

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	)	Subcase <u>41-4009</u>
	)	(Insert water right number)
Case 39576	)	
	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is KIM R. KILDEN

My address is 410 S. ORCHARD ST. #176, BOISE
ID. 83705

My phone number is: Work 208 344-1096 Home 208 413-6963 CELL

I am an attorney representing JOHN KILDEN JR & JACKIE KILDEN

My name is KIM R. KILDEN

My address is 410 S. ORCHARD ST. #176, BOISE
ID. 83705

My phone number is 208 344-1096

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

CLAIMANT BELIEVED THE SUBJECT CLAIM HAD BEEN ADJUDICATED BUT
LEARNED IN JUNE 09, THE WATER RIGHT WAS ONLY STATUTORY
CLAIM. CLAIMANT WANTS WATER RT. NOW CONFIRMED BY COURT.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

PERSONAL AFFIDAVITS OF FACTS OF CLAIM By 1) JOHN KILDEN JR & JACKIE
KILDEN, 2) JOHN ALLEN KILDEN, 3) KIM R. KILDEN, 4) BUD KELLEY
5) RONALD A. PITTS 6) KRAHO POWER EASEMENTS

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 154⁶⁰.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time. CONF CALL
2. Fill in the following information:

This motion will be heard on MARCH 16 2010 2:30 P.M.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of ADA

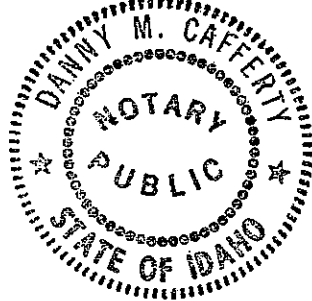
KIM R. KILDEW, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Kim R Kildew
Signature of person filing motion

Kim R Kildew
Attorney signing in representative capacity

Subscribed and sworn to before me on December 1, 2009
(Insert Date)



[Signature]
Notary Public for State of Idaho
Residing at: Boise
My Commission expires: July 20, 2010

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on DECEMBER 1st 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

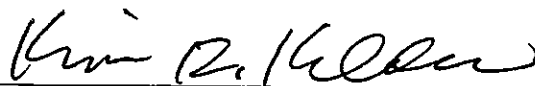
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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 41-4009
Date Received: 5/6/2009
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 02 2009

DEPARTMENT OF
WATER RESOURCES

1. Name of Claimant(s)

JOHN KILDEW Phone: (208)548-2396

PO BOX 333
AMERICAN FALLS ID USA 83211

JACQUELINE KILDEW Phone: (208)548-2396

PO BOX 333
AMERICAN FALLS ID USA 83211

2. Date of Priority: 04/01/1963

3. Source: ROCK CREEK , ROCK CREEK Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09S	30E	9	SE SE	POWER	
09S	30E	16	NE NE	POWER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
2.02 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
09S	30E	9	SE	SW	IRRIGATION	0.8
			SW	SE	IRRIGATION	4.5
			SE	SE	IRRIGATION	3.2
			Section Acres		8.5	
09S	30E	16	NE	NE	IRRIGATION	19
			NW	NE	IRRIGATION	23
			NE	NW	IRRIGATION	4.1
			Section Acres		46.1	
Total Acres						54.6

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

41-41B

14. Remarks:

15. Basis of Claim: Beneficial Use

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 Individuals:

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

Signature of Claimant(s):

John F. Kildner
Jeorgeline Kildner

Date:

11-23-09

Date:

11-23-09



Idaho Department of Water Resources

Adjudication Claim
41-4009
(IRRIGATION)

Legend

⊙ Point of Diversion

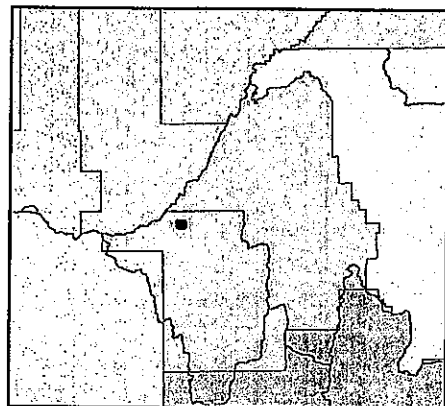
Place of Use

State Outline

Townships

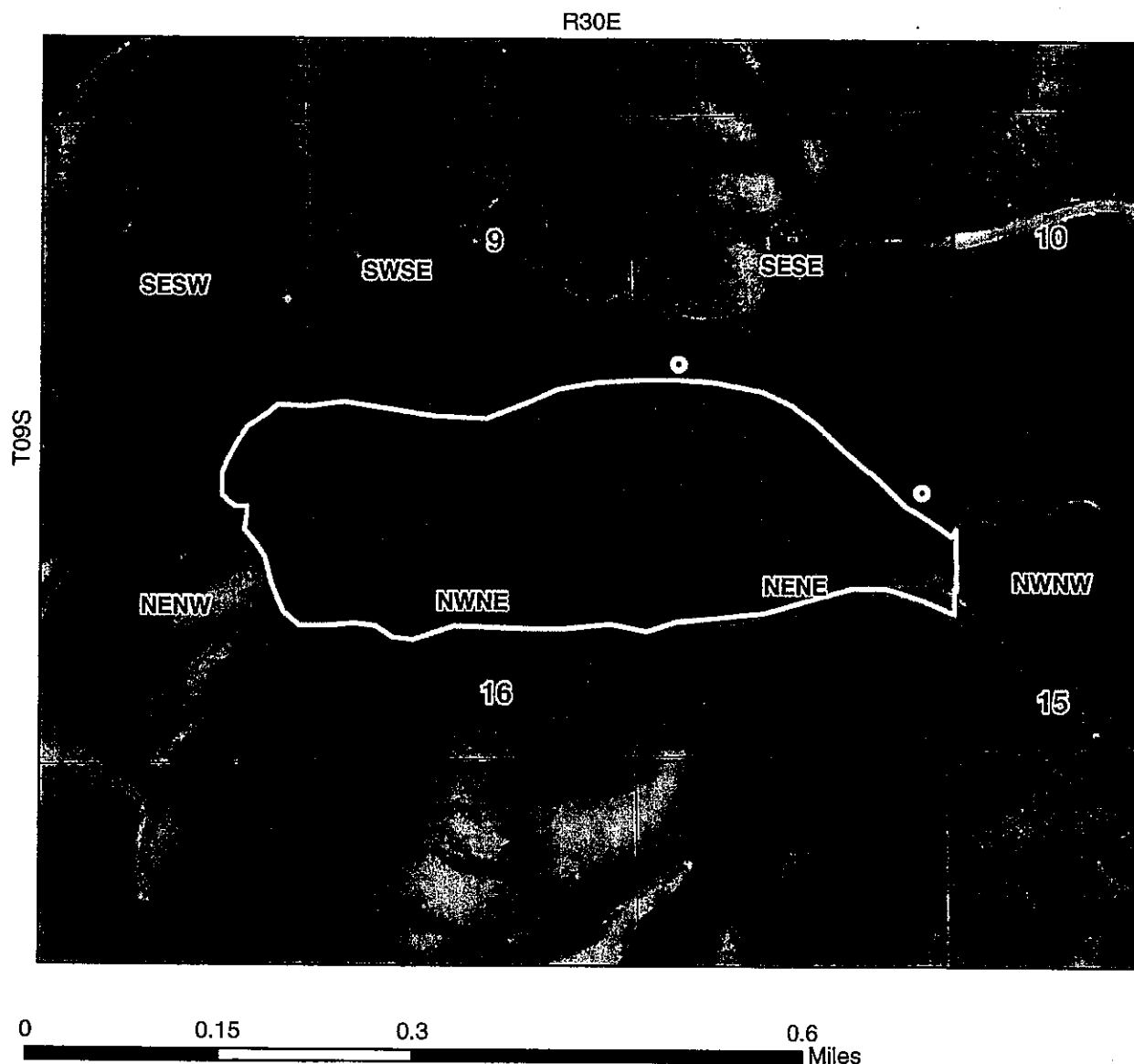
PLS Sections

Quarter Quarters



Power County
IDWR Basin 41

Prepared by Craig Saxton
On May 07, 2009
2004 Aerial Photography





**Adjudication Claim
41-4009
(IRRIGATION)**

Legend

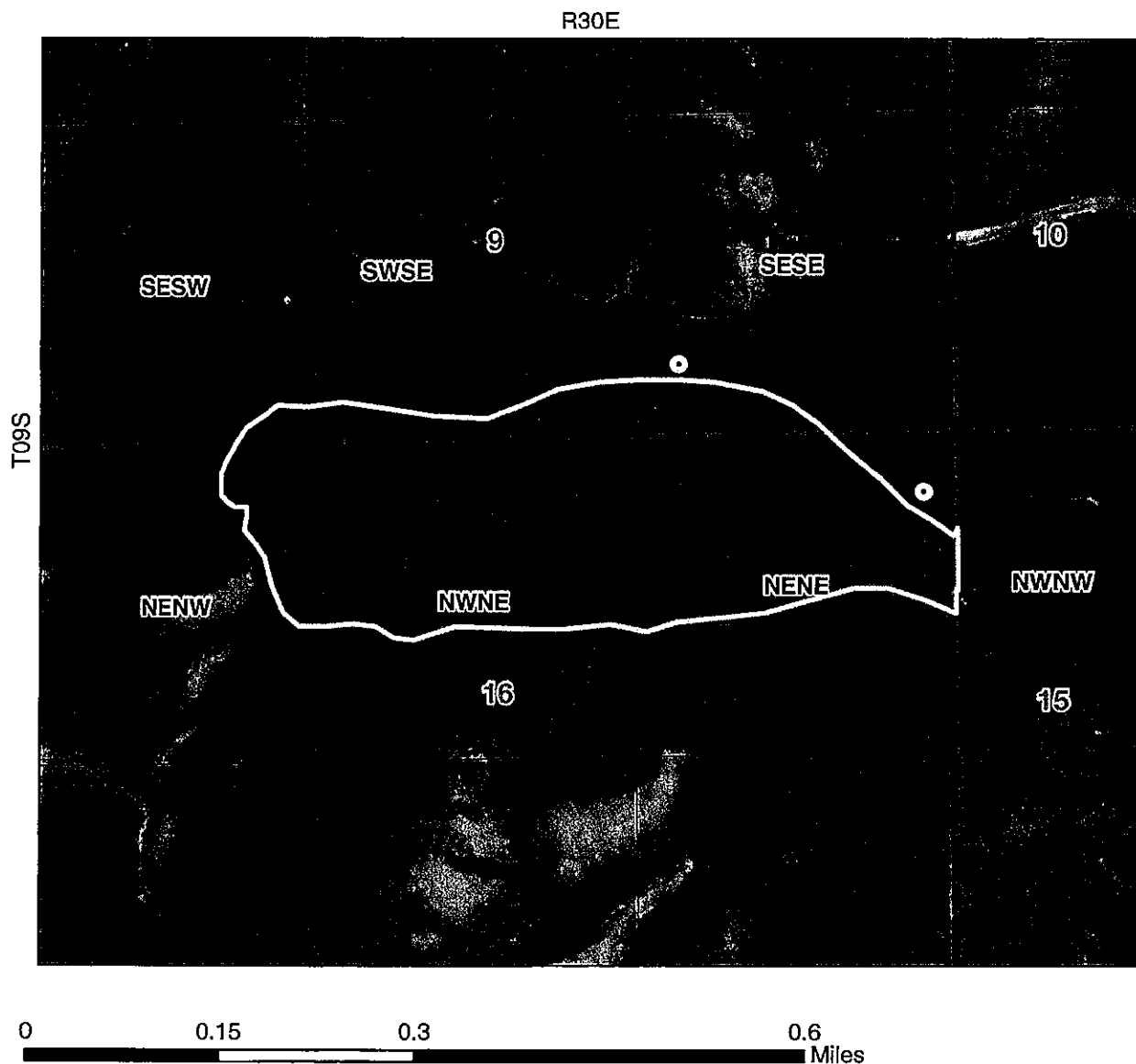
- ⊙ Point of Diversion

Place of Use

-  State Outline
 Townships
 PLS Sections
 Quarter Quarters

**Power County
IDWR Basin 41**

Prepared by Craig Saxton
On May 07, 2009
2004 Aerial Photography



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DEPARTMENT OF
WATER RESOURCES

Our names are John & Jackie Kildew. We reside at 3308 Kildew Lane,
Rockland Valley, Idaho.

We purchased a small farm with Rock Creek flowing through it in 1959, then later purchased an additional 80 acres of a school endowment section from the State of Idaho. This land is situated on the south side of Rock Creek.

Our first attempt to irrigate that land was by using a pump that ran off the power take off of a tractor. The source of water being Rock Creek. That did not prove to be efficient.

We had Idaho Power install a service line on the east boundary of our property to power an electric pump. The pump was installed on a wood platform with the intake hose running to the creek. A pipe across the creek carried the water to the sprinkler system.. At a later date, we had Idaho Power relocate the service line about $\frac{1}{4}$ mile west of the original installation to make it easier to irrigate the approximately 55 acres of farmable land on the south side of Rock Creek. We were then able to install a portable main line up the middle of the field, and sprinkle both directions. The pump installation was nearly the same as the first, but we purchased a better pump and could irrigate with more efficiency and speed.

The pump and all connections had to be removed every fall because of flooding and debris through the winter months, and for yearly maintenance of the pump.

This was a labor intensive project—from start to finish. Clearing the land and attempting to irrigate virgin land, and a dream that we could make our little farm profitable. Our sons, John A. and Kim, spent countless hours helping clear the land, moving pipe, priming the pump, keeping the intake hose cleared of moss & debris, helping remove it in the fall, and reset it in the spring, and the work that went with trying to improve our production.

Due to age and health constrictions, we have had to lease the farm out for the past few years.

We hereby certify these statement to be true.

John Kildew

John Kildew - 11-15-09

Jackie Kildew

Jackie Kildew - 11-15-09

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DEC 02 2009
DEPARTMENT OF
WATER RESOURCES

JOHN A. KILDEW
2027 HUNTINGTON AVE.
ALEXANDRIA, VA 22303
PHONE: H (703) 746-8219, W- (202) 767-4260
EMAIL: jakildew@cox.net; john.kildew@pentagon.af.mil

AFFIDAVIT OF JOHN A. KILDEW
FOR
IRRIGATION PUMPING AND WATER USE KILDEW FARM
ROCK CREEK, IDAHO

The undersigned does hereby swear upon penalty of perjury that the following facts and statements are true and correct.

1. My name is John A. Kildew, I am 57 years of age and reside in Alexandria, Virginia. I am a licensed veterinarian in the State of Idaho; but also I am and have been an active duty Public Health Officer in the United States Air Force for the last 19 years. I am a Colonel working on the Air Force Surgeon General's staff in Washington D.C.
2. That my father and mother are John and Jacqueline Fae Kildew; I have one brother Kim R. Kildew who is a licensed attorney and realtor in the State of Idaho.
3. That on or about the time I was starting school (the first grade) at American Falls School District, my parents purchased a small farm near the confluence of Rock Creek and the Snake River in Power County, Idaho.
4. That when I was about 11 years of age my father purchased additional land from the State of Idaho on the south side of Rock Creek. The land was then cleared of sage brush, the land was prepared for farming and we began the process of rechanneling the creek to eliminate all the curves to increase the farmable property. Irrigation was initially accomplished with the use of a tractor and a power take-off driven pump. The water source was provided by pumping from Rock Creek. Initially we had about 55 acres that we could irrigate with sprinkler pipe. The north side fields were irrigated with water that flowed down the U.S. ditch. I recall our share was 2 days out of 5 or 7 days.
5. In or about June of 1965, my father had Idaho Power Company extend the power line between the Kildew property and Allen Roper's (our Grandfather) property. This allowed us the

opportunity to put an electrical pump into the creek. The electrical pump was more efficient allowing us to pump more water and irrigate more land more effectively. The pump was placed near the service pole on the north side of the creek. A pipe was placed across the creek and supported to prevent its collapsing. A short time later the pump was moved across the creek and placed near the support pole. The pump was set on a platform with the intake hose put in the creek. The pump was primed by dipping buckets of water from the creek and poured into the intake hose until it was full, the pump was then turned on and the sprinkler line was filled and operational.

6. Approximately 3 years later, Idaho Power installed another service line from the house and barn area, along the U.S. ditch to Rock Creek approximately one quarter of a mile down from the original pump site and service pole. This pump site was very much like the initial site in that a wood platform was built close to the service pole allowing the intake hose to be placed in the creek. This was a slightly larger pump allowing us to pump more water and run more pipe over a larger area. This allowed more water over a larger area in a shorter time period.

7. As Kim Kildew has stated, this was a very intensive procedure, requiring a lot of work by the entire family. This irrigation system was operated all summer, every year to increase our crop production on our small farm, from the beginning which was about 1960 to the present. The electric pumps had to be removed every fall for maintenance, but more importantly to ensure they weren't washed away with the spring floods. The pump was reset at the service pole/cite each spring; this was a major project also.

8. The sprinkler system, pumping from Rock Creek, and the water share from the U.S. ditch allowed us to irrigate that part of the farm level enough to grow crops (mostly hay, periodically barley). The crops raised were then used to feed the livestock that was raised also on the farm. The cattle and horses ran on the hilly part of the farm where irrigation was not an option.

9. The last 3-5 years, my parents have leased the farm to a local farmer; he has upgraded the sprinkler irrigation system, but the water is still diverted from Rock Creek and pumped into the system.

Signed: 
JOHN A. KILDEW

RECEIVED

DEC 02 2009

DEPARTMENT OF
WATER RESOURCES

KIM KILDEW
410 S. ORCHARD, SUITE 176
BOISE, ID 83705
PHONE (208) 344-1096 FAX (208) 384-0710

**AFFIDAVIT OF KIM KILDEW
FOR
IRRIGATION PUMPING AND WATER USE KILDEW FARM
ROCK CREEK, IDAHO**

The undersigned does hereby swear and affirm under penalty of perjury that the following facts and statements are true and correct.

1. My name is Kim R. Kildew. I am 56 years of age and reside in Boise, Idaho. That I am a licensed attorney and realtor in the State of Idaho.
2. That my father and mother are John and Jackie Kildew. I have one brother John Allen Kildew who is a active duty colonel in the United States Air Force presently station in Washington D.C.
3. That prior to starting first grade in the American Falls School District my father and mother purchase a small farm on Rock Creek near the confluence of this creek with the Snake River in Power County, Idaho.
4. That when I was 9 years of age my father purchased additional land from the State of Idaho on the south side of Rock Creek which we cleared of sage brush and put into irrigation as farm ground. This land was initially irrigated with a gas powered tractor with a power take-off that ran the pump. The water was pumped from Rock Creek. The irrigated ground was approximately 55 acres. The field was larger but portions were too steep and hilly to farm.
5. On or about June of 1965 my father and mother paid Idaho Power Company to run an electrical power line from the living area down to the creek for an electrical irrigation pump. An electrical pump would be much more reliable and cost efficient. In addition the tractor had caught on fire during refueling and presented a substantial risk of damage or injury in its operation and refueling.
6. This electrical line and pump were located at the east boundary of the Kildew property. At the pump site a large diameter pipe was laid across the creek to provide access to the other side.

Page-2 Affidavit

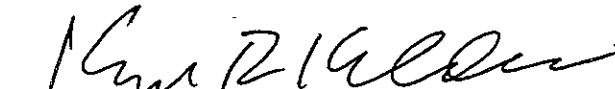
7, The pump was installed on a wooden platform next to the pipe. A rubber intake house hung from the pump about 5 feet down to access the creek and creek bed. A four inch diameter sprinkler hand line was used to irrigate the field. This line ran the length of the field to the west.

8. Once started the pump and lines would run constantly from early spring until late fall except for power outages. The pump would remain running many times even while the irrigation line was being moved. This was done to prevent re-priming the pump after a shut-off which was very difficult process. In addition the end plug of the irrigation line would be left out frequently to run the water line in an open discharge flood irrigation mode.

9. This irrigation process or some variation occurred every year from 1963 to the present.

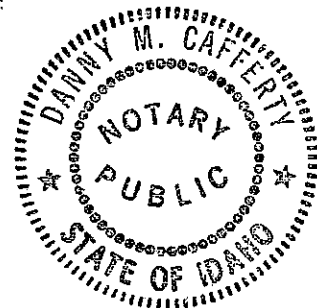
10. We raised many tons of hay and grain for livestock feed and sale from this irrigated land.

Dated this 1st day of December 2009.


KIM R. KILDEW

Subscribed and sworn to before me on
December 1, 2009.


Notary Public for State of Idaho
Residing at: Boise
My Comission Expires: July 20, 2010.



RECEIVED

DEC 02 2009

DEPARTMENT OF
WATER RESOURCES

TO WHOM IT MAY CONCERN:

My name is Bud Kelly. I reside at 319 Jackson St. in American Falls, Idaho.
I hereby certify that the following statement is true.

Beginning in the 1960's and in the 1970's, I hunted pheasants every fall at the
John Kildew farm on Rock Creek.

During that time Kildew was pumping water out of Rock Creek to irrigate a large field
on the south side of the creek. They raised alfalfa hay or grain on this field.

The pump was setting on a platform on the north side of the creek. They piped water
across the creek to hand sprinkler lines.

Signed: Bud Kelly
Bud Kelly
Bud Kelly
11-17-09

RECEIVED

DEC 02 2009

DEPARTMENT OF
WATER RESOURCES

To Whom It May Concern:

My name is Ron Pitts. I am an electrician, currently employed by the Bureau of Indian Affairs, in Ft. Hall, ID. My former employer was electric Motor Rewinding In American Falls, ID.

Starting in 1963 I made service calls to the John Kildew farm to repair his irrigation pump. At that time the pump was located on a platform on the edge of Rock Creek, southwest of the house, on the north side of the creek. They pumped water from the creek into a ¼ mile irrigation line used to irrigate hay or grain.

I hereby certify the preceding statement to be true.

Signed: *Ronald A. Pitts*

RONALD A. PITTS

Idaho Power Company
POWER LINE EASEMENT

John Kildew

Jackie Kildew

his wife, Grantor(s), of _____ Power _____ County, State of _____ Idaho _____, do hereby grant and convey to IDAHO POWER COMPANY, a corporation, its licensees, successors and assigns, Grantee, for One Dollar and other valuable considerations, receipt of which is hereby acknowledged, a right of way and easement for the location and construction, maintenance, repair, alteration, inspection and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to poles or other supports, together with guys, crossarms and other accessories and incidental equipment thereon, and appurtenances, with the right to permit the attachment of the wires and fixtures of other companies or entities, over, on and across the following premises, belonging to the said Grantor(s) in _____ Power _____ County, State of _____ Idaho _____, in the following location, to-wit:

NE ¹/₄ of NE ¹/₄ Section 16, Twp. 9-S, Rge. 30E B4 Power County

Together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operating, maintenance and repair of Grantee's electrical system.

Executed and delivered this 16th day of June 1965

John Kildew

Jackie Kildew

STATE OF Idaho
County of Power

On this 16th day of June 1965, before me, W. D. Arms, a Notary Public, personally appeared John Kildew and Jackie Kildew, known to me to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the use and purposes therein mentioned.

(Notarial Seal)

W. D. Arms
Notary Public, residing at Pocatello, Idaho
Commission expires Dec. 30 1965

9/7/65
88222

52-963-227

Idaho Power Company
POWER LINE EASEMENT

John Kildey

and Jackie Kildey

He wife, Grantor(s), of _____ Power _____ County, State of _____ Idaho, do hereby grant and convey to IDAHO POWER COMPANY, a corporation, its licensees, successors and assigns, Grantee, for One Dollar and other valuable considerations, receipt of which is hereby acknowledged, a right of way and easement for the erection and continued operation, maintenance, repair, alteration, inspection and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to poles or other supports, together with any, crossarms and other attachments and incidental equipment thereon and appurtenances, with the right to permit the attachment of the wires and fixtures of other companies or parties, over, on and across the following premises belonging to the said Grantor(s) in _____ Power _____ County, State of _____ Idaho

in the following locations to-wit:

SE 1/4, Section 9, Twp. 9-S, Rge. 30E BM, Power County

SEY4SEY4 29

Together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of the easement, and the operation, maintenance and repair of Grantee's electrical system.

Executed and delivered this _____ day of _____

John Kildey

Jackie Kildey

STATE OF _____ IDAHO

County of _____ Power

On this _____ 16th day of _____ June _____

1950 before me, _____ V. D. Arrie

Notary Public, personally appeared _____ John Kildey

_____ Jackie Kildey

and _____ know me to be the person(s) who executed the foregoing instrument and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

Notarial Seal

V. D. Arrie
Notary Public, Residing at _____ Boise, Idaho
Commission expires _____ Dec. 20 _____

Instrument No. 26221

State of Idaho, ss.
County of Power I hereby
certify that this instrument was filed
for record at the request of

John Paul Jones

Filed at *25* o'clock

2 o'clock *P.* M. this *26th*

day of *Sept.* 19 *40* and record-

ed in *26221*

at *Boise, Idaho*

John Paul Jones

Recorder

By *John Paul Jones*

Deputy

instrument, and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein mentioned.

(Notarial Seal)

W. D. GILLIS, Notary Public, residing
at Boise, Idaho.
Commission expires April 1st, 1943.

Recorded at the request of Idaho Power Co. at 9:18 o'clock A.M. this 30th day of July, 1941, in Book 28 of Misc. at page 242. Fee 80¢

H. C. ALLEN, Recorder.

By Hazel Stuart, Deputy

COMPARED

Instrument No. 68892 INDEXED POWER LINE EASEMENT

A. G. Draper and Nina Draper, his wife, Grantor(s) of Rockland in Power County, Idaho, do hereby grant and convey to IDAHO POWER COMPANY, a corporation, its successors and assigns, Grantee, for One and no/100 Dollar (\$1.00) and other valuable considerations, a right of way and easement for the erection and continued operation, maintenance, repair, alteration, inspection, relocation and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to a line or poles or other supports, together with guys, stubs, crossarms and other attachments and incidental equipment thereon, and appurtenances, over, on and across the following premises, belonging to the said Grantor(s) in Power County, Idaho, in the location more particularly described as follows, to-wit:

The Southeast Quarter of the Southeast Quarter (SE1/4) of Section Nine (9), Township Nine (9) South, Range Thirty (30) East of the Boise Meridian.

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may in any way or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.

Executed and delivered this Seventh day of January, 1941.

WITNESS: J. A. EDWARDS

A. G. DRAPER

NINA DRAPER

STATE OF IDAHO,

ss:

County of POWER,

On this 23rd day of April, in the year 1941, before me, H. R. West, a Notary Public, personally appeared Andrew G. Draper and Nina Draper, known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

(Notarial Seal)

H. R. WEST, Notary Public, residing at
Boise, Idaho.
Commission expires October 20th, 1942.

Recorded at the request of Idaho Power Co. at 9:20 o'clock A.M. this 30th day of July, 1941, in Book 28 of Misc. at page 243. Fee 60¢

H. C. ALLEN, Recorder.

By Hazel Stuart, Deputy