

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, Teton, 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 covenants 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:

E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ 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.

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 (9 $\frac{1}{2}$ %) percent

RECEIVED

JUN 07 2007

Department of Water Resources
Eastern Region

IRRIGATION WELL AND PUMPS

It is mutually understood and agreed that:

1. The deep well pump, together with five (5) quarter ($\frac{1}{4}$) mile portable four inch (4") hand lines, plus the existing one-half ($\frac{1}{2}$) 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:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/15	0.330 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	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	SENE	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 NW1/4, which was not previously included on license. The rest of the acres owned have not been irrigated since 1980, therefore there has been a partial forfeiture/abandonment. Only recommending 18 ac. of NW1/4 in PPU w/ 22-2125 and 22-10835.

This statement is according to the notes from Dee O'Brien. Partial forfeiture from 1980 to present. 3-10-06 34.47 acres in NW1/4

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

Please restore water right

This is not true see enclosed documents

3/8/05

NEVER GOT A CALL —

DO

TH/ A

FORFEITURE IS AN ISSUE.

never

3/26/05

ground,

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

3/28/05

1988-1998 - Clay Smith ran property. He used the north well for the property in NE¹/₄ and NW¹/₄ but did not use PDD #2. Suggested I call Glen Nelson.

8/2/05

DO

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.

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 gully. When water level dropped they cut back to 3 lines. They raised hay and grain and for 2 years raised seed potatoes. They were the last ones to farm the ground. So well was last used around 1980.

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

Priority Date: 12/02/1966

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion Rate

IRRIGATION

4/15 to 10/15

1.440 CFS

Total Diversion:

1.440 CFS

Annual Volume

456.00 AF

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

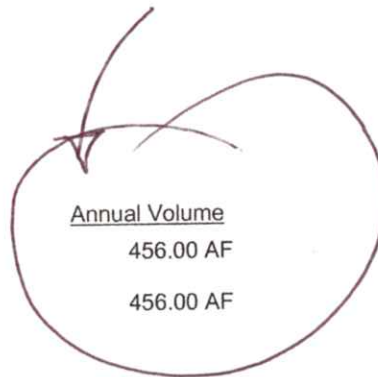
IRRIGATION

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			152.0

Total Acres: 152

Conditions of Approval:Remarks:Comments:

Please restore





Prepared by FSA



1" = 978'



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 McCallach ^{in 1982} well was used by Delwin Smith from 83-85. Delwin told me the well was really sandy-hard on the bowls - NOT FILLED WITH SAND AS STATED BELOW. (Sara Poch)

GPS DATA:

Tag # A0013689 Location: ELECT. PUMP

Diversion Data:

Source: GW Trib to: _____

MOTOR

Make: GE Model: 5K6258XH1A Hp: 75
SN: AKJ807469

PUMP

Make: Lorain-Bowler Model: 12RMH Disch: 8"
SN: D9734

NOTES:

8" PUMP DISCH TO 10" PIPELINE WHICH GOES TO
POW W2S1E AND R26W SEC. 29. THERE IS THE CITY OF TOWNSHIP
SOURCE LANDON IN W2N2SW SEC. 29.
APPARENTLY THIS WELL IS FILLED WITH SAND - NOT USED IN
SEVERAL YEARS

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

Incorrect
Statement

REPORT OF ACREAGE

USDA-ASCS

NOTE: Sect. 1374a, 7U.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.

FARM NO.	NAME AND ADDRESS	FARM- LAND	CROP- LAND	OPERATOR	KEY	OTHER INTERESTED PRODUCERS	OTHER FARMS	CROP	ASSIGNMENT
228	Delwin Smith Kent Smith Fert ID	490	418	A-41	3	CUSTOM FARMING			
				OWNER	4				
				None	5	NOT PARTICIPATING ON BLY			
				PROGRAM YEAR	6				
				1983	7				
				OTHER					
				W. L. Points					

TRACT NO.	FIELD NO.	CROP OR LAND USE	BLIN	Wht	4	5	6	7	8	9	10	11	12	13
66	A	CUA PK												
346A	A	SF												
66	A	W. Bly												
346A	A													
	B													
	C													
	B													
	C													
	D													

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

CROP OR LAND USE SUMMARY

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

TOTAL OPERATOR REPORT	346.3	247.7	0	35.4										
TOTAL REPORTER'S REPORT														

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 Smith* DATE: 7/1/83

OPERATOR'S SIGNATURE: DATE:

FSA records from
1983 showing
irrigated Barley
↓
(irrig 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	FEE	DEBIT
130	9/14	Chel Electric - Home Improvements	3000 -		
131	9/21	Fall River Rec 2-75 HP pump	4129 68		
132-131		Stora McCulloch	8000 -		
133	11/12	Lois McCulloch tooe payee	20000 -		
134	1/11	Larry McCulloch	500 -		
135	2/24	Lois McCulloch	3000 -		
136	3/14	Rooping & Misc Lois McCulloch	8000 -		
137	3/27	Lois McCulloch Rog & MK	3000 -		
138	2/9	Lois McCulloch	3000 -		
139	4/13	1 RS 1983 line	3603 -		
130	4/13	State 1983 line	2735 -		
131	5/7	MONARCH LIFE INS.	25000 -		
132		Vold			

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				Pay't or Dep. 5 120 81
		For Cod prin ~~424.52~~ 349.32	5120	81	✓	109 127 06
		To Prin 4108.34 1012.47				Pay't or Dep. 3 000 —
		For				106 127 06
13	5/1	To Joe Fife				Pay't or Dep. — —
		For Roof	3000	—	✓	Bal. — —
14	5/1	To m —				Pay't or Dep. 60 — —
		For Invest —	60000	—	✓	46 127 06
15	5/1	To First Sec Bank VISA				Pay't or Dep. 150 —
		For	150	—	✓	45 977 06
	5/5	To Fall River REC				Pay't or Dep. — —
	5/4	For 2 Ramps				Bal. — —

Nelson/cook →

17	5/4	To #2353-104 54852	1096	38	✓	Pay't or Dep. 10 96 38
		For #2353-105 547.96				44 880 68
16	5/4	To Target Travel				Pay't or Dep. 214 —
		For Hotel & Reg. Inv	214	—	✓	44 666 68
18	5/4	To Zions Travel				Pay't or Dep. 2295 —
		For	2295	—	✓	42 371 68
19	5/4	To Boise Cascade				Pay't or Dep. 3 226 05
		For Hs Repairs 32	3226	05	✓	39 145 63
20	5/4	To Better Homes & B				Pay't or Dep. 12 97
		For 5/84 to 4/86	12	97	✓	39 132 66
21	5/4	To Bishop Stephen Hoopes				Pay't or Dep. 500 —
		For Food Bldg.	500	—	✓	38 632 66
22	5/9	To Betty Catering				Pay't or Dep. 31 61
		For Boat Bldg — mdk	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	
<i>pel 5-4-84</i>			
ADV PAY - \$12/HP			900.00

ACCOUNT NO.	AMOUNT DUE
2353-105	547.86
BILLING DATE	PAYMENT RECEIVED AFTER
4/25/84	
	DUE DATE
	05/15/84

NOT INCLUDED
IN BILLING

45-114000-01

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	
<i>pel 5-4-84</i>			
ADV PAY - \$12/HP			900.00

ACCOUNT NO.	AMOUNT DUE
2353-104	548.52
BILLING DATE	PAYMENT RECEIVED AFTER
4/25/84	
	DUE DATE
	05/15/84

NOT INCLUDED
IN BILLING

45-113500-02

L. H. McCULLOCH
OR S. M. McCULLOCH

No. 17

1984 92-42/1241

DAY 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

L.H. McCulloch
Lois McCulloch

11261004200 110047110033 1180 0000109638

#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
<i>19-14-84</i>			

ACCOUNT NO.	AMOUNT DUE
2353-104	1,799.73
BILLING DATE	PAYMENT RECEIVED AFTER
8/31/84	
	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
<i>paid 9-5-84</i>			

ACCOUNT NO.	AMOUNT DUE
2353-104	1,029.77
BILLING DATE	PAYMENT RECEIVED AFTER
7/31/84	
	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 parallel to highway.

Rental Period:

The term of this contract shall begin and end: With the SPRING PLANTING SEASON 1984 WITH 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" (1.6cfs.)

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,

<u>33, 1/3 %</u>	} to belong to the landlord
<u>66, 2/3 %</u>	

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

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			
						Pay't or Dep.	Bal.	Pay't or Dep.	Bal.
85	12/5	Medicare Allowance	3832				831	3832	31
1985		For Jan Extra					792	92	
1985		For					192	97	
1985		For			5266.67		706	27	
1985		For			6003.762		192	97	
86		SKC Corp	14.64				192	97	
87		For Jan					192	97	
88		For Feb					192	97	
89		For Mar					192	97	
90		For Apr					192	97	
		For May					192	97	
		For Jun					192	97	
		For Jul					192	97	
		For Aug					192	97	
		For Sep					192	97	
		For Oct					192	97	
		For Nov					192	97	
		For Dec					192	97	

REMINDER: RECORD AUTOMATIC PAYMENTS OR DEPOSITS ON DATE

← Pump # 104 is for water right 22-2281
This is the check Register for Lois McCulloch
1985.

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 IRRIGAT	7268	0	234.91CR
ADV PAY - \$12/HP			900.00

ACCOUNT NO. 2353-104
BILLING DATE 4/16/85
PAYMENT RECEIVED AFTER 04/12/85
DUE DATE 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 IRRIGAT	7268	19634	900.00CR
DEMAND	26902	62.00	834.45
			440.82

ACCOUNT NO. 2353-104
BILLING DATE 6/30/85
PAYMENT RECEIVED AFTER 06/29/85
DUE DATE 07/15/85
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 IRRIGAT	26902	26347	375.27
DEMAND	53249	62.00	1098.20
			440.82

ACCOUNT NO. 2353-104
BILLING DATE 7/31/85
PAYMENT RECEIVED AFTER 07/31/85
DUE DATE 08/15/85
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 IRRIGAT	53249	0	5.63
RES EXCHG CREDIT			242.47CR

ACCOUNT NO. 2353-104
BILLING DATE 6/31/85
PAYMENT RECEIVED AFTER 08/31/85
DUE DATE 09/16/85
45-113500-02 NOT INCLUDED IN BILLING

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.
P.O. BOX AE ASHTON, IDAHO 83420 PHONE 652-7431
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 IRRIGAT	53249	0	242.47CR
RES EXCHG CREDIT			171.68CR

ACCOUNT NO. 2353-104
BILLING DATE 10/31/85
PAYMENT RECEIVED AFTER 10/31/85
DUE DATE 11/16/85
45-113500-02 NOT INCLUDED IN BILLING



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

REXBURG ID
83440-0000

RETURN THIS STUB

BILLING DATE 10/31/85
DUE DATE 11/16/85
ACCOUNT NO. 2353-104
AMOUNT DUE 414.15CR
45-113500-02

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

1985

1986

RECORDABLE CHARGES OR CREDITS THAT AFFECT YOU

NUMBER	DATE	DESCRIPTION OF TRANSACTION	PAYMENT/DEBIT (-)	FEE (IF AN -)
143	7/6	Leid McCullen	\$300 -	
144	8/31	RE 44 2323-104 Strong Pump	1914 29	
145	1/2	RE 11 23 557105 Strong Pump	2047 71	
146	8/9	2RS 1935 Inc for 2202 -	2002	
147	8/19	Inc McCullen Farm etc	1500	

Well #2 South

Well #1 North

148	1/24	IRS 1984 1999 60 Pound 100 74		
149	9/21	IRS Pound 100 54		
149	11/10	Strong Pump Inc Paid -	500 -	
1986				
101	3/30	Valley Bank # S. McLeod Earnings 007-0800 Int. 2443.633d. First of	20918.50	

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. Pump

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



RETURN
POSTAGE
GUARANTEED

FIRST CLASS MAIL
U.S. POSTAGE

ADDRESS
CORRECTION
REQUESTED

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

4/25/86

ACCOUNT NO.

2353-104

DUE DATE

05/15/86

AMOUNT DUE

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

Disallowed

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:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/15 10/15	1.940 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	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

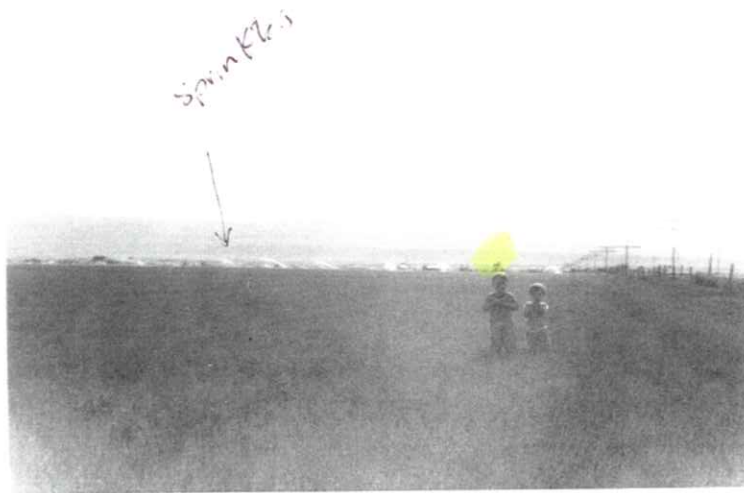


Lois McCulloch in house located
 @ Jct of Hwy 32/33 in Teton Valley
 Idaho. Also Sara ^{Born} 6-9-60
 Steven 3-6-59

This is taken w/ photographer facing the ^{south} west



← sprinkles
 ← sprinkles
 ← house



sprinkles
 ↓

Steven and Sara w/ sprinkles in background
 This picture is taken with photographer facing west

FOR SARA - LOIS

LIFE STORY

Lois Marie Hales McCulloch

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

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 28, 1911

Lois Marie " Bingham Canyon March 3, 1911

Cleo Lucille B. Soldier Summit July 3, 1920

Glady's Marion " " May 1922

She died at age 1 1/2 yrs (Diphtheria)

Marjorie Lavin Born Bingham Cyn May 23, 1925

Don Russell " " " May 10, 1927

William Parley " " " 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 Salt Lake (Black Rock) age 20

Jesse Jr. died S.L.C. 17 Aug 1988

Buried Lake Hills Cemetery S.L.C. (See 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 Cesarean 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~~ ^{formula} 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 ~~summer~~ T. L. & family moved back to Las Vegas. The land around their rental house was for sale and Elvin had tried to get T. L. to buy it so he would have land of his own. T. L. 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 convenient as Hota was born on June 9th 1960 also at Madison Hospital and also by Caesarian. The

Summer 60

Great

more convenient house was a welcome change. That year Elvin And we had both kinds of 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 Rammall, had a heart attack & thought he might soon die. He 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
1961

evidence of
purchase of sprinkler
pipe. →

water is required to
grow potatoes

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

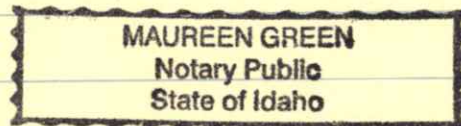
~~My~~ Dad had already arranged
for mother to live in their home
along as she lived & for it to
be sold & the money divided
among their children. As it
happened mother lived to
be 91 years of age. She was in
fairly good health to her 87th year
then she had a stroke and
was in a nursing home her
last 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: Tetona
MY COMMISSION EXPIRES: 08/05/08

Buried mainline used for irrigation from well #1 goes through culvert under R.R. tracks to irrigated East side. Also goes 1/2 way along West side of RR tracks heading North - then T's and goes west



Prepared by FSA



1" = 978'



Date: July 13, 2006

FARM 219/T 438

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

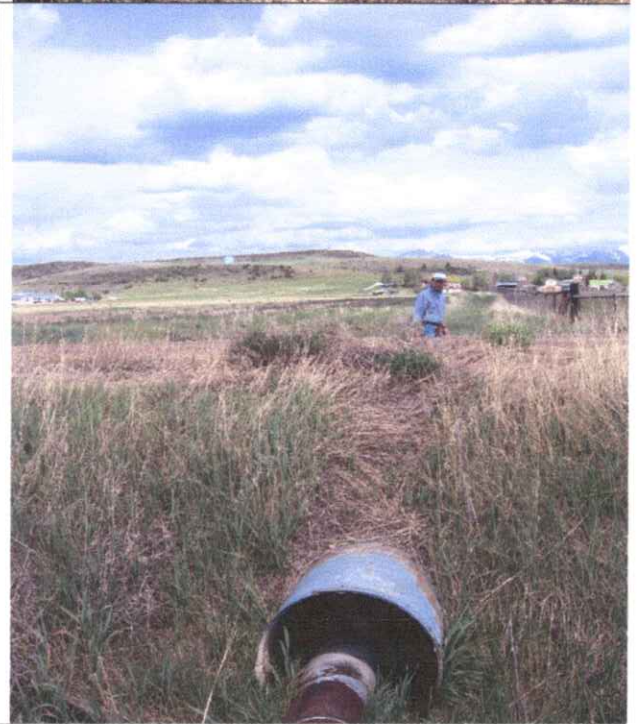


standing on the old R.R. track location
and looking West you can see well #1 and
pipe going East into culvert.



closeup

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



ROGERS IRRIGATION SUPPLY

57

10-26-61

Salesman

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

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
IRRIGATION

PERIOD OF USE
04/15 10/15

QUANTITY
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

Claim no. _____

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

Owners used accomplished transfer to move 18 ac. of POU to the NW1/4, 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 NW1/4 in POU w/ 22-2128 and 22-10835.

Incorrect

This statement is according to the notes from Dee O'Brien. Partial forfeiture from 1980 to present. 3-10-06 & actually 34.47 acres in NW1/4

Cts will be given at .0095cts/acre which is .33 cts 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
T6
N

POINT OF DIVERSION

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 cts for 197 acres which is .016 cts/acre. Claimant irrigates 191.7 acres which 3.00 cts. TG

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

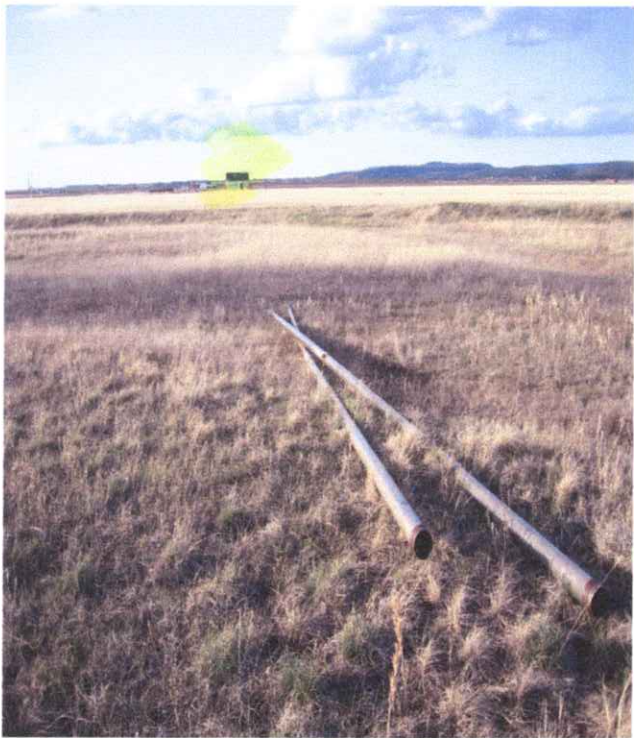
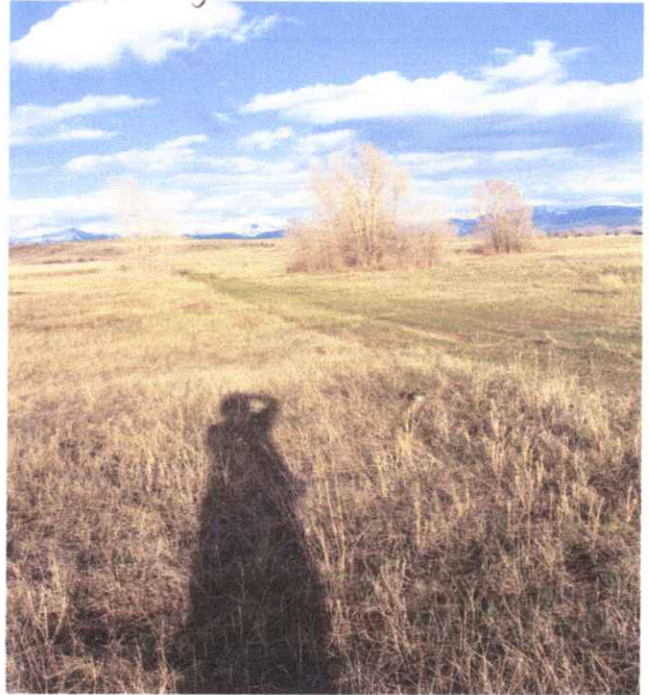
Sara Poch

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.