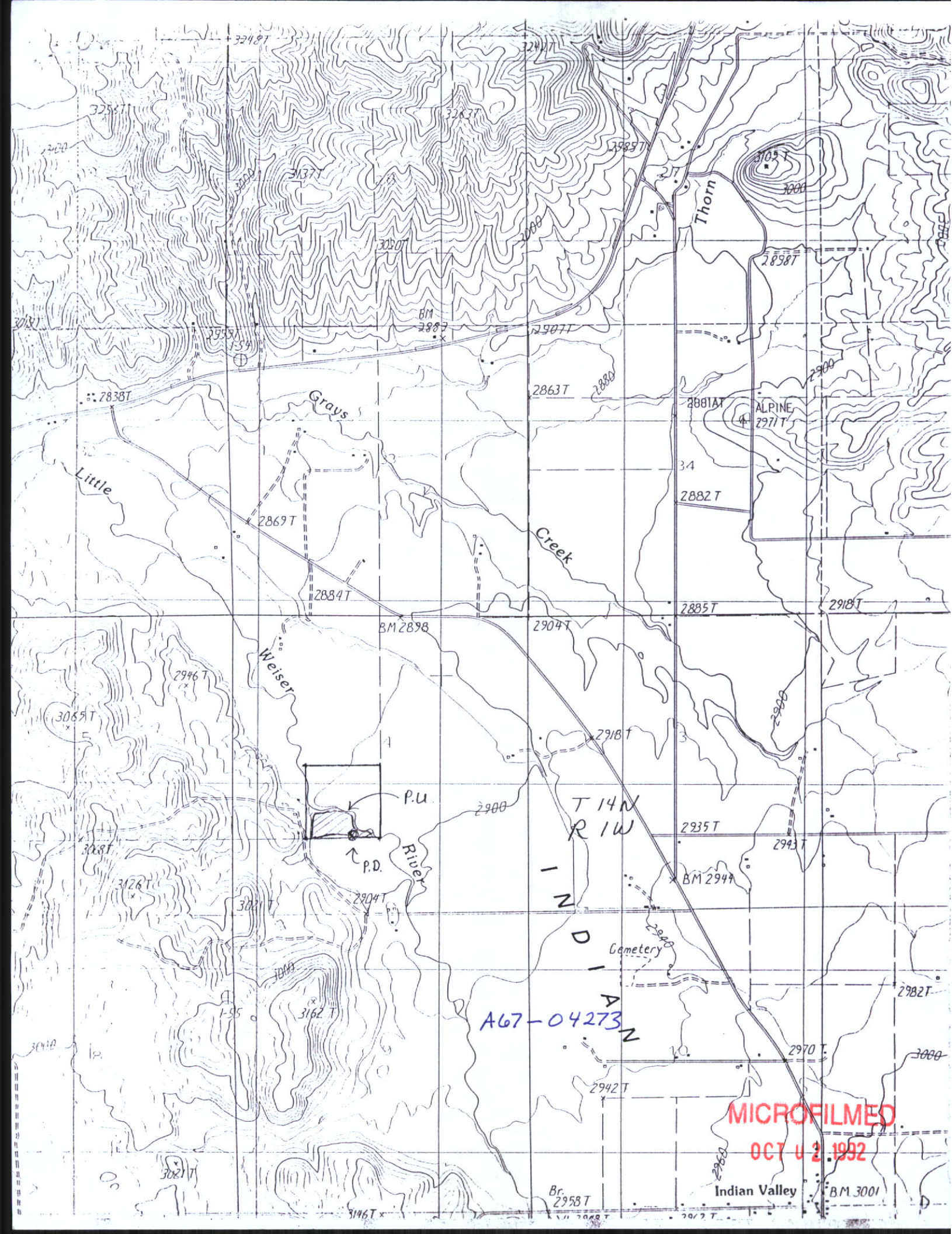




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Original map

in 67-457

-7

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 67-4273  
Date Received: 9/12/1989  
Receipt No: C011574  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBIN L THORSEN  
2982 CUTLER RD  
CAMBRIDGE ID USA 83610-5166

Phone: (208)257-3541

ETHEL J PEARSON  
2982 CUTLER RD  
CAMBRIDGE ID USA 83610-5166

Phone: (208)257-3541

2. Date of Priority: 05/01/1968

3. Source: WASTE WATER Trib. to: LITTLE WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 14N      | 01W   | 4       | SE     | NE     | SW      | ADAMS  |      |

5. Description of diverting works:

10" CULVERT FROM WASTE DITCH

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 0.14   |            |

7. Total Quantity Appropriated is:  
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 14N      | 01W   | 4       | NE         | SW  | IRRIGATION    | 7     |
|          |       |         |            |     | Section Acres | 7     |
|          |       |         |            |     | Total Acres   | 7     |

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 7/8/2002

ADDRESS CHANGE, ROUTE AND BOX TO GRID 5/12/99 SS.

15. Basis of Claim: Statutory Claim

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED**  
**DEC 18 2001**

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

WATER RESOURCES  
 WESTERN REGION

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| <u>67-4276</u>        |                              |       | <u>67-4274</u>        |                              |       |
| <u>- 457</u>          |                              |       | <u>- 4273</u>         |                              |       |
| <u>- 458B</u>         |                              |       |                       |                              |       |
| <u>- 4275</u>         |                              |       |                       |                              |       |
| <u>- 462</u>          |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former  
 Owner/Claimant(s)

DELBERT OGLE

1039 W INDIAN VALLEY RD, CAMBRIDGE

- ④ New Owner/Claimant(s)

Ethel J Pearson Robin Thorsen

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

New Mailing Address

2982 Cutler Rd.

City, State and ZIP Code

Cambridge, ID 83610-2166

New Telephone Number

(208) 257-3541

- ⑤ Date you acquired the property

November 1996 + April 1997 (Parcel 1+2)

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7

Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

Ethel J. Pearson

Robin Thorsen

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 \_\_\_\_\_

Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_

Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

## **Exhibit A**

### **LEGAL DESCRIPTION**

**T14N, R1W B.M.**

**SEC. 4**

S2 of SW4 and that part in NE4 SW4 laying South and West of the Little Weiser river.  
Also that part laying West in SW4 SE4 of the Little Weiser River.

**SEC. 5**

S2 SE4 and that part in the SE4 of the SE4 laying South and East

**SEC. 8**

N2 of the NE4; the NE4 of NW4 except the NW corner about 6 acres more or less separated by a property fence line.  
Also a 5 acre parcel in the NW4 NW4 in the South East Corner: See Platmap.

**SEC. 9**

The W2; the W2 of the E2 excepting that part East of the Little Weiser River in that section.

Including all water and mineral rights pertaining to subject property.



**SCHEDULE C**  
**ORDER NO. 100-95-545**  
**POLICY NO. J-663371**

**TRACT 1**

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho  
Section 4: S1/2SW1/4 and all that part of the NE1/4SW1/4 and SW1/4SE1/4  
lying South and West of the thread of the Little Weiser River, the thread  
being more particularly described as follows:

Beginning at a point on the West line of the NE1/4SW1/4 of said Section 4,  
from which the SW 1/16 corner bears South 00°10'01" East 637.9 feet;

Thence South 61°04' East 211.9 feet;  
Thence North 74°26' East 216.4 feet;  
Thence South 80°05' East 187.4 feet;  
Thence South 72°29' East 150.6 feet;  
Thence South 85°15' East 96.5 feet;  
Thence South 06°20' West 74.2 feet;  
Thence South 39°47' West 137.6 feet;  
Thence South 09°36' East 79.0 feet;  
Thence South 67°47' East 119.6 feet;  
Thence South 87°22' East 85.0 feet;  
Thence North 66°08' East 66.5 feet;  
Thence South 74°49' East 347.0 feet;  
Thence South 74°49' East 116.0 feet;  
Thence South 80°45' East 143.7 feet;  
Thence South 31°00' East 88.9 feet;  
Thence South 09°00' East 138.9 feet;  
Thence South 33°02' West 314.1 feet;  
Thence South 50°50' East 106.2 feet;  
Thence North 67°29' East 45.5 feet;  
Thence North 33°30' East 51.6 feet;  
Thence South 48°04' East 89.8 feet;  
Thence South 06°03' East 92.2 feet;  
Thence North 82°16' West 45.3 feet;  
Thence South 19°35' West 40.0 feet;  
Thence South 37°53' East 65.3 feet;  
Thence South 63°03' East 284.4 feet;  
Thence South 23°32' East 66.6 feet;  
Thence South 16°10' West 111.7 feet;  
Thence South 34°46' West 164.8 feet;  
Thence South 60°39' West 76.6 feet;  
Thence South 19°18' West 85.7 feet;

Thence South 09°58' East 132.9 feet to a point on the South line of said  
Section 4, and the POINT OF ENDING from which the 1/4 corner common to  
Sections 4 and 9 bears South 89°42'48" West 441.9 feet, more or less.

Section 5: S1/2SE1/4 and all that part of the SE1/4SW1/4 lying  
Southeasterly of the existing boundary line running diagonally in a  
Southwesterly direction from the NE corner of the SE1/4SW1/4 of Section 5  
toward the SW corner of the NW1/4 of Section 8.

Section 8: N1/2NE1/4, and all that part of the NW1/4NW1/4 and the NE1/4NW1/4  
lying Southeasterly of the boundary fence above described.

CONTINUED



SECTION 9 CONTINUED

DEED NO. 100-95-545

POLICY NO. J-663371

Section 9: W1/2 excepting the SW1/4SW1/4; W1/2E1/2, Excepting all that part of the W1/2E1/2 lying east of the thread of the Little Weiser River, the thread being more particularly described as follows:

Beginning at a point on the line common to said Sections 9 and 4, from which the common 1/4 corner of said Sections bears South 89°42'48" West 441.9 feet, more or less;

Thence South 31°11' East 459.5 feet;

Thence South 06°34' West 132.2 feet;

Thence South 43°00' West 99.3 feet;

Thence South 06°49' West 90.2 feet;

Thence South 40°14' East 40.1 feet;

Thence North 87°03' East 137.8 feet;

Thence South 73°16' East 48.4 feet;

Thence South 47°44' East 156.4 feet;

Thence South 70°18' East 122.2 feet;

Thence North 70°47' East 59.4 feet;

Thence North 33°57' East 62.0 feet;

Thence South 58°27' East 71.9 feet;

Thence South 31°33' East 66.4 feet;

Thence South 02°17' West 301.5 feet;

Thence South 14°31' East 127.2 feet;

Thence South 17°09' West 133.7 feet;

Thence South 21°57' East 53.7 feet;

Thence South 86°36' East 107.1 feet to a point on the East line of the W1/2E1/2 of said Section 9 (East line of the SW1/4NE1/4 and the POINT OF ENDING from which the Center-East 1/16 corner bears South 00°04'54" West 1138.2 feet, more or less.

EXCEPTING any road rights-of-way as now established.

EXCEPTING the Weiser River.

## TRACT 2

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 8: SE1/4SE1/4, E1/2SW1/4SE1/4

Section 9: SW1/4SW1/4

EXCEPTING any road rights-of-way as now established.

## **TRUSTEE DEED**

FOR VALUE RECEIVED in the amount of one hundred sixty five thousand dollars (\$165,000.00), RONALD D. SCHOEN, as duly appointed, qualified and acting Standing Chapter 12 Trustee in Bankruptcy Case No. 95-00557, in the United States Bankruptcy Court for the District of Idaho, wherein Delbert and Marion Ogle appear as Debtors, Grantor therein, does hereby grant, bargain, sell and convey unto ETHEL J. PEARSON, a single person, and ROBIN L. THORSEN, a single person, the Grantees, all right, title and interest to the said Estate, in and to the following described real property, located in the County of Adams, State of Idaho:

### **PARCEL 1**

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho.  
Section 8: SW1/4SW1/4, E1/2SW1/4, W1/2SW1/4SE1/4, NE1/4SE1/4  
EXCEPTING THEREFROM the County Road right-of-way as set forth in deed recorded October 1, 1911 in Book 2 Deeds page 129.

### **PARCEL 2**

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho.  
Section 8: S1/2NE1/4, SE1/4NW1/4

### **THE SALE OF PARCEL 1 and 2 TO THE GRANTEES IS SUBJECT TO:**

- 1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- 2) Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- 3) Easements, claims of easement or encumbrances which are not shown by the public records.

**TRUSTEE DEED**

FOR VALUE RECEIVED in the amount of four hundred eighty six thousand four hundred eighty dollars (\$486,480.00), RONALD D. SCHOEN, as duly appointed, qualified and acting Standing Chapter 12 Trustee in Bankruptcy Case No. 95-00557, in the United States Bankruptcy Court for the District of Idaho, wherein Delbert and Marian Ogle appear as Debtors, Grantor therein, does hereby grant, bargain, sell and convey unto ETHEL J. PEARSON, a single person, and ROBIN L. THORSEN, a single person, the Grantees, all right, title and interest to the said Estate, in and to the following described real property, located in the County of Adams, State of Idaho:

**TRACT I**

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho.

**Section 4:**

The ~~SE1/2SW1/4~~ containing 80.56 acres, more or less, the ~~NE1/4SW1/4~~ and the ~~SW1/4SE1/4~~ lying southerly and westerly of the thread of the Little Weiser River, the thread being more particularly described as follows:

**BEGINNING** at a point on the East Line of the Northeast 1/4 of the Southwest 1/4 said Section 4, from which the Southwest 1/16 Corner bears South 00°10'01" East, 637.9 feet;  
 Thence South 61°04' East, 211.9 feet; Thence North 74°26' East, 216.4 feet;  
 Thence South 80°05' East, 187.4 feet; Thence South 72°29' East, 150.6 feet;  
 Thence South 85°15' East, 96.5 feet; Thence South 06°20' West, 74.2 feet;  
 Thence South 39°47' West, 137.6 feet; Thence South 09°36' East, 79.0 feet;  
 Thence South 67°47' East, 119.6 feet; Thence South 87°22' East, 85.0 feet;  
 Thence North 66°08' East, 66.5 feet; Thence South 74°49' East, 347.0 feet;  
 Thence South 74°49' East, 116.0 feet; Thence South 80°45' East, 143.7 feet;  
 Thence South 31°00' East, 88.9 feet; Thence South 09°00' East, 138.9 feet;  
 Thence South 33°02' West, 314.1 feet; Thence South 50°50' East, 106.2 feet;  
 Thence North 67°29' East, 45.5 feet; Thence North 33°30' East, 51.6 feet;

**RECEIVED****DEC 09 1996**WATER RESOURCES  
WESTERN REGION

**TRACT I (cont'd)**

Thence South 48°04' East, 89.8 feet; Thence South 06°03' East, 92.2 feet;  
 Thence North 82°16' West, 45.3 feet; Thence South 19°35' West, 40.0 feet;  
 Thence South 37°53' East, 65.3 feet; Thence South 63°03' East, 284.4 feet;  
 Thence South 23°32' East, 66.6 feet; Thence South 16°10' West, 111.7 feet;  
 Thence South 34°46' West, 164.8 feet; Thence South 60°39' West, 76.6 feet;  
 Thence South 19°18' West, 85.7 feet; Thence South 09°58' East, 132.9 feet, to a point  
 on the South Line of said Section 4 and the **POINT OF ENDING**, from which the 1/4  
 corner common to Sections 4 and 9 bears, South 89°42'48" West, 441.9 feet, more or less.

Containing 12.35 acres, more or less in the NE1/4SW1/4 and 12.31 acres, more or less in the SW1/4SE1/4.

**Section 5:**

S1/2SE1/4 and all that part of the SE1/4SW1/4 lying Southeasterly of the existing boundary line running diagonally in a Southwesterly direction from the NE corner of the SE1/4SW1/4 of Section 5 toward the SW corner of the NW1/4 of Section 8.

**Section 8:**

N1/2NE1/4, and all that part of the NW1/4NW1/4 and the NE1/4NW1/4 lying Southeasterly of the boundary fence above described.

**Section 9:**

~~SW1/2~~ excepting the SW1/4SW1/4; ~~SW1/2E1/2~~ <sup>RP14N01W090830A</sup> excepting all that part lying easterly of the thread of the Little Weiser River, the thread being more particularly described as follows:

**BEGINNING** at a point on the line common to said Sections 9 and 4, from which the common 1/4 Corner of said Sections bears South 89°42'48" West, 441.9 feet, more or less.

Thence South 31°11' East, 459.5 feet; Thence South 06°34' West, 132.2 feet;  
 Thence South 43°00' West, 99.3 feet; Thence South 06°49' West, 90.2 feet;  
 Thence South 40°14' East, 40.1 feet; Thence North 87°03' East, 137.8 feet;  
 Thence South 73°16' East, 48.4 feet; Thence South 47°44' East, 156.4 feet;  
 Thence South 70°18' East, 122.2 feet; Thence North 70°47' East, 59.4 feet;  
 Thence North 33°57' East, 62.0 feet; Thence South 58°27' East, 71.9 feet;  
 Thence South 31°33' East, 66.4 feet; Thence South 02°17' West, 301.5 feet;  
 Thence South 14°31' East, 127.2 feet; Thence South 17°09' West, 133.7 feet;  
 Thence South 21°57' East, 53.7 feet; Thence South 86°36' East, 107.1 feet, to a point  
 on the East Line of the West1/2E1/2 of said Section 9 (East line of the SW1/4NE1/4) and  
 the **POINT OF ENDING**, from which the Center-East 1/16 Corner bears South 00°04'54"  
 West, 1138.2 feet, more or less.

**TRACT I (cont'd)**

Excepting and road rights-of-way as now established.

Said W 1/2 of the East 1/2 contains 145.25 acres more or less.

The Basis of Bearing for this description is Geodetic North as determined at a point that lies 2860 feet East of the Northeast Corner of Section 4, Township 14 North, Range 1 West, Boise Meridian.

**TRACT II**

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho.

Section 8:

SE1/4SE1/4; E1/2SW1/4SE1/4.

Section 9:

SW1/4SW1/4

Excepting and road rights-of-way as now established.

**THE SALE OF TRACT I AND II TO THE GRANTEES IS SUBJECT TO:**

- 1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- 2) Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- 3) Easements, claims of easement or encumbrances which are not shown by the public records.
- 4) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or by any other facts which a correct survey would disclose, and which are not shown by the public records.
- 5) Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
- 6) Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.

**THE SALE OF TRACT I AND II TO THE GRANTEES IS SUBJECT TO (cont'd):**

- 7) RESERVATIONS, TERMS AND CONDITIONS in deed for undivided one-half interest for oil, gas and mineral rights between UNION CENTRAL LIFE INSURANCE COMPANY and ARTHUR WILSON, recorded April 4, 1935 in Book 14 Deeds page 152. Affects Section 9: S1/2NW1/4 and N1/2SW1/4.
- 8) EASEMENT granted to FLOOD CONTROL DISTRICT NO. 3 of IDAHO over NE1/4NW1/4, W1/2E1/2, W1/2NE1/4NE1/4 of Section 9, recorded July 12, 1965 in Book 26 Deeds page 600.
- 9) PERPETUAL EASEMENT AND RIGHT-OF-WAY granted to FLOOD CONTROL DISTRICT NO. 3 OF THE STATE OF IDAHO, recorded July 12, 1965 in Book 26 Deeds page 599.
- 10) GAS LEASE RATIFICATION recorded July 19, 1982 in Book 11 Misc. pages 304-305, and October 13, 1981 as Instr. No. 63032.
- 11) ANY CLAIMS ARISING FROM THE AMBIGUOUS LEGAL DESCRIPTION (diagonal lines in Sections 5 and 8).
- 12) ANY PRESENT OR DEFERRED TAX LIEN on the herein described property arising under or by virtue of the Forest Products Yield Tax as provided by Idaho Code 63-1701 or 63-1706 as amended.
- 13) LACK OF A RIGHT OF ACCESS TO AND FROM SAID PROPERTY.
- 14) ANY CLAIM arising from the differences in the mean high water line of the Little Weiser River and the meander line as shown by the original government survey.
- 15) ANY RIGHTS, INTERESTS OR EASEMENTS in favor of the public which exist or are claimed to exist over any part of said land covered by the Little Weiser River.
- 16) Grantees acknowledge that any water, ditch or diversion rights which are applicable to the land being retained by the Debtors shall not be changed, modified or reduced by this sale. The Debtors and their successors in interest shall have ingress and egress across the property of the Grantees for purposes of utilizing and maintaining the headgates, waterways and water rights which the Debtors previously have had and currently retain.
- 17) Grantees are obligated to erect and maintain a fence along the survey line established along the boundary of the property adjacent to and following the Little Weiser River. Said fence shall be established at Grantees' cost and shall be fully maintained by Grantees in the future.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantees, their heirs and assigns forever. And Grantor does hereby covenant to and with the Grantees that the property is free from all encumbrances except as set forth hereinabove.

DATED This 27<sup>TH</sup> day of November, 1996.

Ronald D. Schoen  
Ronald D. Schoen, Trustee

STATE OF IDAHO       )  
                                  )  
County of Adams       )

On this 27<sup>TH</sup> day of November, 1996, before me, the undersigned, a Notary Public in and for subject State, personally appeared RONALD D. SCHOEN, known to me to be the person whose name is subscribed to the foregoing Trustee Deed, and acknowledged to me that he executed the same as the Trustee of the Estate of DELBERT OGLE AND MARIAN OGLE, husband and wife, and that he executed the same as the Grantor.

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

Christy A. Perry  
Notary Public for Idaho  
Residing at Truistvale Idaho  
My Commission Expires 8/4/98

INSTRUMENT NO. 91152

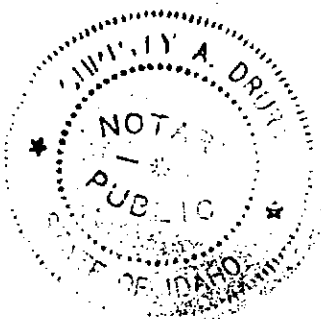
State of Idaho       )  
County of Adams    ) ss.

Filed for record at the request of  
Timberline Title & Escrow

11 min. past 11 o'clock A.M.  
this 27 day of Nov, 1996

MICHAEL FISK, RECORDER  
by Deputy  
Deputy

Fee \$15.00



TRUSTEE DEED

Ronald D. Schoen, Trustee  
Box 216  
Payette, ID 83661  
Tel No. (208) 642-9820  
Fax No. (208) 642-1009

COPY

NOV 14 1996

10:40 M. REC'D  
LODGED \_\_\_\_\_ FILED *m*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF IDAHO

RECEIVED

DEC 09 1996

WATER RESOURCES  
WESTERN REGION

In re:

DELBERT OGLE  
MARIAN OGLE

Debtors.

) Chapter 12

) Case No. 95-00557

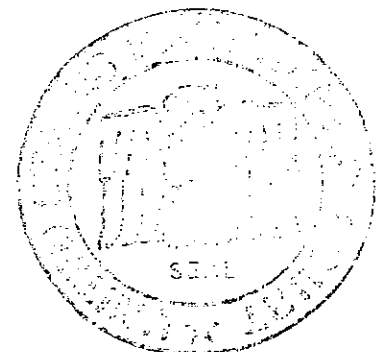
) ORDER APPROVING TRUSTEE'S  
) MOTION FOR APPROVAL TO  
) SELL REAL PROPERTY  
)

Upon Motion of the Trustee, the Court hereby orders the Trustee to convey by Trustee's Deed the following-described real property under the terms and conditions set forth, with distribution of the proceeds of sale as specified herein.

The Trustee shall convey by good and satisfactory Trustee's Deed said real property to Ethel Pearson and Bo Thorsen. Said sale shall be closed no later than November 21, 1996 and the Trustee is authorized to use the services of Timberline Title & Escrow of Council, Idaho to perform necessary and customary services in closing said transaction with all fees and charges to be paid as outlined in this Order.

Legal descriptions in this Order are in accordance with the Commitment for Title Insurance No. 100-95-545 issued December 5, 1995 by First American Title Insurance Company, additional property belonging to Ted Moritz, and the legal description contained in this Order pertaining to Section 4 and Section 9 as provided by Bi-State Surveys, Ltd. of Payette, Idaho, November 5, 1996 job number 7402-601-A.

ORDER APPROVING TRUSTEE'S *m*  
MOTION FOR APPROVAL TO  
SELL REAL PROPERTY



**A. TRACT I (AgAmerica, FCB) \$435,000.00**

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho.

Section 4:

The S1/2SW1/4, containing 80.56 acres, more or less, the NE1/4SW1/4 and the SW1/4SE1/4 lying southerly and westerly of the thread of the Little Weiser River, the thread being more particularly described as follows:

**BEGINNING** at a point on the East Line of the Northeast 1/4 of the Southwest 1/4 said Section 4, from which the Southwest 1/16 Corner bears South 00°10'01" East, 637.9 feet;  
 Thence South 61°04' East, 211.9 feet; Thence North 74°26' East, 216.4 feet;  
 Thence South 80°05' East, 187.4 feet; Thence South 72°29' East, 150.6 feet;  
 Thence South 85°15' East, 96.5 feet; Thence South 06°20' West, 74.2 feet;  
 Thence South 39°47' West, 137.6 feet; Thence South 09°36' East, 79.0 feet;  
 Thence South 67°47' East, 119.6 feet; Thence South 87°22' East, 85.0 feet;  
 Thence North 66°08' East, 66.5 feet; Thence South 74°49' East, 347.0 feet;  
 Thence South 74°49' East, 116.0 feet; Thence South 80°45' East, 143.7 feet;  
 Thence South 31°00' East, 88.9 feet; Thence South 09°00' East, 138.9 feet;  
 Thence South 33°02' West, 314.1 feet; Thence South 50°50' East, 106.2 feet;  
 Thence North 67°29' East, 45.5 feet; Thence North 33°30' East, 51.6 feet;  
 Thence South 48°04' East, 89.8 feet; Thence South 06°03' East, 92.2 feet;  
 Thence North 82°16' West, 45.3 feet; Thence South 19°35' West, 40.0 feet;  
 Thence South 37°53' East, 65.3 feet; Thence South 63°03' East, 284.4 feet;  
 Thence South 23°32' East, 66.6 feet; Thence South 16°10' West, 111.7 feet;  
 Thence South 34°46' West, 164.8 feet; Thence South 60°39' West, 76.6 feet;  
 Thence South 19°18' West, 85.7 feet; Thence South 09°58' East, 132.9 feet, to a point  
 on the South Line of said Section 4 and the **POINT OF ENDING**, from which the 1/4  
 corner common to Sections 4 and 9 bears, South 89°42'48" West, 441.9 feet, more or less.

Containing 12.35 acres, more or less in the NE1/4SW1/4 and 12.31 acres, more or less in the SW1/4SE1/4.

Section 5:

S1/2SE1/4 and all that part of the SE1/4SW1/4 lying Southeasterly of the existing boundary line running diagonally in a Southwesterly direction from the NE corner of the SE1/4SW1/4 of Section 5 toward the SW corner of the NW1/4 of Section 8.

Section 8:

N1/2NE1/4, and all that part of the NW1/4NW1/4 and the NE1/4NW1/4 lying Southeasterly of the boundary fence above described.

**A. TRACT I (AgAmerica, FCB) \$435,000.00 (cont'd)**

Section 9:

W1/2 excepting the SW1/4SW1/4; W1/2E1/2 excepting all that part lying easterly of the thread of the Little Weiser River, the thread being more particularly described as follows:

**BEGINNING** at a point on the line common to said Sections 9 and 4, from which the common 1/4 Corner of said Sections bears South 89°42'48" West, 441.9 feet, more or less.

|                                       |                                                  |
|---------------------------------------|--------------------------------------------------|
| Thence South 31°11' East, 459.5 feet; | Thence South 06°34' West, 132.2 feet;            |
| Thence South 43°00' West, 99.3 feet;  | Thence South 06°49' West, 90.2 feet;             |
| Thence South 40°14' East, 40.1 feet;  | Thence North 87°03' East, 137.8 feet;            |
| Thence South 73°16' East, 48.4 feet;  | Thence South 47°44' East, 156.4 feet;            |
| Thence South 70°18' East, 122.2 feet; | Thence North 70°47' East, 59.4 feet;             |
| Thence North 33°57' East, 62.0 feet;  | Thence South 58°27' East, 71.9 feet;             |
| Thence South 31°33' East, 66.4 feet;  | Thence South 02°17' West, 301.5 feet;            |
| Thence South 14°31' East, 127.2 feet; | Thence South 17°09' West, 133.7 feet;            |
| Thence South 21°57' East, 53.7 feet;  | Thence South 86°36' East, 107.1 feet, to a point |

on the East Line of the W1/2E1/2 of said Section 9 (East line of the SW1/4NE1/4) and the **POINT OF ENDING**, from which the Center-East 1/16 Corner bears South 00°04'54" West, 1138.2 feet, more or less.

Excepting any road rights-of-way as now established.

Said West 1/2 of the East 1/2 contains 145.25 acres more or less.

The Basis of Bearing for this description is Geodetic North as determined at a point that lies 2860 feet East of the Northeast Corner of Section 4, Township 14 North, Range 1 West, Boise Meridian.

**B. TRACT 2 (Ted Moritz) \$51,480.00**

Township 14 North, Range 1 West, Boise Meridian, Adams County, Idaho.

Section 8:

SE1/4SE1/4; E1/2SW1/4SE1/4.

Section 9:

SW1/4SW1/4

Excepting any road rights-of-way as now established.

**3. ITEMS FREE AND CLEAR**

The conveyances described herein shall be free and clear of the following liens or encumbrances which currently appear of record:

1. MORTGAGE dated June 11, 1974 to secure an indebtedness in the principal sum of \$43,500.00 and any other amounts and/or obligations secured thereby.

Recorded: June 25, 1974 as Instr. No. 52667.  
 Mortgagor: THOMAS E. GOLE and IRENE OGLE,  
 husband and wife  
 Mortgagee: FEDERAL LAND BANK OF SPOKANE, a corporation

2. MORTGAGE dated July 7, 1981 to secure an indebtedness in the principal sum of \$265,000.00 and any other amounts and/or obligations secured thereby.

Recorded: July 15, 1981 as Instr. No. 62680.  
 Mortgagor: DELBERT T. OGLE and MARIAN C. OGLE,  
 husband and wife  
 Mortgagee: FEDERAL LAND BANK OF SPOKANE, a corporation

3. UNRECORDED CONTRACT OF SALE upon the terms, conditions and provisions contained therein, constructive notice of which was given by A NOTIFICATION OF CONTRACT INTEREST.

Recorded: April 23, 1982 as Instr. No. 64091.  
 Sellers: TED MORITZ AND ESTELLA MORITZ,  
 husband and wife  
 Buyers: DELBERT T. OGLE AND MARIAN C. OGLE,  
 husband and wife

4. LIS PENDENS action in the Idaho Third District Court for Adams County, THOMAS E. OGLE and IRENE OGLE, husband and wife, Plaintiffs, vs. DELBERT OGLE and MARIAN OGLE, husband and wife, Defendants, determine rights of plaintiffs in and to herein property by virtue of an unrecorded but signed by defendants, mortgage, Case No. CV-93-00111, Lis Pendens recorded October 19, 1993 as Instr. No. 84967.

**4. ITEMS ASSUMED BY BUYERS**

The buyers shall assume the following exceptions:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or by any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims, or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. RESERVATIONS, TERMS AND CONDITIONS in deed for undivided one-half interest for oil, gas and mineral rights between UNION CENTRAL LIFE INSURANCE COMPANY and ARTHUR WILSON, recorded April 4, 1935 in Book 14 Deeds page 152. Affects Section 9: S1/2NW1/4 and N1/2SW1/4.
8. EASEMENT granted to FLOOD CONTROL DISTRICT NO. 3 of IDAHO over NE1/4NW1/4, W1/2E1/2, W1/2NE1/4NE1/4 of Section 9, recorded July 12, 1965 in Book 26 Deeds page 600.

**4. ITEMS ASSUMED BY BUYERS (cont'd)**

9. PERPETUAL EASEMENT AND RIGHT-OF-WAY granted to FLOOD CONTROL DISTRICT NO. 3 OF THE STATE OF IDAHO, recorded July 12, 1965 in Book Deeds page 599.
10. GAS LEASE RATIFICATION recorded July 19, 1982 in Book 11 Misc. pages 304-305, and October 13, 1981 as Instr. No. 63032.
11. ANY CLAIMS ARISING FROM THE AMBIGUOUS LEGAL DESCRIPTION (diagonal lines in Sections 5 and 8).
12. ANY PRESENT OR DEFERRED TAX LIEN on the herein described property arising under or by virtue of the Forest Products Yield Tax as provided by Idaho Code 63-1701 or 63-1706 as amended.
13. LACK OF A RIGHT OF ACCESS TO AND FROM SAID PROPERTY.
14. ANY CLAIM arising from the difference in the mean high water line of the Little Weiser River and the meander line as shown by the original government survey.
15. ANY RIGHTS, INTERESTS OR EASEMENTS in favor of the public which exist or are claimed to exist over any part of said land covered by the Little Weiser River.

**5. ADDITIONAL CONDITIONS**

1. The trustee is not authorized to warrant the real property being sold in any respect or manner. The Buyers shall take such property subject to all conditions, defects and encumbrances, except as specifically provided herein.
2. The Buyers and the Seller agree that <sup>the Buyers</sup> ~~each party~~ shall pay ~~one-half of~~ the cost of surveying a portion of the property to be sold.

JAL  
 AS  
 JH JCW  
 JJ DO

**5. ADDITIONAL CONDITIONS (cont'd)**

3. In addition to the property defined in the Trustee's Motion to Sell Real Property, the Buyers consent to purchase an additional 60 acres of land being sold to the Debtors under a contract with Ted Moritz at the purchase price of \$608.00 per acre. These proceeds, along with the \$15,000.00 originally proposed, will be used to pay in full the claim of Ted Moritz. The balance of the real property being purchased by the Debtors from Ted Moritz shall vest free and clear in the Debtors.
4. The Buyers and Seller acknowledge that with the addition of the 60 acres above-referenced, that part of the 60 acres borders a track of BLM land which is in the center of the Debtors' property. Buyers specifically acknowledge and understands that no BLM rights are being transferred to the Buyers under this agreement.
5. Buyers acknowledge that any water, ditch or diversion rights which are applicable to the land being retained by the Debtors shall not be changed, modified or reduced by this sale. Debtors shall retain the continued right to gain access for the purpose of obtaining their water to irrigate the land being retained.
6. Buyers are obligated to erect and maintain a fence along the survey line established along the boundary of the property adjacent to and following the Little Weiser River. Said fence shall be established at Buyers' cost and shall be fully maintained by Buyers in the future.

**5. ADDITIONAL CONDITIONS (cont'd)**

7. Buyers shall erect a fence along the boundary line between the property being purchased and the property being retained by the Debtors. This shall include a fence along the boundary of the property adjacent to the BLM property above-referenced. After the fence is initially erected, maintenance of subject fence shall be as prescribed by Idaho law, with each party maintaining one-half of the same thereafter. This obligation shall relate only to the boundaries of the property between the Moritz property being sold to the Buyers and the Moritz property being retained by the Debtors.
8. Realtor fees and survey fees will be paid by the trustee upon a motion filed by the trustee and allowed by the Court.
9. The trustee is not allowed to collect his 8.0% trustee fees as shown in this Order unless a Chapter 12 Plan is confirmed during calendar year 1996.
10. Upon approval by the Court, attorney fees and costs due Lary C. Walker will be paid from the proceeds of the sale.

**6. PROCEEDS FROM TIMBERLINE TITLE & ESCROW TO TRUSTEE**

|                                 |            |                        |     |
|---------------------------------|------------|------------------------|-----|
| FCB Property                    |            | \$435,000              |     |
| Moritz Property                 |            | 51,480                 |     |
| <del>One-Half</del> Cost Survey |            | <del>3,000</del> 6,000 |     |
|                                 |            | 489,480                |     |
| Deductions:                     |            | 492,480                | DO  |
| Earnest Money to Trustee        | \$10,000   |                        |     |
| Title Insurance                 | 1,650      |                        |     |
| 1996 Taxes                      | 2,470      |                        |     |
| Closing Costs                   | <u>375</u> | - 14,495               |     |
| NET PROCEEDS TO TRUSTEE         |            | <del>\$474,985</del>   |     |
|                                 |            | \$477,985              | Jew |
|                                 |            |                        | JK  |
|                                 |            |                        | JJ  |

ORDER APPROVING TRUSTEE'S  
MOTION FOR APPROVAL TO  
SELL REAL PROPERTY

**7. DISTRIBUTION OF NET PROCEEDS BY TRUSTEE ON NOV 21'96**

Net Proceeds to Trustee from Timberline  
 Earnest Money Held by Trustee

\$474,985

10,000~~484,985~~

477,985

## Deductions:

|                                  |               |
|----------------------------------|---------------|
| FCB Loan #301                    | \$ 42,688     |
| FCB Loan #302                    | 310,061       |
| FCB Loan #343 (atty fees)        | 3,317         |
| Ted Moritz                       | 43,005        |
| Lary C. Walker (1)               | 10,901        |
| 6% Realtor Fees on \$486,480 (1) | 29,189        |
| Survey Fees (1)                  | <u>6,000</u>  |
|                                  | 445,161       |
| 8.0% Trustee Fees (2)            | <u>35,613</u> |

~~480,774~~

NET FUNDS RETAINED BY TRUSTEE  
 PENDING FURTHER ORDER OF THE COURT

7211

\$ 4,211

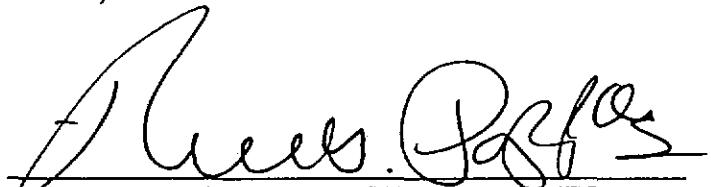
- (1) Subject to Court approval.  
 (2) Allowed only if Chapter 12 Plan confirmed calendar year 1996.

Notwithstanding the outcome of the U. S. Trustee's motion to dismiss scheduled for November 14, 1996, and notwithstanding the clause in this Order pertaining to the allowance of trustee fees, the trustee is authorized to disburse the funds provided for in this Order.

DATED This 14th day of November, 1996.

INSTRUMENT NO. 91151

State of Idaho )  
 County of Adams ) ss.

  
 UNITED STATES BANKRUPTCY JUDGE

Filed for record at the request of  
Timberline Title & Escrow  
10 min. past 11 o'clock A.M.  
this 27 day of Nov, 1996  
 MICHAEL FISK, RECORDER  
 by Jenny Lindal  
 Deputy

Fee \$ 30.00

ORDER APPROVING TRUSTEE'S  
 MOTION FOR APPROVAL TO  
 SELL REAL PROPERTY

APPROVED BY:



Jerry Jensen,  
Attorney for AgAmerica, FCB



Lary C. Walker  
Attorney for the Debtors



Joseph M. Meier,  
Attorney for Thomas & Irene Ogle



Ronald D. Schoen, Trustee

ORDER APPROVING TRUSTEE'S  
MOTION FOR APPROVAL TO  
SELL REAL PROPERTY

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: A67-04273  
Date Received: 9/12/1989  
Receipt No: 2011574  
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: DELBERT T. OGLE 208-256-4448  
Address: HC 68, BOX 2450  
CAMBRIDGE, ID 83610

2. Date of Priority: MAY 01, 1968

3. Source: WASTEWATER Trib. to: LITTLE WEISER RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 14N      | 01W   | 4       | SE     | NE     | SW     |     | ADAMS  |

5. Description of diverting works:  
10" CULVERT FROM WASTE DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.140  |      |        |

7. Total Quantity Appropriated is:  
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 21.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 14N      | 01W   | 4       | NE     | SW     |     | IRR | 7.0   |

Section Acres 7.0

Total Acres 7.0

A67-04273

Page 1

Date: 09/12/89

MICROFILMED

OCT 02 1992

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

67-00457, 67-00458, 67-04276, C. BEN ROSS

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Welch T. Ogle Date: 9/12/89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 12<sup>th</sup> day  
of September 19 89

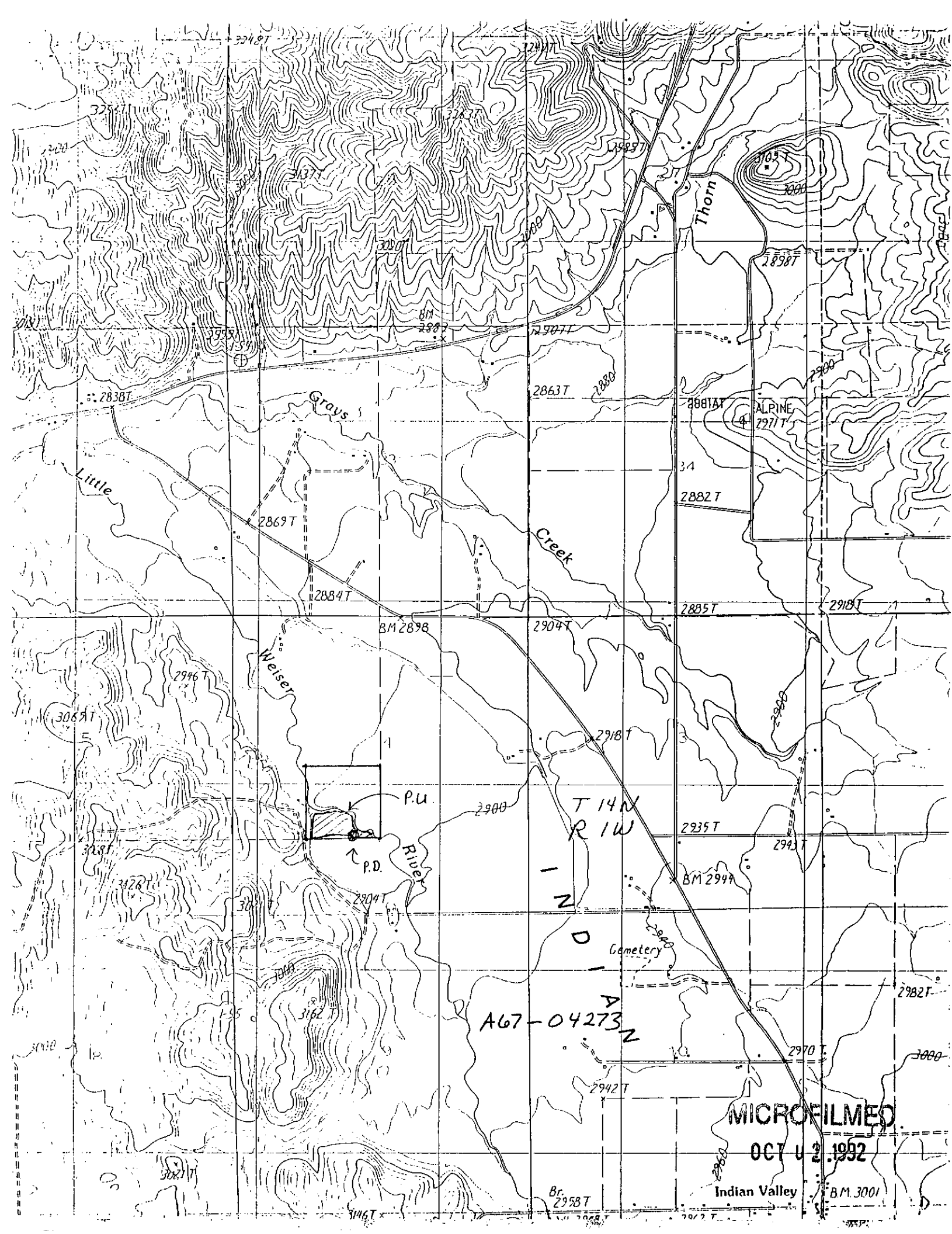
Carter Fritschle  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Carter Fritschle, Notary Public  
Residing at Eagle, Idaho  
My Commission Expires March 21, 1994



Denise,

No splits need to be done

67-10167 - Already in Ethel's name

No action needed

67-00457 } Can be changed

67-00458B } No splits necessary

67-04276 } C/O OK

67-04273 }

67-00460 } No change. Deed

67-04274 } Provided does not

67-04275 } Indicate ownership of  
these Rights.

Craig

RECEIVED  
DEC 18 2001  
WATER RESOURCES  
WESTERN REGION

2982 Cutler Road  
Cambridge, Idaho 83610  
December 15, 2001

Lori Graves  
Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705-5082

Dear Lori:

Thank you so much for your letter, the copies of the water claims within our property boundaries, and for all the work it took to find them. I have completed the form you sent, and am returning it to you with this note.

I am assuming there is nothing more we need to do at this time. If there is, please let me know.

Again my thanks.

Sincerely,

*Thel*

Thel Pearson

*Previously rec'd 12/94.  
See deed attached.*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

12/07/2001

Thel Pearson and Robin Thorsen  
2982 Cutler Rd  
Cambridge ID 83610

Dear Thel and Robin:

Enclosed please find copies of all the claims filed and found within your property boundaries in the name of Delbert and/or Tom Ogle. The claims have yet to be decreed in the Snake River Basin Adjudication, which means we still have to do a name change so that the decrees are issued in your names. Please complete nos. 4, 5, and 7 on the enclosed Change of Ownership form and return to my attention. There is no charge.

Let me know if you have any questions.

Sincerely,

Lori Graves  
Sr. Water Resource Agent

RECEIVED

DEC 03 2001

WATER RESOURCES  
WESTERN REGION

2982 Cutler Road  
Cambridge, Idaho 83610  
November 29, 2001

Lori Graves  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705-5082

Dear Lori:

In a telephone conversation several months ago, you told me that if I sent in the legal description of our land, you would clarify our water rights in Indian Valley and make sure that they are now in our names. I apologize for taking so long.

I am enclosing several papers. "Exhibit A" gives a brief legal description of the first 825 acres. A longer version is attached, but I think that the details are just trying to define the course of the Little Weiser River. We have no land east of the river. The descriptions of Parcel 1 and Parcel 2 on the Trustee Deed defines the additional 300 acres.

I am also enclosing a copy of the paper given us by the real estate office. I brought it with me to your office when we first purchased the land. It shows Delbert Ogle on this sheet; water rights might also be listed under Tom Ogle's name, as it was originally his ranch.

I appreciate the work that you will be doing, and look forward to hearing from you.

Sincerely,

*Thel Pearson*

*Robin Thorsen*

Thel (Ethel) Pearson  
Robin Thorsen