

06/10/2015

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

RIGHT NUMBER: 37-21650

NAME AND ADDRESS: JOYCE A PIERCE
BRADLEY J ASTLE
1796 E 1800 S
GOODING ID 83330

CAROL NELSON
WARREN R NELSON
1796 E 1800 S
GOODING ID 83330

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T05S R14E S36 SESE Within GOODING County
~~T06S R15E S03 SNNW Within GOODING County~~

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	0.040 CFS
PLACE OF USE: IRRIGATION in GOODING County		
T05S R14E S36 SESE	1.40	
1.4 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.

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

~~Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.~~

~~Water is delivered through the Slough Ditch.~~

This right is a split from former right 37-21172.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

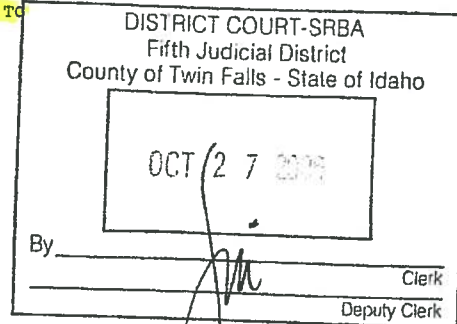
This right does not grant any right-of-way or easement across the land of another.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 37-M.

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)
)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21650



NAME AND ADDRESS: CAROL NELSON
WARREN R NELSON
1796 E 1800 S
GOODING, ID 83330

SOURCE: LITTLE WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.04 CFS

PRIORITY DATE: 04/01/1983

POINT OF DIVERSION: T06S R15E S03 SNNW Within Gooding County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.40 CFS

PLACE OF USE: Irrigation Within Gooding County
T05S R14E S36 SESE 1.4
1.4 Acres Total

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

Delivery of this right is subject to the water exchange provisions contained in Bureau of Reclamation contract no. 14-06-W-73, executed October 14, 1954, between the United States of America and American Falls Reservoir District No. 2, as supplemented by Bureau of Reclamation contract no. 14-06-100-6031, executed June 1, 1962, between and among the United States of America, American Falls Reservoir District No. 2, and the Big Wood Canal Company.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

May 13, 2004

3/2/2006

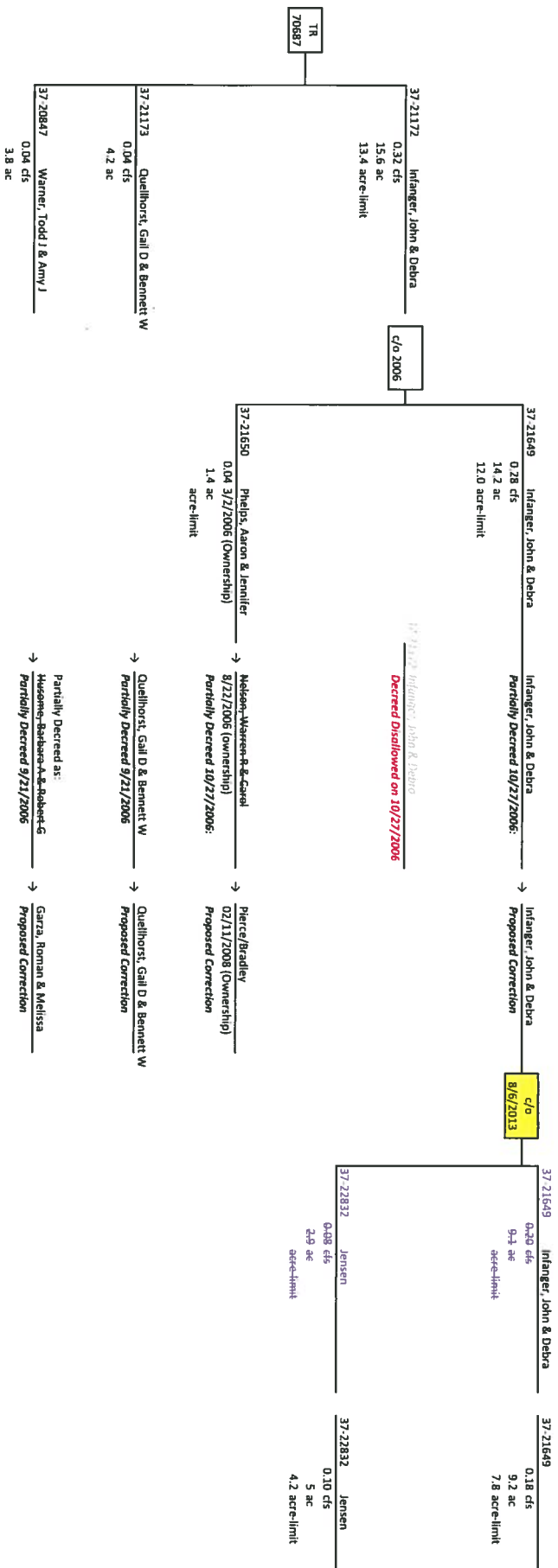
Should be:

10/27/2006

Currently on the Database

Currently on the Database

Should be:



11/17/2003

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

RIGHT NUMBER: 37-21172

NAME AND ADDRESS: DEBRA A INFANGER
1821 S 1800 E
GOODING ID 83330

JOHN N INFANGER
1821 S 1800 E
GOODING ID 83330

SOURCE: LITTLE WOOD RIVER

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.320 CFS

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T06S R15E S3 SWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.320 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S36 SESE 13.4

13.4 ACRES TOTAL

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

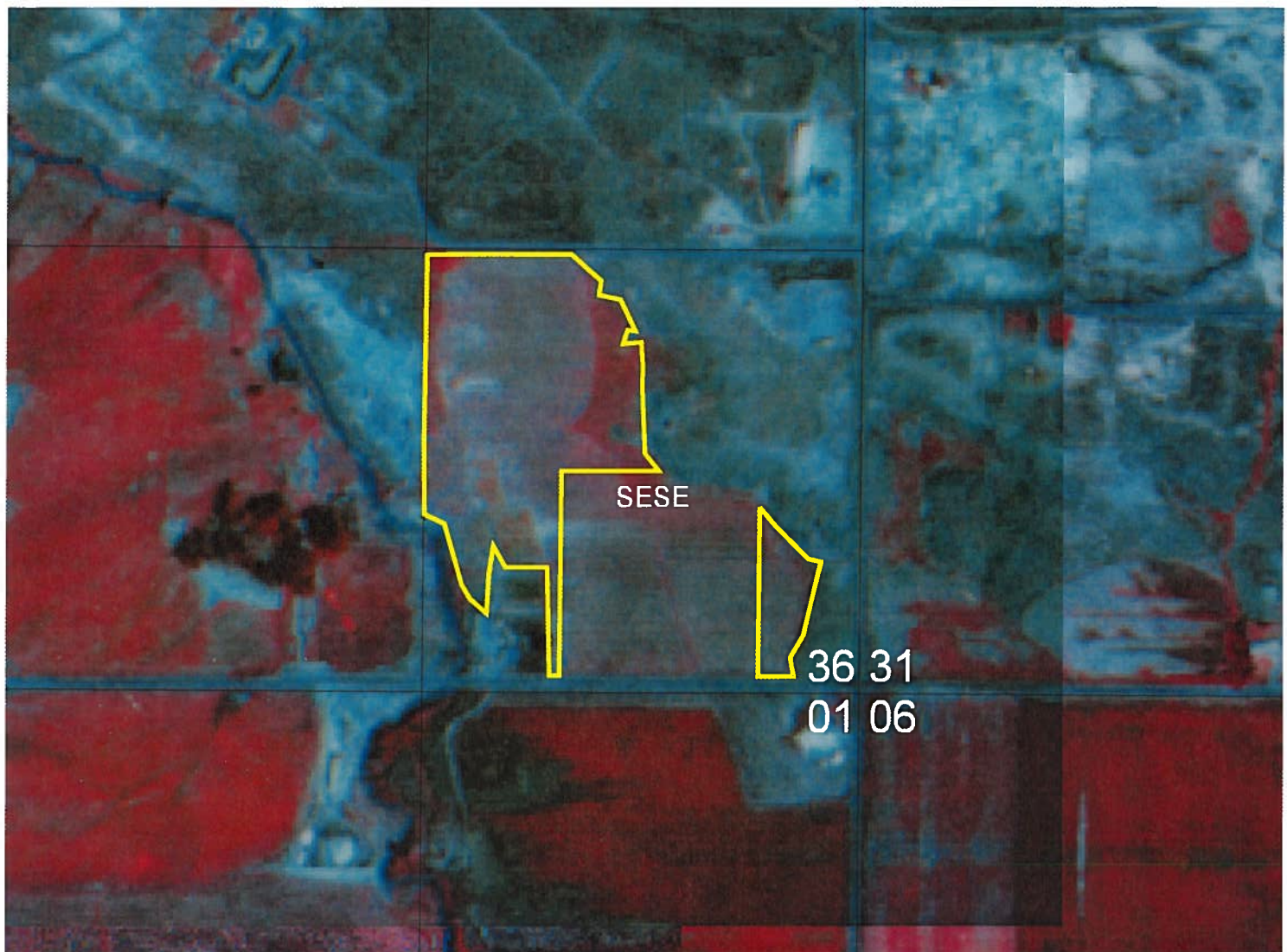
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

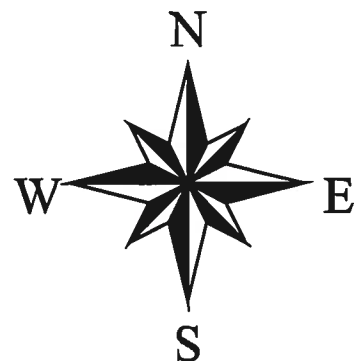
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH THE SLOUGH DITCH.

07 01130

[illegible]

T05S R14E S36



Map prepared by: Carter Fritschle
Date prepared: 11/14/03
1987-1988 NAPP photography
Idaho Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-21172
Date Received: 11/4/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DEBRA A INFANGER Phone: (208)934-5738
1821 S 1800 E
GOODING ID 83330

JOHN N INFANGER Phone: (208)934-5738
1821 S 1800 E
GOODING ID 83330

2. Date of Priority: 04/01/1883

3. Source: LITTLE WOOD RIVER Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	15E	3	NE SW NW	GOODING	

5. Description of diverting works:

SLOUGH HEADGATE #93

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	04/01 11/01	0.32	

7. Total Quantity Appropriated is:

0.32 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	14E	36	SE	SE	IRRIGATION	14
					Section Acres	14
					Total Acres	14

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20846.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 5, 2003

JOHN INFANGER
DEBRA INFANGER
1821 S 1800 E
GOODING ID 83330

RE: SRBA Claim(s) 37-20846 (Part)

Dear Mr. and Mrs. Infanger:

Pursuant to the notification that you sold a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion is renumbered 37-21172.

Enclosed please find your copy of the computer-generated claim. Review the document and should you have any questions or corrections, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett', is written over the printed name.

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED
OCT 02 2003
Department of Water Resources
Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-193B	37-193A	X			
	37-208410				

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

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

Name and Address of Former Owner/Claimant(s) John N. & Debra A. Infanger
1821 S. 1800 E., Gooding, ID 83330

New Owner/Claimant(s) Bennett William Paul Quellhorst and Gaile Darlene Quellhort
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address 1786 East 1800 South

City, State and ZIP Code Gooding, ID 83330

New Telephone Number ()

Date you acquired the property September 2003

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>two (2) Miner inches</u>	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Bennett William Paul Quellhorst

Gail Darlene Quellhorst

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

For Office Use Only

Received by <u>[Signature]</u>	Date <u>10/2/03</u>	Fee <u>NA</u>
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	Date _____	WR _____ Date _____

WARRANTY DEED

#GG-04804

For Value Received

John N. Infanger and Debra A. Infanger, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Bennett William Paul Quellhorst and Gail Darlene Quellhorst, husband and wife
Address: 1786 East 1800 South, Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 14 EAST, OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: A parcel of land located in the Southeast Quarter of the Southeast Quarter, more particularly described as follows:

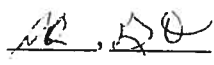
Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 89°54'06" West a distance of 600.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
Thence North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North 00°13'53" East a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 89°54'06" East a distance of 300.00 feet parallel with the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence South 00°13'53" West a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

SUBJECT TO the rights of a public road which affects the Southerly 25.00 feet thereof.

This property is subject to the following deed restriction: Purchasers may not sell any portion of this 4.56 acre parcel separate from the entire 4.56 acres. This restriction shall be valid for 10 years from September 4, 2003.

Instrument # 202942

GOODING, GOODING, IDAHO
2003-09-30 02:34:08 No. of Pages: 2
Recorded for : LAND TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy


SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2003 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Individual Easement given by John N. Infanger to Intermountain Gas Company, a Corporation dated March 28, 2003, recorded April 1, 2003 as Instrument Number 199925, Gooding County records, affecting a parcel of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14 East, Boise Meridian, Gooding County, Idaho.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to two (2) miner inches of water delivered from the Slough Ditch, being split from Water Right No. 37-193B filed with the State of Idaho, Department of Water Resources.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

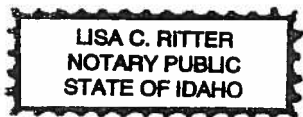
Dated: September 22, 2003

John N. Infanger
John N. Infanger

Debra A. Infanger
Debra A. Infanger

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 25 day of **September, 2003**, before me, the undersigned, a Notary Public in and for said State, personally appeared **John N. Infanger and Debra A. Infanger**, 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]
Notary Public
Residing at: Hagerman ID
My Commission expires: 10/06/04

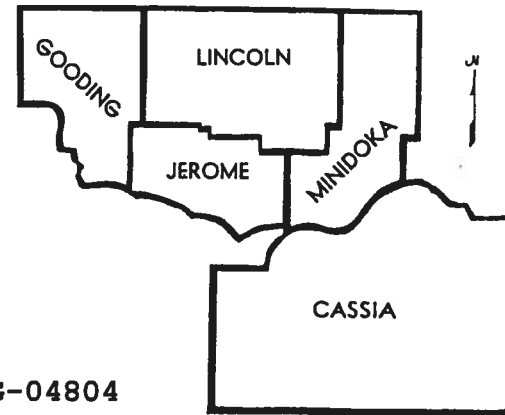
24 25
35 36

2
36



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GG-04804
OFFICE: Gooding

September 30, 2003

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RECEIVED
OCT 02 2003
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Infanger to Quellhorst
Cert Mail #7002 2410 0006 2715 8065

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on John N. & Debra A. Infanger
for Water Right Number 37-193B
- Copy of Deed #202942
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script, appearing to read "Doreen Cox".

Doreen Cox
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc: Bennett William Paul & Gail Darlene Quellhorst

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 37-20846
Date Received: 1/7/2003
Receipt No:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

DEBRA A INFANGER
1821 S 1800 E
GOODING ID USA 83330

Phone: (208)934-5738

JOHN N INFANGER
1821 S 1800 E
GOODING ID USA 83330

Phone: (208)934-5738

2. Date of Priority: 04/01/1883

3. Source: LITTLE WOOD RIVER

Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	15E	3	NE SW NW	GOODING	

5. Description of diverting works:

SLOUGH HEADGATE #93

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.36	

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

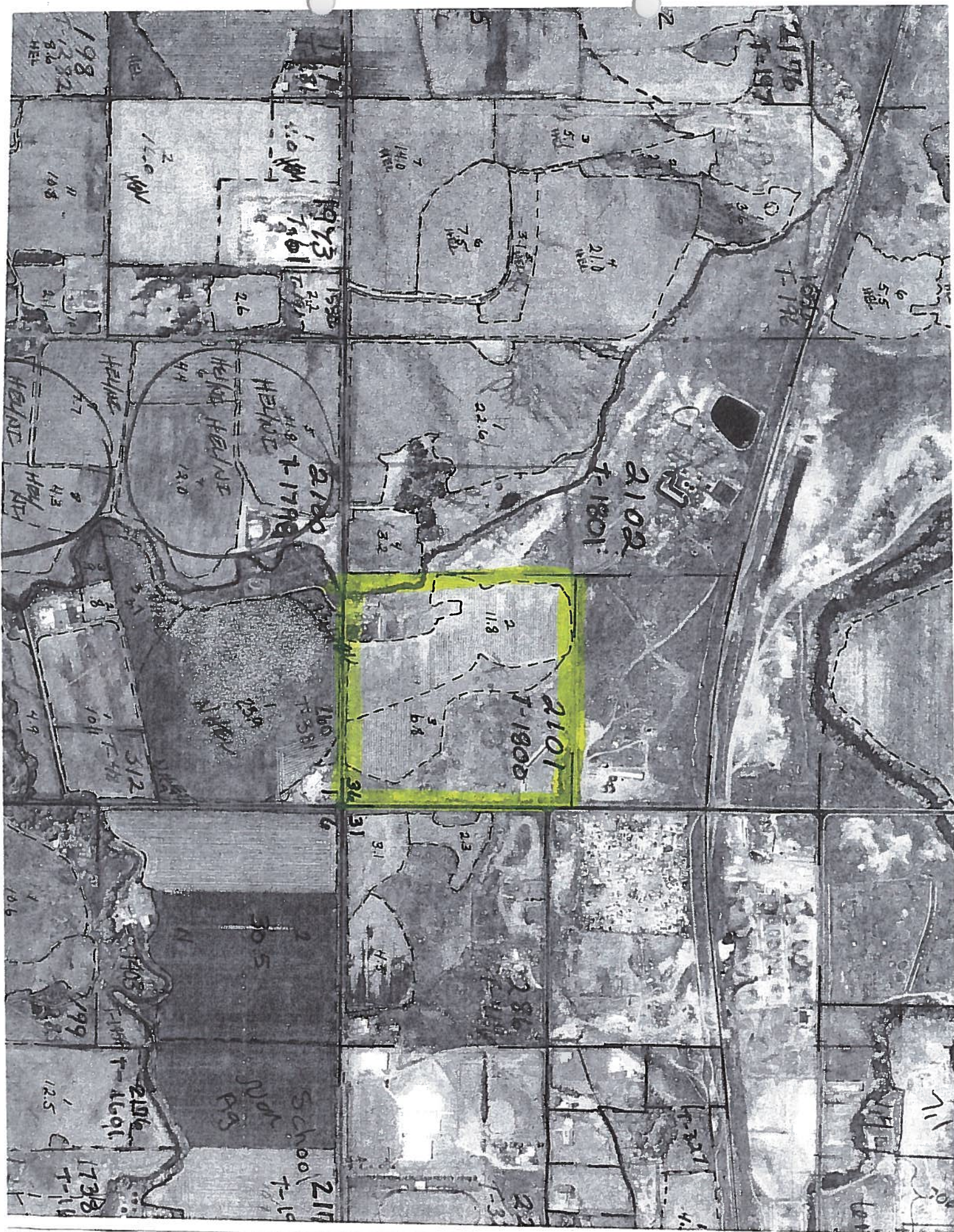
8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

2



WARRANTY DEED

#GG-03877

For Value Received

John N. Infanger and Debra A. Infanger, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto:

Todd J. Warner and Amy J. Warner, husband and wife
Address: 1794 East 1800 South, Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to wit:

TOWNSHIP 5 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO**Section 36:** A parcel of land located in the Southeast Quarter of the Southeast Quarter more particularly described as follows:

Beginning at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Thence North 89°54'06" West a distance of 300.00 feet along the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
 Thence North 89°54'06" West a distance of 300.00 feet along the southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Thence North 00°13'53" East a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Thence South 89°54'06" East a distance of 300.00 feet parallel with the Southerly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Thence South 00°13'53" West a distance of 661.40 feet parallel with the Easterly boundary of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the TRUE POINT OF BEGINNING.

This property is subject to the following deed restriction: Purchasers may not sell any portion of this 4.56 acre parcel separate from the entire 4.56 acres. This restriction shall be valid for 10 years from October 31, 2002.

SUBJECT TO:**Instrument # 198018**

GOODING, GOODING, IDAHO

2002-11-25

02:11:24 No. of Pages: 2

Recorded for: LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy *Penny Watson* Fee: \$ 00

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2002, which are not yet due or payable.

2002 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20 of the current year.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by Edwin W. Dwyer, a single man to Idaho Power Company, a corporation, dated April 17, 1939, recorded October 13, 1939 in Book 4 at Page 349 as Instrument Number 74706, Gooding County records, affecting the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to two(2) miners inches of water delivered from the Slough Ditch, being split from Water Right No. 37-193B filed with the State of Idaho, Department of Water Resources.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns

of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantee is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all (lawful) claims whatsoever.

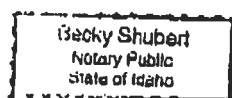
Dated: November 26, 2002

John N. Infanger
John N. Infanger

Debra A. Infanger
Debra A. Infanger

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 27 day of November, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared John N. Infanger and Debra A. Infanger, 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.



Becky Shubert
Notary Public
Residing at Westfield Dr
My Commission expires 02-2-03

WARRANTY DEED

#G01-03132

For Value Received

Nancy Ballard as Personal Representative of the Estate of Charles M. Luther, deceased, pursuant to Letters Testamentary, Dated March 13, 2001, Case number SP-01-00041, Gooding County Fifth Judicial District, recorded as Instrument number 189746, Gooding County records

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Clive A. Pope and Vivian H. Pope, husband and wife
Address: 1773 East 1850 South, Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36. SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36 SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the railroad;

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Instrument # 193076
GOODING, GOODING, IDAHO
2001-11-30 02:08:04 No. of Pages: 2
Recorded for LAND TITLE
HELEN EDWARDS
Es-Officer Recorder, Deputy
FEB 6 2004
JAN 11 2004

Taxes subsequent to the year 2001, which are not yet due or payable.

2001 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20 of the current year.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by R.W. Houston and Gertrude Houston, his wife to Idaho Power Company, a corporation, dated November 15, 1913, recorded December 1, 1913 in Book 1 at Page 190 as Instrument Number 1632, Gooding County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by R.F. Bliss and Orta Bliss, his wife to Idaho Power Company, a corporation, dated June 21, 1935, recorded April 22, 1936 in Book 4 of Miscellaneous at Page 45 as Instrument Number 64395, Gooding County records, affecting SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Edwin W. Dwyer, a single man to Idaho Power Company, a corporation, dated April 17, 1939, recorded October 13, 1939 in Book 4 at Page 349 as Instrument Number 74700, Gooding County records, affecting the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by R.F. Bliss and Ora Bliss, his wife to Idaho Power Company, a corporation, dated April 4, 1940, recorded September 6, 1940 in Book 4 of Miscellaneous at Page 429 as Instrument

Number 78119, Gooding County records, affecting SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Easement given by R.F. Bliss and Owa E. Bliss to The Mountain States Telephone and Telegraph Co. the right, privilege and authority to construct, operate and maintain its lines, dated November 25, 1941, recorded May 23, 1942 in Book 5 of Miscellaneous at Page 131 as Instrument Number 84174, Gooding County records, affecting the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Charles M. Luther, unmarried to Idaho Power Company, a corporation, dated July 31, 1967, recorded February 23, 1968 as Instrument Number 24412, Gooding County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

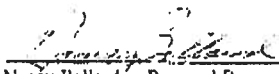
Unrecorded lease executed by Charles M. Luther, Lessor, and City of Gooding, Lessee, upon the terms, conditions and provisions contained therein, constructive notice of which is given by instrument recorded July 28, 1985, as Instrument No. 115623, Gooding County records.

Addendum to Easement by and between Faulkner Land and Livestock, Inc., an Idaho Corporation and Charles Luther, a single man, dated July 23, 1981, recorded June 28, 1985 as Instrument Number 115623, Gooding County records, affecting the SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 30 shares of stock in Big Wood Canal Company and twenty inches of decreed water delivered from the slough ditch identified as License No. 37-0193.

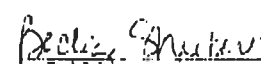
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 29, 2001


Nancy Ballard as Personal Representative
of the Estate of Charles M. Luther, Deceased

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 20th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Nancy Ballard, known or identified to me to be the person whose name is subscribed to the within instrument as Personal Representative of the Estate of Charles M. Luther, and acknowledged to me that she executed the same as such Personal Representative.


Notary Public
Residing at: Wendell, ID
My Commission expires: 02-23-05

This document is being re-recorded to correct the date of the document.

WARRANTY DEED

#000 03289

To the Value Received

Clive A. Pope and Vivian H. Pope, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

John N. Infanger and Debra A. Infanger, husband and wife
Address: 301 S. W. 18th St., Gooding, ID 83330

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO:

All reservations on patents or deeds in the chain of title.

Taxes for 2002 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Power Line Easement given by R.W. Houston and Gertrude Houston, his wife to Idaho Power Company, a corporation, dated November 15, 1913, recorded December 1, 1913 in Book 1 at Page 190 as Instrument Number 1632, Gooding County records, affecting the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Edwin W. Dwyer, a single man to Idaho Power Company, a corporation, dated April 17, 1939, recorded October 13, 1939 in Book 4 at Page 349 as Instrument Number 74706, Gooding County records, affecting the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

Addendum to Easement by and between Faulkner Land and Livestock, Inc., an Idaho Corporation and Charles Luther, a single man, dated July 23, 1981, recorded June 28, 1985 as Instrument Number 115623, Gooding County records, affecting the SE $\frac{1}{4}$ of Section 36, Township 5 South, Range 14, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 20 inches of decreed water delivered from the slough ditch identified as License No. 37-0193.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises, that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated February 9, 2002

Clive A. Pope

Vivian H. Pope

Instrument # 193844
GOODING, GOODING, IDAHO
2002-02-04 02:48:28 No. of Pages: 2
Recorded for: LAND TITLE
HELEN EDWARDS
Ex-Office Recorder Deputy *H. Edwards*

Instrument # 194192 *Re-recorded*
GOODING, GOODING, IDAHO
2002-02-28 02:28:18 No. of Pages: 2
Recorded for: LAND TITLE
HELEN EDWARDS
Ex-Office Recorder Deputy *H. Edwards*

Name: 00194192.001
Dimensions: 2528 x 4186 pixels

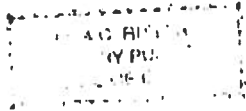
Page 2 of Warrant, Direct

STATE OF IDAHO)

) ss.

COUNTY OF Gooding)

On this 27 day of February, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Clive A. Pope and Vivian H. Pope, 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.



Notary Public

Residing at 440 E. 1st St., P.O. Box 111My Commission expires: 12/31/04