

RECEIVED

FEB 06 2009

DEPARTMENT OF
WATER RESOURCES

Estate of Tina Iest, Tina Iest Family LLLP,
The Hauck Family Revocable Trust, and
Greg Obendorf

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone (208) 424-7800
Facsimile: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

)
) Subcase Nos. 63-127A, 63-128A, 63-129A,
) 63-130A, 63-131A and 63-178C
)

) AFFIDAVIT OF DANA L. HOFSTETTER
)
)
)
)

STATE OF IDAHO)

COUNTY OF ADA)

) ss.
)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for Estate of Tina Iest, Tina Iest Family LLLP, The Hauck Family Revocable Trust, and Greg Obendorf.

(2) Attached hereto as Exhibit A is a true and correct copy of a December 25, 2008 Idaho Statesman obituary for Tina Iest, indicating that Ms. Iest passed away on December 14, 2008.

(3) Attached hereto as Exhibit B are true and correct copies of SRBA Claim Nos. 63-127, 63-128, 63-129, 63-130, 63-131 and 63-178 that the Andrews Ditch Company submitted in 1990. I obtained these documents from the Idaho Department of Water Resources' ("IDWR") Internet database. All of these water rights are claimed as being diverted from the same point of diversion on the Boise River and are delivered by a ditch locally referred to as the "Andrews Ditch."

(4) Attached hereto as Exhibit C is a true and correct copy of a January 30, 2006 letter from Tree Top Ranches LP's counsel to IDWR transmitting for filing SRBA claims in Tree Top's name for Water Right Nos. 63-127, 63-128, 63-129, 63-130, 63-131 and 63-178.

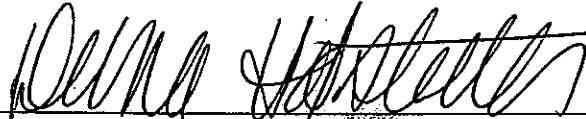
(5) Attached hereto as Exhibit D is a true and correct copy of excerpts of the 1906 *Stewart* decree for 63-127, 63-128, 63-129, 63-130, 63-131 and 63-178 that I obtained from IDWR. Based on my review of these portions of the Stewart decree and IDWR's Director's Report Recommendations for Water Right Nos. 63-127, 63-128, 63-129, 63-130, 63-131 and 63-178 and their respective "splits," it appears that IDWR's Director's Report Recommendations for these rights largely are based on the *Stewart* decree's respective place of use descriptions for these water rights. Thus, it appears IDWR largely recommended to Tree Top or Tina Iest those rights that were decreed in the Stewart decree as at least partially associated with their respective properties.

(6) Attached hereto as Exhibit E are true and correct copies of deeds provided to me by Greg Obendorf and John Hauck by which the Obendorfs and the The Hauck Family Revocable Trust, respectively, obtained title to property in 1987 and 2005 in the vicinity of the Andrews Ditch. In December 2008/January 2009, as part of the case investigation in connection with my client, Greg Obendorf's, pending SRBA Objections and Responses in SRBA Subcase Nos. 63-127B, 63-128B, 63-129B, 63-130B, 63-131B and 63-178B, I reviewed the respective portions of the *Stewart* decree associated with these rights and determined that portions of these rights historically were appurtenant to the Obendorf and Hauck properties described in these deeds. The Hauck Family owns about a 50 acre portion of the place of use of Water Right No. 63-178, as originally decreed, and the Obendorf family owns about a 40 acre portion of the place of use of Water Right Nos. 63-127, 63-128, 63-129, 63-130 and 63-131, as originally decreed. Based on information and belief, this Obendorf property receives water from a headgate on the Andrews Ditch and the Andrews Ditch runs directly through the Hauck property.

(7) I was unable to locate any corporate information about the Andrews Ditch Company either on the Idaho Secretary of State's Internet website, from my clients or from available IDWR files for these water rights. It appears that the corporate status of the Andrews Ditch Company is currently unconfirmed along with its possible ownership of the subject water rights. However, based on the available information, it appears it may have been incorrect to assume that there were only two remaining members of the Andrews Ditch Company entitled to portions of its water rights.

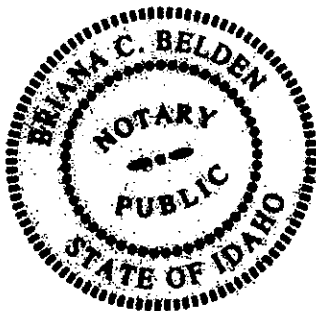
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 5th day of February, 2009.



Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 5th day of February, 2009.



Notary Public in and for the State of Idaho

Residing at: Meridian

My Commission Expires: 01-16-13

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document this 5th day of February, 2009, by U.S. Mail postage pre-paid to:

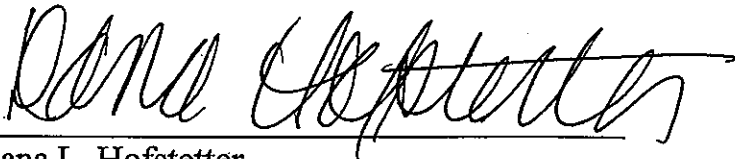
IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Andrews Ditch Company
c/o David Tidwell
5700 S. Linder Road
Meridian, ID 83642

Andrews Ditch Company
c/o Larry and Marianne Williams
914 Houston
Boise, ID 83704


Dana L. Hofstetter

Tina Iest

Tina Iest passed away Dec. 14, 2008 at the Trinity Mission Health and Rehab of Holly, Nampa, Idaho at the age of 96.

Tina Vermeer was born on Dec. 8, 1912 in the village of Marum, The Netherlands, to Hendrik and Hinke Vermeer. In about 1928, she and her family emigrated to the United States, where they settled in Southern California and entered the dairy business. Tina soon met an enterprising young man, Cornelius (Case) Iest. They were married in 1930, settling in the Chino, Calif. area where they operated a dairy farm for the next thirty years.

Tina and Case had two children, Helen Catherine Iest Tidwell and William Cornelius (Bill) Iest. In 1962, the Iests bought a farm near Parma, Idaho and made it their home. Case Iest died in 1968, leaving Tina to manage their business, which she continued to do until her death.

Tina's highest priority was her family and friends. She was devoted to Helen and Bill, their spouses and children. She never lost track of any of her relatives, their children, her nieces and nephews and their children as well. She was diligent in recalling and celebrating every birthday or wedding date. Her friends were very important to her, as well. She was a loyal friend to all she knew.

Tina is survived by her daughter, Helen, and son-in-law Dave Tidwell, their son, Steven (Candy) of Redlands, California; daughter Tina Bell (Richard) of Meridian, Idaho; son Curtis (Pamela) of Bellevue, Idaho; son Bruce (Char) of Hailey, Idaho and their collective eight children.

Tina is survived by Bill Iest's children: Case Iest (Jessica) of San Diego, Calif., and Ruth Brown (Robert) and their two children of Whittier, Calif. She is also survived by Bill Iest's widow, Carole Spry, her sons Rob Carpenter (Tammy) and Scott Carpenter (Jenny), her daughter, Stacy Neary (Randy) and their collective eight children, all of Caldwell, Idaho.

Tina was preceded in death by her husband, Case, son, Bill, four brothers and her sister.

Her family is deeply indebted to those who cared for her in her final days. In particular, four special ladies: Sonia Martin, Barbara Stainer, Leslie DeBoer and Katherine Nelson, who provided around-the-clock love and constant care for Tina during her last weeks.

A celebration of Tina's life will be held at 11:30 a.m., Saturday, Dec. 27, 2008 at the Flahiff Funeral Chapel, 7th Avenue and Cleveland Boulevard, Caldwell, Idaho. All present are invited to present their favorite memories of her life at the time.

In lieu of flowers, the family suggests contributions to one of Tina's favorite charities, The Sal-

EXHIBIT

A

Shawburg Mt. 5206

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: A63-00127

Date Received: 3/06/1990

Receipt No: 2002432(532)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREWS DITCH CO. 208-888-3325
Address: C/O DAVID TIDWELL
5700 S. LINDER RD.
MERIDIAN, ID 83642

Name: ANDREWS DITCH CO.
Address: C/O JERRY KRAMER
RT. 1, BOX 1013
PARMA, ID 83660

2. Date of Priority: JUN 01, 1864

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	25	SW	SE		2	CANYON

5. Description of diverting works:
DIV. DAM IN RIVER, GRAVITY FLOW DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

A63-00127

Page 1

Date: 03/14/90

MICROFILMED

AUG 14 1992

EXHIBIT

B

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	22	SW	NE		IRR	15.0
			SE	NW		IRR	23.0
			NE	SW		IRR	24.0
			SE	SW	2	IRR	16.0
			NE	SE		IRR	23.0
			NW	SE		IRR	35.0
			SW	SE	1	IRR	32.0
			SE	SE		IRR	28.0

Section Acres 196.0

23	NE	SW	IRR	35.0
	NW	SW	IRR	38.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0
	NW	SE	IRR	14.0
	SW	SE	IRR	31.0

Section Acres 196.0

26	NW	NE	IRR	30.0
	SW	NE	IRR	35.0
	NE	NW	IRR	12.0

Section Acres 77.0

27	NW	NE	IRR	6.0
	NE	NW	IRR	7.0

Section Acres 13.0

Total Acres 482.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

CLAIM NO.'S A63-00128, 00129, 00130, 00131 & 00178.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

A63-00127

Page 2

Date: 03/14/90

MICROFILMED

AUG 14 1992

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs RIVERSIDE IRR. DIST.
Decree Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Agent _____ of
Lina Test Title
Organization, that I have signed the foregoing
document in the space below as Agent _____ of
Lina Test Title
Organization and that the statements contained in the
foregoing document are true and correct.

Samuel Tidwell
Signature of Authorized Agent
Agent of Lina Test
Title and Organization
March 20, 1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Jan Skute
Notary Public

Seal

Residing at Meridian ID
My Commission Expires 9-14-94

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: A63-00128

Date Received: 3/06/1990

Receipt No: 4015432 (850)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREWS DITCH CO. 208-888-3325
Address: C/O DAVID TIDWELL
5700 S. LINDER RD.
MERIDIAN, ID 83642

Name: ANDREWS DITCH CO.
Address: C/O JERRY KRAMER
RT. 1, BOX 1013
PARMA, ID 83660

2. Date of Priority: JUN 01, 1865

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	05W	25	SW	SE		2	CANYON

5. Description of diverting works:
DIV. DAM IN RIVER, GRAVITY FLOW DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	6.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

A63-00128

Page 1

Date: 03/14/90

MICROFILMED

AUG 14 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
05N	05W	22	SW	NE		IRR	15.0	
			SE	NW		IRR	23.0	
			NE	SW		IRR	24.0	
			SE	SW	2	IRR	16.0	
			NE	SE		IRR	23.0	
			NW	SE		IRR	35.0	
			SW	SE	1	IRR	32.0	
			SE	SE		IRR	28.0	
		Section Acres						196.0
		23	NE	SW		IRR	35.0	
			NW	SW		IRR	38.0	
			SW	SW		IRR	40.0	
			SE	SW		IRR	38.0	
			NW	SE		IRR	14.0	
SW	SE			IRR	31.0			
Section Acres						196.0		
26	NW	NE		IRR	30.0			
	SW	NE		IRR	35.0			
	NE	NW		IRR	12.0			
Section Acres						77.0		
27	NW	NE		IRR	6.0			
	NE	NW		IRR	7.0			
Section Acres						13.0		
Total Acres						482.0		

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

CLAIM NO.'S A63-00127, 00129, 00130, 00131 & 00178.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

A63-00128

Page

2

Date: 03/14/90

MICROFILMED

AUG 14 1992

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: A63-00129

Date Received: 3/06/1990

Receipt No: W01432 (Sc)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREWS DITCH CO. 208-888-3325
Address: C/O DAVID TIDWELL
5700 S. LINDER RD.
MERIDIAN, ID 83642

Name: ANDREWS DITCH CO.
Address: C/O JERRY KRAMER
RT. 1, BOX 1013
PARMA, ID 83660

2. Date of Priority: JUN 01, 1870

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	25	SW	SE		2	CANYON

5. Description of diverting works:
DIV. DAM IN RIVER, GRAVITY FLOW DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.300		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER.

A63-00129

Page 1

Date: 03/14/90

MICROFILMED
AUG 14 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	22	SW	NE		IRR	15.0
			SE	NW		IRR	23.0
			NE	SW		IRR	24.0
			SE	SW	2	IRR	16.0
			NE	SE		IRR	23.0
			NW	SE		IRR	35.0
			SW	SE	1	IRR	32.0
			SE	SE		IRR	28.0

Section Acres 196.0

23	NE	SW	IRR	35.0
	NW	SW	IRR	38.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0
	NW	SE	IRR	14.0
	SW	SE	IRR	31.0

Section Acres 196.0

26	NW	NE	IRR	30.0
	SW	NE	IRR	35.0
	NE	NW	IRR	12.0

Section Acres 77.0

27	NW	NE	IRR	6.0
	NE	NW	IRR	7.0

Section Acres 13.0

Total Acres 482.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

CLAIM NO.'S A63-00127, 00128, 00130, 00131 & 00178.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

A63-00129

Page

2

Date: 03/14/90

MICROFILMED
AUG 14 1992

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs RIVERSIDE IRR. DIST.
Decree Defendant

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: _____

For Organizations:

I do solemnly swear or affirm that I am Agent of Triun Dett Title Organization, that I have signed the foregoing document in the space below as Agent of Triun Dett Title Organization and that the statements contained in the foregoing document are true and correct.

Edward J. Lavelle
Signature of Authorized Agent

Agent of Triun Dett
Title and Organization

March 20, 1990
Date

State of Idaho)
County of AOA) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Seal

Jan Thunte
Notary Public

Residing at Meridian ID

My Commission Expires 9-14-94

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: A63-00130

Date Received: 3/06/1990

Receipt No: 4011432 (850)

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREWS DITCH CO. 208-888-3325
Address: C/O DAVID TIDWELL
5700 S. LINDER RD.
MERIDIAN, ID 83642

Name: ANDREWS DITCH CO.
Address: C/O JERRY KRAMER
RT. 1, BOX 1013
PARMA, ID 83660

2. Date of Priority: JUN 01, 1888

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	05W	25	SW SE	2	CANYON

5. Description of diverting works:
DIV. DAM IN RIVER, HEADGATE, DITCH, GRAVITY FLOW, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.900		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATER.

A63-00130

Page 1

Date: 03/14/90

MICROFILMED
AUG 14 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	05W	22	SW	NE		IRR	15.0
			SE	NW		IRR	23.0
			NE	SW		IRR	24.0
			SE	SW	2	IRR	16.0
			NE	SE		IRR	23.0
			NW	SE		IRR	35.0
			SW	SE		IRR	32.0
			SE	SE		IRR	28.0

Section Acres 196.0

23	NE	SW	IRR	35.0
	NW	SW	IRR	38.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0
	NW	SE	IRR	14.0
	SW	SE	IRR	31.0

Section Acres 196.0

26	NW	NE	IRR	30.0
	SW	NE	IRR	35.0
	NE	NW	IRR	12.0

Section Acres 77.0

27	NW	NE	IRR	6.0
	NE	NW	IRR	7.0

Section Acres 13.0

Total Acres 482.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

CLAIM NO.'S A63-00127, 00128, 00129, 00131 & 00178.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

A63-00130

Page

2

Date: 03/14/90

MICROFILMED

AUG 14 1992

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
Decree Defendant

vs

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: _____

For Organizations:

I do solemnly swear or affirm that I am Agent of
Tina Jett Title
Organization, that I have signed the foregoing
document in the space below as Agent of
Tina Jett Title
Organization and that the statements contained in the
foregoing document are true and correct.

Samuel Tedwell
Signature of Authorized Agent

Agent of Tina Jett
Title and Organization

March 20, 1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Seal

Sam Tedwell
Notary Public

Residing at Meridian ID

My Commission Expires 9-14-94

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: A63-00131

Date Received: 3/06/1990

Receipt No: 4011432 (30)

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREWS DITCH CO.
Address: C/O DAVID TIDWELL
5700 S. LINDER RD.
MERIDIAN, ID 83642

Name: ANDREWS DITCH CO.
Address: C/O JERRY KRAMER
RT. 1, BOX 1013
PARMA, ID 83660

2. Date of Priority: JUN 01, 1891

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	05W	25	SW SE	2	CANYON

5. Description of diverting works:
DIV. DAM IN RIVER, GRAVITY FLOW DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.900		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

A63-00131

Page 1

Date: 03/14/90

MICROFILMED

AUG 14 1992

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	05W	22	SW	NE		IRR	15.0
			SE	NW		IRR	23.0
			NE	SW		IRR	24.0
			SE	SW		IRR	16.0
			NE	SE		IRR	23.0
			NW	SE		IRR	35.0
			SW	SE		IRR	32.0
			SE	SE		IRR	28.0
			Section Acres				196.0
		23	NE	SW		IRR	35.0
			NW	SW		IRR	38.0
			SW	SW		IRR	40.0
			SE	SW		IRR	38.0
			NW	SE		IRR	14.0
			SW	SE		IRR	31.0
			Section Acres				196.0
		26	NW	NE		IRR	30.0
			SW	NE		IRR	35.0
			NE	NW		IRR	12.0
			Section Acres				77.0
		27	NW	NE		IRR	6.0
			NE	NW		IRR	7.0
			Section Acres				13.0
			Total Acres				482.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
CLAIM NO.'S A63-00127, 00128, 00129, 00130 & 00178.

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

A63-00131

Page

2

Date: 03/14/90

MICROFILMED

AUG 14 1992

FARMER CO OP DITCH CO.
Decree Plaintiff

vs

RIVERSIDE IRR. DIST.
Decree Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Agent of
Triac Test Title
Organization, that I have signed the foregoing
document in the space below as Agent of
Triac Test Title
Organization and that the statements contained in the
foregoing document are true and correct.

Samuel Tedwell
Signature of Authorized Agent

Agent of Triac Test
Title and Organization

March 20, 1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Jan Skute
Notary Public

Seal

Residing at Meridian, ID

My Commission Expires 9-14-94

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: A63-00178
Date Received: 3/06/1990
Receipt No: 201732 (830)
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ANDREWS DITCH CO. 208-888-3325
Address: C/O DAVID TIDWELL
5700 S. LINDER RD.
MERIDIAN, ID 83642

Name: ANDREWS DITCH CO.
Address: C/O JERRY KRAMER
RT. 1, BOX 1013
PARMA, ID 83660

2. Date of Priority: JUN 01, 1869

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	05W	25	SW	SE		2	CANYON

5. Description of diverting works:
DIV. DAM IN RIVER, GRAVITY FLOW DITCH, FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	8.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

A63-00178

Page 1

Date: 03/14/90

MICROFILMED

AUG 17 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
05N	05W	22	SW		NE		IRR	15.0	
			SE		NW		IRR	23.0	
			NE		SW		IRR	24.0	
			SE		SW	2	IRR	16.0	
			NE		SE		IRR	23.0	
			NW		SE		IRR	35.0	
			SW		SE	1	IRR	32.0	
			SE		SE		IRR	28.0	
			Section Acres						196.0
		23	NE		SW		IRR	35.0	
			NW		SW		IRR	38.0	
			SW		SW		IRR	40.0	
			SE		SW		IRR	38.0	
			NW		SE		IRR	14.0	
			SW		SE		IRR	31.0	
			Section Acres						196.0
		26	NW		NE		IRR	30.0	
			SW		NE		IRR	35.0	
			NE		NW		IRR	12.0	
			Section Acres						77.0
		27	NW		NE		IRR	6.0	
			NE		NW		IRR	7.0	
			Section Acres						13.0
			Total Acres						482.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

CLAIM NO.'S A63-00127, 00128, 00129, 00130, & 00131.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

A63-00178

Page 2

Date: 03/14/90

MICROFILMED

AUG 17 1992

FARMERS CO-OP DITCH CO.
Decree Plaintiff

RIVERSIDE IRR. DIST.
Decree Defendant

vs

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Agent of
 Title
 Organization, that I have signed the foregoing
document in the space below as Agent of
 Title
 Organization and that the statements contained in the
foregoing document are true and correct. David Tidwell
Signature of Authorized Agent
Agent of Tuna Pest
Title and Organization
March 20, 1990
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Seal

Jan Shute
Notary Public
Residing at Mendocino, CA
My Commission Expires 9-14-94

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glennia M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian B. Gabiola
Angela Schaefer Kaufmann
Michael W. McGraham
Paul D. McFarlane
Kimberly D. Evans Ross

Jon A. Stenquist
Valerie N. Charles
Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Joel A. Flake, Jr.
Russell G. Mercalf
Robert B. Bakes, of counsel
Morgan W. Richards, of counsel
Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

RECEIVED

JAN 30 2006

WATER RESOURCES
WESTERN REGION

January 30, 2006
via Hand Delivery

Boise
Idaho Falls
Pocatello
Twin Falls

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Idaho Department of Water Resources
Western Region Office
2735 Airport Way
Boise, ID 83705

Re: Adjudication Claims in the Name of Tree Top Ranches, LP
MTBR&F File No. 22567.0

Dear Sir or Madam:

Enclosed for filing please find an original and one copy of Snake River Basin Adjudication Notices of Claim for each of the following water rights, all in the name of Tree Top Ranches, LP: 63-127, 63-128, 63-129, 63-130, 63-131 and 63-178. Also enclosed is the requisite filing fee in the amount of \$585.00 (6 notices of claim at \$50 per claim equals \$300, plus 285 acres at \$1 per acre, equals a total of \$585). Please file the original, receive-stamp the copy, and return the copies to me.

Thank you for your assistance this matter. If you have any questions, please do not hesitate to contact me.

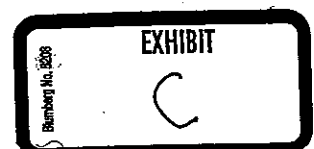
Very truly yours,


Scott L. Campbell

SLC/tmh

Enclosures

cc: Larry Williams (w/encs.)



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company, (a corporation)

Plaintiff,

vs.

D E C R E E.

Riverside Irrigating District, Limited, (a corporation)

et al,

Defendants.

M.
/

Exhibit No. 1208

EXHIBIT

D

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF CANYON.

Farmers' Cooperative Ditch Company (a corporation)

Plaintiff,

vs.

D E C R E E

Riverside Irrigating District, Limited, (a corporation), The Siebenberg Cooperative Ditch Company, Limited (a corporation), Frank Gilbert, T. W. Boone, Prior Burnett, Thomas Andrews, E. Ray Bordinet, I. H. Baker, C. E. J. Peterson, William McKnett, Fred W. Fessel, Neil McGarven, Michael Gilbride, Lower Boise Ditch Company, (a corporation), E. W. Stockton, W. F. Venderpool, D. D. Campbell, William Foss, Smith Stockton, John Atkins, Ben Foss, John Foss, D. W. McConnell, John Levy, John Hammon, Bird Rowman, (substituted for W. W. Rowman Jr.), D. Mumford, T. T. Johnson, E. Carlisle, Charles Allen, J. Dehan, Robert McGuire, Frederick Ode, Eureka Ditch Company, (a corporation), J. Roland, Thomas J. Palmer and Neal W. Palmer (substituted for Lillian Potter, Administratrix of the Estate of L. D. Potter, deceased, Susan E. Potter, Thad. E. Potter, Elsie Potter, Lillian Potter, Ida Potter, James Baker), C. W. Cooper, Pioneer Dixie Ditch Company (a corporation), William C. Young, Lizzie Young, Estella C. Young, W. W. Kirkpatrick, S. H. Mitchell, L. F. Cook, Triphenia Jobe, administratrix of the estate of J. W. Jobe, deceased, Triphenia Jobe, Charlotte Conrad, _____, her husband, Manta Lund and Frank Lund, her husband, William Jobe and Alice Jobe, Edith Jobe and Gertrude Jobe, minors, A. Holcomb, George Milner, George Hess, John Thomas, W. F. Whitney, Emma E. Lee, Edwin Curtis, Eureka Water Company, (a corporation), William Simonsen, William Lewis, Huston Frost, Elijah Frost, George Goorich, E. W. Whannan, William Frost, Adam Schindler, Pioneer Irrigation District, (a corporation), Franklin Ditch Company, (a corporation), Canyon County Water Company, (an association), Francis A. Phelps and Frances Phelps husband and wife, John B. Rutledge, James Hartley, Joseph Wilson, Daniel Westersch, Harry Steffle, J. McGill, W. W. Foote, J. T. Smith, John Lee, W. W. Fowler, Thomas

(7)

III.

That the defendant THE MIDDLETON MILL DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the farm of Davis & Hart, Sec 13, T. 4 N. R. 1 W. B.M., for use upon the lands lying under its canal system, in the following amounts from the following dates;

640 inches, from June 1, 1864; and hereby designated as Right No. 3

1885 inches, from June 1, 1871; and hereby designated as Right No. 54.

850 inches, from June 1, 1891; and hereby designated as Right No. 120.

And adjudged to pay \$222.25 costs, in addition to the costs incurred by it.

IV.

That the defendant THOMAS ANDREWS be and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in SE $\frac{1}{4}$ of Sec. 25 and in SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the SE $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 23, E. $\frac{1}{2}$ of SE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, E. $\frac{1}{2}$ of NW $\frac{1}{4}$, and lot 2, Sec. 22, all in T. 5 N. R. 5 W. B.M., in the following amounts from the following dates;

63-127 185 inches, from June 1, 1864; and hereby designated as Right No. 4.
63-128 300 inches, from June 1, 1866; and hereby designated as Right No. 29.
63-129 65 inches, from June 1, 1870; and hereby designated as Right No. 34.
63-130 45 inches, from June 1, 1888; and hereby designated as Right No. 104.
63-131 175 inches, from June 1, 1891; and hereby designated as Right No. 121.
And adjudged to pay \$52.50 costs, in addition to the costs incurred by him.

V.

That the defendants T. C. CATLIN and POLETTE MACE be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south bank of said river, on Lot 5, Sec. 17, T. 4 N. R. 1 E. B.M., for use on their lands on Eagle Island, Ada County, Idaho, in the following amounts from the following dates;

143 inches, from June 1, 1864; and hereby designated as Right NO. 5.

383 inches, from June 1, 1871; and hereby designated as Right No. 52.

And adjudged to pay \$37.52 costs, in addition to the costs incurred by them.

VI.

That the defendant T. C. CATLIN be and he is hereby awarded the use of the waters of Boise River, diverted near the center of the NE $\frac{1}{4}$ of Sec. 18, T. 4 N. R. 1 E. B.M., through what is known as the Davis & Hart ditch, for use upon lands lying under said ditch on Eagle Island, Ada County, Idaho, in the following amount from the following date;

165 inches, from June 1, 1864.

And adjudged to pay \$11.55 costs, in addition to the costs incurred by him.

(18)

XXXIX

That the defendant JOHN MAMMON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south side of said river in Sec. 25, T. 5 N. R. 5 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ and lots 8 and 9 in Sec. 26, and lots 7 and 8 in Sec. 25, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

90 inches, from June 1, 1869. and hereby designated as Right No. 41

That said defendant John Mammon is also hereby awarded the use of the waters of said river, diverted at a point in the NW corner of Sec. 36, T. 5 N. R. 5 W. B.M., for use upon the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and lots 5 and 6 in Sec. 26, and lots 1, 2 and 3 in Sec. 27, and lots 7 and 8 in Sec. 25, and N. $\frac{1}{2}$ of SE $\frac{1}{4}$ and lots 8 and 9 in Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount and from the following date;

210 inches, from June 1, 1878; and hereby designated as Right No. 68

And be adjudged to pay \$21.00 costs in addition to the costs incurred by him.

XL.

That the defendant Isaac BEDAL be, and he is hereby awarded the use of the waters of Boise River, diverted from a point on the south side thereof in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill slough or ditch, for use upon lands lying under said ditch, in the following amount and from the following date;

80 inches, from June 1, 1869; and hereby designated as Right No. 42

And be adjudged to pay \$5.60 costs in addition to the costs incurred by him.

XLI.

That the defendant FREDERICK ODE be, and he is hereby awarded the use of the waters of Boise River, diverted from a point in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12 and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., through what is known as the Center Point Ditch, for use upon lots 8 and 9, Sec. 33 and lots 5, 6 and 7, Sec. 34, T. 5 N. R. 4 W. B.M., and lot 1, Sec. 4, T. 4 N. R. 4 W. B.M. in the following amount from the following date;

180 inches, from June 1, 1869 and hereby designated as Right No. 43
And be adjudged to pay \$12.60 costs in addition to the costs incurred by him.

XLII.

That the defendant PRIOR BURNETT be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the SE $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 6 N. R. 5 W. B.M., for use upon the SW $\frac{1}{4}$ and W. $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 23, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and lots 1, 2, 3 and 4,

*
63-
178

(19)

Sec. 26, all in T. 5 N. R. 5 W. B.M., in the following amount from the following date;

425 inches, from June 1, 1869; and hereby designated as Right No. 44.

And be adjudged to pay \$29.75 costs, in addition to the costs incurred by him.

XLIII.

That the defendant the MASON CREEK DITCH COMPANY, a corporation, be and it is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank thereof near the center of the east line of Sec. 16, T. 4 N. R. 2 W. B.M., for use upon the lands lying under its canal system, in the following amount from the following date:

1860 inches, from June 1, 1869; and hereby designated as Right No. 46

And be adjudged to pay \$130.20 costs in addition to the costs incurred by it.

XLIV.

That the defendant T. W. Boone be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the SE $\frac{1}{4}$ of Sec. 25, and SW $\frac{1}{4}$ of Sec. 30, T. 5 N. R. 5 W. B.M., for use upon the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and lots 1, 2 and 3, Sec. 25, T. 5 N. R. 5 W. B.M., in the following amounts and from the following dates;

175 inches, from June 1, 1869; and hereby designated as Right No. 47.

110 inches, from June 1, 1874; and hereby designated as Right No. 59.

And be adjudged to pay \$19.95 costs in addition to the costs incurred by him.

XLV.

That the defendant W. J. HAMMING be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the middle of the east line of Sec. 17, T. 4 N. R. 1 E. B.M., by a canal running through a part of Secs. 17 and 18, T. 4 N. R. 1 E. B.M., for use upon lands lying under said canal, and situated on Eagle Island, Ada County Idaho, in the following amount and from the following date;

130 inches, from June 1, 1870; and hereby designated as Right No. 48.

And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

C.

That the defendants ADA COUNTY FARMERS' IRRIGATION COMPANY, A. H. EAGLESON & SONS, Limited, and ESTHER-HALE, and neither of them, be awarded the use of any portion of the waters of Boise River, separate or apart from the appropriation thereof by the defendant the New York Canal Company, Limited, as found and decreed herein, but that whatever rights said defendants may have to the use of said waters be adjudged to be included in the right to the use of said waters herein allotted to said New York Canal Company, Limited.

It is further ordered, adjudged and decreed that the costs and disbursements of each party herein be paid by the party by whom such costs and disbursements were incurred, and that the costs of the State Engineer's examination, to-wit, the sum of \$10,804.80, be apportioned to the parties to this action who are allotted water herein, in the same proportion as water is allotted to them, that is to say, \$0.08709 for each inch so allotted, and that execution issue for said State Engineer's costs.

It is further ordered, adjudged and decreed that the expense incurred in preparing findings and decrees herein and in filing and recording the same, to-wit, the sum of \$488.68, be apportioned to the parties to this action who are allotted water herein in the same proportion as water is allotted to them, that is to say, \$0.00291 for each inch so allotted.

Dated January 18 1906

John H. Stewart
Judge

8704797

WARRANTY DEED

FOR VALUE RECEIVED, DENNIS O. HEITMAN and JERE HEITMAN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto GREGORY R. OBENDORF and ANN M. OBENDORF, husband and wife, the Grantees, whose current address is 2106 Almaden Drive, Meridian, Idaho 83642, their interest in and to the real property located in Canyon County, Idaho, more particularly described on Exhibit "A" attached hereto and made a part hereof, together with all and singular the tenements, heritaments and appurtenances thereto belonging or in anywise appertaining, hereinafter referred to as the "Premises."

SUBJECT TO:

1. That certain Mortgage in favor of First Interstate Bank of Idaho, n.a., as Beneficiary, recorded March 13, 1975, as Instrument No. 746615, and re-recorded March 14, 1975, as Instrument No. 746701, records of Canyon County, Idaho; and
2. That certain contract between Oregon Short Line Railroad Company and Union Pacific Railroad Company and Double "D" Land, Inc., dated January 1, 1968, relating to a drain ditch encroachment and the amendment thereto dated August 22, 1980.

TO HAVE AND TO HOLD the said Premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said Premises; that they are free from all encumbrances, except those listed herein and liens and easements of record or in use, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 4th day of March, 1987.

Dennis O. Heitman
DENNIS O. HEITMAN

Jere Heitman
JERE HEITMAN

WARRANTY DEED - 1

Recording No. 2308

EXHIBIT

E

EXHIBIT "A"

REAL PROPERTY DESCRIPTION

A portion of Section 23 and the South 1/2 of Section 24 in Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4, Northwest 1/4 of said Section 23 said point being the TRUE POINT OF BEGINNING:

thence Southerly 2640 feet more or less along the Westerly Boundary of the East 1/2 of the Northwest 1/4 of said Section 23 to the Point of Intersection with East West mid-section line of said Section 23;

thence Easterly 2640 feet more or less along the East West mid-section line of said Section 23 to a Point of Intersection with the Westerly Boundary of the East 1/2 of the Southeast 1/4 of said Section 23;

thence Southerly 2640 feet more or less along said Westerly Boundary of the East 1/2 of Southeast 1/4 to the Point of Intersection with the Southerly Boundary Line of said Section 23;

thence Easterly 5140 feet more or less along the Southerly Boundary of Sections 23 and 24 to Point of Intersection with the Southwesterly Boundary of the Oregon Short Line Railroad Right-of-Way;

thence Northwesterly 9050 feet more or less along said Southwesterly Boundary of the Oregon Short Line Railroad Right-of-Way to the Point of Intersection with the Northerly Boundary of Section 23;

thence South 89° 49' West, 255 feet along said Northerly Boundary of Section 23 to the TRUE POINT OF BEGINNING.

Above described area consists of approximately 312 acres.

87 MAR 4 PM 3 40
L. A. FIKES
CANYON COUNTY RECORDER
BY *[Signature]*
REQUEST PIONEER TITLE CO
BY *[Signature]*

1300800

8704797

EXHIBIT "A"

INSTRUMENT NO.

200509799

PC52263

WARRANTY DEED

FOR VALUE RECEIVED Mary Louise Smith, an unmarried woman

the Grantor, does hereby grant, bargain, sell and convey unto John A. Hauck and Kristen A. Hauck, Trustees of THE HAUCK FAMILY REVOCABLE TRUST

the Grantees, whose address is P.O. Box 2137, McCalla, Id 83638

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is composed of two (2) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2005 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: February 23, 2005

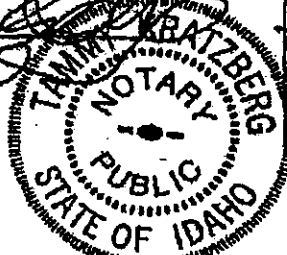
Mary Louise Smith
Mary Louise Smith

STATE OF IDAHO

COUNTY OF CANYON

On this 24th day of February in the year 2005, before me, a Notary Public, personally appeared Mary Louise Smith known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Tammy Kratzberg
Notary Public
Residing at Caldwell
My Commission Expires 2/3/10



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

REQUEST
TYPE 100 FEE 9.00

BY AM [Signature]
CANYON CNTY RECORDER
PIONEER-CALDWELL

G ROEL HALE

2005 FEB 25 PM 3 57

RECORDED

200509799

Exhibit "A"

Parcel 1

A portion of Government Lot 4 of Section 26, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 4, the Northwest corner of said Section 26; thence

South 89° 14' 18" East along the North boundary of said Government Lot 4 a distance of 1,323.28 feet to the Northeast corner of said Government Lot 4; thence

South 0° 46' 02" West along the East boundary of said Government Lot 4 a distance of 401.88 feet to the centerline of an existing irrigation ditch; thence traversing said centerline as follows:

North 87° 51' 19" West a distance of 38.15 feet;

North 82° 10' 17" West a distance of 234.42 feet;

North 74° 45' 06" West a distance of 120.83 feet;

North 72° 47' 53" West a distance of 343.53 feet;

South 66° 09' 06" West a distance of 325.78 feet;

South 71° 50' 26" West a distance of 61.34 feet;

South 80° 50' 58" West a distance of 66.29 feet;

North 76° 21' 33" West a distance of 69.93 feet;

North 58° 19' 16" West a distance of 28.90 feet;

North 43° 49' 20" West a distance of 131.74 feet to a point on the West boundary of said Government Lot 4; thence

North 0° 34' 29" East along said West boundary a distance of 287.34 feet to the POINT OF BEGINNING.

Parcel 2

Lot 4, Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho.

TOGETHER WITH AN ACCESS EASEMENT:

A portion of the Southwest Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter of Section 23, Township 5 North, Range 5 West, Boise Meridian, and a portion of the Northeast Quarter of the Northwest Quarter of Section 26, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

BEGINNING at the Southwest corner of said Southwest Quarter of the Southwest Quarter; thence

North 00° 00' 00" East along the West boundary of said Southwest Quarter of the Southwest Quarter, a distance of 25.00 feet; thence

North 89° 54' 00" East parallel with the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 1,348.72 feet; thence

(continued)

South 00° 03' 00" East parallel with the West boundary of said Southeast Quarter of the Southwest Quarter, and parallel with the West boundary of said Northeast Quarter of the Northwest Quarter, a distance of 450.00 feet; thence

South 89° 54' 00" West parallel with the South boundary of said Southwest Quarter of the Southwest Quarter, a distance of 25.00 feet to a point on the West boundary of said Northeast Quarter of the Northwest Quarter; thence

North 00° 03' 00" West along the West boundary of said Northeast Quarter of the Northwest Quarter a distance of 435.00 feet to the Northwest corner of said Northeast Quarter of the Northwest Quarter, which point is also the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence

South 89° 54' 00" West along the South boundary of said Southwest Quarter of the Southwest Quarter a distance of 1,323.74 feet to the POINT OF BEGINNING.

AND

The Southerly 28 feet of the Southeast Quarter of the Southeast Quarter in Section 22, Township 5 North, Range 5 West, Boise Meridian, Canyon County, Idaho, lying East of the right-of-way of U.S. Highway 95.

EXCEPTING THEREFROM:

A portion of Government Lot 4 of Section 26, Township 5 North, Range 5 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 4, the Northwest corner of said Section 26; thence

South 89° 14' 18" East along the North boundary of said Government Lot 4 a distance of 1,323.28 feet to the Northeast corner of said Government Lot 4; thence

South 0° 46' 02" West along the East boundary of said Government Lot 4 a distance of 401.88 feet to the centerline of an existing irrigation ditch; thence traversing said centerline as follows:

North 87° 51' 19" West a distance of 38.15 feet;

North 82° 10' 17" West a distance of 234.42 feet;

North 74° 45' 06" West a distance of 120.83 feet;

North 72° 47' 53" West a distance of 343.63 feet;

South 66° 09' 06" West a distance of 325.78 feet;

South 71° 50' 26" West a distance of 61.34 feet;

South 80° 50' 58" West a distance of 66.29 feet;

North 76° 21' 33" West a distance of 69.93 feet;

North 58° 19' 16" West a distance of 28.90 feet;

North 43° 49' 20" West a distance of 131.74 feet to a point on the

West boundary of said Government Lot 4; thence

North 0° 34' 29" East along said West boundary a distance of 287.34 feet to the POINT OF BEGINNING.

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