

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

RECEIVED
MAR 24 2005
WATER RESOURCES
WESTERN REGION
DEPARTMENT OF
WATER RESOURCES

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

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 not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), 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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-2733		B			

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 diversion 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 claims(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) is 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) Martin and Margaret Finch (subsequently Marlon Hug)
10766 Lakeshore Drive, Nampa, Idaho 83686
4. New Owner/Claimant(s) Southside, Inc.
Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
- New Mailing Address 420 Sherry Road
- City, State and ZIP Code Nampa, Idaho, 83686
- New Telephone Number (208) 573-5511
5. Date you acquired the property January 25, 2005

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) amount 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 the 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 (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7. Signature of New Owner(s) or Claimant(s) Paul W. Washl
(include title if applicable) President, Southside Inc.

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 lg Date 9-23-06 Fee 0
 Receipted by lg N/A Date N/A Receipt No. N/A
 Processed by lg AJ Date 4-24-06 WR _____ Date _____

①
Pn 83093
CC4583

INSTRUMENT NO. 200504826

WARRANTY DEED

FOR VALUE RECEIVED Marlon W. Hug, a single man

the Grantor, does hereby grant, bargain, sell and convey unto Southside, Inc., an Idaho corporation

the Grantee, whose address is 420 Sherry Road, Nampa, ID 83686

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he 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 2004 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: January 25, 2005

Marlon W. Hug
Marlon W. Hug

STATE OF IDAHO

COUNTY OF CANYON

On this 28th day of January in the year 2005, before me, a Notary Public, personally appeared Marlon W. Hug known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Amie Pedrian
Notary Public
Residing at Melba
My commission expires 3/10/09

2005 JUN 28 PM 4 45
G NOEL HALE
CANYON CNTY RECORDER
BY du

RECORDED

200504826



PIONEER TITLE COMPANY
OF CANYON COUNTY
"CANYON OFFICE"

REQUEST PIONEER-NAMPA
TYPE 100 FEE 6-

TEL. (208) 465-6655
FAX. (208) 465-6556

PN83093

Lot 2 in Section 17, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 north, Range 2 West of the Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

N 1371010.99 E 2288796.56

BEGINNING at the West Quarter corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence

South 89° 59' East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point; thence

North 0° 11' East and being 3 feet East of the East edge of a concrete ditch a distance of 1,261.8 feet to a point on the Northeasterly lot line of Government Lot 2; thence

North 70° 30' West along the Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2; thence

South 89° 56' West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point; thence

South 24° 36' West along Northeasterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17; thence

South 0° 10' West along the centerline of Lake Shore Drive a distance of 1,123.32 feet to POINT OF BEGINNING.

MH



LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

JOHN M. MARSHALL
Direct Dial: 208-388-1270
E-Mail: johnmarshall@givenspursley.com

Gary G. Allen
Kristen A. Atwood
Kelly T. Barbour
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Jeffrey C. Fereday
Melissa A. Finocchio*
Martin C. Hendrickson
Steven J. Hippler
Deborah K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle

Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan, LL.M.
Bradley V. Sneed
H. Barton Thomas, LL.M.

J. Will Varin
Conley E. Ward
Robert B. White

Kenneth L. Pursley
RETIRED

Raymond D. Givens
RETIRED

James A. McClure
RETIRED

*Licensed in California

RECEIVED

MAR 23 2006

DEPARTMENT OF
WATER RESOURCES

March 22, 2006

Ms. Kari Lynn Townsend
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Southside, Inc.
GP File No. 7456-2

Dear Ms. Townsend:

Enclosed please find a Notice of Change in Water Right for Water Right No. 63-2733. Please record this change in the records of the Idaho Department of Water Resources so that the water right may be adjudicated correctly. Because the right is pending in the SRBA, no fee is required. If you have any questions regarding the enclosed, please call me.

Sincerely,

John M. Marshall

JMM:amm

Enclosure

cc: Southside, Inc.

S:\CLIENTS\7456\JMM to IDWR with Notice of Change of Water Right.DOC

RECEIVED

MAR 24 2006

WATER RESOURCES
WESTERN REGION

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 63-2733B
Date Received: 2/22/1990
Receipt No: C014871
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTHSIDE INC. Phone:
420 SHERRY ROAD
NAMPA ID USA 83686

2. Date of Priority: 11/03/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	02W	17	SE SW NW	CANYON	

5. Description of diverting works:

WELL,W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.24	
DOMESTIC	1/01	12/31	0.04	

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

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
APR 14 2008

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02W	17	SW	NW	DOMESTIC	
			SW	NW	IRRIGATION	12
					Section Acres	12
					Total Acres	12

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:

14. Remarks:

THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUSONS.

| MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.

| NOTE: THE WELL & WATER RIGHT COVERED BY THIS CLAIM HAVE BEEN SOLD - PER THE ASSIGNMENT OF WELL & WATER RIGHTS AGREEMENT IN THE FILE - TO MARTIN L & MARGARET H FINCH - DATED 12-7-1993. WILL NEED TO CHECK OWNERSHIPS CONSIDERING THE A & C SPLITS ALSO.

CHANGE IN OWNERSHIP LG 4-21-2006

15. Basis of Claim: License

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: **A63-02733B**
Date Received: 2/22/1990
Receipt No: C014871
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: MARTIN L. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA ID 83686

AND/OR

Name: MARGARET H. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA ID 83686

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	02W	17	SE	SW	NW		CANYON

5. Description of diverting works:
WELL, W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, LAWN & GARDEN

MICROFILMED

JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	17	SW	NW		IRR	12.0
			SW	NW		DOMEST	
Section Acres							12.0
Total Acres							12.0

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:

NAMPA & MERIDIAN IRRIGATION DISTRICT

14. Remarks:

THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.

MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.

NOTE: THE WELL & WATER RIGHT COVERED BY THIS CLAIM HAVE BEEN SOLD - PER THE ASSIGNMENT OF WELL & WATER RIGHTS AGREEMENT IN THE FILE - TO MARTIN L & MARGARET H FINCH - DATED 12-7-1993. WILL NEED TO CHECK OWNERSHIPS CONSIDERING THE A & C SPLITS ALSO.

15. Basis of Claim: LICENSE

Water Right Number: 20740

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: _____

MICROFILMED

JUL 25 1994

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
JUL 25 1994

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: A63-02733B
Date Received: 2/22/1990
Receipt No: C014871
Received By: DE-KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARTIN L. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA, ID 83686

AND/OR
Name: MARGARET H. FINCH 208-465-5758
Address: 10766 LAKE SHORE DR.
NAMPA, ID 83686

2. Date of Priority: NOV 3, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	17	SE	SW	NW		CANYON

5. Description of diverting works:
WELL, W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, LAWN & GARDEN

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	02W	17	SW		NW		IRR	12.0
			SW		NW		DOMEST	

Section Acres 12.0

Total Acres	12.0
-------------	------

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:

NAMPA & MERIDIAN IRRIGATION DISTRICT

14. Remarks:

THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.

MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.

15. Basis of Claim: LICENSE

Water Right Number: 20740

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 that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
 _____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

JUN 12 1991

Department of Water Resources
~~Water~~ Regional Office

CHANGE IN OWNERSHIP

This form is used for purposes of notifying IDWR of a change in ownership of an Adjudication Claim.

[] Water Right Number(s): A63-02733 B

[] Name and Address of Former Claimant(s): Phillip Ferguson

Robbin Ferguson

10766 Lake Shore Dr., Nampa

[] New Claimant(s): Martin L. Finch &/or

Margaret H. Finch

[] New Mailing Address: 10766 Lake Shore Dr.

Nampa, ID 83686

[] New Telephone Number: (208) 465-5758

[] Does the change in ownership result in a spitting of the water right(s) claimed? Yes ☒ No

If yes, then describe the portion of the water right that is now claimed by the new owner(s):

[X] Attach proof of ownership: Deed of Trust

Describe proof attached: Deed of Trust
(Proof of ownership must describe either the property conveyed or include the claim number.)

(Proof of ownership is not required if this form is signed by the former claimant.)

[X] Signature of New Claimant(s): Martin L. Finch

Date June 12, 1991

Revised 01/91

(Over Please)

MICROFILMED

AUG 18 1992

CHANGE IN OWNERSHIP

[] Signature of Former Claimant(s): _____

Date: _____

[Signature of former claimant(s) is not required if proof
of ownership is attached.]

For IDWR use only:

Initial Review and Data-Entry: Date _____ By _____

Further Action Needed / Taken: Date _____ By _____

Final Review and Data-Entry: Date _____ By _____

Claim Numbers of Split, if any: _____

After form has been completed, please return to the nearest
IDWR office below:

Western Regional Office
2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

Eastern Regional Office
150 Shoup Suite # 15
Idaho Falls, Idaho 83402
(208) 525-7161

Southern Regional Office
222 Shoshone Street East
Twin Falls, Id 83301
(208) 734-3578

Northern Regional Office
1910 Northwest Blvd. Suite 210
Coeur D'Alene Idaho 83814
(208) 765-4639

IDWR State Office
1301 N. Orchard St.
Statehouse Mail
Boise, Idaho 83720
(208) 327-7906

RECEIVED
JUN 12 1991

Inst 9109240

DEED OF TRUST

JUN 12 1991

Department of Water Resources
Western Regional Office
in the year of 1991

THIS DEED OF TRUST, Made this 14th day of May
BETWEEN MARTIN L. FINCH AND MARGARET H. FINCH, BOTH UNMARRIED
INDIVIDUALS,

, herein called GRANTOR,

whose address is:

STEWART TITLE OF IDAHO, Inc., an Idaho corporation, herein called TRUSTEE, and PHILLIP Q.
FERGUISON AND ROBBIN R. FERGUISON, HUSBAND & WIFE,

, herein called BENEFICIARY,

whose address is:

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN
TRUST, WITH POWER OF SALE, that property in the County of CANYON State of Idaho,
described as follows, either located within an incorporated city or village at the date hereof, or containing not more
than twenty acres:

As set forth on the attached EXHIBIT "A", which by this
reference becomes a part hereof.

THIS IS A PURCHASE MONEY DEED OF TRUST AND IS GIVEN TO SECURE A
PORTION OF THE PURCHASE PRICE OF THE HEREIN DESCRIBED PROPERTY,
AND IS SUBJECT AND SUBORDINATE TO A ~~DEED OF TRUST~~ MORTGAGE RECORDED
August 20, 1976, AS INSTRUMENT NO. 731625 Mortgage M.H.S.
M.L.F.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits, for the purpose of securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of TWENTY-FIVE THOUSAND & 00/100
***** Dollars (\$ 25,000.00)

final payment due December 15, 1991, and to secure payment of all such further sums as may hereafter be
loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

To protect the security of this Deed of Trust, Grantor agrees:

By the execution of this Deed of Trust and the Note hereby secured that provisions 1 to 6 inclusive of Part A and provisions 1 to 9 inclusive of Part B of the Master Form Deed of Trust which was recorded December 8, 1972, as Instrument No. 829115, Ada County; June 25, 1979, as Instrument No. 627244, Bannock County; June 22, 1979 as Instrument No. 567295, Bonneville County; May 9, 1979, as Instrument No. 861513, Canyon County; June 7, 1979, as Instrument No. 129201, Gem County; June 25, 1979, as Instrument No. 810084, Kootenai County; June 22, 1979, as Instrument No. 101053, Valley County; Idaho Mortgage Records shall be and they are hereby incorporated and made an integral part hereof for all purposes as though set forth herein at length, a copy of which provisions has been furnished to Grantor and Beneficiary

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

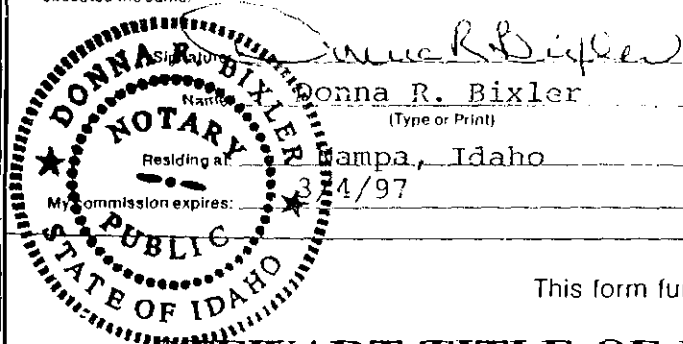
Martin L. Finch
MARTIN L. FINCH
Margaret H. Finch
MARGARET H. FINCH

STATE OF IDAHO County of CANYON ss.

On this 15 day of May
in the year of 1991, before me, the undersigned, a Notary

Public in and for said State, personally appeared
Martin L. & Margaret H. Finch

known or identified to me to be the person, S whose name S
subscribed to the within instrument, and acknowledged to me that they
executed the same.



STATE OF IDAHO, COUNTY OF

I hereby Certify that this instrument was filed for record at the request of

at minutes past o'clock m.,
this day of
19 in my office, and duly recorded in Book
of Mortgages at page

Ex-Officio Recorder

By Deputy

Fees \$
Mail to:

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



Stewart Title of Idaho

INSTRUMENT NO.

EXHIBIT "A"

LOT 2 IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 2 WEST,
BOISE MERIDIAN, CANYON COUNTY, IDAHO,

EXCEPTING ANY PORTION INCLUDED WITHIN THE BOUNDARIES OF
DEER FLAT RESERVOIR.

ALSO EXCEPTING THEREFROM:

A TRACT OF LAND IN THE WESTERLY PART OF GOVERNMENT LOT 2
IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE
MERIDIAN, CANYON COUNTY, IDAHO, AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 17,
TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN, THE TRUE POINT
OF BEGINNING; THENCE
SOUTH 89 DEGREES 59' EAST ALONG CENTERLINE OF LAKE SHORE
DRIVE, ALSO BEING THE SOUTH BOUNDARY LINE OF GOVERNMENT
LOT 2, A DISTANCE OF 794.2 FEET TO A POINT; THENCE
NORTH 0 DEGREES 11' EAST AND BEING 3 FEET EAST OF THE EAST EDGE OF A
CONCRETE DITCH A DISTANCE OF 1261.8 FEET TO A POINT ON
THE NORTHEASTERLY LOT LINE OF GOVERNMENT LOT 2; THENCE
NORTH 70 DEGREES 30' WEST ALONG NORTHEASTERLY LOT LINE 198.34
FEET TO A POINT ON THE NORTH BOUNDARY LINE OF
GOVERNMENT LOT 2; THENCE
SOUTH 89 DEGREES 56' WEST ALONG NORTH BOUNDARY LINE OF
GOVERNMENT LOT 2 A DISTANCE OF 514.8 FEET TO A
POINT; THENCE
SOUTH 24 DEGREES 36' WEST ALONG NORTHWESTERLY LOT LINE
OF GOVERNMENT LOT 2 A DISTANCE OF 223.08 FEET TO
CENTERLINE OF LAKE SHORE DRIVE ALSO WEST SECTION LINE
OF SAID SECTION 17; THENCE
SOUTH 0 DEGREES 10' WEST ALONG THE CENTERLINE OF LAKE SHORE
DRIVE A DISTANCE OF 1123.32 FEET TO POINT OF BEGINNING.

M. H. S.
McL

REQUEST
TYPE *McL* *McL*
STEWART - NAMPA

91 MAY 15 PM 3 44
HED J KERR
CANYON COUNTY RECORDER
BY *C. Kerr*

RECORDED

9109240

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the W 1/4 corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING;

Thence South 89° 59' East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North 0° 11' East and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence North 70° 30' West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

Thence South 89° 56' West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

Thence South 24° 36' West along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South 0° 10' West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

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AUG 18 1992

EXHIBIT "B"

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at the West quarter corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING; thence South $89^{\circ} 59'$ East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point; thence North $0^{\circ} 11'$ East and being 3 feet East of the East edge of the concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2; thence North $70^{\circ} 30'$ West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2; thence South $89^{\circ} 56'$ West along North boundary line of Government Lot a distance of 514.8 feet to a point; thence South $24^{\circ} 36'$ West along Northwesterly Lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17; thence South $0^{\circ} 10'$ West along the centerline of Lake Shore Drive a distance of 1123.32 feet to POINT OF BEGINNING.

EXCEPTING THEREFROM the following parcel in the Southwest corner, being all of that part Southwesterly of a line 25 feet distant Northeasterly from and parallel with the following described centerline of Lake Shore Drive Highway:

Beginning at Highway Station 535+91.3 which station is a point on a 19° curve to the left and being North $0^{\circ} 10'$ West a distance of 303.6 feet from the West Quarter corner of Section 17; thence Southeasterly 475.7 feet along a 19° curve to the left having a central angle of $90^{\circ} 23'$ left to Highway Station 540+67.0, said point being 303.6 feet East of the West Quarter of Section 17.

MICROFILMED

AUG 18 1992



Produced by the Geological Survey

Orthophotograph prepared from 1:80,000-scale aerial photographs taken July 8, 1981

Projection and 10,000-foot grid ticks: Idaho coordinate system, west zone (Transverse Mercator)

1000-meter Universal Transverse Mercator grid, zone 11 1927 North American Datum

To place on the predicted North American Datum 1983 move the projection lines 16 meters north and 78 meters east as shown by dashed corner ticks

Photom imagery rectified by optical scanning
Where double or mismatched image occur use the mean of image position for map point

Land lines from Nampa, Idaho
1:24,000-scale topographic map dated 1971

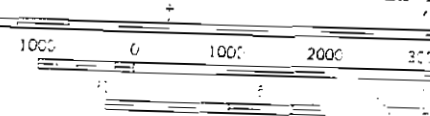
There may be discrepancies between positions on land lines and photom imagery

This map has been prepared by the Idaho Department of Water Resources pursuant to Idaho Code §42-1410 to assess claimants in filing notices of claims and objections in the Snake River Basin Adjudication. No warranty, either express or implied, as to the accuracy and completeness of the information shown on this map is made by the Idaho Department of Water Resources. Bonneville Blueprint Supply Co., Inc. is the contractor responsible for the production of this map. Bonneville Blueprint Supply Co., Inc. is not responsible for the accuracy, completeness, or usefulness of any information not shown on this map.

TEN R2W
Sec 17

NORTH

SCALE



THIS MAP COMPLIES WITH NATIONAL MAP ACT
FOR SALE BY U. S. GEOLOGICAL SURVEY

Copies Of These Maps
At Bonneville Blueprint Supply Co., Inc.

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AUG 18 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: A63-02733B
Date Received: 2/22/1990
Receipt No: C014871
Received By: AWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHILLIP FERGUSON 208-467-2247
Address: 10766 LAKE SHORE DR
NAMPA, ID 83686

OR

Name: ROBBIN FERGUSON 208-467-2247
Address: 10766 LAKE SHORE DR
NAMPA, ID 83686

2. Date of Priority: NOV 03, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	17	SE	SW	NW		CANYON

5. Description of diverting works:
WELL, W/3/3HP & 10HP PUMP DOMESTIC AND GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.240		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOME, LAWN & GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	17	SW	NW		IRR	12.0
			SW	NW		DOMEST	
						Section Acres	12.0
						Total Acres	12.0

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:
NAMPA & MERIDIAN IRRIGATION DISTRICT

14. Remarks:
THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED
FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.
|
MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS

15. Basis of Claim: LICENSE
Water Right Number: 20740

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: 3

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): Philip O. Ferguson Date: 2-22-90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of Feb. 1990
Shirley E. Smith
Notary Public

Seal

Residing at Boise, ID
My Commission Expires 11/08/1994

Field Exam Memo

Date: 8-25-08

To: File 63-2733B, 63-2733C, 63-31123

Field Examiner: Craig L. Saxton

I met with Kim Ashworth on 8-25-08 at 1:00 pm to look at the original POU licensed under 63-2733.

Background:

The reason I was on site is due to an objection filed by Southside Inc. The objection was filed for recommendations 63-2733B and 63-31123. There were originally 12 acres licensed in the SWNW of T2N, R2W, S17. In the SRBA, the 12 acres was recommended in two parts to 63-2733B and 63-31123. Southside Inc objected to both recommendations arguing that 63-2733B should have been recommended with all 12 acres.

My review from the office supported that original license 63-2733 covered, at least partially, POU claimed under SRBA claims 63-2733B and 63-31123. I conducted the field exam to field check the results of the analysis made in the office.

Findings:

The POD used now by Southside appears to be the same POD location that was originally licensed. However, the pump information on the current POD differs from what is shown in the licensing field exam so the pump has been changed.

The POD is on a high point and it is possible for water to gravity irrigate the ground claimed under 63-2733B and 63-31123.

The original licensed included irrigated ground south of Lake Shore Drive. I was able to located the point at which water was piped under the road and then re-diverted to irrigate that ground. There is now a well located south of Lake Shore Drive that irrigates that ground. Water can no longer make it from the original POD to the POU south of Lake Shore Drive because ditches have been filled in.

One reason I wanted to look at this site was to confirm that water claimed under 63-2733C was being used and where it was being diverted from. There was a suggestion that the water right applicable to the ground originally licensed south of Lake Shore Drive had been transferred to the property north of Lake Shore Drive. My exam did not support this as it appears that short of a change in POD, the portion of water right 63-2733 applicable to the ground South of Lake Shore Drive is valid and actively being used.

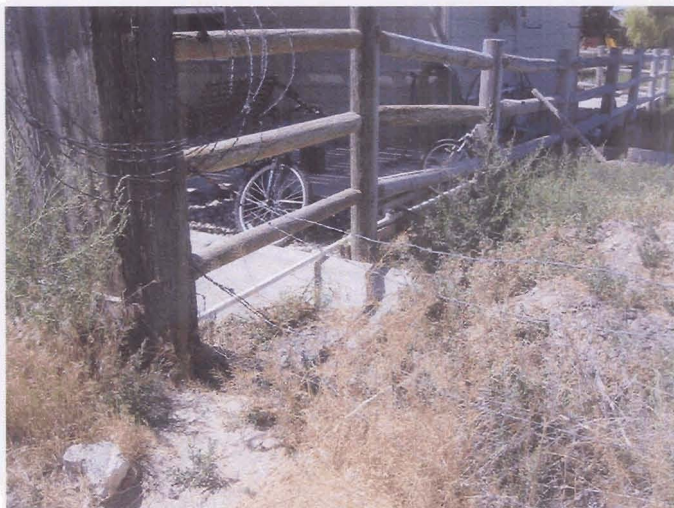
Conclusion:

Water from the existing/historical POD can reach the ground claimed under 63-2733B and 63-31123. I didn't find anything physical that would indicate all the water should be applicable to Southside property as asserted in the objection.

Field Exam for 63-2733 splits:
Conducted by Craig L. Saxton
on 8-25-08



Looking East: This is the original location of the POD for 63-27331. Pump SN: 72098. 10HP, 3 phase, 60 cycles. The licensing FE shows a 5 HP pump and is identified as having a pump number of T21017. This is a different pump than was originally licensed



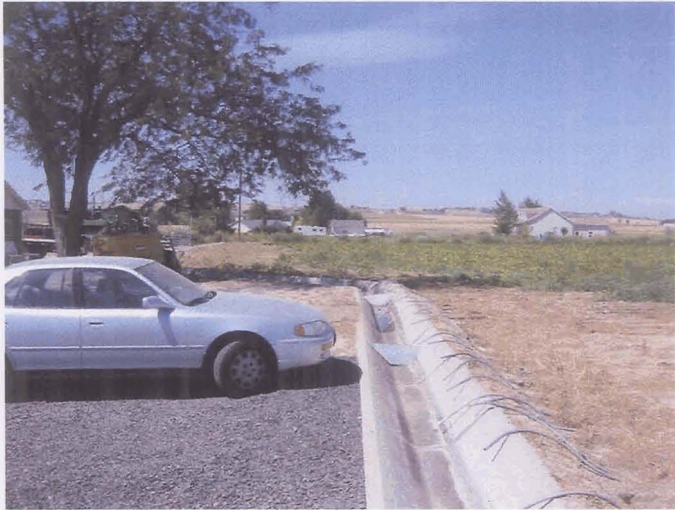
Looking West: This shows the ditch going under the fence line from the Southside property to Ashworth property.



Looking West: This shows the ditch running under the fence that acts as the boundary b/w the Ashworth and Southside property. This shows that Water could get to both properties in the past.



Looking West from the POD location: This shows the ditch from the well. Ashworths house is in the background. The ground slopes downward from the POD to Ashworths property.



Looking West from the POD location: This shows the ditch from the well. Ashworths house is in the background. The ground slopes downward from the POD to Ashworths property.



Looking NW. Picture taken from POD location. Field slopes down gradient from POD location.



Looking North. Picture taken from POD location. Field slopes down gradient from POD location.



Looking North. Picture taken from POD location. Field slopes down gradient from POD location.



Looking NE. Picture taken from POD location. Field slopes down gradient from POD location.



Looking West from the POD for 63-2733C.
Ground slopes down gradient from POD location.



Looking East at the north control box that would historically allow water from the North well to flow under the road to the southside of the road.



Looking North while standing on the Eastern edge of the original licensed POU. This picture was taken from what appears to be the end of the original ditch and to show that the northern part of Southsides field is significantly lower than where we think the historical POU was. It shows that it is a easy natural break in the field that would distinguish the original POU from the added on POU.



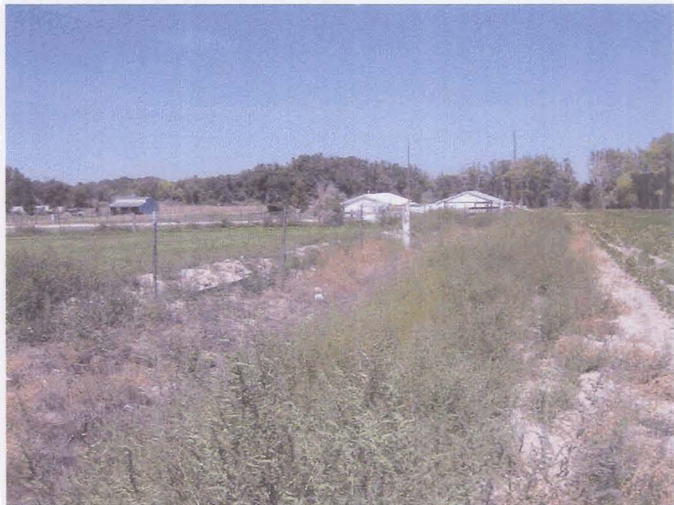
Looking West while standing at the end of the original ditch that ran on the East side of the original POU. This is meant to show that the original POU might have been a lot smaller than what is irrigated now.



This is the control box on the south side of the highway that after the water came under the road, would allow the water right holder to divert the water to the east or west to irrigate ground on the south side of the road.



Looking SE at the current POD for 63-2733C. This appears to be an accomplished change in POD, but I cannot verify when the well was drilled.



Looking North at what used to be the old ditch that carried water b/w Southside and Ashworths property. Mr. Ashworth told me that the white post in the middle of the picture was as far to the north that was originally irrigated as far as he knows. He moved to the property in 1996.



Egbert, Sandy

From: Saxton, Craig
Sent: Monday, August 11, 2008 11:27 AM
To: Egbert, Sandy; Courtney, Andrea
Cc: Williams, Ray
Subject: RE: 63-2733b Southside Inc. & 63-31123 Ashworth

Just let me know when.

C

From: Egbert, Sandy
Sent: Monday, August 11, 2008 11:25 AM
To: Courtney, Andrea; Saxton, Craig
Cc: Williams, Ray
Subject: RE: 63-2733b Southside Inc. & 63-31123 Ashworth

Sounds good to me. I am free for the next two weeks, except Fridays, and the files are still sitting on my desk.
Sandy E.

From: Courtney, Andrea
Sent: Monday, August 11, 2008 11:06 AM
To: Egbert, Sandy; Saxton, Craig
Cc: Williams, Ray
Subject: RE: 63-2733b Southside Inc. & 63-31123 Ashworth

Sandy and Craig~

John Marshall called me this morning. He had some questions, and I think given his questions, I'd like to sit with the two of you and the maps and the info he provided and go over the details.

He has not spoken with Ashworth and anticipates his client will not appreciate any further Ashworth-help. Status conf for these two subcases is 9/2 so we should also discuss a call to Mr. Ashworth in the meantime to give him an update based on John's info and talk options.

Andrea

From: Courtney, Andrea
Sent: Thursday, August 07, 2008 3:42 PM
To: Egbert, Sandy; Saxton, Craig; Shurte, Jan
Cc: Williams, Ray
Subject: RE: 63-2733b Southside Inc. & 63-31123 Ashworth

All~

Sandy and Craig called me earlier this week with an update based on their analyses of John's chain of title info. I promised to call John and discuss the matter with him (mainly that it appears Southside should file a transfer for the 4 acres the Dept recommended to Ashworth). Obviously, they've got some hurdles as Ashworth may not readily give up his 4 acres, but that's why I am going to talk it over with John. Hopefully, he'll be able to talk with Ashworth about Ashworth's options and the need to file a late objection to his neighbor's right (based on a well?) and then turn around and provide evidence to the Dept of an accomplished transfer to his piece of land (or something equally compelling).

John is out of the office this week so I left him a message.

Will be in touch when I have more to report.

Andrea

8/11/2008

8-4-08

Telephone meeting with Andrea, Craig & Sandy.
We come to the conclusion that a transfer
should have been filed to move the water
off the west parcel. The water was sold
off in 1993 but a transfer was never filed.
Andrea is going to talk to John Marshall,
attorney for Southside and also talk to
Ashworth. Ashworth might be able to file
an objection ~~to the same~~ because a
transfer was never filed. Andrea also
thought maybe Ashworth had said at the
hearing he had been using the well for
63-2733C in which case it could be
either an accomplished transfer or a transfer
needs to be filed by Ashworth to move
63-2733C to the place it is actually used
at. Clowns are the owner of record of
63-2733C (20 acres)

As far as ownership goes, Millard's & Ford
did own parcels on the W. side when
they sold the water off of the W. side to Finch,
who owned the east side.

From: Egbert, Sandy
Sent: Monday, July 28, 2008 9:45 AM
To: Saxton, Craig; Shurte, Jan; Courtney, Andrea
Cc: Williams, Ray
Subject: RE: 63-2733b Southside Inc. & 63-31123 Ashworth

I have the files but I don't know who was in on the hearings and my notes don't say. What we needed was clarification on who owned the different parcels and when they owned them. It sounds like John Marshall has submitted that clarification so when I get that information I will go over it and probably nab Craig to help sort out the ownership issues.

Just a note, I'm working a compressed schedule so I'm not here on Fridays. I work from 7-6 M-Th . Of course, that is flexible if I'm needed for a Friday hearing.
Sandy E.

From: Saxton, Craig
Sent: Monday, July 28, 2008 9:28 AM
To: Shurte, Jan; Courtney, Andrea; Egbert, Sandy
Cc: Williams, Ray
Subject: RE: 63-2733b Southside Inc. & 63-31123 Ashworth

That said, if you need me to do something on them, I will be more than happy to. Let me know. I will check the status of them with Sandy when I get back in.

C

From: Shurte, Jan
Sent: Mon 7/28/2008 8:50 AM
To: Courtney, Andrea; Egbert, Sandy; Saxton, Craig
Cc: Williams, Ray
Subject: RE: 63-2733b Southside Inc. & 63-31123 Ashworth

Andrea,

These are Sandy's files and I do have them marked to be sent over to her. I will make sure they get in the state house mail today. I do not recall if Craig has anything to do with these or not. I don't think so, but I could be wrong. So, they are on their way.

Thanks,

Jan

From: Courtney, Andrea
Sent: Friday, July 25, 2008 10:13 AM
To: Shurte, Jan; Egbert, Sandy; Saxton, Craig
Cc: Williams, Ray
Subject: 63-2733b Southside Inc. & 63-31123 Ashworth

All~

Earlier this week, John Marshall on behalf of Southside sent to Jan and me a copy of his work developing a more comprehensive chain of title. Given SMBooth's reliance on them recently, I thought the Dep't would want to see the chain of title before he presents it to the Court so there is time to make any adjustments to the Dep't's

8/11/2008

recommendation as needed.

Jan, if you aren't the lead agent on these two subcases, please forward that copy to whoever is. I think Sandy may have the claims files, but I honestly can't recall which of the three of you is responsible for these two subcases.

My plan is to give John a call later today to tell him we've received the packet and will need some time to review. Next court set date is a status conference on 9/2.

Andrea

from Initial Hearings
63-2733B, C, 31123

Dave Washburn - Southside
Southside has sold the
property to in-laws

John Marshall will research
the history of these parcels
& maybe file a late
obj. to 63-2733 B. Maybe
file a late claim also

complicated
land-ownership
issues
See memos



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JUL 21 2008

WATER RESOURCES
WESTERN REGION

LAW OFFICES

601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
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Gary G. Allen
Peter G. Barton
Christopher J. Beeson
Clint R. Bolinder
Erik J. Bolinder
Jeremy C. Chou
William C. Cole
Michael C. Creamer
Amber N. Dina
Kristin Bjorkman Dunn
Thomas E. Dvorak
Jeffrey C. Fereday
Justin M. Fradin
Martin C. Hendrickson
Steven J. Hippler

Debora K. Kristensen
Anne C. Kunkel
Jeremy G. Ladle
Michael P. Lawrence
Franklin G. Lee
David R. Lombardi
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Deborah E. Nelson

Kelsey J. Nunez
W. Hugh O'Riordan, LL.M.
G. Andrew Page
Terri R. Pickens
Angela M. Reed
Scott A. Tschirgi, LL.M.
J. Will Varin
Conley E. Ward
Robert B. White

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

July 17, 2008

Andrea Courtney
322 East Front Street
PO Box 83720
Boise, ID 83720-0098

Re: UIC Permit Applications

Dear Andrea:

Enclosed you will find a package of documents that relate to subcases 63-2733B and 63-31123. You might recall our conversation about these subcases a couple of weeks ago. IDWR recommended a split of the 12 acres originally claimed under water right 63-2733B, 8 acres to my client Southside, Inc. under right 63-2733B and 4 acres to Kim Ashworth under right 63-31123. The decision to split 4 acres from 63-2733B was based on an incomplete chain of title. Even though the Department reviewed a December 8, 1993 Assignment of Well and Water Rights ("Assignment") that purports to consolidate all 12 acres of right 63-2733B on my client's property (owned by Finch at the time), the Department recommended a split based, as I understand it, on a determination that it was unsure whether the grantor under the Assignment (Millard and Ford) owned the underlying land. We have undertaken a review of the chain of title to determine whether the right should have been split. As explained in more detail below, the chain of title reflects that all 12 acres should be recommended under 63-2733B.

The attached document package includes two maps. The first shows the ownership of the relevant parcel—Lot 2, T2N, R2W, B.M.— as of May 15, 1991, the date Millard & Ford and Finch agreed to split ownership of right 63-2733B and the associated well, as evidenced by document no. 10 in the package. The second map shows the ownership as of December 8, 1993, the date Millard and Ford executed the Assignment that conveyed the right back to Finch. The remaining documents include a summary chart and the deeds that show the chain of title for Lot 2. The deeds show that Millard and Ford owned the west portion of Lot 2 as of December 8, 1993, when they executed the Assignment.

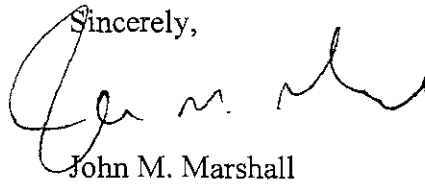
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JUL 29 2008

DEPARTMENT OF
WATER RESOURCES

Andrea Courtney
July 17, 2008
Page 2

Based on the chain of title summarized above and detailed in the attachment, I request on behalf of my client that IDWR amend its recommendations for right 63-2733B to recognize 12 rather than 8 acres. I continue to believe there may be 4 acres available for right 63-31123 through an accomplished transfer, but the acres would need to come from right 63-2733C. If you have any questions, please feel free to call.

Sincerely,

John M. Marshall

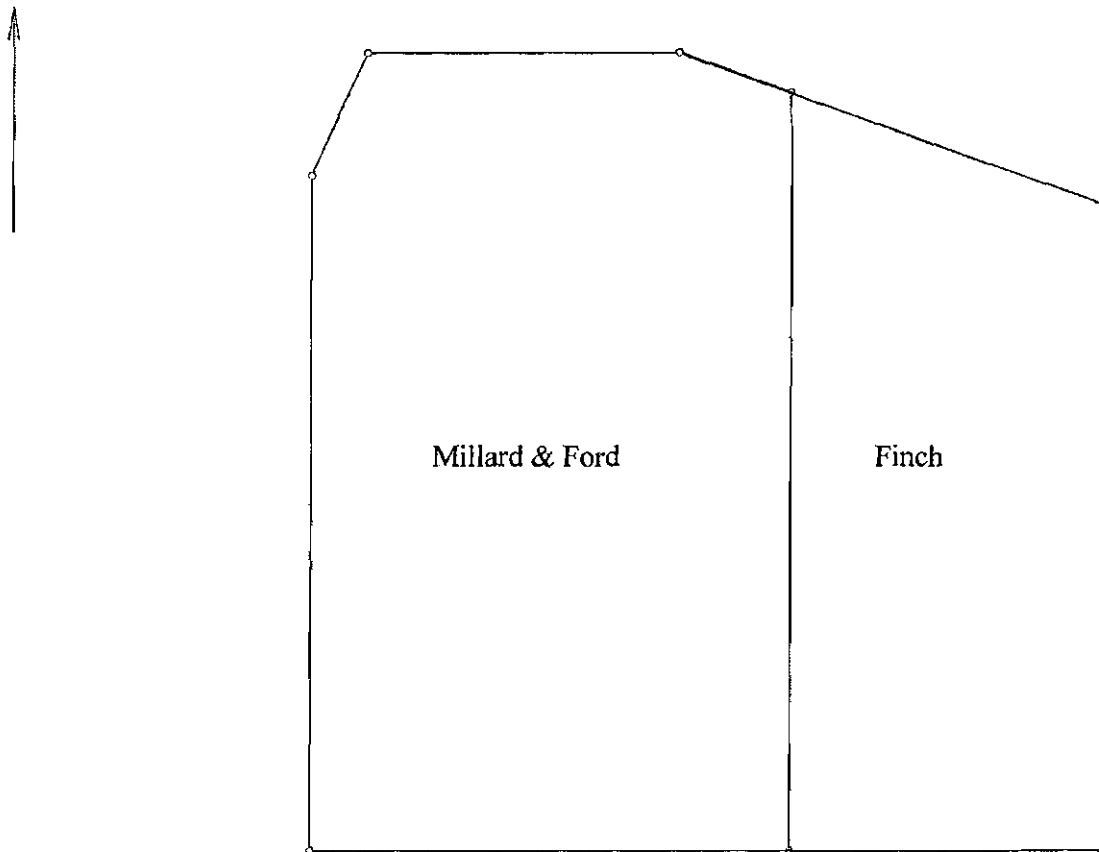
JMM:tlk

Enclosures
cc: Jan Shurte
Client

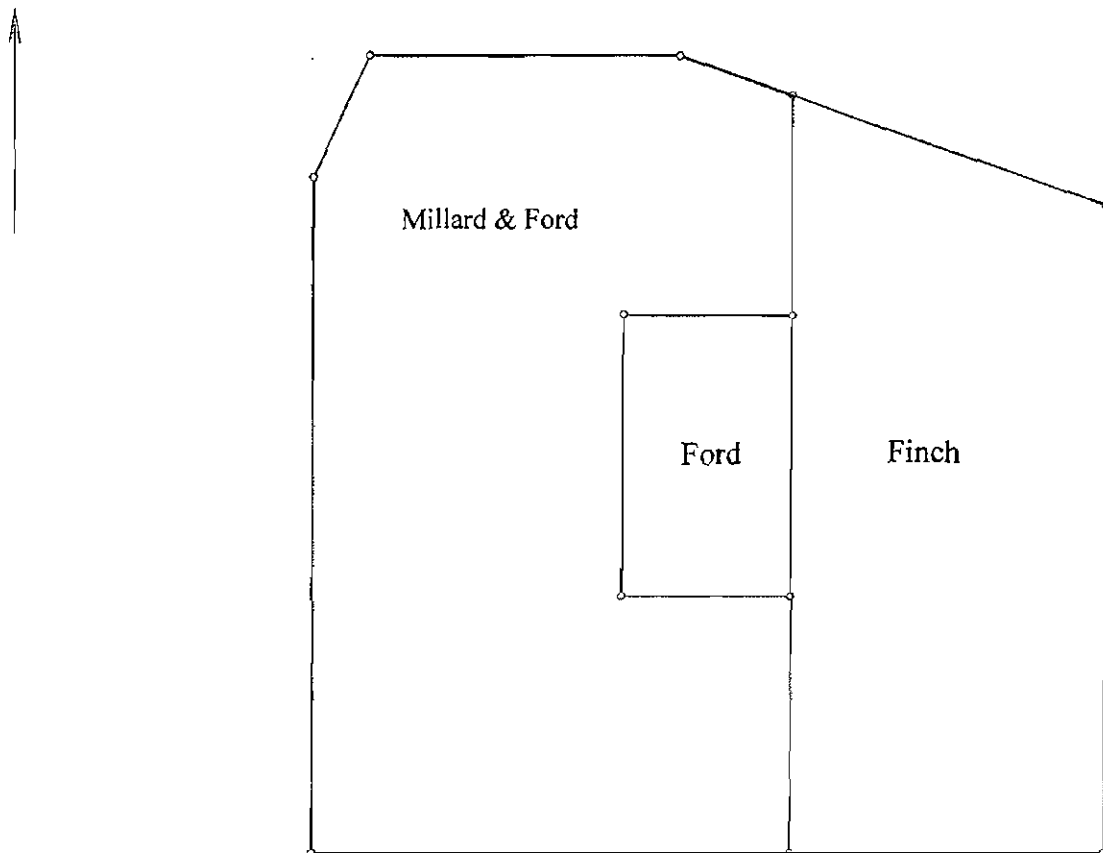
Title chain for Government Lot 2, T.2N., R.2W., Canyon County, Idaho for period June 11, 1984 to December 8, 1993

NO.	GRANTOR	GRANTEE	DOC	RECORDING DATE	RECORD NO.	COMMENTS
1	Wear, James W. & Cheryl L.	Ford, David P. & Linda R. Millard, Joseph H. & Arlene	WD	6/11/1984	8413951	W. 794.2' Lot 2 except ROW
2	Estate of Richard Robert Ford (undivided one-half)	Ford, David Paul	PR DD	07/27/1984	8418176	Lot 2 except W. 794.2'
3	Ford, David Paul	Connolly, William E. & Dorothy M.	WD	12/12/1985	8529233	Lot 2 except W. 794.2'
4	Connolly, William E. & Dorothy M.	Ford, David Paul	QCD	08/25/1986	8621232	Lot 2 except W. 794.2'
5	Ford, David P. & Linda R.	Ferguson, Phillip Q. & Robbin R.	WD	09/02/1987	8718868	Lot 2 except W. 794.2'
6	Ford, David P. & Linda R. Millard, Joseph H. & Arlene	Ferguson, Phillip Q. & Robbin R.	WD	09/02/1987	8718869	W. 794.2' Lot 2 except ROW
7	Ferguson, Phillip Q. & Robbin R	Millard, Joseph H. & Arlene; Ford, David P. & Linda R.	Order	12/08/1988	8824192	W. 794.2' Lot 2 except ROW
8	Ferguson, Phillip Q. & Robbin R.	Ford, David P. & Linda R.; Millard, Joe & Arlene	QCD	12/08/1988	8824193	W. 794.2' Lot 2 except ROW
9	Ferguson, Phillip Q. & Robbin R.	Finch, Martin L. & Margaret H.	WD	05/15/1991	9109239	Lot 2 except W. 794.2'

10	Finch, Martin L. & Margaret H.	Millard, Joseph H. & Arlene; Ford, David P.	Well Agmnt	05/15/1991	9109241	Lot 2 (two parcels) undivided ½ interest for each owner
11	Millard, Joseph H. & Arlene	Ford, David P.	QCD	07/22/1992	9216409	Portion of W. 794.2' Lot 2
12	Ford, Linda R.	Ford, David P.	QCD	07/22/1992	9216410	Portion of W. 794.2' Lot 2
13	Tiegs, Elmer	Ford, David P.	QCD	07/22/1992	9216410	Portion of W. 794.2' Lot 2
14	Millard, Joseph H. & Arlene; Ford, David P.	Finch, Martin L. & Margaret H.	Assign	12/08/1993	9330018	Lot 2 except W. 794.2' returns all well and water rights



Title: Lot 2 ownership on May 15, 1991		Date: 06-17-2008
Scale: 1 inch = 300 feet	File: 7456-1.des	
Tract 1: 23.840 Acres: 1038458 Sq Feet: Closure = s18.3114w 1.08 Feet: Precision =1/3814: Perimeter = 4116 Feet		
Tract 2: 37.763 Acres: 1644949 Sq Feet: Closure = n70.0127e 0.20 Feet: Precision =1/25203: Perimeter = 5000 Feet		
001=/SW,SW,NW,17,2N,2W	006=S24.36W 223.08	011=N89.56E 514.8
002=S89.59E 794.2	007=S0.10W 1123.32	012=S70.30E 748.34
003=N0.11E 1261.8	008=@0	013=S0.10W 1077.4
004=N70.30W 198.34	009=N0.10E 1123.32	014=N89.59W 1313.4
005=S89.56W 514.8	010=N24.36E 223.08	



Title: Lot 2 ownership on December 3, 1993

Date: 06-17-2008

Scale: 1 inch = 300 feet

File: 7456-1A.des

Tract 1: 23.840 Acres: 1038458 Sq Feet: Closure = s18.3114w 1.08 Feet: Precision = 1/3814: Perimeter = 4116 Feet
 Tract 2: 3.000 Acres: 130678 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999: Perimeter = 1493 Feet
 Tract 3: 37.757 Acres: 1644704 Sq Feet: Closure = n72.2142w 0.22 Feet: Precision = 1/22314: Perimeter = 5000 Feet

001=/SW,SW,NW,17,2N,2W

009=/S89.5900E 794.2

017=N24.36E 223.08

002=S89.59E 794.2

010=/N0.1100E 428.07

018=N89.56E 514.8

003=N0.11E 1261.8

011=N89.5900W 280.00

019=S70.30E 748.34

004=N70.30W 198.34

012=N0.1549E 466.71

020=S0.10W 1077.4

005=S89.56W 514.8

013=S89.5900E 280.00

021=N89.59W 1313

006=S24.36W 223.08

014=S0.1549W 466.71

007=S0.10W 1123.32

015=@0

008=@0

016=N0.10E 1123.32

84/3951

WARRANTY DEED

FOR VALUE RECEIVED JAMES W. WEAR and CHERYL L. WEAR, husband and wife,

GRANTORS, do hereby GRANT, BARGAIN, SELL and CONVEY unto DAVID P. FORD and LINDA R. FORD, husband and wife; and JOSEPH H. MILLARD and ARLENE MILLARD, husband and wife,

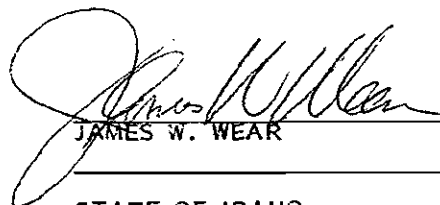
GRANTEES, whose current address is: Route 4, Box 442, Nampa, Idaho, 83651

the following described real property in Canyon County, State of Idaho, more particularly described as follows, to-wit:

That certain real property described in Exhibit "A," attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: ~~May~~ ^{June} 8, 1984.


JAMES W. WEAR


CHERYL L. WEAR

STATE OF IDAHO

SS.

COUNTY OF CANYON

On this ~~8th~~ ^{June} day of ~~May~~, 1984, before me, a notary public, in and for said State, personally appeared JAMES W. WEAR and CHERYL L. WEAR, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Comm. Expires:

Notary Public for Idaho,
Residing at: Nampa, Idaho.

WARRANTY DEED - 1
P05/11-1/MAY1

1

EXHIBIT "A"

A tract of land in the Westerly part of Government Lot 2 in Section 17, Twp. 2 N., R. 2 W.B.M., Canyon County, Idaho and more particularly described as follows:

Beginning at the $\frac{1}{4}$ corner of said Section 17, Twp. 2 N., R. 2 W. B.M., the TRUE POINT OF BEGINNING;

thence S. $89^{\circ}59'$ E. along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

thence N. $0^{\circ}11'$ E. and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeastly lot line of Government Lot 2;

thence N. $70^{\circ}30'$ W. along Northeastly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

thence S. $89^{\circ}56'$ W. along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

thence S. $24^{\circ}36'$ W. along Northwestly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

thence S. $0^{\circ}10'$ W. along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

EXCEPT the following parcel in the SW corner being all of that part Southwesterly of a line 25 feet distant Northeastly from and parallel with the following described centerline of Lake Shore Drive Highway:

Beginning at Highway Station 535+91.3 which station is a point on a 19° curve to the left and being N. $0^{\circ}10'$ W. a distance of 303.6 feet from $\frac{1}{4}$ corner of Section 17;

thence Southeasterly 475.7 feet along a 19° curve to the left having a central angle of $90^{\circ}23'$ left to Highway Station 540+67.0 said point being 303.6 feet East of the $\frac{1}{4}$ corner of Section 17, Twp. 2 N., R. 2 W.B.M.

REQUEST
SAFEED TITLE INS CO
TYPE *Book* 4

BY *Chait*
CANYON COUNTY

JUN 11 3 45 PM '84

FILED

8413051

Inst 8418176

DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by ROGER L. WILLIAMS, as personal representative of the estate of RICHARD ROBERT FORD, deceased, Grantor, to DAVID PAUL FORD, individually, as his sole and separate property, whose address is 4428 Lake Shore Drive, Nampa, Idaho 83651.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Number 1F-2850, in Canyon County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter-described real property;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee the following-described real property in Canyon County, Idaho:

An undivided one-half (1/2) interest in the following-described real property, to-wit:

Lot 2 in Section 17, Twp. 2 N., R. 2 W.B.M., Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Twp. 2 N., R. 2 W.B.M., Canyon County, Idaho, and more particularly described as follows:

Beginning at the W $\frac{1}{2}$ corner of said Section 17, Twp. 2 N., R. 2 W.B.M., the TRUE POINT OF BEGINNING.

Thence S. 89°59' E. along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence N. 0°11' E. and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence N. 70°30' W. along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

Thence S. 89°56' W. along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

Thence S. 24°36' W. along Northwesternly lot line of Government Lot 2 a Distance of 223.08 feet to centerline of Lake Shore Drive also west Section line of said Section 17;

Thence S. 0°10' W. along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

with all appurtenances.

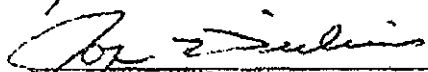
SUBJECT TO:

2

All easements and rights-of-way of record;

All taxes and assessments for the year 1983 and all succeeding years.

DATED this 16th day of September, 1983.



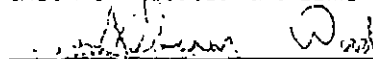
Roger L. Williams
Personal Representative of the
estate of Richard Robert Ford,
deceased.

STATE OF IDAHO

: ss.

County of Canyon

On this 16 day of September, 1983, before me, the undersigned, a notary public, personally appeared ROGER L. WILLIAMS, known to me to be the person whose name is subscribed to the within instrument a personal representative of the estate of Richard Robert Ford, and acknowledged to me that he executed the same as such personal representative.



Notary Public for Idaho.
Residing at Nampa, Idaho.



8418178

FILED

JUL 27 10 03 AM '84

BY Adams
CANYON COUNTY, IDAHO

Adams
deed
you're good

1004

Adams

8529233

WARRANTY DEED

For Value Received

DAVID PAUL FORD, conveying his sole and separate property,

the grantor, do es hereby grant, bargain, sell and convey unto

WILLIAM E. CONNOLLY AND DOROTHY M. CONNOLLY, husband and wife,
as joint tenants with right of survivorship

the following described premises, to-wit: Lot 2 in Section 17, T. 2 N., R. 2 W., B.M., Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir. ALSO EXCEPTING THEREFROM: A tract of land in the Westerly part of Government Lot 2 in Section 17, T. 2 N., R. 2 W., B.M., Canyon County, Idaho and more particularly described as follows: Beginning at the W¹/₄ corner of said Sec. 17, T. 2 N., R. 2 W. B.M., the TRUE POINT OF BEGINNING. Thence, S. 89°59' E. along centerline of Lake Shore Drive, also being the South Boundary line of Government Lot 2, a distance of 794.2 feet to a point; Thence N. 0°11' E. and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeastly lot line of Government Lot 2; Thence N. 70°30' W. along Northeastly lot line 198.34 feet to a point on the North boundary line of Government Lot 2; Thence S. 89°56' W. along North boundary line of Government Lot 2 a distance of 514.8 feet to a point; Thence S. 24°36' W. along Northwestly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Sec. 17; Thence S. 0°10' W. along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

Subject to the rights of way for irrigation and drainage ditches and canals and roads.

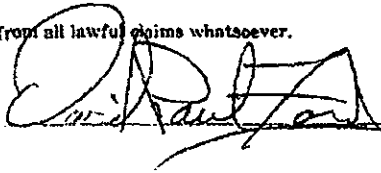
Subject to the power line easement as granted to IDAHO POWER COMPANY, a Corporation, by instrument recorded June 24, 1948.

Subject to the effect of Agreement dated April 30, 1948, recorded July 3, 1948, as Instrument No. 339765, records of Canyon County, Idaho.

Subject to that certain mortgage recorded August 30, 1976 as Instrument No. 781625 which grantees hereby assume and agree to pay.

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 Grantee, that he is the owner in fee simple of said premises; that said premises are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.
Dated: November 20, 1985

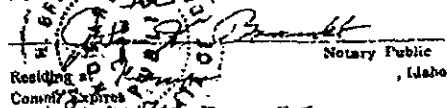


STATE OF IDAHO, COUNTY OF CANYON

On this 11 day of Dec., 1985,
before me, a Notary Public in and for said State, personally
appeared



known to me to be the person who name
subscribed to the within instrument, and acknowledged to
me that he executed the same.


Notary Public
Residing at
County of

RECORD TITLE INS. CO.
1985

BY
CANYON COUNTY RECORDER

85 DEC 12 AM 11 09

RECORDED

8529233

QUITCLAIM DEED

For Value Received

WILLIAM E. CONNOLLY and DOROTHY M. CONNOLLY, husband and wife,
as joint tenants with right of survivorship

do hereby convey, release, remise and forever quitclaim unto

DAVID PAUL FORD, conveying his sole and separate property,

whose current address is

the following described premises, to-wit:

Lot 2 in Section 17, T.2N., R.2W., S.8.M., Canyon County,
Idaho, EXCEPTING any portion included within the
boundaries of Deer Flat Reservoir. ALSO EXCEPTING
THEREFROM: A tract of land in the Westerly part of
Government Lot 2 in Section 17, T.2N., R.2W., S.8.M.,
Canyon County, Idaho and more particularly described
as follows: Beginning at the NE corner of said Sec.
17, T.2N., R.2W., S.8.M., the TRUE POINT OF BEGINNING.
Thence, S. 89°59' E. along centerline of Lake Shore
Drive, also being the South Boundary line of Govern-
ment Lot 2, a distance of 794.2 feet to a point;
Thence N. 0°11' E. and being 3 feet East of the East
edge of a concrete ditch a distance of 1261.8 feet
to a point on the Northeastly lot line of Govern-
ment Lot 2; Thence N. 70°30' W. along Northeastly
lot line 198.34 feet to a point on the North boundary
line of Government Lot 2; Thence S. 89°56' W. along
North boundary line of Government Lot 2 a distance of
514.8 feet to a point; Thence S. 24°36' W. along
Northwesterly lot line of Government Lot 2 a distance
of 223.08 feet to centerline of Lake Shore Drive also
West Section line of said Sec. 17; Thence S. 0°10' W.
along the centerline of Lake Shore Drive a distance
of 1125.32 feet to Point of Beginning.

together with their appurtenances.

Dated: August 21, 1986.

William E. Connolly
Dorothy M. Connolly

RECORDED
86 AUG 25 PM 3 50
BY CLERK
CANYON COUNTY RECORDER
PIONEER TITLE CO
TYPE *Book 172 p 23*

8621232

State of Idaho, Canyon County ss:
On this 21th day of August, 1986,
before me, the undersigned, a notary public in and for said County
and State, personally appeared Dorothy M. Connolly.

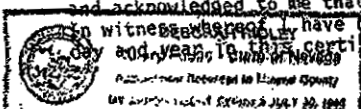
known or proved to me to be the person(s) who executed the foregoing instrument,
and acknowledged to me that she executed the same.
In witness whereof I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

John M. Nelson
Notary public residing at Caldwell.

State of Nevada, Mineral County ss:
On this 21st day of August, 1986,
before me, Deborah Kidey, a notary public in and for said County
and State, personally appeared William E. Connolly.

known or proved to me to be the person(s) who executed the foregoing instrument,
and acknowledged to me that he executed the same.
In witness whereof I have hereunto set my hand and affixed my official seal the
day and year in this certificate first above written.

Deborah Kidey
Notary Public residing at Hawthorne, NV



871886

WARRANTY DEED

FOR VALUE RECEIVED DAVID P. FORD and LINDA R. FORD, husband and wife,

the Grantors do hereby grant, bargain, sell and convey unto PHILLIP Q. FERGUSON and ROBBIN R. FERGUSON, husband and wife,

the Grantees, whose address is

the following described premises, to-wit:

See Exhibit "A" attached hereto

Subject to Mortgage in favor of Home Federal Savings and Loan, which Grantees assume and agree to pay in full as the same comes due, and subject to 1987 taxes and assessments.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

DAVID P. FORD

LINDA R. FORD

STATE OF IDAHO, COUNTY OF ADA

On this 23rd day of August, 1987, before me, a notary public in and for said State, personally appeared DAVID P. FORD and LINDA R. husband and wife,

known to me to be the persons who surnames are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at
Comm. Expires 11/1/91

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at minutes past o'clock m.,
this day of
19, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:



PIONEER TITLE COMPANY
OF ADA COUNTY
1110 W. Jefferson St.
Boise, Idaho 83702 - 208-336-6700
Representing Pioneer National Title Insurance

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the W 1/4 corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING;

Thence South 89° 59' East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North 0° 11' East and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence North 70° 30' West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

Thence South 89° 56' West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

Thence South 24° 36' West along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South 0° 10' West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

RECORDED

8718868

SEP 2 PM 4 10

BY *[Signature]*
CANYON COUNTY RECORDER

REQUEST
NANPA LAND TITLE CO.
10766 Lakeland Dr.
Nampa, ID 83511
Deed re Lakeland
Rack

8718868

WARRANTY DEED

FOR VALUE RECEIVED DAVID P. FORD and LINDA R. FORD, husband and wife,

the Grantors, do hereby grant, bargain, sell and convey unto PHILLIP Q. FERGUSON and ROBBIN R. FERGUSON, husband and wife,

the Grantees, whose address is

the following described premises, to-wit:

See Exhibit "A" attached hereto

Subject to Mortgage in favor of Home Federal Savings and Loan, which Grantees assume and agree to pay in full as the same comes due, and subject to 1987 taxes and assessments.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

DAVID P. FORD

LINDA R. FORD

STATE OF IDAHO, COUNTY OF ADA

On this 23rd day of August, 1987, before me, a notary public in and for said State, personally appeared DAVID P. FORD and LINDA R. husband and wife,

known to me, persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at: Boise, Idaho
Comm. Exp. 5/17/91

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$
Mail to:



PIONEER TITLE COMPANY
OF ADA COUNTY
1110 W. Jefferson St.
Boise, Idaho 83702 - 208 338-8700
Representing Pioneer National Title Insurance

6

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the W 1/4 corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING;

Thence South 89° 59' East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North 0° 11' East and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence North 70° 30' West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

Thence South 89° 56' West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

Thence South 24° 36' West along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South 0° 10' West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

RECORDED

8718868

SEP 2 PM 4 10

BILL A. STAKER
CANYON CHAIN RECORDER
BY *[Signature]*

REQUESTED
TYPED
NANPA LAND TITLE CO.
FILED
P. C. K.

Printed:
10-7-66
Nampa, ID
89151

INSTRUMENT NO. 8824192

DWIGHT F. BICKEL
8411 Fairview Avenue
Boise, Idaho 83704
Telephone: (208) 378-4166

Attorney for Plaintiffs

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

DAVID P. FORD and LINDA R.
FORD, husband and wife, and
JOSEPH H. MILLARD and ARLENE
MILLARD, husband and wife,

Plaintiffs,

vs.

PHILLIP Q. FERGUSON and
ROBBIN R. FERGUSON, husband
and wife, and HOME FEDERAL
SAVINGS AND LOAN ASSOCIATION
OF NAMPA, a corporation,

Defendants.

Case No. L - 38724

STIPULATION
AND ORDER

COME NOW, the plaintiffs and the defendants in the above
entitled action, by their respective attorneys, and stipulate as
follows:

1. Concurrently with execution of this Stipulation,
Defendants PHILLIP Q. FERGUSON and ROBBIN R. FERGUSON, husband
and wife (hereafter referred to as "Defendants Ferguson"), have
executed and delivered to Plaintiffs a Quitclaim Deed, conveying
to Plaintiffs all of Defendants' right, title, and interest in the
real estate more particularly described upon Exhibit "A" attached
hereto and by this reference incorporated herein. Defendants

STIPULATION AND ORDER - Page 1

7

Ferguson waive, disclaim and release any further interest in the said real estate described upon Exhibit "A" hereto, including all rights of redemption.

2. Defendant HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF NAMPA, a corporation, hereby disclaims and releases all of its right, title and interest in the real estate described upon Exhibit "A" hereto, under or by reason of that certain Mortgage executed by Phillip Q. Ferguson and Robbin R. Ferguson, husband and wife, Mortgagors, to Home Federal Savings and Loan Association of Nampa, Mortgagee, recorded September 2, 1987, as Instrument No. 8718870, records of Canyon County, Idaho. It is expressly stipulated and agreed, however, that nothing herein contained shall be construed to release Defendants Ferguson from liability for payment of the indebtedness secured by said Mortgage, nor shall be construed to release the lien in favor of Home Federal Savings and Loan Association of Nampa on the remainder of the ground secured by said Mortgage.

3. Plaintiff's Complaint herein shall be dismissed with prejudice. Each party shall bear its own costs and attorney fees, except that Defendants Ferguson have, concurrently with execution of this stipulation, reimbursed plaintiffs for \$500.00 of Plaintiffs' costs and attorney fees incurred in this litigation.

4. All parties request that the Court enter an Order approving the agreements set forth herein.

DATED this 14 day of ~~September~~^{November}, 1988.

Dwight F. Bickel
DWIGHT F. BICKEL
Attorney for Plaintiffs

TWAY & ROSENHEIM

By William J. Tway
William J. Tway, of the firm
Attorneys for Defendants
Phillip Q. Ferguson and
Robbin R. Ferguson, husband
and wife

SCHILLER & SCHILLER, CHARTERED

By James E. Schiller
James E. Schiller
Attorneys for Defendant,
Home Federal Savings and
Loan Association of Nampa

ORDER

It is so ordered.

DATED this 2 day of ~~December~~^{November}, 1988.

J. M. [Signature]
DISTRICT JUDGE

State of Idaho }
County of Canyon }
I hereby certify that the foregoing instrument
is a true and correct copy of the original and
same appears in this office.
DATED 12.6.88
NED J. KERR, Clerk of the District Court
and Ex-Officio Recorder
By [Signature] Deputy

EXHIBIT " A "

A tract of land in the Westerly part of Government Lot 2 in Section 17, Twp. 2 N., R. 2 W.B.M., Canyon County, Idaho and more particularly described as follows:

Beginning at the W $\frac{1}{2}$ corner of said Section 17, Twp. 2 N., R. 2 W. B.M., the TRUE POINT OF BEGINNING;

thence S. 89°59' E. along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

thence N. 0°11' E. and being 3 feet East of the East edge of a concrete ditch a distance of 1261.6 feet to a point on the Northeasterly lot line of Government Lot 2;

thence N. 70°30' W. along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

thence S. 89°56' W. along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

thence S. 24°36' W. along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

thence S. 0°10' W. along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

EXCEPT the following parcel in the SW corner being all of that part Southwesterly of a line 25 feet distant Northeasterly from and parallel with the following described centerline of Lake Shore Drive Highway:

Beginning at Highway Station 335+91.3 which station is a point on a 19° curve to the left and being N. 0°10' W. a distance of 303.6 feet from W $\frac{1}{2}$ corner of Section 17;

thence Southeasterly 475.7 feet along a 19° curve to the left having a central angle of 90°23' left to Highway Station 540+67.0 said point being 303.6 feet East of the W $\frac{1}{2}$ corner of Section 17, Twp. 2 N., R. 2 W.B.M.

REQUEST *Dwight F. Bickel*
BY *Marion M. 123*

RECORDED
CANYON COUNTY RECORDER
BY *Christine*

88 DEC 8 AM 11 49

RECORDED

8824192

INSTRUMENT NO. 8824193

QUITCLAIM DEED

For Value Received PHILLIP Q. FERGUSON and ROBBIN FERGUSON,
husband and wife,

do hereby convey, release, remise and forever quit claim unto DAVID P. FORD and LINDA
R. FORD, husband and wife; JOE and ARLENE MILLARD, husband and wife.

the following described premises, to-wit:

See attached Exhibit "A"

together with their appurtenances

Done,

Phillip Q. Ferguson
Robbin Ferguson

STATE OF IDAHO, COUNTY OF
On this 30 day of Sept, 1958,
before me, a notary public in and for said State, personally
appeared,

Phillip Ferguson
and Robbin Ferguson

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same

David P. Ford
Linda R. Ford
Joe and Arlene Millard

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock p.m.,
this _____ day of _____
19 _____, in my office and duly recorded in Book
of Deeds at page _____

Notary Public

By

Term 3
May 12

Deputy

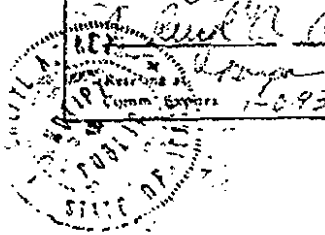


EXHIBIT "A"

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at the West quarter corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING; thence South $89^{\circ} 59'$ East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point; thence North $0^{\circ} 11'$ East and being 3 feet East of the East edge of the concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2; thence North $70^{\circ} 30'$ West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2; thence South $89^{\circ} 56'$ West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point; thence South $24^{\circ} 36'$ West along Northwestern lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17; thence South $0^{\circ} 10'$ West along the centerline of Lake Shore Drive a distance of 1123.32 feet to POINT OF BEGINNING.

EXCEPTING THEREFROM the following parcel in the Southwest corner, being all of that part Southwesterly of a line 25 feet distant Northeasterly from and parallel with the following described centerline of Lake Shore Drive Highway:

Beginning at Highway Station 535+91.3 which station is a point on a 19° curve to the left and being North $0^{\circ} 10'$ West a distance of 303.6 feet from the West Quarter corner of Section 17; thence Southwesterly 475.7 feet along a 19° curve to the left having a central angle of $90^{\circ} 23'$ left to Highway Station 540+67.0, said point being 303.6 feet East of the West Quarter of Section 17.

REGISTERED
Dwight H. Hinkle
Treasurer

RECORDED
BY
C. B. Hinkle

88 OCT 6 AM 11 49

RECORDED

8024193

WARRANTY DEED

FOR VALUE RECEIVED PHILLIP Q. FERGUSON AND ROBBIN R. FERGUSON, HUSBAND & WIFE

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto MARTIN L. FINCH AND MARGARET H. FINCH, BOTH UNMARRIED INDIVIDUALS,

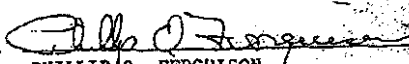
GRANTEE(S), whose current address is:
the following described real property in CANYON County, State of Idaho,
more particularly described as follows, to wit:

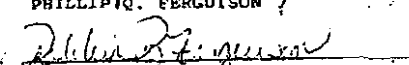
As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

SUBJECT TO that certain Mortgage dated August 19, 1976, and recorded August 20, 1976, as Instrument No. 781625 records of CANYON County, Idaho, in favor of HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF NAMPA in the amount of \$70,000.00, which Mortgage the Grantee(s) herein assume and agree to pay according to the terms thereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs and assigns (forever. And the said Grantor(s) does(do) hereby covenant to, and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances; EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

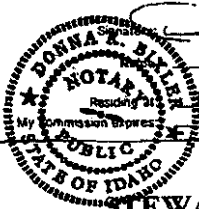
Dated: May 14, 1991

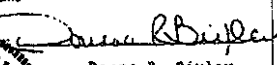

PHILLIP Q. FERGUSON


ROBBIN R. FERGUSON

STATE OF IDAHO County of CANYON ss

On this 14 day of May
in the year of 1991 before me, the undersigned, a Notary
Public in and for said State, personally appeared Phillip Q.
Ferguson & Robbin R. Ferguson
known or identified to me to be the person(s) whose name(s)
subscribed to the within instrument, and acknowledged to me that
they executed the same




Donna R. Bixler
Type or Print:

Nampa, Idaho
3/4/97

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



Order No.: ST-9100-065-MH/DB

EXHIBIT "A"

LOT 2 IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 2 WEST,
BOISE MERIDIAN, CANYON COUNTY, IDAHO,

EXCEPTING ANY PORTION INCLUDED WITHIN THE BOUNDARIES OF
DEER FLAT RESERVOIR.

ALSO EXCEPTING THEREFROM:

A TRACT OF LAND IN THE WESTERLY PART OF GOVERNMENT LOT 2
IN SECTION 17, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE
MERIDIAN, CANYON COUNTY, IDAHO, AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 17,
TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN, THE TRUE POINT
OF BEGINNING; THENCE

SOUTH 89 DEGREES 59' EAST ALONG CENTERLINE OF LAKE SHORE
DRIVE, ALSO BEING THE SOUTH BOUNDARY LINE OF GOVERNMENT
LOT 2, A DISTANCE OF 794.2 FEET TO A POINT; THENCE
NORTH 0 DEGREES 11' EAST AND BEING 3 FEET EAST OF THE EAST EDGE OF A
CONCRETE DITCH A DISTANCE OF 1261.8 FEET TO A POINT ON
THE NORTHEASTERLY LOT LINE OF GOVERNMENT LOT 2; THENCE
NORTH 70 DEGREES 30' WEST ALONG NORTHEASTERLY LOT LINE 198.34
FEET TO A POINT ON THE NORTH BOUNDARY LINE OF
GOVERNMENT LOT 2; THENCE
SOUTH 89 DEGREES 56' WEST ALONG NORTH BOUNDARY LINE OF
GOVERNMENT LOT 2 A DISTANCE OF 514.8 FEET TO A
POINT; THENCE
SOUTH 24 DEGREES 36' WEST ALONG NORTHWESTERLY LOT LINE
OF GOVERNMENT LOT 2 A DISTANCE OF 223.08 FEET TO
CENTERLINE OF LAKE SHORE DRIVE ALSO WEST SECTION LINE
OF SAID SECTION 17; THENCE
SOUTH 0 DEGREES 10' WEST ALONG THE CENTERLINE OF LAKE SHORE
DRIVE A DISTANCE OF 1123.32 FEET TO POINT OF BEGINNING.

REGISTERED
TYPE *Book 18 6*
STEWART - Nampa

BY *C. H. H. H.*
CANYON COUNTY RECORDER

31 MAY 15 PM 3 44

RECORDED

9109239

MAH-2
MAH-2

RECORDED
STEWART - NAMPA
MAY 15 1961

CANYON COUNTY RECORDER
RED J. KERR
by *C. H. Kerr*

91 MAY 15 PM 3 44

RECORDED

9109241

Martin L. Finch and Margaret H. Finch,
Husband and Wife, Parties of the First Part

And

Joseph H. Millard and Arlene Millard
Husband and Wife

And

David P. Ford, A Single Man, Parties of the Second Part

WITNESSETH: THAT WHEREAS, the parties of the first
part are the owners of the following described real property
situated in Canyon County, State of Idaho, to-wit:

Attached as Exhibit A

AND WHEREAS, the parties hereto have a well upon the
above said lands to obtain water for irrigation and other
purposes, and have furnished for the said well a pump, motor
and pumping equipment.

NOW THEREFORE, it is mutually understood and agreed
that each of said parties hereto shall own an equal
undivided 1/2 interest in and to said well, motor and
pumping equipment and pump, and each of said parties shall
be entitled to the use of 1/2 of the water from the said
well for irrigation or other purposes, upon their and each
of their respective lands, to-wit, the above described lands
of the first part and the following described lands of
the second part:

ATTACHED AS EXHIBIT B

Provided, however, that each of the parties hereto
shall be and hereby agree to become obligated to pay the
equal 1/2 of all costs and expenses of the maintenance,
repairs, and operation of the said well, pump, motor and
pumping equipment, and each of said parties hereby agree to
pay such 1/2 thereof as the same becomes due and payable.

It is further understood and agreed that the said
parties of the second part shall have the right to maintain,
at their own expense, a ditch or other means for the
conveying of their 1/2 of said water from said well, from
the point where said well is located over and across the lands of
the first part and to the said lands of the second
parties.

It is further understood and agreed that the right to the use of 1/2 of the water from the said well shall be a right appurtenant to and running with the land of said parties of the second part above described, and that the said parties of the second part shall have and are hereby granted an easement upon the said lands of the first parties, or that portion thereof that is necessary or requisite for the convenient use of said well, pump, motor, and pumping equipment and the said ditch or other structure used by the parties of the second part for conveying their 1/2 of said water from the said well on to their said lands, and that each of the said parties hereto shall at all times have the right of ingress and egress from and to said well, and the right of inspection thereof and of the equipment aforesaid. It is also agreed that each party shall be entitled to the use of the water on a seven day rotation. This schedule may be altered by mutual consent. Each party shall be responsible for filing for adjudication of their interest in said well.

It is further mutually understood and agreed that, if either of the said parties shall fail at any time to pay their 1/2 of the expense of maintenance, repairs, and/or operation of said well and well equipment, promptly when, if and as the same becomes due and payable, such failure shall, at the option of the other party, give such other party the right to declare forfeiture of any and all right of the party so failing to perform his agreement to any further use of the 1/2 of said water from said well, or any part thereof, and/or the use of said pump, motor, and/or pumping equipment, and a written notice of such forfeiture shall be sufficient to terminate the right to further use of the same until such time as all amounts due and owing in the future shall have been fully paid.

It is mutually understood and agreed and the parties hereby expressly agree that the said well, pump, motor, and well equipment shall at all times be kept and maintained in good working condition so as to deliver and furnish the parties with the best possible supply of water for the purposes intended aforesaid.

It is further understood and agreed that the provisions of this agreement shall be and remain in full force and effect unless and until this agreement be nullified, or altered or modified in an agreement in writing executed by the parties in the same manner as this agreement is executed.

It is mutually agreed that this agreement shall be binding upon the heirs, executors, administrators and assigns of the respective parties hereto.

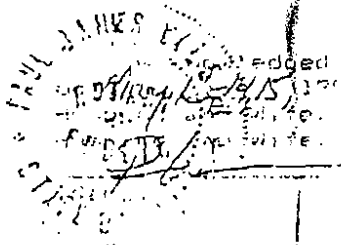
Martin L. Finch
Martin L. Finch

Margaret H. Finch
Margaret H. Finch
Parties of the First Part

Joseph H. Hillard
Joseph H. Hillard

Arlene Hillard
Arlene Hillard

David P. Ford
David P. Ford
Parties of the Second Part



Subscribed and sworn to before me on the 15th day of October, 1904, at the County of Idaho, State of Idaho, by the parties of the first part, to-wit: Martin L. Finch and Margaret H. Finch, Joseph H. Hillard and Arlene Hillard, and David P. Ford, a Single Man, before me, Paul James Elmer, Notary Public, for the State of Idaho.

Remitting to Notary Public
Appointed and expires Perpetual

Finch

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the W 1/4 corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING;

Thence South 89° 59' East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North 0° 11' East and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence North 70° 30' West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2;

Thence South 89° 56' West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

Thence South 24° 36' West along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South 0° 10' West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

Ford / Millard

EXHIBIT "B"

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at the West quarter corner of said Section 17, Township 2 North, Range 2 West, Boise Meridian, the TRUE POINT OF BEGINNING, thence South $89^{\circ} 59'$ East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point; thence North $0^{\circ} 11'$ East and being 3 feet East of the East edge of the concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2; thence North $70^{\circ} 30'$ West along Northeasterly lot line 198.34 feet to a point on the North boundary line of Government Lot 2; thence South $89^{\circ} 56'$ West along North boundary line of Government Lot a distance of 514.8 feet to a point; thence South $24^{\circ} 36'$ West along Northwestern Lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17; thence South $0^{\circ} 10'$ West along the centerline of Lake Shore Drive a distance of 1123.32 feet to POINT OF BEGINNING.

EXCEPTING THEREFROM the following parcel in the Southwest corner, being all of that part Southwesterly of a line 25 feet distant Northeasterly from and parallel with the following described centerline of Lake Shore Drive Highway:

Beginning at Highway Station 535+91.3 which station is a point on a 19° curve to the left and being North $0^{\circ} 10'$ West a distance of 303.6 feet from the West Quarter corner of Section 17; thence Southeasterly 475.7 feet along a 19° curve to the left having a central angle of $90^{\circ} 23'$ left to Highway Station 540+67.0, said point being 303.6 feet East of the West Quarter of Section 17.

QUITCLAIM DEED

FOR VALUE RECEIVED JOSEPH H. MILLARD and ARLENE MILLARD, husband and wife

do hereby convey, release, renise and forever quit claim

unto DAVID P. FORD, an unmarried person

whose address is

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE:

together with their appurtenances.

Dated: JULY 17, 1992

Joseph H. Millard Arlene Millard
JOSEPH H. MILLARD ARLENE MILLARD

STATE OF IDAHO
COUNTY OF CANYON
On this 17th day of July, 1992, before me a notary public, personally appeared JOSEPH H. MILLARD AND ARLENE MILLARD, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Stephani Santi
Notary Public
State of Idaho
Commission Expires 4-20-93
NOTARY PUBLIC
STATE OF IDAHO

PIONEER TITLE COMPANY
OF CANYON COUNTY

200 WEST 1ST SOUTH
CANYON COUNTY, IDAHO 83401

221 SOUTH KIMBALL
CANYON COUNTY, IDAHO 83401

EXHIBIT "A"

PARCEL 1:

This parcel is a portion of Government Lot 2 of Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said Government Lot 2; thence South 89° 59' 00" East along the Southerly boundary of said government Lot 2 a distance of 793.49 feet (of record 794.2 feet) to a point which lies on the Southerly projection of a line lying 3.00 feet Easterly from and parallel with the East edge of an existing concrete irrigation ditch; thence

North 0° 15' 49" East (of record North 0° 11' East) along said parallel line a distance of 428.67 feet to the TRUE POINT OF BEGINNING; thence

North 99° 59' 00" West parallel with the said Southerly boundary of said Government Lot 2 a distance of 280.00 feet; thence

North 0° 15' 49" East a distance of 466.71 feet; thence

South 89° 59' 00" East parallel with said Southerly boundary a distance of 280.00 feet to the aforementioned 3.00 foot off-set line; thence

South 0° 15' 49" West a distance of 466.71 feet to the TRUE POINT OF BEGINNING.

PARCEL 11:

A non exclusive perpetual easement 28 feet in width for the purpose of ingress and egress over, across and under the following:

COMMENCING at the Southwest corner of said Government Lot 2;

thence South 89° 59' 00" East along the Southerly boundary of said Government Lot 2 a distance of 793.49 feet (of record 794.2 feet) to a point which lies on the Southerly projection of a line lying 3.00 feet Easterly from and parallel with the East edge of an existing concrete irrigation ditch; thence

North 0° 15' 49" East along said parallel line a distance of 428.67 feet; thence

North 89° 59' 00" West parallel with said Southerly boundary a distance of 280.00 feet; thence

North 0° 15' 49" East a distance of 195.71 feet to the TRUE POINT OF BEGINNING; thence

South 33° 49' 28" West a distance of 266.18 feet; thence

South 80° 46' 05" West a distance of 89.75 feet; thence

South 60° 41' 01" West a distance of 234.83 feet; thence

South 27° 54' 20" West a distance of 71.20 feet to a point on

the Easterly boundary of the highway right-of-way described in right of way deed filed in Book 141 of Deeds at Page 201 and filed as Instrument No. 256947, records of Canyon County, Idaho; thence Northeasterly following said Easterly right of way 41.07 feet along the arc of a curve to the right having a central angle of 8° 28' 04", a radius of 277.91 feet and a long chord which bears North 15°

02' 14" West a distance of 41.04 feet; thence

S. North 27° 54' 20" East a distance of 49.52 feet; thence

North 50° 41' 01" East a distance of 248.03 feet; thence

North 80° 46' 05" East a distance of 82.55 feet; thence

§ South 33° 49' 28" East a distance of 296.23 feet; thence

South 0° 15' 49" West a distance of 50.65 feet to the TRUE POINT OF BEGINNING of said easement.

WITNESSED my hand and the seal of said County, this 1st day of May, 1967.

CLERK OF COUNTY

6010109

PN 34523 dated July 17, 1992

QUITCLAIM DEED

FOR VALUE RECEIVED LINDA R. FORD, a divorced person

do hereby convey, release, remise and forever quit claim

unto DAVID P. FORD, an unmarried person

whose address is

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE:

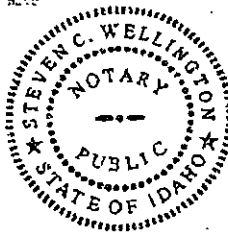
together with their appurtenances

Dated: JULY 17, 1992

Linda R. Ford
LINDA R. FORD

STATE OF IDAHO
COUNTY OF CANYON
On this 21st day of July, 1992, before me a notary
public personally appeared LINDA R. FORD, known or identified
to me to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they have
executed the same.

St. Wellington
Notary Public
Residing at MERIDIAN, Idaho
My commission expires 1997



PIONEER TITLE COMPANY
OF CANYON COUNTY

200 SOUTH 34th STREET
CAMPBELL, IDAHO 83608

275 SOUTH KIMBALL
CAMPBELL, IDAHO 83608

EXHIBIT "A"

PARCEL 1:

This parcel is a portion of Government Lot 2 of Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said Government Lot 2; thence South 89° 59' 00" East along the Southerly boundary of said government Lot 2 a distance of 793.49 feet (of record 794.2 feet) to a point which lies on the Southerly projection of a line lying 3.00 feet Easterly from and parallel with the East edge of an existing concrete irrigation ditch; thence

North 0° 15' 49" East (of record North 0° 11' East) along said parallel line a distance of 470.67 feet to the TRUE POINT OF BEGINNING; thence

North 89° 59' 00" West parallel with the said Southerly boundary of said Government Lot 2 a distance of 280.00 feet; thence North 0° 15' 49" East a distance of 466.71 feet; thence

South 89° 59' 00" East parallel with said Southerly boundary a distance of 280.00 feet to the aforementioned 3.00 foot off-set line; thence

South 0° 15' 49" West a distance of 466.71 feet to the TRUE POINT OF BEGINNING.

PARCEL 11:

A non exclusive perpetual easement 28 feet in width for the purpose of ingress and egress over, across and under the following:

COMMENCING at the Southwest corner of said Government Lot 2;

Thence South 89° 59' 00" East along the Southerly boundary of said Government Lot 2 a distance of 793.49 feet (of record 794.2 feet) to a point which lies on the Southerly projection of a line lying 3.00 feet Easterly from and parallel with the East edge of an existing concrete irrigation ditch; thence

North 0° 15' 49" East along said parallel line a distance of 428.67 feet; thence

North 89° 59' 00" West parallel with said Southerly boundary a distance of 280.00 feet; thence

North 0° 15' 49" East a distance of 195.71 feet to the TRUE POINT OF BEGINNING; thence

South 33° 49' 28" West a distance of 265.18 feet; thence

South 80° 46' 05" West a distance of 89.75 feet; thence

South 60° 41' 01" West a distance of 234.83 feet; thence

South 27° 54' 20" West a distance of 71.29 feet to a point on

the Easterly boundary of the highway right-of-way described in right of way deed filed in Book 141 of Deeds at Page 201 and filed as Instrument No. 256043, records of Canyon County, Idaho; thence

Northwesterly following said Easterly right of way 41.07 feet along the arc of a curve to the right having a central angle of 8° 28' 00", a radius of 277.91 feet and a long chord which bears North 15°

07' 14" West a distance of 41.04 feet; thence

North 27° 54' 20" East a distance of 49.52 feet; thence

North 60° 41' 01" East a distance of 240.03 feet; thence

North 80° 46' 05" East a distance of 82.55 feet; thence

North 33° 49' 28" East a distance of 296.23 feet; thence

South 0° 15' 49" West a distance of 50.65 feet to the TRUE

POINT OF BEGINNING of said easement.

NOTED BY: JAMES A. HARRIS
JUL 22 1992

RECORDED
JUL 22 1992

92 JUL 22 PM 12 09

RECORDED

9215410

QUITCLAIM DEED

FOR VALUE RECEIVED ELMER TIEGS

do hereby convey, release, remise and forever quit claim

unto DAVID P. FORD, an unmarried person

whose address is

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE:

This Quitclaim Deed is being executed to release that certain unrecorded lease with certain
terms, covenants, conditions and provisions as disclosed by a Subordination of Lease
recorded June 12, 1984 as Instrument No. 8414075, records of Canyon County, Idaho.

together with their appurtenances

Dated JULY 17, 1992

Elmer H. Tieg
ELMER TIEGS



Gay Kintler
Gay Kintler

Notary Public
Residing in Nampa, Idaho
My commission expires 10-29-93

PIONEER TITLE COMPANY
OF CANYON COUNTY

23 SOUTH RIMBAULT
COLDWELL, ID 83405

EXHIBIT "A"

PARCEL 1:

This parcel is a portion of Government Lot 2 of Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Southwest corner of said Government Lot 2; thence South 89° 59' 00" East along the Southerly boundary of said government lot 2 a distance of 793.49 feet (of record 794.1 feet) to a point which lies on the Southerly projection of a line lying 3.00 feet Easterly from and parallel with the East edge of an existing concrete irrigation ditch; thence North 0° 15' 49" East (of record North 0° 11' East) along said parallel line a distance of 428.67 feet to the TRUE POINT OF BEGINNING; thence North 89° 59' 00" West parallel with the said Southerly boundary of said Government Lot 2 a distance of 280.00 feet; thence North 0° 15' 49" East a distance of 466.71 feet; thence South 89° 59' 00" East parallel with said Southerly boundary a distance of 280.00 feet to the aforementioned 3.00 foot off-set line; thence South 0° 15' 49" West a distance of 466.71 feet to the TRUE POINT OF BEGINNING.

PARCEL 11:

A non exclusive perpetual easement 28 feet in width for the purpose of ingress and egress over, across and under the following:

COMMENCING at the Southwest corner of said Government Lot 2;

Thence South 89° 59' 00" East along the Southerly boundary of said Government Lot 2 a distance of 793.49 feet (of record 794.2 feet) to a point which lies on the Southerly projection of a line lying 3.00 feet Easterly from and parallel with the East edge of an existing concrete irrigation ditch; thence North 0° 15' 49" East along said parallel line a distance of 428.67 feet; thence North 89° 59' 00" West parallel with said Southerly boundary a distance of 280.00 feet; thence North 0° 15' 49" East a distance of 195.71 feet to the TRUE POINT OF BEGINNING; thence South 33° 49' 28" West a distance of 266.18 feet; thence South 80° 46' 05" West a distance of 89.75 feet; thence South 60° 41' 01" West a distance of 234.83 feet; thence South 27° 54' 20" West a distance of 71.29 feet to a point on the Easterly boundary of the highway right-of-way described in right of way deed filed in Book 141 of Deeds at Page 201 and filed as Instrument No. 256043, records of Canyon County, Idaho; thence Northwesterly following said Easterly right of way 41.07 feet along the arc of a curve to the right having a central angle of 8° 28' 04", a radius of 277.91 feet and a long chord which bears North 15° 07' 14" West a distance of 41.04 feet; thence North 27° 54' 20" East a distance of 49.52 feet; thence North 60° 41' 01" East a distance of 248.03 feet; thence North 80° 46' 05" East a distance of 82.55 feet; thence North 33° 49' 28" East a distance of 296.23 feet; thence South 0° 15' 49" West a distance of 50.65 feet to the TRUE POINT OF BEGINNING of said easement.

3216911

RECORDED

32 JUL 22 PM 12 03

REC. CLERK

CANYON COUNTY RECORDER

S. H. Hendry, Jr.

BOOKER - NARA

RECEIVED

True Deed in 6-28

9330018

ASSIGNMENT OF WELL AND WATER RIGHTS

KNOW ALL PERSONS BY THESE PRESENTS:

IN CONSIDERATION of payment of the sum of \$4,000.00 the receipt of which is hereby acknowledged, DAVID P. FORD, a single man, and JOSEPH H. MILLARD and ARLENE MILLARD, husband and wife, whose address is 10850 Lake Shore Drive, Nampa, Canyon County, Idaho 83686, hereinafter referred to as "Assignors", do hereby sell, transfer, assign and convey to MARTIN L. FINCH and MARGARET H. FINCH, husband and wife, whose address is 10766 Lake Shore Drive, Nampa, Canyon County, Idaho 83686, hereinafter referred to as "assignees", the following property and rights:

AN UNDIVIDED ONE-HALF INTEREST in and to that certain well situated upon the real property more particularly described upon Exhibit "A" attached hereto and by this reference incorporated herein, together with all pumps, pipes, and accessories of every nature whatsoever used in connection with the operation of said well:

TOGETHER WITH all of Assignors' water rights with respect to the water from said well.

Assignors represent and warrant that they have the full and unencumbered right to sell, transfer, assign, and convey the above described property and rights; that they have the good and marketable title thereto; and that the property and rights conveyed hereby are free from all liens, security interests, or other charges or encumbrances thereon of every nature whatsoever. Assignors further covenant that they will execute and deliver to Assignees, upon request, such other and further documents of title and instruments of conveyance as shall be reasonably required to vest in Assignees good and marketable title to said property and rights.

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the West quarter corner of said Section 17, Township 2, North, Range 2 West, Boise, Meridian, the TRUE POINT OF BEGINNING;

Thence South $89^{\circ}59'$ East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North $0^{\circ}11'$ East and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence North $70^{\circ}30'$ West along Northeasterly lot line 198.34 feet to a point of the North boundary line of Government Lot 2;

Thence South $89^{\circ}56'$ West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

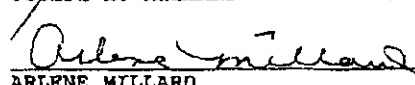
Thence South $24^{\circ}36'$ West along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South $0^{\circ}10'$ West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

IN WITNESS WHEREOF, Assignors have executed this instrument on the 7th day of December, 1993.


DAVID P. FORD

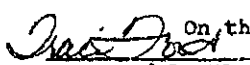

JOSEPH H. MILLARD


ARLENE MILLARD

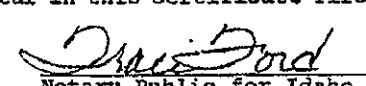
STATE OF IDAHO)

) ss.

COUNTY OF ADA)

 On this 7th day of December, 1993, before me, a Notary Public in and for said State, personally appeared DAVID P. FORD, JOSEPH H. MILLARD AND ARLENE MILLARD, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public for Idaho
Residing at Nampa, Idaho
My Commission Expires: 6/22/98



RECORDED

'93 DEC 8 PM 2 31

CANYON CO. RECORDER

U. Chancy

REQUEST: Mary Finch
TYPE: MISC FEE: 9.00

9330018

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUN 11 2008	
By _____	Clerk Deputy Clerk

**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 No. 39576	) Subcase 63-02733B, 63-02733C,) and 63-31123)) ORDER DESIGNATING WATER RIGHT) 63-02733C AS AN UNCONTESTED) OVERLAPPING CLAIM;)) ORDER OF REFERENCE TO SPECIAL) MASTER THEODORE R. BOOTH
--	---

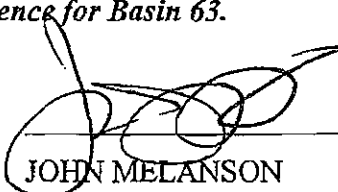
On June 5, 2008, an initial hearing was held before Special Master Theodore R. Booth in Nampa, Idaho in subcases 63-02733B and 63-31123. Participating in the hearing were John M. Marshall, attorney for Southside, Inc. (claimant of water right 63-02733B), and Kim F. Ashworth (claimant of water right 63-31123). Water right claims 63-02733B, 63-02733C, and 63-31123, all stem from a license issued for water right 63-02733. Southside, Inc., has filed an objection to the *Director's Report* for its claim (63-02733B) and to the *Director's Report* for Kim Ashworth's claim (63-31123). Southside Inc., asserts that the portion of water right 63-31123 recommended to Mr. Ashworth should instead belong to Southside, Inc. Because these three water right claims share the same basis, a partial decree for water right 63-02733C (claimed by Mark and Mary Chown) should not be issued until it can be determined that the outcome of the contested subcases will not affect water right claim 63-02733C. Accordingly, Pursuant to Idaho Code § 42-1412(7), IT IS ORDERED that the clerk of the Court shall designate water right claim 63-02733C as an uncontested claim that may be affected by the outcome of a contested matter.

Additionally, IT IS ORDERED that Special Master Theodore R. Booth is appointed to preside over subcase 63-02733C and conduct all proceedings necessary to

ORDER DESIGNATING WATER RIGHT 63-02733C AS AN UNCONTESTED OVERLAPPING CLAIM;
 ORDER OF REFERENCE TO SPECIAL MASTER THEODORE R. BOOTH
 G:\BASIN FOLDERS\Orders\63ORDERS\2733C.uncontested overl.p.doc

issue a recommendation consistent with SRBA Administrative Order 1, and the authority previously conferred in the *Order of Reference for Basin 63*.

Dated June 12, 2008



JOHN MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER DESIGNATING WATER RIGHT 63-2733C AS AN UNCONTESTED OVERLAPPING CLAIM; ORDER OF REFERENCE TO SPECIAL MASTER was mailed on June 11, 2008, with sufficient first-class postage to the following:

SOUTHSIDE INC

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KIM F ASHWORTH
10812 LAKESHORE DR
NAMPA, ID 83686
Phone: 208-468-0168

MARK S CHOWN
MARY M CHOWN
16942 ROSE BRIAR LN
NAMPA, ID 83686
Phone: 208-466-4550

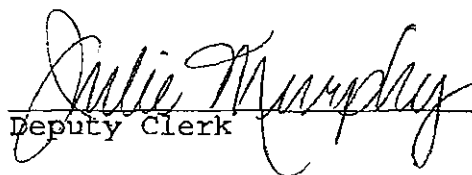
SOUTHSIDE INC
420 SHERRY
NAMPA, ID 83686
Phone: 208-573-5511

ORDER

Page 1 6/11/08

FILE COPY FOR 01970

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".

2008 JUN 12 PM 03:26
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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	)	NOTICE SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NOS: 63-02733B 63-02733C
		63-31123

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, SEPTEMBER 02, 2008 at 02:30 PM (MT)

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

Dated: JUNE 12, 2008

/S/ DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 6/12/08

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the NOTICE SETTING STATUS CONFERENCE was mailed on JUNE 12, 2008, with sufficient first-class postage to the following:

SOUTHSIDE INC

Represented by:
JOHN M MARSHALL
601 W BANNOCK ST
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

KIM F ASHWORTH
10812 LAKESHORE DR
NAMPA, ID 83686
Phone: 208-468-0168

MARK S CHOWN
MARY M CHOWN
16942 ROSE BRIAR LN
NAMPA, ID 83686
Phone: 208-466-4550

SOUTHSIDE INC
420 SHERRY
NAMPA, ID 83686
Phone: 208-573-5511

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:18
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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) ORDER SETTING SUBCASE(S)
Case No. 39576) FOR INITIAL HEARING
_____) SUBCASE NOS: 63-02733B 63-31123

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 05, 2008 at 03:30 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/04/08

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008 _____,
with sufficient first-class postage to the following:

SOUTHSIDE INC

Represented by:

JOHN M MARSHALL

601 W BANNOCK ST

PO BOX 2720

BOISE, ID 83701-2720

Phone: 208-388-1200

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

KIM F ASHWORTH

10812 LAKESHORE DR

NAMPA, ID 83686

Phone: 208-468-0168

SOUTHSIDE INC

420 SHERRY

NAMPA, ID 83686

Phone: 208-573-5511

COPY

RECEIVED

JUN 13 2007

DEPARTMENT OF
WATER RESOURCES

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 No. 39576

A. Subcase 63-2733B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Southside, Inc.

Address: 420 Sherry Road

Nampa, ID 83686

Daytime Phone: 208-388-1200

Name & Address of Attorney, if any:

John M. Marshall

601 W. Bannock

Boise, ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Southside, Inc.

Address: 420 Sherry Road

Nampa, ID 83686

SCANNED
APR 14 2008

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.24 and 54 AFA for irrigation
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 12 acres

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): IDWR improperly split
4 acres off of this right through a change of ownership that created right 63-31123

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

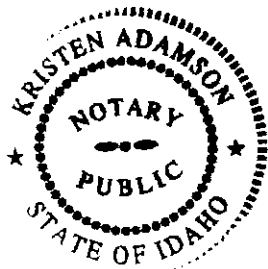
John M. Marshall, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing objection)
[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007

Kristen Adamson
Notary Public for Idaho
Residing at: Middleton, ID
My Commission Expires: 6-15-2013



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 18, 2007, I mailed the original and copies of this response, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

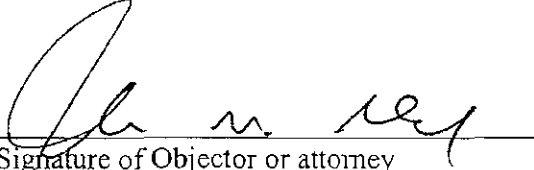
Name: Southside, Inc.
Address: 420 Sherry Road
Nampa, ID 83686

3. 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 & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-2733B

SOUTHSIDE INC
420 SHERRY
Nampa ID 83686
Telephone Number: (208)573-5511

RECEIVED

NOV 15 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity & Place of use.

2. Describe the changes you wish to make in the proposed recommendation:

Quantity - 24 CFS
54 AFY

3. Give a brief explanation as to why you disagree with these portions:

Place of use - Irrigation - 12 Acres

Does not Account for entire Area irrigated.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/8/06 SIGNATURE: Dave Washburn

Please print your name: DAVE WASHBURN

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

Received too late
for Director's
Report

07/25/2006

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

RIGHT NUMBER: 63-2733B

NAME AND ADDRESS: SOUTHSIDE INC
420 SHERRY
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.160 CFS
36.000 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 11/03/1948

POINT OF DIVERSION:

T02N R02W S17 SESWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	03/01 11/15	0.160 CFS 36.00 AFY

Domestic use is for 1 home.

PLACE OF USE: IRRIGATION Within CANYON County

T02N R02W S17 SWNW 8.00

DOMESTIC Within CANYON County

T02N R02W S17 SWNW

8 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

The quantity of water decreed for this water right for domestic use is not
a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED
APR 14 2008



Idaho Department of Water Resources

63-2733B

T02N R02W S17



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter

Total irrigated
acres = 8



600 0 600 1200 Feet



IDWR

Prepared by: Sandy Egbert

Date: July 25, 2006

1987 NAAP Photography

Timeline of events for License 63-2733 and Memo to file
From: Sandy Egbert, Jan Shurte
Date: 7-25-06

8-10-50 License issued in Fred Eggers and Jay Yoder's name

2-5-90 Millard and Ford file a claim (63-2733A) for 7 acres in the SWNW. The claim was withdrawn in March of 1995. The license map covers the 7 acres according to the map with the claim. They are also part of the acres that are claimed by Ashworth (63-31123). The question is, did Ford and Millard own those 7 acres? A map in the file submitted by Ford and Millard shows that they did not own the property Ashworth is now claiming a water right on. The property Ford and Millard owned is not covered by the license map – Ashworth property is.

2-22-90 Ferguson files claim for 12 acres in SWNW. Exhibit A is the same metes and bounds as Exhibit A of the Assignment of Well and Water Rights of Ford and Millard. Exhibit B covers the exclusion of Exhibit A so Ferguson seems to own the most of Lot 2.

6-12-91 Martin Finch files a Change of Ownership. Ferguson was old owner. He bought Lot 2 minus the Exhibit A Exception so basically he bought the East half of Lot 2 although on the change of ownership form he said this was NOT a split. Should have been a split based on Ferguson's original claim submitted with Exhibit A & B. Finch only purchased Exhibit A. Exhibit B should have been split off.

12-7-93 Ford and Millard Assignment of Well and Water Rights - to Martin Finch half interest in Ford and Millard's well. The metes and bounds are Lot 2 minus the Exhibit A Exception so it seems to be the east half of lot 2. The metes and bounds describe the property where the well is located which means the well is located on property Finch bought. Problem: Who owned the 4 acres now claimed by Ashworth between 1990 and 1993. This would be between the time Ferguson's filed on both Exhibit A & B on the original claim and the time the water was deeded to Finch for 12 acres. The 4 acres, if owned by someone other than Ford, and was not owned by Finch, should not have been involved in the water deed in 1993.

SUMMARY:

Recommend 4 acres to Ashworth under claim No. 63-31123 and 8 acres to Southside under 63-2733B based on above documentation and lack of chain of title for the 4 acres to Ashworth originally claimed under Exhibit B.

No transfers were ever filed to document any changes in place of use.

NOTE: The 1 acre to the north of Ashworth (now owned by Kern) was owned by Ford at the time the water was deeded to Finch. Finch bought 7 acres from Ferguson and 1 acre



Metes and Bounds on:

Yoder and Eggers agreement - 63-2733C

Assignment of Well and Water Rights - Ford & Millard

Ferguson property & exception (exhibit B)

Exhibit A exception. The property is Gov.

lot 2 minus Exhibit A exception. (Ford and Millard)

NWNW

NENW

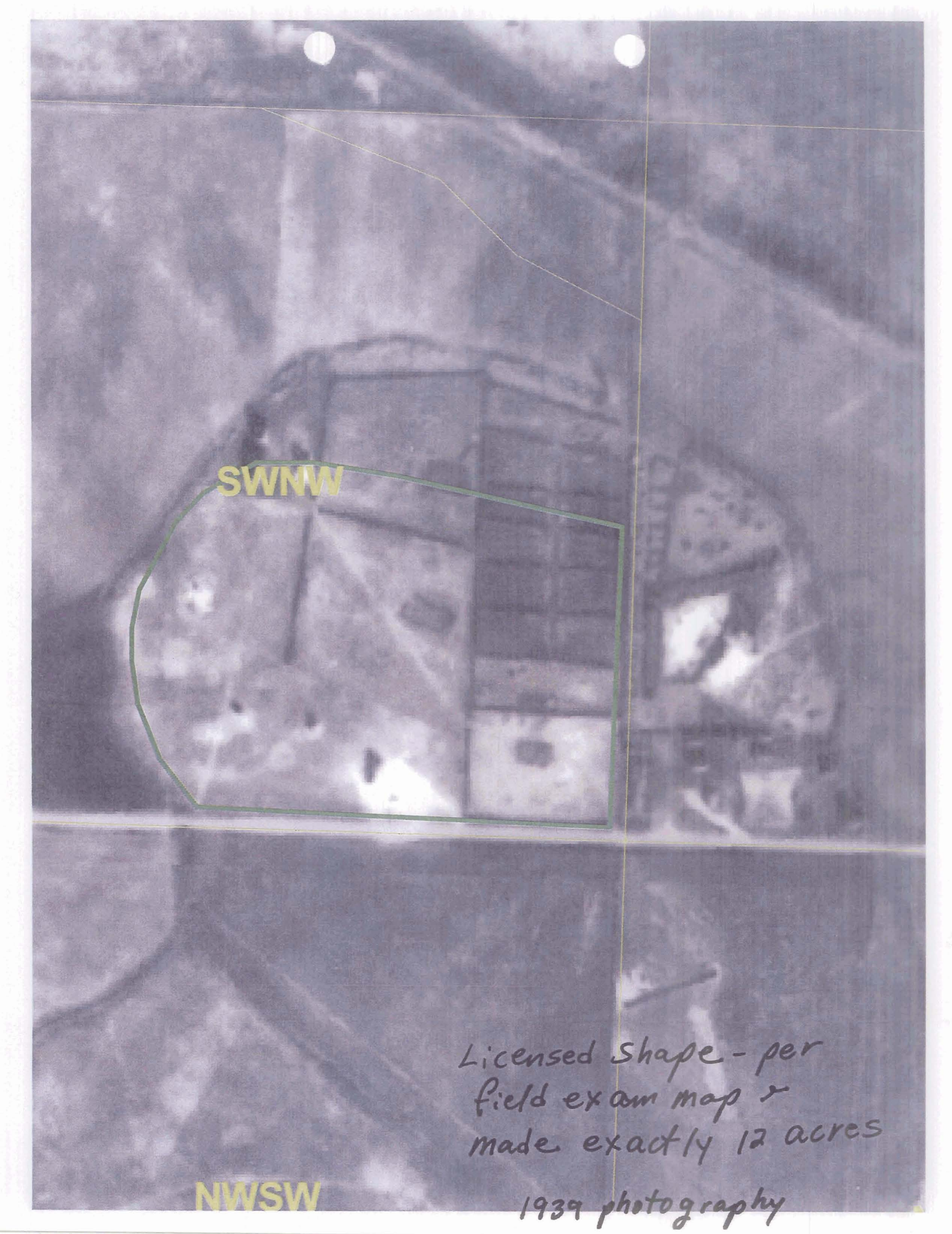
SWNW

SENW

NWSW

NESW

License shape
on 1987 photography



SOWNW

Licensed Shape - per
field exam map &
made exactly 12 acres

NWSW

1939 photography

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2733B**

03/28/2006

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
~~63-2733B~~	Claim	02N	02W	17	SW	NW		IRRIGATION	12/12	MARGARET H FINCH
63-31123	Claim	02N	02W	17	SW	NW		IRRIGATION	4/4	KIM F ASHWORTH
~~63-2733B~~	Water Right	02N	02W	17	SW	NW		IRRIGATION	12/32	JAY YODER
~~63-2733B~~	Claim	02N	02W	17	SW	NW		DOMESTIC		MARGARET H FINCH
63-31123	Claim	02N	02W	17	SW	NW		DOMESTIC		KIM F ASHWORTH

MEMORANDUM

DATE: October 28, 1994

TO: FILE A63-02733B

FROM: KAY WALKER 

RE: OWNERSHIP OF WATER RIGHT A63-02733

Mr. Finch came into the office this morning in response to my letter of October 25, 1994. He completed the questions on my letter and we went over the map and what property belonged to him. Attached is the map that we platted out ownership on while he was in the office. We also discussed the other claims on this license and that a realtor, Vito Losito, had contacted me for clarification of water rights on property that Mr. Ford was attempting to sell, or had sold. I told him that Mr. Losito's call is what prompted the duplicate claims filing questionnaire. He said that Mr. Losito had also contacted him for clarification of the water rights out there.

As the "Assignment of Well and Water Rights" shows, Mr. Finch bought all of Ford & Millard's interest in the well. He received 1/2 interest when he bought the property from the Ferguson's and then bought the other 1/2 interest from Ford & Millard in December of 1993. Therefore, Ford & Millard have no ownership of water or rights from this well.

He also indicated that the Crookham's have sold their property which lies below Lake Shore Drive. The new owners have drilled a new well to irrigate their land, according to Mr. Finch.

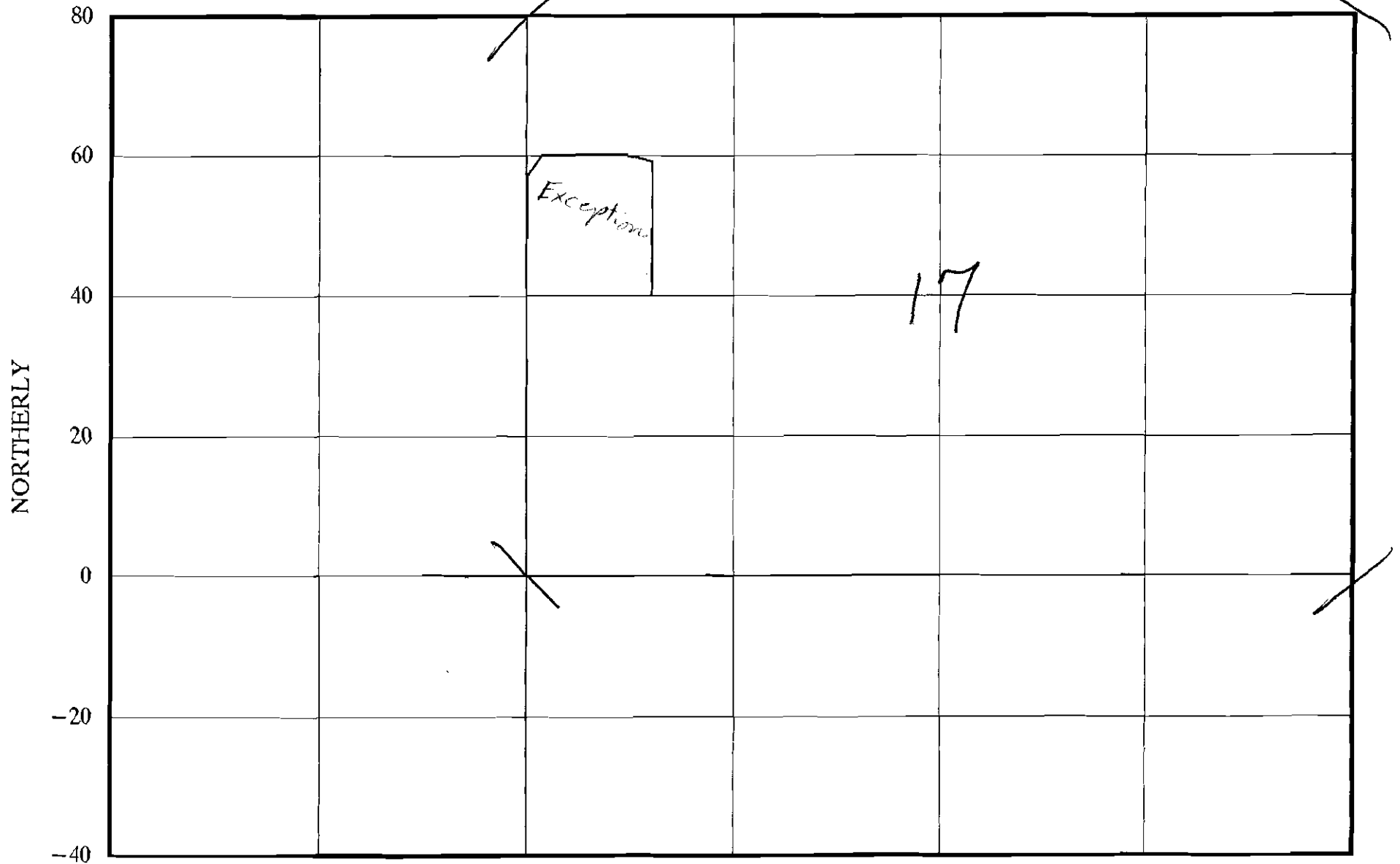
Mr. Finch indicated that he had sold his shares in the Nampa-Meridian Irrigation District. He said there were about 6.5 shares on 2 acres now owned by Harold James who is from California. The 2 acres are located in the SW corner of the James property, leaving 5 acres without water.

Mr. Finch requested that I let him know when I receive responses from the other parties to whom I had sent the duplicate claims filing questionnaire. I told him I would.

Ford & Miller → Finch
per "ASSIGNMENT OF WELL & Water Rights"
EXHIBIT A 12/7/93

PARCEL PLOT – METES & BOUNDS

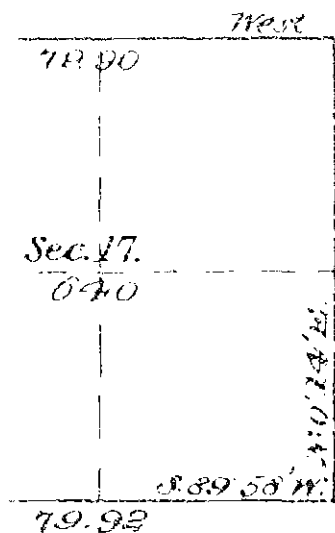
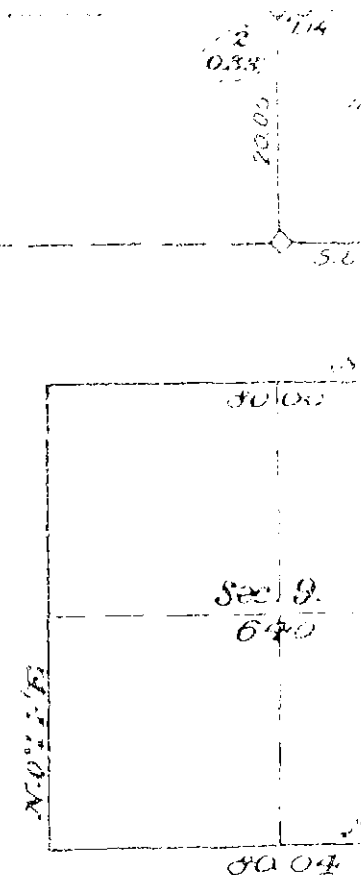
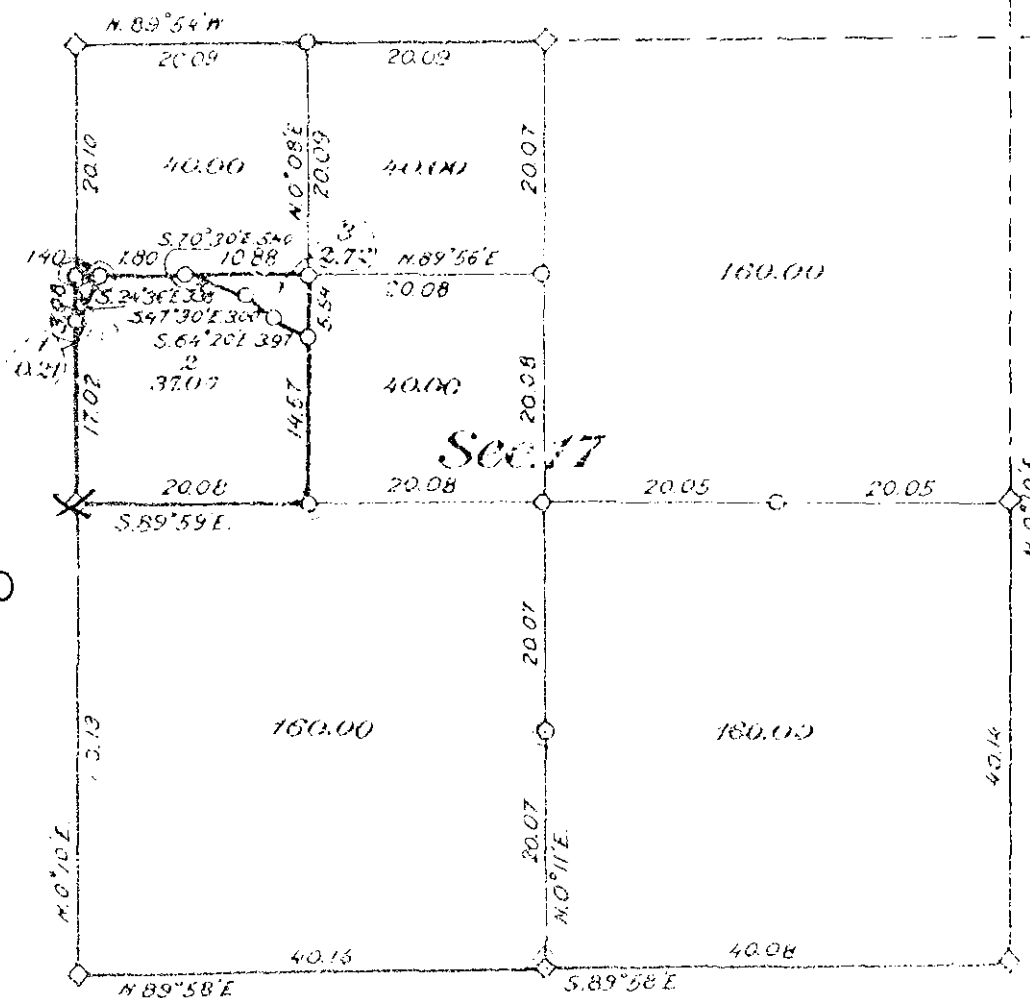
DISTANCE IS IN CHAINS



METES AND BOUNDS TABLE

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)	CUM ACRES
		DEGREES	MINUTES	SECONDS			
0.00	40.00						-0.00
12.03	40.00	89.00	59.00	0.00	SE	794.20	23.06
12.09	59.11	0.00	11.00	0.00	NE	1261.80	24.13
9.26	60.12	70.00	30.00	0.00	NW	198.34	24.13
1.46	60.11	89.00	56.00	0.00	SW	514.80	23.90
0.05	57.04	24.00	36.00	0.00	SW	223.08	23.84
0.01	40.02	0.00	10.00	0.00	SW	1123.32	23.84

ED FROM PLAT APPROVED MARCH 25, 1892


$$x = 0$$
$$y = 40$$


COPIED FROM PLAT APPROX.

GRAM OF THE SURVEY OF SECTIONS 5, 6, 9 AND
DAHO, EXECUTED UNDER AUTHORITY OF DEPART.
CTOBER 24, 1906, IS CORRECT AND ACCORDING
OF ON FILE IN THIS OFFICE, WHICH HAVE BEEN

THE ACCOMPANYING DIAGRAM OF THE SURVEY
17 IN T 2 N., R 2 W. 8 M., IDAHO IS CONFORMABLE
OF ON FILE IN THIS OFFICE WHICH HAVE BEEN EXA

3.3. INFORMATION SERVICE

WASHINGTON, D. C. January 6, 1940

Journal of Management Education 30(6)

AJ5809NP
No. A63-02733B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTIN L FINCH	11/03/1948	IRRIGATION	03-15 11-15	0.240 CFS	
C	MARGARET H FINCH		DOMESTIC	01-01 12-31	0.040 CFS	
	10766 LAKE SHORE DR					
	NAMPA ID 83686					
	(208) 465-5758					
				TOTAL DIVERSION:	0.240 CFS	
				CONSUMPTIVE USE:		42.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R02W S17

SESWNW

CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
02N	02W	17	:					:					:					:					:	12.0
																								TOTAL ACRES
																								12.0

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
02N	02W	17	:					:					:					:					:	

POU County: CANYON

Non-Irrigation Uses: DOMESTIC 1 HOME, LAWN & GARDEN

Other Rights: NAMPA & MERIDIAN IRRIGATION DISTRICT

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-02733C

Other Water Rights Listing Overlapping Place(s) of Use:
A63-02733 A63-02733A A63-3018120 R63-02733A

Remarks: GEN THIS CLAIM IS A SPLIT FROM PARENT RIGHT 6302733 AND IS CLAIMED FOR DOMESTIC AND IRRIGATION OF 12 ACRES BY THE FERGUISONS.
|
MILLARD & FORD CLAIM 7/32 OF THIS RIGHT ON A63-02733A, OR 0.14CFS OWNERSHIP CHANGED BY KW ON 6/12/1991.
|
NOTE: THE WELL & WATER RIGHT COVERED BY THIS CLAIM HAVE BEEN SOLD - PER THE ASSIGNMENT OF WELL & WATER RIGHTS AGREEMENT IN THE FILE - TO MARTIN L & MARGARET H FINCH - DATED 12-7-1993. WILL NEED TO CHECK OWNERSHIPS CONSIDERING THE A & C SPLITS ALSO.

AJ5809NP
No. A63-02733B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/09/00
PAGE: 19

=====

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:
Audit:	02/22/90 HAUMANN	06/12/91 WALKER	05/16/94 SHURTE 03/30/95 POST-STD

ASSIGNMENT OF WELL AND WATER RIGHTS

KNOW ALL PERSONS BY THESE PRESENTS:

IN CONSIDERATION of payment of the sum of \$4,000.00 the receipt of which is hereby acknowledged, DAVID P. FORD, a single man, and JOSEPH H. MILLARD and ARLENE MILLARD, husband and wife, whose address is 10850 Lake Shore Drive, Nampa, Canyon County, Idaho 83686, hereinafter referred to as "Assignors", do hereby sell, transfer, assign and convey to MARTIN L. FINCH and MARGARET H. FINCH, husband and wife, whose address is 10766 Lake Shore Drive, Nampa, Canyon County, Idaho 83686, hereinafter referred to as "assignees", the following property and rights:

An UNDIVIDED ONE-HALF INTEREST in and to that certain well situated upon the real property more particularly described upon Exhibit "A" attached hereto and by this reference incorporated herein, together with all pumps, pipes, and accessories of every nature whatsoever used in connection with the operation of said well:

~~TOGETHER WITH~~ all of Assignors' water rights with respect to the water from said well.

Assignors represent and warrant that they have the full and unencumbered right to sell, transfer, assign, and convey the above described property and rights; that they have the good and marketable title thereto; and that the property and rights conveyed hereby are free from all liens, security interests, or other charges or encumbrances thereon of every nature whatsoever. Assignors further covenant that they will execute and deliver to Assignees, upon request, such other and further documents of title and instruments of conveyance as shall be reasonably required to vest in Assignees good and marketable title to said property and rights.

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JUL 25 1994

EXHIBIT "A"

Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, EXCEPTING any portion included within the boundaries of Deer Flat Reservoir.

ALSO EXCEPTING THEREFROM:

A tract of land in the Westerly part of Government Lot 2 in Section 17, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Beginning at the West quarter corner of said Section 17, Township 2, North, Range 2 West, Boise, Meridian, the TRUE POINT OF BEGINNING;

Thence South $89^{\circ}59'$ East along centerline of Lake Shore Drive, also being the South boundary line of Government Lot 2, a distance of 794.2 feet to a point;

Thence North $0^{\circ}11'$ East and being 3 feet East of the East edge of a concrete ditch a distance of 1261.8 feet to a point on the Northeasterly lot line of Government Lot 2;

Thence North $70^{\circ}30'$ West along Northeasterly lot line 198.34 feet to a point of the North boundary line of Government Lot 2;

Thence South $89^{\circ}56'$ West along North boundary line of Government Lot 2 a distance of 514.8 feet to a point;

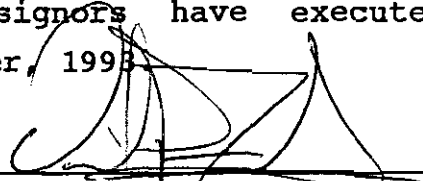
Thence South $24^{\circ}36'$ West along Northwesterly lot line of Government Lot 2 a distance of 223.08 feet to centerline of Lake Shore Drive also West Section line of said Section 17;

Thence South $0^{\circ}10'$ West along the centerline of Lake Shore Drive a distance of 1123.32 feet to Point of Beginning.

MICROFILMED

JUL 25 1994

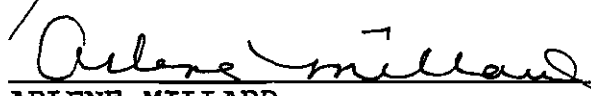
IN WITNESS WHEREOF, Assignors have executed this instrument on the 7th day of December, 1993



DAVID P. FORD



JOSEPH H. MILLARD



ARLENE MILLARD

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

 On this 7th day of December, 1993, before me,
appeared DAVID P. FORD, JOSEPH H. MILLARD AND ARLENE MILLARD, known
to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

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



Notary Public for Idaho
Residing at Nampa, Idaho
My Commission Expires: 6/23/98

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JUL 25 1994

POOR ORIGINAL

T3387

T3384

T3385

T3388

T3381

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JUL 25 1994

13.5

8.7

2.6

54.7

9.4

35.2

12.6

6.7

42.5

3.6

4.8

3.5

2

1.2

3

8.4

3

3.0

2

2.9

10.6

3

2.4

4

13.1

5

15.9

6.2

6

4.5

5

3.9

4

4.0

5

7.4

20.7

T3388

ORIGINAL

Jay Yoder and Myrtle Yoder,
husband and wife
to
Fred Eggers and Florence
Eggers, husband and wife

AGREEMENT

Dated April 30, 1948
Recorded July 3, 1948, 9:26 A.M.
Book 17 Bonds & Agree., page 31
Instrument No. 339765

WITNESSETH: THAT WHEREAS, the parties of the first part are the owners of the following described real property situated in Canyon County, State of Idaho, to-wit:

Lot 2 of Section 17, Twp. 2 N., R. 2 W of the B.M., according to the Government survey thereof;

AND WHEREAS, the parties hereto have constructed a well upon the said lands to obtain water for irrigation and other purposes, and have furnished for the said well a pump, motor and pumping equipment, the cost and expense of all of which has been paid equally by the respective parties hereto, which said well is the most Nrly well of two wells located in the SErly corner of the above described tract of land;

NOW THEREFORE, it is mutually understood and agreed that each of said parties hereto shall own an equal undivided $\frac{1}{2}$ interest in and to said well, motor and pumping equipment and pump, and each of said parties shall be entitled to the use of $\frac{1}{2}$ of the water from the said well for irrigating, or other purposes, upon their and each of their respective lands, to-wit, the above described lands of the first parties, and the following described lands of the second parties:

Beginning at a point 507 feet E of the $W\frac{1}{4}$ corner of Section 17, Twp. 2 N., R. 2 W.B.M. in Canyon County, Idaho, and running thence S $10^{\circ} 16'$ E 180 feet; thence S $44^{\circ} 02'$ E 294 feet; thence S. $53^{\circ} 03'$ E 400 feet; thence S $44^{\circ} 27'$ E 195 feet; thence S $56^{\circ} 36'$ E 200 feet; thence S $58^{\circ} 40'$ E 536 feet; thence N $11^{\circ} 21'$ E 645 feet; thence N $4^{\circ} 11'$ E 126 feet; thence N $19^{\circ} 30'$ W 424 feet; thence W. 1314 feet to point of beginning, containing 22.92 acres, more or less, including road and ditch rights of way;

provided, however, that each of the parties hereto shall be and hereby agree to become obligated to pay the equal $\frac{1}{2}$ of all cost and expense of the maintenance, repairs and operation of the said well, pump, motor and pumping equipment, and each of said parties hereby agree to pay such $\frac{1}{2}$ thereof as the same becomes due and payable.

It is further understood and agreed that the said parties of the second part shall have the right to construct and maintain, at their own expense, a ditch or other means for the conveying of their $\frac{1}{2}$ of said water from said well, from the point where well is

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JUL 25 1994

located over or across the lands of the first parties and to the said lands of the second parties.

It is further understood and agreed that the right to the use of $\frac{1}{2}$ of the water from the said well shall be a right appurtenant to and running with the land of said parties of the second part above described, and that the said parties of the second part shall have and are hereby granted an easement upon the said lands of the first parties, or that portion thereof that is necessary or requisite for the convenient use of said well, pump, motor and pumping equipment and the said ditch or other structure constructed and used by the parties of the second part for conveying their $\frac{1}{2}$ of said water from the said well on to their said lands, and that each of the said parties hereto shall at all times have the right of ingress and egress from and to the said well, and the right of inspection thereof and of the equipment aforesaid.

It is further mutually understood and agreed that, if either of the said parties shall fail at any time to pay their $\frac{1}{2}$ of the expense of maintenance, repairs and/or operation of said well and well equipment, promptly when, if and as the same becomes due and payable, such failure shall, at the option of the other party, give such other party the right to declare a forfeiture of any and all right of the party so failing to perform his agreement to any further use of the $\frac{1}{2}$ of said water from said well, or any part thereof, and/or of the use of said pump, motor, and/or pumping equipment and a written notice of such forfeiture shall be sufficient to terminate the right to further use of the same until such time as all amounts due and owing in the premises shall have been fully paid.

It is mutually understood and agreed and the parties hereto expressly agree that the said well, pump, motor and well equipment shall at all times be kept and maintained in good working condition so as to deliver and furnish the parties with the largest possible supply of water for the purposes intended as aforesaid.

It is further understood and agreed that the provisions of this agreement shall be and remain in full force and effect unless and until this agreement be nullified, or altered or modified by an agreement in writing executed by the parties in the same manner as this agreement is executed.

It is mutually agreed that this agreement shall be binding upon the heirs, executors, administrators and assigns of the respective parties hereto.

Jay Yoder

Myrtle Yoder

Parties of the First Part

Fred Eggers,

Florence Eggers,

Parties of the Second Part

Acknowledged State of Idaho, County of Canyon, on May 20, 1948, by Jay Yoder and Myrtle Yoder, husband and wife, and Fred Eggers and Florence Eggers, husband and wife, before Geo. H. van de Steeg, Notary Public in and for the State of Idaho. (SEAL)

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JUL 25 1994

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/14/95 11:54:18
Page 1

Water Right Number - 63-02733

Prefix Translation: WATER RIGHT

Old (D) Number - 20740

+ - - - - - Last Name - - - - - + + - First Name - - + + - - - - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
EGGERS

FRED

1 - RT. 1

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone -

YODER

JAY

1 -

2 -

3 -

City-

State- Zip-

Phone -

Priority Date	Region	Stage	Status
11/03/1948	14 WESTERN	L - LICENSE	

Source	Tributary
GROUNDWATER	

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
02N	02W	17	SW NW			(27) CANYON				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION					0.640	
43 - DOMESTIC						

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.640

+	Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
	02N	02W	17	SW NW		12.0	01	IRRIGATION	(27)	CANYON
	02N	02W	17	NE SW		10.0	01	IRRIGATION	(27)	CANYON
	02N	02W	17	NW SW		10.0	01	IRRIGATION	(27)	CANYON

Total Acres: 32.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+	Remarks	+
	SEE FILE FOR P/U.	

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/14/95 11:54:18
Page 2

Water right number - 63-02733

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 06/03/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 08/28/1979	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag -
Presumption Flag -		

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/13/95 00:00:58
Page 1

NO RECORD WAS FOUND FOR 6302733B

State of Idaho

License and Certificate of Water Right

Water License No. 20740

Amount 0.64 second foot

Water District No. _____

Priority November 3, 1948

THIS IS TO CERTIFY that FRED ROGERS and JAY YODER of Meridian and Bemps, respectively, made application for a permit to appropriate the public waters of the State of Idaho, dated November 3, 1948; that Permit No. 20740 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.7 second foot, was issued thereunder on December 16, 1948, showing that said works were completed on the 16th day of December, 1949; and that on the 15th day of January, 1949.

FRED ROGERS and JAY YODER

of Meridian and Bemps, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of subterranean flow from a well, for the purpose of irrigation and domestic use, under Use Permit No. 20740 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4616, on the 10th day of August, 1950;

The right hereby confirmed dates from November 3, 1948;

The Point of Diversion is located in the SW 1/4 NW 1/4 Sec. 17, Tp. 2 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.64 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	2 W.	17	SW 1/4 NW 1/4 NE 1/4 SW 1/4	12 20	12 20
Number of Acres Actually Irrigated -					32

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 10th day of August, 1950.

(SEAL)

MARIE R. KULP

State Reclamation Engineer

63 2700

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20740This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant: Frank Rogers, Rt. 1, Meridian and Jay Yoder, Rt. 4, Nampa, Idaho
2. Source of water supply: Subterranean flow from well
3. Location of point of diversion: Is in the Southeast corner of SW 1/4 of Section 17
(57 paces to road on the South.)
T. 2 N. R. 2 W. B.M. County of Canyon (83 paces to line of forty on the East.)
4. Describe works as they exist, giving dimensions and capacities of same: Well 8 inches in diameter, 100 ft. deep, cased 12 ft. down to solid rock. The pump is Deming rotary. Pipe extends 60 ft. down into well. The pipe is 6". The pump operates at 1750 R.P.M. The pump number is T21017, operated by a 5 H.P. electric motor. Motor make is U.S. Motor, 3 phases, 220 volts, 60 cycle. The well has a draw down of 6 inches when being pumped. Discharge pipe is 6 inches. Pump has a concrete base on top of the well. Discharge pipe empty into a concrete sump by which it flows by gravity through the pipe and ditch system.
5. Water is used for: Irrigation and domestic purposes.
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4 NW 1/4 and NE 1/4 SW 1/4 Section 17, Township 2 North, Range 2 East, B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: A check of the amount of water being pumped, using the Bureau of Reclamation method, showed 40 inches of water. Mr. Yoder stated that at times he pumped between 45 and 50 inches of water.

Has four inch aluminum pipe with 3/8 inch pet cock operating under eight pounds pressure. It is a good system.

Water Temperature = 14° Centigrade

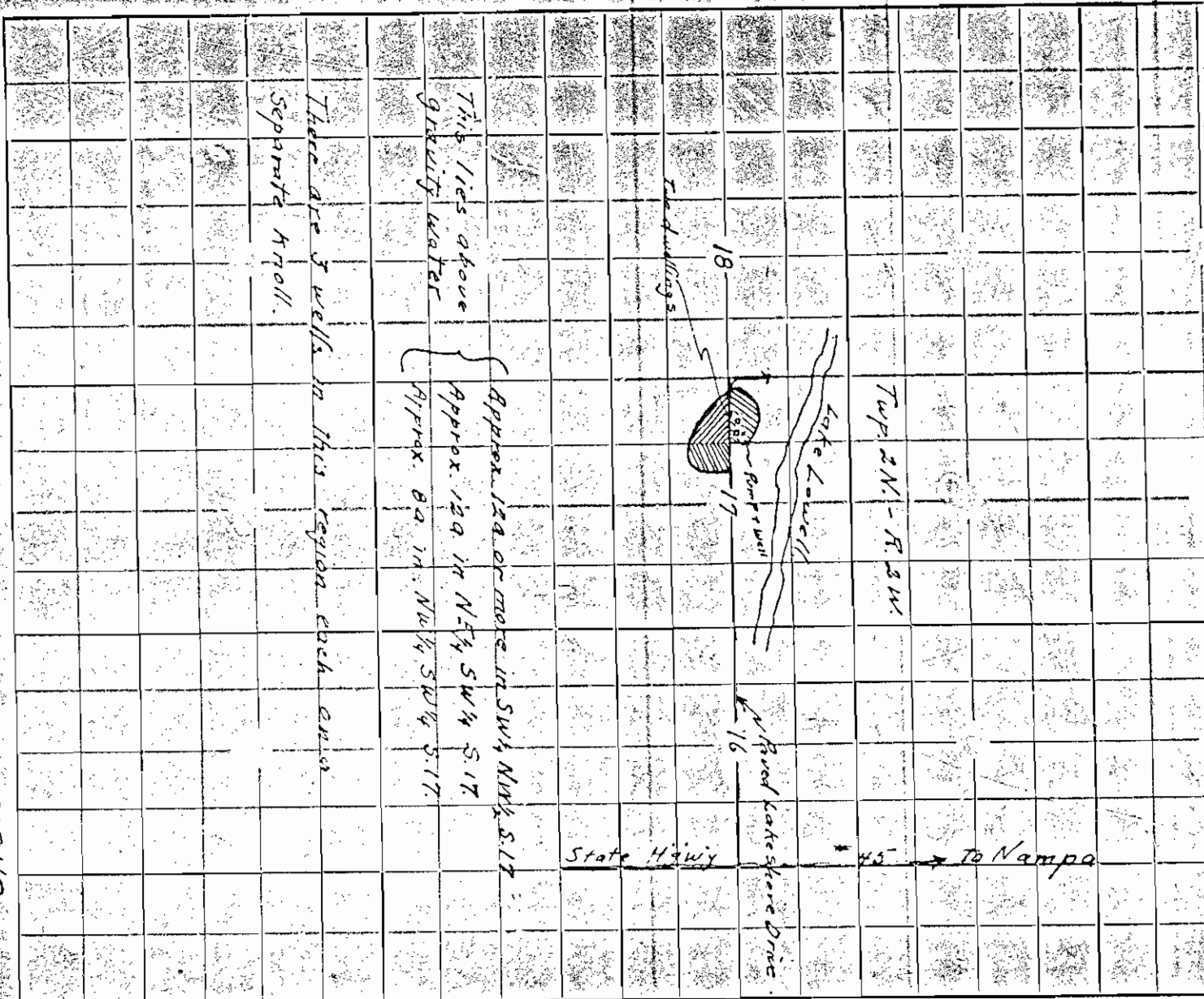
This examination was made on the 17th day of May, 1950

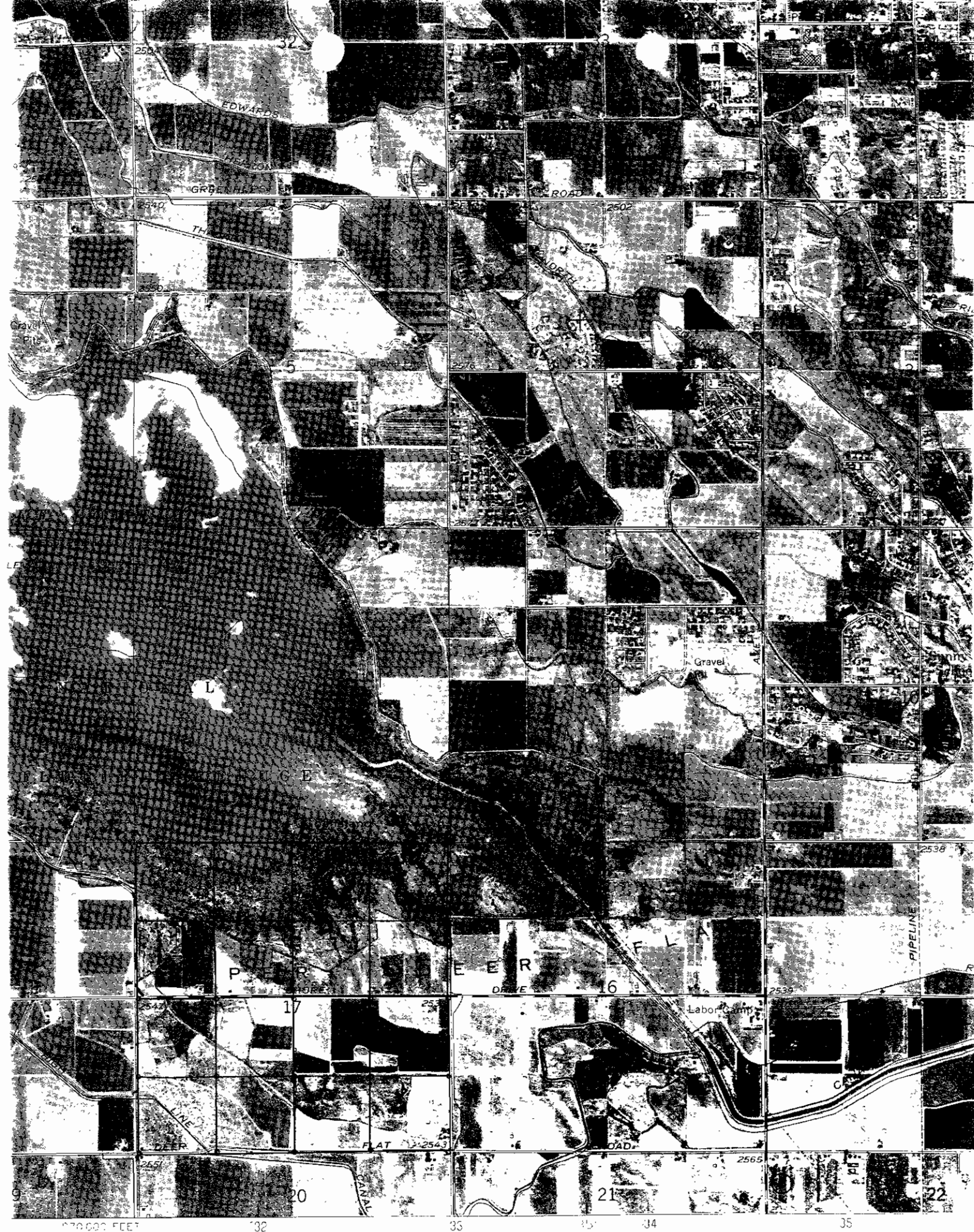
(Signed) E. H. Humphrey Examiner.

20740

Scale: 2 inches Equals 1 Mile. Draw Map In Ink.

207460







State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

April 24, 2006

Southside Inc.
420 Sherry Rd
Nampa ID 83686

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Notice of Claim to a Water Right No. 63-2733B

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a final determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed information, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Liberty Gagnon".

Liberty Gagnon
Office Specialist 1
Adjudication Section
Western Region Office

LG: lg

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 12, 1995

Martin L. Finch
10766 Lake Shore Dr.
Nampa, ID 83686

Dear Mr. Finch:

Pursuant to our telephone conversation this morning, enclosed is a copy of the letter that I had sent to Joe Millard and Dave Ford. As I told you on the phone, we have not received a response from them regarding this matter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 30, 1994

RE: Notice of Claims to Water Right No. 63-02733

Martin L. Finch
10766 Lake Shore Dr.
Nampa, ID 83686

Dear Mr. Finch:

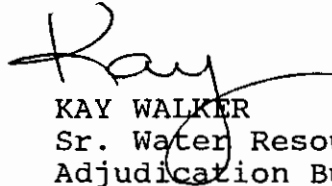
I thought I would write a quick note to update you on what has happened in response to my letters of October 28, 1994.

The folks that bought the Crookham place have submitted a warranty deed which shows they own some of the land that the Crookham's claimed (excluding the 12 acres that you own, of course). I have just sent a letter out to them to request submittal of a change of ownership form and that they amend the claim to exclude your 12 acres.

I have not had any contact from Mr. Millard or Mr. Ford in regard to the claim they have on record, under No. A63-02733A. If I hear from them I will let you know.

If you have any questions, please do not hesitate to contact me.

Sincerely,


KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k



Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1994

RE: Notice of Claim to a Water Right No. A63-02733B

Martin L. &/or Margaret H. Finch
10766 Lake Shore Dr.
Nampa, ID 83686

Dear Claimants:

Processing of your Notice of Claim, as referenced above, has revealed duplicate filings for this water right. This appears to be an inadvertent error that we would like to clarify at this time. A copy of your claim is enclosed for your information. The following information will allow us to correct this error. Please complete the questions below and return this letter to our office.

1. Please mark the appropriate item regarding the described property and water right. Are you the:
- Current Owner
- Previous Owner
- Other If "Other", please explain:

2. If you are the previous owner, please give the name of the new owner (as far as you know):

3. Do you believe that you own a portion of this water right?
Yes ☒ No ☐

If yes, please enclose proof of ownership. NOTE: Proof of ownership must describe either the property conveyed (as in a sales contract or deed) or include the claim number, if no legal description is listed.

I have enclosed a copy of an ASCS photo that shows the property in question. Please highlight which property belongs to you and return it with this letter.

If you are the previous owner, and did not withhold the water rights in the sale, the new owner should be filing this claim. If you filed in error, you may want to withdraw your claim to correct this duplicate filing.

10/28/94
Martin L. Lorch

I apologize for any inconvenience, however, in order to protect your water right, the Notice of Claim must be accurate. If you would return this letter by November 25, 1994, we will proceed with the necessary corrections. Please do not hesitate to contact this office if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures