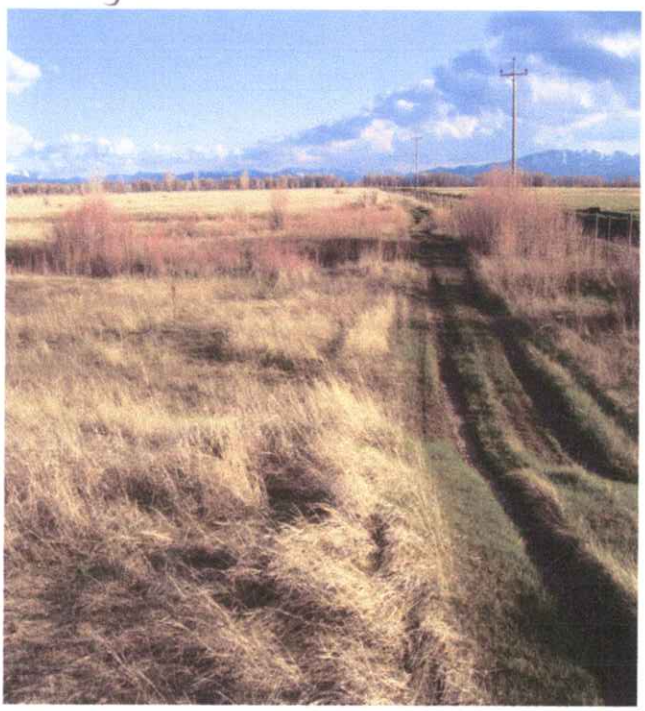
3-10-06
Based on exam done by Al Ryberry only 191.7 acres are irrigated. The license gives 3.08 cfs for 197 acres which is .016 cfs/acre. Claimant irrgats 191.7 acres which 3.00 cfs. TG

This water right should be restored to 197 acres as was licensed for this land is not a wet area.

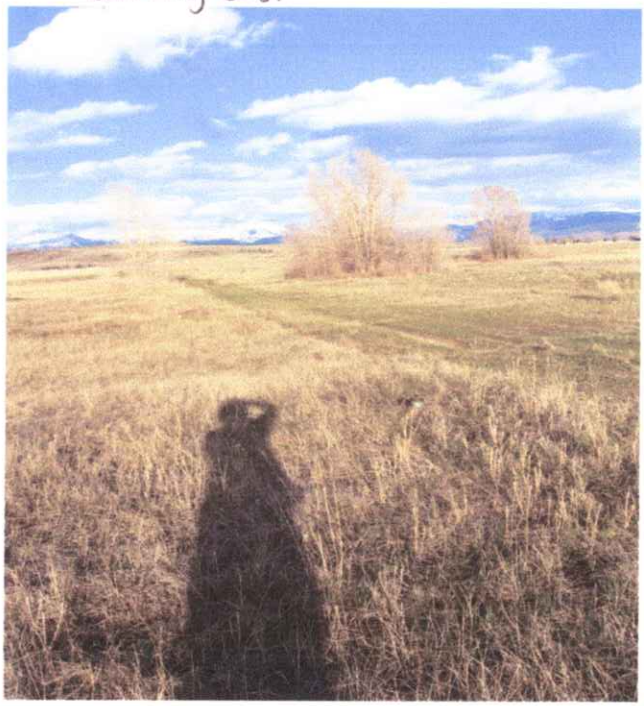
Sara Poch

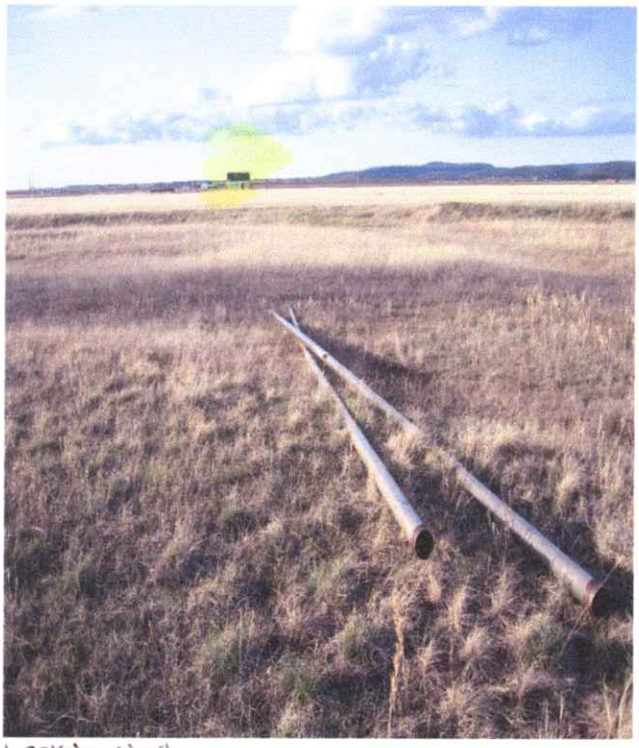
evidence for water right # 22-2128

Looking South



Looking East





Looking North

Looking North

These pictures were taken april 24 or 25 of 2007 by Sara Poch from Area # 4 of USDA Map - This area is not a wet area.

The house in the lower pictures is located near the junction of Hwy 32 & 33.