

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: A37-11113
Date Received: 9/ 1/1988
Receipt No: N001136
Received By: _____

~~COPY FOR
YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR
YOUR FILES~~

1. Name: SAWTOOTH CATTLE CO 208-934-5359
Address: 1706 E 2350 S
GOODING ID 83330

2. Date of Priority: JUN 1, 1943

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	36	SE	SE	NE		GOODING

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	36	SE	NE		DOMEST	

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:
NONE

14. Remarks:
CHANGED OWNERSHIP AS PER FORM 42-248/42-1409(6) REC'D 08/11/98.
01/22/99 CT

15. Basis of Claim: BENEFICIAL USE



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

January 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SAWTOOTH CATTLE CO
1706 E 2350 S
GOODING ID 83330

RE: SRBA Claim(s) A37-11113

Dear Claimant:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl Timm'. The signature is written in dark ink and is positioned above the typed name and title.

Cheryl Timm
SRBA Records Clerk

enc. Claim to a Water Right A37-11113

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

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 or Adjudication Claim No(s): A 37-11113
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** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

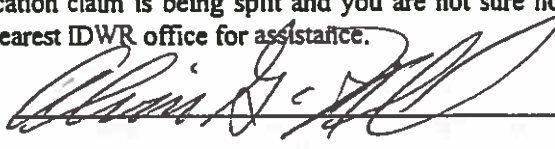
3. Name and Address of Former Owner/Claimant Farm Credit Bank of Spokane
Box 288, Twin Falls, ID 83303
4. New Owner/Claimant(s) Sawtooth Cattle Co.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1706 E 2350 S.
- City, State and ZIP Code Gooding, ID 83330
- New Telephone Number (208) 934-5359
5. Date you acquired the property 1985?

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

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.

7. Signature of New Owner or Claimant(s) 

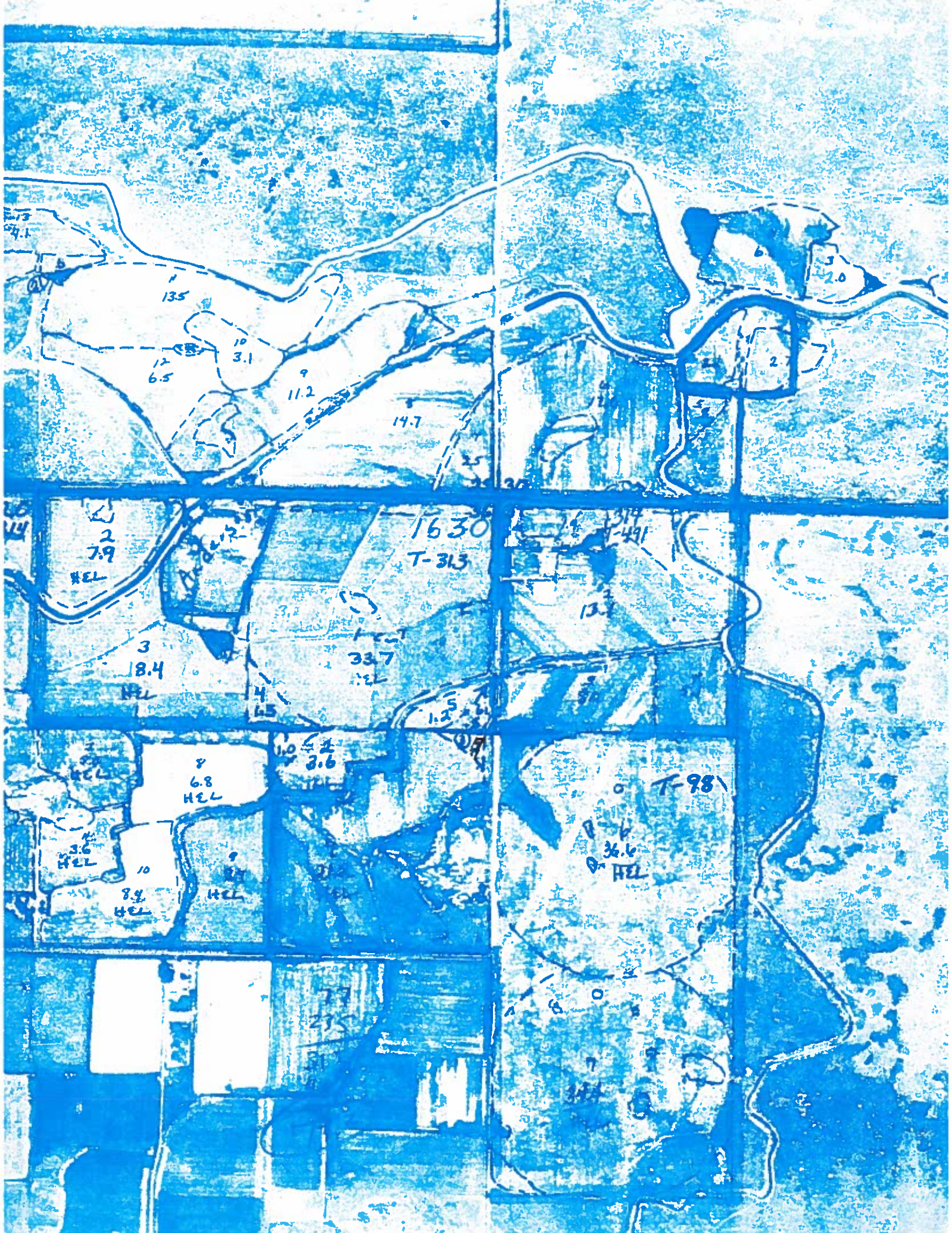
Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

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.

dated entered 1/22/99 CT



RECEIVED
 AUG 11 1998
 Department of Water Resources
 Southern Region



AJ0749NP
No. A37-11113

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/22/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SAWTOOTH CATTLE CO 1706 E 2350 S GOODING ID 83330 (208) 934-5359	06/01/1943	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R14E S36 SESENE

GOODING County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
06S	14E	36	:					D	:											:

POU County: GOODING

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: GEN CHANGED OWNERSHIP AS PER FORM 42-248/42-1409(6) REC'D 08/11/98.
01/22/99 CT

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R37-11113

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 01/22/99
PAGE: 1

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=====
OWNER          PRIORITY    USE PERIOD    DIVERSION    DIVERSION
CODE          NAME & ADDRESS    DATE          WATER USE    FROM    TO    RATE    VOLUME
-----
C SAWTOOTH CATTLE CO    06/01/1943    DOMESTIC      01-01 12-31    0.04 CFS
1706 E 2350 S
GOODING ID 83330
(208) 934-5359
TOTAL DIVERSION:    0.04 CFS
=====
```

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R14E S36 SESENE

GOODING County

Place of use Legal Description for: DOMESTIC

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      NE
    NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :
T   R   S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac :
--- --- : ----- : ----- : ----- : ----- :
06S 14E 36 : D : : : : : : : : :

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POU County: GOODING

Non-Irrigation Uses: 1 HOME.

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP 06S14E361800

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 01/22/1999 User-ID: CTIMM Subject: OWNERSHIP CHANGE
CHANGED OWNERSHIP AS PER FORM 42-248/42-1409(6) REC'D 08/11/98,
ON 01/22/99. CT

Audit: 01/22/99 CTIMM

DATE: 07/28/98
PAGE: 26

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	

FARM CREDIT SERVICES

RECEIVED
AUG 11 1998
Department of Water Resources
Southern Region

COMMONWEALTH TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

ORDER NUMBER: G-21055

1. Effective Date: March 21, 1994 at 8:00 A.M.

2. Policy or Policies to be issued:

A. ☐ ALTA Owners Policy Standard Coverage
(10-17-92)

Amount \$
Premium \$

Proposed Insured:

B. ☒ ALTA Loan Policy ☒ Standard ☐ Extended
(10-17-92)

Amount \$125,000.00
Premium \$630.00

☒ With Endorsement 6
Endorsement

Premium \$25.00
Premium \$

Proposed Insured: FARM CREDIT SERVICES

C. ☐

Amount \$
Premium \$

Proposed Insured:

3. The Estate or Interest in the land described or referred to in this commitment and covered herein is:

FEE SIMPLE

4. Title to the Fee Simple estate or interest in said land is at the effective date hereof vested in:

PARCEL NO. 1, NO. 2 AND NO. 3: SAWTOOTH CATTLE CO., a partnership composed of ALVIN G. HILL and SHIRLEY M. HILL, husband and wife, and MIKE D. PATTON and JULIE K. PATTON, husband and wife

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

SEE ATTACHED SCHEDULE A, PAGES 2 AND 3

Countersigned:

Agent

This Policy is valid only if Schedule B is attached.

CONTINUATION

SCHEDULE A

Order Number: G-21055

PARCEL NO. 1:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 36: N $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPTING THEREFROM that portion deeded to the Gooding Highway District by Warranty Deed dated February 1, 1979, recorded June 18, 1979 as Instrument Number 77308, Gooding County records, and Quitclaim Deed dated February 1, 1979, recorded June 18, 1979 as Instrument Number 77309, Gooding County records.

ALSO EXCEPTING THEREFROM that part of the N $\frac{1}{2}$ NE $\frac{1}{4}$, described as follows:

Commencing at the Northeast corner of Section 36.

Said point lies North 89°56'44" East, 2630.09 feet from the North quarter corner of Section 36;

Thence South 89°56'44" West, 1497.28 feet along the North boundary of Section 36;

Thence South 00°03'16" East, 30.06 feet to a found monument on the North Right of Way line on highway Project RS-2777(1) opposite Station 191+00 and being THE REAL POINT OF BEGINNING;

Thence South 89°51'30" East, 187.29 feet along said Right-of-Way;

Thence South 10°11'52" West, 214.95 feet;

Thence South 13°45'26" West, 470.87 feet;

Thence North 85°52'07" West, 444.67 feet;

Thence North 00°30'17" West, 352.05 feet to a point in the center of the X-4 lateral;

Thence North 34°17'28" East, 252.99 feet along the centerline of said lateral;

Thence North 52°00'08" East, 91.14 feet along the centerline of said Lateral to a point on the South Right-of-Way line on Highway Project RS-2777(1);

Thence North 89°55'46" East, 195.02 feet along said Right-of-Way;

Thence North 00°03'16" West, 19.94 feet to THE REAL POINT OF BEGINNING.

Subject to a canal maintenance easement along the Easterly boundary of the above described parcel.

Section 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPTING THEREFROM the North 330 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$.

C o n t i n u e d

CONTINUATION

SCHEDULE A

Order Number: G-21055

PARCEL NO. 2:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

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

TOWNSHIP 6 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 31: Lots 2 and 3;

PARCEL NO. 3:

TOWNSHIP 6 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 27: W $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

EXCEPTING THEREFROM part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, described
as follows:

Beginning at the Northeast corner of Section 27;
Thence South 0°24'35" East, 1331.16 feet along the
Easterly boundary of Section 27 to the Northeast
corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$, THE TRUE POINT OF BEGINNING;
Thence South 0°24'35" East, 295.00 feet along the
Easterly boundary of Section 27;
Thence South 88°48'05" West, 148 feet;
Thence North 0°24'35" West, 295.00 feet to the
Northerly boundary of SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence North 88°48'05" East, 148.00 feet along the
Northerly boundary of SE $\frac{1}{4}$ NE $\frac{1}{4}$ to THE TRUE POINT
OF BEGINNING.

Subject to a 25.00 feet in width county road right
of way along the Easterly boundary.

SCHEDULE B - SECTION I

Order Number: G-21055

Page 1

Schedule B of the policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

A. Defects, liens or encumbrances, adverse claims or other matters, if any created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

B. GENERAL EXCEPTIONS:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims of easements, not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents, state grants or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

C. SPECIAL EXCEPTIONS

(See Schedule B-Section II beginning on next page)

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION II

Order Number: G-21055

SPECIAL EXCEPTIONS:

1. Second one-half of 1993 taxes are due and payable, but not yet delinquent. (PARCEL NO. 1, 2 AND 3)
2. Taxes for 1994 and subsequent years, a lien, but not yet due and payable.
3. Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.
4. Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided. (Assessments Paid Current) (AFFECTS PARCEL NO. 1 AND 2)
5. Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.
6. Right of way for canals, laterals and waste ditches of Big Wood Canal Company.
7. Reservations contained in Patent from The United States of America to Olen D. Turner dated October 26, 1970, recorded November 10, 1970 as Instrument Number 33551, Jerome County records, affecting Lot 3 in Section 31, Township 6 South, Range 15, East Boise Meridian. (PARCEL NO. 2)
8. Power Line Easement given by William C. Petersen and Roselle F. Petersen, husband and wife, to Idaho Power Company, a corporation, dated June 8, 1977, recorded October 21, 1977 as Instrument Number 67062, Gooding County records, affecting the E $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 6 South, Range 14, East Boise Meridian. (PARCEL NO. 3)
9. Power Line Easement given by Ferman O. Nielson and Georgina May Nielson, husband and wife, to Idaho Power Company, a corporation, dated May 31, 1977, recorded October 21, 1977 as Instrument Number 67063, Gooding County records, affecting the E $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 6 South, Range 14, East Boise Meridian. (PARCEL NO. 3)
10. Restrictions contained in Warranty Deed given by Roy L. Burch and Thelma Burch, husband and wife, Grantors, to Gooding Highway District, Grantee, dated February 20, 1979, recorded June 18, 1979 as Instrument Number 77301, Gooding County records. (PARCEL NO. 1)

C o n t i n u e d

CONTINUATION

SCHEDULE B

Order Number: G-21055

11. Restrictions contained in Quitclaim Deed given by Robert Kirkpatrick and Judi J. Kirkpatrick, husband and wife, Grantors, to Gooding Highway District, Grantee, dated February 21, 1979, recorded June 18, 1979 as Instrument Number 77303, Gooding County records. (PARCEL NO. 1)
12. Restrictions contained in Quitclaim Deed given by Swan Jering and Mary E. Morlan Jering, husband and wife, Grantors, to Gooding Highway District, Grantee, dated February 22, 1979, recorded June 18, 1979 as Instrument Number 77304, Gooding County records. (PARCEL NO. 1)
13. Restrictions contained in Quitclaim Deed given by Lawrence Nafus, Grantor, to Gooding Highway District, Grantee, dated February 16, 1979, recorded June 18, 1979 as Instrument Number 77305, Gooding County records. (PARCEL NO. 1)
14. Conditions and restrictions and access rights as contained in Warranty Deed dated February 1, 1979, recorded June 18, 1979 as Instrument Number 77308, Gooding County records, and Quitclaim Deed dated February 1, 1979, recorded June 18, 1979 as Instrument Number 77309, Gooding County records. (PARCEL NO. 1)
- Satisfaction (15). Real Estate Mortgage given by Sawtooth Cattle Co., a partnership consisting of Alvin G. Hill, Shirley M. Hill, Michael D. Patton and Julie K. Patton, to Lawrence Nafus and Hazel Nafus, dated November 3, 1986, recorded November 4, 1986 as Instrument Number 124681, Gooding County records, TO SECURE: \$30,000.00, however, no representation is made as to the present outstanding balance thereof. (PARCEL NO. 1)
- CR? (16). Assignment given by Southern Idaho Production Credit Association, to Farmers National Bank, dated October 26, 1987, recorded November 5, 1987 as Instrument Number 129837, Gooding County records. (PARCEL NO. 3)
17. Financing Statement from Sawtooth Cattle Company, a Partnership composed of Alvin G. Hill and Shirley M. Hill, husband and wife, and Julie K. Patton and Mike D. Patton, wife and husband, as Debtors, to The Farmers National Bank, as Secured Party, filed March 25, 1988 as Instrument Number 131477, Gooding County records.
- SATISFIED 18. Real Estate Mortgage given by Sawtooth Cattle Company, a partnership composed of Alvin G. Hill and Shirley M. Hill, husband and wife, and Mike D. Patton and Julie K. Patton, husband and wife, to Farmers National Bank, N.A., dated March 23, 1987, recorded March 25, 1988 as Instrument Number 131481, Gooding County records, TO SECURE: \$47,000.00, however, no representation is made as to the present outstanding balance thereof. (PARCEL NO. 3)

C o n t i n u e d

CONTINUATION

SCHEDULE B

Order Number: G-21055

19. Memorandum of Contract of Sale and Purchase of Real Property given by Farm Credit Bank of Spokane, successor by merger to the Federal Land Bank of Spokane, to Sawtooth Cattle Company, a partnership, dated November 10, 1988, recorded November 10, 1988 as Instrument Number 134470, Gooding County records. (PARCEL NO. 2) Amended Memorandum of Contract of Sale and Purchase of Real Property, dated November 10, 1988, recorded November 22, 1988 as Instrument Number 134582, Gooding County records.
20. Mortgage given by Sawtooth Cattle Co., a partnership composed of Alvin G. Hill and Shirley M. Hill, husband and wife, and Mike D. Patton and Julie K. Patton, husband and wife, to Darrell H. Anderson and Rae M. Anderson, husband and wife, and Gayle Yakovac, a single woman, dated October 19, 1991, recorded December 5, 1991 as Instrument Number 147034, Gooding County records, TO SECURE: \$68,000.00, however, no representation is made as to the present outstanding balance thereof. (PARCEL NO. 1)
21. Mortgage given by Sawtooth Cattle Company, a partnership, to Idaho State Bank, dated April 30, 1993, recorded May 10, 1993 as Instrument Number 152627, Gooding County records, TO SECURE: \$75,992.00, however, no representation is made as to the present outstanding balance thereof. (PARCEL NO. 3)
22. Mortgage given by Sawtooth Cattle Company, a partnership, to Idaho State Bank, dated April 30, 1993, recorded May 10, 1993 as Instrument Number 152629, Gooding County records, TO SECURE: \$10,130.83, however, no representation is made as to the present outstanding balance thereof. (PARCEL NO. 3)
23. Financing Statement from Sawtooth Cattle Company, a partnership consisting of Alvin G. Hill and Shirley M. Hill; Michael Patton and Julie K. Patton, Partners, as Debtors, to Farm Credit Bank of Spokane, as Secured Party, filed November 15, 1988 as Instrument Number 134495, Gooding County records. Continuation filed August 3, 1993 as Instrument Number 153593, Gooding County records.
24. Terms, conditions and provisions of the General Partnership Agreement of Sawtooth Cattle Co., a partnership. We request a showing thereof together with any amendments thereto and in particular, the unrestricted power and authority of the party or parties who plan to execute the forthcoming document on behalf of said partnership.
25. Financing Statements, Seed and Farm Laborer's liens against crops which are filed in the office of the Secretary of State.

C o n t i n u e d

CONTINUATION

SCHEDULE B

Order Number: G-21055

NOTE: In the event this commitment is cancelled prior to the issuance of the policy committed for herein, a fee will be charged in compliance with the State of Idaho Department of Insurance Regulations.

**SCHEDULE B - SECTION II This Commitment is not valid without
Schedule B - Section I**

Commitment For Title Insurance

Commonwealth Land Title Insurance Company, a Pennsylvania corporation, herein called the company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate 120 days after the effective date hereof or when the policy or policies committed for shall be issued, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the company.

IN WITNESS WHEREOF, the said Company has caused its Corporate Name and Seal to be hereunto affixed; this instrument, including Commitment, Conditions and Stipulations attached, to become valid when countersigned by an Authorized Officer or Agent of the Company.



COMMONWEALTH LAND TITLE INSURANCE COMPANY

Attest:

James J D Lynch Jr
Secretary

By

Frederick Aulli

President

Conditions and Stipulations

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

GOODING COUNTY

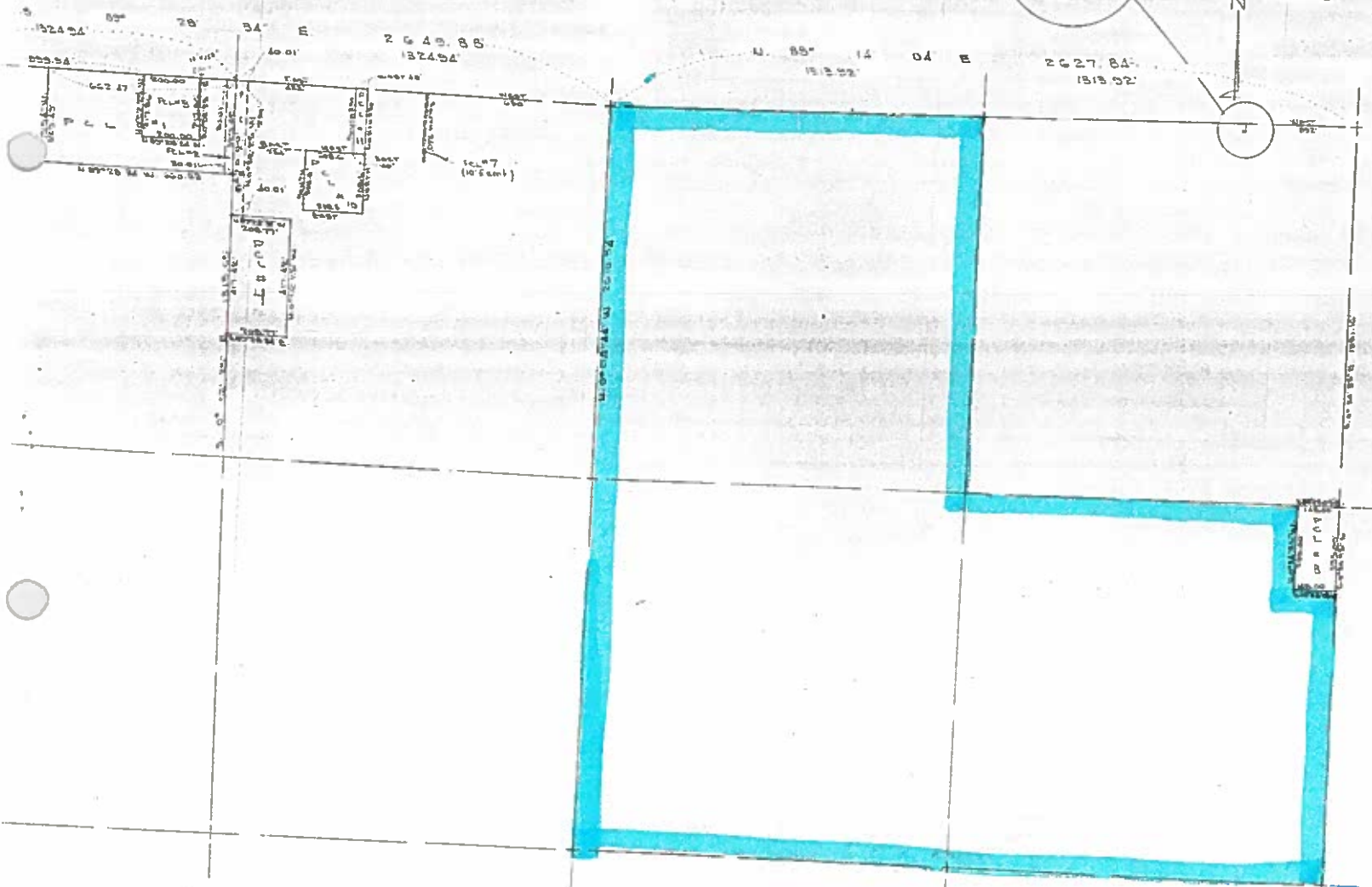
SEC. 27 TWP. 6 S

RGE. 14 EBM.

NORTH HALF



1"=400'



Parcel No. 3

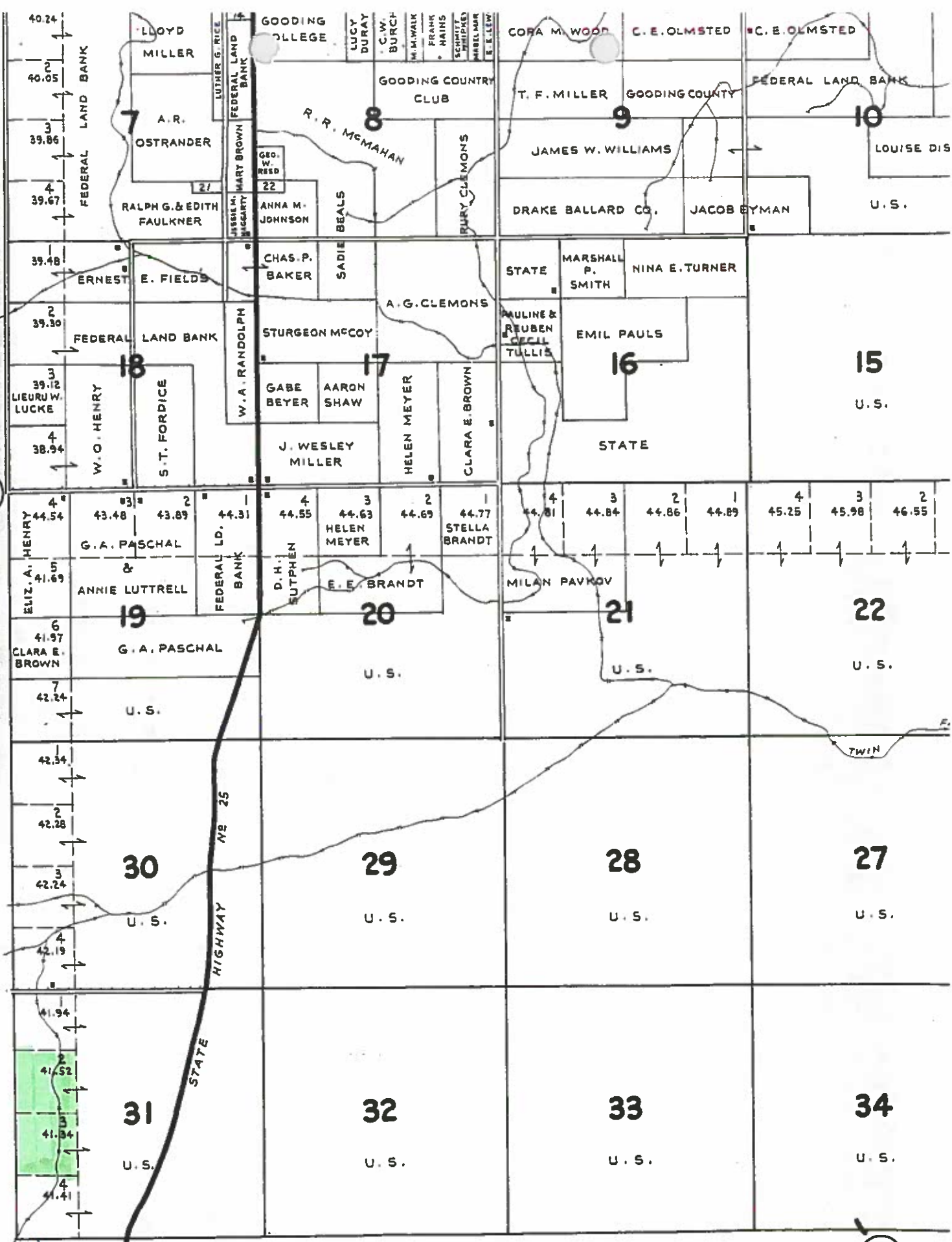
NORTH HALF

Parcel No. 1



Parcel No. 2

SCALE 1" = 400'



Parcel No 2
To Wendell



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 28, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

SAWTOOTH CATTLE CO
1706 EAST 2350 S
GOODING ID 83330

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A37-11113

Dear Claimant:

We have been advised you may be the present owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by August 13, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "Sandy Egbert".

Sandy Egbert
Clerical Specialist

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of No.A37-11113 water right filing



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

July 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SAWTOOTH CATTLE CO
1706 EAST 2350 S
GOODING ID 83330

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A37-11113

Dear Claimant:

We have been advised you may be the present owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by August 13, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Sandy Egbert
Clerical Specialist

*No response
8-20-98*

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of No.A37-11113 water right filing

AJ0749NP
No. R37-11113

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 08/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FARM CREDIT BANK OF SPOKANE BOX 288 TWIN FALLS ID 83303 (208) 733-2577	06/01/1943	DOMESTIC	01-01 12-31	0.04 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T06S R14E S36

SESENE

GOODING County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06S	14E	36	:					D	:										

POU County: GOODING

Non-Irrigation Uses: 1 HOME.

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP 06S14E361800

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 08/20/98 SEGBERT

RECEIVED
AUG 28 1998
Department of Water Resources
Southern Region

AJ5856NP

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

DATE: SEP-5-1997

PAGE: A-62

RIGHT NUMBER: 37-11113

NAME & ADDRESS: FARM CREDIT BANK OF SPOKANE
BOX 288
TWIN FALLS ID 83303

*Sawtooth Cattle Co
1706 East, 2350 S
Gooding 83330*

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 06/01/1943

POINT OF DIVERSION: T06S R14E S36 ✓ SESENE ✓ Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/1 HOME. ✓	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T06S R14E S36 ✓ SENE ✓

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 06S14E361800

Verified by AK Date: 7-14-98

Verification Source: computer map

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.

RECEIVED

CIVIL CASE NUMBER: 39576

RECEIVED

SEP 20 1989

SEP 21 1989

Department of Water Resources
Southern Region Office

Ident. Number: A37-11113

Date Received: 8/25/1988

Receipt No: N-1136

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Western Regional Office

1. Name: FARM CREDIT BANK OF SPOKANE 208-733-2577
Address: BOX 288
TWIN FALLS, ID 83303

2. Date of Priority: JUN 01, 1943

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	14E	36	SE	SE	NE		GOODING

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/I HOME.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	14E	36	SE	NE		DOMEST	

11. Place of use in counties: GOODING

A37-11113

Page 1

Date: 09/01/88

MICROFILMED
FEB 25 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Senior Engineer - Appraiser of
Title
Farm Credit Bank of Spokane, that I have signed the foregoing
Organization
document in the space below as Senior Engineer - Appraiser of
Title
Farm Credit Bank of Spokane and that the statements contained in the
Organization
foregoing document are true and correct.

Harold Sanders
Signature of Authorized Agent

Senior Engineer - Appraiser
Title and Organization

9/1/88
Date

State of Idaho)
County of Bozeman) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of September 19 88

Allen Benson
Notary Public

Rathchur
Residing at 7/20/84

My Commission Expires
2 Date: 09/01/88

A37-11113

Page

2

MICROFILMED
FEB 25 1993