

05/02/2007

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

RIGHT NUMBER: 3-4008B

NAME AND ADDRESS: ROBERT L STEWART
6960 EAGLE CREEK CT
RENO NV 89509

MARJORIE V STEWART
6960 EAGLE CREEK CT
RENO NV 89509

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.480 CFS

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION:

T09N R05W S32 SWNWSW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.480 CFS

PLACE OF USE:

IRRIGATION in PAYETTE County

T09N R05W S32 NESW 18.00 T09N R05W S32 Lot 5 NWSW 6.00

24 ACRES TOTAL

Place of use is within the area served by Washoe Irrigation & Water Power Company.

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 - Beneficial Use

The following rights are also diverted through point of diversion described above: 3-4008A, 3-10192.

This right is a split from former right 3-4008.



Idaho Department of Water Resources

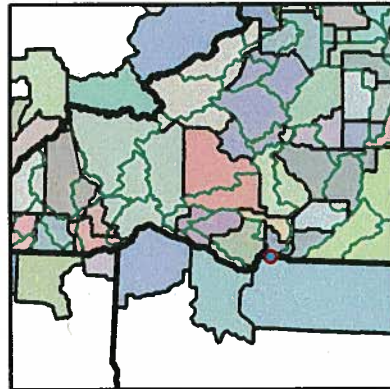
SRBA Recommendation:

3-4008B

(Irrigation)

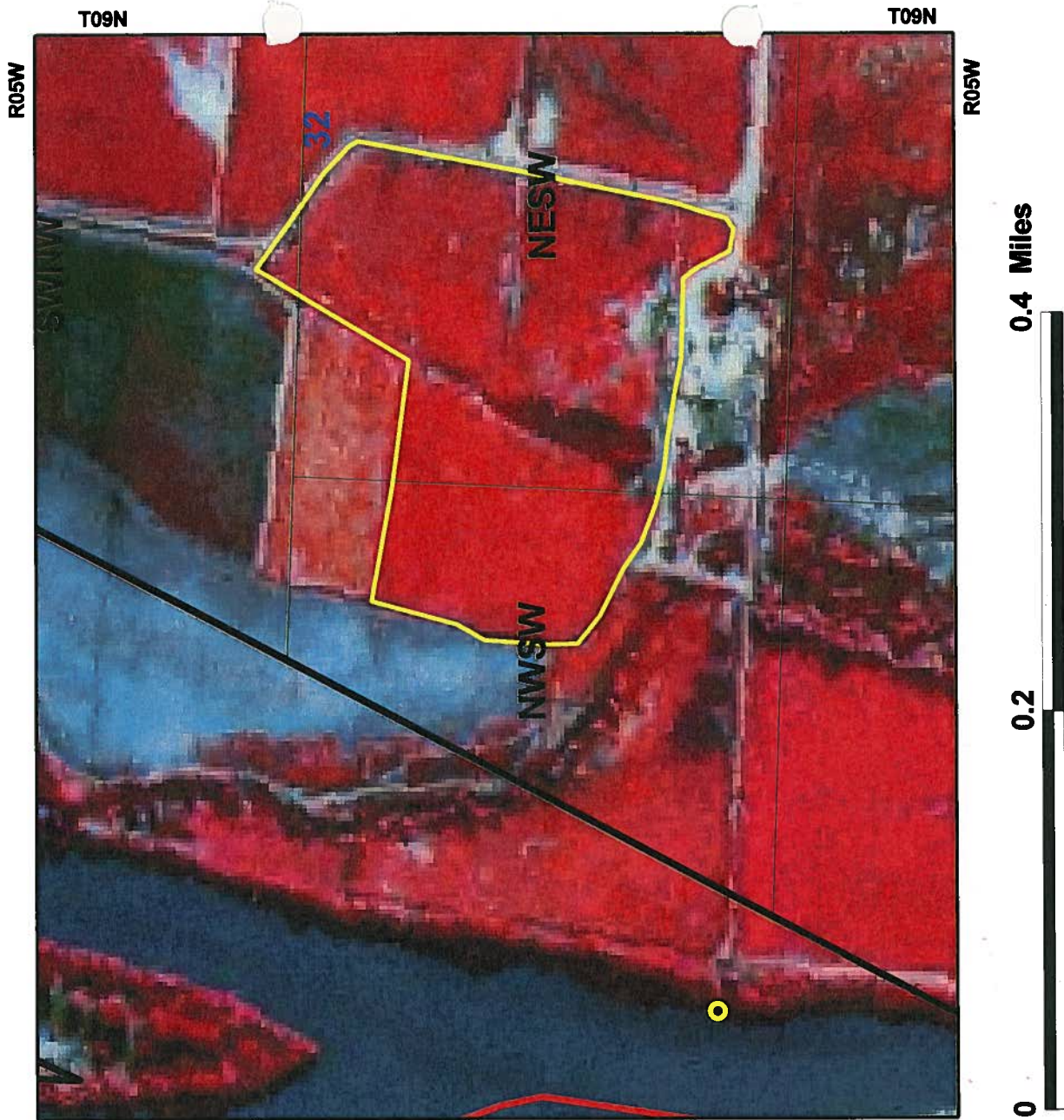
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

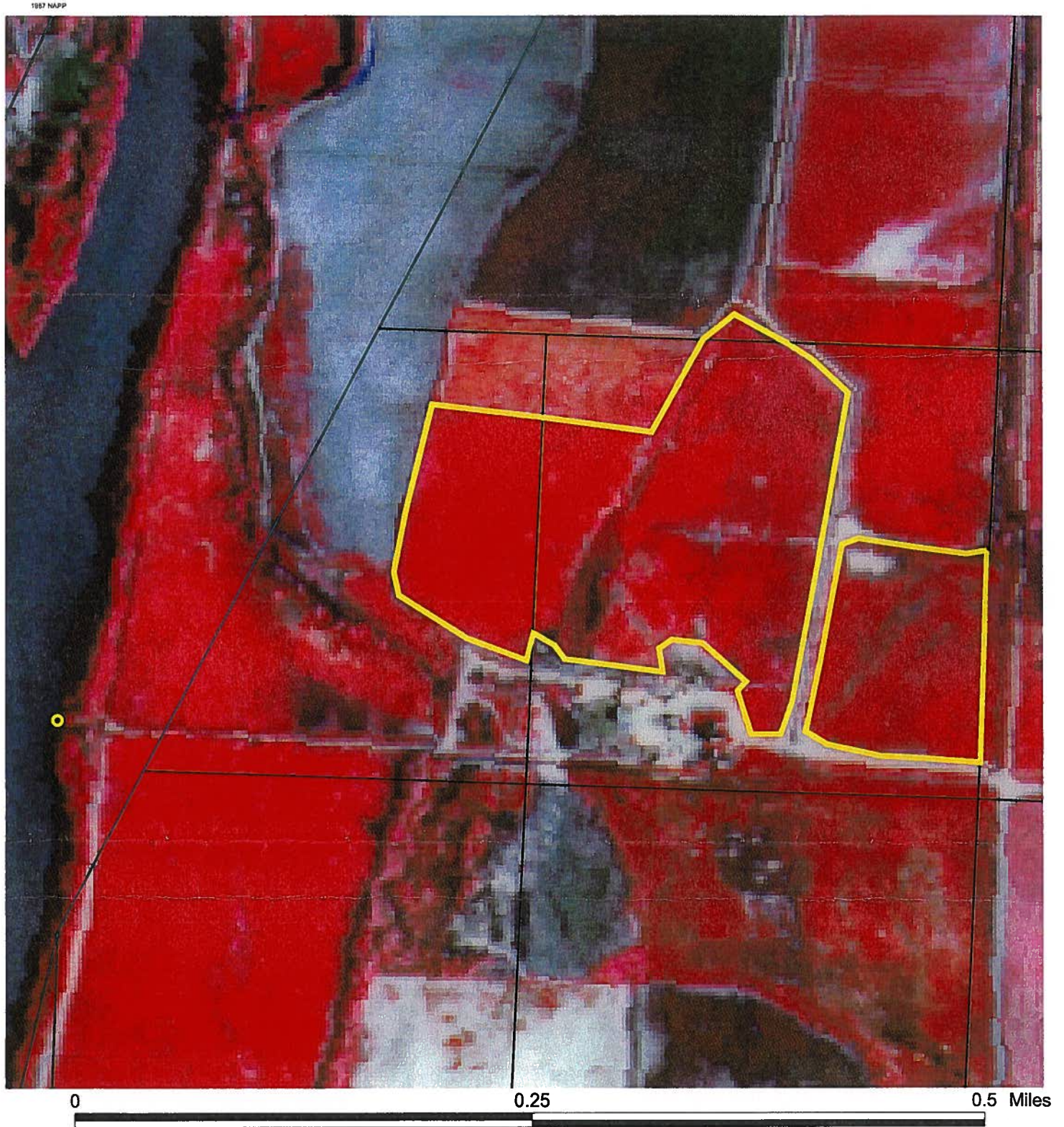


Payette County
IDWR Basin 3

Prepared by J. Dean
On Wednesday, May 2, 2007
1987/88 Aerial Photography

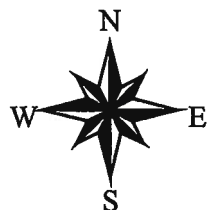


Idaho Department of Water Resources



Claim Number: 03-4008b
Legal: T09N, R05W, S32
Reviewed By: MRM 08/08/05

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines



Contacts Data Entry Form**Claim Number: 3-4008B**

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	M C SHELLEY	RT 1 BOX 97	PAYETTE	ID	83661	(208)642-2794
Previous Owner	M C SHELLEY FAMILY TRUST	C/O FRANK & MELITA SHELLEY 960 NW 14TH AVE	PAYETTE	ID	83661	
Current Owner	MARJORIE V STEWART	6960 EAGLE CREEK CT	RENO	NV	89509	
Current Owner	ROBERT L STEWART	6960 EAGLE CREEK CT	RENO	NV	89509	

Comment for 1: desk review

Date of Field Exam: March 22, 2006 Time: _____Accompanied By: Jim Newman Phone Number: 208-861-1010Relationship to Claimant: property manager

Directions to Property (if different from above) and/or update owner information:

see 3-4008A

_____Reviewer: JLDDate: 3/22/06

Point of Diversion and Source Data Entry Form**Claim Number 3-4008B**

Claimed Point of Diversion and Source

T09N R05W S32 SWNWSW Lot 5 Within PAYETTE County Source: SNAKE RIVER COLUMBIA RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? 3-4008A 3-10192

Document how the POD and Source were verified:

Source is Snake RiverPOD is shared with 3-4008A - see field exam notes
for information on pumps2 15-hp pumps. 10ft lift Tag# A0017604

also serviced by Washo Irrigation District
Colwell's place will be able to be serviced by irrigation
water when improvements are finished.

Reviewer: JLDDate: 3/22/06

Period of Use and Quantity Data Entry Form

Claim Number 3-4008B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	3/15	11/15	0.48	

Overall Diversion Rate 0.48 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
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Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Use standard period of use.Diversion capacity sufficient to recommend 1"/acre."measurement" based on theoretical calculation.Reviewer: JLDDate: 3/22/06

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 3-4008A, B
 Examiner: Jennifer Dean
 Date of Field Exam: 3/22/2006

P/D No.:	Pump 1	1500 gpm each
PUMP HORSEPOWER	15	
BOOSTER HORSEPOWER	15	
PUMPING LEVEL	10	
DISCHARGE PRESSURE	0	
RATE OF FLOW (cfs)	18.48	

$$\frac{3000 \text{ gal}}{\text{min}} \cdot \frac{1 \text{ ft}^3}{7.4805 \text{ gal}} \cdot \frac{1 \text{ min}}{60 \text{ sec}} = 6.68 \text{ cfs}$$

The above calculates the formula = $Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$

Assumptions: %70 efficiency.
 No Friction

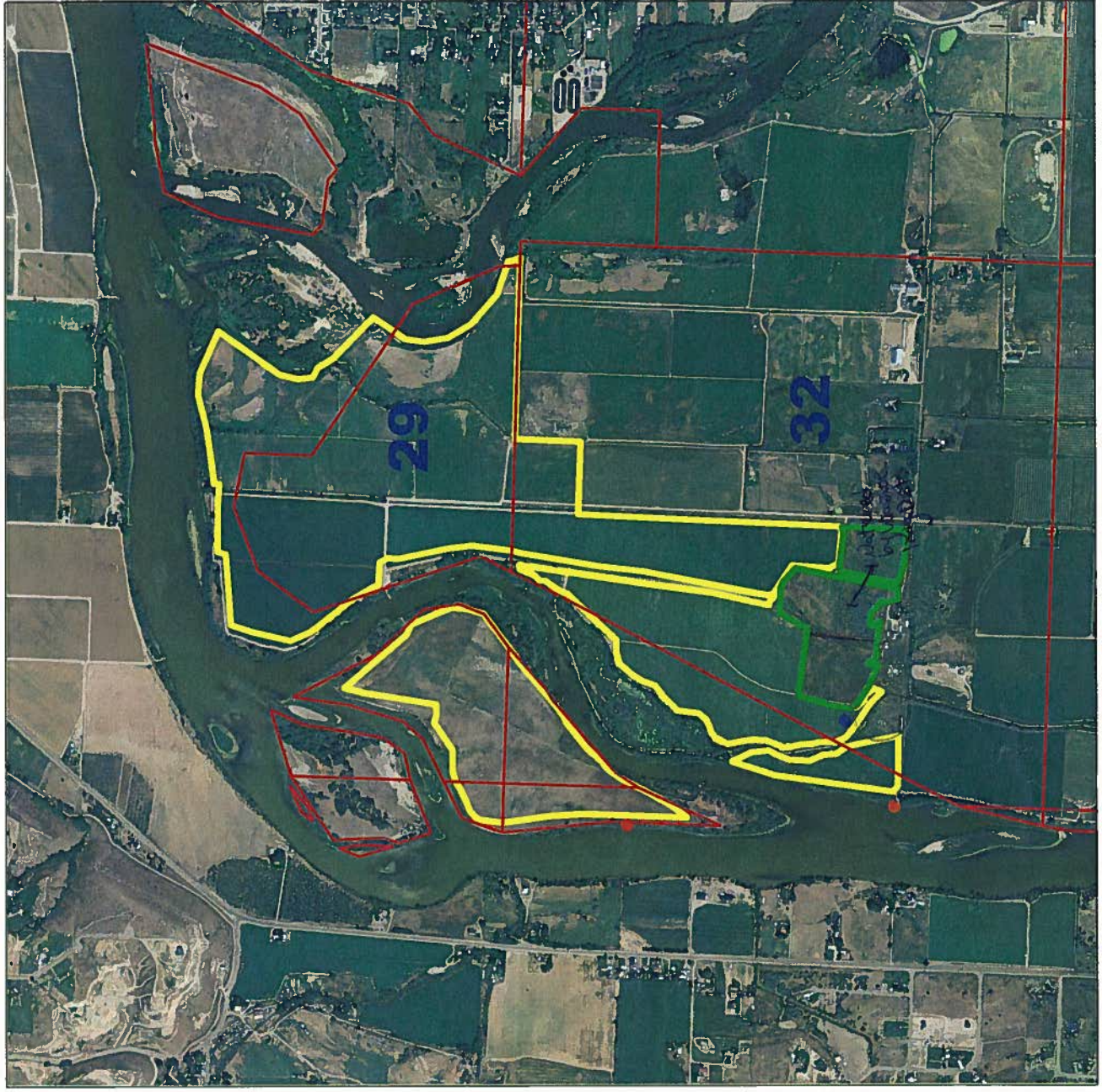
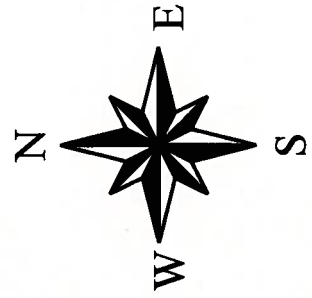
Examiners Notes:

Basin 03 Field Exam Maps

Claim Number:
Colwell Cluster

Section Lines	
03_4009_pou	
03_4009_pod	 •
03_4008b_pou	
03_4008b_pod	 •
03_4008a_pou	 •
03_4008a_pod.	 •
03_10192_pod	 •

Legal: T09N, R05W, S29 & S32



2004 NAIP Photo



Contacts Data Entry Form

Claim Number: 3-4008B

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Current Owner	M C SHELLEY FAMILY TRUST	C/O FRANK & MELITA SHELLEY 960 NW 14TH AVE	PAYETTE	ID	83661	

Comment for 1: desk review

Date of Field Exam: 8/18/05 Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Spoke with Mr. Shelley who formerly owned the land.
When his father passed they sold the property to
Jim Newman - 801-1010. We called and
spoke w/ him. Said he was having problems with getting water
due to the neighbors claiming they owned the pump - and
he was not entitled to any water.
Said he would show us around whenever we call.

Reviewer: _____

Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2006

MARJORIE V STEWART
ROBERT L STEWART
6960 EAGLE CREEK CT
RENO NV 89509

3-4008B
Re: Field Examination

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown below your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court.

The purpose of this letter is to advise you that an agent from IDWR will be conducting field examinations in your area from March 20 through April 7. Accordingly, we request that you provide our agents with access to your water diversion system so that they can conduct a field examination to determine the elements of your water right. I will be attempting to contact you in behalf of the examiner, but it would be best if you could speak with me to set up an appointment at (208) 287-4918.

If it is more convenient for the examiner to meet with another person who is familiar with your diversion system, please call me with contact information for this person or forward this information to them with the instructions to set up an appointment with me.

Because the elements of your claim have not been previously verified by IDWR, your claim may be disallowed if we cannot complete a field examination. Please set up an appointment with me by **March 17, 2006**.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner or return it to IDWR. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership with IDWR in order to receive future mailings and to participate in the adjudication.

A copy of your water right claim is enclosed. If you have questions, please contact this office. Our toll free number is 1-800-451-4129. You may reach me directly at (208) 287-4918. It will help speed things along if you have your claim number, 3-4008B, handy when you call.

Sincerely,


Jennifer Dean, EIT
Adjudication Bureau

Enclosure:

Adjudication Claim Report 3-4008B

October 17, 2005

State of Idaho
Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

ATTENTION: Misty Mount

Re: Evidence of Priority Date, Snake River Basin Adjudication claim 3-4008b

Dear Ms. Mount:

Enclosed please find an Affidavit of Franklin Jefferson Shelley as proof supporting the priority date claimed and the historic use of the water.

If there is anything else you need, please let me know.

Sincerely,

Robert Stewart

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Payette)

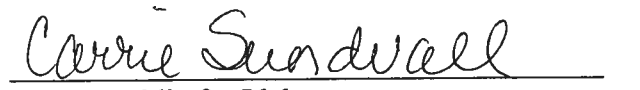
FRANKLIN JEFFERSON SHELLEY, being first duly sworn upon oath, deposes and says:

1. I am the son of M.C. SHELLEY.
2. M.C. SHELLEY was the original developer of real property located in Payette County, Idaho, relating to Water Right Number 3-4008B, as illustrated on the map attached hereto.
3. I lived on that property from 1951 until 1980 and currently live within one-half mile of the property
4. I have personal knowledge that water has been used continuously on the property since 1954 to the time of sale to Robert L. Stewart and Marjorie V. Stewart for the beneficial use of irrigating crops.
5. The water has been used from its original diversion point set forth on the attached map every year since 1954, except one year during the 1970's because of drought conditions. During that one year the diversion point was moved to access water. The following year, the diversion point was brought back to its original location, where it has remained to the present time.


FRANKLIN JEFFERSON SHELLEY

SUBSCRIBED AND SWORN To before me this 14th day of October, 2005.



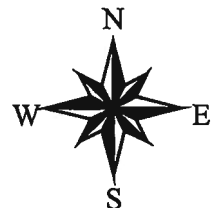

Notary Public for Idaho
Residing at Payette, Idaho
Commission Expires: 8-27-2007

Idaho Department of Water Resources



Claim Number: 03-4008b
Legal: T09N, R05W, S32
Reviewed By: MRM 08/08/05

- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 14, 2005

3-4008b
Robert and Marjorie Stewart
6960 Eagle Cr. Ct.
Reno, NV 89509

RESPONSE DEADLINE
October 21, 2005

Re: Evidence of Priority Date, Snake River Basin Adjudication claim 3-4008b

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR may recommend the SRBA Court decree the claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statements should be in the form of a notarized affidavit.

Should you decide to return materials in a mailer other than that enclosed, please include the notation "ATTN: SRBA Claim Number 3-4008b" on the front of the mailer.

If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-4008b, handy when you call.

Misty Mount
Water Rights Agent
Adjudication

Enclosures

Proof of Priority Pamphlet
Copy of Claim 3-4008b



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 11, 2005

3-4008B
MC SHELLEY FAMILY TRUST
C/O MICHAEL DERRICK TRUSTEE
95 SW 4TH AVE
ONTARIO, OR 97914

Re: Field Examination, Snake River Basin Adjudication Claim Number 3-4008B

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area is taking place during the summer of 2005. An examiner will be contacting you to schedule a visit your property to verify your use of the water right claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to IDWR. If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership with IDWR in order to receive future mailings and to participate in the adjudication.

A copy of your water right claim is enclosed. If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-4008B, handy when you call.

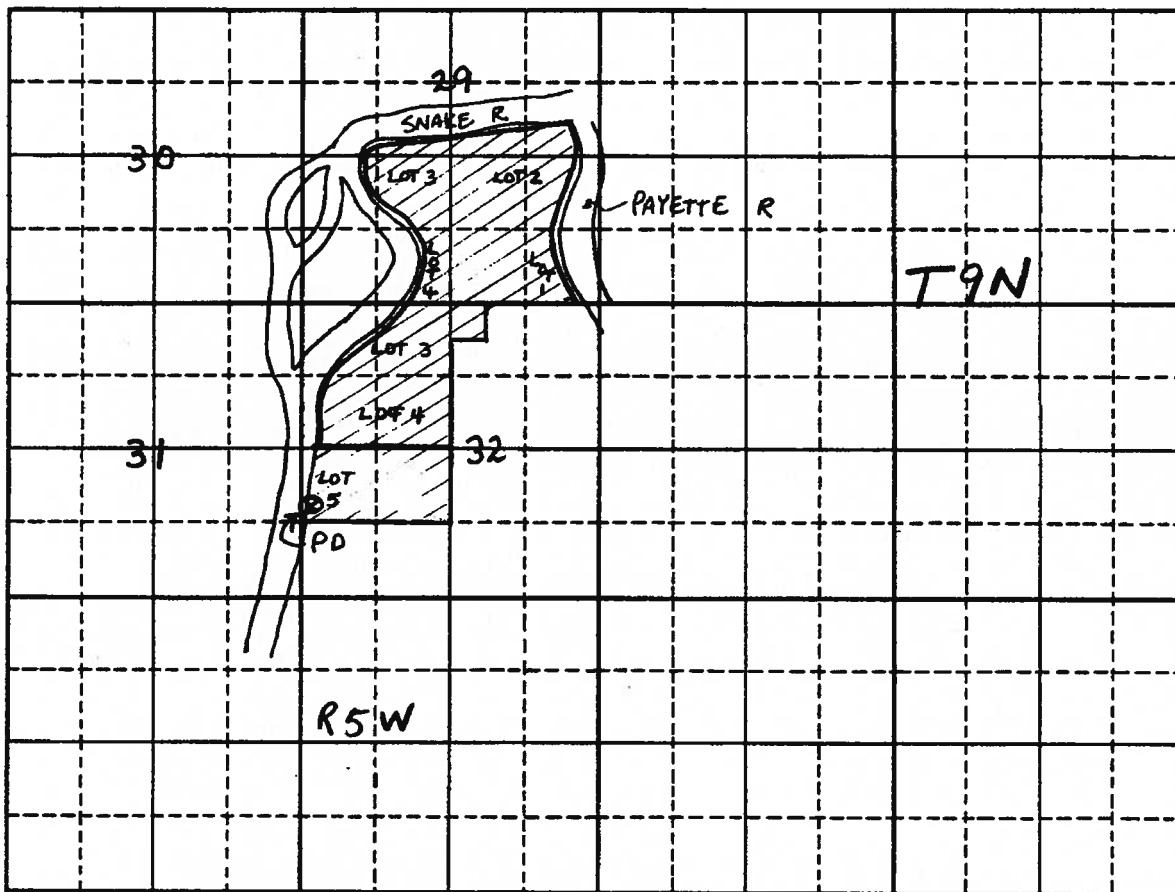
Misty Mount
Adjudication Technical Support Section

Enclosure
Claim 3-4008B

CLAIM TO A WATER RIGHT

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks This water is supplemental to Washoe Irrigation & Power Water Rights.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 12 day of Oct

McShelley
(Claimant)

David R. Tidwell, 19 77
Notary Public
Residing at Boise Id.

My commission expires Sept 10, 1980

For Department Use Only

Received by <u>DRT</u>	Date <u>10-12-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>PR</u>	Date <u>10-12-77</u>		claimant by:	
\$10.00 fee received by <u>DS#897</u>	Date <u>10-12-77</u>			
Approved for publication by				
Published in <u>Independent Enterprise</u>				
Dates <u>Oct 20 & 27, 1977</u>				
<u>12 ad Nov 10 & 17</u>				

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 03-04008B Date: 11-21-02

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	9N	5W	32									19	-5							4
GIS												23	5.7							
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 24

Overlapping FOU Claim #'s:

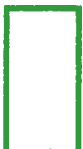
Total GIS Acres: 28.7

COMMENTS:

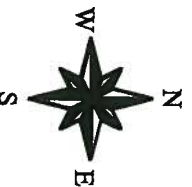
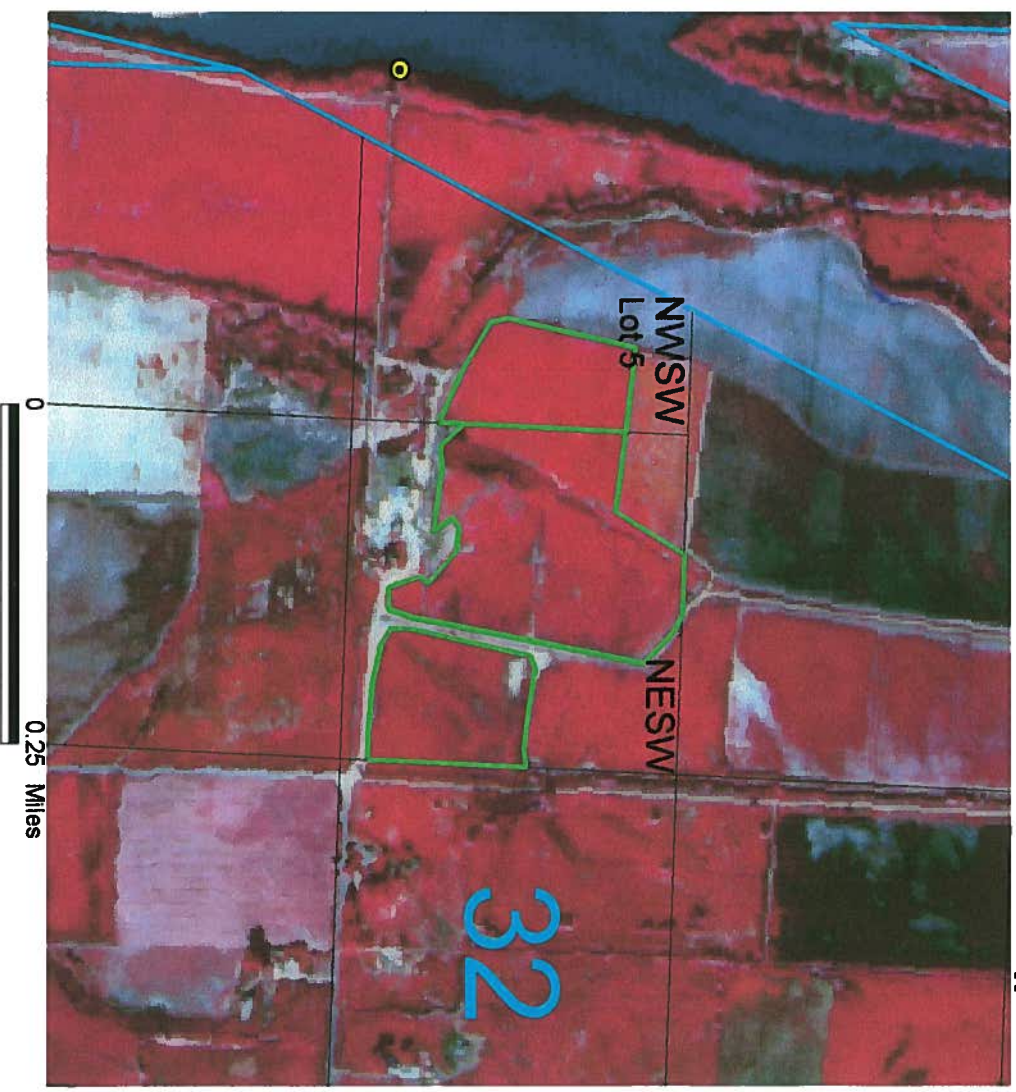
Per claim map, county data & image interpretation.

Idaho Department of Water Resources

Claim Number: 03-04008B
Legal: T09N, R05W, S32
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 03-04008B

Legal: T09N, R05W, S32

Reviewed By:



Point of Diversion



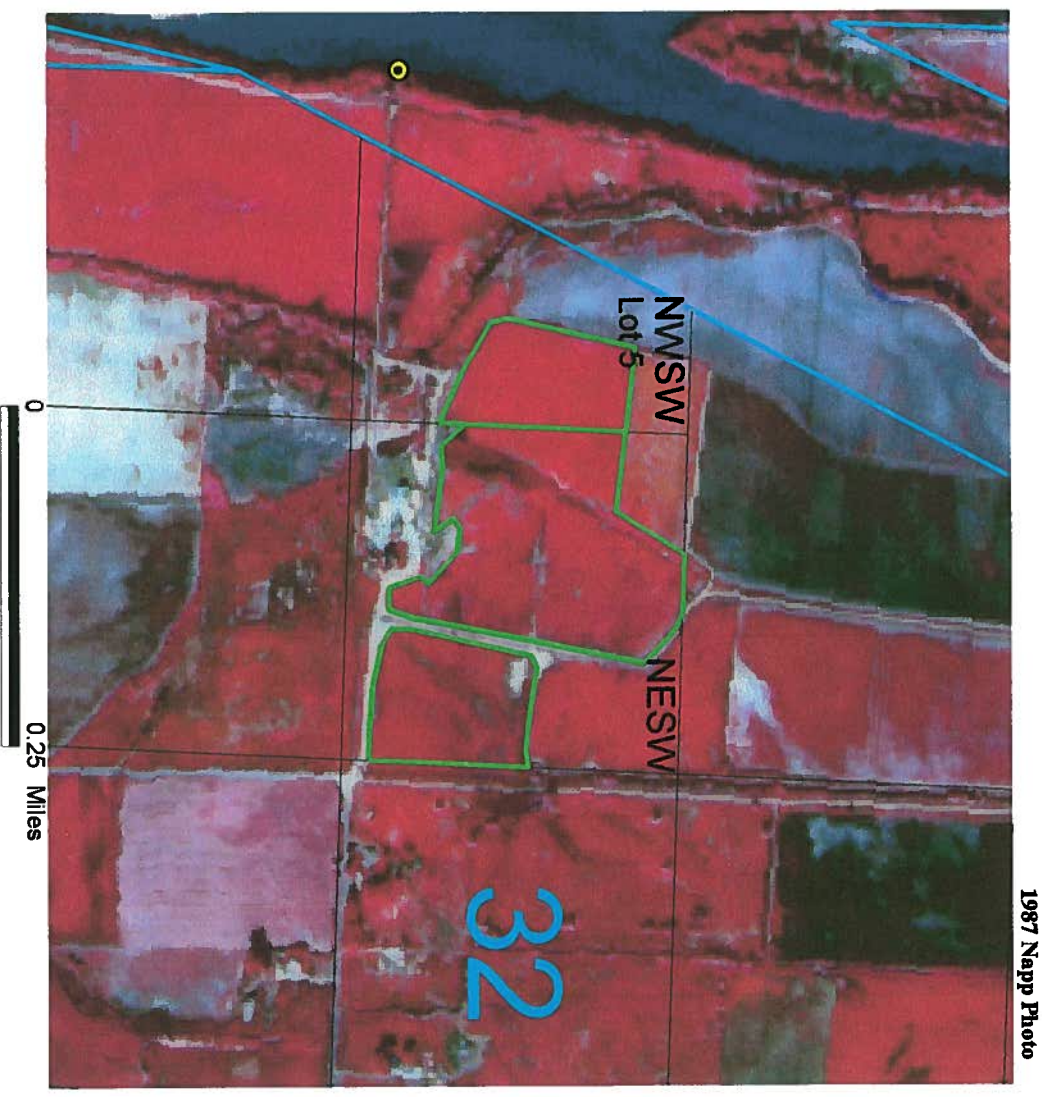
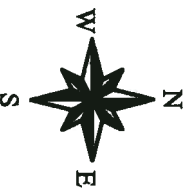
Place of Use



Section Lines



Quarter Quarter Lines



05/02/2007

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

RIGHT NUMBER: 3-4008B

NAME AND ADDRESS: ROBERT L STEWART
6960 EAGLE CREEK CT
RENO NV 89509

MARJORIE V STEWART
6960 EAGLE CREEK CT
RENO NV 89509

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.480 CFS

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION:

T09N R05W S32 SWNWSW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.480 CFS

PLACE OF USE:

IRRIGATION in PAYETTE County

T09N R05W S32 NESW 18.00 T09N R05W S32 Lot 5 NWSW 6.00

24 ACRES TOTAL

Place of use is within the area served by Washoe Irrigation & Water Power Company.

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 - Beneficial Use

~~The following rights are also diverted through point of diversion described above: 3-4008A, 3-10192.~~

This right is a split from former right 3-4008.



Split: 3-04008 to 3_4008A and 3-4008B

Legal: T09N, R05W, S29 & 32

Reviewed By: SJR 8/30/05

-  Sections
-  09N05W GCDB
-  03_04008a_claim_pou.shp
-  03_04008b_claim_pou.shp



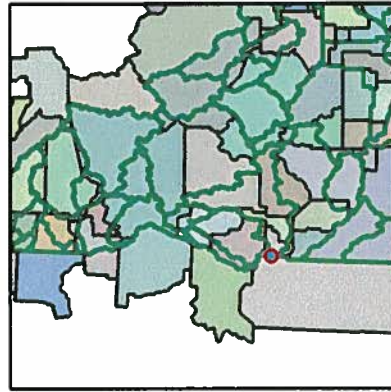
Idaho Department of Water Resources

SRBA Recommendation:

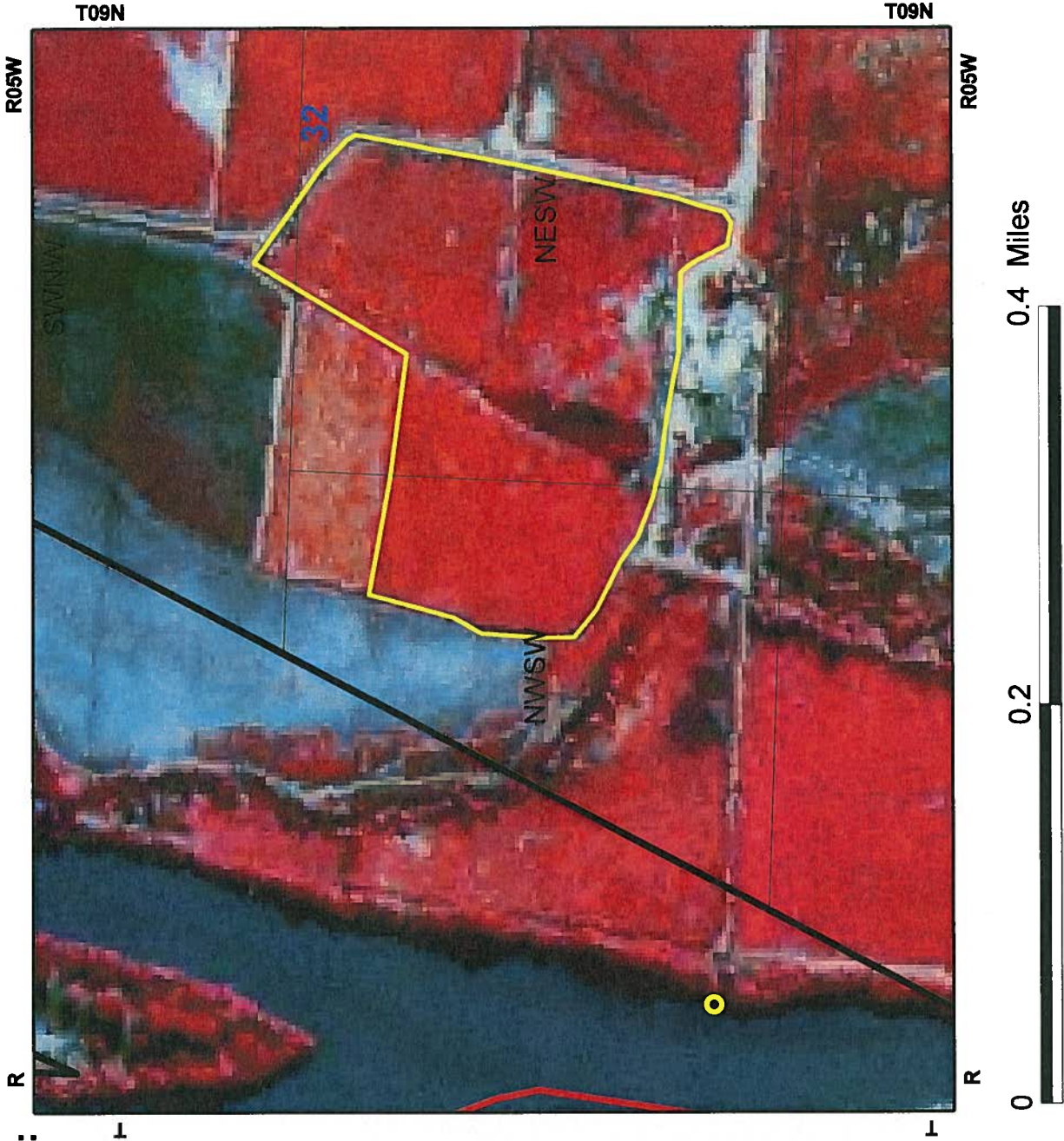
3-4008B

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Payette County
IDWR Basin 3



Prepared by J. Dean
On Wednesday, May 31, 2006
1987/88 Aerial Photography

3-4008B



05/31/2006

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T09N R05W S32 SWNWSW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.480 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T09N R05W S32	NESW	18.00	T09N R05W S32 Lot 5 NWSW	6.00
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24 ACRES TOTAL

Place of use is within the area served by Washoe Irrigation & Water Power Company.

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07/13/2006

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

RIGHT NUMBER: 3-4008B

NAME AND ADDRESS: ROBERT L STEWART
6960 EAGLE CREEK CT
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SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

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T09N R05W S32 SWNWSW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.480 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T09N R05W S32	NESW	18.00	T09N R05W S32 Lot 5 NWSW	6.00
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24 ACRES TOTAL

Place of use is within the area served by Washoe Irrigation & Water Power Company.

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 - Beneficial Use

The following rights are also diverted through point of diversion described above: 3-4008A, 3-10192.

This right is a split from former right 3-4008.

07/13/2006

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

RIGHT NUMBER: 3-10192

NAME AND ADDRESS: GEORGE E COLWELL
3990 HWY 52
PAYETTE ID 83661

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION:

T09N R05W S32 NWSW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

03/01 11/15

0.050 CFS

PLACE OF USE: STOCKWATER Within PAYETTE County

T09N R05W S29	SWNE	T09N R05W S29 Lot 2	SWNE
T09N R05W S29	SENE	T09N R05W S29	SENE
T09N R05W S29 Lot 3	SENE	T09N R05W S29	NESW
T09N R05W S29 Lot 3	NESW	T09N R05W S29 Lot 4	SESW
T09N R05W S29	NESE	T09N R05W S29 Lot 1	NESE
T09N R05W S29	NWSE	T09N R05W S29 Lot 2	NWSE
T09N R05W S29	SWSE	T09N R05W S29	SESE
T09N R05W S29 Lot 1	SESE	T09N R05W S32	NWNE
T09N R05W S32	NENW	T09N R05W S32 Lot 3	NENW
T09N R05W S32	NWNW	T09N R05W S32	SNNW
T09N R05W S32 Lot 4	SNNW	T09N R05W S32	SENE
T09N R05W S32 Lot 4	SENE	T09N R05W S32	NESW
T09N R05W S32	NWSW	T09N R05W S32 Lot 5	NWSW

T09N, R05W S29 SWNE, SENE, SENW, NESW, NESE, NWSE, SESE; S32 NENW, NWNW, SNNW, SENW, & NWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.

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 - Beneficial Use

The following rights are also diverted through point of diversion described above: 3-4008A, & 3-4008B.

07/13/2006

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

RIGHT NUMBER: 3-4008A
NAME AND ADDRESS: C/C LLC
3990 HWY 52
PAYETTE ID 83661

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 5.500 CFS
PRIORITY DATE: 06/01/1954
POINT OF DIVERSION:

T09N R05W S32 NWSW Within PAYETTE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	5.500 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

POU okay

T09N R05W S29	SWNE	11.00	T09N R05W S29 Lot 2	SWNE	0.50
T09N R05W S29	SENE	2.00	T09N R05W S29	SENE	4.00
T09N R05W S29 Lot 3	SENE	0.50	T09N R05W S29	NESW	9.50
T09N R05W S29 Lot 3	NESW	24.50	T09N R05W S29 Lot 4	SESW	13.00
T09N R05W S29	NESE	4.00	T09N R05W S29 Lot 1	NESE	0.50
T09N R05W S29	NWSE	15.00	T09N R05W S29 Lot 2	NWSE	22.50
T09N R05W S29	SWSE	36.00	T09N R05W S29	SESE	0.50
T09N R05W S29 Lot 1	SESE	15.50	T09N R05W S32	NWNE	9.00
T09N R05W S32	NENW	2.00	T09N R05W S32 Lot 3	NENW	22.00
T09N R05W S32	NWNW	1.00	T09N R05W S32	SWNW	14.50
T09N R05W S32 Lot 4	SWNW	5.50	T09N R05W S32	SENE	0.50
T09N R05W S32 Lot 4	SENE	36.50	T09N R05W S32	NESW	8.00
T09N R05W S32	NWSW	9.00	T09N R05W S32 Lot 5	NWSW	8.00

275 ACRES TOTAL

Place of use is within the area served by Washoe Irrigation & Water Power Company.

T09N, R05W S29 SWNE, SENE, SENW, NESW, NESE, NWSE, SESE; S32 NENW, NWNW, SWNW, SENW, & NWSW is unsurveyed, nonfederal land except where noted by GCDB lot number.

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 - Beneficial Use

This right is a split from former right 3-4008.

Total diversion = $5.5 + .48 + .05 = 6.03 \text{ cfs}$
original stat claim = 6.44 cfs
diversion capacity = 6.68 cfs

okay

The following rights are also diverted through point of diversion described above: 3-4008B, & 3-10192.

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 3-4008B
Date Received: 10/22/1991
Receipt No: C022112
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARJORIE V STEWART Phone: (775)746-4493

6960 EAGLE CREEK CT
RENO NV USA 89509

ROBERT L STEWART Phone: (775)746-4493

6960 EAGLE CREEK CT
RENO NV USA 89509

2. Date of Priority: 06/01/1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	05W	32	SW NW SW 5	PAYETTE	

5. Description of diverting works:

20 AND 30HP PUMP IN RIVER WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.48	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05W	32	NE	SW	IRRIGATION	19
			NW	SW	IRRIGATION	5
					Section Acres	24
					Total Acres	24

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

Address change per claimant request. 9/30/04

Changed into name of trust. DH 8/6/2002

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 27, 2005

ROBERT AND MARJORIE STEWART
6960 EAGLE CREEK CT
RENO NV 89509

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #3-4008B

Dear Mr. and Mrs. Stewart:

We have processed the change in ownership of the Notice of Claim to a Water Right referenced above for your property in Payette County. Thank you for your patience.

Enclosed is a copy of this water right claim. Please retain this copy for your file, and refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Copy of Notice of Claim Referenced Above

SCANNED
OCT 27 2005

Townsend, KariLynn

To: Allen, Debbie
Subject: RE: Refund request

Hi Debbie . . .

Please arrange for a refund of \$25.00 from receipt # C079312 to be sent to:

**ROBERT STEWART
6960 EAGLE CREEK CT
RENO NV 89509**

The filing fee was paid in error. Ownership change being handled in AJ.

Thanks,

Kari Lynn T
Oct. 27, 2005

Idaho Department of Water Resources Receipt

Receipt ID C079312

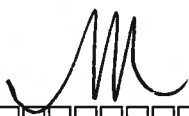
Payment Amount \$25.00 Date Received 10/7/2005 1:25:58 PM Region State Status
 Payment Type Check Check Number 1002

Payer ROBERT STEWART / JAMES NEWMAN

Comment OWNERSHIP CHANGE FOR # 3-4008B

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$25.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155


 Signature Line (Dept. Representative)

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

RECEIVED
OCT 07 2005
Department of Water Resources

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>3-4008B</u>	<u>3-4008B</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

MC Shelley Family Trust (Frank & Melita Shelley)
960 NW 14th Ave. Payette, ID 83661

4. New Owner/Claimant(s)

Robert L & Marjorie V. Stewart
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

6960 Eagle Creek Ct.

City, State and ZIP Code

Reno, Nevada 89509

New Telephone Number

(775) 746-4493

5. Date you acquired the property

Nov. 24, 2004

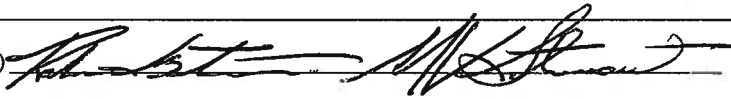
SCANNED
OCT 27 2005

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

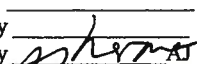
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)



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

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by  Date 10-27-05 WR _____ Date _____

approved by Misty Thout
10-27-05

SCANNED
OCT 27 2005

322520

P1916B

WARRANTY DEED

For Value Received

FRANKLIN JEFFERSON SHELLEY, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED $\frac{1}{2}$ INTEREST, AND MELITA ELLEN SHELLEY, A SINGLE WOMAN, AS HER SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED $\frac{1}{2}$ INTEREST, AS TENANTS IN COMMON

hereby GRANT, BARGAIN, SELL AND CONVEY unto

ROBERT L. STEWART AND MARJORIE V. STEWART, HUSBAND AND WIFE

whose current address is 6960 EAGLE CR. CT.
RENO, NV 89509

the following described premises, to-wit:

SEE EXHIBIT ~~***~~ ATTACHED HERETO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee(s), his/her/their heirs and assigns forever. And the said grantor(s) do(es) hereby covenant to and with the said grantee(s) that he/she/they are/is the owner(s) 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 he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/23/04

Franklin Jefferson Shelley
FRANKLIN JEFFERSON SHELLEY
Melita Ellen Shelley
MELITA ELLEN SHELLEY
Victoria Shelley

STATE OF IDAHO, COUNTY OF PAYETTE

On this 24th day of NOVEMBER, 2004, before me, a notary public in and for said State, personally appeared FRANKLIN JEFFERSON SHELLEY AND MELITA ELLEN SHELLEY *Victoria Shelley* known to me to be the person(s) who(se) name(s) are/is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Sheryl Miller
NOTARY PUBLIC
Residing at *Payette*, Idaho
Comm. Expires: *3-3-06*

Instrument # 322520

PAYETTE COUNTY

2004-11-24

03:55:00 No. of Pages: 2

Recorded for: AMERITITLE

BETTY J DRESSEN

Ex-Officio Recorder Deputy

Index In: WARRANTY DEED

Fee: 6.00



SCANNED
OCT 27 2005

322520

EXHIBIT A

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 32: A parcel of land located within Government Lots 4 and 5 and the Northeast quarter of the Southwest quarter, more particularly described as follows:

Lots 4 and 5 and from said Northeast quarter of the Southwest quarter the following described tract of land:

Beginning at the Southeast corner of said Northeast quarter of the Southwest quarter of Section 32, Township 9 North, range 5 West, Boise Meridian;
thence North $0^{\circ}00'22''$ East 720.02 feet along the East line of said Northeast quarter of the Southwest quarter;
thence North $85^{\circ}05'20''$ West 528.96 feet;
thence North $8^{\circ}26'10''$ East 454.94 feet;
thence North $43^{\circ}28'39''$ West 65.91 feet;
thence North $58^{\circ}29'07''$ West 374.66 feet to a point within said Lot 4;
thence South $28^{\circ}05'43''$ West 456.29 feet to a point within said Northeast quarter of the Southwest quarter;
thence North $84^{\circ}21'34''$ West 648.70 feet to a point within said Lot 5;
thence South $8^{\circ}23'09''$ West 484.82 feet;
thence North $87^{\circ}31'01''$ West 316.33 feet;
thence South $1^{\circ}10'55''$ East 654.90 feet to a point on the South line of said Lot 5;
thence North $89^{\circ}59'12''$ East 2058.62 feet along the South line of said Lot 5 and the South line of said Northeast quarter of the Southwest quarter to the Point of Beginning.

SCANNED

OCT 27 2005

322520

RECEIVED

AUG 17 2005

DEPARTMENT OF
WATER RESOURCES

P19168

WARRANTY DEED

For Value Received

FRANKLIN JEFFERSON SHELLEY, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED $\frac{1}{4}$ INTEREST, AND MELITA ELLEN SHELLEY, A SINGLE WOMAN, AS HER SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED $\frac{1}{4}$ INTEREST, AS TENANTS IN COMMON

hereby GRANT, BARGAIN, SELL AND CONVEY unto

ROBERT L. STEWART AND MARJORIE V. STEWART, HUSBAND AND WIFE

whose current address is 6960 EAGLE CR. CT.
RENO, NV 89509

the following described premises, to-wit:

SEE EXHIBIT ~~XXXX~~ ATTACHED HERETO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee(s), his/her/their heirs and assigns forever. And the said grantor(s), do(es) hereby covenant to and with the said grantee(s) that he/she/they are/is the owner(s) 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 he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/23/04

Franklin Jefferson Shelley
FRANKLIN JEFFERSON SHELLEY
Melita Ellen Shelley
MELITA ELLEN SHELLEY
Victoria Shelley

STATE OF IDAHO, COUNTY OF PAYETTE

On this 24th day of NOVEMBER, 2004, before me, a notary public in and for said State, personally appeared
FRANKLIN JEFFERSON SHELLEY AND MELITA ELLEN SHELLEY *Victoria Shelley*
known to me to be the person(s) who(se) name(s) are/is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Sheryl Miller
NOTARY PUBLIC
Residing at *Payette*, Idaho
Comm. Expires: *3-3-06*

Instrument # 322520

PAYETTE COUNTY

2004-11-24

03:55:00 No. of Pages: 2

Recorded for: AMERITITLE

BETTY J DRESSEN

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 6.00



SCANNED

AUG 18 2005

340005

322520

EXHIBIT A

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 32: A parcel of land located within Government Lots 4 and 5 and the Northeast quarter of the Southwest quarter, more particularly described as follows:

Lots 4 and 5 and from said Northeast quarter of the Southwest quarter the following described tract of land:

Beginning at the Southeast corner of said Northeast quarter of the Southwest quarter of Section 32, Township 9 North, range 5 West, Boise Meridian;
thence North $0^{\circ}00'22''$ East 720.02 feet along the East line of said Northeast quarter of the Southwest quarter;
thence North $85^{\circ}05'20''$ West 528.96 feet;
thence North $8^{\circ}26'10''$ East 454.94 feet;
thence North $43^{\circ}28'39''$ West 65.91 feet;
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thence South $8^{\circ}23'09''$ West 484.82 feet;
thence North $87^{\circ}31'01''$ West 316.33 feet;
thence South $1^{\circ}10'55''$ East 654.90 feet to a point on the South line of said Lot 5;
thence North $89^{\circ}59'12''$ East 2058.62 feet along the South line of said Lot 5 and the South line of said Northeast quarter of the Southwest quarter to the Point of Beginning.

SCANNED

AUG 18 2005

3-4008B



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 13, 2005

3-4008b

Robert and Marjorie Stewart
6960 Eagle Cr. Ct.
Reno, NV 89509

RESPONSE DEADLINE
October 10, 2005

Re: Change of Ownership, Water Right Claim 3-4008b

Dear Claimant(s):

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). We have reason to believe you may be the owner of some or all of the lands covered by the enclosed claim. All claimants and owners of water rights are required (42-248 and 42-1409(6), Idaho Code) to notify the Idaho Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right.

Enclosed please find the Notice of Change in Water Right Ownership form and filing instructions. Please complete the form and return it together with the additional required information in the envelope provided before October 10, 2005. If you should decide to return the materials in a different mailer, please be sure to write "ATTN: SRBA claim number 3-4008b" on the front of the mailer.

If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim number, 3-4008b, handy when you call.

A handwritten signature in blue ink that reads "Misty Mount". The signature is fluid and cursive, with the first name "Misty" and the last name "Mount" clearly distinguishable.

Misty Mount
Water Right Agent
Adjudication

Enclosure

Change in Water Right Ownership Form
Copy of Claim / Map of location

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

RECEIVED

MAR 11 2005

WATER RESOURCES
WESTERN REGION

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
3-4008B	3-4008B				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) M.C. Shelley Trust;c/o Frank & Melita Shelley
960 NW 14th Avenue, Payette, ID 83661
4. New Owner/Claimant(s) Robert L. & Marjorie V. Stewart
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 6960 Eagle Cr. Ct.
- City, State and ZIP Code Reno, NV 89509
- New Telephone Number (775) 746-4493
5. Date you acquired the property 11/23/05

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Handwritten Signature] *[Handwritten Signature]*

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

For Office Use Only

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

OK to process 8/30/05

RECEIVED

MAR 11 2005

WATER RESOURCES
WESTERN REGION

3-4008B

RECEIVED

MAR 14 2005

DEPARTMENT OF
WATER RESOURCES

March 3, 2005

Department of Water Resources
2735 Airport Way
Boise, ID 83702

Re: Change in water rights ownership

Attn: Dan Nelson

Dear Dan,

I am pursuing a change in ownership for the water rights I purchased with the sale of property located and addressed as 9576 Draper Road. Helen Bivins had contacted you on my behalf to evaluate what is needed to be done. She has since returned the documentation to me with orders to send the signed documentation to you.

I am sending all the information she returned to me to you. If this paper work is not necessary please disregard, and use what ever is appropriate for your needs. I apologize to the fact that I do not understand the process for obtaining water right ownership. I would appreciate you bearing with me through this process.

If you need or require more information I would appreciate a phone call or an email.

Phone # 775-746-4493

Email : stewartconst@sbcglobal.net

Thank you for your time.

Robert Stewart

February 8, 2005

Dear Mr. Stewart:

I am returning the paperwork Jim Newman brought me as well as the papers for the change in ownership from the Dept. of Water Resources.

I have filled out everything except the phone number and date of purchase. I was able to get the aerial photos from the USDA and hope it is satisfactory. The instructions want the point (s) of diversion clearly marked, but the USDA does not do that anymore. I feel that the Dept. of Water Resources has a map from Shelley.

I have a copy of your Warranty Deed which I am enclosing in case you do not have one.

The filing fee has been waived.

You will need to sign item 7.

The address for the Department of Water Resources is:
2735 Airport Way
Boise, ID 83702
and the one I contacted was Dan Nelson.

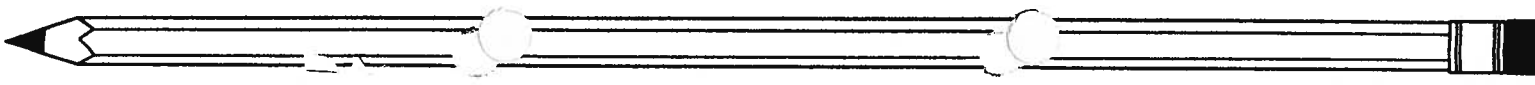
If you prefer mail the papers back to me and I will send them on.

Hope this is completed as the DWR told me they wanted.

Sincerely,

Allen Levine

*If there is a
problem, please
let me know
and I will try
to solve it.*



WARRANTY DEED

For Value Received

FRANKLIN JEFFERSON SHELLEY, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED $\frac{1}{2}$ INTEREST, AND MELITA ELLEN SHELLEY, A SINGLE WOMAN, AS HER SOLE AND SEPARATE PROPERTY, AS TO AN UNDIVIDED $\frac{1}{2}$ INTEREST, AS TENANTS IN COMMON

hereby GRANT, BARGAIN, SELL AND CONVEY unto

ROBERT L. STEWART AND MARJORIE V. STEWART, HUSBAND AND WIFE

whose current address is 6960 EAGLE CR. CT.
RENO, NV 89509

the following described premises, to-wit:

SEE EXHIBIT ~~XXX~~ ATTACHED HERETO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee(s), his/her/their heirs and assigns forever. And the said grantor(s) do(es) hereby covenant to and with the said grantee(s) that he/she/they are/is the owner(s) 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 he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/23/04

Franklin J. Shelley

and for said

Melita E. Shelley
to the
same.



31 SOUTH MAIN
P.O. BOX 345
PAYETTE, ID 83661
(208) 642-3351
(208) 642-3590 FAX

November 11, 2004

Robert L. Stewart
Marjorie V. Stewart
6960 Eagle Cr, Ct
Reno, NV 89509

Re: P 19112

Dear Robert and Marjorie:

Enclosed is the title commitment on the above mentioned order. Items 16, 17 and 18 will be taken care of at closing. I have enclosed copies of the exceptions. If you have any questions, please call.

Sincerely yours,

A handwritten signature in cursive script that reads 'Julie E. Wilson'.

Julie Wilson
Title Officer

enc.

COMMITMENT FOR TITLE INSURANCE

ISSUED BY

First American Title Insurance Company



31 South Main
PO Box 345
Payette, ID 83661
208 642 3351
Fax 208 642 3590

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

- The Provisions in Schedule A.
- The Requirements in Schedule B-1.
- The Exceptions in Schedule B-2.
- The Conditions on the other side of this page 1.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.



First American Title Insurance Company

BY

Gary L. Keruett

PRESIDENT

ATTEST

Mark R. Anderson

SECRETARY

BY

Julie E. Wu

COUNTERSIGNED

SCHEDULE A

Commitment No. P 19112

Effective Date: November 1, 2004 at 8:00am

Escrow inquires should be directed to: Melissa Rohm and Linda-Gayle Fox

Title inquires should be directed to: Jay Edwards, Julie Wilson, or Kerry Brent

AmeriTitle
Attn: Escrow

Policy or Policies to be issued:	Amount	Premium
OWNER'S COVERAGE		
Proposed Insured: ROBERT L. STEWART AND MARJORIE V. STEWART		
X Standard	\$95,000.00	\$587.50
Extended Form 1402.92(10-17-92)	\$	\$
PURCHASER'S COVERAGE		
Proposed Insured:		
Standard Form 1402.92(10-17-92)	\$	\$
MORTGAGEE'S COVERAGE		
Proposed Insured:		
Standard	\$	\$
Extended	\$	\$
Endorsements 100, 116, 8.1		\$

FEE SIMPLE interest in the land described in the Commitment is owned, at the Commitment Date by:

Jefferson Shelley and Melita Ellen Shelley, in equal, undivided 1/2 interest, subject to community property interest of their spouses, if married

The land referred to in this Commitment is described as follows:

SEE ATTACHED EXHIBIT "A"

The purported property address is: 9576 Draper Road
Payette, Idaho 83661

Order No. P- 19112

EXHIBIT A

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:

In Section 32: A parcel of land located within Government Lots 4 and 5 and the Northeast quarter of the Southwest quarter, more particularly described as follows.

Lots 4 and 5 and from said Northeast quarter of the Southwest quarter the following described tract of land:

Beginning at the Southeast corner of said Northeast quarter of the Southwest quarter of Section 32, Township 9 North, range 5 West, Boise Meridian;

thence North 0°00'22" East 720.02 feet along the East line of said Northeast quarter of the Southwest quarter;

thence North 85°05'20" West 528.96 feet;

thence North 8°26'10" East 454.94 feet;

thence North 43°28'39" West 65.91 feet;

thence North 58°29'07" West 374.66 feet to a point within said Lot 4;

thence South 28°05'43" West 456.29 feet to a point within said Northeast quarter of the Southwest quarter;

thence North 84°21'34" West 648.70 feet to a point within said Lot 5;

thence South 8°23'09" West 484.82 feet;

thence North 87°31'01" West 316.33 feet;

thence South 1°10'55" East 654.90 feet to a point on the South line of said Lot 5;

thence North 89°59'12" East 2058.62 feet along the South line of said Lot 5 and the South line of said Northeast quarter of the Southwest quarter to the Point of Beginning.

SCHEDULE B - SECTION 1

Requirements

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of item(s).
- (f) Items 2, 3, 4 may be removed after an inspections of the herein described land. Item No. 6 may be removed after an inspection if no work has been performed. If work has began phase have the contractor contact this office immediately. We may have further requirements at that time.
- (g) You must give us the following information:
 - (a) Any off record leases, surveys, etc.
 - (b) Statement(s) of identity, all parties.
 - (c) Other.
- (h) We require a correction Deed be recorded to include the Township, Range and Section on Instrument No 316321 Official Records.

SCHEDULE B - SECTION 2
Exceptions

This policy does not insure against loss of damage (and the Company will not pay, attorney's fees or expenses) which arise by reason of:

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

PART 1

The following numbered exceptions 1-6 may be eliminated in an ALTA Extended Coverage Policy.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records. (On all extended Loan Policies)
6. Any liens, or rights to a lien, for services, labor or materials theretofore or hereafter furnished, imposed by law and not shown by the public records.

Note: Items 1 -6 of the standard exceptions will appear on any policy we issue unless taken care of to our satisfaction.

7. Taxes for 2003 in the original amount of \$525.42, Tax Parcel Number 2788, are delinquent plus penalties and interest.

Taxes for the year 2004 in the original amount of \$545.92, Tax Parcel Number 2788. The first one-half balance is due and payable in the amount of \$272.96.
Homeowners Exemption: Not active as of the 2004 tax statement.
8. Regulations of Washoe and Water Power Company Irrigation Co. Ltd., within which the above property lies, or all other Irrigation district, laterals that the above property lies, including levies, assessments, water and irrigation rights and easement for ditches and canals as provided by law.
9. Reservations in United States Patent, recorded as Instrument No. 17992 and in Book A, of Patents, Page 96, Official Records.

CONTINUED

Order No. P- 19112

CONTINUED SCHEDULE B

10. An Power line easement granted to Idaho Power Company recorded April 30, 1949 in Book 4 of Miscellaneous Records at Page 648, Official Records.
11. An Easement in Deed including terms and conditions recorded January 5, 1989 as Instrument No. 225363, Official Records.
12. Terms and Conditions of an easement deed recorded January 5, 1989 as Instrument No. 225636, Official Records.
13. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by Record of Survey recorded June 21, 1989 as Instrument No. 227117, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
14. Terms and Conditions of easement deeds dated November 5, 1993 as Instrument No. 246264 and December 9, 1993 as Instrument No. 246773, Official Records.
15. Power Line easement granted to Idaho Power Company dated January 13, 2004 as Instrument No. 315466, Official Records.
16. Judgment for amounts due thereunder.
Debtor: Frank Shelley
Creditor: Mike S. Derrick, as Conservator of the Estate of M.C. Shelly, aka Melvin C. Shelley, aka Dooley Shelley and Vistair, Inc., an Idaho Corporation
Amount: \$57,870.85
Recorded: June 16, 2000 as Instrument No. 288203
Case No. CV-OC-98-05335*D
17. Judgment for amounts due thereunder.
Debtor: Frank Shelley and Vicki Shelley
Creditor: The Carpet Gallery, Inc
Amount: \$2,096.52
Recorded: February 1, 2002 as Instrument No. 298987 and re-recorded February 6, 2002 as Instrument No. 299103
Case No. CV-SC-98-00825
18. Federal Tax Lien for any amounts due thereunder.
Taxpayer: Frank J. Shelley
Amount: \$24,271.28
Recorded: October 1, 2003
Instrument No. 313151



The First American Corporation AmeriTitle

Privacy Policy

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our parent company, The First American Corporation, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its *Fair Information Values*, a copy of which can be found on our website at www.firstam.com.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Uses of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies, and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies, or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's *Fair Information Values*. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

START - COBLIB

Auto

TAX INQUIRY

TAXINQ

PAGE 1 OF 2

PARCEL # 2788 STATUS CODE A CODE AREA 11 TAX ROLL 1 MH-00
TOTAL ACRES 47.42 HOMEOWNERS EXEMP N OVER-RIDE AMT PREPAID TAX BANKRUPT N
NAME AND SHELLEY, FRANKLIN JEFFERSON & PROP TAX 6
ADDRESS SHELLEY, MELITA ELLEN DESC SEC. 32-9-5
533 DENTON RD
AGAIN? HOPE ID 83836

PRINT? LOC: 9576 DRAPER RD P
YR/ MARKET/ EXEMPT/ HALF BILLED DATE LATE FEE INTEREST TO TAX, FEE,
CD CB.TAX SPECIAL HM TAX PAID DUE 11082004 INT DUE
2004 41,720 N 1ST 272.96 272.96
11 545.92 2ND 272.96 272.96
TOT 545.92 545.92
2003 39,920 N 1ST 262.71 5.25 27.57 295.53
11 525.42 2ND 262.71 5.25 27.57 295.53
TOT 525.42 10.50 55.14 591.06
2002 102,800 Y 1ST 458.63 011403
11 907.04 36.00 2ND 484.41 050803
TOT 943.04
2001 67,773 Y 1ST 347.29 112701
11 622.58 72.00 2ND 347.29 061002
TOT 694.58

Symantec
pcAnywhere

Start START - COBLIB

10:02 AM

2788

Instrument No. 73064

E R 352 '48

POWER LINE EASEMENT

Gilbert Robertson and Mary E. Robertson, his wife, Grantor (s), of Payette County, State of Idaho, do hereby grant and convey to IDAHO POWER COMPANY, a corporation, its licensees, successors and assigns, Grantee, for One Dollar and other valuable considerations, a right of way and easement for the erection and continued operation, maintenance, repair, alteration, inspection and replacement of the electric transmission, distribution and telephone lines and circuits of the Grantee, attached to a line of poles or other supports, together with guys, crossarms and other attachments and incidental equipment thereon, and appurtenances, over, on and across the following premises, belonging to the said Grantor (s) in Payette County, State of Idaho, in the following location, to-wit:

Lot 5, NE1/4 Sec. 32, T. 9 N., R. 5 W., NE

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

Executed and delivered this 25th day of January, 1949.

WITNESS:

V. L. Roberts

Gilbert Robertson

Mary E. Robertson

STATE OF Idaho, }
County of Payette } ss.

On this 25th day of January, 1949, before me, V. L. Roberts, a Notary Public, personally appeared Gilbert Robertson and Mary E. Robertson, known to me to be the person (s) who executed the foregoing instrument and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

(V. L. ROBERTS NOTARIAL SEAL)
(Notarial Seal)

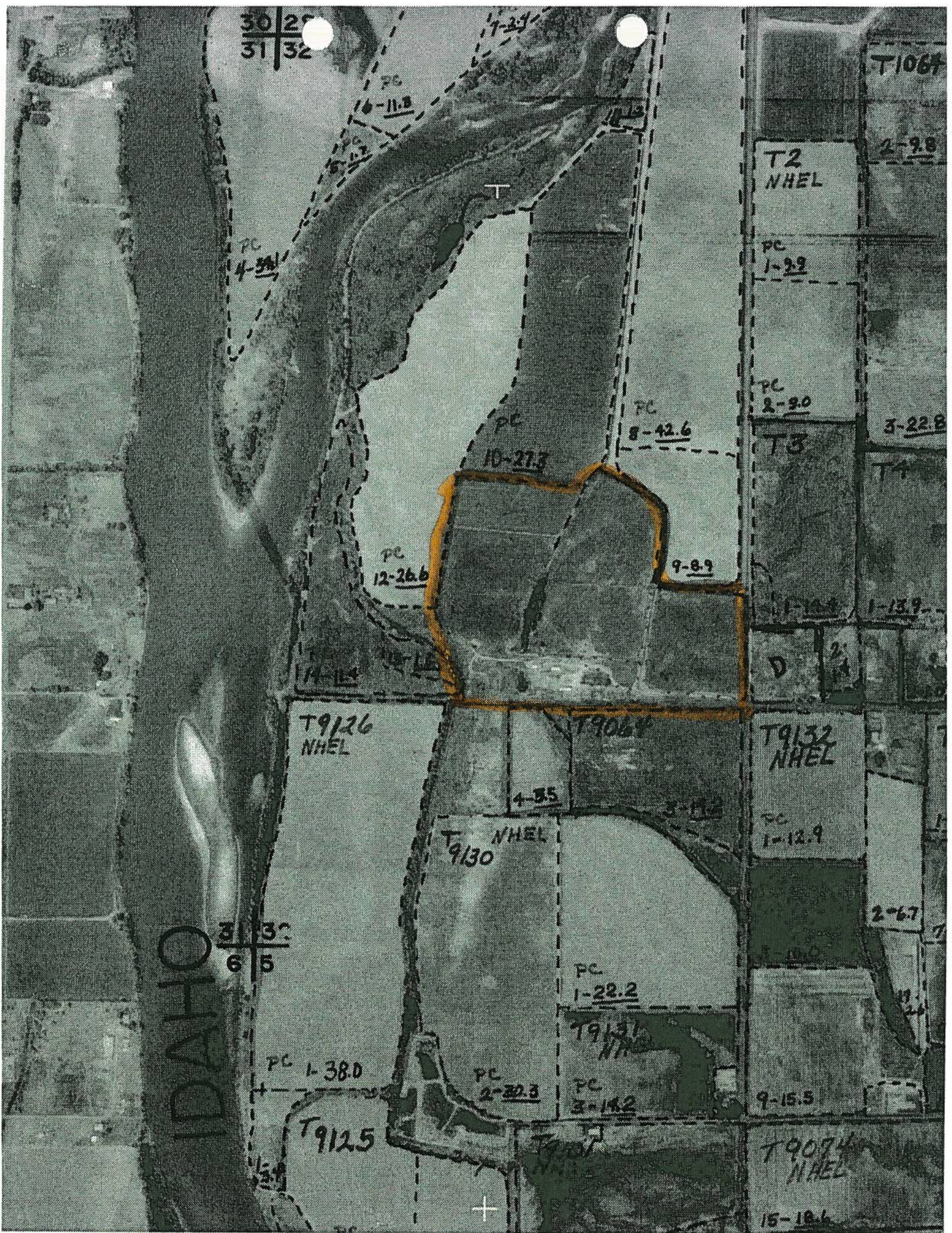
V. L. Roberts
Notary Public, residing at Boise, Idaho
Commission expires May 8, 1950

STATE OF IDAHO }
County of Payette } ss.

I hereby certify that this instrument was filed for record at the request of G. E. Peterson at 29 minutes past 10 o'clock A.M. this 30 day of April 1949 in my office, and duly recorded in book 4 of Miscellaneous at page 638.

Lillian Wilson
Deputy Recorder

Fee \$2.50

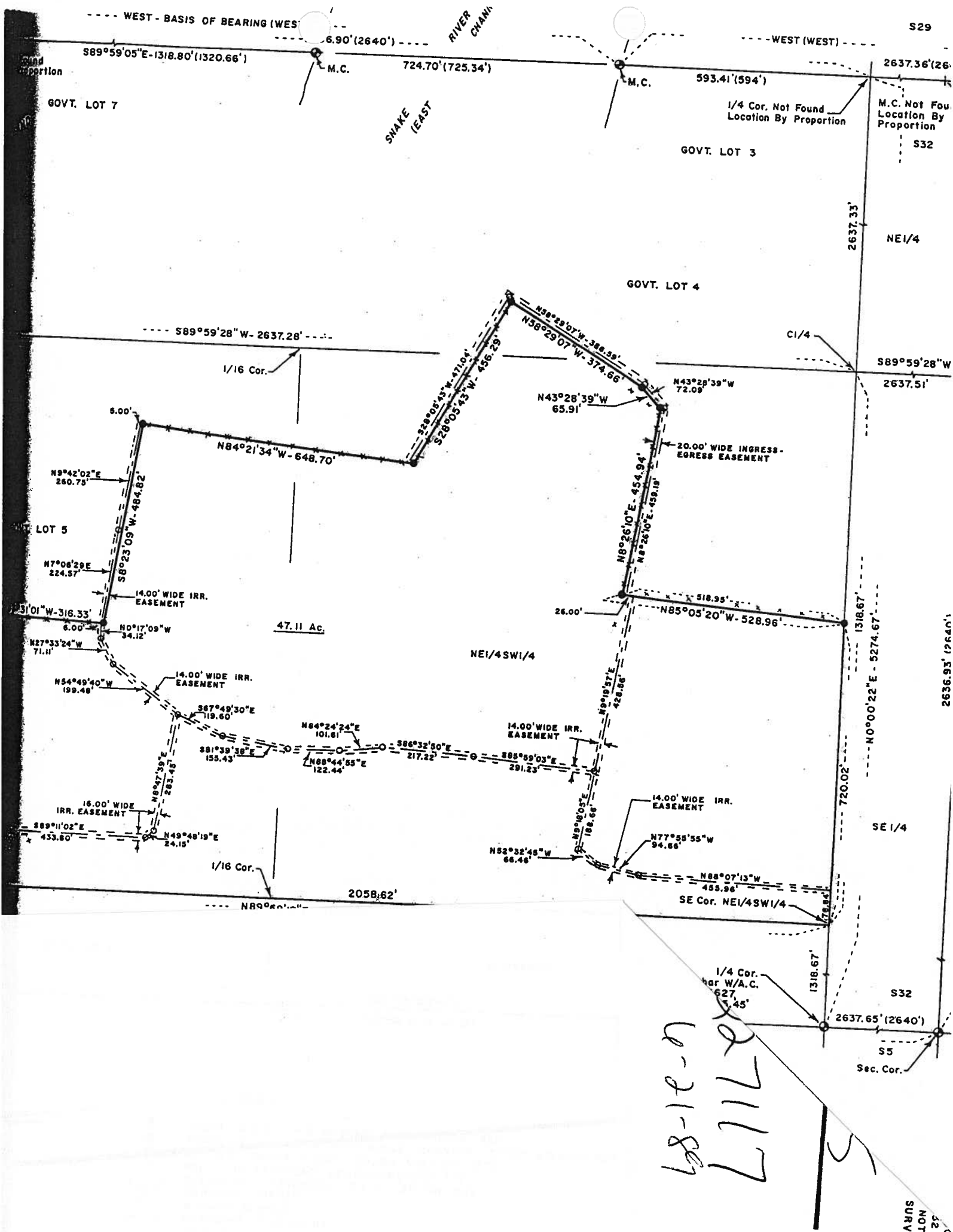




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DRAPER + 15'



246264

State of Idaho, County of Payette

RECORDING INFORMATION: I certify that this instrument was filed for record at the request of *Yturri Law Office*
 Nov 5, 1993 11:36 AM, in Book 48 Dec 19 pg. 246264
 Laura L. Stigile, Ex-Officio Recorder by *Debra J. Stigile*; Deputy *fee \$900*

Prepared by:

YTURRI, ROSE, BURNHAM, EBERT & BENTZ
 P.O. Box 8
 Ontario, OR 97914

Until a change is requested, all tax
 statements shall be sent to:

M. C. SHELLEY
 9576 Draper Road
 Payette, ID 83661

After recording return to: Yturri Law Office, P.O. Box 8, Ontario, OR 97914

EASEMENT DEED

FOR VALUE RECEIVED, BETTY J. SHELLEY, Idaho, Grantor, does hereby grant, bargain, sell and convey unto M. C. SHELLEY, Grantee, all of her right, title and interest in and to the following described easements:

1. A perpetual 20.00 foot wide agricultural ingress-egress easement within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Government Lot 4 of Section 32, Twp. 9 N., R. 5 W., B.M., Payette County, Idaho, being 10.00 feet wide on each side of the following described centerline:
2788
 Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;
 thence N. 0° 00' 22" E. 720.02 feet along the east line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 thence N. 85° 05' 20" W. 518.95 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;
 thence N. 8° 26' 10" E. 459.19 feet;
 thence N. 43° 28' 39" W. 72.09 feet;
 thence N. 58° 29' 07" W. 386.59 feet to a point within Government Lot 4 of said Section 32;
 thence S. 28° 05' 43" W. 471.04 feet to the point of ending, which point is within said NE $\frac{1}{4}$ SW $\frac{1}{4}$ (and which point is on the boundary line described as N. 84° 21' 34" W. 648.70 feet, of the parcel of land described below benefiting from this easement). *S 8 NW*
2. A perpetual 14.00 foot wide irrigation easement within Government Lot 5, Sec. 32, Twp. 9 N., R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of an existing concrete irrigation ditch for irrigation purposes, and for access to and maintenance of said ditch, said easement being 7.00 feet wide on each side of the following described centerline: *NW 1/4*
 Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;
 thence S. 89° 59' 12" W. 2058.62 feet along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line of said Government Lot 5;
 thence N. 1° 10' 55" W. 139.76 feet;

246264

thence S. 89° 11' 02" E. 433.80 feet;

thence N. 49° 48' 19" E. 24.15 feet;

thence N. 8° 47' 39" E. 283.45 feet;

thence N. 54° 49' 40" W. 199.48 feet;

thence N. 27° 33' 24" W. 71.11 feet;

thence N. 0° 17' 09" W. 34.12 feet to the TRUE POINT OF BEGINNING on the centerline of said easement (which point is on the boundary line described as N. 87° 31' 01" W. 316.33 feet, of the parcel of land described below benefiting from this easement being 6.00 feet from the easterly point and 310.33 feet from the westerly point of said line);

thence N. 7° 06' 29" E. 224.57 feet;

thence N. 9° 42' 02" E. 260.75 feet to the point of ending (which point is on an extension of and 5.00 feet from the boundary line described as N. 84° 21' 34" W. 648.70 feet, of the parcel of land described below benefiting from this easement).

3. A perpetual 32.00 foot wide agricultural ingress-egress easement and irrigation easement within Government Lot 5, Sec. 32, Twp. 9 N., R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of existing pumps and related facilities, for nonexclusive use of an existing concrete irrigation ditch, and for nonexclusive access and maintenance of said pumps and facilities and said ditch, said easement being 16.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE¼SW¼ of said Section 32;

thence S. 89° 59' 12" W. 2058.62 feet along the south line of said NE¼SW¼ and the south line of said Government Lot 5;

thence N. 1° 10' 55" W. 131.76 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;

thence N. 89° 11' 02" W. 670 feet, more or less, to the point of ending, which point is on the easterly bank of the Snake River.

These three easements are for the benefit of the following described lands and premises, situated in the County of Payette, State of Idaho, to-wit:

A parcel of land situated within Government Lots 4 and 5 and the NE¼SW¼ of Section 32, Twp. 9 N., R. 5 W., B.M., more particularly described as follows:

246264

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 9 N., R. 5 W., B.M.:

2784/2
thence N. 0° 00' 22" E. 720.02 feet along the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 85° 05' 20" W. 528.96 feet;
thence N. 8° 26' 10" E. 454.94 feet;
thence N. 43° 28' 39" W. 65.91 feet;
thence N. 58° 29' 07" W. 374.66 feet to a point within said Lot 4;
thence S. 28° 05' 43" W. 456.29 feet to a point within said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 84° 21' 34" W. 648.70 feet to a point within said Lot 5;
thence S. 8° 23' 09" W. 484.82 feet;
thence N. 87° 31' 01" W. 316.33 feet;
thence S. 1° 10' 55" E. 654.90 feet to a point on the South line of said Lot 5;
thence N. 89° 59' 12" E. 2058.62 feet along the South line of said Government Lot 5 and the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Point of Beginning.

The street address of the property across which these easements run is 9576 Draper Road, Payette, Idaho 83661.

TO HAVE AND TO HOLD all and singular the said easements, together with the appurtenances, unto the said Grantee and to Grantee's successors and assigns forever.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the Grantor and the Grantee have hereunto executed this instrument the date and year first above written.

Betty J. Shelley
BETTY J. SHELLEY

STATE OF OREGON }
County of Malheur } ss

The foregoing instrument was acknowledged before me this 6 day of May, 1991, by BETTY J. SHELLEY.

Shirley J. Hara
Notary Public for Oregon
My commission expires: 5/15/94

225365

P-19107, Pt. 301/239 &
Pt. 300/239 for 300/239

State of Idaho, County of Payette

City that this instrument was filed for record at the request of Land Title Insurance Company

5, 1989 @ 9:28 A M, in Book 21 of Misc. @ Pg. 225365.

L. Stigile, Ex-Officio Recorder by Debra Dippel, Deputy

Fee: \$15.00

EASEMENT DEED

FOR VALUE RECEIVED, Interstate Production Credit Association, a corporation, whose current address is P.O. Box 279, Ontario, Oregon, Grantor, does hereby grant, bargain, sell and convey unto M. C. Shelley and Betty J. Shelley, husband and wife, of 9576 Draper Road, Payette, Payette County, State of Idaho, Grantees, the following described easements for the purposes set forth therein:

1. A perpetual 20.00 foot wide agricultural ingress-egress easement within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Government Lot 4 of Section 32, Twp 9 N. R. 5 W., B.M., Payette County, Idaho, being 10.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

thence N 0°00'22" E 720.02 feet along the east line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence N 85°05'20" W 518.95 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;

thence N 8°26'10" E 459.19 feet;

thence N 43°28'39" W 72.09 feet;

thence N 58°29'07" W 386.59 feet to a point within Government Lot 4 of said Section 32;

thence S 28°05'43" W 471.04 feet to the point of ending, which point is within said NE $\frac{1}{4}$ SW $\frac{1}{4}$ (and which point is on the boundary line described as N 84°21'34" W 648.70 feet, of the parcel of land described below benefiting from this easement).

2. A perpetual 14.00 foot wide irrigation easement within Government Lot 5, Sec. 32, Twp. 9 N. R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of an existing concrete irrigation ditch for irrigation purposes, and for access to and maintenance of said ditch, said easement being 7.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

thence S 89°59'12" W 2058.62 feet along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line of said Government Lot 5;

thence N 1°10'55" W 139.76 feet;

thence S 89°11'02" E 433.80 feet;

thence N 49°48'19" E 24.15 feet;

thence N 8°47'39" E 283.45 feet;

thence N 54°49'40" W 199.48 feet;

thence N 27°33'24" W 71.11 feet;

thence N 0°17'09" W 34.12 feet to the TRUE POINT OF BEGINNING on the centerline of said easement (which point is on the boundary line described as N 87°31'01" W 316.33 feet, of the parcel of land described below benefiting from this easement being 6.00 feet from the easterly point and 310.33 feet from the westerly point of said line);

thence N 7°06'29" E 224.57 feet;

thence N 9°42'02" E 260.75 feet to the point of ending (which point is on an extension of and 5.00 feet from the boundary line described as N 84°21'34" W 648.70 feet, of the parcel of land described below benefiting from this easement).

3. A perpetual 32.00 foot wide agricultural ingress-egress easement and irrigation easement within Government Lot 5, Sec. 32, Twp 9 N. R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of existing pumps and related facilities, for nonexclusive use of an existing concrete irrigation ditch, and for nonexclusive access and maintenance of said pump and facilities and said ditch, said easement being 16.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

thence S 89°59'12" W 2058.62 feet along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line of said Government Lot 5;

thence N 1°10'55" W 131.76 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;

thence N 89°11'02" W 670 feet, more or less, to the point of ending, which point is on the easterly bank of the Snake River.

225365

These three easements are for the benefit of the following described lands and premises, situate in the County of Payette, State of Idaho, to wit:

A parcel of land situated within Government Lots 4 and 5 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Twp. 9 N. R. 5 W., B.M., more particularly described as follows:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 9 N. R. 5 W., B.M.:

thence N. 0°00'22" E. 720.02 feet along the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 85°05'20" W. 528.96 feet;
thence N. 8°26'10" E. 454.94 feet;
thence N. 43°28'39" W. 65.91 feet;
thence N. 58°29'07" W. 374.66 feet to a point within said Lot 4;
thence S. 28°05'43" W. 456.29 feet to a point within said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 84°21'34" W. 648.70 feet to a point within said Lot 5;
thence S. 8°23'09" W. 484.82 feet;
thence N. 87°31'01" W. 316.33 feet;
thence S. 1°10'55" E. 654.90 feet to a point on the South line of said Lot 5;
thence N. 89°59'12" E. 2058.62 feet along the South line of said Government Lot 5 and the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Point of Beginning.

The street address of the property across which these easements run is 9576 Draper Road, Payette, Idaho 83661.

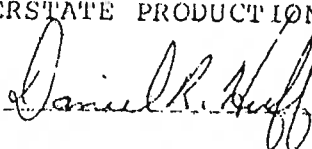
TO HAVE AND TO HOLD said easements unto M. C. Shelley and Betty J. Shelley, their heirs, executors, successors and assigns forever.

THIS INSTRUMENT CONVEYS PAST, PRESENT, AND THE AFTER ACQUIRED TITLE OF THE GRANTOR, IF ANY, BUT MAKES NO WARRANTIES OF ANY TYPE OR ANY NATURE. WITHOUT LIMITING THE PRECEDING, GRANTOR DOES NOT WARRANT THE ACCURACY OF THE PRECEDING LEGAL DESCRIPTIONS.

DATED this 30th day of December, 1988.

INTERSTATE PRODUCTION CREDIT ASSOCIATION

BY



SEC. 32, T.9N., R.5W., B. M.

CERTIFICATE OF ENGINEER/SURVEYOR

1.5 HOLLAND HOLDINGS, A REGISTERED PROFESSIONAL FIDUCIARY COMPANY, HAS BEEN APPOINTED AS THE LAND SURVEYOR IN THE STATE OF CANADA, TO VERIFY THE SURVEY REPRESENTED ON THIS PLAN WAS PERFORMED BY THE COMPANY UNDER ITS SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF CANADA IN DECEMBER OF 1980.

225365

CERTIFICATE OF COUNTY AGENT

Document NC

13772704 10 410003
10470 10 31041

[illegible]

DATE _____ TIME _____

RECORDED IN OFFICE OF THE ATTORNEY GENERAL

419020

1161238 631100 - R

DOC NO. 934-12

NOTE: DID NOT USE INFORMATION ON PLAT INFORMATION FROM 1940 AND 1941. SURVEY IN SECTION 12 INSTRUMENT NO. 1833801. 1980 SURVEY DOES NOT CONFORM TO 1921 AND 1922 D.L.O. SURVEY.

052537

- [illegible]

THE UNIVERSITY OF CHICAGO

1000 A TO EASEMENT - IPCA TO SHELLEY

225363

P-19107, Pt. 300/239, for
100/238, Pt. 301/239 &
1700/239

EASEMENT DEED

FOR VALUE RECEIVED, M. C. Shelley and Betty J. Shelley, husband and wife, of 9576 Draper Road, Payette, Payette County, State of Idaho, the Grantors, do hereby grant, bargain, sell and convey unto the Interstate Production Credit Association, a corporation, Grantee, whose current address is P.O. Box 279, Ontario, Oregon, the following described easements for the purposes reflected in each easement:

1. A perpetual 16.00 foot wide irrigation easement within Government Lot 5, Sec. 32, Twp 9 N. R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of an existing concrete irrigation ditch for irrigation purposes, and for access to and maintenance of said ditch, said easement being 8.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

thence S 89°59'12" W 2058.62 feet along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line of said Government Lot 5;

thence N 1°10'55" W 139.76 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;

thence S 89°11'02" E 433.80 feet;

thence N 49°48'19" E 24.15 feet;

thence N 8°47'39" E 283.45 feet to the point of ending.

2. A perpetual 14.00 foot wide irrigation easement within Government Lot 5 and within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, Twp 9 N. R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of an existing concrete irrigation ditch for irrigation purposes, and for access to and maintenance of said ditch, said easement being 7.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

thence S 89°59'12" W 2058.62 feet along the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line of said Government Lot 5;

225363

thence N 1°10'55" W 139.76 feet;

thence S 89°11'02" E 433.80 feet;

thence N 49°48'19" E 24.15 feet;

thence N 8°47'39" E 283.45 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;

thence S 67°49'30" E 119.60 feet;

thence S 81°39'38" E 155.43 feet;

thence N 88°44'55" E 122.44 feet;

thence N 84°24'24" E 101.61 feet;

thence S 86°32'50" E 217.22 feet;

thence S 85°59'03" E 291.23 feet;

thence N 9°19'57" E 428.56 feet to the point of ending (which point is on the boundary line described as N 85°05'20" W 528.96 feet, of the parcel of land described in Exhibit B attached hereto and by this reference incorporated herein, being 26.00 feet from the westerly point of said line).

3. A perpetual 14.00 foot wide irrigation easement within Government Lot 5, Sec. 32, Twp 9 N. R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of an existing concrete irrigation ditch for irrigation purposes and for access to and maintenance of said ditch, said easement being 7.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;

thence S 89°59'12" W 2058.62 feet along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line of said Government Lot 5;

thence N 1°10'55" W 139.76 feet;

thence S 89°11'02" E 433.80 feet;

thence N 49°48'19" E 24.15 feet;

thence N 8°47'39" E 283.45 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;

225363

thence N 54°49'40" W 199.48 feet;

thence N 27°33'24" W 71.11 feet;

thence N 0°17'09" W 34.12 feet to the point of ending (which point is on the boundary line described as N 87°31'01" W 316.33 feet, of the parcel of land described in Exhibit B attached hereto and by this reference incorporated herein, being 6.00 feet from the easterly point and 310.33 feet from the westerly point of said line).

4. A perpetual 14.00 foot wide irrigation easement within NE¼SW¼, Sec. 32, Twp 9 N. R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of an existing concrete irrigation ditch for irrigation purposes, and for access to and maintenance of said ditch, said easement being 7.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE¼SW¼ of said Section 32;

Thence N 0°00'22" E 78.84 feet along the east line of said NE¼SW¼ to the TRUE POINT OF BEGINNING on the centerline of said easement;

thence N 88°07'13" W 455.96 feet;

thence N 77°55'55" W 94.66 feet;

thence N 52°32'45" W 66.46 feet;

thence N 9°18'05" E 188.66 feet to the point of ending (which point is the easterly point of the centerline described as S 85°59'03" E 291.23 feet, of an above described irrigation easement).

These four easements are for the benefit of the following described lands and premises, situate in the County of Payette, State of Idaho:

In Twp. 9 N. R. 5 W., B.M., Payette County, Idaho:

In Sec. 29: Government Lots 3, 4 and 5

In Sec. 30: Government Lot 1

In Sec. 31: Government Lot 2.

In Sec. 32: Government Lots 3, 4, 5 and 7 and the NE¼SW¼,

EXCEPTING from said Lots 4 and 5 and from said NE¼SW¼ the following described tract of land:

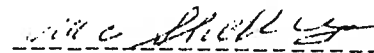
225363

Beginning at the Southeast corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 9 N. R. 5 W., B.M.;
thence N. 0°00'22" E. 720.02 feet along the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 85°05'20" W. 528.96 feet;
thence N. 8°26'10" E. 454.94 feet;
thence N. 43°28'39" W. 65.91 feet;
thence N. 58°29'07" W. 374.66 feet to a point within said Lot 4;
thence S. 28°05'43" W. 456.29 feet to a point within said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 84°21'34" W. 648.70 feet to a point within said Lot 5;
thence S. 8°23'09" W. 484.82 feet;
thence N. 87°31'01" W. 316.33 feet;
thence S. 1°10'55" E. 654.90 feet to a point on the South line of said Lot 5;
thence N. 89°59'12" E. 2058.62 feet along the South line of said Lot 5 and the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Point of Beginning.

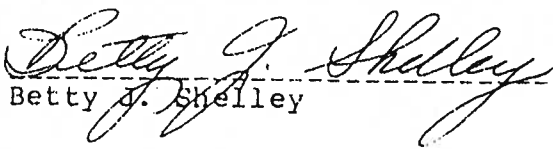
The street address of the property across which these easements run is 9576 Draper Road, Payette, Payette County, Idaho.

TO HAVE AND TO HOLD said easement unto the Interstate Production Credit Association, its successors and assigns forever.

DATED this 30th day of December, 1988.



M. C. Shelley



Betty J. Shelley

STATE OF OREGON)
) ss.
County of Malheur)

On this 30th day of December, 1988, before me, a notary public in and for said State, personally appeared M. C. Shelley ~~and Betty J. Shelley, husband and wife,~~ known to me to be the ~~persons~~ whose names ~~are~~ subscribed to the foregoing instrument and acknowledged to me that ~~they~~ have executed the same.

SURVEY FOR

M. C. SHELLEY &
EASTERNWESTERN CORPORATION

WITNESS

SEC. 32, T.9N., R.5W., B. M.

CERTIFICATE OF ENGINEER/SURVEYOR

I, S. BRADY WILLIAMS, A LICENSED PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF OHIO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAN WAS PERFORMED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO IN DECEMBER OF 1922.

225363

28th July 1923
17/3/23

CERTIFICATE OF COUNTY RECORDER

INSTRUMENT NO. _____
STATE OF OHIO
COUNTY OF CUYAHOGA
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF _____
AT _____ O'CLOCK _____ M., DAY _____ OF _____, 1922, IN MY OFFICE AND WAS DULY RECORDED IN BOOK _____ OF SURVEY PAGE _____

DEPUTY

EX-OFFICIO RECORDER

BOOK NO. 924-12

NOTE: DID NOT USE DOCUMENTATION ON PLAN
INFORMATION FROM 1880 GEO. GEOMATICS, INC.
SURVEY INSTRUMENT NO. 453601
TWO CORNERS DO NOT CONFORM TO 1921
AND 1922 S.L.O. MAPS.

LEGEND

- FOUND S.L.O. MAP - 1921 CORNER
- FOUND S.L.O. MAP - 1922 CORNER
- FOUND S.L.O. MAP - 1923 CORNER
- FOUND S.L.O. MAP - 1924 CORNER
- FOUND S.L.O. MAP - 1925 CORNER
- FOUND S.L.O. MAP - 1926 CORNER
- FOUND S.L.O. MAP - 1927 CORNER
- FOUND S.L.O. MAP - 1928 CORNER
- FOUND S.L.O. MAP - 1929 CORNER
- FOUND S.L.O. MAP - 1930 CORNER
- FOUND S.L.O. MAP - 1931 CORNER
- FOUND S.L.O. MAP - 1932 CORNER
- FOUND S.L.O. MAP - 1933 CORNER
- FOUND S.L.O. MAP - 1934 CORNER
- FOUND S.L.O. MAP - 1935 CORNER
- FOUND S.L.O. MAP - 1936 CORNER
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- FOUND S.L.O. MAP - 1940 CORNER
- FOUND S.L.O. MAP - 1941 CORNER
- FOUND S.L.O. MAP - 1942 CORNER
- FOUND S.L.O. MAP - 1943 CORNER
- FOUND S.L.O. MAP - 1944 CORNER
- FOUND S.L.O. MAP - 1945 CORNER
- FOUND S.L.O. MAP - 1946 CORNER
- FOUND S.L.O. MAP - 1947 CORNER
- FOUND S.L.O. MAP - 1948 CORNER
- FOUND S.L.O. MAP - 1949 CORNER
- FOUND S.L.O. MAP - 1950 CORNER
- FOUND S.L.O. MAP - 1951 CORNER
- FOUND S.L.O. MAP - 1952 CORNER
- FOUND S.L.O. MAP - 1953 CORNER
- FOUND S.L.O. MAP - 1954 CORNER
- FOUND S.L.O. MAP - 1955 CORNER
- FOUND S.L.O. MAP - 1956 CORNER
- FOUND S.L.O. MAP - 1957 CORNER
- FOUND S.L.O. MAP - 1958 CORNER
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- FOUND S.L.O. MAP - 1982 CORNER
- FOUND S.L.O. MAP - 1983 CORNER
- FOUND S.L.O. MAP - 1984 CORNER
- FOUND S.L.O. MAP - 1985 CORNER
- FOUND S.L.O. MAP - 1986 CORNER
- FOUND S.L.O. MAP - 1987 CORNER
- FOUND S.L.O. MAP - 1988 CORNER
- FOUND S.L.O. MAP - 1989 CORNER
- FOUND S.L.O. MAP - 1990 CORNER
- FOUND S.L.O. MAP - 1991 CORNER
- FOUND S.L.O. MAP - 1992 CORNER
- FOUND S.L.O. MAP - 1993 CORNER
- FOUND S.L.O. MAP - 1994 CORNER
- FOUND S.L.O. MAP - 1995 CORNER
- FOUND S.L.O. MAP - 1996 CORNER
- FOUND S.L.O. MAP - 1997 CORNER
- FOUND S.L.O. MAP - 1998 CORNER
- FOUND S.L.O. MAP - 1999 CORNER
- FOUND S.L.O. MAP - 2000 CORNER

225363

EXHIBIT B

Land in the County of Payette, State of Idaho, to wit:

A parcel of land situated within Government Lots 4 and 5 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Twp. 9 N. R. 5 W., B.M., more particularly described as follows:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 9 N. R. 5 W., B.M.:

thence N. 0°00'22" E. 720.02 feet along the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 85°05'20" W. 528.96 feet;
thence N. 8°26'10" E. 454.94 feet;
thence N. 43°28'39" W. 65.91 feet;
thence N. 58°29'07" W. 374.66 feet to a point within said Lot 4;
thence S. 28°05'43" W. 456.29 feet to a point within said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 84°21'34" W. 648.70 feet to a point within said Lot 5;
thence S. 8°23'09" W. 484.82 feet;
thence N. 87°31'01" W. 316.33 feet;
thence S. 1°10'55" E. 654.90 feet to a point on the South line of said Lot 5;
thence N. 89°59'12" E. 2058.62 feet along the South line of said Government Lot 5 and the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Point of Beginning.

225363

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of Land Title Insurance Company

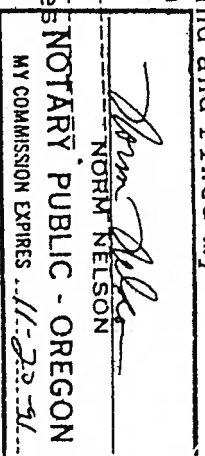
Jan 5, 1989 @ 9:04 A M, in Book 48 of Wills @ Pg. 225363.

Laura L. Sligile, Ex-Officio Recorder by Barbara Rapp, Deputy

Fee: \$21.00

In witness whereof, I have hereunto set my hand and fixed my official seal the year and day first above written

Notary Public for
My commission expires



A map is attached as Exhibit A generally reflecting the location of the easement granted herein.

This map is for illustrative purposes only.

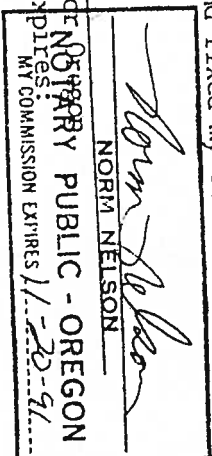
STATE OF OREGON

County of Malheur }
} ss.

On this 3rd day of January, 1989, before me, a notary public in and for said State, personally appeared Betty J. Shelley, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she has executed the same.

In witness whereof, I have hereunto set my hand and fixed my official seal the year and day first above written.

Notary Public for
My commission expires



attached



315466
Easement—Individual
(Overhead)

2788
32 9/5

Grantors(s) of FRANK SHELLEY and _____, do hereby grant and convey to IDAHO POWER COMPANY, a corporation, with its principal office located at 1221 Idaho Street, Boise, Idaho, its licensees, successors and assigns, Grantee, for One Dollar and other valuable considerations, receipt of which is hereby acknowledged, a permanent and perpetual easement and right-of-way, sufficient in width for the erection and continued operation, maintenance, repair, alteration, inspection and replacement of the electrical transmission, distribution and telephone lines and circuits of the Grantee, attached to poles or other supports, together with guys, crossarms and other attachments and incidental equipment thereon, and appurtenances, with the right to permit the attachment of the wires and fixtures of other companies or parties, over, on and across the following premises, belonging to the said Grantor(s) in Payette County, State of Idaho, in the following location, to-wit:

A strip of land 20.0 feet wide being 10.0 feet on each side of the survey line lying over and across the NW¼SW¼ of Section 32, Township 9 North, Range 5 West, B.M., being more particularly described as follows:

Commencing at the Southeast corner of the NW¼SW¼; thence West along the South boundary of the NW¼SW¼ a distance of 59 feet more or less to the Point of Beginning; thence N.22°03'W. a distance of 36 feet more or less; thence N.28°07' W. a distance of 86 feet more or less to the Point of Terminus.

Together with all rights of ingress and egress necessary for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of the Grantee's electrical system. Grantor shall not alter the grade or elevation of the land within the right-of-way existing on the date hereof through excavations, grading, installation of berms or other activities without the prior written approval of Grantee.

Executed and delivered this 2 day of Dec, 2002.

Work Order #: 27132658

Signature(s) of Grantor(s) (Include title where applicable):

Frank Shelley

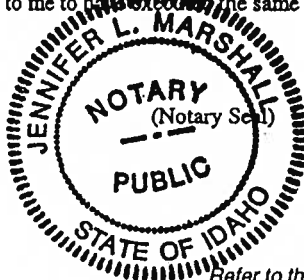
For County Recorder's Use Only

Instrument # 315466
PAYETTE COUNTY
2004-01-13 12:20:00 No. of Pages: 1
Recorded for: IDAHO POWER CO
BETTY J DRESSEN Fee: 3.00
Ex-Officio Recorder Deputy Kathleen R. Finner
Index to: EASEMENT MISC

STATE OF Idaho
County of Payette } ss.

On this 2nd day of December 2002, before me, Jennifer L. Marshall
a Notary Public, personally appeared Frank Shelley

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



Jennifer L. Marshall
Notary Public
Payette
Residing at
September, 2004
Commission expires



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 6, 2002

M C SHELLEY FAMILY TRUST
C/O MICHAEL DERRICK, TRUSTEE
95 SW 4TH AVE
ONTARIO OR 97914

Re: Notice of Claim to a Water Right No. 03-4008B

Dear Claimant(s):

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

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

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

Sincerely,

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

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure

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 3-4008B
Date Received: 10/22/1991
Receipt No: C022112
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

M C SHELLEY FAMILY TRUST Phone:
C/O FRANK & MELITA SHELLEY
960 NW 14TH AVE
PAYETTE ID USA 83661

2. Date of Priority: 06/01/1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
09N	05W	32	SW NW SW 5	PAYETTE	

5. Description of diverting works:

20 AND 30HP PUMP IN RIVER WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.48	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	05W	32	NE	SW	IRRIGATION	19
			NW	SW	IRRIGATION	5
					Section Acres	24
					Total Acres	24

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

Changed into name of trust. DH 8/6/2002

Address change per claimant request. 9/30/04

15. Basis of Claim: Beneficial Use

CONVERSATION MEMORANDUM

DATE 9/30/04

FILE —

NAME OF PARTY —

EMPLOYEE Steve Lester

RE: OWNERSHIP f/or ADDRESS UPDATE ?

Attached letter re M.C. Shelley or M.C. Shelley Family Trust c/o Derrick to Frank + Melita Shelley -

is M.C. Shelley = Melita Shelley?
Are current owners Frank and Melita?

Appears is ownership change vs. simple address update.

AJ Records

① 3-4008B

WR Records

① 65-3962

② 65-10973

③ 65-10974

See Attached Research Results from Sharon Curtis.

Original - Lori H. & AJ Records

Copy - Kathleen T. & WR Records

Water Rights Search Results
 Frank or Melita Shelley
 or M C Shelley or
 M C Shelley Family Trust

Basin	Sequence	Suffix	Source Table	Basis	Priority	Rate(cfs)	Vol(ac)	Source	Water Use(s)	Owner(s)
3	4008 A		AdjClaim	Statutory Claim	6/1/1954	5.96		SNAKE RIVER	IRRIGATION	SHELLEY, M C (Original Owner Only)
3	4008 B		AdjClaim	Beneficial Use	6/1/1954	0.48		SNAKE RIVER	IRRIGATION	M C SHELLEY FAMILY TRUST
3	4009		AdjClaim	Beneficial Use	7/1/1954	1.62	1.62	SNAKE RIVER	IRRIGATION	SHELLEY, M C (Original Owner Only)
3	4008		WaterRight	Statutory Claim	6/1/1954	6.44		SNAKE RIVER	IRRIGATION	SHELLEY, M C
3	4009		WaterRight	Statutory Claim	7/1/1954	1.62		SNAKE RIVER	IRRIGATION	SHELLEY, M C
65	3962		WaterRight	Decreed	2/1/1964	0.07	2.6	GROUND WATER	DOMESTIC, STOCKWATER	SHELLEY, M C
65	10973		WaterRight	Decreed	6/1/1952	0.06	1.6	GROUND WATER	DOMESTIC, STOCKWATER	M C SHELLEY FAMILY TRUST
65	10974		WaterRight	Decreed	6/1/1949	0.06	1.4	GROUND WATER	DOMESTIC, STOCKWATER	SHELLEY, M C

Letter only affects Adj 3.4008B since 3.4008A & 3.4009 no longer
 in Decree s/w Trust name

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 3-4008B

WATER RIGHT NUMBER: 3-4008B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	M C SHELLEY RT 1 BOX 97 PAYETTE, ID 83661 (208)642-2794
Current Owner	M C SHELLEY FAMILY TRUST C/O MICHAEL DERRICK TRUSTEE 95 SW 4TH AVE ONTARIO, OR 97914 (541)889-2999

Priority Date: 06/01/1954

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.480 CFS	
<u>Total Diversion:</u>		0.480 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	L5 (SW1/4NW1/4SW1/4)	Sec. 32, Twp 09N, Rge 05W, B.M.
PAYETTE 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	
09N	05W	32									19.0	5.0							24.0
											L 5								

Total Acres: 24

Conditions of Approval:Remarks:

- General Changed into name of trust. DH 8/6/2002

Comments:

Estate of M.C. Shelley
Michael S. Derrick, Personal Representative
95 S.W. 4th Avenue
Ontario, OR 97914
(541) 889-2999/ fax (541) 889-8999

RECEIVED
SEP 17 2004
WATER RESOURCES
WESTERN REGION

September 15, 2004

IDWR Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

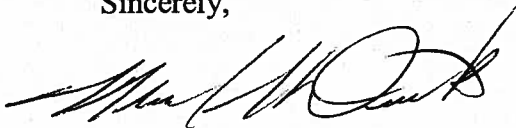
To Whom It May Concern:

This letter is being sent to request that you update your records and forward all future information, mailings, etc. regarding M.C. Shelley or the M.C. Shelley Family Trust to Frank and Melita Shelley. Currently it appears that your records reflect that all relevant information be sent to me, Michael S. Derrick as trustee and personal representative. I have now fulfilled my obligation as trustee and personal representative for M.C. Shelley and The M.C. Shelley Family Estate. At this time I have been relieved of my duties and responsibilities by Judge Krogh. Below you will find the correct mailing address for Frank and Melita Shelley.

Frank & Melita Shelley
960 NW 14th Avenue
Payette, ID 83661

If you have any questions or I can be of assistance please give me a call. Thank you in advance for your assistance in this matter.

Sincerely,



Michael S. Derrick

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 03-4008B
Date Received: 10/22/1991
Receipt No: C022112
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

M C SHELLEY FAMILY TRUST
C/O MICHAEL DERRICK TRUSTEE
95 SW 4TH AVE
ONTARIO OR USA 97914

Phone: (541) 889-2999

2. Date of Priority: 06/01/1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
09N	05W	32	SW	NW	SW 5	PAYETTE	

5. Description of diverting works:

20 AND 30HP PUMP IN RIVER WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.48	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
09N	05W	32	NE	SW		IRRIGATION	19
			NW	SW	5	IRRIGATION	5
						Section Acres	24
						Total Acres	24

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:

14. Remarks:

Changed into name of trust. DH 8/6/2002

15. Basis of Claim: Beneficial Use

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

RECEIVED**APR 30 2002****WATER RESOURCES
WESTERN REGION**

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim-record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
3-4008B	3-4008B	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

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

OR

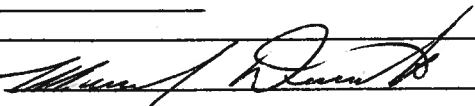
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY**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

3. Name and Address of Former Owner/Claimant(s) M.C. Shelley
4. New Owner/Claimant(s) M.C. Shelley Family Trust UTA dated 10/14/93
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address c/o Michael Derrick, Trustee
 City, State and ZIP Code 95 SW 4th Avenue, Ontario, OR97914
 New Telephone Number 541-883-2999
5. Date you acquired the property October 14, 1993

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable) Michael Derrick, Trustee

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

For Office Use Only
 Received by DH Date 4-30-02 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECORDER'S INFORMATION:

State of Idaho, County of Payette

I certify that this instrument was filed for record at the request of Yturri Law Office
Dec. 9, 1993 11:30 AM, in Book 48 Deeds pg. 246772
Laura L. Stigile, Ex-Officio Recorder by Debra J. Smith, Deputy fee \$900

Prepared by:

YTURRI, ROSE, BURNHAM, EBERT & BENTZ
P.O. Box S
Ontario, OR 97914Until a change is requested, all tax
statements shall be sent to:M. C. Shelley, Trustee
9576 Draper Road
Payette, ID 83661

After recording return to: Yturri Law Office, P.O. Box S, Ontario, OR 97914

BARGAIN AND SALE DEED

FOR VALUE RECEIVED, M. C. SHELLEY, Grantor, does hereby grant, bargain, sell and convey unto M. C. SHELLEY, Trustee of the M. C. Shelley Family Trust under agreement dated October 14, 1993, Grantee, all of Grantor's right, title and interest in and to the following described land in Payette County, Idaho, to-wit:See EXHIBIT A attached hereto and by
reference incorporated herein.TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances,
to the said Grantee and to Grantee's successors and assigns forever.Dated this 14 day of October, 1993.M. C. Shelley
M. C. SHELLEY

State of Oregon

County of Malheur

} ss.

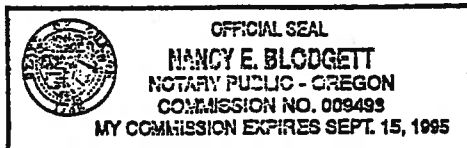
The foregoing instrument was acknowledged before me this 14 day of October, 1993,
by M. C. SHELLEY.Nancy E. Bloodgett
Notary Public for Oregon.My Commission expires: 9-15-95

EXHIBIT A
 (Real Property Description)
 to Bargain and Sale Deed
 dated October 14, 1993
 Grantor: M.C. Shelley
 Grantee: M.C. Shelley, Trustee of the
 M.C. Shelley Family Trust

Frank's Home

In Twp. 9 N., R. 5 W., B.M., Payette County, Idaho:

In Section 33: The following described portion of Government

Lot 6:

Beginning at the Southwest corner of said Lot 6;
 thence N. 0° 29' 12" E. 320.43 feet;
 thence S. 84° 54' 58" E. 1174.10 feet;
 thence S. 10° 28' 02" E. to a point on the South side
 of said Lot 6;
 thence West along said South side line to the Point
 of Beginning.

Together with any and all water, water rights, ditches, ditch rights, tenements, hereditaments, easements and appurtenances belonging thereto or in any way appertaining.

Harold E. Rose Property

Land in the County of Payette, State of Idaho, to-wit:

A portion of Block 1 of Recorder's Washoe Plat, according to the plat thereof on file and of record in the office of the Recorder of Payette County, Idaho, in Book 1 of plats, at page 47, described as follows:

Beginning at a point 174 feet North of the Southeast corner of said Block 1;
 thence continuing North 527 feet to the Northeast corner of said Block 1;
 thence West 932.1 feet;
 thence South 701 feet;
 thence East 682.1 feet to a point 250 feet West of the Southeast corner of said Block 1;
 thence North 174 feet;
 thence East 250 feet to the POINT OF BEGINNING.

TOGETHER WITH all water and water rights, ditches and ditch rights, tenements and hereditaments, appurtenances and fixtures, and permits and licenses belonging thereto or in anywise appertaining.

Russell PropertyPARCEL I:

and in the County of Payette, Idaho, as follows:

In VISTAIR SUBDIVISION, as per Plat in Book 4, Page 11, Plat Records, Payette County, Idaho:

In Block 2: Lots 1, 2, 3, 4, 5, 6, 7 and 8;

In Block 1: Lots 14, 15, 19, 21 and 22;

In Block 1: That portion of Lot 13 lying East of the following described line:
Beginning at the point of intersection of the South line of said Lot 13 with the
lot line common to Lots 15 and 16 of said Block 1;
thence North and parallel with the West line of said Block 1 to a point on the
North line of said Lot 13 and the termination of said line.

PARCEL II:

Land in Twp. 9 N., R. 5 W., B.M., Payette County, Idaho:

In Sec. 27: The North 16.5 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Together with any and all water, water rights, ditches, ditch rights, minerals, mineral leases, and any and all irrigation rights appurtenant to said lands or in anywise connected therewith.

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

S Bar S Ranch (Home Place)

A parcel of land situated within Government Lots 4 and 5 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Twp. 9 N., R. 5 W., B.M., more particularly described as follows:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 9 N., R. 5 W., B.M.:
thence N. 0° 00' 22" E. 720.02 feet along the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 85° 05' 20" W. 528.96 feet;
thence N. 8° 26' 10" E. 454.94 feet;
thence N. 43° 28' 39" W. 65.91 feet;
thence N. 58° 29' 07" W. 374.66 feet to a point within said Lot 4;
thence S. 28° 05' 43" W. 456.29 feet to a point within said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 84° 21' 34" W. 648.70 feet to a point within said Lot 5;
thence S. 8° 23' 09" W. 484.82 feet;
thence N. 87° 31' 01" W. 316.33 feet;
thence S. 1° 10' 55" E. 654.90 feet to a point on the South line of said Lot 5;
thence N. 89° 59' 12" E. 2058.62 feet along the South line of said Government Lot 5 and
the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Point of Beginning.

The street address of the property is 9576 Draper Road, Payette, Idaho 83661.

RECORDER'S INFORMATION:

State of Idaho, County of Payette

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

Yturri Law Office
Dec. 9, 1993 11:32 AM, in Book 48 Deeds pg. 246773

Laura L. Stigile, Ex-Officio Recorder by

Debra J. Stigile Deputy fee \$900

Prepared by:

YTURRI, ROSE, BURNHAM, EBERT & BENTZ
P.O. Box S
Ontario, OR 97914Until a change is requested, all tax
statements shall be sent to:M. C. Shelley, Trustee
9576 Draper Road
Payette, ID 83661

After recording return to: Yturri Law Office, P.O. Box S, Ontario, OR 97914

EASEMENT DEED
(S Bar S Property - Payette Home Place)

FOR VALUE RECEIVED, M. C. SHELLEY, Grantor, does hereby grant, bargain, sell and convey unto M. C. SHELLEY, Trustee of the M. C. Shelley Family Trust under agreement dated October 14, 1993, Grantee, all of Grantor's right, title and interest in and to the following described easements:

1. A perpetual 20.00 foot wide agricultural ingress-egress easement within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Government Lot 4 of Section 32, Twp. 9 N., R. 5 W., B.M., Payette County, Idaho, being 10.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;
thence N. 0° 00' 22" E. 720.02 feet along the east line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence N. 85° 05' 20" W. 518.95 feet to the TRUE POINT OF BEGINNING on the centerline
of said easement;
thence N. 8° 26' 10" E. 459.19 feet;
thence N. 43° 28' 39" W. 72.09 feet;
thence N. 58° 29' 07" W. 386.59 feet to a point within Government Lot 4 of said Section 32;
thence S. 28° 05' 43" W. 471.04 feet to the point of ending, which point is within said
NE $\frac{1}{4}$ SW $\frac{1}{4}$ (and which point is on the boundary line described as N. 84° 21' 34" W. 648.70
feet, of the parcel of land described below benefiting from this easement).

2. A perpetual 14.00 foot wide irrigation easement within Government Lot 5, Sec. 32, Twp. 9 N., R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of an existing concrete irrigation ditch for irrigation purposes, and for access to and maintenance of said ditch, said easement being 7.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;
thence S. 89° 59' 12" W. 2058.62 feet along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line
of said Government Lot 5;
thence N. 1° 10' 55" W. 139.76 feet;
thence S. 89° 11' 02" E. 433.80 feet;
thence N. 49° 48' 19" E. 24.15 feet;
thence N. 8° 47' 39" E. 283.45 feet;

(description continued)

Description (continued)

thence N. 54° 49' 40" W. 199.48 feet;
 thence N. 27° 33' 24" W. 71.11 feet;
 thence N. 0° 17' 09" W. 34.12 feet to the TRUE POINT OF BEGINNING on the centerline of said easement (which point is on the boundary line described as N. 87° 31' 01" W. 316.33 feet, of the parcel of land described below benefiting from this easement being 6.00 feet from the easterly point and 310.33 feet from the westerly point of said line);
 thence N. 7° 06' 29" E. 224.57 feet;
 thence N. 9° 42' 02" E. 260.75 feet to the point of ending (which point is on an extension of and 5.00 feet from the boundary line described as N. 84° 21' 34" W. 648.70 feet, of the parcel of land described below benefiting from this easement).

3. A perpetual 32.00 foot wide agricultural ingress-egress easement and irrigation easement within Government Lot 5, Sec. 32, Twp. 9 N., R. 5 W., B.M., Payette County, Idaho, for nonexclusive use of existing pumps and related facilities, for nonexclusive use of an existing concrete irrigation ditch, and for nonexclusive access and maintenance of said pumps and facilities and said ditch, said easement being 16.00 feet wide on each side of the following described centerline:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;
 thence S. 89° 59' 12" W. 2058.62 feet along the south line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the south line of said Government Lot 5;
 thence N. 1° 10' 55" W. 131.76 feet to the TRUE POINT OF BEGINNING on the centerline of said easement;
 thence N. 89° 11' 02" W. 670 feet, more or less, to the point of ending, which point is on the easterly bank of the Snake River.

These three easements are for the benefit of the following described lands and premises, situated in the County of Payette, State of Idaho, to-wit:

A parcel of land situated within Government Lots 4 and 5 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Twp. 9 N., R. 5 W., B.M., more particularly described as follows:

Beginning at the southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 32, Twp. 9 N., R. 5 W., B.M.:
 thence N. 0° 00' 22" E. 720.02 feet along the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 thence N. 85° 05' 20" W. 528.96 feet;
 thence N. 8° 26' 10" E. 454.94 feet;
 thence N. 43° 28' 39" W. 65.91 feet;
 thence N. 58° 29' 07" W. 374.66 feet to a point within said Lot 4;
 thence S. 28° 05' 43" W. 456.29 feet to a point within said NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 thence N. 84° 21' 34" W. 648.70 feet to a point within said Lot 5;
 thence S. 8° 23' 09" W. 484.82 feet;
 thence N. 87° 31' 01" W. 316.33 feet;
 thence S. 1° 10' 55" E. 654.90 feet to a point on the South line of said Lot 5;
 thence N. 89° 59' 12" E. 2058.62 feet along the South line of said Government Lot 5 and the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Point of Beginning.

The street address of the property across which these easements run is 9576 Draper Road, Payette, Idaho 83661.

TO HAVE AND TO HOLD all and singular the said easements, together with the appurtenances, unto the said Grantee and to Grantee's successors and assigns forever.

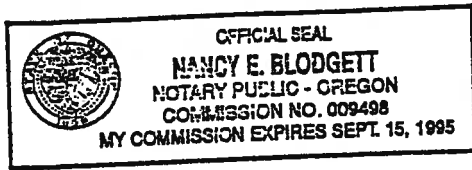
246773

Dated this 14 day of October, 1993.

M. C. Shelley
M. C. SHELLEY

State of Oregon }
County of Malheur } ss.

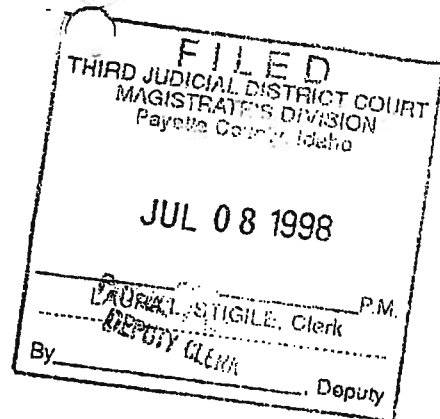
The foregoing instrument was acknowledged before me this 14 day of October, 1993,
by M. C. SHELLEY.



Nancy E. Blodgett
Notary Public for Oregon.
My Commission expires: 9-15-95

1 William F. Nichols
2 STUNZ, FONDA, NICHOLS, KIYUNA,
3 HORTON & FLINDERS, LLP
4 106 Main Street
5 P. O. Box 1565
6 Nyssa, OR 97913
7 (541) 372-2268

8 Attorneys for Joe Nysingh



9 IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
10 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE

11 IN RE THE GUARDIANSHIP and)
12 CONSERVATORSHIP OF M.C. SHELLEY,)
13 also known as MELVIN C. SHELLEY,)
14 also known as DOOLEY SHELLEY,)
15 An Incapacitated Person.)
16 -----

Case No. SP-GM-97-00055*M
ORDER APPOINTING
CONSERVATOR

17 Upon the petition for appointment of a conservator for MELVIN
18 C. SHELLEY, and it appearing, by clear and convincing evidence, to
19 the court from the allegations of the petition, the reports
20 submitted, including any required visitor's report, and all other
21 evidence, records, and files herein that:

22 (1) Venue is properly in this court and no other court in
23 this, or any other, state has acquired jurisdiction in this
24 matter;

25 (2) All notices required by I.C. 15-5-405 have been given to
26 the persons entitled to notice;

(3) MELVIN C. SHELLEY is a person who is unable to manage
his property and affairs effectively for that reason that he has
been diagnosed with Alzheimer's dementia, and he has property
which will be wasted or dissipated unless proper management is

1 provided and that funds are needed for the support, care, and
2 welfare of MELVIN C. SHELLEY;

3 (4) R. Brad Masingill, as attorney for MELVIN C. SHELLEY, the
4 incapacitated person, is entitled to a reasonable attorney fee for
5 representing MELVIN C. SHELLEY in this
6 conservatorship/guardianship proceeding. Mr. Masingill will
7 submit his billing to the conservator within 10 days of the date
8 of this Order for review and provide copies to the guardian
9 through her counsel of record, and to the attorneys for Joe
10 Nysingh and Frank Shelley. The conservator and any other
11 interested party shall have 10 days after the date the billing is
12 mailed, in which to object to the billing in which case the matter
13 shall be set for hearing and the court will determine the fee to
14 be paid to Mr. Masingill;

15 (5) Nicholas T. Bokides, as attorney for the guardian, is
16 entitled to a reasonable attorney fee for representing the
17 guardian in this conservatorship/guardianship proceeding. Mr.
18 Bokides will submit his billing to the conservator within 10 days
19 of the date of this Order for his review and provide copies to R.
20 Brad Masingill, attorney for MELVIN C. SHELLEY, and to the
21 attorneys for Joe Nysingh and Frank Shelley. The conservator and
22 any other interested party shall have 10 days after the date the
23 billing is mailed, in which to object to the billing in which case
24 the matter shall be set for hearing and the court will determine
25 the fee to be paid to Mr. Bokides;

26 (6) William F. Nichols, as attorney for Petitioner Joe

1 Nysingh, a Trustee of the M. C. Shelley Family Trust, is entitled
2 to a reasonable attorney fee for representing the Trustee in this
3 conservatorship/guardianship proceeding. Mr. Nichols will submit
4 his billing to the conservator within 10 days of the date of this
5 Order for his review and provide copies to R. Brad Masingill,
6 attorney for MELVIN C. SHELLEY, the guardian through her counsel
7 of record, and to the attorney for Frank Shelley. The conservator
8 and any other interested party shall have 10 days after the date
9 the billing is mailed, in which to object to the billing in which
10 case the matter shall be set for hearing and the court will
11 determine the fee to be paid to Mr. Nichols;

12 (7) Aaron J. Bazzoli, as attorney for Frank Shelley, is
13 entitled to a reasonable attorney fee for representing Frank
14 Shelley in this conservatorship/guardianship proceeding. Mr.
15 Bazzoli will submit his billing to the conservator within 10 days
16 of the date of this Order for his review and provide copies to R.
17 Brad Masingill, attorney for MELVIN C. SHELLEY, the guardian
18 through her counsel of record, and to William F. Nichols, attorney
19 for Joe Nysingh. The conservator and any other interested party
20 shall have 10 days after the date the billing is mailed, in which
21 to object to the billing in which case the matter shall be set for
22 hearing and the court will determine the fee to be paid to
23 Mr. Bazzoli;

24 (8) Joe Nysingh, as Trustee of the M. C. Shelley Family
25 Trust, and as a Director of Vistair, Inc., is entitled to a
26 reasonable fee for his services rendered to the Trust and/or the

1 Vistair Corporation, and shall submit his billing to the
2 conservator within 10 days of the date of this Order for his
3 review and provide copies to R. Brad Masingill, attorney for
4 MELVIN C. SHELLEY, the guardian through her counsel of record, and
5 to the attorney for Frank Shelley. The conservator and any other
6 interested party shall have 10 days after the date the billing is
7 mailed, in which to object to the billing in which case the matter
8 shall be set for hearing and the court will determine the fee to
9 be paid to Mr. Nysingh;

10 (9) Ron Shelley, as Trustee of the M. C. Shelley Family
11 Trust, and as a Director of Vistair, Inc., is entitled to a
12 reasonable fee for his services rendered to the Trust and/or the
13 Vistair Corporation, and shall submit his billing to the
14 conservator within 10 days of the date of this Order for his
15 review and provide copies to R. Brad Masingill, attorney for
16 MELVIN C. SHELLEY, the guardian through her counsel of record, and
17 to the attorneys for Joe Nysingh and Frank Shelley. The
18 conservator and any other interested party shall have 10 days
19 after the date the billing is mailed, in which to object to the
20 billing in which case the matter shall be set for hearing and the
21 court will determine the fee to be paid to Mr. Ron Shelley;

22 (10) Frank Shelley, as Trustee of the M. C. Shelley Family
23 Trust, and as a Director of Vistair, Inc., is entitled to a
24 reasonable fee for his services rendered to the Trust and/or the
25 Vistair Corporation, and shall submit his billing to the
26 conservator within 10 days of the date of this Order for his

1 review and provide copies to R. Brad Masingill, attorney for
2 MELVIN C. SHELLEY, the guardian through her counsel of record, and
3 to the attorneys for Joe Nysingh. The conservator and any other
4 interested party shall have 10 days after the date the billing is
5 mailed, in which to object to the billing in which case the matter
6 shall be set for hearing and the court will determine the fee to
7 be paid to Mr. Frank Shelley;

8 (11) Betty Shelley, as guardian for MELVIN C. SHELLEY, the
9 incapacitated person, is entitled to a reasonable fee for her
10 services rendered in this Conservatorship/Guardianship proceeding.
11 Betty Shelley shall submit her billing to the conservator within
12 10 days of the date of this Order for his review and provide
13 copies to R. Brad Masingill, attorney for MELVIN C. SHELLEY, and
14 to the attorneys for Frank Shelley and Joe Nysingh. The
15 conservator and any other interested party shall have 10 days
16 after the date the billing is mailed, in which to object to the
17 billing in which case the matter shall be set for hearing and the
18 court will determine the fee to be paid to Betty Shelley;

19 (12) The conservator shall have all powers conferred by
20 Idaho Code 15-5-425 and 15-5-408(b);

21 (13) The visitor has filed a report recommending appointment
22 of a conservator; and

23 (14) Michael S. Derrick is a qualified and suitable person to
24 act as conservator and is willing to serve; and

25 (15) The M.C. Shelley Family Trust, dated October 14, 1993,
26 remains a valid Trust and has not been revoked.

1 THEREFORE, IT IS ORDERED THAT:

2 (a) Michael S. Derrick is appointed conservator for MELVIN
3 C. SHELLEY.

4 (b) Letters of conservatorship shall issue to Michael S.
5 Derrick on the filing of the conservator's acceptance of
6 appointment.

7 (c) Those persons entitled to compensation shall submit
8 their billings to the conservator as specified above.

9 (d) Upon the conservator's acceptance of appointment, and
10 issuance of the Letters of Conservatorship, the conservator shall
11 become the sole Trustee of the M.C. Shelley Family Trust, and
12 exercise all powers delegated to the Trustee therein; and, at that
13 time, Joe Nysingh, Frank Shelley, and Ron Shelley, shall be
14 removed as Co-Trustees of said Trust and their duties and
15 obligations as Co-Trustees shall thereupon cease.

16 (e) Not later than 90 days after the date hereof, the
17 conservator shall file his inventory of the conservatorship estate
18 assets.

19 (f) The conservator shall file with the Court, at least
20 annually on the anniversary date of this Order, an annual
21 accounting of the Ward's estate pursuant to I.C. 15-5-419. The
22 conservator shall provide copies of the accounting to the
23 following persons:

24 Brad Masingill, Weiser, Idaho, Attorney for the Ward;
25 Ron Shelley; Frank Shelley; Melita Poston; and Nicholas T.
26 Bokides, Weiser, Idaho, Attorney for Betty J. Shelley,

1 Guardian.

2 (g) The Conservator shall file a final report and accounting
3 with the Court, pursuant to I.C. 15-5-210 and 15-5-419, upon the
4 incapacitated person's death or the termination of the ward's
5 incapacity.

6 Done and dated at Payette, Idaho, this 8 day of July,
7 1998.

8 /s/ A. LYNNE KROGH
LAWYER MAGISTRATE

9 A. LYNNE KROGH, MAGISTRATE

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: A03-04008B

Date Received: 10/22/91

Receipt No: C022113

Received By: Jpe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: M. C. SHELLEY
Address: RT 1 BOX 97
PAYETTE ID 83661
208-642-2794

2. Date of Priority: JUN 1, 1954

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	05W	32	SW	NW	SW	5	PAYETTE

5. Description of diverting works:
20 AND 30HP PUMP IN RIVER WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.480		

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

8. Total consumptive use is 84.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	05W	32	NE	SW		IRR	19.0
			NW	SW	5	IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	24.0
					Total Acres	24.0

11. Place of use in counties: PAYETTE

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

13. Other Water Rights Used:
65-00072

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Mr & Shelley* Date: _____
Date: 10.22.91

State of Idaho

County of

Ada

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 22 day

of Oct 19 91

John Dal Carter
Notary Public

Seal

Residing at Boise Id

My Commission Expires 6/2/94

