

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

RIGHT NUMBER: 1-10393

NAME AND ADDRESS:

BEAR CREST LTD LLC  
PO BOX 160  
REXBURG ID 83440

SOURCE:

Source:  
SNAKE RIVER

Tributary:  
COLUMBIA RIVER

QUANTITY:

2.030 CFS

~~1.900 CFS~~

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T04N R40E S6 Lot 7 SWSW  
Within MADISON County

PURPOSE AND  
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 10/31

2.030 CFS

~~1.900 CFS~~

PLACE OF USE:

IRRIGATION within MADISON County

T05N R39E S27 NWNW 7.2

T05N R39E S28 NENE 33.0

T05N R39E S28 Lot 6 NWNE 8.8

~~T05N R39E S28 NENE 32.0~~

~~T05N R39E S28 Lot 6 NWNE 8.0~~

49 ACRES TOTAL

~~40 ACRES TOTAL~~

Place of use does not include federal public lands.

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 - Decreed

This right is a split from former right 1-49.

Use of this right is combined with water from Liberty Park Irrigation Co.

Water is delivered through Liberty Park Canal.

10/10/2006

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

RIGHT NUMBER: 1-10393  
NAME AND ADDRESS: ROGER FERGUSON  
C/O BEAR CREST LIMITED LLC  
PO BOX 413  
REXBURG ID 83440  
  
SYBIL FERGUSON  
C/O BEAR CREST LIMITED LLC  
PO BOX 413  
REXBURG ID 83440

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER  
QUANTITY: 1.900 CFS  
PRIORITY DATE: 06/01/1887  
POINT OF DIVERSION:

T04N R40E S6 SWSW Lot 7 Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 1.900 CFS       |

PLACE OF USE: IRRIGATION Within MADISON County

|               |      |       |                          |      |
|---------------|------|-------|--------------------------|------|
| T05N R39E S28 | NENE | 32.00 | T05N R39E S28 Lot 6 NWNE | 8.00 |
|---------------|------|-------|--------------------------|------|

40 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 - Decreed

This right is a split from former right 1-49.

Use of this right is combined with water from Liberty Park Irrigation Co.

Water is delivered through Liberty Park Canal.

WHEN RECORDED RETURN TO:  
Michael D. Ferguson  
P.O. Box 160  
Rexburg, Idaho 83440

Instrument # 324935  
REXBURG, MADISON, IDAHO  
2005-12-27 01:18:00 No. of Pages: 3  
Recorded for: BILLY DUPREE  
MARILYN R. RASMUSSEN  
Ex-Officio Recorder Deputy Fee: 9.00

### WARRANTY DEED

Roger and Sybil Ferguson, husband and wife, P.O. Box 519, Rexburg, Idaho 83440, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Bear Crest Limited LLC, an Idaho limited liability company, P.O. Box 160, Rexburg, Idaho 83440, as GRANTEE, and to GRANTEE'S successors and assigns forever, the property situated in Madison County, Idaho described on the attached Exhibit A.

TOGETHER with all water rights and shares for water appurtenant thereto and all improvements, easements, hereditaments and appurtenances to said property.

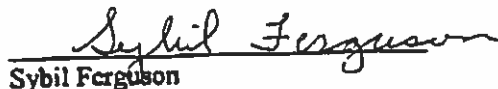
SUBJECT to existing liens and encumbrances and all existing patent reservations, easements, rights of way, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations apparent or of record.

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 19<sup>th</sup> day of December, 2005.

GRANTORS:

  
Roger Ferguson

  
Sybil Ferguson

## EXHIBIT A

### Real Property Description

The real property located in Madison County, Idaho described as follows:

#### Parcel 1

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 28, more particularly described as follows: Beginning at the Southeast corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 5 North, Range 39 East, said point also being the True Point of Beginning;

Thence S89°52'58"W for a distance of 1317.48 feet to the Southwest corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 5 North, Range 39 East;

Thence S89°30'15"W for a distance of 45.00 feet to the centerline of a dike, the following calls being along the centerline of said dike:

Thence N46°32'02"W for a distance of 413.63 feet;

Thence N44°12'10"W for a distance of 228.47 feet;

Thence N39°04'18"W for a distance of 138.17 feet;

Thence N25°58'48"W for a distance of 144.51 feet;

Thence N19°57'11"W for a distance of 115.38 feet;

Thence N23°17'57"W for a distance of 468.59 feet;

Thence N16°38'20"W for a distance of 92.93 feet to the North line of Section 28;

Thence N89°45'22"E for a distance of 2218.33 to the Northeast corner of Section 28; Township 5 North, Range 39 East;

Thence S00°14'01"E for a distance of 1319.73 feet to the true point of beginning, containing 57.18 acres more or less.

#### Parcel 2

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 27, more particularly described as follows: Beginning at the Southwest corner of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 27, Township 5 North, Range 39 East, said point also being the True Point of Beginning;

Thence N00°14'01"W for a distance of 1319.73 feet to the Northwest corner of Section 27, Township 5 North, Range 39 East;

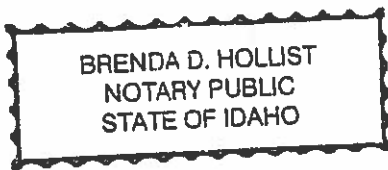
Thence S09°27'53"E for a distance of 94.38 feet to the West right-of-way of a county road;

Thence S24°53'55"E along said right-of-way for a distance of 568.93 feet;

Thence S19°21'34"W for a distance of 753.16 feet to the True Point of Beginning, containing 3.66 acres more or less.

State of Idaho                    )  
                                          )ss,  
County of Madison                )

On this 14<sup>th</sup> day of December, in the year 2005, before me, a Notary Public in and for said State, personally appeared Roger Ferguson and Sybil Ferguson, husband and wife, known or identified to me (or proved to me on the oath of \_\_\_\_\_) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Brenda D. Hollist  
Notary Public for Idaho  
Residing at: Rexburg  
My Commission Expires: 4-21-2009

272306

Microfilm No

Day MAY 20 1998

At 1547 O'clock m

MARILYN R. RASMUSSEN

MADISON COUNTY RECORDER

Fee \$ 27.00 Deputy

Recorded At: File # 101

When Recorded

Return To:

Billy G. DuPree, Jr.  
P.O. Box 723  
Rexburg, Idaho 83440

RP05N39E273080

## WARRANTY DEED

Coral Stephen Allred and Sally I. Allred, husband and wife, of 1627 East Nines Point Lane, Boise, Idaho 83702, William Edgar Allred and Linda M. Allred, husband and wife, of 4101 East Menan-Lorenzo Highway, Rigby, Idaho 83442, David Lorin Allred, a single man, of 1614 7th Avenue, Clarkston, Washington 99403, and Leon C. Peterson and Margaret Claire Peterson, aka Margaret Claire Allred, of 197 Hillridge, Blackfoot, Idaho 83221, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto Bear Crest Limited LLC, an Idaho limited liability company, of 2120 North 6000 West, Rexburg, Idaho 83440, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the following described real estate:

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 27, more particularly described as follows: Beginning at the Southwest corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 27, Township 5 North, Range 39 East of the Boise Meridian, said point also being the true point of beginning.

Thence N89°57'35"E for a distance of 357.88 feet;

Thence N01°15'30"E for a distance of 457.71 feet;

Thence N25°04'40"W for a distance of 279.03 feet;

Thence S19°21'36"W for a distance of 753.16 feet to the true point of beginning, containing 3.57 acres more or less.

Together with any and all water, water rights, carrying rights, ditch and ditch rights belonging or appurtenant to the foregoing real property, including without limitation shares for water from the Liberty Park Canal attributable to the foregoing real property.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

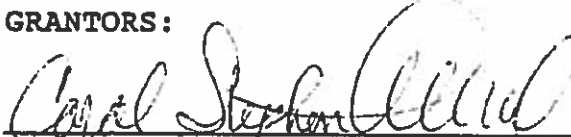
272300

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

This Warranty Deed may be executed in Counterparts, each of which when executed and delivered shall be deemed to be an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument as of the 30th day of April, 1998.

GRANTORS:

  
Coral Stephen Allred

  
Sally I. Allred

\_\_\_\_\_  
William Edgar Allred

\_\_\_\_\_  
Linda M. Allred

\_\_\_\_\_  
David Lorin Allred

\_\_\_\_\_  
Leon C. Peterson

\_\_\_\_\_  
Margaret Claire Peterson

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

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IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument as of the 30th day of April, 1998.

GRANTORS:

\_\_\_\_\_  
Coral Stephen Allred

\_\_\_\_\_  
Sally I. Allred

\_\_\_\_\_  
*William E. Allred*  
William Edgar Allred

\_\_\_\_\_  
*Linda M. Allred*  
Linda M. Allred

\_\_\_\_\_  
David Lorin Allred

\_\_\_\_\_  
Leon C. Peterson

\_\_\_\_\_  
Margaret Claire Peterson

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GRANTORS:

\_\_\_\_\_  
Coral Stephen Allred

\_\_\_\_\_  
Sally I. Allred

\_\_\_\_\_  
William Edgar Allred

\_\_\_\_\_  
Linda M. Allred

  
\_\_\_\_\_  
David Lorin Allred

\_\_\_\_\_  
Leon C. Peterson

\_\_\_\_\_  
Margaret Claire Peterson

272000

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

This Warranty Deed may be executed in Counterparts, each of which when executed and delivered shall be deemed to be an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument as of the 30th day of April, 1998.

GRANTORS:

Coral Stephen Allred

Sally I. Allred

William Edgar Allred

Linda M. Allred

David Lorin Allred

Leon C. Peterson

Margaret Claire Peterson  
Margaret Claire Peterson

2722005

STATE OF IDAHO )  
 )  
County of MAN )

On this 50 day of April, in the year of 1998, before me, a Notary Public in and for said State, personally appeared Coral Stephen Allred and Sally I. Allred, husband and wife, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]  
Notary Public for State of Idaho  
Residing at: 1111 N. Main St. Idaho  
My Commission Expires: 5/25/2001

STATE OF IDAHO )  
 )  
County of Madison )

On this \_\_\_\_\_ day of April, in the year of 1998, before me, a Notary Public in and for said State, personally appeared William Edgar Allred and Linda M. Allred, husband and wife, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at:  
My Commission Expires:

272303

STATE OF IDAHO )  
 )  
 ) ss  
County of Bonneville )

On this 1st day of <sup>May</sup> April, in the year of 1998, before me, a Notary Public in and for said State, personally appeared Coral Stephen Allred and Sally I. Allred, husband and wife, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF IDAHO )  
 )  
 ) ss  
County of Madison )

On this 1st day of <sup>May</sup> April, in the year of 1998, before me, a Notary Public in and for said State, personally appeared William Edgar Allred and Linda M. Allred, husband and wife, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

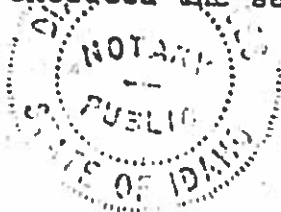


Robin Nelson  
Notary Public for Idaho  
Residing at: Firthmoor  
My Commission Expires: 4-15-99

Idaho

STATE OF ~~WASHINGTON~~ )  
 :ss  
 County of Nez Perce )

On this 30<sup>th</sup> day of April, in the year 1998, before me, a Notary Public in and for said State, personally appeared David Lorin Allred, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



Diane K. Bridges  
 Notary Public for Idaho  
 Residing at: Lewiston, Idaho  
 My Commission Expires: 11/9/2000

STATE OF IDAHO )  
 :ss  
 County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of April, in the year of 1998, before me, a Notary Public in and for said State, personally appeared Leon C. Peterson and Margaret Claire Peterson, husband and wife, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

\_\_\_\_\_  
 Notary Public for Idaho  
 Residing at:  
 My Commission Expires:

STATE OF WASHINGTON )  
 ) : ss  
 County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of April, in the year 1998, before me, a Notary Public in and for said State, personally appeared David Lorin Allred, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public for \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

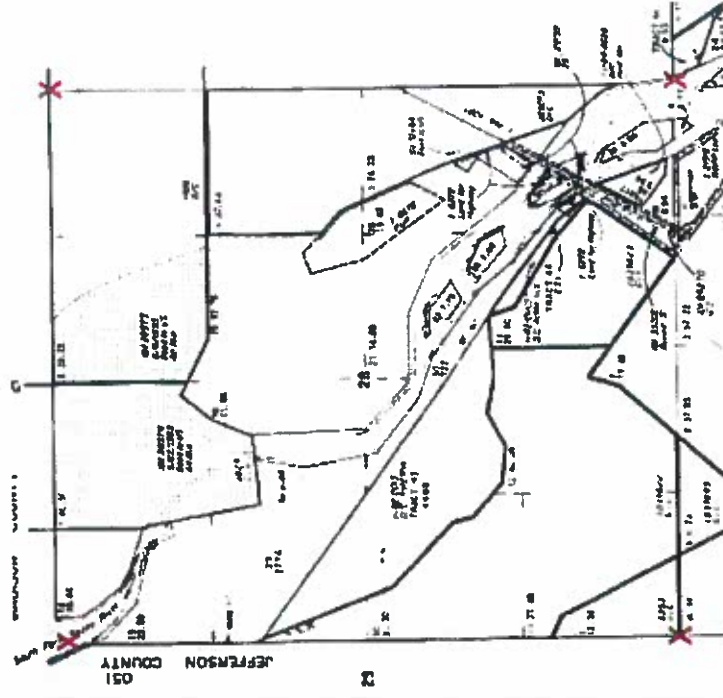
STATE OF IDAHO )  
 ) : ss  
 County of Bencham )

On this 1 day of April, in the year of 1998, before me, a Notary Public in and for said State, personally appeared Leon C. Peterson and Margaret Claire Peterson, husband and wife, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Clark Williams  
 Notary Public for Idaho  
 Residing at: Blackfoot Idaho  
 My Commission Expires: 3/24/04

01-10393  
Roger & Sybil Ferguson



### Mixed POU:

**-T05N R39E S28 Lot 6 (NWNE) contains both public and private lands. Please clarify such that only private land is intended by inserting the following language under the place of use in the Director's Report Recommendation:**

**"Place of use does not include federal public land."**

12/15/2006

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

RIGHT NUMBER: 1-10393  
NAME AND ADDRESS: ROGER FERGUSON  
C/O BEAR CREST LIMITED LLC  
PO BOX 413  
REXBURG ID 83440  
  
SYBIL FERGUSON  
C/O BEAR CREST LIMITED LLC  
PO BOX 413  
REXBURG ID 83440

Mixed POU:

-Place of Use identified below contain both public and private land.  
-Please clarify such that only private land in intended.

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER  
QUANTITY: 1.900 CFS  
PRIORITY DATE: 06/01/1887  
POINT OF DIVERSION: T04N R40E S6 SWSW Lot 7 Within MADISON County  
PURPOSE AND PERIOD OF USE:

| PURPOSE OF USER | PERIOD OF USE | QUANTITY  |
|-----------------|---------------|-----------|
| IRRIGATION      | 04/01 10/31   | 1.900 CFS |

PLACE OF USE: IRRIGATION in MADISON County

|               |      |       |                          |      |       |
|---------------|------|-------|--------------------------|------|-------|
| T05N R39E S28 | NWNE | 32.00 | T05N R39E S28 Lot 6 NWNE | 8.00 | Mixed |
|---------------|------|-------|--------------------------|------|-------|

40 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 - Decreed

This right is a split from former right 1-49.

Use of this right is combined with water from Liberty Park Irrigation Co.

Water is delivered through Liberty Park Canal.

11/15/2006

RECEIVED

DEC 06 2006

DEPARTMENT OF  
WATER RESOURCES

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:

Water right number: 1-10393

ROGER FERGUSON  
C/O BEAR CREST LIMITED LLC  
PO BOX 413  
REXBURG ID 83440

SYBIL FERGUSON  
C/O BEAR CREST LIMITED LLC  
PO BOX 413  
REXBURG ID 83440  
Telephone Number: (208)356-0657

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

*The 95 inches, Included with The property Purchase is in addition to 16.125 Shares in the Liberty Park Canal and 19 Shares in Liberty Park Canal for water carrying right*

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: 11-20-06

SIGNATURE: Michael D. Ferguson

Please print your name: Michael D. Ferguson

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

*Called for NOE on 12/13/06 No change  
to recommendation.  
AG*

*KMD  
12/11*

RECEIVED  
DEC 06 2006DEPARTMENT OF  
WATER RESOURCES

5. Warranties: Paragraph 7(A) is hereby deleted and the following substituted:

The farm lease between Seller, as lessor, and Boyd Smith, as lessee, terminates at the conclusion of the 1999 crop season, and will have no force nor effect thereafter. No other person has any other lease or other rights to the property.

Seller will support any zoning requests hereafter made by Buyer.

6. Closing: Paragraph 18 is hereby deleted and the following substituted:

Closing shall occur on or before 5:00 P.M., September 24, 1999. The closing shall take place at the office of First American Title Company in Rexburg, Idaho. Except as otherwise provided herein, the parties agree to share equally the closing costs.

7. Water Rights: Included in the transfer are the following water rights and no others:

A. 95 inches of a water right having a priority of June 1, 1887, originally a part of the Rexburg Decree, which was decreed to George L. and Lester S. Corey. It is now identified by the Idaho Department of Water Resources as Water Right Number 0100049 and consists of a total of 300 inches of which Sellers own a portion and are transferring herewith <sup>95</sup>~~94~~ inches of said water. *WEA*

B. 16.625 shares of stock in the Liberty Park Canal, representing an interest in the water rights of said canal.

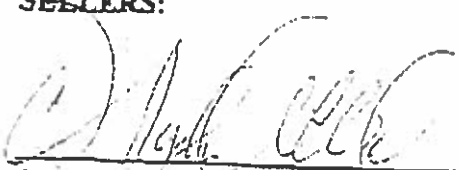
C. 19 shares of stock in the Liberty Park Canal representing only a carrying right for the waters described in Paragraph A, not an interest in the water of said canal company.

Said water rights being conveyed to buyer represent a pro rata share of all of Sellers' water rights of every kind and description pertaining to Sellers' property in Section 21 and the property being conveyed to Buyer.

8. Except as modified, the other provisions of Exhibit A shall remain in full force and effect between the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year in the acknowledgments hereinafter set forth.

SELLERS:

  
CORAL STEPHEN ALLRED

BUYER

BEAR CREST LIMITED LLC

  
By: MICHAEL D. FERGUSON  
Managing Member

95 inches = 1.9 cfs

## MODIFICATION TO CONTRACT OF SALE

THIS MODIFICATION is made and entered into this \_\_\_\_\_ day of September, 1999, by and between CORAL STEPHEN ALLRED and SALLY I. ALLRED, his wife, of 1627 East Nines Point Lane, Boise, Idaho 83702; WILLIAM EDGAR ALLRED and LINDA M. ALLRED, his wife, 4101 East Menan-Lorenzo Hwy., Rigby, Idaho 83442; DAVID LORIN ALLRED, a single man, of 1614 7th Avenue, Clarkston, Washington 99403; and, LEON C. PETERSON and MARGARET CLAIRE PETERSON a/k/a MARGARET CLAIRE ALLRED, of 197 Hillridge, Blackfoot, Idaho 83221, hereinafter referred to as SELLERS, and BEAR CREST LIMITED LLC, an Idaho Limited Liability Company, of 2120 North 6000 West, Rexburg, Idaho 83440, hereinafter referred to as BUYER.

### WITNESSETH:

1. The parties have hereto entered into a Contract of Sale, a copy of which is attached hereto marked Exhibit A and by this reference made a part hereof.

2. SELLERS completed the survey required in paragraph 2 and there was more acreage than the parties anticipated. In addition, the BUYER wanted additional time in which to close the transaction.

THEREFORE, for and in consideration of the Contract of Sale attached as Exhibit A, One Dollar (\$1), and the mutual covenants contained hereafter, the parties hereby modify Exhibit A in the following particulars:

1. **Sale:** The legal description contained in paragraph 1 of Exhibit A is hereby deleted and a new surveyed legal description is attached as Exhibit B and by this reference made a part hereof. It shows 60.84 acres of property.

2. **Survey:** Paragraph 2 is modified to provide that the survey has been completed and is attached hereto as Exhibit B.

3. **Payment and Purchase:** Paragraph 3 is hereby deleted and the following substituted:

Buyer agrees to buy the property and pay SELLERS the sum of \$4,500 per acre, for a total of \$273,780, in lawful money of the United States of America on closing hereof.

4. **Possession:** Buyer shall receive possession of the property on closing. All risk of loss shall remain with Seller until the closing.



# Idaho Department of Water Resources

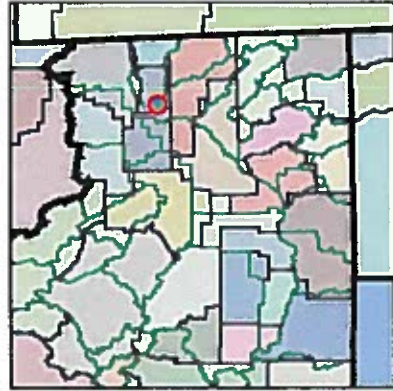
SRBA Recommendation:

**1-10393**

(Irrigation)

## Legend

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



Madison County  
IDWR Basin 1



R39E

21

T05N

NWNE

NENE

28

0 0.1 0.2 Miles

Prepared by A. Golart  
On Tuesday, October 10, 2006  
1987/88 Aerial Photography

## Notes

$$\frac{6. \phi \text{ cfs decreed}}{120 \text{ irrigated decreed acres}} = \phi. \phi 5 \text{ } \$ 40 \text{ claimed} = 2. \phi \text{ cfs.}$$

$$\text{acres} \quad \quad \quad \underline{1.9 \text{ cfs cl}}$$

1.9 cts claimed

Deer = 160 acres @ 6.4 cfs

|                   |      |       |       |
|-------------------|------|-------|-------|
| $N\frac{1}{2}$ NW | S 27 | T 05N | R 39E |
| $N\frac{1}{2}$ NE | S 28 |       |       |

N  $\frac{1}{2}$  NE S 28

Black - Deened POU

1-10392  
-10388

1-10393

Deened  
POU

Gideon  
Ross

# Land Owner List

Aured

Dave  
Dor thella

Gideon  
Ross

Ferguson

Ben Crest.

23-0025

Corbett, V. W.

70 inches. Oct. 24, 1898. Radney Creek.

Corbett 11047  
Ditch Company

1 048

6,000 inches. May 1, 1889. Snake River. Trans 268-274

Corbett Slough  
Ditch Company

1 049

6,500 inches. May 1, 1892. Snake River.

Corey, George L.  
and Lester S.

300 inches. June 1, 1887. South Fork of Snake River.

22 0213

Costello, C. A.

120 inches. June 15, 1895. Spring Creek.

22 0214

Costello, C. A.

40 inches. June 15, 1895. Pine Creek.

21 0036

Courtney, James S.  
and A. C.

240 inches. June 1, 1896. Targee Creek.

22 0215

Coyle, H. H.

60 inches. June 15, 1904. Coyle Spring.

21-0149

Coxson, William

Oct. 3, 1904. The use of a spring on the SW 1/4 of Sec. 14, T 13, N., R. 43 E., for fish culture and for the irrigation of ten acres of land.

21 0038

Crabb, A. P.  
(substituted for  
T. J. Thorp.)

70 inches. June 1, 1892. Black Spring Creek.

21 0037

Crabb, Addie D.

240 inches. June 1, 1895. North Springs, Middle Springs, Guy Springs, and East Springs, are used for fishery, with R. A. Osborn.

1 050

Craig, R. A.

240 inches. June 1, 1887. South Fork of Snake River.

22 0216

Crandall, Ira

100 inches. June 1, 1896. Darby Creek. Trans 535

22 0217

Crandall, Ira

20 1/2 inches. June 1, 1898. Darby Creek.

22 0218

Crandall, H. L.

20 inches. June 1, 1897. Darby Creek.

22 0219

Crandall, H. L.

60 inches. June 1, 1898. Darby Creek.

22 0220

Crandall, H. L.

80 inches. Waters of Crandall Springs.

Crawford, J. B.

Watson Slough

Mielson, H. B.

S $\frac{1}{2}$  of SW $\frac{1}{4}$  of Sec. 7, NE $\frac{1}{4}$  of Sec. 18, NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 18, SW $\frac{1}{4}$  of Sec. 18, SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 18, T. 2 S. R., 36 E., B. M., and NE $\frac{1}{4}$  of Sec. 15, T. 2 S., R. 35 E. B. M., containing 840 acres.

Ragen, J. T.

Part of SW $\frac{1}{4}$  of Sec. 25, T. 2 S., R. 35 E. B. M., containing 90 acres.

Rich, S. J.

NE $\frac{1}{4}$  of Sec. 26, T. 2 S., R. 35 E., B. M., containing 320 acres.

Shannon, Robert M.

90 acres in NE $\frac{1}{4}$  of Sec. 2, T. 3 S., R. 35 E. B. M.,

Tanner, K., Jr.

Ten acres in NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 3 T. 3 S., R. 35 E., B. M.

Southeastern Idaho Fair Assn., The

31.6 acres in Sec. 3, T. 3 S., R. 35 E. B. M.

Watson, Albert

Five acres in NE $\frac{1}{4}$  of Sec. 3, T. 3 S., R. 35 E. B. M.

Willeford, Samuel

S $\frac{1}{2}$  of NW $\frac{1}{4}$ , 20 acres in W part, NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 1, T. 3 S., R. 35 E., B. M., containing 100 acres.

Corey, George L. and Lester S.

NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 27, NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 28, T. 5 N. R., 39 E., B. M., contain 160 acres.

Castello, C. A.

(No description given.)

Mielson, H. B.

S $\frac{1}{2}$  of SW $\frac{1}{4}$  of Sec. 7, NE $\frac{1}{4}$  of Sec. 18, NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 18, SW $\frac{1}{4}$  of Sec. 18, SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Sec. 18, T. 2 S. R., 36 E., B. M., and NE $\frac{1}{4}$  of Sec. 15, T. 2 S., R. 35 E. B. M., containing 840 acres.

Ragen, J. T.

Part of SW $\frac{1}{4}$  of Sec. 25, T. 2 S., R. 35 E. B. M., containing 90 acres.

Rich, S. J.

NE $\frac{1}{4}$  of Sec. 26, T. 2 S., R. 35 E., B. M., containing 320 acres.

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90 acres in NE $\frac{1}{4}$  of Sec. 2, T. 3 S., R. 35 E. B. M.,

Tanner, K., Jr.

Ten acres in NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 3 T. 3 S., R. 35 E., B. M.

Southeastern Idaho Fair Assn., The

31.6 acres in Sec. 3, T. 3 S., R. 35 E. B. M.

Watson, Albert

Five acres in NE $\frac{1}{4}$  of Sec. 3, T. 3 S., R. 35 E. B. M.

Willeford, Samuel

S $\frac{1}{2}$  of NW $\frac{1}{4}$ , 20 acres in W part, NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 1, T. 3 S., R. 35 E., B. M., containing 100 acres.

Corey, George L. and Lester S.

NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Sec. 27, NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 28, T. 5 N. R., 39 E., B. M., contain 160 acres.

Castello, C. A.

(No description given.)

SCANNED

AUG 27 2001

Allred-Ferguson Change of Ownership & Split of A01-49A.

Blue = lands described in deed. Yellow = approximate irrigated lands, 43 acres.

*Black = Lands retained by Allred.*



*Bac 10/2/2000*



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

October 5, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

BEAR CREST LLC  
PO BOX 413  
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR 01-49A

Dear Sir/Madam:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

01-49A SPLIT INTO:  
01-10392, 2.1 CFS ON 77 ACRES, ALLRED  
01-10393, 1.9 CFS ON 40 ACRES, BEAR CREST LLC  
TOTAL: 4.0 CFS ON 117 ACRES

01-10388 was not changed because it is not appurtenant to the property indicated in your deed. However, 01-10393 reflects all of the property conveyed in your deed.

If you have any questions please contact Senior Water Agent Bryce Contor in this office.

Respectfully submitted,

Jennifer Crabtree  
Technical Records Specialist

Enclosure

To: A01-00049A  
A01-10388  
A01-10392  
A01-10393

Fr: Bryce Contor  
Date: 10/2/2000



Re: Split by change of ownership.

Issues:

1. Intent of A01-10388 and A01-00049A.

The original intent of claimant Allred was to put all of 01-00049A on all of his POU on a comingled Permissible Place of Use basis with his Liberty Park canal shares. 01-00049A is delivered through Liberty Park Canal via a carriage agreement.

Initially I prepared and accepted A01-10388 as an enlargement claim to accomplish this. Upon receiving more guidance, I prepared an amended version of A01-00049A to simply make a Permissible Place of Use, with an invitation to the claimant to withdraw A01-10388 to clarify the record.

Two blunders occurred, however. First, when signed amended claim A01-00049A came back, it was never released from the temporary host to the permanent host, so the pre-amendment version was copied to the new Enterprise database. Second, A01-10388 was never withdrawn.

The clear intent of Mr. Allred as he and I met in the fall of 2000 was to arrange the water rights so that he could sell off part of the property and with it sell a proportionate share of both the Liberty Park canal shares and a proportionate share of decreed right 01-00049A.

2. Documentation of Chain of Ownership

File A01-00049A contains the documentation submitted by purchaser Ferguson. It includes the deed and exhibit "A" for the parcel in question here, as well as an unnecessary and confusing exhibit "A" for a different parcel. Note the court house document numbers.

3. Calculation of split amounts

The deed specifies that Ferguson shall receive "95 inches of a water right" and references number 01-00049. The deed also states the right "consists of a total of 300 inches of which Sellers own a portion and are transferring herewith 95 inches of said water." Claim A01-00049A is for 4.0 cfs, or 200 inches.

I assume based on the above that the intent was for Ferguson to receive 95 inches or 1.9 cfs, and for Allred to retain  $200 - 95 = 105$  inches, or 2.1 cfs.

The original claim as amended was for 53 acres of irrigation within a 117 acre PPU. Calculating  $53/4.0 * 1.9 = 25.2$  acres allocated to Ferguson.  $53 - 25.2 = 27.8$  acres allocated to Allred.

Of the 117 acres originally claimed for the PPU, 40 are in quarter-quarters deeded to Ferguson. Therefore I allocate 40 to Ferguson and 77 to Allred.

4. Claim A01-10388

This claim is not claimed on any lands conveyed to Ferguson, so no part is split off to Ferguson. Since this claim is 100% overlapped with A01-00049A as amended, and since it is for no additional Q, in reality A01-10388 does not do anything, even though it was not withdrawn.

ok - BAC 10/24/00  
RECEIVED

APR 03 2000

Department of Water Resources  
Eastern RegionSTATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease 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): 0100049, 0100049A, A0110388,  
Adjudication Claim No(s): \_\_\_\_\_
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 Allred Brothers Partnership
4. New Owner/Claimant(s) Roger & Sybil Ferguson / Bear Crest LLC  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address P.O. Box 413  
City, State and ZIP Code Rexburg, Idaho 83440  
New Telephone Number 208 356-0657
5. Date you acquired the property 24th Sept 1999
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 _____ | Number and type of stock _____                      |
| Diversion rate in CFS _____                              | Number of homes you acquired _____ Other uses _____ |

7. Signature of New Owner(s) [Signature] / Bear Crest LLC  
or Claimant(s)

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.



## FAX COVER LETTER

TO: BryceDATE: 9-29-00Dept Wk. ResourcesFAX #: 523-7177FROM: GrantFIRST AMERICAN TITLE CO.  
REXBURG OFFICE

(208) 356-3653

Fax (208) 356-3669

MEMO: Copy and Re: Ferguson you requested

ORIGINALS TO FOLLOW BY MAIL \_\_\_\_\_

FAX ONLY ☒number of pages: 6 (including cover)

First American Title Company

M-26624-1

280693

WARRANTY DEED

THIS INDENTURE, made this 24<sup>th</sup> day of September, 1999, between CORAL STEPHEN ALLRED and SALLY I. ALLRED, his wife, of 1627 East Nines Point Lane, Boise, Idaho 83702; WILLIAM EDGAR ALLRED and LINDA M. ALLRED, his wife, of 4101 East Menan-Lorenzo Hwy., Rigby, Idaho 83442; DAVID LORIN ALLRED, a single man, of 1614 7th Avenue, Clarkston, Washington 99403; and LEON C. PETERSON and MARGARET CLAIRE PETERSON a/k/a MARGARET CLAIRE ALLRED, of 197 Hillridge, Blackfoot, Idaho 83221, the Grantors, and ROGER FERGUSON and SYBIL FERGUSON, husband and wife, of 1900 North 6000 West, Rexburg, Madison County, Idaho 83440, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Madison, State of Idaho, to-wit:

SEE ATTACHED EXHIBIT A

TOGETHER with the following water rights and no others:

A. 95 inches of a water right having a priority of June 1, 1887, originally a part of the Rexburg Decree, which was decreed to George L. and Lester S. Corey. It is now identified by the Idaho Department of Water Resources as Water Right Number 0100049 and consists of a total of 300 inches of which Sellers own a portion and are transferring herewith 95 inches of said water.

B. 16.625 shares of stock in the Liberty Park Canal, representing an interest in the water rights of said canal.

C. 19 shares of stock in the Liberty Park Canal representing only a carrying right for the waters described in Paragraph A, not an interest in the water of said canal company.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantor,

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

280693

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

Coral Stephen Allred  
CORAL STEPHEN ALLRED

Sally I. Allred  
SALLY I. ALLRED

William Edgar Allred  
WILLIAM EDGAR ALLRED

Linda M. Allred  
LINDA M. ALLRED

David Lorin Allred  
DAVID LORIN ALLRED

Leon C. Peterson  
LEON C. PETERSON

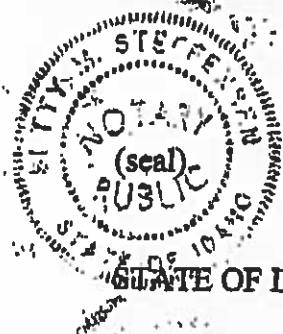
Margaret Claire Peterson  
MARGARET CLAIRE PETERSON

STATE OF IDAHO )

County of Bingham )  
ss

On this 4 day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared **CORAL STEPHEN ALLRED** and **SALLY I. ALLRED**, known to me to be the persons whose names are subscribed to the foregoing, 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 acknowledgment first above written.



Betty M. Steffen  
Notary Public for Idaho

Residing at: Blackfoot

Commission Expires: 4-10-2001

STATE OF IDAHO )

County of )  
ss

On this 21<sup>st</sup> day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared **WILLIAM EDGAR ALLRED** and **LINDA M. ALLRED**, known to me to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same.

280693

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

(seal)

LORNA - LEIGH  
STATE OF IDAHO  
NOTARY - - - PUBLIC

Lorna - Leigh  
Notary Public for Idaho

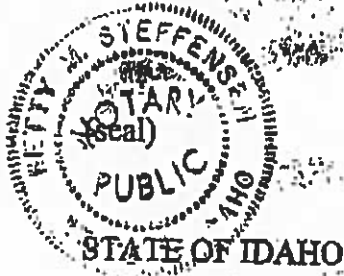
Residing at: Fremont County, Id.

Commission Expires: 2-16-2001

STATE OF Idaho)  
County of Bingham)<sup>ss</sup>

On this 4 day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared DAVID LORIN ALLRED, 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 affixed my official seal the day and year in this acknowledgment first above written.

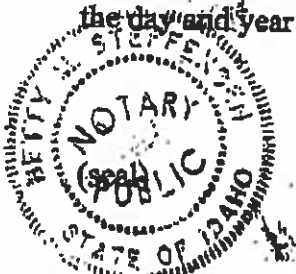


STATE OF IDAHO )  
County of Bingham)<sup>ss</sup>

Betty M. Steffensen  
Notary Public for  
Residing at: Blackfoot  
Commission Expires: 4-10-2001

On this 4 day of September, 1999, before me, the undersigned, a Notary Public in and for said state, personally appeared LEON C. PETERSON and MARGARET CLAIRE PETERSON, known to me to be the persons whose names are subscribed to the foregoing, 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 acknowledgment first above written.



Betty M. Steffensen  
Notary Public for Idaho  
Residing at: Blackfoot  
Commission Expires: 4-10-2001

# THOMPSON ENGINEERING INC.

## CONSULTING ENGINEERS

280693

4229 East 653 North Box 55  
Rugby, Idaho 83442  
745-6266

JOB NAME ..... B. M. Alford  
JOB NO. .... 98C22  
DATE ..... November 19, 1996  
PARCEL NO. .... 3A

RP 05N39E280002

### LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.

THENCE S89°52'58"W FOR A DISTANCE OF 1317.48 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST;

THENCE S89°30'15"W FOR A DISTANCE OF 45.00 FEET TO THE CENTERLINE OF A D. E. THE FOLLOWING CALLS BEING ALONG THE CENTERLINE OF SAID DIKE.

THENCE N46°32'02"W FOR A DISTANCE OF 413.63 FEET;

THENCE N44°12'10"W FOR A DISTANCE OF 228.47 FEET;

THENCE N39°04'18"W FOR A DISTANCE OF 138.17 FEET;

THENCE N25°58'48"W FOR A DISTANCE OF 144.51 FEET;

THENCE N19°57'11"W FOR A DISTANCE OF 115.38 FEET;

THENCE N23°17'57"W FOR A DISTANCE OF 468.59 FEET;

THENCE N16°38'20"W FOR A DISTANCE OF 92.93 FEET TO THE NORTH LINE OF SECTION 28;

THENCE N89°45'22"E FOR A DISTANCE OF 2218.33 TO THE NORTHEAST CORNER OF SECTION 28; TOWNSHIP 5 NORTH, RANGE 39 EAST.

THENCE S00°14'01"E FOR A DISTANCE OF 1319.73 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 57.18 ACRES MORE OR LESS.

IDTM  
671987.50 E  
245,353.66 N

# THOMPSON ENGINEERING INC. CONSULTING ENGINEERS

4229 East 653 North Box 55

Rigby, Idaho 83442

745-6880

JOB NAME \_\_\_\_\_ Bill Allred  
 JOB NO. \_\_\_\_\_ 98022  
 DATE \_\_\_\_\_ August 14, 1998  
 PARCEL NO. \_\_\_\_\_ 2

RP 05N 39E 27 3073

## LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING. THENCE N00°14'01"W FOR A DISTANCE OF 1319.73 FEET TO THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST; THENCE S09°27'53"E FOR A DISTANCE OF 94.38 FEET TO THE WEST RIGHT-OF-WAY OF A COUNTY ROAD. THENCE S24°53'55"E ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 568.93 FEET; THENCE S19°21'34"W FOR A DISTANCE OF 753.16 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 3.66 ACRES MORE OR LESS.



LYLE J. THOMPSON PE, PLS  
 THOMPSON ENGINEERING INC.

280693

Microfilm No. \_\_\_\_\_  
 Day OCT 04 1998  
 At 1:40 O'clock PM  
 MARILYN R. RASMUSSEN  
 MADISON COUNTY RECORDER  
 Fee \$ 15 Deputy  
 Recorded At Request of \_\_\_\_\_  
 First American Title Company

JAN-24-2000 17:09

RST AMERICAN-RXBURG.

208 356 3669 P.10

First American Title Company

COPY

WHEN RECORDED RETURN TO:  
 Billy G. DuPree, Jr.  
 P.O. Box 723  
 Rexburg, Idaho 83440

Microfilm No.

280694

Day OCT 04 1999

At 1442 O'clock m

MARILYN R. RASMUSSEN

MADISON COUNTY RECORDER

Fee \$ 9.00 Deputy

Recorded At Request of  
First American Title Company

## QUITCLAIM DEED

GRANTOR, Bear Crest Limited LLC, an Idaho limited liability company of 2120 North 6000 West, Rexburg, Madison County, Idaho, for a good and valuable consideration the receipt whereof is hereby acknowledged does REMISE, RELEASE, and forever QUITCLAIM, unto Roger Ferguson and Sybil Ferguson, husband and wife, whose address is 1900 North 6000 West, Rexburg, Madison County, Idaho, as GRANTEES, and to GRANTEES' heirs and assigns, forever, all the following described property situated in Fremont County, Idaho:

SEE ATTACHED EXHIBIT A

Together with all and singular the tenements, hereditaments and appurtenances belonging to or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property. To have and to hold all and singular the premises, together with the appurtenances, to GRANTEES and to GRANTEES' heirs and assigns forever.

IN WITNESS WHEREOF, the said GRANTOR has executed this instrument this 30<sup>th</sup> day of September, 1999.

GRANTOR

BEAR CREST LIMITED LLC, an  
 Idaho limited liability company

Michael D. Ferguson  
 Michael D. Ferguson, Manager

STATE OF IDAHO )  
 ) ss  
 County of Madison )

On this 30<sup>th</sup> day of September, in the year 1999, before me, a Notary Public, personally appeared Michael D. Ferguson, known or identified to me (or proved to me on the oath of \_\_\_\_\_), to be one of the members in the limited liability company of Bear Crest Limited LLC and the member who subscribed said company name to the foregoing instrument, and acknowledged that he executed the same in said company name.



Diana Clements  
 Notary Public for Idaho  
 Residing at: Rexburg, Idaho  
 My Commission Expires: 4/22/05

JAN-24-2000 17:10

ST AMERICAN-RXBRG.

208 356 3669 P.11

280694

## EXHIBIT A

**THOMPSON ENGINEERING INC.  
CONSULTING ENGINEERS**

4229 East 655 North Box 55

Rigby, Idaho 83442

745-6666

JOB NAME ..... B. I. Alfred  
JOB NO. .... 98C22  
DATE ..... November 19, 1998  
PARCEL NO. .... 3A

**LEGAL DESCRIPTION**

A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.  
THENCE S89°52'58"W FOR A DISTANCE OF 1317.48 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST;  
THENCE S89°30'15"W FOR A DISTANCE OF 45.00 FEET TO THE CENTERLINE OF A D. E. THE FOLLOWING CALLS BEING ALONG THE CENTERLINE OF SAID DIKE.  
THENCE N46°32'02"W FOR A DISTANCE OF 413.63 FEET;  
THENCE N44°12'10"W FOR A DISTANCE OF 228.47 FEET;  
THENCE N39°04'18"W FOR A DISTANCE OF 138.17 FEET;  
THENCE N25°58'48"W FOR A DISTANCE OF 144.51 FEET;  
THENCE N19°57'11"W FOR A DISTANCE OF 115.38 FEET;  
THENCE N23°17'57"W FOR A DISTANCE OF 468.59 FEET;  
THENCE N16°38'20"W FOR A DISTANCE OF 92.93 FEET TO THE NORTH LINE OF SECTION 28;  
THENCE N89°45'22"E FOR A DISTANCE OF 2218.33 TO THE NORTHEAST CORNER OF SECTION 28: TOWNSHIP 5 NORTH, RANGE 39 EAST.  
THENCE S00°14'01"E FOR A DISTANCE OF 1319.73 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 57.18 ACRES MORE OR LESS.

# THOMPSON ENGINEERING INC. CONSULTING ENGINEERS

4229 East 653 North Box 55  
Rigby, Idaho 83442  
745-6680

280694

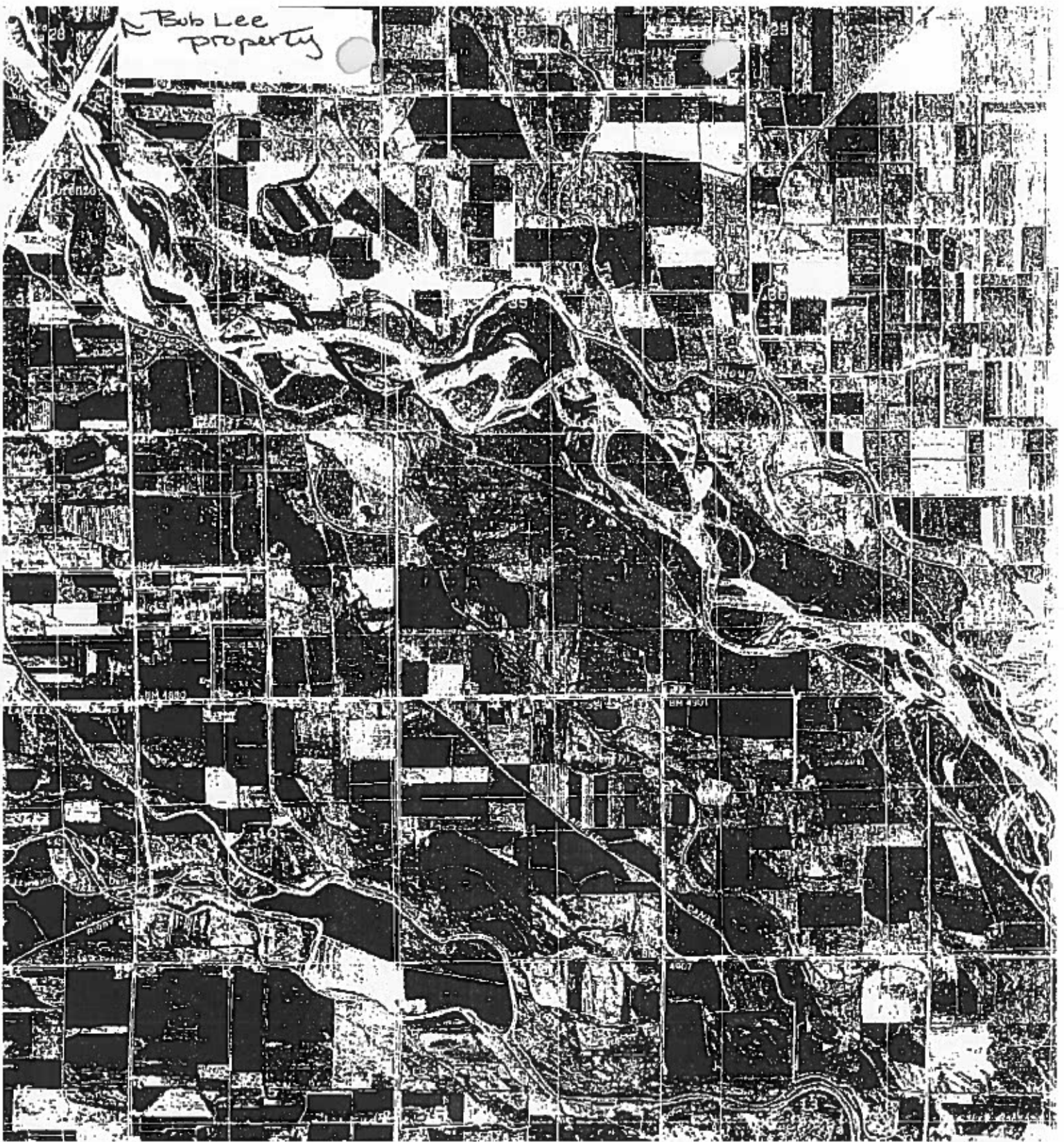
JOB NAME \_\_\_\_\_ Bill Allred  
JOB NO. \_\_\_\_\_ 98022  
DATE \_\_\_\_\_ August 14, 1998  
PARCEL NO. \_\_\_\_\_ 2

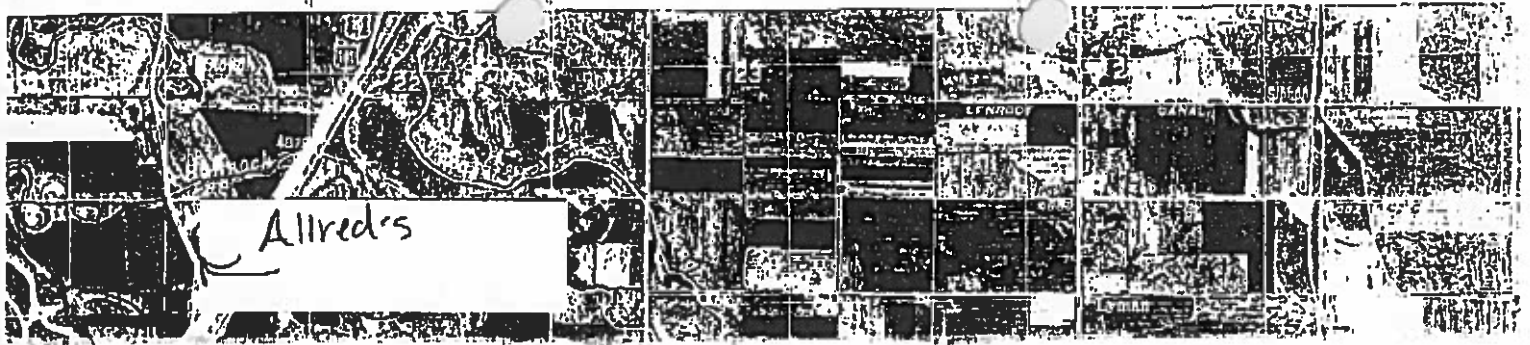
## LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.  
THENCE N00°14'01"W FOR A DISTANCE OF 1319.73 FEET TO THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST;  
THENCE S09°27'53"E FOR A DISTANCE OF 94.38 FEET TO THE WEST RIGHT-OF-WAY OF A COUNTY ROAD.  
THENCE S24°53'55"E ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 568.93 FEET;  
THENCE S19°21'34"W FOR A DISTANCE OF 753.16 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 3.66 ACRES MORE OR LESS.

REGISTERED  
SURVEYOR  
8-14-98  
354  
STATE OF IDAHO  
LYLE J. THOMPSON PE, PRS  
THOMPSON ENGINEERING INC.

Bob Lee  
property





0500970  
No. A01-10388

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/25/00  
PAGE: 2

Remarks: WITHDRAW THIS CLAIM. BAC 9/17/1999.

EXP THIS RIGHT IS FOR AN ENLARGEMENT OF 64 ACRES WITHIN THE  
PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates: Exam Made Date:

Verified Date:

Objection filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumptive Flag:

Audit: 09/17/99, RECORD



DIVERSION  
VOLUME

**Stage: DECREASED**

2

**TOTAL ACRES**

**Other Rights:** N/A

**POUT USE OF THIS RIGHT WITH RIGHT NO. 01-10388 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 53 ACRES IN A SINGLE IRRIGATION SEASON.**

**Location of P/D is best estimate.**

THIS RIGHT IS DELIVERED VIA CARRIAGE AGREEMENT WITH LIBERTY PARK CANAL. WATER IS DO-MINGLED WITH LIBERTY PARK WATER AND DELIVERED TO A LARGER PLACE OF USE PER CLAIM A01-10388. THOUGH A01-10388 IS FILED AS AN ENLARGEMENT CLAIM, IT IS ACTUALLY USED ON A PERMISSIBLE PLACE OF USE BASIS AND THERE IS NOT ANY ENLARGEMENT OF ACRES OR DIVERSION RATE. REMARK CODES ADDED TO THIS CLAIM 9/13/1999 BY B. CONTOR.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 01.

**objection Filed Date:**

1'02 CFS = 1 inch  
 95 inches = 1.90  
 CFS

|                   |                     |                  |                |
|-------------------|---------------------|------------------|----------------|
| Post-it® Fax Note | 7671                | Date 1/24/2000   | # of pages 1   |
| To Bill Dr Rec    | From Keith C Wilson | On 1/24/00       |                |
| Cor/Dept.         |                     | Phone # 525 7161 | Fax # 525 7177 |
| 351               |                     |                  |                |



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

EASTERN REGION

February 15, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

BEAR CREST LTD LLC  
PO BOX 160  
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 1-10393 and Notice of Completed Administrative Proceeding (NCAP)

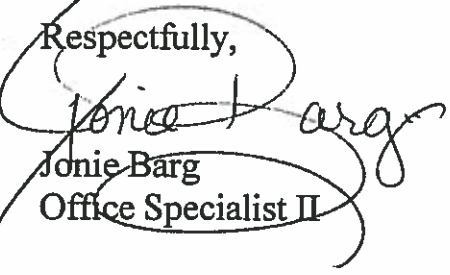
Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

  
Jonie Barg  
Office Specialist II

Enclosure

SCANNED  
FEB 22 2008

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

In Re SRBA

Water Rights: 1-10393

Case No. 39576

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party FERGUSON-BEAR CREST LTD LLC
- ☐ I.C. § 42-222 transfer
  - ☐ point of diversion ☐ place of use
  - ☐ period of use ☐ nature of use
  - ☐ split of water right ☐ change in ownership

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 Reports* for said water rights. 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: Feb 21, 2008



Signature of IDWR Representative

**CERTIFICATE OF MAILING**

I certify that on February 21, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
Roger Ferguson  
Sybil Ferguson  
C/O Bear Crest LTD LLC  
PO Box 413  
Rexburg ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:  
Bear Crest LTD LLC  
PO Box 160  
Rexburg ID 83440

4. One copy to:

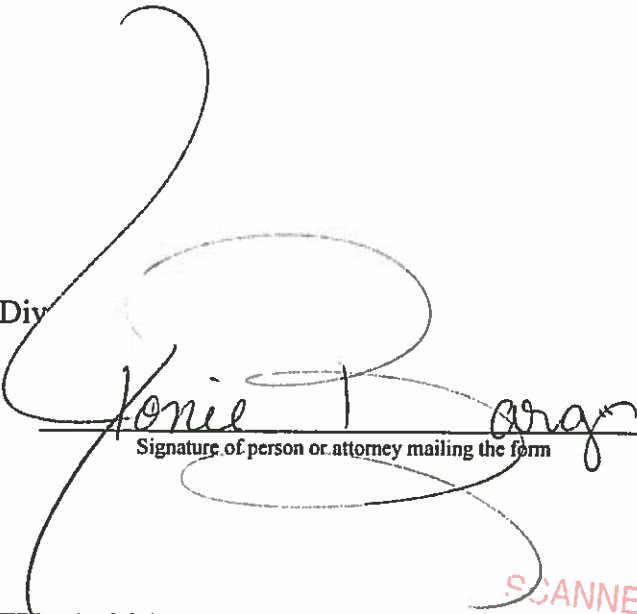
Each party in the subcase, or attorney of record  
Michael Ferguson  
Po Box 160  
Rexburg ID 83440

5. One copy each to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

02/15/2008

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

RIGHT NUMBER: 1-10393

NAME AND ADDRESS: BEAR CREST LTD LLC  
PO BOX 160  
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 2.030 CFS

PRIORITY DATE: 06/01/1887

POINT OF

DIVERSION: T04N R40E S6 SWSW Lot 7 Within MADISON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 2.030 CFS       |

PLACE OF USE: IRRIGATION in MADISON County

|               |      |      |               |      |       |
|---------------|------|------|---------------|------|-------|
| T05N R39E S27 | NWNW | 7.20 | T05N R39E S28 | NENE | 33.00 |
|---------------|------|------|---------------|------|-------|

|                          |      |
|--------------------------|------|
| T05N R39E S28 Lot 6 NWNE | 8.80 |
|--------------------------|------|

49 ACRES TOTAL

Place of use does not include federal public lands.

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 - Decreed

This right is a split from former right 1-49.

Use of this right is combined with water from Liberty Park Irrigation Co.

Water is delivered through Liberty Park Canal.

SCANNED

FEB 22 2008

AUG 27 2000

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 1-10393  
Date Received: 10/2/00  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BEAR CREST LLC Phone:

PO BOX 413  
REXBURG ID USA 83440

BEAR CREST LLC Phone:

PO BOX 413  
REXBURG ID USA 83440

2. Date of Priority: 06/01/1887

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County  |
|----------|-------|---------|-----------------------|---------|
| 05N      | 39E   | 35      | SE NE SE              | MADISON |

5. Description of diverting works:

HEADWROKS OF LIBERTY PARK CANAL

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 10/31 | 1.9    |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

A0110393



| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 39E   | 28      | NE         | NE  | IRRIGATION    | 30    |
|          |       |         | NW         | NE  | IRRIGATION    | 10    |
|          |       |         |            |     | Section Acres | 40    |
|          |       |         |            |     | Total Acres   | 40    |

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

THIS IS A SPLIT OF 01-49A BY CHANGE OF OWNERSHIP. THIS RECORD ALSO INCORPORATES AMENDMENTS MADE TO 01-49A WHICH WERE NOT INCLUDED ON THE ELECTRONIC RECORD.

THIS CLAIM IS FOR A PORTION OF DECREED RIGHTS WHICH ARE DELIVERED VIA A CARRIAGE AGREEMENT WITH LIBERTY PARK CANAL AND COMINGLED ON A PERMISSIBLE PLACE OF USE BASIS WITH CANAL SHARES. THE ORIGINAL CLAIM WAS FOR 53 ACRES WITHIN 117 ACRES, USING 4.0 CFS OF WATER. THIS PORTION OF CLAIM IS FOR 25.2 ACRES OF IRRIGATION WITHIN 40 ACRES, USING 1.9 CFS OF WATER. THE OTHER PORTION OF THE ORIGINAL CLAIM IS ALLOCATED TO 01-10392, FRO IRRIGATION OF 27.8 ACRES OF IRRIGATION WITHIN 77 ACRES, USING 2.1 CFS OF WATER. SEE MEMO IN PAPER FILE. BCNTOR 10/2/2000.

15. Basis of Claim: Decreed

1-49.  
Cable 300in  
bcfs.