

09/19/2006

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

RIGHT NUMBER: 78-12111

NAME AND ADDRESS: CROSS O RANCH INC
C/O AARON WILSON
HC 69 BOX 115
RIGGINS ID 83549

SOURCE: RANYHAN SPRING

TRIBUTARY: RANYHAN GULCH

QUANTITY: 0.020 CFS

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

PRIORITY DATE: ~~01/01/1895~~ 5/9/1906

POINT OF DIVERSION:

T23N R01E S30 SWSENW Within IDAHO County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

04/01 11/15

0.020 CFS

3/1 12/31

PLACE OF USE: STOCKWATER Within IDAHO County

T23N R01E S30

NWSE

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

The operation, use and administration of this water right is also subject to the terms and conditions of the stipulation and joint motion for order approving stipulation entered into on August 28, 2002 between the United States of America and Willis DeVeney, Betty DeVeney and Shingle Creek LLC, filed in the office of the Idaho County Recorder and recorded on October 31, 2002 as Instrument No. 425169; the conditions of such stipulation to apply fully to 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 is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED

NOV 27 2006

11/15/2006

DEPARTMENT OF
WATER RESOURCES

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: December 8, 2006

Water right number: 78-12111

CROSS O RANCH INC

C/O AARON WILSON

HC 69 BOX 115

RIGGINS ID 83549

Telephone Number: (208) 628-3324

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

2. Describe the changes you wish to make in the proposed recommendation:
needs to be from 3/1 - 12/31

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

*I have cattle in this area until Dec 31 a lot of years
needs to start March 1. On an early Spring April 1 is 30 days
to late. needs to read 3/1 until 12/31*

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

DATE: *11/22/06* SIGNATURE: *Aaron O. Wilson*
Please print your name: *AARON O. Wilson Cross O Ranch Inc,*

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

Knoblock, Ken

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Tuesday, October 17, 2006 12:02 PM
To: Knoblock, Ken
Cc: Fritschle, Carter
Subject: Basin 78 DeVeney



WR 78-12116.doc

Ken, I haven't been able to get you on the phone to warn you of this message. DeVeney's have 8 claims that will be recommended in the Basin 78 report. I sent Betty DeVeney the information that needs to be on their claims that are on NFS land pursuant to the stockwater settlement about 3 weeks ago. I finally was able to talk to her on the phone this morning. She is in agreement with the two particular statements that need to be included on the recommendations so that we don't have to object and have them added as part of the SF5 process. I've talked briefly to Carter about these.

The water right numbers are 78-12109, 78-12110, 78-12111, 78-12112, 78-12113, 78-12114, 78-12115 and 78-12116.

Each water right needs to have a statement that I believe Carter has already provided and I see are on the recommendations I have access to on the Departments site.

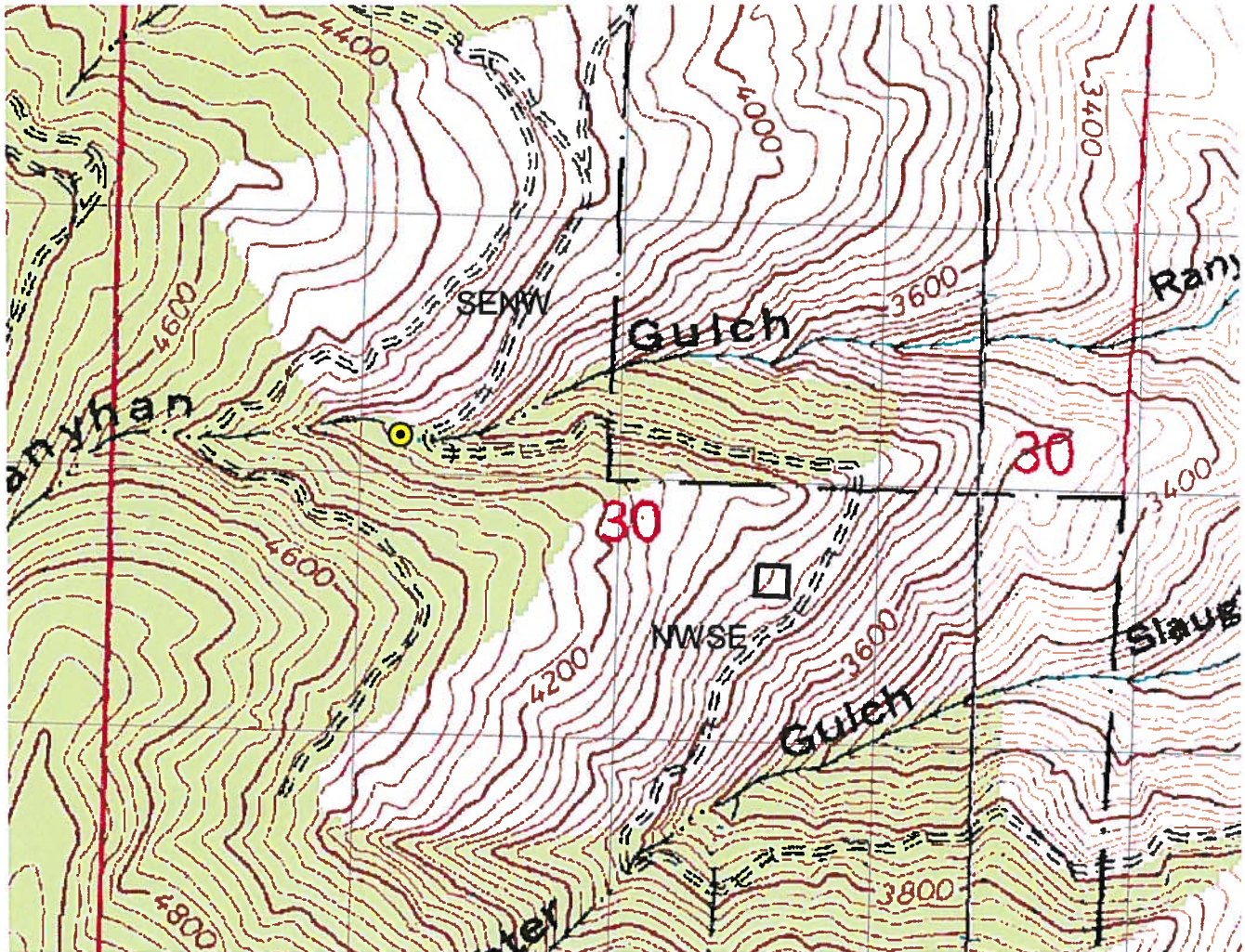
| The operation, use and administration of this water right is also
subject |
| to the terms and conditions of the stipulation and joint motion for
order |
| approving stipulation entered into on August 28, 2002 between the
United |
| States of America and Willis DeVeney, Betty DeVeney and Shingle Creek
LLC, |
| filed in the office of the Idaho County Recorder and recorded on
October |
| 31, 2002 as Instrument No. 425169; the conditions of such stipulation
to |
| apply fully to this water right.

In addition, the priority date for each water right needs to be 05-09-1906.

Then for each individual water right recommendation under the 13,000 gpd statement when appropriate there is a conjunctive use statement. For each of these recommendations individually that phrase is:

78-12109 ✓ THIS RIGHT SHALL BE USED IN CONJUNCTION WITH RIGHT NO.

78-12111



0 600 1200 Feet

Section 30
T23N R1E



● Point of Diversion

□ Place of Use

Map prepared on September 19, 2005
By Kenneth Knoblock
Idaho Department of Water Resources



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 17, 2005

Shingle Creek LLC
Box 1160
Riggins, ID 83549

RE: 78-12109 to 78-12116

We have reviewed your claims for water rights stock water on property that is mostly US Forest Service land. Would you please provide us with the identification numbers of the grazing leases to confirm that you have the right to run cattle on the property? We do not need copies of the entire documents.

Sincerely.

A handwritten signature in black ink, appearing to read 'Knoblock', written over a light blue horizontal line.

Kenneth Knoblock
Water Resources Agent

Cross O Ranch
Aurora Co. Isen
HCEA Box 115
Regins, ID

83549

78-12111

State of Idaho
Department of Water Resources
Northern Region Office
1910 Northwest Blvd. - Suite 210
Coeur D'Alene, ID. 83814-2676

83814-2676



78-12111

23N 1E

RECEIVED

SEP 13 2005

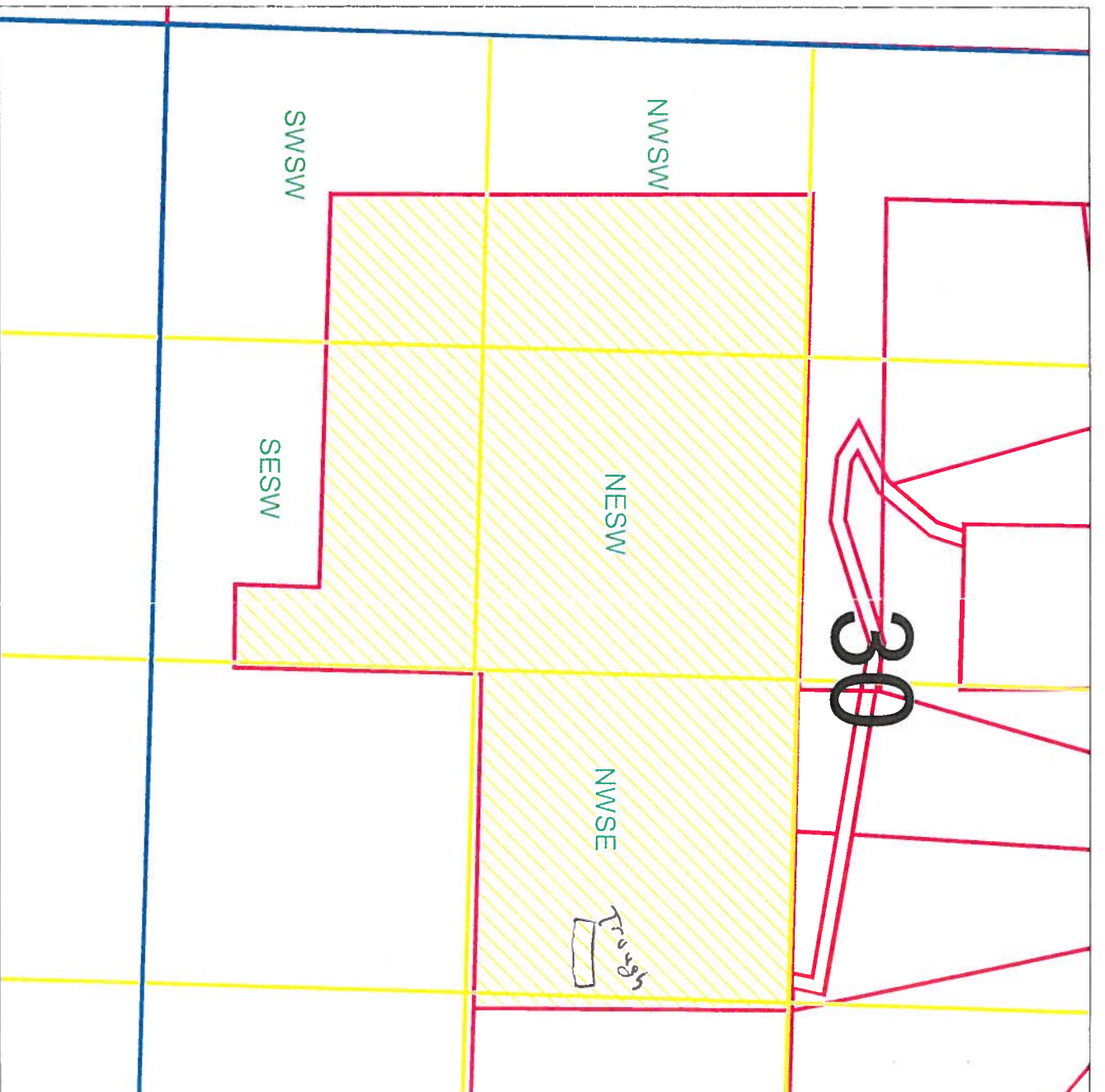
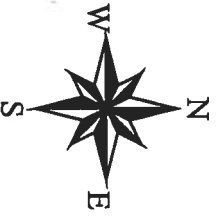
IDWR/North

Section Line

QQ Lines

Tax Lot Data

Cross-O-Ranch property



0.04 0 0.04 0.08 Miles



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 2005

Cross O Ranch
HC 69 Box 115
Riggins, ID 83549

RE: 78-12111

On July 28, 2000 a claim was filed in the Snake River Adjudication for stockwater use from a spring to a water trough. The place of use shows five locations for the trough. Would you please list the 40 acre tract where the trough is located?

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

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 78-12111
Date Received: 7/28/2000
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CROSS O RANCH INC
C/O AARON WILSON
HC 69 BOX 115
RIGGINS ID USA 83549

Phone: (208) 628-3324

2. Date of Priority: 01/01/1895

3. Source: RANYHAN SPRING Trib. to: RANYHAN GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
23N	01E	30	SW	SE	NW	IDAHO	

5. Description of diverting works:

Pipe to trough

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	04/01	11/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: Stockwater, 30 Head

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
23N	01E	30	NE	SW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			NW	SE		STOCKWATER	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

Receipt No. W026797

Name change by DB 1/16/2002

Ownership change by DB 6/11/2004

15. Basis of Claim: Beneficial Use

RECEIVED

JUN 10 2004

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease 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 no 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
78-12111	78-12111	—			—
		—			—
		—			—
		—			—
		—			—

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

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

OR

If your water right(s) and/or adjudication claim(s) 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)

Shingle Creek LLC
P.O. Box 1160 Riggins, Idaho 83549

4. New Owner/Claimant(s)

Cross-O-Ranch Inc. or AARon Wilson
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

H.C. 69 Box 115

City, State and ZIP Code

Riggins, Idaho 83549

New Telephone Number

208 628-3324

5. Date you acquired the property

May 10-2004

SCANNED

JUN 10 2004

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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) Clarence Wilson Vice President
(include title if applicable) Cross-O-Ranch 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.

SCANNED

JUN 10 2004

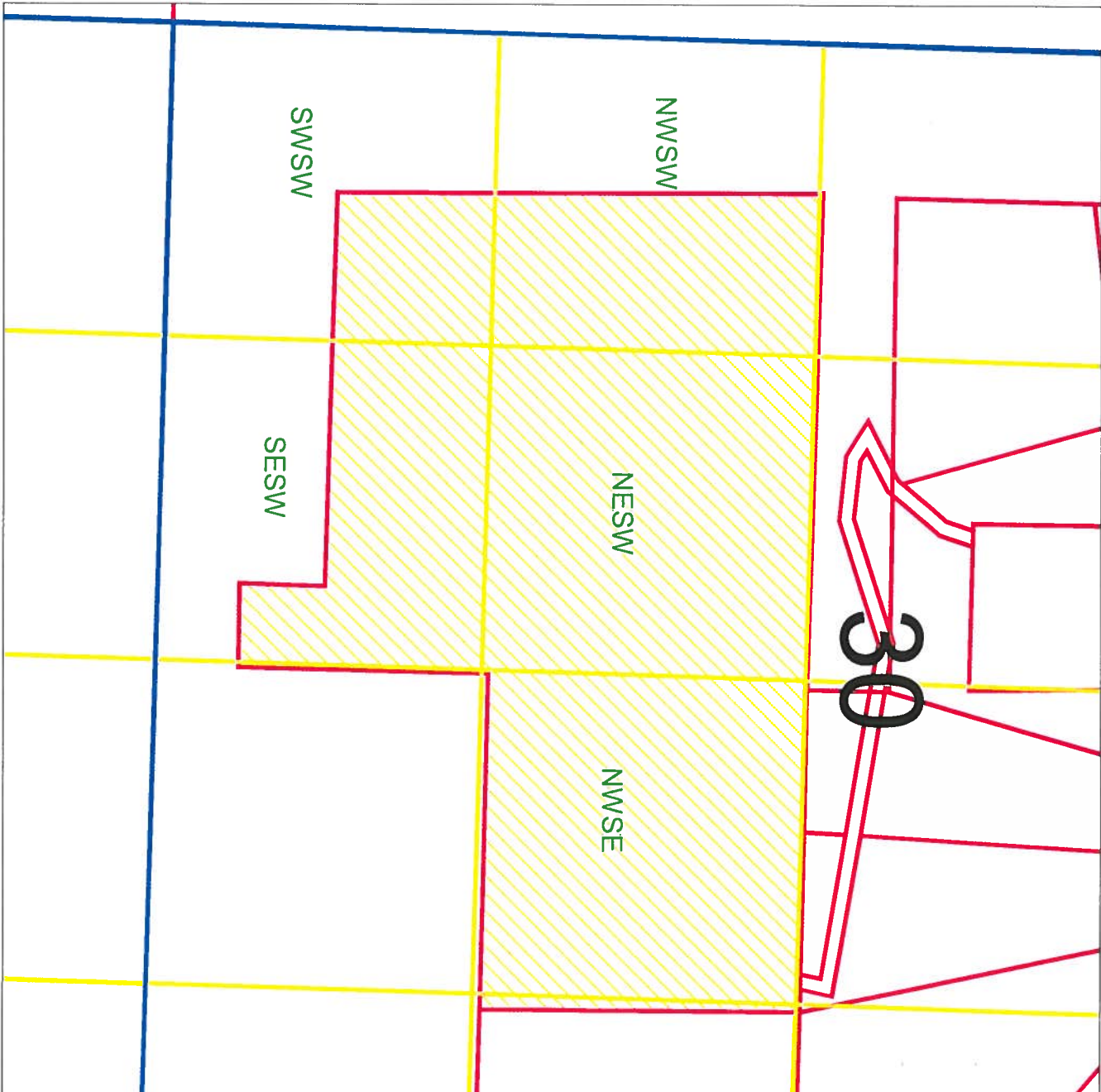
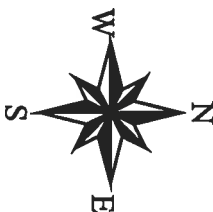
For Office Use Only

Received by DB Date 6-10-04 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

78-12111

23N 1E

- Section Line
- QQ Lines
- Tax Lot Data
- Cross-O-Ranch property



435292

STATE of IDAHO
County of Idaho
Recorded at <u>IDAHO COUNTY TITLE CO.</u>
at <u>4:05 PM</u> on <u>5-11-04</u>
By <u>ROSE E. GEHRING</u>
Fees \$ <u>9.00</u>
Recorder
Deputy

WARRANTY DEED

(Limited Liability Company Form)

THIS INDENTURE, made on this 10th Day of May, 2004 by SHINGLE CREEK LLC, an Idaho Limited Liability Company, whose post office address is Box 1160, Riggins, Idaho 83549, hereinafter referred to as the Grantors, and CROSS O RANCH, INC., an Idaho Corporation, whose post office address is Box 170, Riggins, Idaho 83549, hereinafter referred to as the Grantees.

WITNESSETH:

That, the said Grantors, for and in consideration of the sum of Ten Dollars (\$10), lawful money of the United States of America, and in consideration of the Sellers Participation in a Section 1031 Exchange under the Internal Revenue Code, and other good and valuable considerations to them in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, having granted, bargained, sold, and by these presents do grant, bargain, sell, convey and confirm unto the said Grantees, their heirs and assigns forever, all the following described real property situate in the County of Idaho, State of Idaho, to wit:

Township 23 North, Range 1 East, Boise Meridian
Section 30: NW1/4SE1/4, NE1/4SW1/4, N1/2SE1/4SW1/4,
NE1/4SE1/4SE1/4SW1/4, NE1/4SW1/4SW1/4, E1/2NW1/4SW1/4

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the said Grantors, and all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances unto the said Grantees, their heirs and assigns forever.

And the said Grantors, for themselves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said Grantees, their heirs and assigns that at the time of the ensembling and delivery of these presents they were well seized of the premises above conveyed as of good sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, and have good right, full power and lawful authority to grant, bargain, sell and convey the same in the manner and for aforesaid, and that the same are free and clear from all and former grants, bargains, liens, taxes, assessments and encumbrances of whatever kind or nature whatsoever,

Warranty Deed - 1 Shingle Creek LLC to Cross O Ranch Inc.

SCANNED
JUN 10 2004

SUBJECT TO:

1. General taxes for the year 2004 which are a lien not yet due and payable.
2. Lien for any taxes deferred by virtue of the designation of the insured premises or any portion thereof as forest lands as provided in Section 63-1701 et seq, Idaho Code
3. Right-of-Way Deed, including the terms and conditions thereof, by and between DAVID I. HELM, a single man and UNITED STATES OF AMERICA, recorded April 12, 1951, under Instrument No. 169646, Book 84 page 42, records of Idaho County, Idaho.
4. Right-of-Way Deed, including the terms and conditions thereof, by and between JOHN B. LONGATTI and VIOLA LONGATTI, husband and wife and UNITED STATES OF AMERICA, recorded April 12, 1951, under Instrument no. 169647, Book 84 page 43, records of Idaho County, Idaho.
5. Access, as insured, is dependent upon the availability of Indian Creek Road #624 and is subject to the rules and regulations appertaining thereto.
6. Matters as shown on Survey S-389, recorded November 27, 1985, under Instrument No. 323681; and corrected February 3, 1987, under Instrument No. 333311; all records of Idaho County, Idaho.

And that the above bargained premises in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against all and every person or persons lawfully claiming or to claim whole or any part thereof, the said Grantors will and shall WARRANT AND FOREVER DEFEND.

That, this deed is given by Grantors to Grantees, not on account of any default in any security agreements or arrangements which pertain to the real property hereinabove written and described, but is given for full consideration paid by Grantees to Grantors.

The members/managers of the Grantor limited liability company who sign this Deed hereby certify that this deed and the transfer represented thereby was duly authorized.

Warranty Deed - 2 Shingle Creek LLC to Cross O Ranch Inc.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands the 10th day of May, 2004.

Grantor: SHINGLE CREEK Limited Liability Company
Subscription: Shingle Creek Limited Liability Company

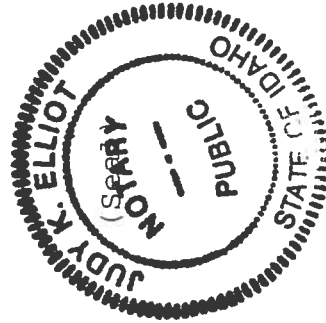
By: Willis D. Deveny
Willis D. Deveny
Member/Manager

By: Betty G. Deveny
Betty G. Deveny
Member

By: Bryan G. Deveny
Bryan G. Deveny
Manager

Acknowledgment: State of Idaho)
) ss
County of Idaho)

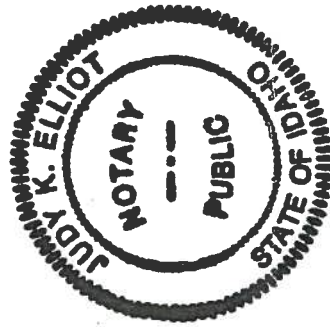
On this 10th day of May, 2004 before me, a notary Public, personally appeared, ~~WILLIS D. KE DEVENY, BETTY G. DEVENY, AND~~ BRYAN G. DEVENY, known or identified to me to be the members/managers of the limited liability company of Shingle Creek Limited Liability Company, and the members/managers who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that they executed the same in said limited liability company name.



Judy K. Elliot
Notary Public for the State of Idaho

My commission expires 3.26.10
Residing at Grangeville Idaho

Acknowledgment: State of Idaho)
) ss
County of Idaho)



On this 11th day of May, 2004 before me, a notary Public, personally appeared, WILLIS D. KE DEVENY, BETTY G. DEVENY, ~~AND~~ BRYAN G. DEVENY, known or identified to me to be the members/managers of the limited liability company of Shingle Creek Limited Liability Company, and the members/managers who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that they executed the same in said limited liability company name.

Judy K. Elliot
Notary Public for the State of Idaho

My commission expires 3.26.10
Residing at Grangeville Idaho

A.

U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
SETTLEMENT STATEMENT

B. TYPE OF LOAN:

1.☐FHA

2.☐FmHA

3.☐CONV. UNINS.

4.☐VA

5.☐CONV. INS.

6. FILE NUMBER:
04-121.17646

7. LOAN NUMBER:

8. MORTGAGE INS CASE NUMBER:

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "[POC]" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME AND ADDRESS OF BORROWER:		E. NAME AND ADDRESS OF SELLER:		F. NAME AND ADDRESS OF LENDER:	
CROSS O RANCH, INC P O BOX 170 RIGGINS, IDAHO 83549		SHINGLE CREEK LLC P O BOX 1160 RIGGINS, IDAHO 83549			
G. PROPERTY LOCATION: PT 30-23N-1E RIGGINS, ID 83549 IDAHO County, Idaho		H. SETTLEMENT AGENT: 82-0328095 IDAHO COUNTY TITLE COMPANY, INC.		I. SETTLEMENT DATE: May 10, 2004	
PLACE OF SETTLEMENT 319 WEST MAIN GRANGEVILLE, ID 83530-1917					

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER:	
101. Contract Sales Price	45,000.00	401. Contract Sales Price	45,000.00
102. Personal Property		402. Personal Property	
103. Settlement Charges to Borrower (Line 1400)	488.25	403.	
104.		404.	
105.		405.	
Adjustments For Items Paid By Seller in advance		Adjustments For Items Paid By Seller in advance	
106. City/town taxes	to	406. City/town taxes	to
107. County taxes	to	407. County taxes	to
108. Assessments	to	408. Assessments	to
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER	45,488.25	420. GROSS AMOUNT DUE TO SELLER	45,000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
201. Deposit or earnest money		501. Excess Deposit (See Instructions)	
202. Principal Amount of New Loan(s)		502. Settlement Charges to Seller (Line 1400)	85.75
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first Mortgage	
205.		505. Payoff of second Mortgage	
206.		506.	
207.		507. 2nd 1/2 '03 ID CNTY PROP TAX to IDAHO COUNTY TR	46.81
208.		508.	
209.		509.	
Adjustments For Items Unpaid By Seller		Adjustments For Items Unpaid By Seller	
210. City/town taxes	to	510. City/town taxes	to
211. County taxes	01/01/04 to 05/10/04	511. County taxes	01/01/04 to 05/10/04
212. Assessments	to	512. Assessments	to
213. 1031 PROPERTY EXCHANGE VALUE	45,000.00	513. 1031 PROPERTY EXCHANGE VALUE	45,000.00
214.		514.	
215.		515.	
216.		516.	
217.		517. DEFERRED TIMBER TAX to IDAHO COUNTY TREASU	443.60
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER	45,016.63	520. TOTAL REDUCTION AMOUNT DUE SELLER	45,592.79
300. CASH AT SETTLEMENT FROM/TO BORROWER:		600. CASH AT SETTLEMENT TO/FROM SELLER:	
301. Gross Amount Due From Borrower (Line 120)	45,488.25	601. Gross Amount Due To Seller (Line 420)	45,000.00
302. Less Amount Paid By/For Borrower (Line 220)	(45,016.63)	602. Less Reductions Due Seller (Line 520)	(45,592.79)
303. CASH (X FROM) (TO) BORROWER	471.62	603. CASH (TO) (X FROM) SELLER	592.79

The undersigned hereby acknowledge receipt of a completed copy of pages 1&2 of this statement & any attachments referred to herein.

Borrower

CROSS O RANCH, INC

Dave Wilson

DAVE WILSON, President

Sherie Wilson

SHERIE WILSON, Secretary

Seller

SHINGLE CREEK LLC

Willis D. DeVeny

WILLIS D. DeVENY, Manager

Betty G. DeVeny

BETTY G DeVENY, Member

Bryan G. DeVeny

BRYAN G DeVENY, Member

L. SETTLEMENT CHARGES

JO. TOTAL COMMISSION Based on Price \$ @ %		PAID FROM BORROWER'S FUNDS AT SETTLEMENT		PAID FROM SELLER'S FUNDS AT SETTLEMENT	
Division of Commission (line 700) as Follows:					
701. \$	to				
702. \$	to				
703. Commission Paid at Settlement to					
704.					
800. ITEMS PAYABLE IN CONNECTION WITH LOAN					
801. Loan Origination Fee	%	to			
802. Loan Discount	%	to			
803. Appraisal Fee		to			
804. Credit Report		to			
805. Lender's Inspection Fee		to			
806. Mortgage Ins. App. Fee		to			
807. Assumption Fee					
808.					
809.					
810.					
811.					
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE					
901. Interest From	to	@ \$	/day (days	%)	
902. Mortgage Insurance Premium for	months to				
903. Hazard Insurance Premium for	1.0 years to				
904.					
905.					
1000. RESERVES DEPOSITED WITH LENDER					
1001. Hazard Insurance	months @ \$		per month		
1002. Mortgage Insurance	months @ \$		per month		
1003. City/town taxes	months @ \$		per month		
1004. County taxes	months @ \$		per month		
1005. Assessments	months @ \$		per month		
1006.	months @ \$		per month		
1007.	months @ \$		per month		
1008.	months @ \$		per month	81.25	81.25
1100. TITLE CHARGES					
1101. Settlement or Closing Fee	to	IDAHO COUNTY TITLE COMPANY, INC.			
1102. Abstract or Title Search	to	IDAHO COUNTY TITLE COMPANY, INC.			
1103. Title Examination	to				
1104. Title Insurance Binder	to				
1105. Document Preparation	to				
1106. Notary Fees	to				
1107. Attorney's Fees	to		402.50		
(includes above item numbers 1105 to IDAHO COUNTY TITLE COMPANY, INC.)					
1108. Title Insurance	to				
(includes above item numbers 1102 to IDAHO COUNTY TITLE COMPANY, INC.)					
1109. Lender's Coverage	\$				
1110. Owner's Coverage	\$				
1111.					
1112.					
1113.					
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES					
1201. Recording Fees: Deed \$	9.00; Mortgage \$		Releases \$	4.50	4.50
1202. City/County Tax/Stamp: Deed			Mortgage		
1203. State Tax/Stamp:	Revenue Stamps		Mortgage		
1204.					
1205.					
1300. ADDITIONAL SETTLEMENT CHARGES					
1301. Survey	to				
1302. Pest Inspection	to				
1303.					
1304.				488.25	85.75
1305.					
1400. TOTAL SETTLEMENT CHARGES (Enter on Lines 103, Section J and 502, Section K)					

Judy K. Elliott
IDAHO COUNTY TITLE COMPANY, INC.
Settlement Agent

Certified to be a true copy

BUYER / SELLER CERTIFICATION

Borrower: CROSS O RANCH, INC
Seller: SHINGLE CREEK LLC
Settlement Agent: IDAHO COUNTY TITLE COMPANY, INC.
(208)983-2662
Place of Settlement: 319 WEST MAIN
GRANGEVILLE, ID 83530-1917
Settlement Date: May 10, 2004
Property Location: PT 30-23N-1E
RIGGINS, ID 83549
IDAHO County, Idaho

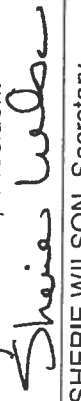
The Buyer and Seller this date have checked, reviewed and approved the figures appearing on the Disclosure/Settlement Statement (Statement of Actual Costs), consisting of two (2) pages. Buyer acknowledges receipt of the payment of the loan proceeds in full, and Seller acknowledges payment in full of the proceeds due Seller from the settlement.

The Buyer and Seller understand that the tax prorations shown on the Settlement Statement are Based on the prior tax periods rate(s). The Buyer and Seller agree to adjust the tax prorations shown on the Settlement Statement when the actual advalorem tax bill is rendered. Seller agrees to forward the next tax bill to Buyer immediately upon receipt of the bill from the tax office. Buyer understands that the next tax bill (even though in the name of the Seller) is the responsibility of the Buyer.

As part of the consideration of this sale, the contract between the parties is by reference incorporated herein and made a part hereof; the terms and conditions contained therein shall survive the closing and shall not merge upon the delivery of the warranty deed.

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

CROSS O RANCH, INC


DAVE WILSON, President

SHERIE WILSON, Secretary

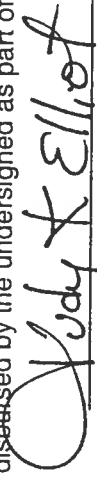
SHINGLE CREEK LLC


WILLIS D DEVENY, Manager

BETTY G DEVENY, Member

BRYAN G DEVENY, Member

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.


IDAHO COUNTY TITLE COMPANY, INC.
Settlement Agent

WARNING: It is a crime to knowingly make false statements to the United States on this or any similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U. S. Code Section 1001 & Section 1010.

(4CR.PFD/04-121.17646/4)

SCANNED

JUN 10 2004

ESCROW INSTRUCTIONS

TO: IDAHO COUNTY TITLE COMPANY, INC.
319 West Main Street
Grangeville, Idaho 83530

Escrow Officer: J K ELLIOT

Commitment File No. 17646

Escrow No. 04-121

Date: May 10, 2004

We will hand you at closing:

\$45,000.00

For a Total Purchase Price of

\$45,000.00

SELLER AND BUYER ARE COOPERATING IN THE SELLER AND THE BUYERS' 1031 TAX DEFERRED EXCHANGE.

which you are instructed to use when you can obtain a ALTA Standard Coverage Owner's form policy of title insurance containing the insuring clauses, exceptions, exclusions, provisions and stipulations customarily contained in the printed provisions of such form with liability not less than \$45,000.00, describing the land in the County of Idaho, State of Idaho described as:

Township 23 North, Range 1 East, Boise Meridian, Idaho County, Idaho
Section 30: NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$

showing the Fee title in said land vested in: CROSS O RANCH, INC., an Idaho Corporation

SUBJECT TO:

1. Covenants, conditions, restrictions, easements, rights, and rights of way of record, if any.
2. General taxes for the year 2004, which are a lien, not yet due and payable.
3. Lien for any taxes deferred by virtue of the designation of the insured premises or any portion thereof as forest lands as provided in Section 63-1701 et seq, Idaho Code.
4. Right-of-Way Deed, including the terms and conditions thereof, by and between DAVID I. HELM, a single man and UNITED STATES OF AMERICA, recorded April 12, 1951, under Instrument No. 169646, Book 84 page 42, records of Idaho County, Idaho.
5. Right-of-Way Deed, including the terms and conditions thereof, by and between JOHN B. LONGATTI and VIOLA LONGATTI, husband and wife and UNITED STATES OF AMERICA, recorded April 12,

1951, under Instrument No. 169647, Book 84 page 43, records of Idaho County, Idaho.

6. Access, as insured, is dependent upon the availability of Indian Creek Road #624 and is subject to the rules and regulations appertaining thereto.

INITIAL

7. Matters as shown on Survey S-389, recorded November 27, 1985, under Instrument No. 323681; and corrected February 3, 1987, under Instrument No. 333311; all records of Idaho County, Idaho.

INITIAL

INITIAL

IN THE EVENT OF A DISPUTE OR CHANGE IN PRORATIONS, RENTS, TAXES, ETC., SELLER OR BUYER WILL LOOK TO EXCHANGER, NOT ACCOMODATOR, FRO REFUNDS, MODIFICATIONS, OR CORRECTIONS.

PRORATE as of May 10, 2004 the following: taxes for current year;

Assume a 30 day month in any prorate herein provided, and unless the parties otherwise instruct you, you are to use the information contained in last available tax statement, rental statement as provided by the seller, beneficiary's statement, and fire insurance policies delivered into escrow for the prorates provided above. In the event any beneficiary's statement reveals a deposit, account or funds for a future payment of taxes, insurance or other future payment obligations of the loan, you are to n/a

Your agency as escrow holder shall terminate six months following the date set forth next below, and shall be subject to earlier revocation by receipt by you prior to close of escrow of written notice signed, (1) in case this escrow has not been placed in a condition to close by June 10, 2004, by any party hereto, or (2) if received prior to said date, but after (there shall have been) a failure of a condition or performance to be complied with or performed on or before a date, or within a period, stated herein, then by any party other than a party responsible for such compliance or performance. Any such revocation shall be effective upon receipt of such notice, but you shall not return the documents or deposits of the revoking party prior to ten days after you have mailed a copy of such notice to each of the other parties. Your knowledge of matters affecting the property, provided such facts do not prevent compliance with these instructions, does not create any liability or duty in addition to your responsibility under these instructions. No notice, demand or change of instructions, except a demand for revocation made in accordance with the foregoing paragraph, shall be of any effect in this escrow unless given in writing by all parties affected thereby.

Proceeds of this escrow may be disbursed by your check payable to the parties as their names are signed hereon, and your checks and documents may be mailed to the addresses set forth in these instructions.

You are instructed to furnish to any broker or lender identified with this transaction or anyone acting on behalf of such lender, any information concerning this escrow, copies of all instructions, amendments and statements upon request.

Indicate on the deed to file, all future tax statements are to be mailed to: CROSS O RANCH, INC., PO Box 170, Riggins ID 83549.

I agree to pay: 1/2 Closing Agent Fee, Owner's ~~Pleier~~ ^{Policy} of Title Insurance, 1/2 Recording Fee for Warranty Deed

____ I hereby waive any contingencies that have not been met. Closing may be completed.
____ There shall be a HOLD BACK of \$____, until contingencies are met. (NOT TO EXCEED
6 MONTHS)

CROSS O RANCH, INC.

Dave Wilson
DAVE WILSON, President

Sherie Wilson
SHERIE WILSON, Secretary

Address: Box 170 Riggins, ID. 83549

I will hand you the instruments, documents and money required to comply with these instructions, which you may use, and pay such costs, taxes, assessments and demands to insure title as set forth herein when you can comply with these instructions and deliver the net proceeds to the order of the undersigned. Pay a commission in accordance with the instructions contained herein.

I agree to pay: 1/2 Closing Agent Fee, 1/2 Recording Fee for
Warranty Deed

SHINGLE CREEK LLC

Willis D Deveny
WILLIS D DEVENY, Manager

Betty G Deveny
BETTY G DEVENY, Member

Bryan G Deveny
BRYAN G DEVENY, Member

Address: Box 1160 Riggins, ID 83549

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

RECEIVED**DEC 24 2001****WATER RESOURCES
WESTERN REGION**

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 no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>DECREED</u>	78-10338		<u>DECREED</u>	78-04249	<u>OWNER</u>
<u>"</u>	78-10339		<u>RECOMMENDED</u>	78-12109	<u>FOREST SERVICE</u>
<u>"</u>	78-10340		<u>"</u>	78-12110	
<u>"</u>	78-04212	<u>OWNER</u>	<u>"</u>	78-12111	<u>CROSS O RANCH</u>
<u>"</u>	78-04218	<u>" "</u>	<u>"</u>	78-12112	

See attached list for additional claim numbers.

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

The above claims are on federal lands on our grazing allotment.

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Willis D. & Betty G. DeVeney
Box 1160, Riggins, ID 83549
4. New Owner/Claimant(s) Shingle Creek LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Box 1160
 New Mailing Address _____
 City, State and ZIP Code Riggins, ID 83549
 New Telephone Number same (208) 628 3462
5. Date you acquired the property January 1, 2001

X This change is to change ownership from private individuals to an LLC.
 These claim numbers are not on private property.

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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) Shingle Creek LLC
(include title if applicable)
By: Willis D. DeVeney manager
Willis D. DeVeney

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

FILED/EFFECTIVE **ARTICLES OF ORGANIZATION** **LIMITED LIABILITY COMPANY**

00 DEC 15 AM 9:12

(Instructions on back of application)



SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is: Shingle Creek LLC
2. The address of the initial registered office is: Shingle Creek No. 5
 (not a PO Box)
Riggins, ID 83549 and the name of the initial registered agent at that address is: Betty G. DeVeney
 Signature of registered agent: Betty G. DeVeney

3. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)

4. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Willis D. DeVeney

Address:

Box 1160, Riggins, ID 83549

The mailing address for the LLC is Box 1160, Riggins, ID 83549

5. Signature of at least one person listed in #5 above:

Willis D. DeVeney
Betty G. DeVeney

IDAHO SECRETARY OF STATE

Secretary of State use only

12/15/2000 09:00

CK: 3110 CT: 125299 BH: 366955

1 @ 100.00 = 100.00 ORGAN LLC # 2

g:\corp\forms\LLC1.pm6 Revised 6/97

W 13733

Notice of Change in Water Right Ownership - continued

adjudication Claim No.

RECOMMEND 78-12113

// 78-12114

// 78-12115

// 78-12116

FORMATION AGREEMENT

Agreement dated as of January 1, 2001 between and among the prospective LLC members in Shingle Creek LLC:
Willis D. DeVeney
Betty G. DeVeney

Recitals

(a) The prospective members hereto have evaluated the benefits, risks, and requirements of causing an LLC to be formed for the purpose of engaging in the trade or business of owning real estate, operating a ranch, and any other business that may be legally brought before it.

(b) The parties hereto wish to confirm their decision to form an LLC to operate the business.

And, therefore, Agree to the following terms and conditions

1. Decision regarding the Choice of Entity.
The prospective members have evaluated individually the benefits, costs, risks, requirements and other relevant considerations of using an LLC rather than other types of arrangements for the purpose of organizing and conducting business. Each prospective member based on such evaluation concurs in the use of an LLC for the business.

2. Internal Affairs and Operation of the business.
The prospective members agree that the business shall have its affairs and operations conducted in generally the following manner:

a. Interest in real estate presently owned by Willis D. and Betty G. DeVeney will be transferred to the LLC including the 130 acre and 700 acre parcels.

b. The LLC will assume the indebtedness against the 700 acre parcel.

c. Willis D. and Betty G. DeVeney will lease the hay and pasture ground on the 340 acre parcel to the LLC.

3. Preliminary Agreement; Operating Agreement to be signed.
The prospective members acknowledge that this LLC Formation Agreement is only a preliminary agreement and that the parties intend and shall execute a comprehensive operating agreement at some future date. The terms and provisions of this LLC formation agreement shall govern until such operating agreement is executed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2002

SHINGLE CREEK LLC
PO BOX 1160
RIGGINS ID 83549

Re: Notice of Claim to a Water Right No. 78-12109, 78-12110, 78-12111, 78-12112, 78-12113,
78-12114, 78-12115 & 78-12116

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the necessary name changes for the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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 claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

Shingle Creek Ranch

Box 1160
Riggins, ID 83549

ph. 208 628 3462
fax 208 628 3462

FAX TRANSMITTAL

June 16, 2000

To: Idaho Department of Water Resources
attn: Jan Shurte
Fax: 208 334 2348

From: Betty DeVeney
fax: 208 628 3462

Jan,

Thank you very much for the help on Monday. It really simplified things for us.

We talked about the Forest Service claim, 78-12010 McCrea Creek, and I agreed to check when I got home. As far as we can determine what the Forest Service was filing on is a pipe that came from the irrigation ditch to the cabin for domestic water. There is no diversion for stock water that we are aware of. In any case the cattle can drink from the creek. We did file an objection on this Forest Service claim, but considering the circumstances, we do not think it is appropriate for us to file a claim.

One instream claim that I overlooked when talking to you is the Forest Service claim no. 78-10649 Mill Creek. When I looked, no director's report had been filed, so we did not object to the Forest Service claim, but we should file a similar claim for Mill Creek.

There is one other claim that the Forest Service filed where we objected. It is 78-04239 North Trail Spring. Should we file a claim? The reason we did not initially file a claim is that there is no development at this spring. We understood that there had to be an actual development before a claim could be filed. Years ago there was a shake sign on a tree along the trail with the word "water" pointing toward the spring.

Let us know when you are ready and we will make a point of coming to Boise to sign whatever forms are needed. Again, thank you for your help.

Betty DeVeney

BETTY DE VENY

11 other people objected

Situation 1
These are claims where we filed a claim and the Forest Service objected and the Forest Service filed a claim and we objected.

- 78-04197 - Chain Spring
- 78-04203 - Clyde Spring
- 78-04205 - Silvers
- 78-04206 - Morrison Ridge Spring
- 78-04208 - Howard Spring
- 78-04209 - Spring - sinks - aka Thorn Gulch Spring C Pond Trough
- 78-04210 - Spring - Eagles Nest - Thorn Gulch B
- 78-04211 - Spring - sinks - aka Thorn Gulch Spring A
- 78-04214 - Blue Gulch Spring (complete form included)
- 78-04216 - Rocky Basin Reservoir
- 78-04219 - Log Trough Spring
- 78-04225 - McCrea Spring possibly what we called Pikes Cabin
- 78-04234 - Cannonball Spring
- 78-04238 - Spring - sinks - aka Jorgie Spring
- 78-04247 - Cottonwood Spring
- 78-10631 - Spring - Upper Thorn Basin - Thorn Basin E
- 78-10632 - Spring - Plank Trough - Thorn Basin D
- 78-12007 - Cannonball Reservoir
- 78-12009 - Spring - probably Pete Wilson

As I understood what you told me for these claims we are covered and do not need to file a response to the Forest Service objection.

Situation 2 ~~TRIP TO SHINGLE CREEK~~ ~~TRIP TO RAPID RIVER~~ (ICLAIM)
W. FRAPID R. & SHINGLE CREEK (NORTH & SOUTH)
AND OTHERS TRIP TO W. FR. RAPID RIVER (ICLAIM)

The following claims are ones where the Forest Service filed a claim and we filed an objection, but we did not file a claim. The reason we did not file a claim is that these are free flowing streams with no diversion. At the time we were told you could not file a claim for stock water on a free flowing stream. You could only file a claim if there was a diversion.

- 78-10626 - S. Fork Shingle Creek 51
- 78-10627 - Shingle Creek } 53 + 52 OK identify
- 78-10628 - Shingle Creek } INCLUDE ENTIRE STRETCH
- 78-10636 - Rapid River 51
- 78-10637 - Dutch Oven Creek 52
- 78-10638 - Wyant Creek 53
- 78-10648 - West Fork Rapid River 5 (INCLUDED CONNECTED PORTION IN S. 22 SESE S. 21 NE NE)
- 78-10650 - Dog Creek 53
- 78-10651 - Hanson Creek 54
- 78-10652 - Deep Creek 55
- 78-10653 - McCrea Creek 23 (ENDING PT PER MAP)
- 78-10654 - Cannon Creek 57
- 78-10655 - Bridge Creek 58
- 78-10656 - Coconut Grove Creek 59
- 78-12008 - unnamed stream - sinks
- 78-12010 - McCrea Creek 23 - pipe - dev.

SAME PRIORITY DATE AS USFS CLAIM
SAME PERIOD OF USE.

beginning + ending
file a claim
later report for
immigration + other
water rights report

? 78-10657 Cottonwood Creek - 60 we did not object - no record water
78-10653 & 78-12010 - may be same
HORSE HEAVEN LAKE & HAAS LAKE - 1891 - 190 NO CATTLE.

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 78-12111
Date Received: 7/28/2000
Receipt No: W026797
Received By:

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

1. Name of Claimant(s): SHINGLE CREEK LLC
PO BOX 1160
RIGGINS ID USA 83549

Phone: (208) 628-3462

2. Date of Priority: 01/01/1895

3. Source: RANYHAN SPRING Trib. to: RANYHAN GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	01E	30	SW SE NW	IDAHO	

5. Description of diverting works:

Pipe to trough

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	04/01	11/15	0.02	

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

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: Stockwater,30 Head

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	30	NE SW ✓		STOCKWATER	
			NW SW ✓		STOCKWATER	
			SW SW ✓		STOCKWATER	
			SE SW ✓		STOCKWATER	
			NW SE ✓		STOCKWATER	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:

Receipt No. W026797

Name change by DB 1/16/2002

15. Basis of Claim: Beneficial Use

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

RECEIVED

DEC 24 2001

WATER RESOURCES
WESTERN REGION

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 no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	78-10338			78-04249	
	78-10339			78-12109	
	78-10340			78-12110	
	78-04212			78-12111	
	78-04218			78-12112	

See attached list for additional claim numbers.

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

The above claims are on federal lands on our grazing allotment.

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) Willis D. & Betty G. DeVeney
Box 1160, Riggins, ID 83549
4. New Owner/Claimant(s) Shingle Creek LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
Box 1160
 New Mailing Address _____
Riggins, ID 83549
 City, State and ZIP Code _____
 New Telephone Number same (208) 628 3462
5. Date you acquired the property January 1, 2001.

This change is to change ownership from private individuals to an LLC.
 These claim numbers are not on private property.

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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) Shingle Creek LLC
(include title if applicable) BY: Willis D. DeVeney manager
Willis D. DeVeney

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Notice of Change in Water Right Ownership - continued

adjudication Claim No.

78-12113 .

78-12114

78-12115

78-12116

FILED/EFFECTIVE ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

00 DEC 15 AM 9:12

(Instructions on back of application)



SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is: Shingle Creek LLC
2. The address of the initial registered office is: Shingle Creek No. 5
(not a PO Box)
Riggins, ID 83549 and the name of the initial registered agent at that address is: Betty G. DeVeney
- Signature of registered agent: Betty G. DeVeney

3. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
4. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Willis D. DeVeney

Address:

Box 1160, Riggins, ID 83549

The mailing address for the LLC is Box 1160, Riggins, ID 83549

5. Signature of at least one person listed in #5 above:

Willis D. DeVeney
Betty G. DeVeney

IDAHO SECRETARY OF STATE

Secretary of State use only

12/15/2000 09:00
CK: 3110 CT: 125299 BH: 366955

1 @ 100.00 = 100.00 ORGAN LLC # 2

W 13733

FORMATION AGREEMENT

Agreement dated as of January 1, 2001 between and among
the prospective LLC members in Shingle Creek LLC:
Willis D. DeVeney
Betty G. DeVeney

Recitals

(a) The prospective members hereto have evaluated the benefits, risks, and requirements of causing an LLC to be formed for the purpose of engaging in the trade or business of owning real estate, operating a ranch, and any other business that may be legally brought before it.

(b) The parties hereto wish to confirm their decision to form an LLC to operate the business.

And, therefore, Agree to the following terms and conditions

1. Decision regarding the Choice of Entity.

The prospective members have evaluated individually the benefits, costs, risks, requirements and other relevant considerations of using an LLC rather than other types of arrangements for the purpose of organizing and conducting business. Each prospective member based on such evaluation concurs in the use of an LLC for the business.

2. Internal Affairs and Operation of the business.

The prospective members agree that the business shall have its affairs and operations conducted in generally the following manner:

a. Interest in real estate presently owned by Willis D. and Betty G. DeVeney will be transferred to the LLC including the 130 acre and 700 acre parcels.

b. The LLC will assume the indebtedness against the 700 acre parcel.

c. Willis D. and Betty G. DeVeney will lease the hay and pasture ground on the 340 acre parcel to the LLC.

3. Preliminary Agreement; Operating Agreement to be signed.

The prospective members acknowledge that this LLC Formation Agreement is only a preliminary agreement and that the parties intend and shall execute a comprehensive operating agreement at some future date. The terms and provisions of this LLC formation agreement shall govern until such operating agreement is executed.

4. Business Purpose and Business Plan of the LLC
In addition to the description above of the intended business of the LLC, the prospective members acknowledge and agree that the business will also accumulate capital with the intent of purchasing adjoining property if and at such time it comes on the market and is agreed to by the prospective members as such time as the property becomes available.

The prospective members further acknowledge that they have received, reviewed, and generally accepted this LLC formation agreement.

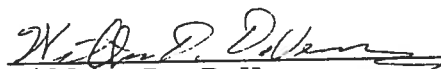
5. Description of the management of the LLC
The Management of the LLC shall be conducted by Willis D. DeVeney and Bryan G. DeVeney. If either of them are unable to serve, Michael G. DeVeney will be designated a manager. If he cannot serve, Janet DeVeney will be designated as a manager. Craig DeVeney will be designated if she cannot serve. If none of the above can serve, a manager will be elected by a majority of the remaining members.

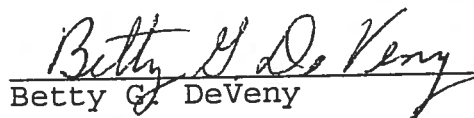
6. Voting rights of Members
The membership interests anticipated to be issued shall be voting interests.

7. The intent of the present members is to over time gift membership interests to Bryan G. DeVeney, Michael G. DeVeney, Craig L. DeVeney and Janet L. DeVeney.

8. Limitation on Other Activities of Prospective Members.
Nothing in this LLC Formation Agreement shall be deemed to restrict in any way the freedom of any Prospective Member to conduct any other business or activity whatsoever at any location other than the Business, so long as such business or activity does not directly compete with, or conflict with the Business of the LLC.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year first above written.


Willis D. DeVeney


Betty G. DeVeney

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: 78-12111
Date Received: 7/28/00
Receipt No: W026797
Received By:

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

1. Name of Claimant(s): WILLIS D DE VENY Phone: (208)628-3462
Address: PO BOX 1160
RIGGINS ID USA 83549

Name: BETTY G DE VENY Phone: (208)628-3462
Address: PO BOX 1160
RIGGINS ID USA 83549

2. Date of Priority: 01/01/1895

3. Source: RANYHAN SPRING Trib. to: RANYHAN GULCH

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	01E	30	SW SE NW		IDAHO

5. Description of diverting works:

Pipe to trough

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
STOCKWATER	04/01	11/15	0.02

7/31/00

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

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: Stockwater,30 Head

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	01E	30	NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			NW	SE	STOCKWATER	

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

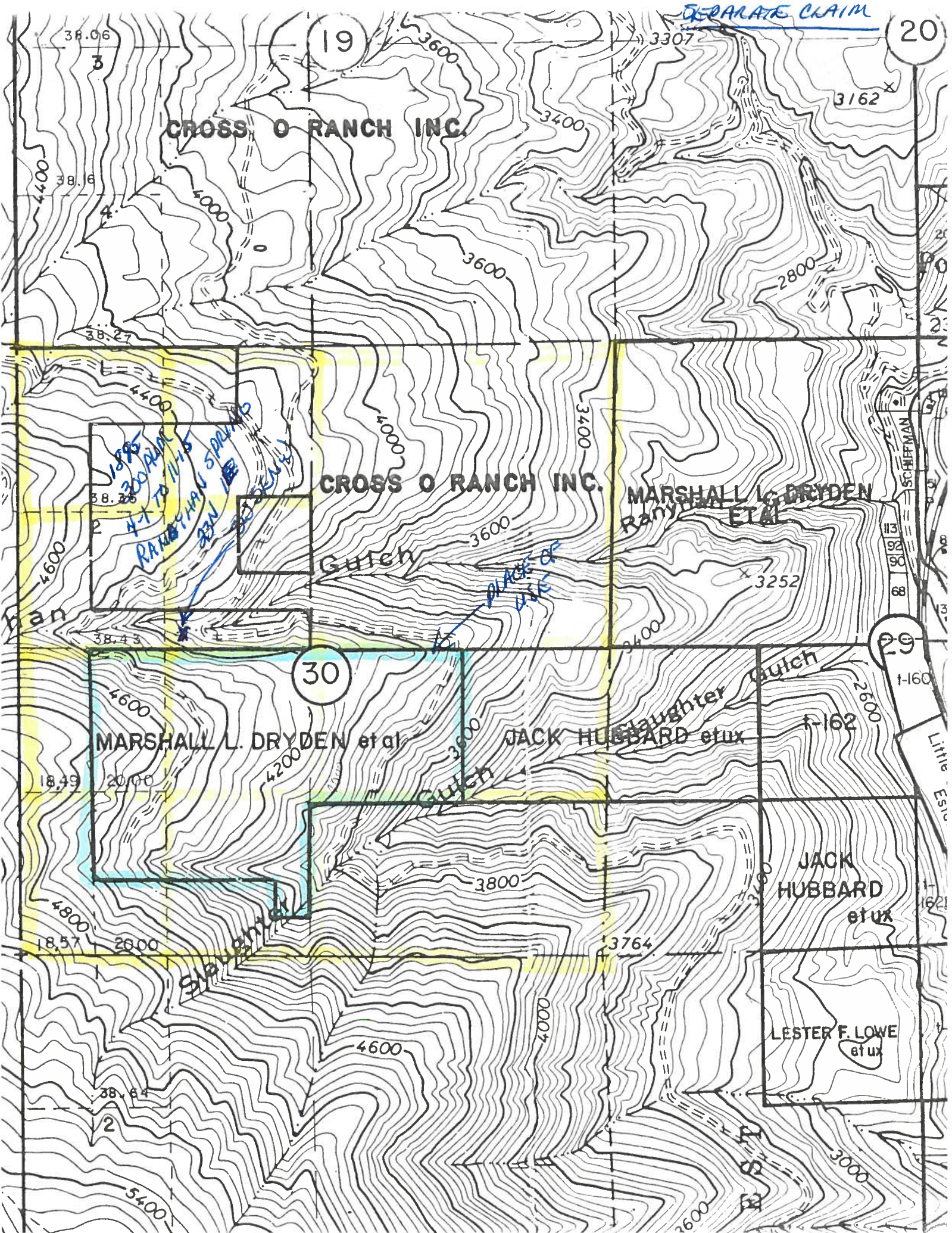
14. Remarks:

Receipt No. W026797

15. Basis of Claim: Beneficial Use

16. Signature(s) N / A

SEPARATE CLAIM



CROSS O RANCH INC.

CROSS O RANCH INC.

MARSHALL L. DRYDEN
et al

MARSHALL L. DRYDEN et al

JACK HUBBARD et ux

JACK
HUBBARD
et ux

LESTER F. LOWE
et ux

Gulch

Slaughter Gulch

Gulch

1895
300 ACRES
4-1 TO 11-15
RANBYTHAN SPRING
23N 10E
30E 1/4

PLACE OF
USE

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

A78-12111

Date Received

7-28-00

Receipt Number

W026797

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) WILLIS D & FOR BETTY DE VENT Phone (208) 628-3462

Mailing Address Box 1160, RUGGINS, ID Zip 83549

2. Date of Priority (Only one (1) per claim) 1-1-1895

3. Source of water supply (a) RANAHAN SPRING
which is tributary to (b) RANAHAN GULCH

4. a. Location of existing point of diversion is: Township 23N Range 1E Section 30,
SW 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of IDAHO

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. PIPE TO TROUGH.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For STOCKWATER purposes from 4-1 to 11-15 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER - 30 HEAD.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>23N</u>	<u>1E</u>	<u>30</u>									<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>			

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? IDAHO

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Betty M. DeKeny Date 7/28/00

William D. DeKeny Date 7/28/00

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 28th day of July 19 2000

SEAL

Notary Public Jan B. Shute

Residing at Meridian ID

My Commission Expires 9-14-2000

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 11, 2004

CROSS-O-RANCH INC
% AARON WILSON
HC 69 BOX 115
RIGGINS ID 83549

Re: Notice of Claim to a Water Right No. 78-12111

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.

If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB: db

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 16, 2002

SHINGLE CREEK LLC
PO BOX 1160
RIGGINS ID 83549

Re: Notice of Claim to a Water Right No. 78-12109, 78-12110, 78-12111, 78-12112, 78-12113,
78-12114, 78-12115 & 78-12116

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the necessary name changes for the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

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 claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

Shingle Creek Ranch

Box 1160
Riggins, ID 83549

ph. 208 628 3462
fax 208 628 3462

FAX TRANSMITTAL

June 16, 2000

To: Idaho Department of Water Resources
attn: Jan Shurte
Fax: 208 334 2348

From: Betty DeVeney
fax: 208 628 3462

Jan,

Thank you very much for the help on Monday. It really simplified things for us.

We talked about the Forest Service claim, 78-12010 McCrea Creek, and I agreed to check when I got home. As far as we can determine what the Forest Service was filing on is a pipe that came from the irrigation ditch to the cabin for domestic water. There is no diversion for stock water that we are aware of. In any case the cattle can drink from the creek. We did file an objection on this Forest Service claim, but considering the circumstances, we do not think it is appropriate for us to file a claim.

One instream claim that I overlooked when talking to you is the Forest Service claim no. 78-10649 Mill Creek. When I looked, no director's report had been filed, so we did not object to the Forest Service claim, but we should file a similar claim for Mill Creek.

There is one other claim that the Forest Service filed where we objected. It is 78-04239 North Trail Spring. Should we file a claim? The reason we did not initially file a claim is that there is no development at this spring. We understood that there had to be an actual development before a claim could be filed. Years ago there was a shake sign on a tree along the trail with the word "water" pointing toward the spring.

Let us know when you are ready and we will make a point of coming to Boise to sign whatever forms are needed. Again, thank you for your help.

Betty DeVeney

Betty DeVeny

11 other people objected

Situation 1
These are claims where we filed a claim and the Forest Service objected and the Forest Service filed a claim and we objected.

- 78-04197 - Chain Spring
- 78-04203 - Clyde Spring
- 78-04205 - Silvers
- 78-04206 - Morrison Ridge Spring
- 78-04208 - Howard Spring
- 78-04209 - Spring - sinks - aka Thorn Gulch Spring C Pond Trough
- 78-04210 - Spring - Eagles Nest - Thorn Gulch B
- 78-04211 - Spring - sinks - aka Thorn Gulch Spring A
- 78-04214 - Blue Gulch Spring (complete form included)
- 78-04216 - Rocky Basin Reservoir
- 78-04219 - Log Trough Spring
- 78-04225 - McCrea Spring possibly what we called Pikes Cabin
- 78-04234 - Cannonball Spring
- 78-04238 - Spring - sinks - aka Jorgie Spring
- 78-04247 - Cottonwood Spring
- 78-10631 - Spring - Upper Thorn Basin - Thorn Basin E
- 78-10632 - Spring - Plank Trough - Thorn Basin D
- 78-12007 - Cannonball Reservoir
- 78-12009 - Spring - probably Pete Wilson

As I understood what you told me for these claims we are covered and do not need to file a response to the Forest Service objection.

Situation 2 ~~TRIB. TO SHINGLE CR.~~ ~~TRIB. TO RAPID RIVER~~ (CLAIM)
W. F. RAPID R. & SHINGLE CR. (NORTH & SOUTH)
AND OTHERS TRIB. TO W. F. RAPID RIVER (CLAIM)

The following claims are ones where the Forest Service filed a claim and we filed an objection, but we did not file a claim. The reason we did not file a claim is that these are free flowing streams with no diversion. At the time we were told you could not file a claim for stock water on a free flowing stream. You could only file a claim if there was a diversion.

- 78-10626 - S. Fork Shingle Creek 51
- 78-10627 - Shingle Creek 53 + 52 OK identify
- 78-10628 - Shingle Creek 53 + 52 OK identify
- 78-10636 - Rapid River 51
- 78-10637 - Dutch Oven Creek 52
- 78-10638 - Wyant Creek 53
- 78-10648 - West Fork Rapid River 51 (INCLUDED COLLECTED PORTION IN S. 22 SESE S. 31 NESE)
- 78-10650 - Dog Creek 53
- 78-10651 - Hanson Creek 54
- 78-10652 - Deep Creek 55
- 78-10653 - McCrea Creek 23 (ENDING PT. PER MAP)
- 78-10654 - Cannon Creek 57
- 78-10655 - Bridge Creek 58
- 78-10656 - Coconut Grove Creek 59
- 78-12008 - unnamed stream - sinks
- 78-12010 - McCrea Creek 23 - pipe - dev.

78-10657 Cottonwood Creek - 60 we did not object - no running water

78-10653 & 78-12010 - may be same

HORSE HEAVEN LAKE & HAAS LAKE - 1891 - 190 NO CATTLE.