

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 63-31495
Date Received: 12/2/2002
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TUCKER M JOHNSON Phone: (208)377-4104
10464 W GARVERDALE CT STE 710
BOISE ID USA 83704

DENISE R JOHNSON Phone: (208)377-4104
10464 W GARVERDALE CT STE 710
BOISE ID USA 83704

2. Date of Priority: 09/29/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	01E	32	NE NW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.65	180

7. Total Quantity Appropriated is:
0.65 C.F.S. and/or 180 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	01E	32	NE	NW	IRRIGATION	20
			NW	NW	IRRIGATION	40
Section Acres						60
Total Acres						60

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

WATER RIGHT NO. 63-31495
As Modified by Transfer No. 69920

In accordance with the approval of Transfer No. 69920, Water Right No. 63-31495 is now described as follows.

Right Holder: TUCKER M JOHNSON And
DENISE R JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704

Priority Date: September 29, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.65 CFS	180.0 AF
			0.65 CFS	180.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NENW Sec. 32 Twp 05N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 01E 32					20.0	40.0											60.0

Total Acres: 60

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
2. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

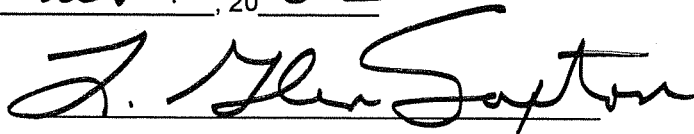
WATER RIGHT NO. 63-31495
As Modified by Transfer No. 69920

CONDITIONS OF APPROVAL

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of November, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69920

RECEIVED

NOV 29 2002

WATER RESOURCES
WESTERN REGION

This is to certify that: TUCKER M JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704
(208)377-4104

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
63-9179C	AJC/License	09/29/1978	4.24 cfs	1185.12 af		262.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

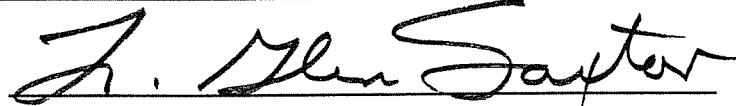
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-9179C	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-9179C	63-31495	0.65 cfs	180.0 af	40.0	60.0	63-31494	3.59 cfs	1005.1 af	N/A	222.0
TOTALS		0.65 cfs	180.0 af	40.0	60.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 26th day of November, 2002


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 6992

RECEIVED

MAY 13 2002

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of ~~WATER RESOURCES~~ Tucker M. Johnson
~~WESTERN REGION~~Phone 208-377-4104Post Office address 10464 Garverdale Court, Suite 710, Boise, ID 83704

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant has purchased a portion of water right 63-9179 and propose transferring it to a new place of use and point of diversion

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 63-9179 Priority 9/29/1978 Amount (cfs/ac-ft) 0.65 / 180.0 Nature of Use irrigation Period of Use 3/15 to 11/15
2. Total amount of water being transferred 0.65 cubic feet per second and/or 180.0 acre-feet per annum.
3. Source of water ground water tributary to NA
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	32	5N	1E	Ada	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	32					20	40											60

Total Acres 60

PART 1

Transfer No. _____

6. General Information:

a. Description of diversion system Well with electric pump, pipelines, and sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
x Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See attached Water Right Purchase and Sale Agreement

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land will no longer be irrigated.

d. Remarks:

See attached purchase agreement for water right

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-9179A issued by the Idaho Department of Water Resources.
- c. Claim No. 63-9179C on file with the Idaho Department of Water Resources.
- d. Transfer No. 5285 which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water ground water tributary to _____

4. Date or priority 9/29/1978

5. Water is used for the following purposes:

amount 4.24/1318.5 for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

amount 0.12/6.7 for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.74 cubic feet per second and/or 1325.2 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	36	6N	3W	Canyon*	

*actual location is Gem (license error)

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	36	40	32	32	40									40	39	35	35	293

Total Acres 293

9. Describe any other water rights used for the same purpose as described above none

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

yes If yes, describe see analysis for T5285 and attached photos; no non-use**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED** of portion described in part B.
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.65 / 180.0 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	36	6N	3W	Gem	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Tot
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	36	6													34			4

Total Acres 40**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. amount 4.09/1138.5 for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount 0.12/6.7 for stock purposes from 1/01 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	36	6N	3W	Gem	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Tot
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	3W	36	34	32	32	40									40	5	35	35	23

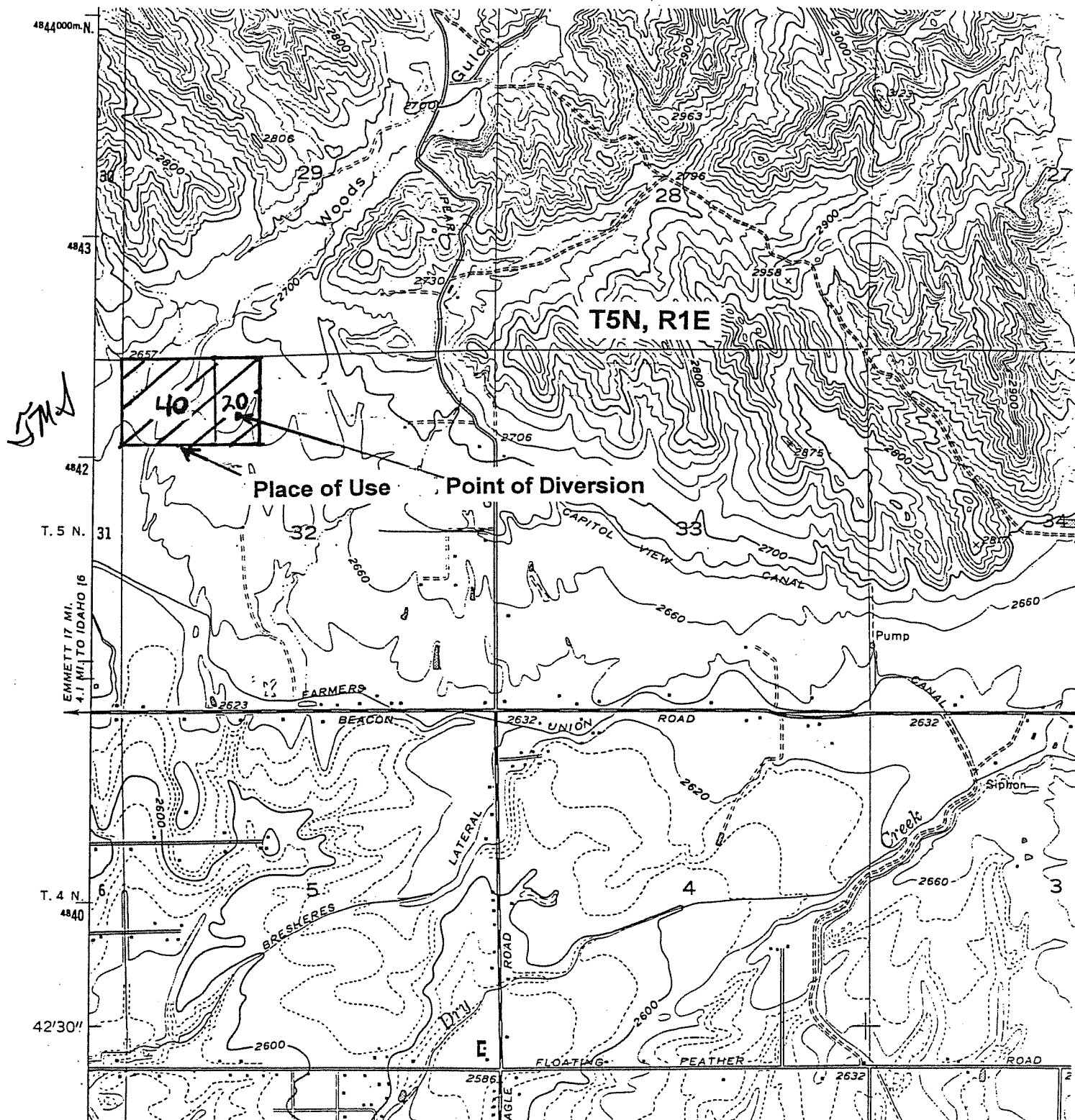
Total Acres

253

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the right described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

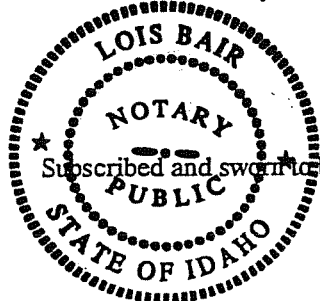
1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of November, 2001

Lois Bair - Boise, ID
(Notary Public)

My commission expires 3-31-2004

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 9 attachments

Received by Kb Date 5/13/02 Protest filed by _____

Prelim. Check by g Fee 250⁰⁰

Receipted by Kb Date 5/13/02 W029156

Published in Press Tribune Copies of protest forwarded by _____

Pub. Dates 6-20+27-02 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

RECORDED - REQUEST

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2001 OCT 10 PM 4:18

FEE 600 DEPUTY J. Hays

101105398

ALLIANCE TITLE

READ & APPROVED BY GRANTEE(S): [Signature] DRG

SPACE ABOVE THIS LINE FOR RECORDING DATA

(2500)

Order No.: 01092827 LWF/CW

Re-recorded to correct Legal

WARRANTY DEEDFOR VALUE RECEIVED DALE H. WOLIN AND LOIS H. WOLIN (also shown of
record as LOIS M. WOLIN), Husband and WifeGRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto TUCKER M.
JOHNSON AND DENISE R. JOHNSON, Husband and WifeGRANTEE(S), whose current address is: 1763 N. CLARENDON WY., RAGLE, IDAHO 83616
the following described real property in ADA 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.

RECORDED - REQUEST OF

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHOFEE 600 DEPUTY M. Hays

2002 MAR 21 PM 12:28

102033289

ALLIANCE

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: October 04, 2001

[Signature]
DALE H. WOLIN[Signature]
LOIS M. WOLINSTATE OF IDAHO
COUNTY OF ADA }Public in and for said State, personally appeared DALE H. WOLIN AND LOIS H. WOLIN
M.

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 executed the same.

TRINA NISHITANI
NOTARY PUBLIC
STATE OF IDAHO

My Commission Expires 6-28-03

Signature: [Signature]Name: TRINA NISHITANIResiding at: CALDWELL, IDAHO

My Commission Expires: 06/28/03

PARCEL II

EXHIBIT "A"

A parcel of land located in the North half of the Northwest Quarter of Section 32, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the Northwest ^{West} corner of said Section 32 from which the North Quarter corner of said Section 32 bears North 89 degrees 37'41" East, 2646.25 feet; thence along the North boundary line of said Section 32 North 89 degrees 37'41" East, 1572.92 feet to the REAL POINT OF BEGINNING; thence continuing along said North boundary line North 89 degrees 37'41" East, 393.12 feet to the Northwest corner of Kozl Ridge Estates Subdivision as filed in Book 68 of Plats at Pages 6921 and 6922, records of Ada County, Idaho; thence along the West boundary line of said Kozl Ridge Estates Subdivision South 00 degrees 28'03" West, 1318.44 feet to a point on the North boundary line of Westridge Subdivision as recorded in Book 63 of Plats at Pages 6393 and 6394, records of Ada County, Idaho; thence along said North boundary line South 89 degrees 35'50" West, 643.87 feet to the Northwest 1/16 corner of said Section 32; thence continuing along said North boundary line South 89 degrees 37'07" West, 75.38 feet; thence leaving said North boundary line North 37 degrees 44'30" West, 441.13 feet to a point on a curve to the left; thence along said curve 175.71 feet, said curve having a radius of 248.93 feet, a central angle of 40 degrees 26'33" and a long chord of 172.08 feet which bears North 33 degrees 56'36" East; thence North 13 degrees 43'19" East, 68.61 feet to the beginning of a curve to the right; thence along said curve 375.08 feet, said curve having a radius of 220.32 feet, a central angle of 97 degrees 32'36" and a long chord of 331.40 feet which bears North 62 degrees 29'37" East to a point of compound curve; thence along said compound curve 44.09 feet, said curve having a radius of 28.00 feet, a central angle of 90 degrees 12'51" and a long chord of 39.67 feet which bears South 23 degrees 37'40" East to a point of reverse curve; thence along said reverse curve 157.11 feet, said curve having a radius of 50.00 feet, a central angle of 180 degrees 02'14" and a long chord of 100.00 feet which bears South 68 degrees 32'21" East to the point of tangency; thence North 21 degrees 26'32" East, 98.10 feet to the beginning of a curve to the left; thence along said curve 98.50 feet, said curve having a radius of 50.00 feet, a central angle of 112 degrees 52'36" and a long chord of 83.33 feet which bears North 34 degrees 59'47" West; thence leaving said curve North 00 degrees 41'32" East, 176.77 feet; thence North 12 degrees 59'51" East, 355.27 feet to the REAL POINT OF BEGINNING.

CORRECTED LEGAL DESCRIPTION

A parcel of land located in the N1/2 of the NW1/4 of Section 32, T.5N., R.1E., B.M., Ada County, Idaho, more particularly described as follows:

Commencing at the NW corner of said Section 32 from which the N1/4 corner of said Section 32 bears North 89°37'41" East, 2648.25 feet;

thence along the North boundary line of said Section 32, North 89°37'41" East, 1572.92 feet to the **REAL POINT OF BEGINNING**;

thence continuing along said North boundary line North 89°37'41" East, 393.12 feet to the NW corner of Kozi Ridge Estates Subdivision as filed in Book 68 of Plats at Pages 6921 and 6922, records of Ada County, Idaho;

thence along the West boundary line of said Kozi Ridge Estates Subdivision South 00°28'03" East, 1318.44 feet to a point on the North boundary line of Westridge Subdivision as recorded in Book 63 of Plats at Pages 6393 and 6394, records of Ada County, Idaho;

thence along said North boundary line South 89°35'50" West, 643.67 feet to the NW1/16 corner of said Section 32;

thence continuing along said North boundary line South 89°37'07" West, 75.38 feet;

thence leaving said North boundary line North 37°44'30" West, 441.13 feet to a point on a curve to the left;

thence along said curve 175.71 feet, said curve having a radius of 248.93 feet, a central angle of 40°26'33" and a long chord of 172.08 feet which bears North 33°55'36" East;

thence North 13°43'19" East, 68.61 feet to the beginning of a curve to the right;
thence along said curve 375.08 feet, said curve having a radius of 220.32 feet, a central angle of 97°32'36" and a long chord of 331.40 feet which bears North 62°29'37" East to a point of compound curve;

thence along said compound curve 44.09 feet, said curve having a radius of 28.00 feet, a central angle of 80°12'51" and a long chord of 39.67 feet which bears South 23°37'40" East to a point of reverse curve;

thence along said reverse curve 157.11 feet, said curve having a radius of 50.00 feet, a central angle of 180°02'14" and a long chord of 100.00 feet which bears South 68°32'21" East to the point of tangency;

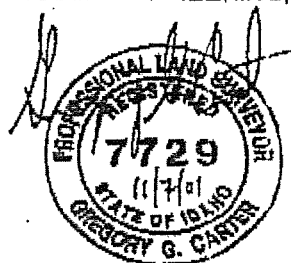
thence North 21°26'32" East, 98.10 feet to the beginning of a curve to the left;

thence along said curve 98.50 feet, said curve having a radius of 50.00 feet, a central angle of 112°52'36" and a long chord of 83.33 feet which bears North 34°59'47" West;

thence leaving said curve North 00°41'32" East, 176.77 feet;

thence North 12°59'51" East, 355.27 feet to the **REAL POINT OF BEGINNING**.
Containing 20.15 acres, more or less.

Prepared by:
HUBBLE ENGINEERING, INC.



INSTRU. NO. 187912
PAGES 1 of 2

WARRANTY DEED

GRANTOR, Children's Aid of Idaho, a private Idaho non-profit corporation, also known as Children's Adoption Services, Inc., (CASI), of Boise, County of Ada, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Carlos L. Post and Laura E. Post, husband and wife, whose current address is 27346 Middle Road, Wilder, County of Canyon, State of Idaho, as GRANTEEES, and to Grantees' heirs and assigns forever, all of the following described real estate located in Gem County, Idaho:

The E 1/2 of Section 36, Township 6 North, Range 3 West, of the Boise Meridian, in Gem County, Idaho;

EXCEPT the SW 1/4 of the SW 1/4 of the NE 1/4 of said Section 36;

ALSO EXCEPT a 100 foot strip of land deeded to the Idaho Northern Railway Company, Limited by Deed recorded July 21, 1903 in Book 9 of Deeds at Page 629, records of Gem County, Idaho;

ALSO EXCEPT those portions of the Northeast quarter of Section 36 and the Southeast quarter of Section 36 lying westerly of Emmett Road, as such road presently exists.

AND ALSO EXCEPT all minerals and geothermal resources, including associated by-products, as reserved by the State of Idaho, by State Deed recorded September 26, 1979 as Instrument No. 130265, records of Gem County, Idaho.

TOGETHER WITH:

Road Easement and Irrigation Pipeline Easement as granted in that certain instrument recorded September 14, 1979 as Instrument No. 130158, records of Gem County, Idaho, over and across the following described property:

The south 100 feet and the west 20 feet of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 36, Township 6 North, Range 3 West of the Boise Meridian, in Gem County, Idaho;

EXCEPT all ditch and road rights-of-way.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

INSTRU. NO. 187912PAGES 2 of 2

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its successors and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantees, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name to this instrument this 24th day of December, 1992.

Children's Adoption Services, Inc.

Wm. Lynn Pelley
Director

STATE OF IDAHO)

ss.

County of Blaine)

On this 24th of December, 1992, before me, the undersigned, a Notary Public for Idaho, personally appeared Wm. Lynn Pelley, known to be the person whose name is 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.

Wm. Lynn Pelley
Notary Public for Idaho
Residing at Blaine
My Commission Expires 12/31/99

Warranty Deed Page 2

Fee: 6.00

Theresa K. Kohnsting, Clerk
Executive Secretary
By Spidy Chapman
Deputy

Recorded in Deed

Vol. 10, 187912

Date January 8, 1996

Time 12:45 PM

Gen County (ID4HO) ss
Recorded at request of
Land Title Insurance Co.

187912

FA-6466

INSTRU. NO. 193164
PAGES 1 of 6

Filed for Record at Request of:

After Recording, Mail To:

First American Title Company of Idaho
108 East 6th Street
Emmett, Idaho 83617

QUITCLAIM DEED

Folder #:1632-14

UNION PACIFIC RAILROAD COMPANY, a Utah corporation, (successor through merger to Oregon Short Line Railroad Company and Idaho Northern Railway Company, Ltd.), Grantor, in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration to it duly paid, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto CARLOS L. POST and LAURA E. POST, husband and wife as community property, Grantees, whose address is 1265 South Crane Road, Midvale, Idaho 83645 and unto their heirs and assigns forever, all of Grantor's right, title, interest, estate, claim and demand, both at law and in equity, including any after acquired title interest, of, in, and to the real property consisting of 7.8 acres, more or less, (hereinafter, the "Property") situated in Gem County, Idaho, as more particularly described in Exhibit A, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereio, together with the sole, exclusive and perpetual rights to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantees, their heirs and assigns.

PAGES

of 6

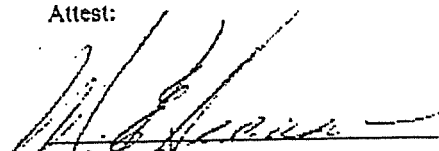
TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging;
TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantees
and unto their heirs and assigns.

Grantor, Federal ID No. 13-6400825, is not a foreign corporation and withholding of Federal
Income Tax from the amount realized will not be made by the Grantees. A Certification prepared
in conformance with IRS regulations under Section 1445 of the Internal Revenue Code is attached
as Exhibit "B".

IN WITNESS WHEREOF, the Grantor has caused this deed to be duly executed as of the

1st day of December, 1997.

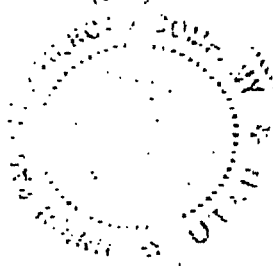
Attest:


Assistant Secretary

UNION PACIFIC RAILROAD COMPANY

By: 
R. D. Uhrich
Assistant Vice President -
Contracts & Real Estate

(Seal)



198164

Gen County, IDAHO) ss
Recorded at request of
First American Title Co
Time 4:35 PM
Date December 29, 1997
Instr. No. 198164
Recorded as a Deed
Tishana R. Kolodziej, Clerk
Ex-Officio Recorder
By: 
Deputy
Fees \$ 18.00

ACKNOWLEDGMENT

INST NO. NO.	198/64
PAGES	3 of 6

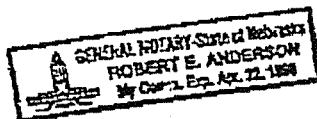
STATE OF NEBRASKA

COUNTY OF DOUGLAS

On this 1 day of December, 1997, before me, a Notary Public in and for said County and State, personally appeared R. D. Ulrich and ME. Heenan, who are the Assistant Vice President - Contracts & Real Estate and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Utah corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Robert E. Anderson
Notary Public



(Seal)

INSTRUMENT 198164

PAGES 4 6

EXHIBIT "A"
LEGAL DESCRIPTION

Audit #5181

A tract of land situate in the North Half of the Northeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the East Half of the South West Quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section 36, Township 6 North, Range 3 West of the Boise Principal Meridian, Gem County, Idaho, the said tract being all that portion of the "Idaho Northern Branch" right of way of the Union Pacific Railroad Company, successor in interest to the Oregon Short Line Railroad Company and the Idaho Northern Railway Company, Ltd., situate within the afore-described legal subdivision, and being that same tract or parcel of land heretofore acquired by the said railroad company by virtue of that certain instrument dated July 16, 1903 from the State of Idaho, said instrument having been filed for record in Canyon County, Idaho on July 21, 1903 at page 151 of Book 26 of "Deeds", the said tract being more particularly described as a strip of land, 100 feet, more or less, in width, and 5,671 feet, more or less, in length, situate between lines that are parallel to and distant 50 feet, measured at right angles, on either side of the following described center line:

Commencing at the southwest corner of the said Section 36:

Thence easterly along the southerly line of the said Section 36, a distance of 2,280 feet, more or less, to that point which is distant 361 feet westerly of the southeastern corner of the Southeast Quarter of the said Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) Section 36, and the beginning point of the center line herein-described;

Thence North 8 degrees 35 minutes East, a distance of 1,747.4 feet, more or less, to a point;

Thence northerly along a curve to the right having a central angle of 14 degrees 4 minutes, a distance of 468.90 feet, more or less, to a point;

Thence North 22 degrees 39 minutes East, a distance of 1,981.70 feet, more or less, to a point;

Thence northerly along a curve to the right having a central angle of 9 degrees 49 minutes, a distance of 490.80 feet, more or less, to a point;

Thence North 32 degrees 28 minutes East, a distance of 982.20 feet, more or less, to a point in the

EXHIBIT "A"
LEGAL DESCRIPTION

(Audit #5181 continued)

north line of the said Section 36 which is distant 1.114 feet, more or less, from the northeastern corner of said Section, and distant 1.541 feet easterly from the northwestern corner of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of said Section, and being the ending point of the center line hereby described.

Situate in Gem County, Idaho.

EXCEPTING THEREFROM, that portion of the above-described tract of land situate in the Southwest Quarter (SW $\frac{1}{4}$) of the aforesaid Section 36.

***** END OF LEGAL DESCRIPTION *****

DATE	1997/6/4
PAGE	6 of 6

EXHIBIT "B"
CERTIFICATION OF NON-FOREIGN STATUS

Under Section 1445(e) of the Internal Revenue Code, a corporation, partnership, trust, or estate must withhold tax with respect to certain transfers of property if a holder of an interest in the entity is a foreign person. To inform the transferee that no withholding is required with respect to UNION PACIFIC RAILROAD COMPANY'S interest in it, the undersigned hereby certifies the following on behalf of UNION PACIFIC RAILROAD COMPANY:

1. UNION PACIFIC RAILROAD COMPANY is not a foreign corporation, foreign partnership, foreign trust, or foreign estate (as those terms are defined in the Internal Revenue Code and Income Tax Regulations);
2. UNION PACIFIC RAILROAD COMPANY'S U.S. employer identification number is 13-6400825; and
3. UNION PACIFIC RAILROAD COMPANY'S office address is 1416 Dodge Street, Omaha, Nebraska 68179-1100, and state of incorporation is Utah.

UNION PACIFIC RAILROAD COMPANY agrees to inform the transferee if it becomes a foreign person at any time during the three year period immediately following the date of this notice.

UNION PACIFIC RAILROAD COMPANY understands that this certification may be disclosed to the Internal Revenue Service by the transferee and that any false statement contained herein could be punished by fine, imprisonment, or both.

Under penalties of perjury, I declare that I have examined this certification and to the best of my knowledge and belief it is true, correct, and complete, and I further declare that I have authority to sign this document on behalf of UNION PACIFIC RAILROAD COMPANY.


Assistant Vice President -
Contracts & Real Estate

THIS FORM FURNISHED COURTESY OF:

INSTR. NO. 210659
PAGES 1 OF 3**ALLIANCE TITLE &
ESCROW CORP.**READ & APPROVED BY GRANTEE(S) NE J MC

0236 OUT OF 0235, 0222

SPACE ABOVE THIS LINE FOR RECORDING DATA
Order No.: 00022559**WARRANTY DEED**

FOR VALUE RECEIVED CARLOS L POST and LAURA E. POST, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto ANDREW D. ELISON and MELODI ELISON, husband and wife

GRANTEE(S), whose current address is: 23678 FREEZEOUT RD., CALDWELL, IDAHO 83605
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.

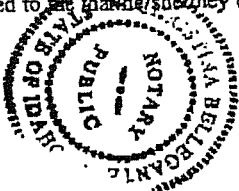
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises 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: March 14, 2000

Carlos L Post
CARLOS L POSTLaura E Post
LAURA E. POSTSTATE OF IDAHO
COUNTY OF CANYON }

On this 14th day of March, in the year of 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared CARLOS L POST and LAURA E. POST

known or identified, to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Signature: Christina BelleganteName: CHRISTINA BELLEGANTE

(type or print)

Residing at: ONTARIO, ORMy Commission Expires: 10/22/04

INSTR. NO. 210659

PAGES 2 OF 2

That portion of the NE $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, described as follows:

BEGINNING at the Southeast corner of the NE $\frac{1}{4}$ of Section 36, T. 6 N., R. 3 W., B.M., Gem County, Idaho, marked by a found 5/8" iron pin; thence South 89°46'35" West, 2003.71 feet, along the South line of said NE $\frac{1}{4}$, to the Southeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ marked by a found 5/8" iron pin; thence North 00°11'04" West, 661.57 feet, along the East line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ to the Northeast corner thereof, marked by a found 5/8" iron pin; thence South 89°47'30" West, 105.30 feet, along the North line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, to a point on the East line of the old railroad right-of-way marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence South 22°33'17" West, 717.56 feet, along said right-of-way, to a point on the South line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence South 89°46'35" West, 108.46 feet, along said South line, to a point on the West line of said old railroad right-of-way marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence North 22°33'17" East, 717.59 feet, along said right-of-way, to a point on the North line of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence South 89°47'30" West, 104.60 feet, along said North line to a point on the centerline of Emmett Road; thence North 22°36'31" East, 162.39 feet, along said centerline; thence leaving said centerline North 89°46'35" East, 2263.88 feet to a point on the East line of said NE $\frac{1}{4}$ marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence South 00°08'59" West, 811.34 feet, along said East line to the REAL POINT OF BEGINNING.

TOGETHER WITH an ingress, egress and irrigation easement over and across the South 100.00 feet SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 36, Township 6 North, Range 3 West, as described in Instrument No. 136158, records of Gem County, Idaho.

AND ALSO TOGETHER WITH AND RESERVING a 60.00 foot wide ingress, egress, utility and irrigation easement lying 30.00 feet on each side of and adjacent to the following described centerline:

BEGINNING at the Northeast corner of the SE $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, marked by a found 5/8" iron pin; thence South 89°46'35" West, 1318.58 feet, along the North line of said SE $\frac{1}{4}$, to a point referred to hereafter as Point "A"; thence continuing along said North line South 89°46'35" West, 1272.52 feet to a point on the centerline of Emmett Road and the terminus of said Easement.

AND ALSO TOGETHER WITH AND RESERVING a 20.00 foot wide irrigation easement lying 10.00 feet on each side of and adjacent to the following described centerline:

BEGINNING at Point "A" described above; thence North 00°23'42" East, 107.02 feet to a point referred to hereafter as Point "B"; thence continuing North 22°29'06" East, 920.50 feet and the terminus of this easement.

AND ALSO TOGETHER WITH AND RESERVING a 20.00 foot wide irrigation easement lying 10.00 feet on each side of and adjacent to the following described centerline:

BEGINNING at Point "B" described above; thence North 86°52'36" East, 41.00 feet to the terminus of this easement.

The limits of said easements shall be extended or shortened at each beginning, terminus and all angle points, so as to make for a continuous and uniform width of access throughout.

210659

Gem County, Idaho) ss
Recorded at request of
Alliance Title & Escrow

Time 12:47 PM

Date March 21, 2000

Instru. No. 210659

Recorded as a Deed

Susan K. Howard, Clerk
Ex-officio Recorder

By: Judy L. [Signature]
Deputy

Fees \$ 6.00

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &
ESCROW CORP.**

Instrument # 212905

EMMETT GEM, IDAHO

2000-08-24 04:04:00 No. of Pages: 7

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Ex-Officio Recorder Deputy

Index fee: DEED

READ & APPROVED BY GRANTEE(S): S.T.P. T.J.P.

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

FOR VALUE RECEIVED CARLOS L. POST and LAURA E. POST, husband and wife

GRANTOR(S), docs(do) hereby GRANT, BARGAIN, SELL and CONVEY unto SCOTT T. PEHRSON and TANYA J. PEHRSON, husband and wife

GRANTEE(S), whose current address is: 416 5th Street North Extension, Nampa, ID
the following described real property in GEM 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.

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) docs(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: March 24, 2000

Carlos L. Post
CARLOS L. POST

Laura E. Post
LAURA E. POST

STATE OF IDAHO
COUNTY OF CANYON

On this 31st day of March, in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared CARLOS L. POST and LAURA E. POST

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 executed the same.

NOTARY
STATE OF IDAHO
RESIDING AT BOISE, IDAHO
COMMISSION EXPIRES: 07-27-2003

Signature: Christina Bellegante

Name: CHRISTINA BELLEGANTE

(Type or print)
Residing at: ONTARIO, OR

My Commission Expires: 10/22/04

INSTR. NO. 212985
 PAGES 2 OF 2

ord- 0240

Tri County Surveying, Inc.

Job No. 00-004
 January 21, 2000

Legal Description
 Parcel 2

The Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found brass capped monument;
 Thence North $00^{\circ}17'15''$ West, 1323.59 feet, along the west line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the northwest corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
 Thence North $89^{\circ}44'40''$ East, 1330.79 feet, along the north line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the northeast corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
 Thence South $00^{\circ}04'16''$ East, 1322.85 feet, along the east line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the southeast corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
 Thence South $89^{\circ}42'44''$ West, 1325.80 feet, along the south line of said Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the point of Beginning.

Together with an Ingress, egress, and irrigation easement over and across the south 100.00 feet of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 36, Township 6 North, Range 3 West, as described in instrument no. 130158, records of Gem County, Idaho.

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of and adjacent to the following described centerline;

Beginning at the northeast corner of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a found $\frac{5}{8}$ " iron pin;
 Thence South $89^{\circ}46'35''$ West, 1318.58 feet, along the north line of said Southeast $\frac{1}{4}$, to a point referred to hereafter as Point "A";
 Thence continuing along said north line South $89^{\circ}46'35''$ West, 1272.52 feet to a point on the centerline of Emmett Road and the terminus of said easement.

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of, and adjacent to, the following described centerline;

Beginning at the northwest corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;

CTP
 LEP

JOB NO. 00-004

January 21, 2000

Beginning at the northeast corner of the Northeast ¼ of the Southeast ¼ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a found 5/8" iron pin;

Thence South 00°08'44" West, 1322.12 feet, along the east line of said Northeast ¼ of the Southeast ¼, to the southeast corner thereof marked by a set 5/8" iron pin with plastic cap PLS 6552;

Thence South 89°44'40" West, 1330.79 feet, along the south line of said Northeast ¼ of the Southeast ¼, to the southwest corner thereof marked by a set 5/8" iron pin with plastic cap PLS 6552;

Thence North 00°04'16" West, 1322.84 feet, along the west line of said Northeast ¼ of the Southeast ¼, to the northwest corner thereof marked by a set 5/8" iron pin with plastic cap PLS 6552;

Thence North 89°46'35" East, 1335.78 feet, along the north line of said Northeast ¼ of the Southeast ¼, to the point of Beginning.

Together with an ingress, egress, and irrigation easement over and across the south 100.00 feet of the Southwest ¼ of the Northeast ¼ of said Section 36, Township 6 North, Range 3 West, as described in instrument no. 130158, records of Gem County, Idaho.

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of and adjacent to the following described centerline;

Beginning at the northeast corner of the Southeast ¼ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a found 5/8" iron pin; Thence South 89°46'35" West, 1318.58 feet, along the north line of said Southeast ¼, to a point referred to hereafter as Point "A"; Thence continuing along said north line South 89°46'35" West, 1272.52 feet to a point on the centerline of Emmett Road and the terminus of said easement.

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of, and adjacent to, the following described centerline;

Beginning at the northwest corner of the Northeast ¼ of the Southeast ¼ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a set 5/8" iron pin with plastic cap PLS 6552;

Thence South 00°04'16" East, 1382.85 feet, along the east line of said Northwest ¼ of the

P.O. Box 974, 703 North Washington Ave., Emmett, ID 83617

Phone: (208) 365-7470 Fax: (208) 365-2880

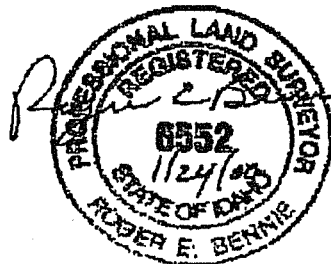
AKA TRACT II 02 TITLE 405-000311

And also together with a 20.00 foot wide irrigation easement lying 10.00 feet on each side of and adjacent to the following described centerline:

Beginning at Point "A" described above;
Thence North 00°23'42" East, 107.02 feet;
Thence North 86°52'36" East, 41.00 feet to the terminus of this easement.

The limits of said easements shall be extended or shortened at each beginning, terminus and all angle points, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 40.349 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



Page 2

P.O. Box 974, 703 North Washington Ave., Emmett, ID 83817

Phone: (208) 365-7470 Fax: (208) 365-2880

06/04/02 10:58 FAX 2083653850

FIRST AMERICAN TITLE CO

016/027

The Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the southeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found aluminum capped monument;

Thence South $89^{\circ}42'44''$ West, 1325.79 feet, along the south line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the southwest corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;

Thence North $00^{\circ}04'16''$ West, 1322.85 feet, along the west line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the northwest corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;

Thence North $89^{\circ}44'40''$ East, 1330.79 feet, along the north line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the northeast corner thereof marked by a found $\frac{5}{8}$ " iron pin;

Thence South $00^{\circ}08'44''$ West, 1322.13 feet, along the east line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the point of Beginning.

Together with an ingress, egress, and irrigation easement over and across the south 100.00 feet of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 36, Township 6 North, Range 3 West, as described in instrument no. 130158, records of Gem County, Idaho:

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of, and adjacent to, the following described centerline;

Beginning at the northeast corner of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a found $\frac{5}{8}$ " iron pin;

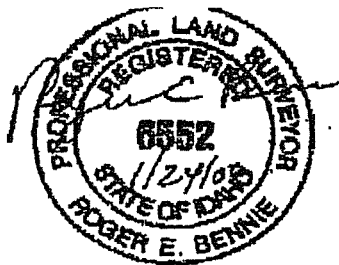
Thence South $89^{\circ}46'35''$ West, 1318.58 feet, along the north line of said Southeast $\frac{1}{4}$, to a point referred to hereafter as Point "A";

Thence continuing along said north line South $89^{\circ}46'35''$ West, 1272.52 feet to a point on the centerline of Emmett Road and the terminus of said easement.

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of, and adjacent to, the following described centerline;

Beginning at the northeast corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;

Thence South $00^{\circ}04'16''$ East, 1382.85 feet, along the east line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the terminus of said easement.



Page 2

SEP
C.7P
P.O. Box 974, 703 North Washington Ave., Emmett, ID 83617

Phone: (208) 365-7470 Fax: (208) 365-2880

08/04/02 10:59 FAX 2083653650

FIRST AMERICAN TITLE CO

018/027

Tri County Surveying, Inc.
Parcel 4 continued

INSTRU. NO. 212905
PAGES 7 OF 7

Southeast $\frac{1}{4}$, to the terminus of said easement.

And also together with a 20.00 foot wide irrigation easement lying 10.00 feet on each side of, and adjacent to, the following described centerline:

Beginning at point "A" described above;
Thence North $00^{\circ}23'42''$ East, 107.02 feet;
Thence North $86^{\circ}52'36''$ East, 41.00 feet to the terminus of this easement.

The limits of said easements shall be extended or shortened at each beginning, terminus and all angle points, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 40.478 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby and is subject to rights-of-way or easements of record or in use.



INSTRUMENT NO. 213158
PAGES 1 OF 4

DEED OF GIFT

THIS INDENTURE, made the 8 day of Sept., 2000, between CARLOS POST and LAURA POST, husband and wife, of the County of Adams, State of Idaho, Grantors, and GARRETT P. POST, a single person, whose current address is 6000 Little Freezeout Road, Caldwell, ID 83605, as Grantee, witnesseth:

That the said Grantors, for and in consideration of the natural love and affection Grantors have for the Grantee, do by these presents, give, grant, alien and confirm unto the said Grantee, as his sole and separate property, all of the following described real estate situate in Gem County, State of Idaho, to-wit:

See Exhibit A which is attached hereto and incorporated herein by reference as if set out in full.

Together with all and singular, the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion or reversions, remainder and remainders, rents, issues and profits thereof, and the rents and profits thereof shall be applied to Grantee's sole and separate use.

To have and to hold, all and singular the premises, together with appurtenances, unto the said Grantee, his heirs and assigns forever, as the separate property of the Grantee.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hand the day and year first above written.

Carlos Post
CARLOS POST

Laura Post
LAURA POST

Instrument # 213158

EMMETT GEM, IDAHO

2000-09-15

12:59:00 No. of Pages: 4

Recorded for: GARRETT POST

SUSAN K. HOWARD

Ex-Officio Recorder Deputy

Index to DEED

Fee: 12.00

Judy Begham

INSTR. NO. 213158
PAGES 2 OF 4

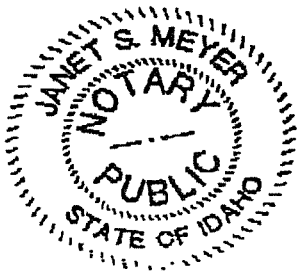
STATE OF IDAHO)

County of Malheur)

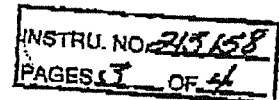
ss.

On this 5th day of September, 2000, before me, the undersigned, a Notary Public for Idaho, personally appeared CARLOS POST and LAURA POST, 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.

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



Janet S. Meyer
Notary Public for Idaho
Residing at Council, Idaho
My Commission Expires 9/8/00



Tri County Surveying, Inc.

Job No. 00-004
August 31, 2000Legal Description
Parcel 7A

That portion of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, described as follows:

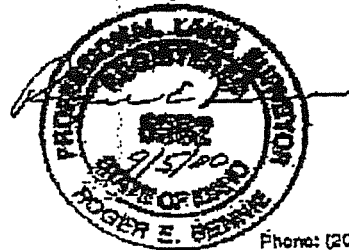
Commencing at the northeast corner of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found $\frac{5}{8}$ " iron pin;
Thence South $00^{\circ}08'59"$ West, 661.11 feet, along the east line of said Northeast $\frac{1}{4}$, to the southeast corner of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, marked by a $\frac{1}{2}$ " iron pin with plastic cap PLS 6552;
Thence South $89^{\circ}49'12"$ West, 1062.03 feet, along the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the prolongation thereof, to the True Point of Beginning;
Thence South $00^{\circ}08'59"$ West, 328.67 feet;
Thence South $89^{\circ}48'20"$ West, 764.07 feet to a point on the centerline of Emmett Road (also known as Little Freezeout Road);
Thence North $31^{\circ}45'24"$ East, 387.51 feet, along said centerline, to the prolongation of the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
Thence leaving said centerline North $89^{\circ}49'12"$ East, 560.98 feet, along said south line, to the True Point of Beginning.

Reserving unto the grantor, their heirs and assigns, a 40.00 foot wide ingress, egress and utility easement lying south of and adjacent to the following described line:

Beginning at the True Point of Beginning described above;
Thence South $89^{\circ}49'12"$ West, 560.98 feet, along the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the prolongation thereof, to a point on the centerline of Emmett Road (also known as Little Freezeout Road) and the terminus of this easement.

The limits of said easement shall be extended or shortened at the beginning and terminus, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 5.000 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



P.O. Box 974, 703 North Washington Ave., Emmett, ID 83617

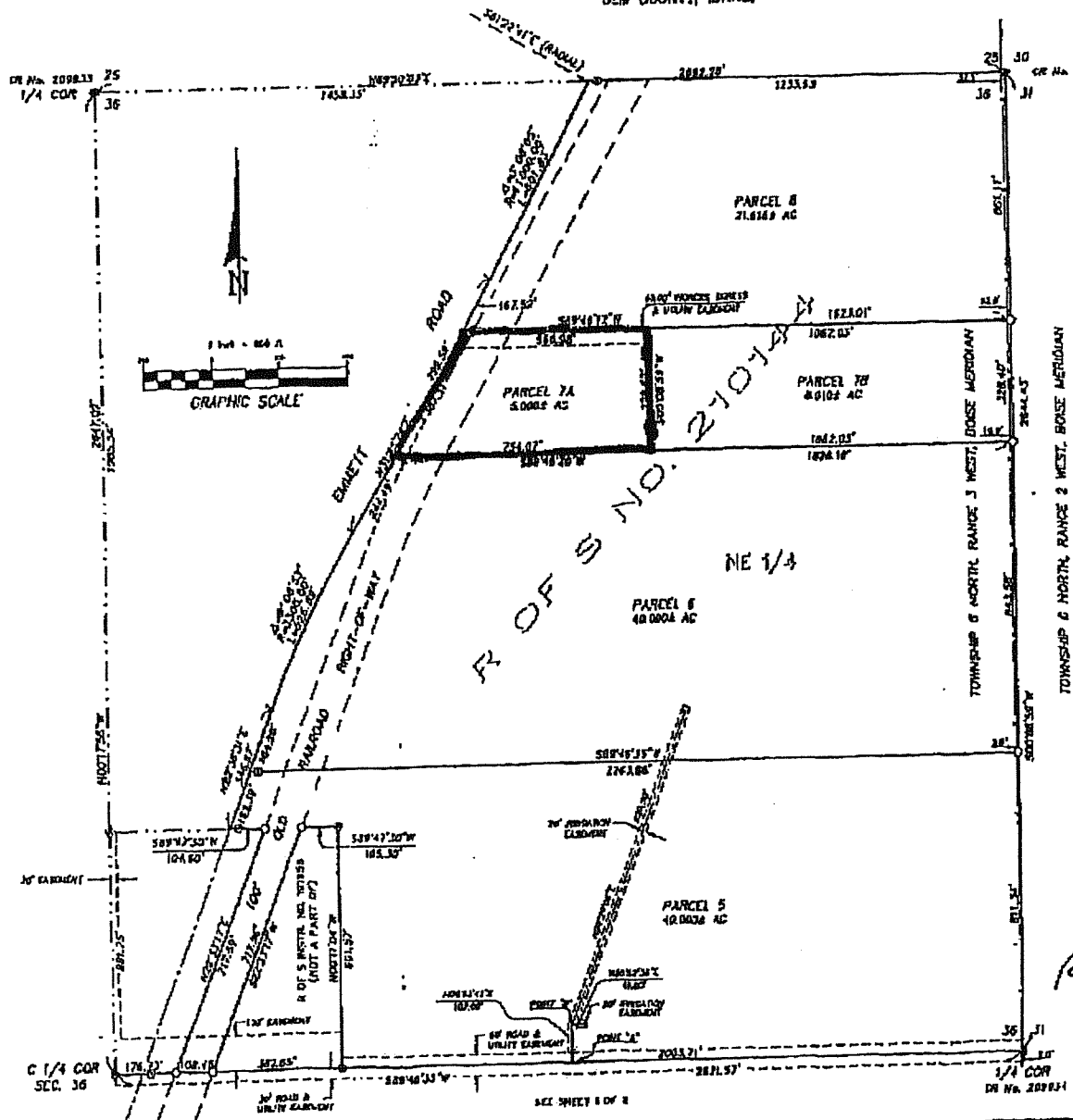
Phone: (208) 365-7470 Fax: (208) 365-2880

Exhibit A

MAP TO ACCOMPANY A LEGAL DESCRIPTION

OF A PORTION OF THE NORTHEAST 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN
GEM COUNTY, IDAHO.

INSTRUMENT NO. 200220
PAGE 1 OF 1



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN, GEM COUNTY, IDAHO, I.e. NORTH 59° E.

LEGEND:

- FOUND 3/8" IRON PIN
- SET 3/8" IRON PIN W/ PLASTIC CAP PLS 6552
- SET 1/2" IRON PIN W/ PLASTIC CAP PLS 6552
- SET 1/2" IRON PIN W/ PLASTIC CAP PLS 6552 ON A 36.00' OFFSET

--- BARBED WIRE FENCE

NOTE:

TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

PREPARED FOR:

CARLOS L. & LAURA C. POST
1265 SOUTH CRANE ROAD
MIDVALE, ID 83945
(208) 355-4800



TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 874
703 N. WASHINGTON AVE.
Emmett, Idaho 83617
PHONE: (208) 355-7470

AUGUST 2002
IDEN No. 651-36-1-0-0 JOB No. 02-TRUCK

WARRANTY DEED

For Value Received

CARLOS L. POST AND LAURA E. POST, husband and wife

docs hereby GRANT, BARGAIN, SELL AND CONVEY unto

TRAVIS ANDREWS AND KIMBERLY ANDREWS, husband and wife

whose current address is P.O. BOX 658
MIDDLETON, ID 83644

the following described premises, to-wit:

IN GEM COUNTY, IDAHO

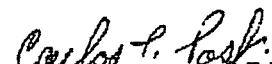
SEE ATTACHED EXHIBIT "A"

Together with all water, water rights, ditches and ditch rights appurtenant thereto and in anywise belonging.

Subject to all valid outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

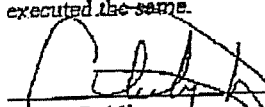
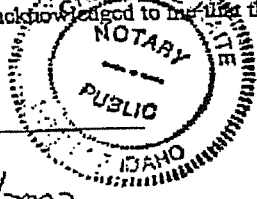
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees, their heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, excepting reservations, easements, encumbrances, restrictions and rights of way appearing of record and/or existing and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: MARCH 25, 2002


CARLOS L. POST
LAURA E. POST

STATE OF IDAHO, COUNTY OF WASHINGTON

On this 25th day of MARCH, 2002, before me, a notary public in and for the said State, personally appeared CARLOS L. POST AND LAURA E. POST, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Weiser, Idaho
Commission Expires: 11/4/2003

Instrument # 221544

EMMETT, GEM, IDAHO

2002-03-27

01:21:00 No. of Pages: 4

Recorded for: WEISER VALLEY TITLE

SUSAN K. HOWARD

Fee: 12.00

Ex-Officio Recorder Deputy

Index to DEED

INSTRU. NO. 221544
PAGES 1 OF 4

EXHIBIT "A"

THE NORTH 330 FEET OF THE WEST 660 FEET OF THE FOLLOWING DESCRIBED
REAL PROPERTY, TO WIT:

That portion of the South $\frac{1}{2}$ of Section 36, Township 6 North, Range 3 West, Boise
Meridian, Gem County, Idaho, described as follows:

Commencing at the northwest corner of the Southeast $\frac{1}{4}$ of Section
36, Township 6 North, Range 3 West, Boise Meridian, Gem County,
Idaho, marked by a found $\frac{5}{8}$ " iron pin;
Thence North $89^{\circ}46'35''$ East, 80.48 feet, along the north line of the
Northwest $\frac{1}{4}$ of said Southeast $\frac{1}{4}$, to a point on the centerline of
Emmett Road and the True Point of Beginning; Thence continuing
North $89^{\circ}46'35''$ East, 1255.30 feet, along said north line of the
Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ to the northeast corner thereof
marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552; Thence
South $00^{\circ}04'16''$ East, 1322.84 feet, along the east line of said
Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the southeast corner thereof
marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
Thence South $89^{\circ}44'40''$ West, 1330.79 feet, along the south line of
said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the southwest corner
thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
Thence North $00^{\circ}17'15''$ West, 605.84 feet, along the west line of said
Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to a point on the east side of the
old railroad right-of-way, said point being on the arc of a 1860.08
foot radius curve to the left, a radial bearing to said point bears North
 $74^{\circ}53'20''$ West;
Thence southwesterly along the arc of said curve and said right-of-
way, through a central angle of $06^{\circ}37'23''$ a distance of 215.01 feet;
Thence tangent to said curve South $08^{\circ}29'17''$ West, 1739.68 feet,
along said right-of-way, to a point on the south line of said Section
36;
Thence South $89^{\circ}42'33''$ West, 101.19 feet, along the south line of
said Section 36, to a point on the west line of said old railroad right-
of-way;
Thence North $08^{\circ}29'17''$ East, 1755.12 feet, along said right-of-way to the
beginning of a tangent 1960.08 foot radius curve to the right; Thence
northeasterly along the arc of said curve through a central angle of $14^{\circ}04'00''$
a distance of 481.22 feet;
Thence tangent to said curve North $22^{\circ}33'17''$ East, 33.64 feet to a
point on the west line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;

Thence North $00^{\circ}17'15''$ West, 218.96 feet, along said west line, to a point on the centerline of Emmett Road;
Thence North $21^{\circ}33'42''$ East, 216.24 feet, along said centerline, to the True Point of Beginning

EXCEPT that portion described as follows:

A strip of land 100 feet wide through the Southwest quarter of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, said centerline of 100 foot strip of land described as follows:

Commencing at the Southeast corner of the Southwest quarter of Section 36, Township 6 North, Range 3 West, Boise Meridian; thence South $89^{\circ}46'00''$ West along the Southerly boundary of said Southwest quarter a distance of 367.18 feet to said centerline, which point is the TRUE POINT OF BEGINNING; thence North $8^{\circ}34'00''$ East, a distance of 1752.63 feet; thence Northeasterly 352.05 feet along a curve to the right having a central angle of $11^{\circ}45'41''$ a radius of 1909.86 feet and a long chord which bears North $14^{\circ}26'50''$ East a distance of 391.36 feet to a point on the Easterly boundary of said Southwest quarter which point is the termination point for this description.

Together with any interest in an ingress, egress, and irrigation easement over and across the south 100.00 feet of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 36, Township 6 North, Range 3 West, as described in instrument no. 130158, records of Gem County, Idaho.

And also together with any interest in a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of and adjacent to the following described centerline;

Beginning at the northeast corner of the Southeast 1/4 of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a found 5/8" iron pin;
Thence South $89^{\circ}46'35''$ West, 1318.58 feet, along the north line of said Southeast 1/4, to a point referred to hereafter as Point "A";
Thence continuing along said north line South $89^{\circ}46'35''$ West, 1272.52 feet to a point on the centerline of Emmett Road and the terminus of said easement.

And also together with any interest in a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of and adjacent to the following described centerline.

Beginning at the northeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a set 5/8" iron pin with plastic cap PLS 6552;
Thence South 00°04'16" East, 1382.85 feet, along the east line of said Northwest 1/4 of the Southeast 1/4, of the terminus of said easement.
And also together with a 20.00 foot wide irrigation easement lying 10.00 feet on each side of and adjacent to the following described centerline;

Beginning at Point "A" described above;
Thence North 00°23'42" East, 107.02 feet;
Thence North 86°52'36" East, 41.00 feet to the terminus of this easement.

The limits of said easements shall be extended or shortened at each beginning, terminus and all angle points, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 45.219 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

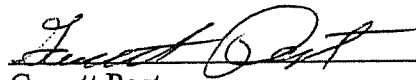
GRANT OF WATER RIGHT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, GARRETT POST, a single person, of 6000 Little Freezeout Road, Caldwell, ID 83605, hereby conveys and grants to CARLOS L. POST and LAURA E. POST, husband and wife, that portion of Grantors water right appurtenant to and beneficially used on that real property described on Exhibit A, which is attached hereto, and incorporated herein by reference, which is necessary to fulfill the obligation of CARLOS L. POST and LAURA E. POST, husband and wife, to Tucker M. Johnson, or its assigns, as set forth in that Water Right Purchase and Sale Agreement effective the 18th day of April, 2002.

Garrett Post acknowledges that, this grant may be recorded in the records of Gem County, Idaho, and that third parties, including Tucker M. Johnson, or his assigns, and the Department of Water Resources for the State of Idaho, may rely upon this Grant.

The undersigned certifies that he will execute such documents as are required to cause a transfer of water rights to occur, which will allow CARLOS L. POST and LAURA E. POST, husband and wife, to fulfill that Water Right Purchase and Sale Agreement hereinabove identified.

DATED this 7 day of Jan, 2002.


Garrett Post

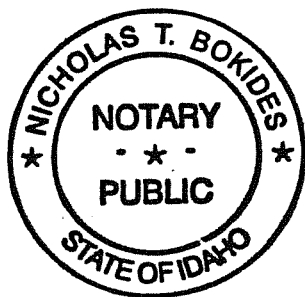
STATE OF IDAHO)

COUNTY OF)

SS:

On this, the 7 day of Jan., 2001, before me a Notary Public, personally appeared GARRETT POST, known or identified to me to be the person whose name is subscribed to the within 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.





Notary Public of Idaho

Residing at Meridian, ID

My Commission expires: April 1, 2004

T. County Surveying, Inc.

Job No. 00-004
August 31, 2000

Legal Description
Parcel 7A

That portion of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, described as follows:

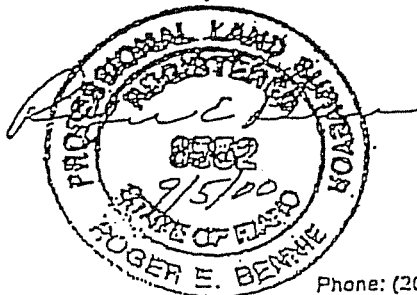
Commencing at the northeast corner of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found $\frac{5}{8}$ " iron pin;
thence South $00^{\circ}08'59"$ West, 661.11 feet, along the east line of said Northeast $\frac{1}{4}$, to the southeast corner of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, marked by a $\frac{1}{2}$ " iron pin with plastic cap PLS 6552;
thence South $89^{\circ}49'12"$ West, 1062.03 feet, along the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the prolongation thereof, to the True Point of Beginning;
thence South $00^{\circ}08'59"$ West, 328.67 feet;
thence South $89^{\circ}48'20"$ West, 764.07 feet to a point on the centerline of Emmett Road (also known as Little Freezeout Road);
thence North $31^{\circ}45'24"$ East, 387.51 feet, along said centerline, to the prolongation of the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
thence leaving said centerline North $89^{\circ}49'12"$ East, 560.98 feet, along said south line, to the True Point of Beginning.

Reserving unto the grantor, their heirs and assigns, a 40.00 foot wide ingress, egress and utility easement lying south of and adjacent to the following described line:

Beginning at the True Point of Beginning described above;
thence South $89^{\circ}49'12"$ West, 560.98 feet, along the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the prolongation thereof, to a point on the centerline of Emmett Road (also known as Little Freezeout Road) and the terminus of this easement.

The limits of said easement shall be extended or shortened at the beginning and terminus, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 5.000 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



P.O. Box 974, 703 North Washington Ave., Emmett, ID 83617

Phone: (208) 365-7470 Fax: (208) 365-2880

EXHIBIT

A

WATER RIGHT PURCHASE AND SALE AGREEMENT

THIS WATER RIGHT PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective this 18 day of April, 2002 ("Effective Date") by and between Carlos L. and Laura E. Post, husband and wife ("Seller"), whose address is 1265 South Crane Road, Midvale, Idaho 83645 and Tucker M. Johnson, or his assigns ("Buyer"), whose address is 10464 Garverdale Court, Suite 710, Boise, Idaho 83704. In consideration of the sums to be paid by Buyer to Seller, and the mutual covenants herein contained, the parties hereby agree as follows:

RECITALS

1. Seller owns a water right to divert ground water within the Boise River Basin, which water right is represented by license number 63-9179A issued by the Idaho Department of Water Resources ("Department"). License No. 63-9179A authorizes diversion of ground water for irrigation use at a rate of 0.0162 cubic feet per second ("cfs") per irrigated acre and a total annual diversion volume of four and one half (4.5) acre-feet per acre per year.
2. Seller desires to sell that portion of Seller's water right (hereinafter the "Water Right") appurtenant to and beneficially used on the following lands owned by Seller: Thirty-four (34) acres situated in the NW1/4SE1/4 and approximately six (6) acres situated in the NE1/4NE1/4 and the NW1/4NE1/4 of Section 36, T6N R3W, Boise Meridian, Gem County, Idaho (the "Thirty-Four Acre Tract" and Six Acre Tract" respectively).
3. A portion of the Water Right appurtenant to the Six Acre Tract is held in the name of Garrett Post, and Seller intends to obtain all necessary approvals, conveyances and/or releases from Garrett Post to allow the sale and Transfer (as defined below) thereof as described herein.
4. Buyer desires to purchase the Water Right and to change the point of diversion and place of use thereof to Buyer's property and use ("Transfer").
5. Seller and Buyer acknowledge that the Transfer will require formal application to, and approval by, the Department.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions set forth below, Seller agrees to sell and Buyer agrees to purchase the Water Right.

1. Purchase Price. The purchase price for the Water Right is EIGHTY THOUSAND DOLLARS (\$80,000.00), payable as follows:
 - a. Earnest Money Deposit. Upon execution of this Agreement by Seller and Buyer, Buyer shall deposit with the Escrow Agent (defined below) the sum of Four Thousand Dollars (\$4,000.00) as earnest money ("Earnest Money"). The Earnest Money shall be applied towards the purchase price at Closing, and shall be non-refundable in the event the purchase and sale does not close, unless the reason that the purchase and sale does not close is due to the non-occurrence of a condition precedent which has not been waived by Buyer, in which case the Earnest Money, together with accrued interest thereon, shall be refunded to Buyer by the Escrow Agent.

- b. Balance of Purchase Price. Seventy-six Thousand Dollars (\$76,000.00), less any adjustment as provided in paragraph 1(c) below being the balance of the Purchase Price, shall be due and payable to Seller at Closing.
- c. Adjustment to Purchase Price. Seller and Buyer acknowledge that the Purchase Price is based upon two thousand dollars (\$2,000.00) per each irrigated acre to which the Water Right is appurtenant. If the Department, in its review of the Transfer, determines to authorize the Transfer, but determines to allow a total annual diversion of less than 180 acre-feet of ground water at Buyer's point of diversion and place of use because the Department recognizes beneficial use of the Water Right on less than, or other than, the forty acres described in Recital 2 above, and Seller thereafter is unable to substitute additional or alternate acres to make up the difference, and Buyer has waived conditions precedent herein and is otherwise prepared to close, then the Purchase Price shall be reduced by \$2,000.00 for each acre less than forty acres that the Department so recognizes as supporting the beneficial use of the Water Right.
2. Escrow Agent. The Escrow Agent shall be Weiser Valley Title, Inc., P.O. Box 591, 124-128 East Main Street, Weiser, Idaho 83672.
3. Escrow Fees and Costs. Seller and Buyer shall each be responsible for one-half of the Escrow Agent's fees and costs.
4. Pre-Closing Obligations. Seller and Buyer agree to cooperate in obtaining Department approval of the Transfer. Seller agrees to provide Buyer with any information concerning Seller's ownership and the historical beneficial use of the Water Right that Buyer may reasonably request to perform Buyer's due diligence and to respond to any Department requests for information or documentation supporting the Transfer application. Buyer will prepare, file, and prosecute the Transfer Application with the Department and use its reasonable best efforts to obtain the Transfer Approval contemplated by the parties. Promptly after the execution of this Agreement, Buyer shall file with the Department an application to transfer the Water Right.
5. Delivery into Escrow. Prior to Closing Seller and Buyer shall deliver the following to the Escrow Agent:
- a. Seller.
- i. Executed and acknowledged Water Right General Warranty Deed and Assignment conveying the Water Right to Buyer free and clear of all claims, liens and encumbrances;
 - ii. Executed and acknowledged conveyances and/or releases of that portion of the Water Right appurtenant to the Six Acre Tract, and other documentation in recordable form sufficient to confirm the release of the Water Right from any claim, lien or encumbrance affecting the Water Right;
 - iii. Executed and acknowledged Notice of Change of Ownership confirming Buyer's ownership of the Water Right and the assignment of any associated Snake River Basin Adjudication Claim ("SRBA Claim"); and
 - iv. Such other documents as Buyer may reasonably request to confirm Buyer's ownership of the Water Right and SRBA Claim as of Closing.
- b. Buyer.

- i. Written notice of the Department's Transfer Approval; and
 - ii. The balance of the Purchase Price subject to any adjustments thereto pursuant to paragraph 1(c) above.
6. Conditions Precedent. The Closing, and Buyer's obligation to purchase the Water Right are subject to the following conditions precedent:
 - a. Seller is not in default and each of Seller's representations and warranties remain true and accurate.
 - b. Issuance of the Transfer Approval authorizing diversion and use of ground water at a rate of not less than 0.648 cfs and a total annual volume of not less than 180 acre-feet, and subject only to such conditions as Buyer, in Buyer's sole discretion deems will not interfere with or impair Buyer's intended use of the Water Right ("Transfer Approval").
 - c. Demonstration by Seller of Seller's clear and marketable title to the Water Right, free of any claims, including rights of redemption.
 - d. Seller's delivery into escrow of the documents described in Paragraph 5 hereto.
7. Buyer's Termination. If the foregoing conditions precedent are neither satisfied or waived by Buyer, or in the event of any default by Seller, or the breach by Seller of any representation or warranty of Seller herein, and provided Buyer is not otherwise in default hereunder, Buyer may terminate the escrow and this Agreement by giving written notice of termination to Seller with a copy thereof to the Escrow Agent. Provided further, that if the foregoing conditions precedent have not been met by February 1, 2003, Buyer may terminate this Agreement by providing Seller notice thereof, with a copy thereof to the Escrow Agent. If Buyer gives Seller notice of termination, the Escrow Agent shall return any funds, including the Earnest Money, together with any documents delivered into escrow by Buyer, to Buyer, and shall return any documents delivered into escrow by Seller to Seller.
8. Buyer's Waiver of Transfer Approval. Seller and Buyer expressly agree that Buyer shall have the right to waive condition precedent 6(b) above and close the Water Right purchase, to the extent that the Department's Transfer Approval reduces the rate or annual volume authorized to be diverted at Buyer's point of diversion and place of use, and Buyer, in Buyer's sole discretion, deems the diversion rate and/or volume actually authorized by the Transfer Approval to be sufficient for Buyer's intended use. If Buyer so waives condition precedent 6(b), Buyer shall remain obligated to pay the Purchase Price for the Water Right, except that the Purchase Price shall remain subject to adjustment as provided in paragraph 1(c) above.
9. Closing. Closing shall occur within ten (10) days of the date of Buyer's written notice to Seller and the Escrow Agent that the Department has granted the Transfer Approval. Upon receipt by the Escrow Agent of Buyer's notice of the Transfer Approval, and of all funds and documents required by this Agreement to be delivered into escrow, the Escrow Agent shall:
 - a. Deliver the Purchase Price, less any permitted adjustments and Seller's share of the escrow fees and costs to Seller;
 - b. Record the Water Right General Warranty Deed and Assignment and any Release of Lien or other such recordable instrument in the real property records of Gem County, Idaho; and
 - c. Deliver the recorded instruments and the Notice of Change of Ownership to Buyer.

10. Representations and Warranties.

a. By Seller:

- i. The Water Right is the sole and primary water right beneficially used to irrigate the lands described in Recital 2 above, and there are no other water rights used upon or appurtenant to such lands;
- ii. Seller agrees that the lands described in Recital 2 above will no longer be irrigated following the Transfer Approval and Closing, unless Seller develops or transfers a new water right to such lands for irrigation;
- iii. There are no contracts, actions, claims or proceedings pending that affect the Water Right;
- iv. Except as otherwise set forth in Recital 2 herein, which exception shall be removed prior to Closing, Seller is the current owner of the Water Right and has not conveyed the Water Right to any other person or entity;
- v. There are no liens, encumbrances, covenants, conditions or restrictions affecting the Water Right other than those that have previously been disclosed in writing to Buyer by Seller;
- vi. Seller is not in default with respect to any of its obligations or liabilities pertaining to the Water Right;
- vii. Seller has not engaged or dealt with any broker or finder in connection with the sale of the Water Right;
- viii. Seller has the legal power, right and authority to enter into this Agreement and to perform Seller's obligations hereunder; and
- ix. The Water Right has been placed to continued beneficial use on the real property described in Recital 2 above, and Seller has no knowledge of any continuous five-year period of nonuse of the Water Right.

b. By Buyer.

- i. Buyer has the legal power, right and authority to enter into this Agreement and to perform Buyer's obligations hereunder; and
- ii. Buyer has not engaged any broker or finder in connection with the purchase of the Water Right.

11. Remedies on Default. If Seller breaches this Agreement, in addition to all other remedies available to Buyer at law or in equity, Buyer shall be entitled to specific performance. If Buyer breaches this Agreement, Seller's sole remedy shall be Seller's retention of the Earnest Money and the withdrawal of the Transfer Application or Transfer Approval as the case may be.

12. General Provisions.

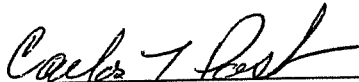
- a. This Agreement contains the entire agreement between the parties related to the purchase and sale of the Water Right, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.
- b. No modification, amendment discharge or change of this Agreement shall be valid unless the same is in writing and signed by both parties.
- c. If either party commences litigation for the judicial interpretation, enforcement or rescission of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.

- d. Time is of the essence to this Agreement.
- e. All obligations referred to herein to be performed at a time or times after Closing, and all representations and warranties contained herein shall survive the Closing and delivery of Seller's Water Right General Warranty Deed and Assignment.
- f. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties hereto and their respective heirs, representatives, successors and assigns.
- g. All notices to be given to the parties or the Escrow Agent shall be in writing, delivered in hand, or by U.S. Mail, postage pre-paid directed to such parties address as contained herein unless such party shall have directed in writing that notice be sent to a different address.
- h. This Agreement may be executed in counterparts.

[end of text]

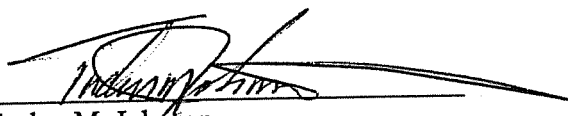
IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the Effective Date set forth above.

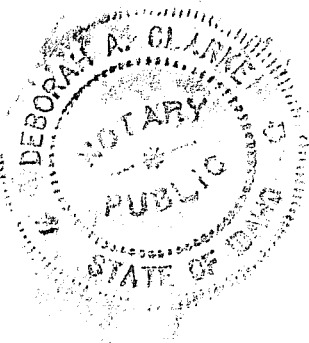
SELLER:


Carlos L. Post


Laura E. Post

BUYER


Tucker M. Johnson

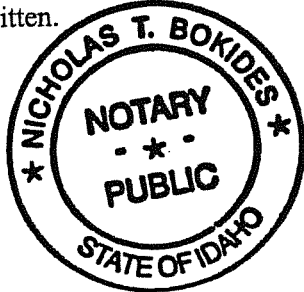


STATE OF IDAHO)

County of Washington ss.:

On this 18 day of April, 2002, before me, a Notary Public of the State of Idaho, appeared Carlos L. Post, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.



A handwritten signature of Nicholas T. Bokides in cursive script.

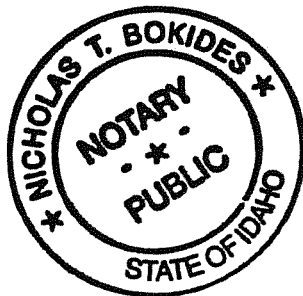
Notary Public of the State of Idaho
Residing at: Wesley, Idaho
My Commission Expires: April 1, 2004

STATE OF IDAHO)

County of Washington ss.:

On this 18 day of April, 2002, before me, a Notary Public of the State of Idaho, appeared Laura E. Post, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that she executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.



A handwritten signature of Nicholas T. Bokides in cursive script.

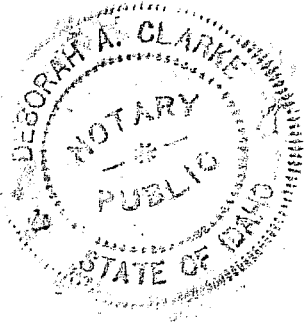
Notary Public of the State of Idaho
Residing at: Wesley, Idaho
My Commission Expires: April 1, 2004

STATE OF IDAHO)

County of Ada) : ss.:

On this 24th day of April, 2002, before me, a Notary Public of the State of Idaho, appeared Tucker M. Johnson, known or identified to me to be the person who executed the foregoing instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the date and year first above written.



Deborah A. Clarke
Notary Public of the State of Idaho
Residing at: BDISC
My Commission Expires: 8/6/2003

Tri County Surveying, Inc.

Job No. 00-004
January 21, 2000

Legal Description Parcel 1

That portion of the South $\frac{1}{2}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the northwest corner of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found $\frac{5}{8}$ " iron pin;
Thence North $89^{\circ}46'35''$ East, 80.48 feet, along the north line of the Northwest $\frac{1}{4}$ of said Southeast $\frac{1}{4}$, to a point on the centerline of Emmett Road and the **True Point of Beginning**;
Thence continuing North $89^{\circ}46'35''$ East, 1255.30 feet, along said north line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ to the northeast corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
Thence South $00^{\circ}04'16''$ East, 1322.84 feet, along the east line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the southeast corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
Thence South $89^{\circ}44'40''$ West, 1330.79 feet, along the south line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the southwest corner thereof marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;
Thence North $00^{\circ}17'15''$ West, 605.84 feet, along the west line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to a point on the east side of the old railroad right-of-way, said point being on the arc of a 1860.08 foot radius curve to the left, a radial bearing to said point bears North $74^{\circ}53'20''$ West;
Thence southwesterly along the arc of said curve and said right-of-way, through a central angle of $06^{\circ}37'23''$ a distance of 215.01 feet;
Thence tangent to said curve South $08^{\circ}29'17''$ West, 1739.68 feet, along said right-of-way, to a point on the south line of said Section 36;
Thence South $89^{\circ}42'33''$ West, 101.19 feet, along the south line of said Section 36, to a point on the west line of said old railroad right-of-way;
Thence North $08^{\circ}29'17''$ East, 1755.12 feet, along said right-of-way to the beginning of a tangent 1960.08 foot radius curve to the right;
Thence northeasterly along the arc of said curve through a central angle of $14^{\circ}04'00''$ a distance of 481.22 feet;
Thence tangent to said curve North $22^{\circ}33'17''$ East, 33.64 feet to a point on the west line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$;
Thence North $00^{\circ}17'15''$ West, 218.96 feet, along said west line, to a point on the centerline of Emmett Road;
Thence North $21^{\circ}33'42''$ East, 216.24 feet, along said centerline, to the **True Point of Beginning**.

Tri County Surveying, Inc.

Parcel 1 continued

Together with an ingress, egress, and irrigation easement over and across the south 100.00 feet of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 36, Township 6 North, Range 3 West, as described in instrument no. 130158, records of Gem County, Idaho.

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of and adjacent to the following described centerline;

Beginning at the northeast corner of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a found $\frac{5}{8}$ " iron pin; Thence South $89^{\circ}46'35''$ West, 1318.58 feet, along the north line of said Southeast $\frac{1}{4}$, to a point referred to hereafter as Point "A"; Thence continuing along said north line South $89^{\circ}46'35''$ West, 1272.52 feet to a point on the centerline of Emmett Road and the terminus of said easement.

And also together with and reserving unto the grantor, their heirs, and assigns a 60.00 foot wide ingress, egress, utility, and irrigation easement lying 30.00 feet on each side of and adjacent to the following described centerline;

Beginning at the northeast corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a set $\frac{5}{8}$ " iron pin with plastic cap PLS 6552; Thence South $00^{\circ}04'16''$ East, 1362.85 feet, along the east line of said Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, to the terminus of said easement.

And also together with a 20.00 foot wide irrigation easement lying 10.00 feet on each side of and adjacent to the following described centerline:

Beginning at Point "A" described above;
Thence North $00^{\circ}23'42''$ East, 107.02 feet;
Thence North $86^{\circ}52'36''$ East, 41.00 feet to the terminus of this easement.

The limits of said easements shall be extended or shortened at each beginning, terminus and all angle points, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 45.219 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



RECORD OF SURVEY

OF A PORTION OF THE SOUTH 1/4 OF SECTION 36,
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CEM COUNTY, IDAHO.

Instr. No. _____

STATE OF IDAHO }
COUNTY OF CEM }

Recorded at the request of
TRI County Surveying, Inc.

Date: _____

Instr. No.: _____

Recorded as a Survey

Susan K. Howard, Clerk
Ex-officio Recorder

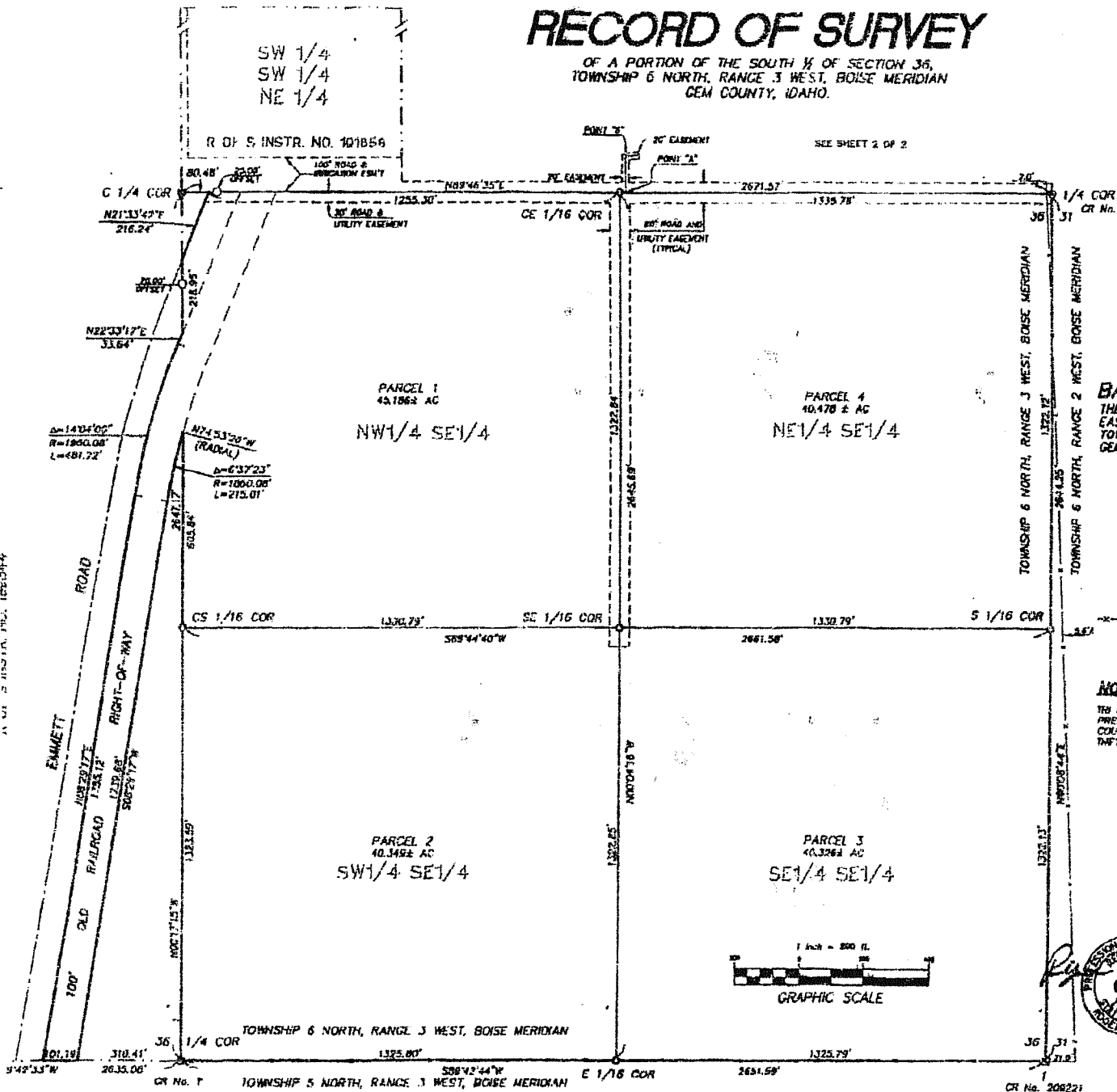
Fee: \$5.00

Deputy

SEE SHEET 2 OF 2

R OF S INSTR. NO. 101856

SW 1/4
SW 1/4
NE 1/4



Tri County Surveying, Inc.

Job No. 00-004
August 31, 2000

Legal Description Parcel 7A

That portion of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the northeast corner of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found $\frac{5}{8}$ " iron pin;
Thence South $00^{\circ}08'59''$ West, 661.11 feet, along the east line of said Northeast $\frac{1}{4}$, to the southeast corner of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, marked by a $\frac{1}{2}$ " iron pin with plastic cap PLS 6552;
Thence South $89^{\circ}49'12''$ West, 1062.03 feet, along the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the prolongation thereof, to the **True Point of Beginning**;
Thence South $00^{\circ}08'59''$ West, 328.67 feet;
Thence South $89^{\circ}48'20''$ West, 764.07 feet to a point on the centerline of Emmett Road (also known as Little Freezeout Road);
Thence North $31^{\circ}45'24''$ East, 387.51 feet, along said centerline, to the prolongation of the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
Thence leaving said centerline North $89^{\circ}49'12''$ East, 560.98 feet, along said south line, to the **True Point of Beginning**.

Reserving unto the grantor, their heirs and assigns, a 40.00 foot wide ingress, egress and utility easement lying south of and adjacent to the following described line:

Beginning at the **True Point of Beginning** described above;
Thence South $89^{\circ}49'12''$ West, 560.98 feet, along the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the prolongation thereof, to a point on the centerline of Emmett Road (also known as Little Freezeout Road) and the terminus of this easement.

The limits of said easement shall be extended or shortened at the beginning and terminus, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 5.000 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



Tri County Surveying, Inc.

Job No. 00-004
August 31, 2000

Legal Description Parcel 7B

That portion of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the northeast corner of the Northeast $\frac{1}{4}$ of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found $\frac{5}{8}$ " iron pin;
Thence South $00^{\circ}08'59"$ West, 661.11 feet, along the east line of said Northeast $\frac{1}{4}$, to the southeast corner of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, marked by a $\frac{1}{2}$ " iron pin with plastic cap PLS 6552 and the True Point of Beginning;
Thence continuing South $00^{\circ}08'59"$ West, 328.40 feet, along said east line, to a $\frac{1}{2}$ " iron pin with plastic cap PLS 6552;
Thence South $89^{\circ}48'20"$ West, 1062.03 feet;
Thence North $00^{\circ}08'59"$ East, 328.67 feet to a point on the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, referred to hereafter as Point "A";
Thence North $89^{\circ}49'12"$ East, 1062.03 feet, along said south line, to the True Point of Beginning.

Together with a 40.00 foot wide ingress, egress and utility easement lying south of and adjacent to the following described line:

Beginning at Point "A" referred to above;
Thence South $89^{\circ}49'12"$ West, 560.98 feet, along the south line of said North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the prolongation thereof, to a point on the centerline of Emmett Road (also known as Little Freezeout Road) and the terminus of this easement.

The limits of said easement shall be extended or shortened at the beginning and terminus, so as to make for a continuous and uniform width of access throughout.

Said tract of land containing therein, a calculated area of 8.010 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



03/07/02 14:53P P.002

[illegible]

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN, GEN. COUNTY, IDAHO, I.E. N00°08'59"E.

- ④ FOUND 5/8" IRON PIN
- ⑤ SET 5/8" IRON PIN W/PLASTIC CAP PLS 8552
- ⑥ SET 1/2" IRON PIN W/PLASTIC CAP PLS 8552
- ⑦ SET 1/2" IRON PIN W/PLASTIC CAP PLS 8552
ON A 25.00' OFFSET

-X-X-X- BARBED WIRE FENCE

TRI COUNTY SURVEYING, INC. ASSUMES NO LIABILITY FOR
PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH
COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS
THEY PERTAIN TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

13.82

CARLOS L. & LAURA E. POST
1265 SOUTH CRANE ROAD
MIDVALE, ID 83645
(208) 355-4800

TRI COUNTY SURVEYING, INC.
PROFESSIONAL LAND SURVEYORS
P.O. Box 974
703 N. WASHINGTON AVE.
Emmett, Idaho 83617
Phone: (208) 365-7470



INDEX No. 634-36-1-0-0 JOB No. 00-004MAP

8" = 1 mi
1" = 660'

T 1240

T 1241

25 30

36 31

HEL

HEL

23.9

E

C

B

A

A = 2.00 ac
B = 1.49 ac
C = 1.49 ac
D = 0.38 ac
E = 5.61
F = 0.53

Irrigated Area =
C + E + F = 7.62

Carl Post = 8.0 - F
= 4.5

Garrett Post = 7.62 - 4.5
= 3.1

HEL

75.2

HEL

3

94

HEL

55

5

20

HEL

HEL

142.6

HEL

50

36

31

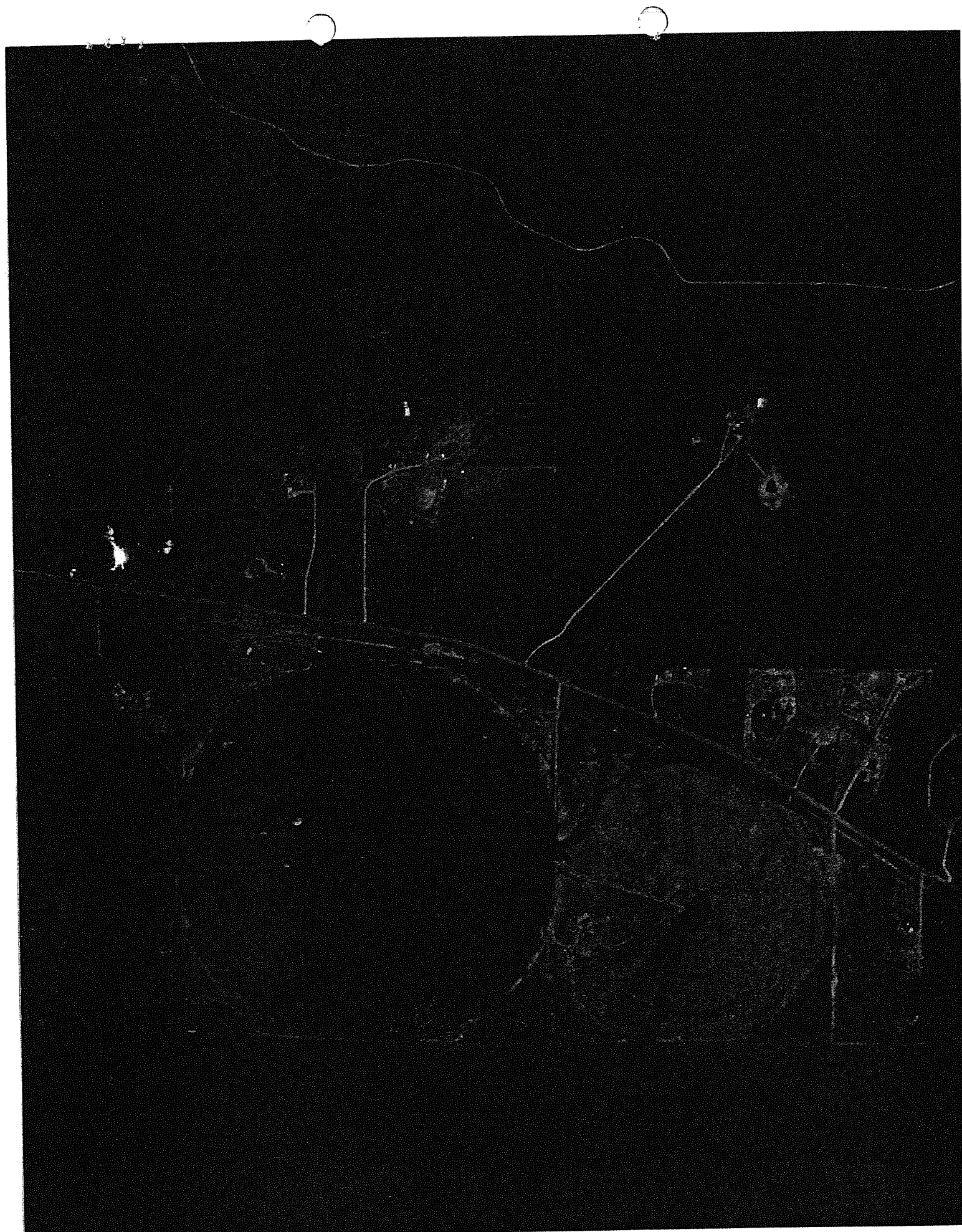
C 25

53

6.9

6

COUNTY



SCANLAN ENGINEERING

Groundwater and Environmental Engineering

May 10, 2001

Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer of Water Right 63-9179A (Claim 63-9179C)

Dear Steve:

On behalf of my client, Tucker M. Johnson, Scanlan Engineering is pleased to submit the enclosed application for transfer of water right 63-9179.

The transfer proposes changing the point of diversion and place of use for a 40-acre portion of water right 63-9179. Johnson has entered into a contract to purchase the 40-acre water right from Carl and Laura Post. The 40-acre water right includes 34 acres located in the NWSE of Section 36 and 6 acres located in the NENE of Section 36. Mr. Johnson proposes to utilize the water right on 40 acres within a 60-acre parcel of land located approximately 3 miles north of Eagle.

A previous transfer of a 10-acre portion of water right 63-9179 was approved in 1999 (transfer 5285). As part of that transfer, you verified irrigation of 215.4 acres, as compared to 303 licensed acres. Included in the verified acres were 13 acres in the NENE of Section 36 and 34 acres in the NWSE of Section 36. As part of my analysis in preparation of the proposed transfer, I obtained FSA aerial photography (2001 color and 1992 black and white) for these lands from Mr. and Mrs. Post. My review of the photos suggests that the irrigated area in the NENE of Section 36 might be closer to 15 acres, rather than the 13 acres previously verified. Copies of the photos are provided in the transfer application.

The land to which water right 63-9179 is appurtenant was apparently subdivided into nine parcels a couple years ago. Maps of the 9 parcels are enclosed with the transfer application. Mr. and Mrs. Post apparently own Parcel 1 (NWSE Section 36) and Parcel 7B (8 acres within NENE Section 36). Their son, Garrett Post, owns Parcel 7A (5 acres within the NENE and NWNE Section 36). Legal descriptions for these three parcels are attached to the transfer application. My calculations indicate that there are approximately 4.5 irrigated acres within Parcel 7B and 3.1 irrigated acres within Parcel 7A. We propose to transfer water rights from the entire 4.5 irrigated acres in Parcel B and from 1.5 acres of in Parcel 7A. My calculations of irrigated area in Parcels 7A and 7B are provided as an attachment to the transfer application.

RECEIVED

MAY 13 2002

WATER RESOURCES
WESTERN REGION

May 10, 2002

Mr. and Mrs. Post have indicated that their son will cooperate in the sale of a 1.5-acre portion of the water right that is appurtenant to his land (Parcel 7A). I anticipate that their attorney will provide documentation authorizing the sale of his portion of the water right. That documentation will be forwarded to your office as soon as possible, along with recent tax notices for Parcels 1, 7A, and 7B.

A check for the \$250.00 filing fee is enclosed. Please contact me if you have any questions or need additional documentation.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry M. Scanlan". The signature is fluid and cursive, with the first name "Terry" being more prominent.

Terry M. Scanlan, P.E., P.G.

Cc: Tucker Johnson
Mike Creamer
Nick Bokides
Carl Post

Calculation of irrigated area for Parcels 7A and 7B

1992 FSA B&W aerial photos with approximate scale of 1 inch = 660 feet.

Irrigated and non-irrigated areas were determined based on scaling dimensions of polygons (triangles and rectangles).

Area calculations are provided below

Polygon #	area formula	width - W	height - H	area (ft2)	area (acres)
A	WxH	265	328	86920	2.00
B	1/2 WxH	395	328	64780	1.49
C	1/2 WxH	395	328	64780	1.49
D	1/2 WxH	335	99	16583	0.38
E	(WxH)-polygon D	795	328	244178	5.61
F	1/2 WxH	198	231	22869	0.53
G	WxH (approx)	165	396	65340	1.50
Calculated Total Area					12.98
Actual Total Area					13.01

Total Irrigated Area = C+E+F =	7.62
Irrigated Area Parcel 7B = 7B Total - A - B = 8.0 - 2.0 - 1.5 =	4.5
Irrigated Area Parcel 7A = Total Irrigated - 7B Irrigated =	3.1

Total area Parcels 7A and 7B in NENE = 328 ft x 1320 ft =	9.9
Irrigated Area NENE = total area NENE - A - B - 1/3D =	6.3
Irrigated Area NWNE = total irrigated - irrigated NENE=	1.3

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: A63-09179C
Date Received: 2/14/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CARLOS POST 208-482-7777
Address: 6000 LITTLE FREEZEOUT RD
CALDWELL ID 83605

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	03W	36	SW	SE	NE		CANYON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.240		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
4.240 C.F.S. (and/or) 1185.12 A.F.A.

8. Total consumptive use is 917.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	03W	36	NE	NE		IRR	40.0
			NW	NE		IRR	7.0
			SW	NE		IRR	26.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	03W	36	SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	39.0
			SW		SE		IRR	35.0
			SE		SE		IRR	35.0
Section Acres								262.0
Total Acres								262.0

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:
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.
CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.
THIS CLAIM IS A RESULT OF A SPLIT DUE TO A CHANGE IN OWNERSHIP.

15. Basis of Claim: LICENSE

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

RECEIVED

FEB 07 2000

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): Lic 63-9179
 Adjudication Claim No(s): A63-9179A

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. If your water right or adjudication claim 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 Carlos Post
6000 Little Freezout

4. New Owner/Claimant(s) Tony and Linda Hackett
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 6025 Little Freezout
 City, State and ZIP Code Caldwell ID 83605
 New Telephone Number (208) 459 4079

5. Date you acquired the property 6-6-95

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>25</u>	Number and type of stock _____
Diversion rate in CFS <u>40</u>	Number of homes you acquired <u>N/A</u> Other uses _____

7. Signature of New Owner(s) or Claimant(s) Tony Hackett

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

18574
FURNISHED COURTESY OF:

STEWART TITLE

READ & APPROVED BY GRANTEE(S): YH LL

184916
PAGES 1 2

6.00

Deputy

Official Records
Judy Kolodziej, Clerk

Filed as a Deed

May 23, 1995

3:49 PM

Security Title Co.

Recorded at request of
Judy Kolodziej, Clerk

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 95010614 LM

WARRANTY DEED

FOR VALUE RECEIVED CARLOS L. POST AND LAURA E. POST, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto TONY HACKETT AND LINDA HACKETT, husband and wife

GRANTEE(S), whose current address is: 2951 W. HIGAN, MERIDIAN, IDAHO 83642
the following described real property in GEM 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.

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 18, 1995

CARLOS L. POST

Carlos L. Post

LAURA E. POST

Laura E. Post

STATE OF IDAHO)
COUNTY OF CANYON)

On this _____ day of _____, in the year of _____, before me, the undersigned, a Notary Public in and for said State, personally appeared CARLOS L. POST AND LAURA E. POST

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 executed the same.



Signature: Linda McGrath

Name: LINDA MCGRATH

(type or print)

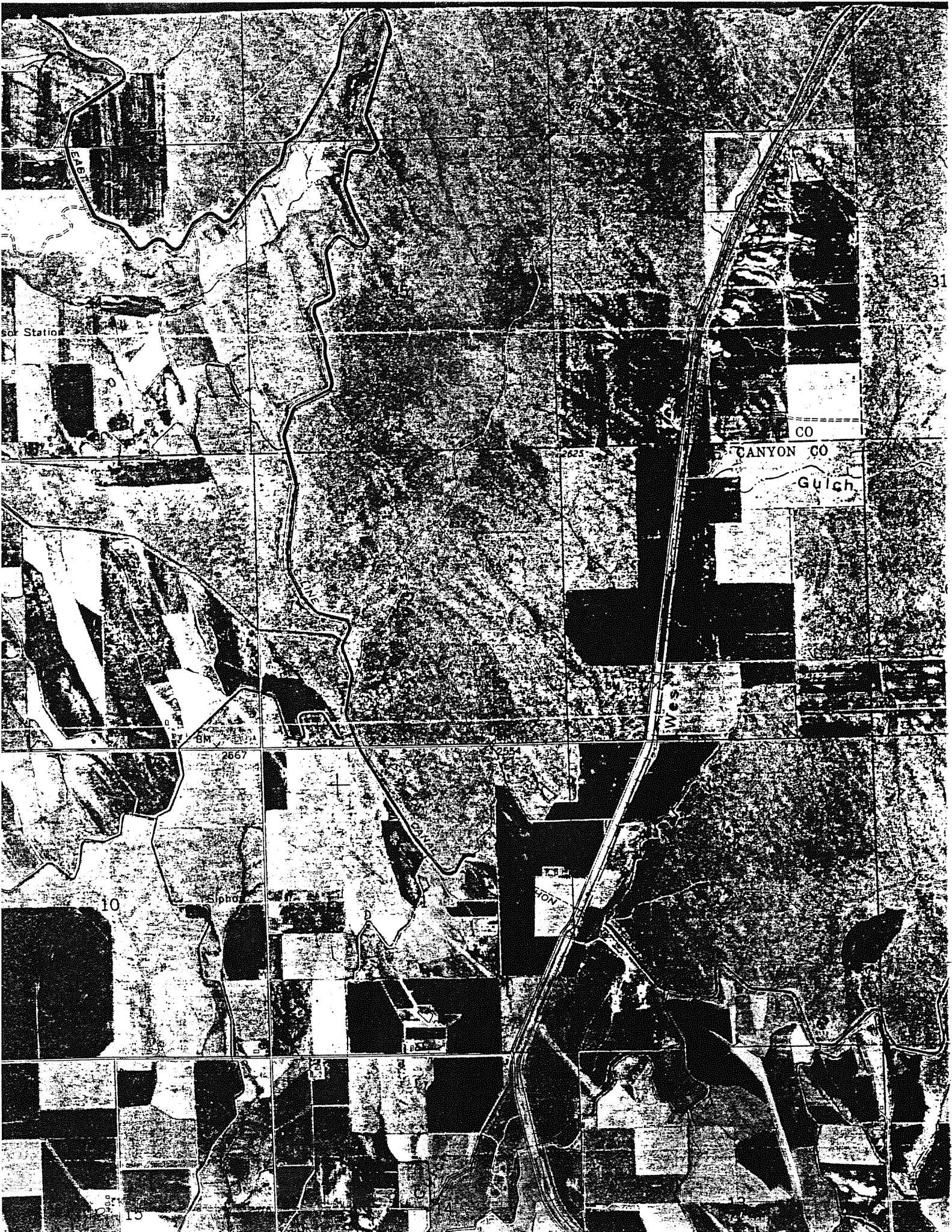
Residing at: MERIDIAN, IDAHO

My Commission Expires: 05/28/99

EXHIBIT 'A'

1849/6
PAGES 2 OF 2

That part of the N 1/2 of the NE 1/4 of Section 36, Township 6 North, Range 3 West, B.M., Gem County, Idaho, lying West of Little Freeze Out Road.



for Station

CO

CANYON CO

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BM

2667

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TON

15

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: A63-09179A
Date Received: 2/14/1990
Receipt No: C014697
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CARLOS POST
Address: 27346 MIDDLE RD
WILDER ID

208-482-7777

83676

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	03W	36	SW	SE	NE		CANYON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	03/15	11/15	4.800	400K
STOCKWATER	01/01	12/31	0.120	

7. Total Quantity Appropriated is:

HACKETT 4.40 4.800 C.F.S. (and/or)

2.805 113.080K FOR
1370.20 A.F.A. HACKETT + 1185.12 (POST)

8. Total consumptive use is

1039.5 Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	NE	NE		IRR	40.0
			NW	NE		IRR	32.0
			SW	NE		IRR	25.0

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	35.0
			SE	SE		IRR	35.0

Section Acres 287.0

Total Acres 287.0

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:
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.

CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

Split

Alb3-09179 A

Alb3-09179 C

Carlos Post

4.24 total cfs

POD = same

POU = 6N3W S-36

* only change: NWNE

7 ac.

all other $\frac{1}{4}$ $\frac{1}{4}$ same.

AFA = 1185.12

Cons. Use 917.

Alb3-09179 D

Jony Hackett

.40 cfs

POD = same

POU = 6N 3W S-36

NWNE

25 ac

AFA = 113.08

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: A63-09179A

Date Received: 2/14/1990

Receipt No: C014697

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CARLOS POST 208-482-7777
Address: 6000 LITTLE FREEZEOUT RD
CALDWELL ID 83605

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	03W	36	SW	SE	NE		CANYON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.640		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
4.640 C.F.S. (and/or) 1298.20 A.F.A.

8. Total consumptive use is 1004.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	NE	NE		IRR	40.0
			NW	NE		IRR	32.0
			SW	NE		IRR	26.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	03W	36	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	39.0
			SW	SE		IRR	35.0
			SE	SE		IRR	35.0

Section Acres 287.0

Total Acres 287.0

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:
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.

CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

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

RIGHT NUMBER: 63-31495

NAME AND ADDRESS: TUCKER M JOHNSON
12828 W LA SALLE ST #100
BOISE ID 83713-1564

DENISE R JOHNSON
12828 W LA SALLE ST #100
BOISE ID 83713-1564

~~10464 W CARVERDALE CT STE 710~~
~~BOISE ID 83704~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.650 CFS
180.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01E S32 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.650 CFS 180.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION in ADA County

T05N R01E S32	NENW	20.00	T05N R01E S32	NWNW	40.00
---------------	------	-------	---------------	------	-------

60 ACRES TOTAL

This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.

This right is a split from former right 63-9179C.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall accomplish the change authorized by Transfer 69920 within one (1) year of the date of the approval..

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

**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	)	Water Rights: 63-31495
	)	
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

XX Address change

Substitution of Party

☐ IC § 42-222 transfer

- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: February 23, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 23, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

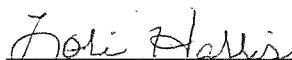
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Tucker M Johnson	☐	overnight mail
Denise R Johnson	☒	regular mail
12828 W La Salle St #100	☐	hand-delivered
Boise ID 83713-1564	☐	facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 23, 2007

TUCKER M JOHNSON
DENISE R JOHNSON
12828 W LA SALLE ST #100
BOISE ID 83713-1564

Re: Water Right No. 63-31495

Dear Mr. & Mrs. Johnson:

Enclosed is a copy of the above referenced water right, which reflects your new address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:l
Enclosures

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75

U.S. POSTAL SERVICE
FORM 3547

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75

U.S. POSTAL SERVICE
FORM 3547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83706

ADDRESS SERVICE
REQUESTED

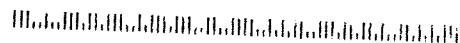
FIRST CLASS



02 1A \$ 00.00
0004389393 FEB 02
MAILED FROM ZIP CODE 8

JOHN454* 837042024 1006 10 02/06/07
FORM 3547

JOHNSON, TUCKER M
12828 W LASALLE ST #100
BOISE ID 83713-1564



TUCKER M JOHNSON

DENISE R JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704

63-31495

RECEIVED

FEB 12 2007

WATER RESOURCES
WESTERN REGION

ONE

08/17/2006

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

RIGHT NUMBER: 63-31495

NAME AND ADDRESS: TUCKER M JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704

DENISE R JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.650 CFS
180.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01E S32 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.650 CFS
180.00 AFY

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S32 NENW 20.00

T05N R01E S32 NWNW 40.00

60 ACRES TOTAL

This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.

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.

08/17/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.

This right is a split from former right 63-9179C.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall accomplish the change authorized by Transfer 69920 within one (1) year of the date of the approval..

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

05/20/2005

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

RIGHT NUMBER: 63-31495

NAME AND ADDRESS: TUCKER M JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704

DENISE R JOHNSON
10464 W GARVERDALE CT STE 710
BOISE ID 83704

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.650 CFS
180.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01E S32 NENW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.650 CFS 180.00 AFY
The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.		

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S32	NENW	20.0	T05N R01E S32	NWNW	40.0
---------------	------	------	---------------	------	------

This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.

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.

EXPLANATORY MATERIAL: License

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

The right holder shall accomplish the change authorized by Transfer 69920 within one (1) year of the date of the approval.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31495

WATER RIGHT NUMBER: 63-31495 ✓

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TUCKER M JOHNSON ✓ 10464 W GARVERDALE CT STE 710 BOISE, ID 83704 (208)377-4104
Original Owner	CARLOS L POST ✓ 1262 S CRANE MIDVALE, ID 83645 (208)355-4800
Current Owner	DENISE R JOHNSON ✓ 10464 W GARVERDALE CT STE 710 BOISE, ID 83704 (208)377-4104

Priority Date: 09/29/1978 ✓

Basis: License ✓

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER ✓	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	03/15 to 11/15 ✓	0.650 CFS ✓	180.00 AF ✓
	<u>Total Diversion:</u>	0.650 CFS ✓	180.00 AF ✓

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4 ✓	Sec. 32, Twp 05N, Rge 01E, B.M. ✓
ADA County ✓		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
✓ 05N	01E	32					20.0	40.0											60.0 ✓

Total Acres: 60 ✓

Conditions of Approval:

1. ~~01M~~ After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. ~~046~~ Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

ADD 804 - Season of use is 3/1 to 11/15.

Tandem Enterprises Tucker & Denise Johnson Dale & Lois Wolin
 Parcel # 8023 222 3000 , # 8023 221 2750 , # 8023 221 2604.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31495

3. ~~11E~~ The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
4. ~~R65~~ This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. ~~T07~~ The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. ~~T08~~ Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. ~~T09~~ Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
8. ~~X27~~ This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
9. ~~X01~~ The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:Comments:COMMENT -

1. pskaggs 11/27/2002 8:28:06 AM Transferred Right

Comment: This is now an approved transfer, transfer number = 69920 ✓

Dates and Other Information:

Claim Received Date: 12/2/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

* no electronic back file available

Field Exam Date 1.5.04

(in office)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid (unknown)
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant N/A

CLAIMANT INFORMATION – verify contact information is complete

Claim No(s) 63-31495 (based on Transfer No. 69920.)

Owner: Tucker & Denise Johnson Phone No. (208) 377-4104

Current Address: 10464 W. Garverdale Ct., Ste. 710 Boise

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER 6.2 acres in NE1/4 + NW1/4 belong to Dale & Lois Wolin + 33 acres in NW1/4 belong to Tandam Enterprises.
- ☐ No change Address
- ☒ NEW ADDRESS 1763 N. Clarendon Way, Eagle 83616
- ☐ How long owned property?

Accompanied by: N/A

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

(2002 Ada Co. Tax lot info.)

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

63-09179C : POD located in 6N 3W Sec. 36 SE 1/4 NE 1/4.



Transfer No. 69920 transfers new POD to 5N 1E Sec. 32 NE 1/4 NW 1/4.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
			NE	NW	32	5N	1E		

Description of diverting works

See attached Transfer No. 69920.**OVERLAP REVIEW**

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USESSeason of use is 3/1 to 11/15.☐ No change☐ Different Uses

Use Irrigation From _____ To _____ Amount 0.65 CFS 180.0 AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☒ Incomplete on claim, the total is, Amount 0.65 CFS 180.0 AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:(None)☐ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:63-09179C: POU located in 6N 3W Sec. 36 ⇒Transfer No. 69920-POU transferred to 5N 1E Sec. 32

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	32					20	40											60

Overlap with other water rights: _____

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See Transfer No. 69920.

Well with electric pump, pipelines, and sprinklers.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS: N/A

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

(OVER)

Applicant purchased a portion of water right 63-9179
and transferred it to a new place of use and point of diversion.

Season of use is 3/1 to 11/15.

Parcel Nos : 80232223000, 80232212750, #
80232212604,

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU N/A
- ☐ GPS readings N/A
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 1.5.04 (in office)

FIELD EXAMINER: Kimberly Brown

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31495 V1

WATER RIGHT NUMBER: 63-31495 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TUCKER M JOHNSON 10464 W GARVERDALE CT STE 710 BOISE, ID 83704 (208)377-4104
Original Owner	CARLOS L POST 1262 S CRANE MIDVALE, ID 83645 (208)355-4800
Current Owner	DENISE R JOHNSON 10464 W GARVERDALE CT STE 710 BOISE, ID 83704 (208)377-4104

Priority Date: 09/29/1978

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.650 CFS	180.00 AF
	<u>Total Diversion:</u>	0.650 CFS	180.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 32, Twp 05N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	32					20.0	40.0											60.0

Conditions of Approval:

1. C18 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.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval or 11/26/03.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31495 V1

4. X27 This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
5. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Remarks:

1. Explanatory After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
2. Explanatory Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. Explanatory The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.
4. Explanatory Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Comments:

1. PSKAGGS 11/27/2002 8:28:21 AM Transferred Right
Comment: This is now a approved transfer, transfer number = 69920

Dates and Other Information:

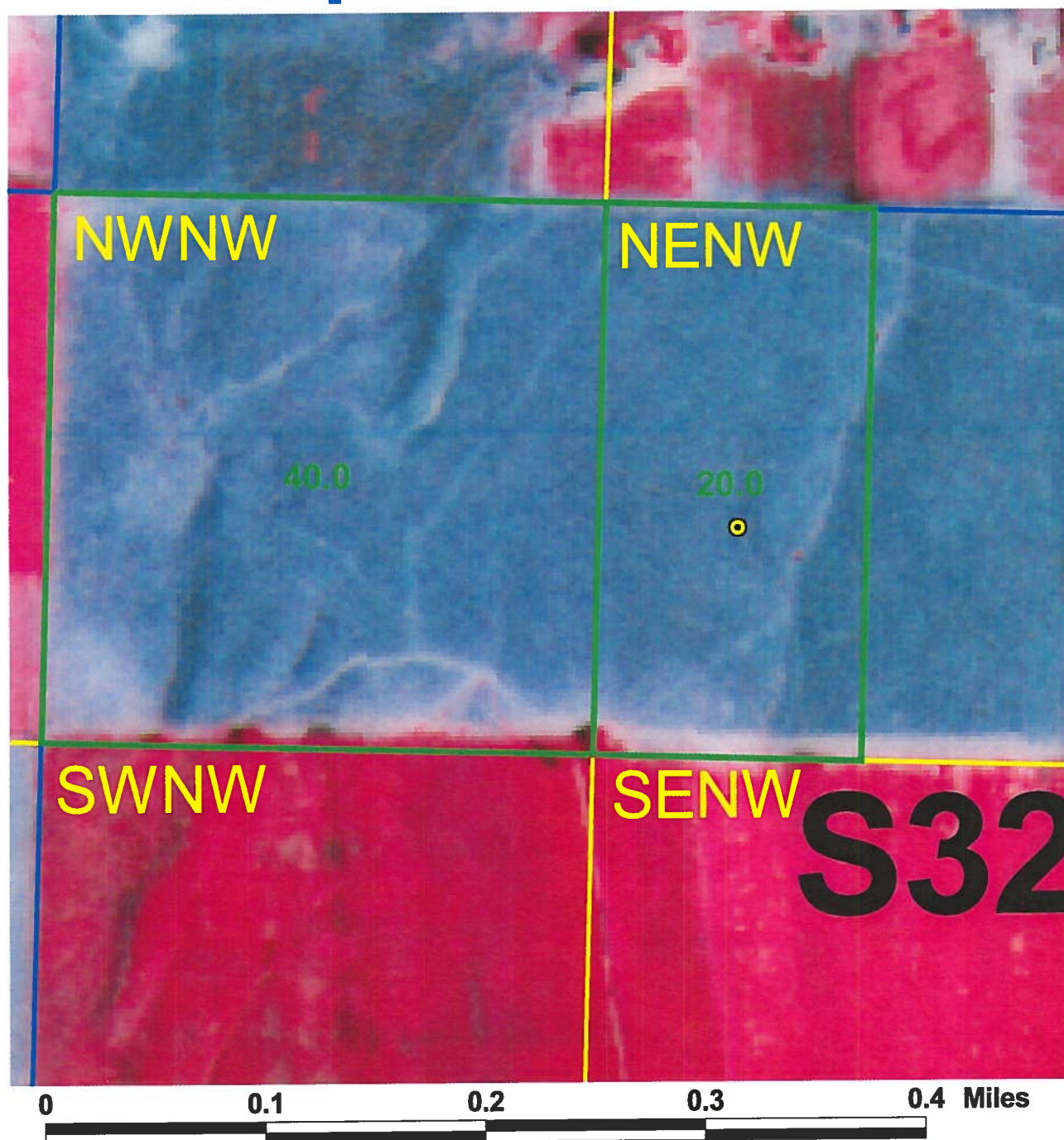
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector: And
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4.5
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Idaho Department of Water Resources

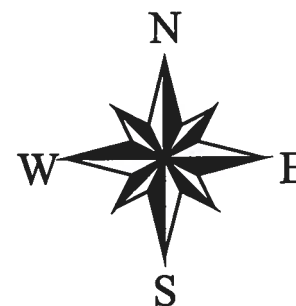
**T05N, R01E,
S32**

**Claim No: 63-31495
Prepared By: Kimberly Brown
Date: January 5, 2004**



-  Point of Diversion
-  Place of Use
-  Section Lines
-  1/4 1/4

Acres Irrigated = 60.0

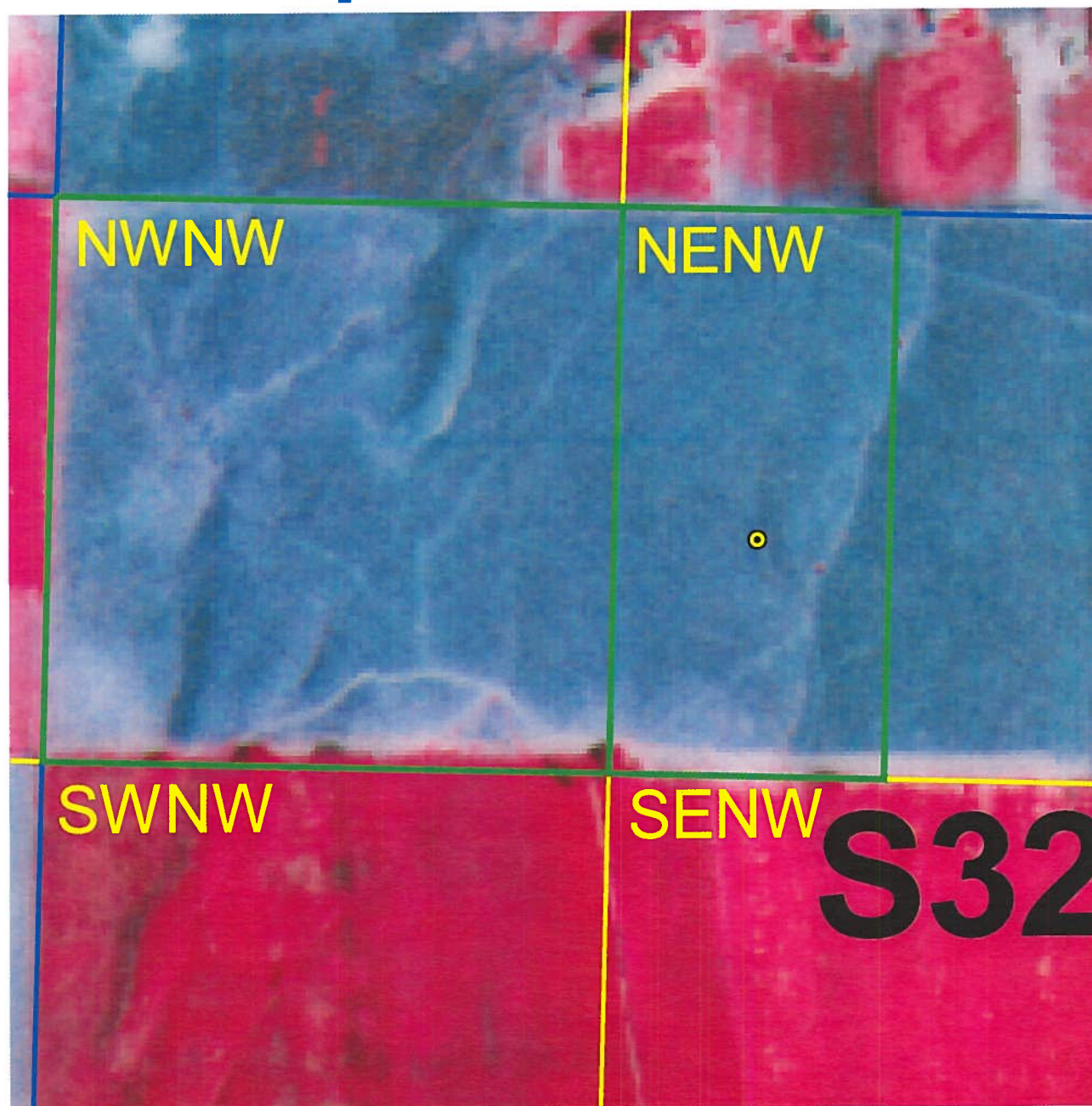


1987 NAPP

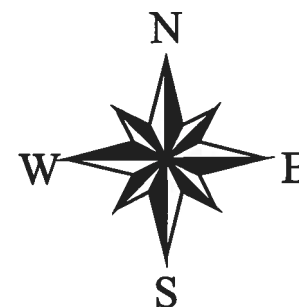
Idaho Department of Water Resources

**T05N, R01E,
S32**

**Claim No: 63-31495
Prepared By: Kimberly Brown
Date: January 5, 2004**



-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **1/4 1/4**



1987 NAPP

