

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31760  
Date Received: 2/14/1990  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SHIRLEY ADAMS SHARP Phone: (208)378-4623  
10686 W PATTIE  
BOISE ID USA 83713

2. Date of Priority: 09/29/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 01W   | 21      | SW NE                 | ADA    |      |

5. Description of diverting works:

Well with submersible pump and pipe to sprinklers.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.05   | 13.5       |

7. Total Quantity Appropriated is:  
0.05 C.F.S. and/or 13.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use        | Acres |
|---------------|-------|---------|------------|-----|------------|-------|
| 05N           | 01W   | 21      | SW         | NE  | IRRIGATION | 3     |
| Section Acres |       |         |            |     |            | 3     |
| Total Acres   |       |         |            |     |            | 3     |

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31494.

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER NOVEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

The right holder shall accomplish the change authorized by Transfer 70782 within one (1) year of the date of this approval.

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

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

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

PROPERTY IS ALSO KNOWN AS LOT 14, BLK 1, HIGHPLAINS ESTATES SUBDIVISION.

15. Basis of Claim: License

**WATER RIGHT NO. 63-31760**  
As Modified by Transfer No. 70782

In accordance with the approval of Transfer No. 70782, Water Right No. 63-31760 is now described as follows.

**Right Holder:** SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE ID 83713

**Priority Date:** September 29, 1978

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 0.05 CFS              | 13.5 AF       |
|                       |             |           | 0.05 CFS              | 13.5 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SWNE Sec. 21 Twp 05N Rge 01W *Ada* GEM County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE  | NW | SW | SE | Totals |
|-----|-----|-----|-----|----|----|----|--------|
| 05N | 01W | 21  | 3.0 |    |    |    | 3.0    |

Total Acres: 3.0

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
7. Point of diversion and place of use are located within Lot 14, Blk. 1, Highplains Estates Subdivision.

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

Dated this 13<sup>th</sup> day of February, 2004

*Barry Spaldema*  
\_\_\_\_\_  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 70782

This is to certify that: SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE ID 83713  
(208)378-4623

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

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-31760     | AJC/License         | 09/29/1978      | 0.05 cfs    | 13.5 af       | N/A               | N/A                | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

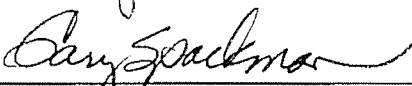
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-31760              | NO           | YES        | YES        | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-31760              | 63-31760                         | 0.05 cfs             | 13.5 af                | N/A               | 3.0                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.05 cfs</b>      | <b>13.5 af</b>         | <b>N/A</b>        | <b>3.0</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of February, 2004

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. **7078**

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant Shirley Adams Sharp Phone 208-378-4623

Post Office address 10686 West Pattie, Boise, ID 83713

~~RECEIVED~~

APR 21 2003

WATER RESOURCES  
WESTERN REGION

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion      ☐ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other

2. Describe the reason for the proposed changes Applicant has purchased water right and is moving place of use and point of diversion.

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

1. Right Number                      Priority                      Amount (cfs/ac-ft)                      Nature of Use                      Period of Use
- 9/29/1978                      0.048/13.5                      irrigation                      3/15 to 11/15
- \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_ to \_\_\_\_\_
2. Total amount of water being transferred 0.048 cubic feet per second and/or 13.5 acre-feet per annum.
3. Source of water ground water tributary to \_\_\_\_\_
4. Point(s) of Diversion: \_\_\_\_\_

[illegible]

## 5. Lands irrigated or place of use:

[illegible]

Total Acres 3

## PART 1

## 6. General Information:

a. Description of diversion system well with submersible pump and pipe to sprinklersb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
3 acres will be removed from irrigation

## d. Remarks:

Place of use is lot 14, Block 1, High Plains Subdvision.

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
For the Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right as evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 63-31494 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 69920 which produced this right.

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

☐ Tax Notice      ☐ Warranty Deed      ☒ Other Purchase and Sale Agreement
3. Source of water ground water tributary to \_\_\_\_\_4. Date or priority 9/29/1978

## 5. Water is used for the following purposes:

amount 3.59 cfs for irrigation purposes from 3/15 to 11/15  
(cfs/ac-ft) 0.12 cfs for stockwater purposes from 1/1 to 12/31  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 3.59 cubic feet per second and/or 1,005.1 acre-feet per annum

## 7. Point(s) of Diversion:

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

## 8. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Total |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |       |
| 6N  | 3W  | 36  | 34   | 7  | 26 | 40 |      |    |    |    |      |    |    |    | 40   | 5  | 35 | 35 | 222   |
|     |     |     | S    | S  | S  | S  |      |    |    |    |      |    |    |    | S    | S  | S  | S  |       |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |       |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |       |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |       |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |       |

Total Acres 2229. Describe any other water rights used for the same purpose as described above none

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

no

If yes, describe

## DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.048/13.5 for irrigation purposes from 3/15 to 11/15  
(cfs/ac-ft)  
amount for purposes from to  
(cfs/ac-ft)  
amount for purposes from to  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4  | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|------|-----|-----|-----|-----|--------|--------------------------|
|     | SW  | SENE |     | 36  | 6N  | 3W  | Gem    |                          |
|     |     |      |     |     |     |     |        |                          |
|     |     |      |     |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 6N  | 3W  | 36  |        |    |    |    |        |    |    |    |        |    |    |    |        |    | 3  |    | 3      |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 3

## DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.542/985.5 for irrigation purposes from 3/15 to 11/15  
(cfs/ac-ft)  
amount 0.12/6.1 for stockwater purposes from 1/1 to 12/31  
(cfs/ac-ft)  
amount for purposes from to  
(cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4  | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|------|-----|-----|-----|-----|--------|--------------------------|
|     | SW  | SENE |     | 36  | 6N  | 3W  | Gem    |                          |
|     |     |      |     |     |     |     |        |                          |
|     |     |      |     |     |     |     |        |                          |

3. Lands irrigated or place of use:

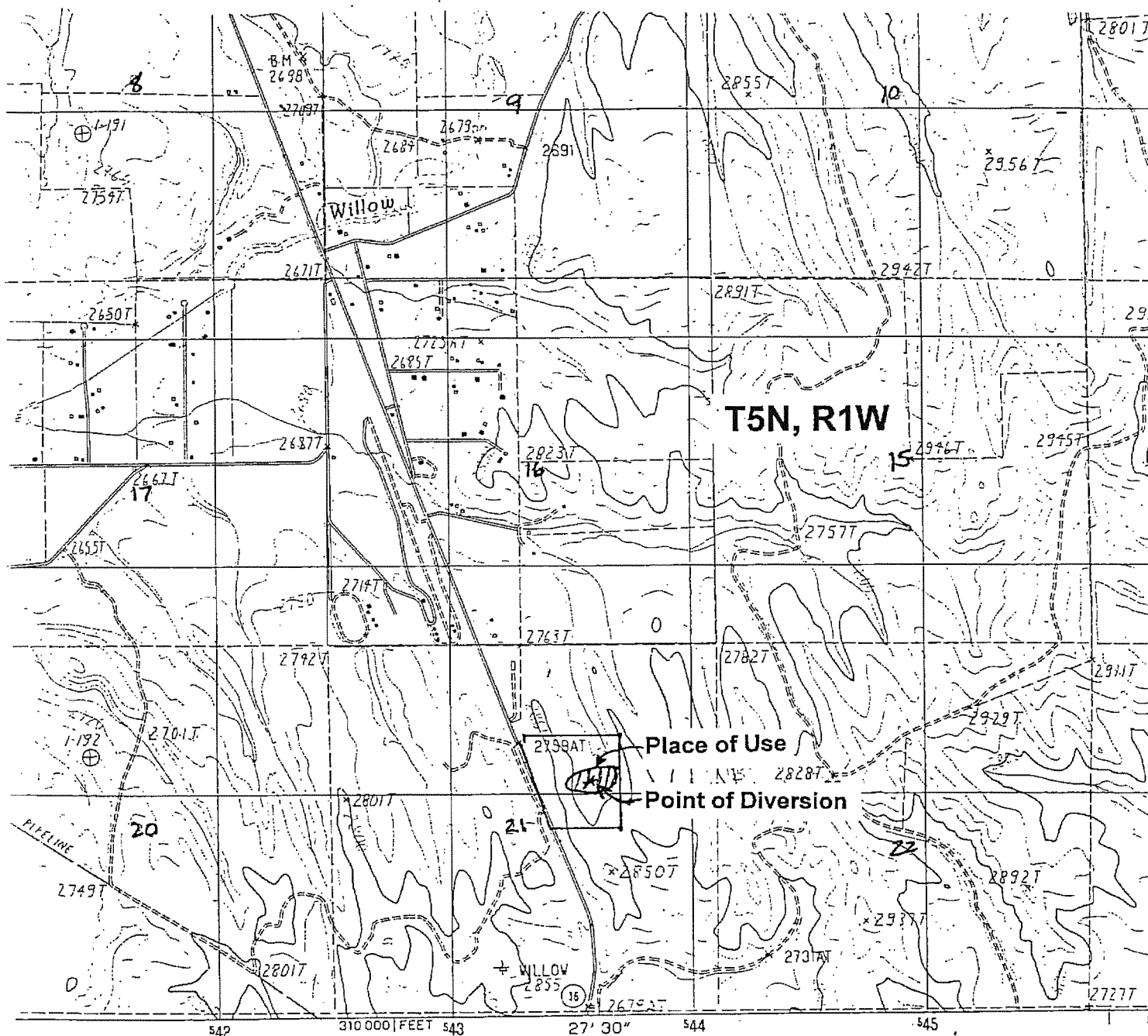
| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 6N  | 3W  | 36  | 34     | 7  | 26 | 40 |        |    |    |    |        |    |    |    | 40     | 5  | 32 | 35 | 219    |
|     |     | 36  | S      | S  | S  | S  |        |    |    |    |        |    |    |    | S      | S  | S  | S  |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres 219

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

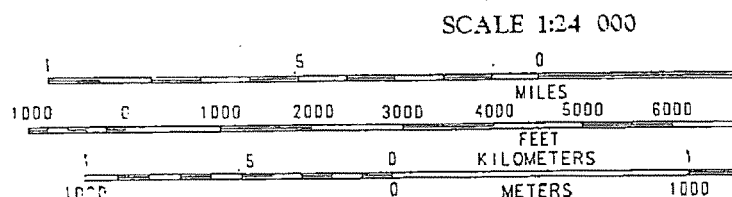
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

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



UNITED STATES GEOLOGICAL SURVEY  
USGS NOS/NOAA  
PHOTOGRAPHS TAKEN ..... 1980  
1981 MAP EDITED ..... 1985  
TRANSVERSE MERCATOR  
AL TRANSVERSE MERCATOR ..... ZONE 11  
MID TICKS ..... IDAHO, WEST ZONE  
DECLINATION ..... 0°23' EAST  
NATIONAL GEODETIC VERTICAL DATUM OF 1929  
1927 NORTH AMERICAN DATUM  
Adopted North American Datum of 1983,

NORTH



SCALE 1:24 000  
CONTOUR INTERVAL 40 FEET  
SUPPLEMENTAL CONTOUR INTERVAL 20 FEET

## PART 3

## B. CHANGES IN NATURE OF USE

1. 

| <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____                    | _____                    | _____                  | _____ to _____       |
| _____                    | _____                    | _____                  | _____ to _____       |
2. Quantity and quality of return flows and location of discharge:  
 \_\_\_\_\_  
 \_\_\_\_\_
3. Describe effects on other water uses resulting from the proposed change:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

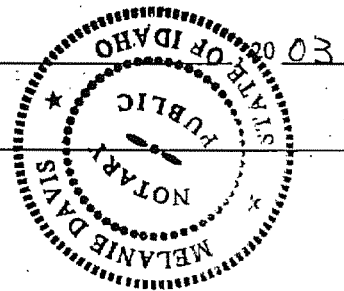
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Shirley Adams Sharp  
 (Signature of Applicant)

Subscribed and sworn to before me this 26 day of March

Melanie Davis  
 (Notary Public)

My commission expires 7-26-05



## FOR DEPARTMENT USE ONLY

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by Kh Date 4/21/03 Protest filed by \_\_\_\_\_

Prelim. Check by \_\_\_\_\_ Fee \_\_\_\_\_

Receipted by Kh Date 4/21/03 W030356

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. Dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

The Grantee herein has read and approved the following: Warranty Deed

Title File No : TN02-14179

**WARRANTY DEED****FOR VALUE RECEIVED**

Jeff E. Schwerts and Valerie M. Schwerts, husband and wife and Trae Buchert and Johnna Buchert, husband and wife

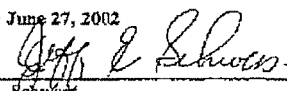
GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: Shirley Adams-Sharp, a married woman

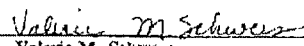
GRANTEES(s), whose current address is:  
the following described real property in Ada County, State of Idaho,  
more particularly described as follows, to wit:

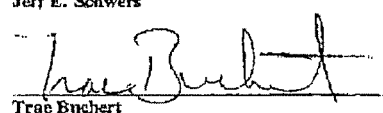
See legal description attached hereto and made a part of

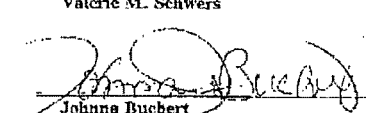
TO HAVE AND TO HOLD the said premises, with their appurtenances unto (he said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises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

Dated: June 27, 2002

  
 Jeff E. Schwerts

  
 Valerie M. Schwerts

  
 Trae Buchert

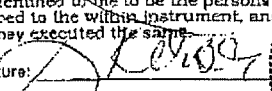
  
 Johnna Buchert

STATE OF Idaho . County of Canyon . ss.

On this 27th day of June in the year of 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared

Jeff E. Schwerts, Valerie M. Schwerts,  
Trae Buchert and Johnna Buchert

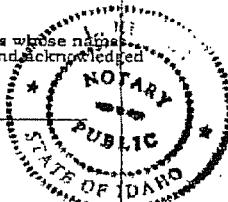
known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: 

Name: L. Kerbar

Residing at: Meridian

My commission expires: 04/10/06



Transnation Title &amp; Escrow, Inc.

## EXHIBIT "A"

The West half of the Northeast quarter of Section 21, Township 5 North, Range 1 West, Boise Meridian, Ada County, Idaho;

EXCEPT those portions of said land already deeded to the State of Idaho for roadway purposes.

ALSO EXCEPTING that portion described as follows:

A tract of land situated in a portion of the Southwest quarter of the Northeast quarter of Section 21 and lying Westerly of the Westerly right of way line of State Highway 16, all in Township 5 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the center quarter corner of Section 21, Township 5 North, Range 1 East, Boise Meridian, marked by a found 5/8 inch iron pin; thence North 00°15'50" East along the West line of the Northeast quarter, a distance of 902.16 feet to a point on the Westerly right of way line of State Highway 16; thence Southeasterly along the Westerly right of way line of said State Highway 16 the following courses and distances:  
South 20°32'26" East, a distance of 408.65 feet to a set 5/8 inch iron pin LS 4108;  
South 03°50'13" East, a distance of 104.40 feet to a found state right of way monument;  
South 20°32'14" East, a distance of 445.48 feet to a point on the South line of the Northeast quarter marked by a set 5/8 inch iron pin LS 4108; thence leaving said Westerly right of way line of State Highway 16, North 89°39'25" West and along the South line of the Northeast quarter, a distance of 310.81 feet to the POINT OF BEGINNING.

## AMENDED AND RESTATED WATER RIGHT PURCHASE AND SALE AGREEMENT

THIS WATER RIGHT PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective this 10 day of April, 2003 ("Effective Date") by and between Carlos L. and Laura E. Post, husband and wife ("Seller"), whose address is 1265 South Crane Road, Midvale, Idaho 83645 and Shirley Adams Sharp, ("Buyer"), whose address is 10686 Pattie St., Boise, Idaho 83713. In consideration of the sums to be paid by Buyer to Seller, and the mutual covenants herein contained, the parties hereby agree as follows:

### RECITALS

1. Seller owns a water right to divert ground water within the Boise River Basin, which water right is represented by license number 63-31494 issued by the Idaho Department of Water Resources ("Department"). License No. 63-31494 authorizes diversion of ground water for irrigation at a total annual diversion volume of four and one half (4.5) acre-feet per acre per year.
2. Seller desires to sell that portion of Seller's water right (hereinafter the "Water Right") appurtenant to and beneficially used on the following lands owned by Seller:  
i) Fifteen (15) acres situated in the SW1/4SE1/4 of Section 36, T6N R3W, Boise Meridian, Gem County, Idaho; and four (4) acres situated in the NE1/4SE1/4 Section 36, T6N R3W, Boise Meridian, Gem County, Idaho (the "Nineteen Acre Tract").
3. Buyer desires to purchase the Water Right and to change the point of diversion and place of use thereof to Buyer's property and use ("Transfer").
4. Seller and Buyer acknowledge that the Transfer will require formal application to, and approval by, the Department.
5. Seller and Buyer previously entered into a Water Right Purchase And Sale Agreement, effective the 21<sup>st</sup> day of February, 2003 (herein the "Previous Agreement"). Such Previous Agreement provided for the transfer of 15 acres of water and the parties desire to increase the amount of water to be sold to 19 acres. The Previous Agreement is currently held in escrow at Weiser Valley Title, Inc., 124 East Main, Weiser, Idaho, with the [REDACTED] in earnest money paid by Buyer. This agreement shall replace such Previous Agreement, and upon execution of this Agreement, an

original shall be placed with Weiser Valley Title, Inc., and Weiser Valley Title, Inc. is hereby instructed by both parties to substitute this agreement for the Previous Agreement. This agreement shall fully supersede and replace the Previous Agreement.

#### AGREEMENT

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

1. Purchase Price. The purchase price for the Water Right is [REDACTED], payable as follows:
  - a. Earnest Money Deposit. Upon execution of this Agreement by Seller and Buyer, Buyer shall deposit with the Escrow Agent (defined below) the sum of [REDACTED] Dollars (\$[REDACTED]) as earnest money ("Earnest Money"). Seller acknowledges that this provision has been satisfied. The Earnest Money shall be applied towards the purchase price at Closing, and shall be non-refundable in the event the purchase and sale does not close, unless the reason that the purchase and sale does not close is due to the non-occurrence of a condition precedent which has not been waived by Buyer or if the failure to close is caused by the Seller, in which case the Earnest Money, together with accrued interest thereon, shall be refunded to Buyer by the Escrow Agent.
  - b. Balance of Purchase Price. [REDACTED] Dollars (\$[REDACTED]), being the balance of the Purchase Price, shall be due and payable to Seller at Closing.
2. Escrow Agent. The Escrow Agent shall be Weiser Valley Title, Inc., P.O. Box 591, 124-128 East Main Street, Weiser, Idaho 83672.
3. Escrow Fees and Costs. Seller and Buyer shall each be responsible for one-half of the Escrow Agent's fees and

costs.

4. Pre-Closing Obligations. Seller and Buyer agree to cooperate in obtaining Department approval of the Transfer. Seller agrees to provide Buyer with any information concerning Seller's ownership and the historical beneficial use of the Water Right that Buyer may reasonably request to perform Buyer's due diligence and to respond to any Department requests for information or documentation supporting the Transfer application. Buyer will prepare, file, and prosecute the Transfer Application with the Department and use its reasonable best efforts to obtain the Transfer Approval contemplated by the parties. Promptly after the execution of this Agreement, Buyer shall file with the Department an application to transfer the Water Right.
5. Delivery into Escrow. Prior to Closing Seller and Buyer shall deliver the following to the Escrow Agent:
  - a. Seller.
    - i. Executed and acknowledged Water Right General Warranty Deed and Assignment conveying the Water Right to Buyer free and clear of all claims, liens and encumbrances;
    - ii. Executed and acknowledged Notice of Change of Ownership confirming Buyer's ownership of the Water Right and the assignment of any associated Snake River Basin Adjudication Claim ("SRBA Claim"); and
    - iii. Such other documents as Buyer may reasonably request to confirm Buyer's ownership of the Water Right and SRBA Claim as of Closing.
  - b. Buyer
    - i. Written notice of the Department's Transfer Approval; and
    - ii. The balance of the Purchase Price.
6. Conditions Precedent. The Closing, and Buyer's obligation to purchase the Water Right are subject to the following conditions precedent:
  - a. Seller is not in default and each of Seller's representations and warranties remain true and

accurate.

- b. Issuance of the Transfer Approval authorizing diversion and use of ground water at a rate of not less than 0.307 cfs and a total annual volume of not less than 85.5 acre-feet, and subject only to such conditions as Buyer, in Buyer's sole discretion deems will not interfere with or impair Buyer's intended use of the Water Right ("Transfer Approval").
  - c. Demonstration by Seller of Seller's clear and marketable title to the Water Right, free of any claims, including rights of redemption.
  - d. Seller's delivery into escrow of the documents described in Paragraph 5 hereto.
  - e. Seller's approval of any condition of the Transfer Approval which does, or could, impact Seller's remaining water rights and farming operations.
7. Buyer's Termination. If the foregoing conditions precedent are neither satisfied or waived by Buyer, or in the event of any default by Seller, or the, breach by Seller of any representation or warranty of Seller herein, and provided Buyer is not otherwise in default hereunder, Buyer may terminate the escrow and this Agreement by giving written notice of termination to Seller with a copy thereof to the Escrow Agent. Provided further, that if the foregoing conditions precedent have not been met by December 1, 2003, Buyer may terminate this Agreement by providing Seller notice thereof, with a copy thereof to the Escrow Agent. If Buyer gives Seller notice of termination, the Escrow Agent shall return any funds, including the Earnest Money, together with any documents delivered into escrow by Buyer, to Buyer, and shall return any documents delivered into escrow by Seller to Seller.
8. Buyer's Waiver of Transfer Approval. Seller and Buyer expressly agree that Buyer shall have the right to waive the conditions precedent set forth in 6 above and close the Water Right purchase, to the extent that the Department's

Transfer Approval reduces the rate or annual volume authorized to be diverted at Buyer's point of diversion and place of use, and Buyer, in Buyer's sole discretion, deems the diversion rate and/or volume actually authorized by the Transfer Approval to be sufficient for Buyer's intended use. If Buyer so waives any condition precedent, Buyer shall remain obligated to pay the Purchase Price for the Water Right. In the event Buyer completes the closing of this transaction, all conditions precedent shall be deemed waived.

9. Closing. Closing shall occur within fifteen (15) days of the date of Buyer's written notice to Seller and the Escrow Agent that the Department has granted the Transfer Approval. Upon receipt by the Escrow Agent of Buyer's notice of the Transfer Approval, and of all funds and documents required by this Agreement to be delivered into escrow, the Escrow Agent shall:

- a. Deliver the Purchase Price, less Seller's share of the escrow fees and costs to Seller;
- b. Record the Water Right General Warranty Deed and Assignment and any Release of Lien or other such recordable instrument in the real property records of Gem County, Idaho; and Deliver the recorded instruments and the Notice of Change of Ownership to Buyer.

10. Representations and Warranties.

a. By Seller:

- i. The Water Right is the sole and primary water right beneficially used to irrigate the Nineteen Acre Tract described in Recital 2 above, and there are no other water rights used upon or appurtenant to such lands;
- ii. Seller agrees that the Nineteen Acre Tract described in Recital 2 above will no longer be irrigated following the Transfer Approval and Closing, unless Seller develops or transfers a new water right to such lands for irrigation;
- iii. There are no contracts, actions, claims or proceedings pending that affect the Water Right;
- iv. Except as otherwise set forth herein, Seller is the current owner of the Water Right and has not conveyed the Water Right to any other person or

entity;

- v. There are no liens, encumbrances, covenants, conditions or restrictions affecting the Water Right other than those that have previously been disclosed in writing to Buyer by Seller;
- vi. Seller is not in default with respect to any of its obligations or liabilities pertaining to the Water Right;
- vii. Seller has not engaged or dealt with any broker or finder in connection with the sale of the Water Right;
- viii. Seller has the legal power, right and authority to enter into this Agreement and to perform Seller's obligations hereunder;
- ix. The Water Right has been placed to continued beneficial use on the real property described in Recital 2 above, and Seller has no knowledge of any continuous five-year period of nonuse of the Water Right.

b. By Buyer.

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

11. General Provisions.

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

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

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

SELLER:

Carlos L. Post  
Carlos L. Post

Laura E. Post  
Laura E. Post

BUYER:

Shirley Adams Sharp  
Shirley Adams Sharp

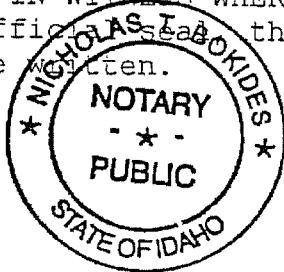
STATE OF IDAHO

COUNTY OF W. 16-17

)  
) ss:  
)

On this, the 10 day of April, 2003, before me a Notary Public, personally appeared CARLOS L. POST, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same.

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





Notary Public of Idaho  
Residing at W. 16-17, 16-17

My Commission expires: April 1, 2004

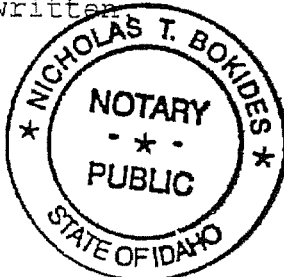
STATE OF IDAHO

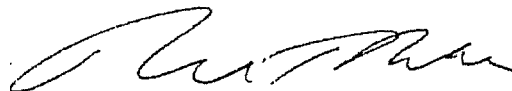
COUNTY OF W. 16-17

)  
) ss:  
)

On this, the 10 day of April, 2003, before me a Notary Public, personally appeared LAURA E. POST, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same.

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





Notary Public of Idaho  
Residing at W. 16-17, 16-17

My Commission expires: April 1, 2004

STATE OF IDAHO

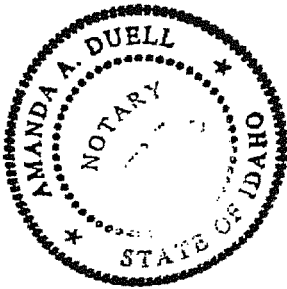
COUNTY OF

Ada

)  
) ss:  
)

On this, the 8<sup>th</sup> day of April, 2003, before me a Notary Public, personally appeared SHIRLEY ADAMS SHARP, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that (s)he executed the same.

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



Amanda A. Duell  
Notary Public of Idaho  
Residing at Nampa, ID  
My Commission expires: 5/5/2004

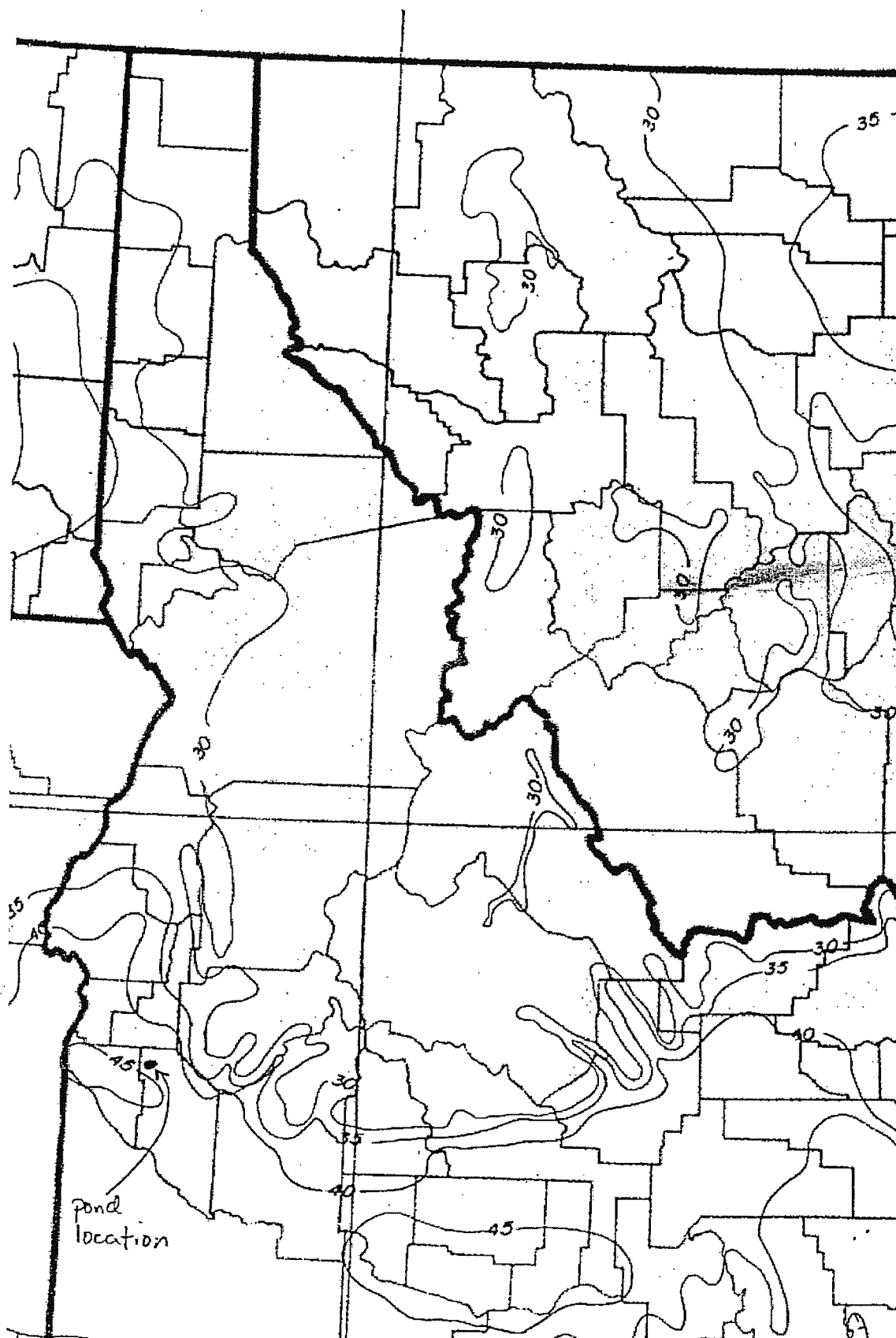
Post-It™ brand fax transmittal memo 7671

|                     |                       |
|---------------------|-----------------------|
| To: Terry Scanlin   | From: Richard Allen   |
| Co.                 | Co. Univ. of Idaho    |
| Dept.               | Phone# (208) 423-6601 |
| Fax# (208) 383-4156 | Fax# (208) 423-6559   |

1 of pages

| Est. CU and CIR. |      | Caldwell |        | (Allen & Brockway, 1993) |       |             |             |      |       |       |       |       |       | mm/day and mm/season   |  |  |  |  |  |  |  |  |  |
|------------------|------|----------|--------|--------------------------|-------|-------------|-------------|------|-------|-------|-------|-------|-------|------------------------|--|--|--|--|--|--|--|--|--|
| HO               | MYRS | PREC     | ETR    | ALFH.                    | ALFH. | BEANS F.CWN | SILGE S.CWN | PEAS | POTAT | SWEET | SGRAW | MGRAN | PAST. | ORCHD VEGES ONION HOPS |  |  |  |  |  |  |  |  |  |
| AVE ET           | 49   | 1.04     | 2.34   |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 3    | 49100.00 |        |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 3    | 39       | 68     | .20                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 3    | 49100.00 |        |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 3    | 49       | 50     | .54                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 3    | 49100.00 |        |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | 4    | 49       | 1.02   | 4.74                     | 3.63  | 3.69        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 4    | 49       | 95.92  |                          | 3.01  | 3.07        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 4    | 49       | 95.92  | .37                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 4    | 49       | 95.92  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 4    | 49       | 95.92  | .20                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 4    | 49       | 95.92  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | 5    | 49       | .93    | 6.30                     | 3.81  | 5.67        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 5    | 49       | 97.98  |                          | 3.01  | 3.07        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 5    | 49       | 97.98  | .47                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 5    | 49       | 97.98  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 5    | 49       | 97.98  | .24                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 5    | 49       | 97.98  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | 6    | 47       | .85    | 7.90                     | 6.85  | 6.76        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 6    | 47       | 100.00 |                          | 6.19  | 6.10        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 6    | 47       | 100.00 | .51                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 6    | 47       | 100.00 |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 6    | 47       | 100.00 | .12                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 6    | 47       | 100.00 |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | 7    | 48       | .29    | 8.55                     | 6.96  | 5.26        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 7    | 48       | 75.00  |                          | 6.82  | 5.13        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 7    | 48       | 75.00  | .37                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 7    | 48       | 75.00  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 7    | 48       | 75.00  | .50                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 7    | 48       | 75.00  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | 8    | 49       | .45    | 6.98                     | 5.31  | 2.86        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 8    | 49       | 63.27  |                          | 5.13  | 2.70        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 8    | 49       | 63.27  | .39                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 8    | 49       | 63.27  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 8    | 49       | 63.27  | .91                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 8    | 49       | 63.27  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | 9    | 48       | .57    | 5.34                     | 3.70  | 1.39        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 9    | 48       | 83.33  |                          | 3.21  | 1.44        |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 9    | 48       | 83.33  | .20                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 9    | 48       | 83.33  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 9    | 48       | 83.33  | .56                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 9    | 48       | 83.33  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | 10   | 49       | .79    | 3.26                     | 1.29  | .35         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | 10   | 49       | 97.96  |                          | 1.68  | .04         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | 10   | 49       | 97.96  | .26                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | 10   | 49       | 97.96  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | 10   | 49       | 97.96  | .41                      |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | 10   | 49       | 97.96  |                          |       |             |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE ET           | SE   | 45       | 140.9  | 1390                     | 1066  | 793         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| AVE IR           | SE   | 45       | 0.0    |                          | 1066  | 793         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD ET          | SE   | 45       | 0.0    |                          | 1066  | 793         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| STOD IR          | SE   | 45       | 0.0    |                          | 1066  | 793         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN ET          | SE   | 45       | 0.0    |                          | 1066  | 793         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |
| SKEN IR          | SE   | 45       | 0.0    |                          | 1066  | 793         |             |      |       |       |       |       |       |                        |  |  |  |  |  |  |  |  |  |

936 mm = 36.85"



# SCANLAN ENGINEERING

*Groundwater and Environmental Engineering*

March 31, 2003

Dan Nelson  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

Subject: Sale of Portions of Water Right 63-31494

Dear Dan:

Enclosed at your request is a map showing water right 63-31494 acres to be removed from irrigation following sale of water rights by Carlos and Laura Posts. The Posts are currently in the process of selling portions of water right 63-31494 totaling 79 acres as described below.

1. Ada County Highway District (ACHD) is purchasing 10 acres from the SWSE Section 36, T6N, R3W. ACHD has submitted an application for permit that proposes retirement of these 10 acres as mitigation for groundwater use at a gravel pit operation located in Section 29, T2N, R2E.
2. Paul and Susan Beckman are purchasing 5 acres from the NWSE, 10 acres from the SWSE, and 35 acres from the SESE of Section 36, T6N, R3W. The Beckmans have submitted an application to transfer the 50 acres of water right to their lands located in Section 25, T5N, R1W.
3. Shirley Adams Sharp is purchasing 4 acres from the NWSE and 15 acres from the SWSE of Section 35, T6N, R3W. Mrs. Sharp proposes transferring this water right to her lands located in Section 21, T5N, R1W. The 19 acres of water right will be split into three separate water rights of 3 acres, 3 acres, and 13 acres. We plan to submit three applications for transfer in April 2003.

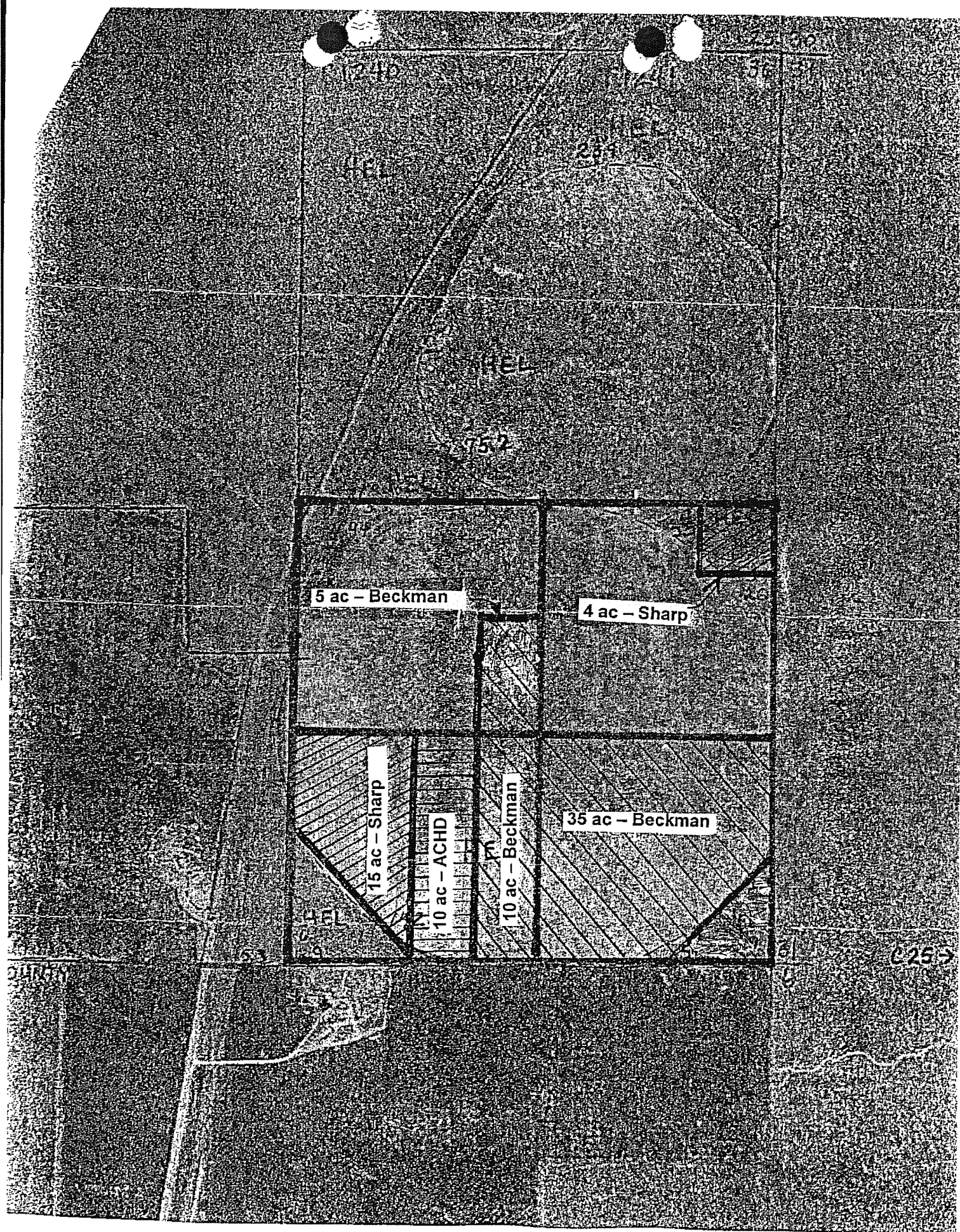
Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Carl Post  
Errol Morgan  
Paul Beckman  
Shirley Sharp  
Nick Bokides  
Kathy Takasugi  
Mike Creamer  
Bruce Smith



# SCANLAN ENGINEERING

*Groundwater and Environmental Engineering*

April 17, 2003

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

Subject: Water Right Applications – Shirley Adams Sharp

Dear Steve:

On behalf of Shirley Adams Sharp, I am pleased to submit the following three applications for transfer and one application for permit. The applications propose irrigation, recreation, and aesthetic uses at the High Plains Subdivision. A copy of the preliminary subdivision plat is enclosed.

The water right proposed for transfer is a 19-acre portion (0.307 cfs, 85.5 afa) of water right 63-31494. A copy of the water right purchase and sale agreement is enclosed. The transfers will split the 19 acres of water right 63-31494 into three separate rights. Each of these water rights will be served by a separate system.

The applications are described below.

1. Application No. 1 is a transfer of 13 acres of water right 63-31494. The transfer proposes irrigation (0.145 cfs, 40.5 afa) of 9 acres of common area in Lot 5, Block 1. The transfer will change the nature of use of the remaining 4-acre portion of the irrigation water right to recreation and aesthetic use (0.065 cfs, 18.0 afa). These uses will consist of water-level maintenance in a pond with a surface area of approximately 3.3-acres. The proposed recreation pond will be located in Lot 1, Block 1. Water will be diverted from a community well.
2. Application No. 2 is a transfer proposing 3 acres of irrigation (0.048 cfs, 13.5 afa) at Lot 14, Block 1 of High Plains Estates. The water will be diverted from a private well located in Lot 14.
3. Application No. 3 is a transfer application proposing 3 acres of irrigation (0.049 cfs, 13.5 afa) at Lot 15, Block 1 of High Plains Estates. The water will be diverted from a private well located in Lot 15.
4. Application No. 4 is an application for permit proposing a nominal 3.3-acre pond with storage volume of 22 af. The pond will be filled with water diverted from the community well. Initial pond filling can be accomplished through a one-time rental of 22 af of a Basin 63 groundwater right from the State Water Bank. The pond water level will be maintained

600 East River Park Lane, Suite 105  
Boise, Idaho 83706

Telephone (208) 383-4140  
Facsimile (208) 383-4156

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WESTERN REGION

April 17, 2003

using water diverted for recreation/aesthetic uses as described in Application No. 1, above.

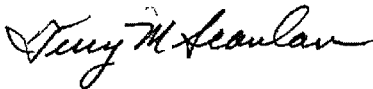
The 4 acres of irrigation water right transferred for recreation and aesthetic uses (Application No. 1) will fully mitigate evaporation losses from the proposed pond. Annual evaporation losses are estimated at approximately 44 inches (see annual free water surface evaporation map, attached). The 44 inches of evaporation from the proposed 3.3 acre pond surface results in an annual evaporation loss of 12.1 acre feet. Consumptive irrigation requirement (CIR) for the alfalfa hay crop historically irrigated by water right 63-31494 is 36.9 inches (Allen & Brockway, 1983, based on Caldwell station). The 36.9 inches of CIR over 4 acres provides 12.9 acre feet of consumption to offset evaporation losses. Subtracting 12.1 acre feet of annual evaporation from the 18.0 acre foot annual diversion volume leaves 5.9 acre feet of diversion volume for seepage losses. The 5.9 acre feet volume will result in a maximum allowable seepage loss of approximately 0.06 inches per day. A pond liner will be required to limit seepage loss to this amount.

Mrs. Sharp currently has a pending application for permit (63-31563) proposing irrigation of 50 acres within the same property. We request that this application for permit be maintained in the Basin 63 Administrative Hold file. If the Administrative Hold is lifted, the pending application for permit would give Mrs. Sharp the opportunity to irrigate additional lands within the subdivision area.

A check for \$550 in filing fees is enclosed. This check is based on three \$100 fees for the applications for transfer and a single \$250 fee for the application for permit.

Please contact me with any questions.

Sincerely,



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

Cc: Shirley Adams Sharp  
Mark Adams  
Bruce Smith  
Nick Bokides

AUGUST 28, 2003

TO WHOM IT MAY CONCERN:

WE LIVE ABOUT ONE MILE FROM CARL AND LAURA POST PROPERTY  
ON EMMETT RD. WHICH TURNS TO LITTLE FREEZE CUT IN GIB CO.  
THERE WAS A HAY CROP RAISED ON THEIR FARM IN 2002.

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SINCERELY,

*Shad M. Weber*  
*Luella Weber*  
29102 Emmett Rd.  
Caldwell Idaho 83607  
phone 459-4884

63-31494  
CARLOS POST  
IRRIGATION → 3.59 CFS / 999 AFA  
222 ACRES  
STOCKWATER → 0.12 CFS / 6.1 AFA  
TOTAL → 3.59 CFS / 1005.1 AFA



63-31758

63-????  
CARLOS POST  
IRRIGATION →  
3.28 CFS / 913.5 AFA  
203 ACRES  
STOCKWATER → 0.12  
CFS / 6.1 AFA  
TOTAL → 3.28 CFS /  
913.5 AFA  
Remainder

63-31759

63-????  
SHIRLEY ADAMS  
SHARP  
IRRIGATION →  
0.21 CFS / 58.5 AFA  
13 ACRES  
TOTAL → 0.21 CFS /  
58.5 AFA  
13 Ac in  
SWSE

63-31760

63-????  
SHIRLEY ADAMS  
SHARP  
IRRIGATION →  
0.05 CFS / 13.5 AFA  
3 ACRES  
TOTAL → 0.05 CFS /  
13.5 AFA  
3 Ac in  
WSE

63-31761

63-????  
SHIRLEY ADAMS  
SHARP  
IRRIGATION →  
0.05 CFS / 13.5 AFA  
3 ACRES  
TOTAL → 0.05 CFS /  
13.5 AFA  
1 Ac in WSE  
2 Ac in SWSE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31494  
Date Received: 12/2/2002  
Receipt No: X777777  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CARLOS POST Phone: (208)482-7777  
6000 LITTLE FREEZEOUT RD  
CALDWELL ID USA 83605

2. Date of Priority: 09/29/1978

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 06N      | 03W   | 36      | SW SE NE              | GEM    |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 3.59   |            |
| STOCKWATER | 01/01 | 12/31 | 0.12   |            |

7. Total Quantity Appropriated is:

3.59 C.F.S. and/or 1005.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 06N      | 03W   | 36      | NE         | NE  | IRRIGATION    | 34    |
|          |       |         | NW         | NE  | IRRIGATION    | 7     |
|          |       |         | SW         | NE  | IRRIGATION    | 26    |
|          |       |         | SE         | NE  | IRRIGATION    | 40    |
|          |       |         | NE         | SE  | IRRIGATION    | 40    |
|          |       |         | NW         | SE  | IRRIGATION    | 5     |
|          |       |         | SW         | SE  | IRRIGATION    | 35    |
|          |       |         | SE         | SE  | IRRIGATION    | 35    |
|          |       |         | NE         | NE  | STOCKWATER    |       |
|          |       |         | NW         | NE  | STOCKWATER    |       |
|          |       |         | SW         | NE  | STOCKWATER    |       |
|          |       |         | SE         | NE  | STOCKWATER    |       |
|          |       |         | NE         | SE  | STOCKWATER    |       |
|          |       |         | NW         | SE  | STOCKWATER    |       |
|          |       |         | SW         | SE  | STOCKWATER    |       |
|          |       |         | SE         | SE  | STOCKWATER    |       |
|          |       |         |            |     | Section Acres | 222   |
|          |       |         |            |     | Total Acres   | 222   |

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

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

15. Basis of Claim: License

**WATER RIGHT NO. 63-31494**  
As Modified by Transfer No. 69920

In accordance with the approval of Transfer No. 69920, Water Right No. 63-31494 is now described as follows.

**Right Holder:** CARLOS POST  
6000 LITTLE FREEZEOUT RD  
CALDWELL ID 83605

**Priority Date:** September 29, 1978

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | 11/15     | 3.59 CFS              |               |
| STOCKWATER            | 01/01       | 12/31     | 0.12 CFS              |               |
|                       |             |           | 3.59 CFS              | 1,005.1 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER SWSENE Sec. 36 Twp 06N Rge 03W GEM 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   |        |
| 06N 03W 36  | 34.0 | 7.0 | 26.0 | 40.0 |    |    |    |    |    |    |    |    | 40.0 | 5.0 | 35.0 | 35.0 | 222.0  |

Total Acres: 222

**PLACE OF USE:** STOCKWATER

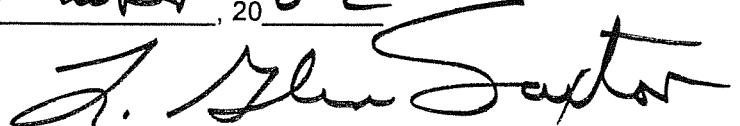
| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 06N 03W 36  | X  | X  | X  | X  |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |

**CONDITIONS OF APPROVAL**

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

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

Dated this 26<sup>th</sup> day of November, 2002



Chief, Water Allocation Bureau

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

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WATER RESOURCES  
WESTERN REGION

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

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

Summary of Water Rights Before the Proposed Change

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

Purpose of Transfer (Changes Proposed)

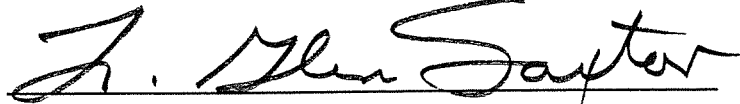
| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 63-9179C       | YES   | YES | YES | NO      | NO            | NO            |

Summary of Water Rights After the Approved Change

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

Detailed Water Right Description(s) attached

Dated this 26<sup>th</sup> day of November, 2002

  
Chief, Water Allocation Bureau

Page 1 of 6STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 6992

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

## A. PURPOSE OF TRANSFER

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

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

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

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NE | NW | 32  | 5N  | 1E  | Ada    |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

## 5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 5N  | 1E  | 32  |      |    |    |    | 20   | 40 |    |    |      |    |    |    |      |    |    |    | 60     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres 60

PART 1

Transfer No. \_\_\_\_\_

6. General Information:

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

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

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

d. Remarks:

See attached purchase agreement for water right

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

and the said application is hereby \_\_\_\_\_, subject to the following conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

For the Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2

(Attach one copy for each right)

## A. DESCRIPTION OF RIGHT AS RECORDED

## 1. Right as evidenced by:

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

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership  
Label document as attachment A. Check appropriate box below:☒ Tax Notice ☐ Warranty Deed ☐ Other \_\_\_\_\_3. Source of water ground water tributary to \_\_\_\_\_4. Date or priority 9/29/1978

## 5. Water is used for the following purposes:

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

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

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

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

## 7. Point(s) of Diversion:

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

\*actual location is Gem (license error)

## 8. Lands irrigated or place of use:

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

Total Acres 2939. Describe any other water rights used for the same purpose as described above none

## PART 2

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

yes If yes, describe see analysis for T5285 and attached photos; no non-use

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED of portion described in part B.

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total Acres 40

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

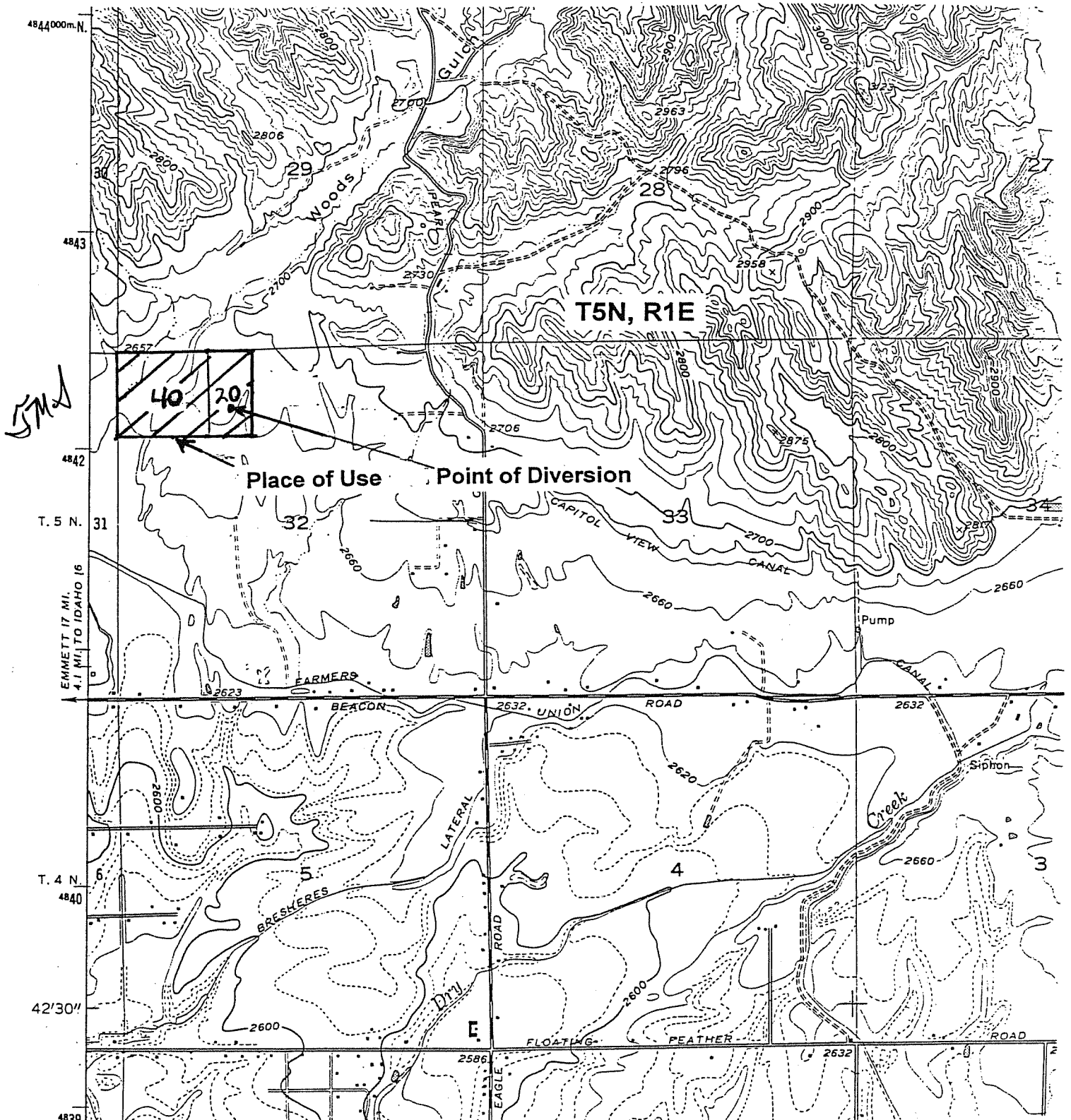
| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Tot |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-----|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |     |
| 6N  | 3W  | 36  | 34   | 32 | 32 | 40 |      |    |    |    |      |    |    |    | 40   | 5  | 35 | 35 | 25  |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |     |

Total Acres 253

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

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



## PART 3

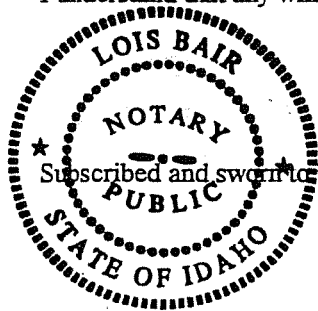
## B. CHANGES IN NATURE OF USE

1. 

| <u>New Nature of Use</u> | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|--------------------------|------------------------|----------------------|
| _____                    | _____                    | _____                  | _____ to _____       |
| _____                    | _____                    | _____                  | _____ to _____       |
2. Quantity and quality of return flows and location of discharge:  
\_\_\_\_\_  
\_\_\_\_\_
3. Describe effects on other water uses resulting from the proposed change:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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



*Lois Bair*  
(Signature of Applicant)  
Subscribed and sworn to before me this 15th day of November, 2001  
Lois Bair - Boise, ID  
(Notary Public)

My commission expires 3-31-2004

## FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 9 attachments  
Received by Kb Date 5/13/02 Protest filed by \_\_\_\_\_  
Prelim. Check by Ly Fee 250<sup>00</sup> \_\_\_\_\_  
Receipted by Kb Date 5/13/02 10029156  
Published in Press Tribune Copies of protest forwarded by \_\_\_\_\_  
Pub. Dates 6-20+27-02 Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial  
\_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

RECORDED - REQUEST

THIS FORM FURNISHED COURTESY OF:

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

2001 OCT 10 PM 4:18

FEE 600 DEPUTY *J. Hays*

101105398

ALLIANCE TITLE

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

SPACE ABOVE THIS LINE FOR RECORDING DATA

{2500}

Order No.: 01092827 LWF/CW

Re-recorded to correct Legal

## WARRANTY DEED

FOR VALUE RECEIVED DALE H. WOLIN AND LOIS H. WOLIN (also shown of  
record as LOIS M. WOLIN), Husband and WifeGRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto TUCKER M.  
JOHNSON AND DENISE R. JOHNSON, Husband and WifeGRANTEE(S), whose current address is: 1763 N. CLARENDON WY., EAGLE, IDAHO 83616  
the following described real property in ADA County, State of Idaho, more particularly  
described as follows, to wit:As set forth on the attached EXHIBIT "A", which by this  
reference becomes a part hereof.

RECORDED - REQUEST OF

ADA COUNTY RECORDER  
J. DAVID NAVARRO  
BOISE, IDAHOFEE 100 DEPUTY *[Signature]*

2002 MR 21 PM 12:28

102033289

ALLIANCE

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

Dated: October 04, 2001

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

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

TRINA NISHITANI  
NOTARY PUBLIC  
STATE OF IDAHO

My Commission Expires 6-28-03

Signature: *[Signature]*

Name: TRINA NISHITANI

Residing at: CALDWELL, IDAHO

My Commission Expires: 06/28/03

## PARCEL II

## EXHIBIT "A"

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

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

## CORRECTED LEGAL DESCRIPTION

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

Commencing at the NW corner of said Section 32 from which the N1/4 corner of said Section 32 bears North 89°37'41" East, 2646.25 feet;

thence along the North boundary line of said Section 32, North 89°37'41" East, 1672.92 feet to the REAL POINT OF BEGINNING;

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

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

thence along said North boundary line South 89°35'50" West, 643.87 feet to the NW1/16 corner of said Section 32;

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

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

thence along said curve 175.71 feet, said curve having a radius of 248.93 feet, a central angle of 40°28'33" and a long chord of 172.08 feet which bears North 33°56'36" East;

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

thence along said compound curve 44.09 feet, said curve having a radius of 28.00 feet, a central angle of 90°12'51" and a long chord of 39.67 feet which bears South 23°37'40" East to a point of reverse curve;

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

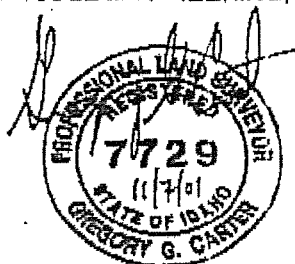
thence North 21°26'32" East, 98.10 feet to the beginning of a curve to the left;

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

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

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

Prepared by:  
HUBBLE ENGINEERING, INC.



INSTRU. NO. 187912  
PAGES 1 of 2

## WARRANTY DEED

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

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

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

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

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

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

## TOGETHER WITH:

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

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

EXCEPT all ditch and road rights-of-way.

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

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

TOGETHER with all improvements and appurtenances thereto.

INSTRU. NO. 187912  
 PAGES 2 of 2

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

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

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

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name to this instrument this 14<sup>th</sup> day of December, 1995.

Children's Adoption Services, Inc.

W. Lynn Taylor  
 , Director

STATE OF IDAHO )  
 ) ss.  
 County of Blaine )

On this 14<sup>th</sup> of December, 1995, before me, the undersigned, a Notary Public for Idaho, personally appeared W. Lynn Taylor, known to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

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

W. Lynn Taylor  
 Notary Public for Idaho  
 Residing at Blaine  
 My Commission Expires 11/2/99

Warranty Deed Page 2

Gen County, IDAHO) ss  
 Recorded at request of  
 Land Title Insurance Co.  
 Time 12:45 PM  
 Date January 8, 1996  
 Instrument No. 187912  
 Recorded as Deed  
 Thane & Sonnelich, Clerk  
 Ex-officio Secretary  
 By Quay  
 Fee 6.00

187912

FA-6466

INSTR. NO. 198764  
PAGES 1 of 6

Filed for Record at Request of:

After Recording, Mail To:

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

### QUITCLAIM DEED

Folder #:1632-14

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

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

PAGES 6 of 6

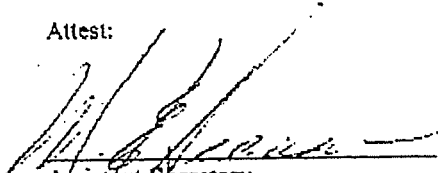
TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging;  
TO HAVE AND TO HOLD, subject to the aforesaid provisions, the Property unto the said Grantees  
and unto their heirs and assigns.

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

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

1<sup>st</sup> day of December, 1997.

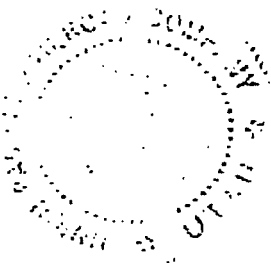
Attest:

  
Assistant Secretary

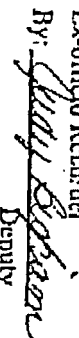
UNION PACIFIC RAILROAD COMPANY

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

(Seal)



198164

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

## ACKNOWLEDGMENT

|                  |
|------------------|
| BOOK NO. 192/641 |
| PAGES 3 of 6     |

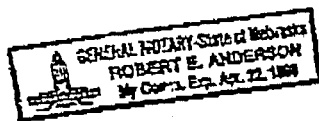
STATE OF NEBRASKA

COUNTY OF DOUGLAS

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

WITNESS my hand and official seal.

Robert E. Anderson  
Notary Public



(Seal)

INSTRUMENT 198164  
PAGES 4 6

EXHIBIT "A"  
LEGAL DESCRIPTION

Audit #5181

A tract of land situate in the North Half of the Northeast Quarter (N ½ of NE ¼), the Southwest Quarter of the Northeast Quarter (SW ¼ of NE ¼), the Northwest Quarter of the Southeast Quarter (NW ¼ of SE ¼) and the East Half of the South West Quarter (E ½ of SW ¼) of Section 36, Township 6 North, Range 3 West of the Boise Principal Meridian, Gem County, Idaho, the said tract being all that portion of the "Idaho Northern Branch" right of way of the Union Pacific Railroad Company, successor in interest to the Oregon Short Line Railroad Company and the Idaho Northern Railway Company, Ltd., situate within the afore-described legal subdivision, and being that same tract or parcel of land heretofore acquired by the said railroad company by virtue of that certain instrument dated July 16, 1903 from the State of Idaho, said instrument having been filed for record in Canyon County, Idaho on July 21, 1903 at page 151 of Book 26 of "Deeds", the said tract being more particularly described as a strip of land, 100 feet, more or less, in width, and 5,671 feet, more or less, in length, situate between lines that are parallel to and distant 50 feet, measured at right angles, on either side of the following described center line:

Commencing at the southwest corner of the said Section 36:

Thence easterly along the southerly line of the said Section 36, a distance of 2,280 feet, more or less, to that point which is distant 361 feet westerly of the southeastern corner of the Southeast Quarter of the said Southwest Quarter (SE ¼ of SW ¼) Section 36, and the beginning point of the center line herein-described;

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

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

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

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

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

EXHIBIT "A"  
LEGAL DESCRIPTION

(Audit #5181 continued)

north line of the said Section 36 which is distant 1.114 feet, more or less, from the northeastern corner of said Section, and distant 1.541 feet easterly from the northwestern corner of the Northwest Quarter of the Northeast Quarter (NW ¼ of NE ¼) of said Section, and being the ending point of the center line hereby described.

Situate in Gem County, Idaho.

EXCEPTING THEREFROM, that portion of the above-described tract of land situate in the Southwest Quarter (SW ¼) of the aforesaid Section 36.

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

|       |          |
|-------|----------|
| DATE  | 1992/6/4 |
| PAGES | 6 of 6   |

EXHIBIT "B"  
CERTIFICATION OF NON-FOREIGN STATUS

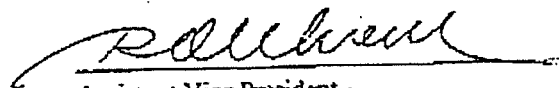
Under Section 1445(c) of the Internal Revenue Code, a corporation, partnership, trust, or estate must withhold tax with respect to certain transfers of property if a holder of an interest in the entity is a foreign person. To inform the transferee that no withholding is required with respect to UNION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

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

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

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

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

  
Assistant Vice President -  
Contracts & Real Estate

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE &  
ESCROW CORP.INSTR. NO. 210659  
PAGES 1 OF 2READ & APPROVED BY GRANTEE(S) NE J IV

0236 OUT OF 0235, 0222

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

## WARRANTY DEED

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

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto ANDREW D.  
ELISON and MELODI ELISON, husband and wifeGRANTEE(S), whose current address is: 23678 FREEZEOUT RD., CALDWELL, IDAHO 83605  
the following described real property in CANYON County, State of Idaho, more particularly  
described as follows, to wit:As set forth on the attached EXHIBIT "A", which by this  
reference becomes a part hereof.

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

Dated: March 14, 2000

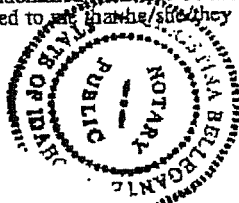
Carlos L Post  
CARLOS L POST

Laura E Post  
LAURA E. POST

STATE OF IDAHO  
COUNTY OF CANYON }

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

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



Signature

Name: CHRISTINA BELLEGANTE

(type or print)

Residing at: ONTARIO, OR

My Commission Expires: 10/22/04

INSTR. NO. 210659  
PAGES 2 OF 2

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

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

TOGETHER WITH an ingress, egress and irrigation easement over and across the South 100.00 feet SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 36, Township 6 North, Range 3 West, as described in Instrument No. 130153, records of Gem County, Idaho.

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

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

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

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

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

BEGINNING at Point "B" described above; thence  
North  $86^{\circ}52'36''$  East, 41.00 feet to the terminus of this easement.

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

210659

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

Time 12:47 PM

Date March 21, 2000

Instr. No. 210659

Recorded as a Deed

Susan K. Howard, Clerk  
Ex-officio Recorder

By: Judy R. [Signature]  
Deputy

Fees \$ 6.00

THIS FORM FURNISHED COURTESY OF:

**ALLIANCE TITLE &  
ESCROW CORP.**

**Instrument # 212905**

EMMETT GEM, IDAHO

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

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Ex-Officio Recorder Deputy

Index for DEED

Fee: 21.00

*Gudy Espinoza*

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

SPACE ABOVE THIS LINE FOR RECORDING DATA

## WARRANTY DEED

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

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

GRANTEE(S), whose current address is: 416 5th Street North Extension, Nampa, ID  
the following described real property in GEM County, State of Idaho, more particularly  
described as follows, to wit:

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

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

Dated: March 24, 2000

*Carlos L. Post*  
CARLOS L. POST

*Laura E. Post*  
LAURA E. POST

STATE OF IDAHO  
COUNTY OF CANYON

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

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

NOTARY  
STATE OF IDAHO  
RESIDING AT BOISE, IDAHO  
COMMISSION EXPIRES: 01-27-2003

Signature: *Christina Bellegante*

Name: CHRISTINA BELLEGANTE

(Type or print)

Residing at: ONTARIO, OR

My Commission Expires: 10/22/04

INSTR. NO. 212205  
PAGES 2 OF 1

arb 0240

## Tri County Surveying, Inc.

Job No. 00-004  
January 21, 2000Legal Description  
Parcel 2

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

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

Thence North  $00^{\circ}17'15''$  West, 1323.59 feet, along the west line of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the northwest corner thereof marked by a set  $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;

Thence North  $89^{\circ}44'40''$  East, 1330.79 feet, along the north line of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the northeast corner thereof marked by a set  $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;

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

Thence South  $89^{\circ}42'44''$  West, 1325.80 feet, along the south line of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the point of Beginning.

Together with an ingress, egress, and irrigation easement over and across the south 100.00 feet of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 36, Township 6 North, Range 3 West, as described in instrument no. 130188, records of Gem County, Idaho.

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

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

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

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

Doc NO. 00-004  
January 21, 2000

B:

Beginning at the northeast corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a found  $\frac{5}{8}$ " iron pin;  
Thence South  $00^{\circ}08'44"$  West, 1322.12 feet, along the east line of said Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the southeast corner thereof marked by a set  $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;  
Thence South  $89^{\circ}44'40"$  West, 1330.79 feet, along the south line of said Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the southwest corner thereof marked by a set  $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;  
Thence North  $00^{\circ}04'16"$  West, 1322.84 feet, along the west line of said Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the northwest corner thereof marked by a set  $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;  
Thence North  $89^{\circ}46'35"$  East, 1335.78 feet, along the north line of said Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the point of Beginning.

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

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

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

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

Beginning at the northwest corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a set  $\frac{5}{8}$ " iron pin with plastic cap PLS 6552;  
Thence South  $00^{\circ}04'16"$  East, 1382.85 feet, along the east line of said Northwest  $\frac{1}{4}$  of the

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

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

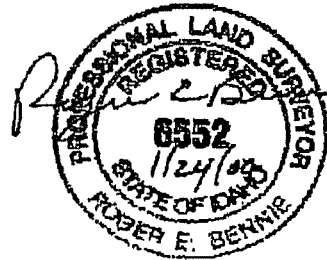
AKA TRACT II 02 TITLE 405-000311

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

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

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

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



Page 2

P.O. Box 374, 703 North Washington Ave., Emmett, ID 83817

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

06/04/02 10:58 FAX 2083653650

FIRST AMERICAN TITLE CO

018/027

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

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

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

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

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

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

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

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

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

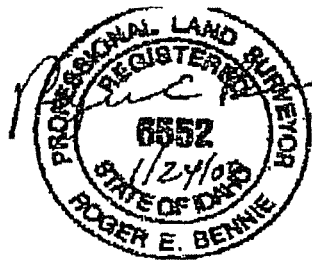
Thence South  $89^{\circ}46'35''$  West, 1318.58 feet, along the north line of said Southeast  $\frac{1}{4}$ , to a point referred to hereafter as Point "A";

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

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

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

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



Page 2

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

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

06/04/02 10:59 FAX 2083653650

FIRST AMERICAN TITLE CO

018/027

**Tri County Surveying, Inc.**  
Parcel 4 continued

INSTRU. NO. 212905  
PAGES 7 OF 7

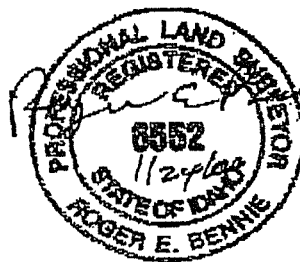
Southeast  $\frac{1}{4}$ , to the terminus of said easement.

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

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

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

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



INSTRU. NO. 213158  
PAGES 1 OF 4

## DEED OF GIFT

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

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

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

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

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

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

Carlos Post  
CARLOS POST

Laura Post  
LAURA POST

Instrument # 213158

EMMETT GEM, IDAHO

2000-09-15

12:59:00 No. of Pages: 4

Recorded for: GARRETT POST

SUSAN K. HOWARD

Fees: 12.00

Ex-Officio Recorder Deputy

Index to DEED

INSTRU. NO. 213158PAGES 2 OF 4

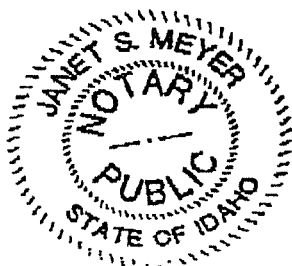
STATE OF IDAHO )

County of Malden )

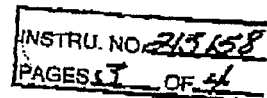
ss.

On this 5th day of September, 2000, before me, the undersigned, a Notary Public for Idaho, personally appeared CARLOS POST and LAURA POST, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Janet S. Meyer  
Notary Public for Idaho  
Residing at Coeur d'Alene, Idaho  
My Commission Expires 9/8/00



## Tri County Surveying, Inc.

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

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

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

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

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

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

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



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

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

Exhibit A

MAP TO ACCOMPANY A LEGAL DESCRIPTION

OF A PORTION OF THE NORTHEAST 1/4 OF SECTION 15,  
TOWNSHIP 8 NORTH, RANGE 3 WEST, BOISE MERIDIAN  
GEN COUNTY, IDAHO.

INSTRU. NO. 213158  
PAGES 4 OF 4

**BASIS OF BEARINGS:**  
THE BASIS OF BEARINGS FOR THIS DRAINAGE IS THE  
EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36,  
TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN,  
GEO. COUNTY, IDAHO. 12 NORTH 59° E.

015237

- FOUND 5/20/81 BY DA PAH
  - SET 8/81 HIGH PAK W/PLASTIC CAP PLS 6557
  - SET 1/21 HIGH PAK W/PLASTIC CAP PLS 6552
  - SET 1/21 HIGH PAK W/PLASTIC CAP PLS 6557
  - ON A 25.00 OFFSET
- 14- BARDED HORN FENCE

**உதவி**

FOR COUNTY SUPERVISOR #12. ASSISTED AND LIABILITY FOR PRESENT OR FUTURE COMPLAINTS OF NONCOMPLIANCE WITH COUNTY PLANNING AND ZONING ORDINANCE, INSTRUCTIONS AS THEY RELATE TO SCHEDULED AGENTS AND THE ISSUANCE THEREOF.

[illegible]

CARLOS L. & LAURA E. POST  
1285 SOUTH CRANE ROAD  
MIDVALE, MO 63045  
(208) 355-1800

3M DIVERSIFIED HOLDINGS INC.

P.O. Box 934  
703 N. Washington Ave.  
Emmott, Idaho 83617  
Phone: (208) 355-7470



INDEX No. 634-36-1-0-D JCF No. CO-081447

## WARRANTY DEED

For Value Received

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

does hereby GRANT, BARGAIN, SELL AND CONVEY unto

TRAVIS ANDREWS AND KIMBERLY ANDREWS, husband and wife

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

the following described premises, to-wit:

IN GEM COUNTY, IDAHO

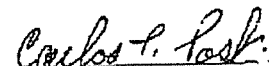
SEE ATTACHED EXHIBIT "A"

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

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

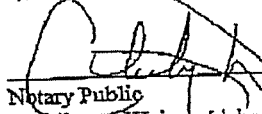
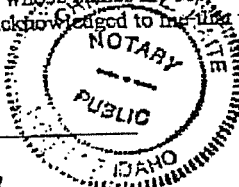
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees, their heirs and assigns forever. And the said grantors do hereby covenant to and with the said grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances, excepting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

Dated: MARCH 25, 2002

  
CARLOS L. POST  
LAURA E. POST

STATE OF IDAHO, COUNTY OF WASHINGTON

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

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

Instrument # 221544

EMMETT, GEM, IDAHO

2002-03-27

01:21:00 No. of Pages: 4

Recorded for: WEISER VALLEY TITLE

SUSAN K. HOWARD

Ex-Officio Recorder Deputy

Index to: DEED

INSTRU. NO. 221544  
PAGES 1 OF 4

EXHIBIT "A"

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

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

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

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

EXCEPT that portion described as follows:

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

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

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

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

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

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

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

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

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

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

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

## ***GRANT OF WATER RIGHT***

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

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

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

DATED this 7 day of Jan, 2002.

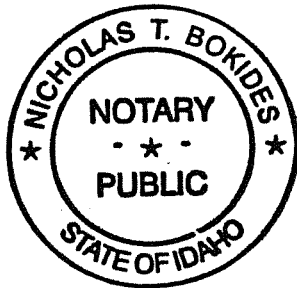
  
Garrett Post

STATE OF IDAHO )

COUNTY OF C. Shoshone ) ss:

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

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



A handwritten signature of the Notary Public, Nicholas T. Bokides, written in dark ink.

Notary Public of Idaho

Residing at Winn, 2001

My Commission expires: April 1, 2004

T. County Surveying, Inc.

Job No. 00-004  
August 31, 2000

Legal Description  
Parcel 7A

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

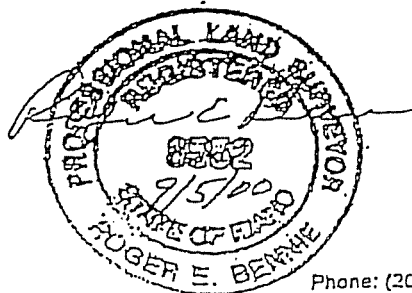
Commencing at the northeast corner of the Northeast  $\frac{1}{4}$  of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, marked by a found  $\frac{5}{8}$ " iron pin;  
thence South  $00^{\circ}08'59''$  West, 661.11 feet, along the east line of said Northeast  $\frac{1}{4}$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

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

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

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

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



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

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

EXHIBIT

A

## WATER RIGHT PURCHASE AND SALE AGREEMENT

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

### RECITALS

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

### AGREEMENT

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

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

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

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

10. Representations and Warranties.

a. By Seller:

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

b. By Buyer.

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

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

12. General Provisions.

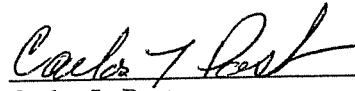
- a. This Agreement contains the entire agreement between the parties related to the purchase and sale of the Water Right, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.
- b. No modification, amendment discharge or change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

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

[end of text]

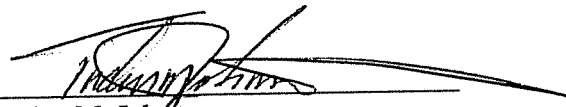
IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the Effective Date set forth above.

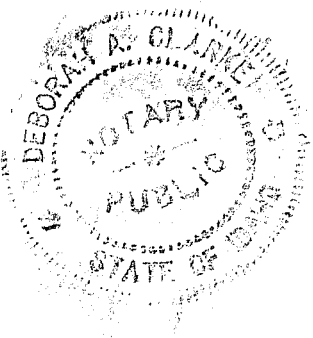
SELLER:

  
Carlos L. Post

  
Laura E. Post

BUYER

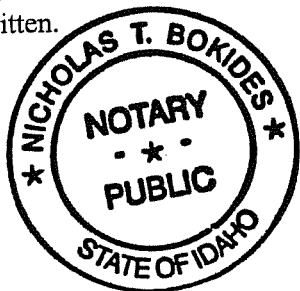
  
Tucker M. Johnson



STATE OF IDAHO )  
County of Washington ) ss.:

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

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



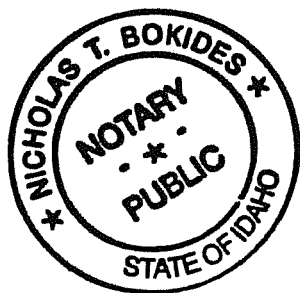
A handwritten signature of Nicholas T. Bokides in dark ink.

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

STATE OF IDAHO )  
County of Washington ) ss.:

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

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



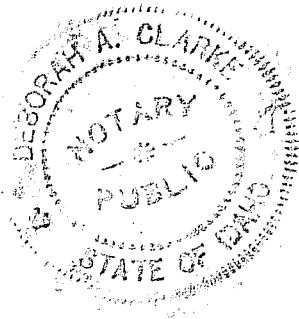
A handwritten signature of Nicholas T. Bokides in dark ink.

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

STATE OF IDAHO     )  
                                      : ss.:  
County of Ada     )

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

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



Deborah A. Clarke  
Notary Public of the State of Idaho

Residing at: BOISE  
My Commission Expires: 8/6/2003

# Tri County Surveying, Inc.

Job No. 00-004  
January 21, 2000

## Legal Description Parcel 1

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

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

## Tri County Surveying, Inc.

Parcel 1 continued

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

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

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

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

Beginning at the northeast corner of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho marked by a set  $\frac{5}{8}$ " iron pin with plastic cap PLS 6552; Thence South  $00^{\circ}04'16''$  East, 1382.85 feet, along the east line of said Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , to the terminus of said easement.

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

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

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

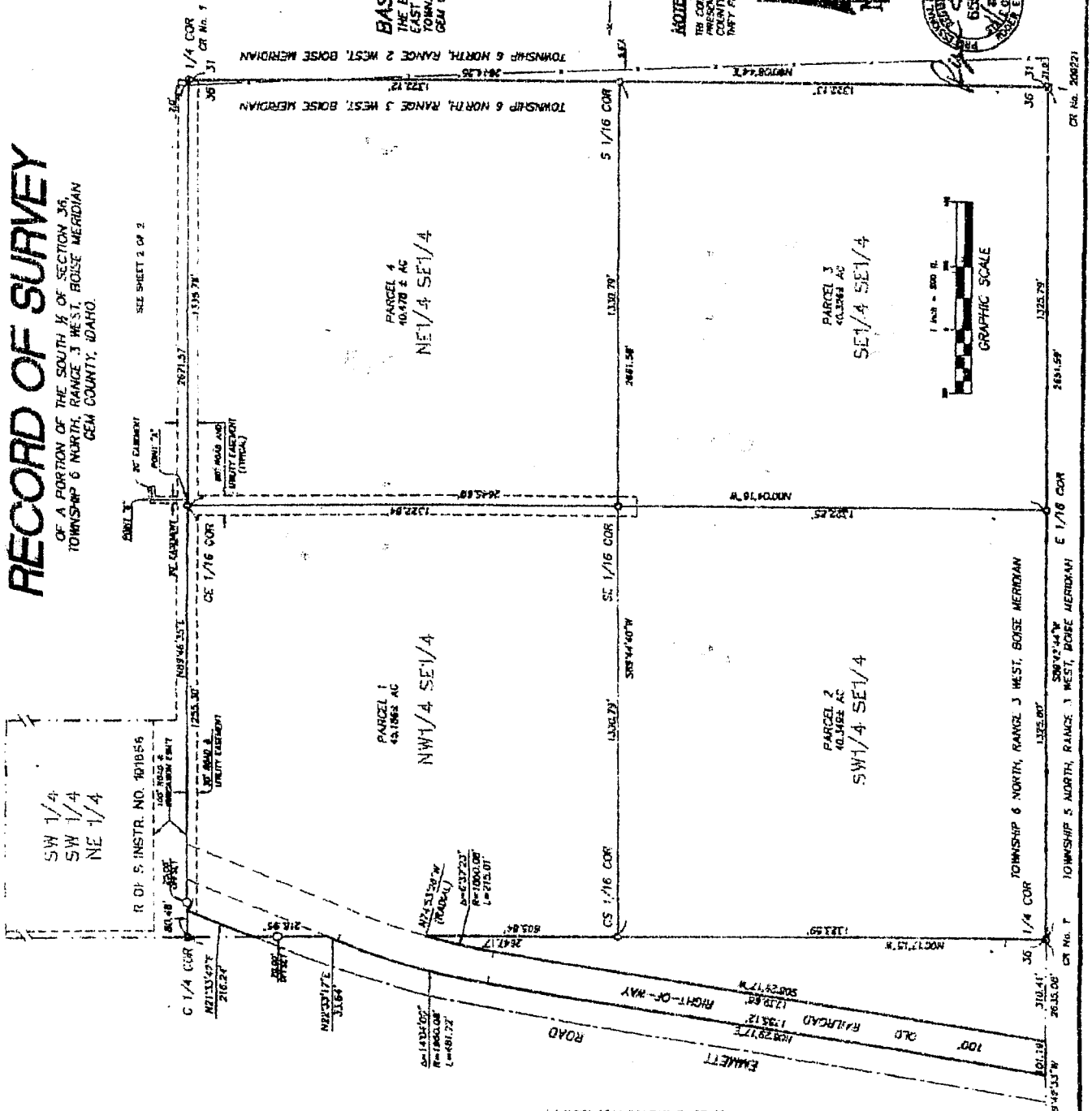
Said tract of land containing therein, a calculated area of 45.219 acres, more or less, includes all water and ditch rights appurtenant to or used in connection with the properties being sold or conveyed hereby, and is subject to rights-of-way or easements of record or in use.



# RECORD OF SURVEY

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

Inst. No.:  
STATE OF IDAHO }  
COUNTY OF CEM }  
Approved of the request of  
by County Surveyors Inc.  
Date:  
Survey:  
Recorded by a Survey  
Surveyor:  
Susan K. Howard, Clerk  
Ex-officio Recorder  
Fee: \$5.00  
Doubly



## Tri County Surveying, Inc.

Job No. 00-004  
August 31, 2000

### Legal Description Parcel 7A

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

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

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

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

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

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



08/07/02 P.005

## Tri County Surveying, Inc.

Job No. 00-004  
August 31, 2000

### Legal Description Parcel 7B

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

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

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

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

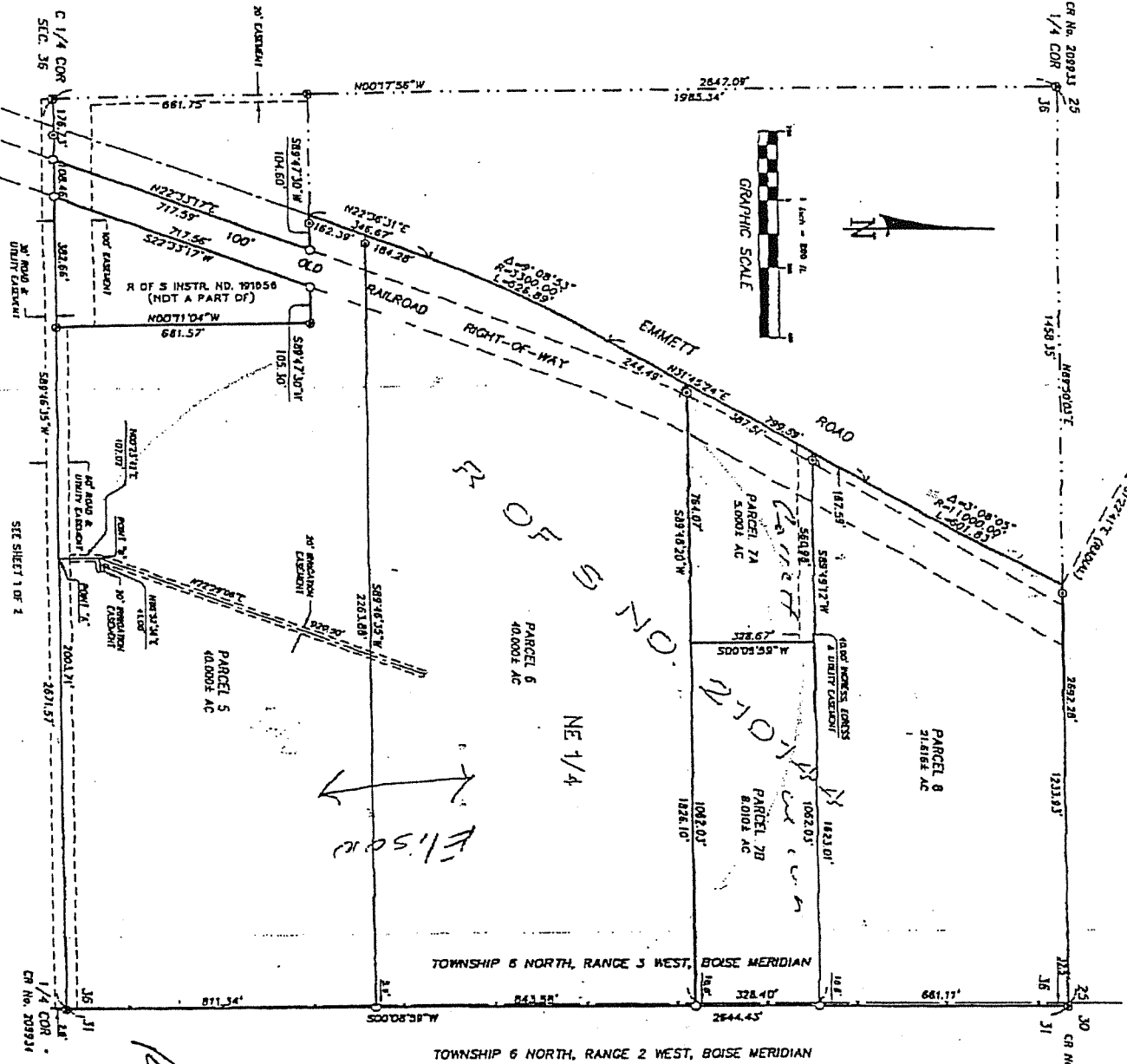
The limits of said easement shall be extended or shortened at the beginning and terminus, so as to make for a continuous and uniform width of access throughout.

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



# MAP TO ACCOMPANY A LEGAL DESCRIPTION

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



## BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CEM COUNTY, IDAHO, T.C. N0000953 E.

## LEGEND:

- FOUND S/P - IRON PIN
- SET 5/8" IRON PIN W/PLASTIC CAP PLS 6552
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552
- SET 1/2" IRON PIN W/PLASTIC CAP PLS 6552 ON A 25.00 OFFSET
- X-X-X- BARBED WIRE FENCE

## NOTE:

THE COUNTY SURVEYING, INC. ASSURES NO LIABILITY FOR PRESENT OR FUTURE COMPLAINT OR ACTION CONCERNING THIS COUNTY PLANNING AND ZONING ORDINANCE. THE ASSURANCE HEREOF, THEY FURNISH TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

## PREPARED FOR:

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



THI COUNTY SURVEYING, INC.

PROFESSIONAL LAND SURVEYORS  
P.O. Box 974  
703 No. Washington Ave.  
Emmett, Idaho 83617  
Phone: (208) 365-7170

8" = 1 mi  
1" = 660'

T1240

T1241

25 30  
36 31

HEL

HEL

23.9

E

C

B

A

A = 200 ac  
B = 149 ac  
C = 149 ac  
D = 0.38  
E = 5.6  
F = 0.5

Irrigated Area:  
C + E + F = 7  
Carl Post = 8.0  
= 4.5  
Garrett Post = 7.6  
= 3.1

HEL

75.2

HEL

3  
9.4

HEL

5  
20

HEL

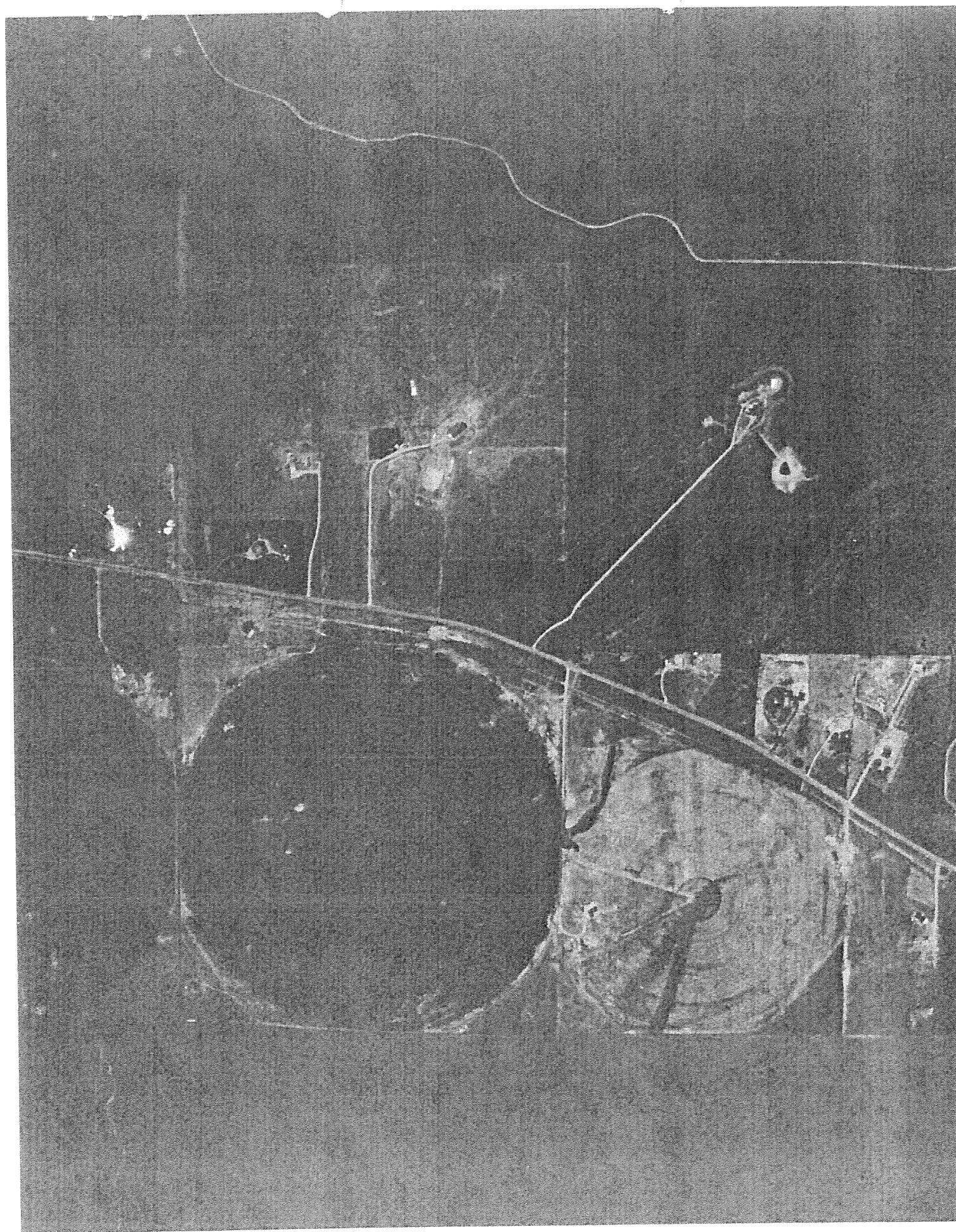
HEL

142.6

HEL

50 36 31  
6

COUNTY



# SCANLAN ENGINEERING

*Groundwater and Environmental Engineering*

May 10, 2001

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

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

Dear Steve:

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

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

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

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

RECEIVED

MAY 13 2002

WATER RESOURCES  
WESTERN REGION

Steve Lester

-2-

May 10, 2002

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

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

Sincerely,

A handwritten signature in cursive script, reading "Terry M. Scanlan".

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

Cc: Tucker Johnson  
Mike Creamer  
Nick Bokides  
Carl Post

# Calculation of irrigated area for Parcels 7A and 7B

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

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

Area calculations are provided below

| Polygon # | area formula    | width - W | height - H | area (ft <sup>2</sup> ) | area (acres) |
|-----------|-----------------|-----------|------------|-------------------------|--------------|
| A         | WxH             | 265       | 328        | 86920                   | 2.00         |
| B         | 1/2 WxH         | 395       | 328        | 64780                   | 1.49         |
| C         | 1/2 WxH         | 395       | 328        | 64780                   | 1.49         |
| D         | 1/2 WxH         | 335       | 99         | 16583                   | 0.38         |
| E         | (WxH)-polygon D | 795       | 328        | 244178                  | 5.61         |
| F         | 1/2 WxH         | 198       | 231        | 22869                   | 0.53         |
| G         | WxH (approx)    | 165       | 396        | 65340                   | 1.50         |

Calculated Total Area 12.98

Actual Total Area 13.01

Total Irrigated Area = C+E+F = 7.62

Irrigated Area Parcel 7B = 7B Total - A - B = 8.0 - 2.0 - 1.5 = 4.5

Irrigated Area Parcel 7A = Total Irrigated - 7B Irrigated = 3.1

Total area Parcels 7A and 7B in NENE = 328 ft x 1320 ft = 9.9

Irrigated Area NENE = total area NENE - A - B - 1/3D = 6.3

Irrigated Area NWNE = total irrigated - irrigated NENE = 1.3

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09179C  
Date Received: 2/14/1990  
Receipt No: X777777  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: CARLOS POST  
Address: 6000 LITTLE FREEZEOUT RD  
CALDWELL ID

208-482-7777

83605

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:

4.240 C.F.S. (and/or) 1185.12 A.F.A.

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

9. Non-irrigation uses:

STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

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

10. Place of Use: Continued

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

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

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

15. Basis of Claim: LICENSE

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

**RECEIVED**  
**FEB 07 2000**  
**WATER RESOURCES**  
**WESTERN REGION**

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

1. Water Right No(s): Lic 63-9179  
 Adjudication Claim No(s): A63-9179A
  
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
  - AND
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
  - OR
  - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
  
3. Name and Address of Former Owner/Claimant Carlos Post  
6000 Little Freezout
  
4. New Owner/Claimant(s) Tony and Linda Hackett  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address 6025 Little Freezout  
 City, State and ZIP Code Caldwell ID 83605  
 New Telephone Number (208) 459 4079
  
5. Date you acquired the property 6-6-95
  
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 25 Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS .40 Number of homes you acquired N/A Other uses \_\_\_\_\_

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

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

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

18574 184916 95010614 LM  
FURNISHED COURTESY OF:

STEWART TITLE

READ & APPROVED BY GRANTEE(S): YH LL

PAGES 1 2

6.00

Deputy

Official Recorder  
Linda McGrath, Clerk

Order as a Deed

May 23, 1995

May 23, 1995

3:49 PM

Security Title Co.

Recorded at request of  
County, IDAHO ss.

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 95010614 LM

## WARRANTY DEED

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

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

GRANTEE(S), whose current address is: 2951 W. HIGAN, MERIDIAN, IDAHO 83642  
the following described real property in GEM County, State of Idaho, more particularly described as follows, to wit:

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

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

Dated: May 18, 1995

CARLOS L. POST

Carlos L Post

LAURA E. POST

Laura E Post

STATE OF IDAHO )  
COUNTY OF CANYON )

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

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



Signature: Linda McGrath

Name: LINDA MCGRATH

(type or print)

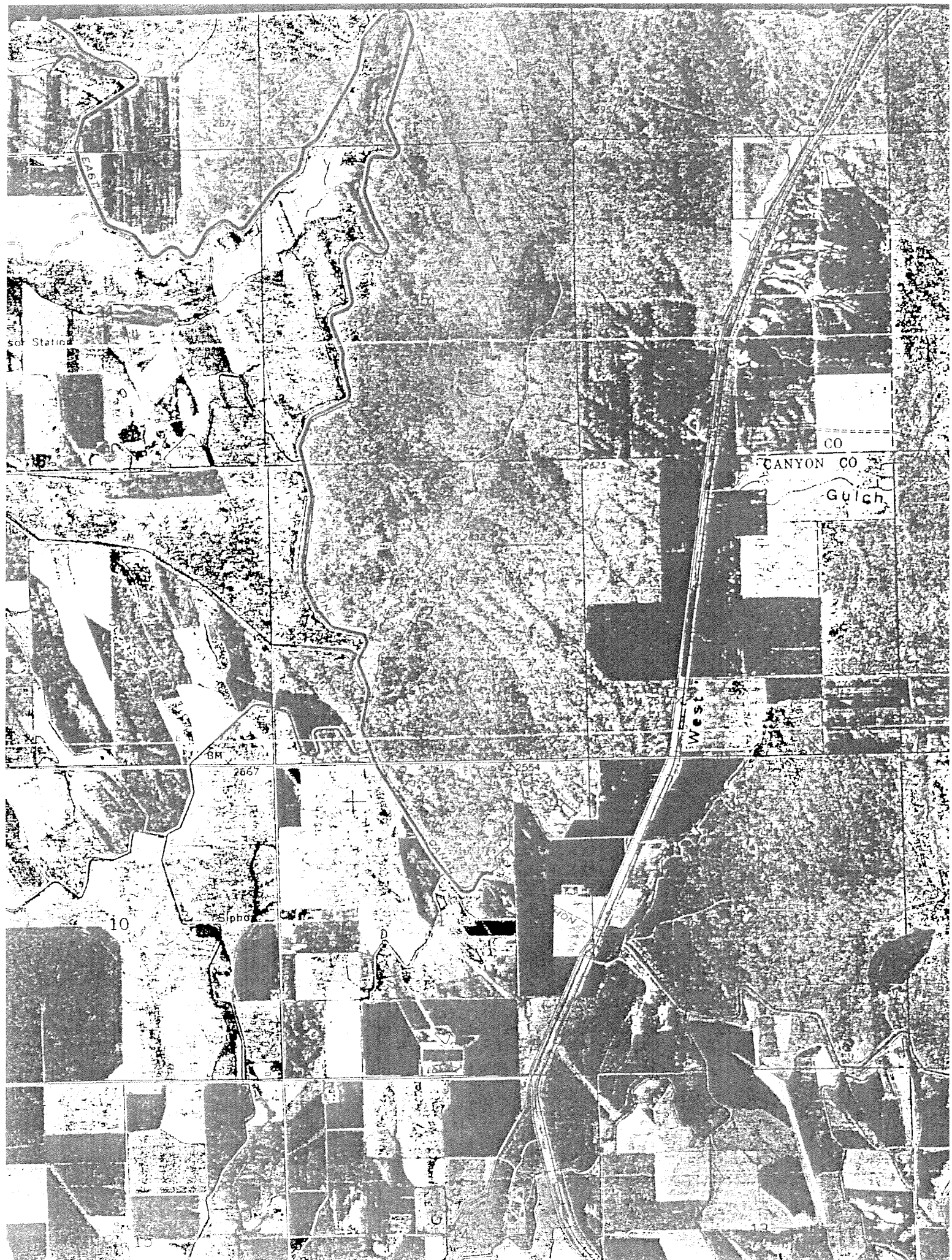
Residing at: MERIDIAN, IDAHO

My Commission Expires: 05/28/99

EXHIBIT 'A'

184916  
PAGES 2 of 2

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



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09179A  
Date Received: 2/14/1990  
Receipt No: C014697  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CARLOS POST  
Address: 27346 MIDDLE RD  
WILDER ID 83676 208-482-7777

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. (or) | A.F.A. |
|------------|-------|-------|-------------|--------|
| IRRIGATION | 03/15 | 11/15 | 4.800       | 40.0K  |
| STOCKWATER | 01/01 | 12/31 | 0.120       |        |

7. Total Quantity Appropriated is:

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

8. Total consumptive use is

9. Non-irrigation uses:

STOCKWATER, 500 BEEF CATTLE

10. Place of Use:

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

MICROFILMED

10. Place of Use: Continued

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

Section Acres 287.0

Total Acres 287.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.

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

15. Basis of Claim: LICENSE

# Split

Alb3-09179 A

Alb3-09179 C

Carlos Post

4.24 total cfs

POD = same

POU = 6N3W S-36

\* only change: NWNE  
7 ac.

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

AFA = 1185.12

Cons. Use 917.

Alb3-09179 D

Jony Hackett

.40 cfs

POD = same

POU = 6N 3W S-36

NWNE

25 ac

AFA = 113.08

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-09179A  
Date Received: 2/14/1990  
Receipt No: C014697  
Received By: \_\_\_\_\_

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: SEP 29, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

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

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

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

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

10. Place of Use:

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

10. Place of Use: Continued

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

Section Acres 287.0

Total Acres 287.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

OWNERSHIP CHANGED BY LH 5/21/96.

CLAIM AMENDED PER APPROVED TRANSFER 5285. 3/25/99 LH

FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF  
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

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

RIGHT NUMBER: 63-31760

NAME AND ADDRESS: FIRST WESTERN CAPITAL COMPANY LLC  
PO BOX 548  
PARK CITY UT 84060-0548

~~HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION INC~~  
~~C/O FIRST WESTERN CAPITAL COMPANY LLC~~  
~~PO BOX 548~~  
~~PARK CITY UT 84060 0548~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS  
13.500 AFY

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

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01W S21 SWNE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/15 11/15          | 0.050 CFS<br>13.50 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ADA County

T05N R01W S21 SWNE 3.00

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by Transfer 70782 within one (1) year of the date of this approval.

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

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31494.

PROPERTY IS ALSO KNOWN AS LOT 14, BLK 1, HIGHPLAINS ESTATES SUBDIVISION.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

**Water Rights: 63-31760**

**NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion      ☐ Place of use
- ☐ Period of use      ☐ Nature of use
- ☐ Split of water right      ☐ Change in ownership
- ☐ Other
- ☐ IC § 42-219 license

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

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

DATED: February 3, 2009

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on February 3, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| Clerk of the District Court    | <input type="checkbox"/> overnight mail          |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered          |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile               |

### 2. Copies to:

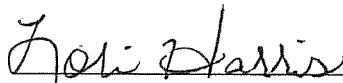
|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail          |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered          |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile               |

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail          |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> regular mail |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered          |
| Boise ID 83724                     | <input type="checkbox"/> facsimile               |

### 3. Copies to all parties to the subcase:

|                                   |                                                  |
|-----------------------------------|--------------------------------------------------|
| First Western Capital Company LLC | <input type="checkbox"/> overnight mail          |
| PO Box 548                        | <input checked="" type="checkbox"/> regular mail |
| Park City UT 84060-0548           | <input type="checkbox"/> hand-delivered          |
|                                   | <input type="checkbox"/> facsimile               |

|                                         |
|-----------------------------------------|
| <input type="checkbox"/> overnight mail |
| <input type="checkbox"/> regular mail   |
| <input type="checkbox"/> hand-delivered |
| <input type="checkbox"/> facsimile      |



Signature of person mailing this document



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Director

February 3, 2009

FIRST WESTERN CAPITAL COMPANY LLC  
PO BOX 548  
PARK CITY UT 84060-0548

Re: Water Right No. 63-31760

Dear Sir or Madam:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

LH:l  
Enclosures

cc: Lori Graves – SPF Water Engineering LLC

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

**RECEIVED****JAN 22 2009****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<br>Right No(s) | Adjudication<br>Claim No(s) | Split | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split |
|----------------------|-----------------------------|-------|----------------------|-----------------------------|-------|
| 63-31760             | 63-31760                    |       |                      |                             |       |
|                      |                             |       |                      |                             |       |
|                      |                             |       |                      |                             |       |
|                      |                             |       |                      |                             |       |

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) Shirley Adams Sharp  
10686 W. Pattic, Boise, ID 83714
4. New Owner/Claimant(s) First Western Capital Company, LLC  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address PO Box 548  
 City, State and ZIP Code Park City, UT 84060-0548
- New Telephone Number 435-649-3249
5. Date you acquired the property 10-18-2007

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<br>(If the right will not be split, skip this area and proceed to line 7) |                          |                                                              |
|----------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume | Description<br>(acres, number and type of stock, homes, etc) |
| Water Right and/or Adjudication Claim Number                                                                         |                          |                                                              |
| Irrigation                                                                                                           |                          |                                                              |
| Stock                                                                                                                |                          |                                                              |
| Domestic                                                                                                             |                          |                                                              |
| Other                                                                                                                |                          |                                                              |
| Totals                                                                                                               |                          |                                                              |
| Water Right and/or Adjudication Claim Number                                                                         |                          |                                                              |
| Irrigation                                                                                                           |                          |                                                              |
| Stock                                                                                                                |                          |                                                              |
| Domestic                                                                                                             |                          |                                                              |
| Other                                                                                                                |                          |                                                              |
| Totals                                                                                                               |                          |                                                              |
| Water Right and/or Adjudication Claim Number                                                                         |                          |                                                              |
| Irrigation                                                                                                           |                          |                                                              |
| Stock                                                                                                                |                          |                                                              |
| Domestic                                                                                                             |                          |                                                              |
| Other                                                                                                                |                          |                                                              |
| Totals                                                                                                               |                          |                                                              |

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.

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

*Ron Kashill fba*  
*FIRST WESTERN CAPITAL, LLC*  
*MANAGING MEMBER*

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For Office Use Only

Received by *[Signature]*  
Received by *DB*  
Processed by *[Signature]* AJ

Date *1-22-09*  
Date *1-22-09*  
Date *1-28-09*

Fee \$25  
Receipt No. *W037157*  
WR \_\_\_\_\_ Date \_\_\_\_\_

ADA COUNTY RECORDER J. L. NAVARRO  
BOISE IDAHO 10/18/07 12:21 PM  
DEPUTY Bonnie Oberbillig  
RECORDED - REQUEST OF  
Racine Olson

NAVARRO

AMOUNT 9.00

3



107143025

## TRUSTEE'S DEED

Conrad J. Aiken, hereinafter called "Trustee," under a Deed of Trust hereinafter particularly described, does hereby bargain, sell, and convey, without warranty to FIRST WESTERN CAPITAL, L.L.C., a Utah limited liability company, hereinafter called "Grantee," all of that certain real property situated in the County of Ada, State of Idaho, and more particularly described as follows, to wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE PART HEREOF AS IF SET FORTH HERE IN FULL;

(the "Property").

This conveyance is made pursuant to the powers conferred upon said Trustee by the Deed of Trust between HIGHPLAINS ESTATES LLC, an Idaho limited liability company, as Grantor, to TITLEONE CORPORATION as "Trustee," and FIRST WESTERN CAPITAL, L.L.C., a Utah limited liability company as Beneficiary, dated as of March 13, 2006, and recorded March 15, 2006, as Ada County Recorder's Instrument No. 106039944. The Beneficiary elected Conrad J. Aiken as Successor Trustee as shown by Instrument No. 107083897 recorded on June 12, 2007. All references to instrument numbers are to records of the Recorder's Office of Ada County, Idaho.

This Deed is issued pursuant to a sale which was made after the fulfillment of the conditions specified in said Deed of Trust which authorized this conveyance as follows:

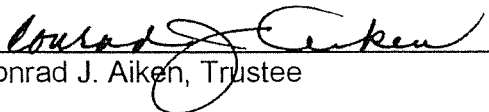
Notice of Default was recorded June 12, 2007, as Ada County Recorder's Instrument No. 107083898. The nature of such default is set forth in said Notice of Default. Such default still existed at the time of sale.

After recording the said Notice of Default, the Trustee gave notice of the time and place of sale of the Property by serving notice of said sale by Certified Mail, Return

Receipt Requested, upon the persons required to receive notice under Idaho Code § 45-1506(2), and by publication in the *Idaho Statesman*, a newspaper of general circulation in Ada County, Idaho, the county in which the Property is situated, as more fully appears in the Affidavit of Publication of said notice which was recorded at least twenty (20) days prior to the date of sale as Instrument No. 107105077 on the 25<sup>th</sup> day of July, 2007, records of Ada County, Idaho.

Sale was held on October 15, 2007, at 3 p.m., at the front entrance of the Ada County Courthouse in Boise, Idaho, at which time the Trustee received payment for the Property.

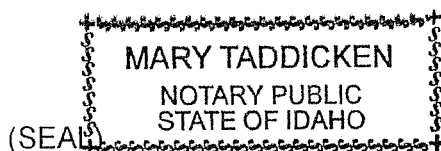
DATED this 18<sup>th</sup> day of October, 2007.

  
Conrad J. Aiken, Trustee

STATE OF IDAHO    )  
                              : ss.  
County of Ada        )

On this 18<sup>th</sup> day of October, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared **Conrad J. Aiken**, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



  
NOTARY PUBLIC FOR IDAHO  
Residing at: Boise, ID  
My Commission Expires: 9-12-13

**EXHIBIT A  
TO  
TRUSTEE'S DEED**

Lots 4, 6, 7, 8, 9 and 14 in Block 1 of HIGHPLAINS ESTATES SUBDIVISION, according to the official plat thereof, filed in Book 93 of Plats at Page(s) 11161 through 11164, official records of Ada County, Idaho.

Commonly Known as:  
7951-7800 N. Grand Ridge Ln, Eagle, ID 83616

20 9 12 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 104

|  |                                  |                 |                     |                    |                               |                                                                    |                                                                                                          |
|--|----------------------------------|-----------------|---------------------|--------------------|-------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
|  | REVISION<br>NO. DATE DESCRIPTION | DATE<br>11/2/71 | DESIGNED BY:<br>TSC | CHECKED BY:<br>CTS | PROJECT NO.<br>10100-1-214-20 | HIGHPLAINS ESTATES SUBDIVISION<br>IRRIGATED AREAS<br>SHIRLEY SHARP | PINNACLE<br>Engineers, Inc.<br>17512 N. Linderoth Dr. Tulsa, Ok. 74116, (918) 439-0100<br>(918) 461-1140 |
|  | ORIGINATOR BY:<br>TSC            | DATE<br>11/2/71 | DESIGNED BY:<br>TSC | CHECKED BY:<br>CTS | PROJECT NO.<br>10100-1-214-20 | HIGHPLAINS ESTATES SUBDIVISION<br>IRRIGATED AREAS<br>SHIRLEY SHARP | PINNACLE<br>Engineers, Inc.<br>17512 N. Linderoth Dr. Tulsa, Ok. 74116, (918) 439-0100<br>(918) 461-1140 |

RECEIVED

JAN 22 2009

WATER RESOURCES  
WESTERN REGION

January 20, 2009

Steve Lester  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

Subject:       Ownership Change (63-31760)  
                  Request for Extension of Time (63-31770)

Dear Steve,

Enclosed on behalf of First Western Capital Company, LLC is a Notice of Change in Water Right Ownership for water right 63-31760. This water right and water right 63-31759 were previously submitted for ownership change December 31, 2008 from Shirley Adams Sharp to Highplains Estates Subdivision Homeowners' Association, Inc. (see attached copy). As described below, only water right 63-31759 is currently owned by Highplains Estates Subdivision Homeowners' Association, Inc. Water right 63-31760 is currently owned by First Western Capital Company, LLC.

Highplains Estates Subdivision Homeowners' Association owns the common areas within the subdivision described as Lots 1, 5, 10, Block 1 that are listed on water right 63-31759. The association is also responsible for irrigation of a small strip of land between Lots 13 and 14. This area is part of Lot 14, which is why Lot 14 is also listed on the water right (see yellow highlighted area on the attached plat map).

First Western Capital, LLC is the current owner of Lot 14, Block 1 covered on water right 63-31760. First Western Capital recently received Lot 14 back from Highplains Estates LLC (Shirley Adams Sharp) in a trustee sale as evidenced by the attached trustee's deed. The acres listed on water right 63-31760 are irrigated from a private system separate from water right 63-31759.

Please change water right 63-31759 as requested 12/31/2008. Please change water right 63-31760 according to the attached ownership documentation. The processing fee for the ownership change is \$25.

Also enclosed on behalf of Highplains Estates Subdivision Homeowners' Association Inc. is a Request for Extension of Time to provide additional time in which to submit proof of beneficial use for water right permit 63-31770. The processing fee for the extension request is \$50.

Please find check No. 4537 enclosed to cover the required processing fees. Let me know if there are any questions. Thanks Steve.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Graves".

Lori Graves  
Water Rights Specialist

Cc: Ron Kadziel, Conrad Aiken

Enclosures

SPF file number: 765.0010

# Idaho Department of Water Resources Receipt

Receipt ID: W037157

---

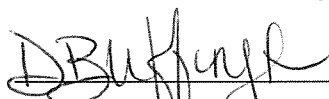
|                |                           |               |              |        |         |
|----------------|---------------------------|---------------|--------------|--------|---------|
| Payment Amount | \$75.00                   | Date Received | 1/22/09 3:15 | Region | WESTERN |
| Payment Type   | Check                     | Check Number  | 4537         |        |         |
| Payer          | SPF WATER ENGINEERING LLC |               |              |        |         |

Comments REQUEST FOR EXTENSION OF TIME TO SUBMIT PROOF OF BENEFICIAL USE:  
63-31770  
CHANGE OF OWNERSHIP: 63-31760

## Fee Details

| Amount  | Description                          | Fund | Fund Detail | PCA   | Subobject |
|---------|--------------------------------------|------|-------------|-------|-----------|
| \$50.00 | EXTENSIONS                           | 0229 | 21          | 62103 | 1155      |
| \$25.00 | OWNERSHIP CHANGES/SECURITY INTERESTS | 0229 | 21          | 62140 | 1155      |

---



Signature Line (Department Representative)

# REFUND REQUEST

TO: S. Sherman to Log In  
 FOR: C. Fritschle/D. Allen  
 FROM: Western Region Date: 1-23-09  
 SUBJ: Receipt No. \_\_\_\_\_ (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR SPF Water Engineering LLC  
 Address \_\_\_\_\_

Claimant(s) if NOT Payor First Western Capital Co. LLC  
 Refund Amount \$ 25.00 Claim Location (Region) Claimant)  
 Extension Filed? Y/N (NA) Copy Attached? Y/N (NA)  
 Late Fees Paid? Y/N (NA) Late Fee Receipt # \_\_\_\_\_  
 S.O. Verified Ext. by \_\_\_\_\_ on \_\_\_\_\_ D.B. Query by \_\_\_\_\_  
 Refund Generated By (X) Agent ( ) Claimant  
 Refund Category:  
 insufficient fees / claim incomplete / withdrawn (o-pmt)

Date of Last Correspondence (copy attached) \_\_\_\_\_

| Claim No.       | Use*          | Fees Paid      | Correct Fee | Rec't #        |
|-----------------|---------------|----------------|-------------|----------------|
| <u>63-31760</u> | <u>Irrig.</u> | <u>\$25.00</u> | <u>0</u>    | <u>W037157</u> |
| _____           | _____         | \$ _____       | _____       | _____          |
| _____           | _____         | \$ _____       | _____       | _____          |
| _____           | _____         | \$ _____       | _____       | _____          |
| _____           | _____         | \$ _____       | _____       | _____          |
| Total .....     |               | <u>\$25.00</u> | <u>\$ 0</u> |                |

\*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached Y/N  
Claim not decreed in SRBA, ownership change fee not required.

Region AJ Spvsr. Approval [Signature] S.O. AJ Spvsr. Approval \_\_\_\_\_  
 C. Fritschle Approval \_\_\_\_\_ Hold \_\_\_\_\_ To Fiscal \_\_\_\_\_  
 Data Base Modified? Y/N NA A &/or R Records By \_\_\_\_\_ on \_\_\_\_\_

05/19/94

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

RIGHT NUMBER: 63-31760

NAME AND ADDRESS: HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION INC  
C/O FIRST WESTERN CAPITAL LLC  
PO BOX 548  
PARK CITY UT 84060

~~SHIRLEY ADAMS SHARP~~  
~~10686 W PATTIE~~  
~~BOISE ID 83714~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS  
13.500 AFY

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

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01W S21 SWNE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/15 11/15          | 0.050 CFS<br>13.50 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ADA County

T05N R01W S21 SWNE 3.00

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by Transfer 70782 within one (1) year of the date of this approval.

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

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31494.

PROPERTY IS ALSO KNOWN AS LOT 14, BLK 1, HIGHPLAINS ESTATES SUBDIVISION.

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

**Water Rights:** 63-31759, 63-31760

**NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion      ☐ Place of use
- ☐ Period of use      ☐ Nature of use
- ☐ Split of water right      ☐ Change in ownership
- ☐ Other
- ☐ IC § 42-219 license

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

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

DATED: January 15, 2009

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on January 15, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

### 1. Original to:

|                                |                                     |                |
|--------------------------------|-------------------------------------|----------------|
| Clerk of the District Court    | <input type="checkbox"/>            | overnight mail |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 2707                  | <input type="checkbox"/>            | hand-delivered |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/>            | facsimile      |

### 2. Copies to:

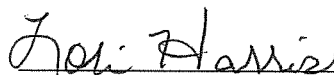
|                                 |                                     |                |
|---------------------------------|-------------------------------------|----------------|
| Clive Strong                    | <input type="checkbox"/>            | overnight mail |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> | regular mail   |
| P.O. Box 44449                  | <input type="checkbox"/>            | hand-delivered |
| Boise, ID 83711-4449            | <input type="checkbox"/>            | facsimile      |

|                                    |                                     |                |
|------------------------------------|-------------------------------------|----------------|
| United States Dept of Justice      | <input type="checkbox"/>            | overnight mail |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> | regular mail   |
| 550 West Fort Street MSC 033       | <input type="checkbox"/>            | hand-delivered |
| Boise ID 83724                     | <input type="checkbox"/>            | facsimile      |

### 3. Copies to all parties to the subcase:

|                                    |                                     |                |
|------------------------------------|-------------------------------------|----------------|
| Highplains Estates Sub. Homeowners | <input type="checkbox"/>            | overnight mail |
| c/o First Western Capital LLC      | <input checked="" type="checkbox"/> | regular mail   |
| PO Box 548                         | <input type="checkbox"/>            | hand-delivered |
| Park City UT 84060                 | <input type="checkbox"/>            | facsimile      |

|                     |                                     |                |
|---------------------|-------------------------------------|----------------|
| Shirley Adams Sharp | <input type="checkbox"/>            | overnight mail |
| 10686 W Pattie      | <input checked="" type="checkbox"/> | regular mail   |
| Boise ID 83714      | <input type="checkbox"/>            | hand-delivered |
|                     | <input type="checkbox"/>            | facsimile      |



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

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

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

January 15, 2009

HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS ASSN INC  
C/O FIRST WESTERN CAPITAL LLC  
PO BOX 548  
PARK CITY UT 84060

Re: Water Right Nos. 63-31759, 63-31760

Dear Mr. Kadziel:

Enclosed are copies of the above referenced water rights, which reflect the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

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

Sincerely,

A handwritten signature in black ink that reads "Lori Harris". The signature is written in a cursive, flowing style.

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

LH:l  
Enclosures

cc: Conrad Aiken – Racine, Olson, Nye, Budge & Bailey

RECEIVED

JAN 05 2009

DEPARTMENT OF  
WATER RESOURCES

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

*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 IDWR will produce new water right number(s) for the split(s).

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split(s) |
|----------------------|-----------------------------|----------|----------------------|-----------------------------|----------|
| 63-31759             | 63-31759                    |          |                      |                             |          |
| 63-31760             | 63-31760                    |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |
|                      |                             |          |                      |                             |          |

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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** or equivalent **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)

Shirley Adams Sharp

10686 West Pattie

Boise, ID 83713

4. New Owner/Claimant(s)

HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS' ASSOCIATION, INC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

c/o First Western Capital, LLC

New Mailing Address

P.O. Box 548, Park City, UT 84060

City, State and ZIP Code

New Telephone Number

435-649-9556

Email: rkadziel@parkcityloans.com

SCANNED

JAN 06 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Water Right and/or Adjudication Claim Number _____                                                                   |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| Water Right and/or Adjudication Claim Number _____                                                                   |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |
| Water Right and/or Adjudication Claim Number _____                                                                   |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| Totals                                                                                                               |                                                                            |                                                              |

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.

HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS' ASSOCIATION, INC.

7. Signature(s) of New Owner(s) or Claimant(s) By:

Ron Kadziel, President

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by \_\_\_\_\_

Date 1-8-09

Receipt Amt. \$114

Received by \_\_\_\_\_

Date \_\_\_\_\_

Receipt No. \_\_\_\_\_

Processed by AJ

Date 1-13-09

WR \_\_\_\_\_

Date \_\_\_\_\_



## DEED

THIS DEED is made and executed by SHIRLEY ADAMS SHARP, hereinafter referred to as "Grantor," to HIGHPLAINS ESTATES SUBDIVISION HOMEOWNERS' ASSOCIATION, INC. hereinafter referred to as "Grantee," whose address is c/o First Western Capital, L.L.C., P.O. Box 548, Park City, UT 84060.

Grantor hereby grants, transfers and conveys to Grantee all of Grantor's interest in the following Water Rights which are appurtenant to the places of use described with each Water Right:

1. IDWR Water Right Number 63-31759 appurtenant to 8 acres in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  and 1 acre in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 21, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho;
2. IDWR Water Right Number 63-31760 appurtenant to 3 acres in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 21, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho;
3. IDWR Water Right Number 63-31761 appurtenant to 3 acres in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 21, Township 5 North, Range 1 West of the Boise Meridian, Ada County, Idaho.

This is not a conveyance of any real property other than the Water Rights described above.

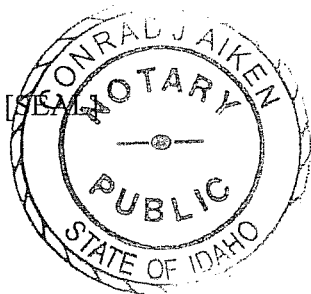
Dec. 4 - 2008  
Date

Shirley Adams Sharp  
Shirley Adams Sharp

STATE OF IDAHO                    )  
                                                  ss:  
County of Ada                    )

On this 4<sup>th</sup> day of December, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Shirley Adams Sharp, known or identified to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Conrad Jaiken  
Notary Public for Idaho  
Residing at EAGLE  
My commission expires 8-31-10

RECEIVED

RECEIVED

JAN 08 2009

JAN 05 2009

LAW OFFICES OF

WATER RESOURCES  
WESTERN REGION**RACINE OLSON NYE BUDGE & BAILEY  
CHARTERED**101 SOUTH CAPITOL BOULEVARD  
SUITE 208  
BOISE, IDAHO 83702TELEPHONE (208) 395-0011  
FACSIMILE (208) 433-0167

WWW.RACINELAW.NET

SENDER'S E-MAIL ADDRESS: CJA@RACINELAW.NET

W. MARCUS W. NYE  
RANDALL C. BUDGE  
JOHN A. BAILEY, JR.  
JOHN R. GOODELL  
JOHN B. INGELSTROM  
DANIEL C. GREEN  
BRENT O. ROCHE  
KIRK B. HADLEY  
FRED J. LEWIS  
ERIC L. OLSEN  
CONRAD J. AIKEN  
RICHARD A. HEARN, M.D.  
DAVID E. ALEXANDER  
LANE V. ERICKSON  
PATRICK N. GEORGE  
SCOTT J. SMITH  
STEPHEN J. MUHONEN  
BRENT L. WHITING  
JUSTIN R. ELLIS  
JOSHUA D. JOHNSON  
JOHANTHON S. BYINGTON  
DAVE BAGLEY  
CAROL TIPPI VOLYN  
THOMAS J. BUDGE  
CANDICE M. MCHUGH  
JONATHAN M. VOLYN  
MARK A. SHAFFER

DEPARTMENT OF  
WATER RESOURCES

POCATELLO OFFICE  
201 EAST CENTER STREET  
POST OFFICE BOX 1391  
POCATELLO, IDAHO 83201  
TELEPHONE: (208) 232-6101  
FACSIMILE: (208) 232-6109

IDAHO FALLS OFFICE

477 SHOUP AVENUE  
SUITE 203A  
IDAHO FALLS, ID 83402  
TELEPHONE: (208) 528-6101  
FACSIMILE: (208) 528-6109

COEUR D'ALENE OFFICE

250 NORTHWEST  
BOULEVARD, SUITE 106A  
COEUR D'ALENE, ID 83814  
TELEPHONE: (208) 765-6888

ALL OFFICES TOLL FREE  
(877) 232-6101

LOUIS F. RACINE (1917-2005)  
WILLIAM D. OLSON, OF COUNSEL

December 31, 2008

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

**Re: Notice of Change in Water Right Ownership and Assignment of Permit**

Dear Ladies and Gentlemen:

Please find enclosed the following documents:

1. IDWR Notice of Change in Water Right Ownership for Water Rights No. 63-31759 and 63-31760 (including a photocopy of the most recent Deed by which the water rights have been transferred);
2. Assignment of Permit No. 63-31770.

Finally, please find enclosed a check payable to IDWR in the amount of \$25 to cover the filing fees associated with these documents.

Yours very truly,

  
CONRAD J. AIKEN

CJA:mt  
Enclosures

N:\CJA\9000\34329 High Plains\2008\IDWR ltr.doc

RECEIVED

JAN 06 2009

08/18/2006

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

RIGHT NUMBER: 63-31760

NAME AND ADDRESS: SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE ID 83714

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.050 CFS  
13.500 AFY

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

PRIORITY DATE: 09/29/1978

POINT OF DIVERSION:

T05N R01W S21 SWNE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/15 11/15          | 0.050 CFS<br>13.50 AFY |

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County  
T05N R01W S21 SWNE 3.00

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by Transfer 70782 within one (1) year of the date of this approval.

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

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

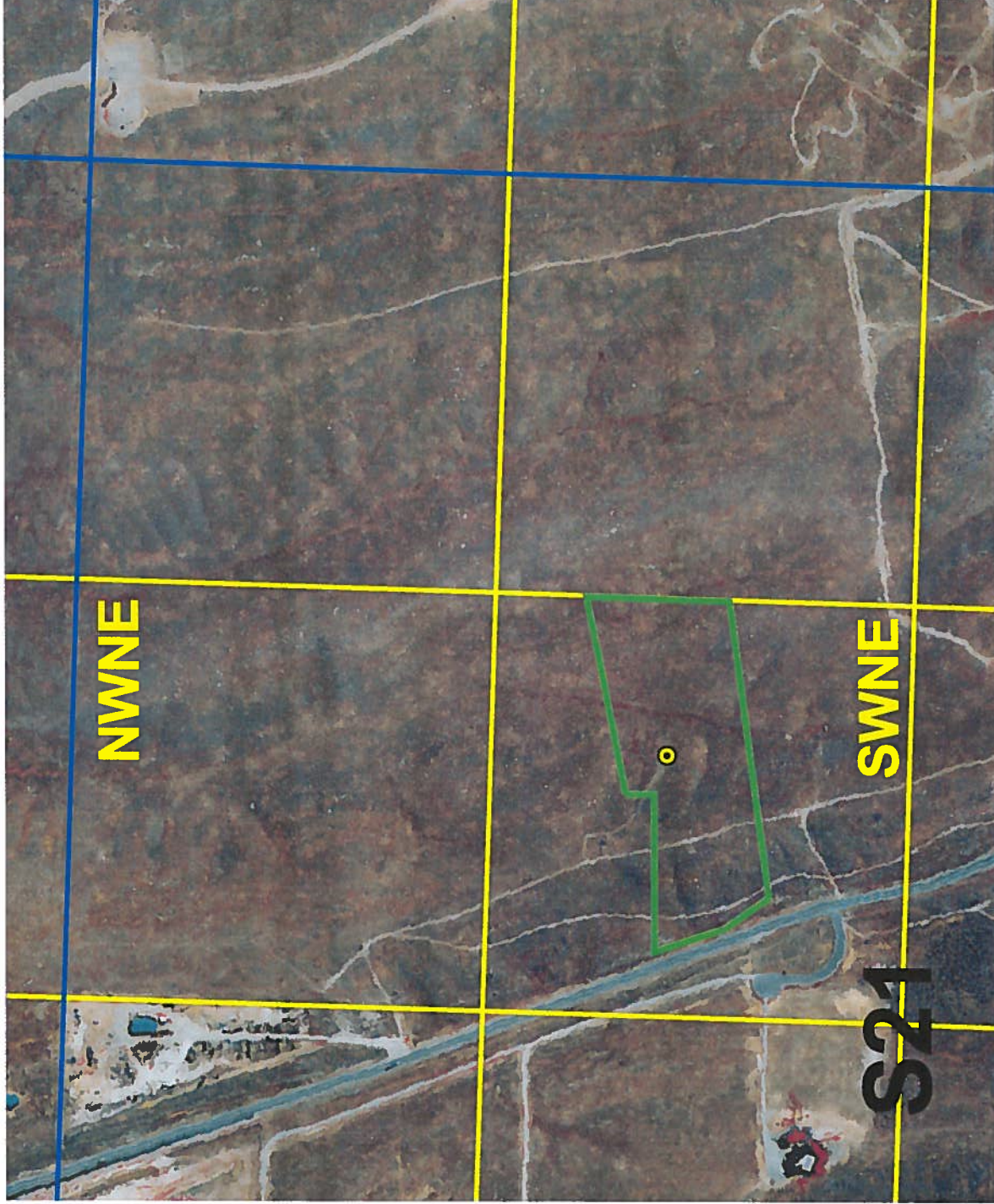
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31494.

PROPERTY IS ALSO KNOWN AS LOT 14, BLK 1, HIGHPLAINS ESTATES SUBDIVISION.

# Idaho Department of Water Resources

**T05N, R01W,  
S21**

Claim No: 63-31760  
Prepared By: Kimberly Brown  
Date: August 18, 2006



Place of Use



Section Lines

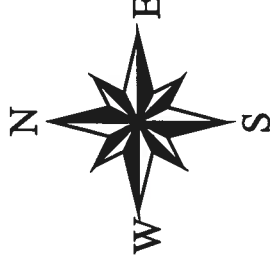


1/4 1/4



Point of Diversion

**Acres Irrigated = 3**



**2000 NAPP**

09/29/2006

NOTICE OF ERROR  
REPLY

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

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

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

Water right number: 63-31760

SHIRLEY ADAMS SHARP  
10686 W PATTIE  
BOISE ID 83714

Telephone Number: (208)378-4623

RECEIVED

OCT 19 2006

WATER RESOURCES  
WESTERN REGION

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

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

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

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

DATE: 10-13-06

SIGNATURE: Shirley Adams Sharp

Please print your name: Shirley Adams Sharp

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

Transfer No. 70782

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-31760 ✓

-2004

WATER RIGHT NUMBER: 63-31760

| <u>Owner Type</u> | <u>Name and Address</u>                                                              |
|-------------------|--------------------------------------------------------------------------------------|
| Original Owner    | CARLES MONTE POST<br>6000 LITTLE FREEZEOUT RD<br>CALDWELL, ID 83607<br>(208)453-8886 |
| Current Owner     | SHIRLEY ADAMS SHARP ✓<br>10686 W PATTIE<br>BOISE, ID 83714<br>(208)378-4623          |

8/18/06  
In-office verification.  
Kimberly Brown

Priority Date: 09/29/1978 ✓

Basis: License ✓

Status: Active

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION ✓          | 03/15 to 11/15 ✓        | 0.050 CFS ✓           | 13.50 AF ✓           |
|                       | <u>Total Diversion:</u> | 0.050 CFS ✓           | 13.50 AF ✓           |

Location of Point(s) of Diversion

GROUND WATER

ADA County ✓

SW1/4NE1/4 ✓

Sec. 21, Twp 05N, Rge 01W, B.M. ✓

Place of Use

IRRIGATION ✓

| Twp | Rge | Sec | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-----|-----|-----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 05N | 01W | 21  |    |    | 3.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 3.0    |

Total Acres: 3 ✓

Parcel No: R3616840140.

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-31494.
2. S39 ✓ THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 AND AFTER NOVEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. 01M ✓ After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

ADD- Point of diversion and POU are located within  
J01 Lot 14, Blk 1, High Plains Estates Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31760

4. ~~T07~~ ✓ The right holder shall accomplish the change authorized by Transfer 70782 within one (1) year of the date of this approval.
5. ~~J01~~ ✓ PROPERTY IS ALSO KNOWN AS LOT 14, BLK 1, HIGHPLAINS ESTATES SUBDIVISION.
6. ~~R65~~ ✓ This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. ~~T08~~ ✓ Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

Comments:

1. pskaggs 2/13/2004 10:54:34 AM Transferred Right  
Comment: This is now an approved transfer, transfer number = 70782

Water Supply Bank: