

04/20/2006

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

RIGHT NUMBER: 22-15
NAME AND ADDRESS: JEANINE S CUSHMAN
691 HOLLADAY RD
PASADENA CA 91106-4112
JOHN C CUSHMAN III
691 HOLLADAY RD
PASADENA CA 91106-4112
BLAKE G HALL
2855 SUNNYBROOK LN
IDAHO FALLS ID 83404

SOURCE: MIDDLE TWIN CREEK TRIBUTARY: TWIN CREEK
QUANTITY: 1.600 CFS
PRIORITY DATE: 01/22/1916
POINT OF DIVERSION:

T04N R44E S2 NWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within TETON County

T04N R44E S02 Lot 1 NENE	25.00	T04N R44E S02 Lot 2 NWNE	35.00
T04N R44E S02 SWNE	36.00	T04N R44E S02 Lot 3 NENW	21.00
T04N R44E S02 SENW	11.00		

128 ACRES TOTAL

This right is limited to the irrigation of 120 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 128 acres in a single irrigation season. Combined Right Nos.: 22-15, 22-45, and 22-7341.

The rights listed below are limited to the irrigation of a combined total of 310 acres in a single irrigation season. Combined Right Nos.: 22-15, 22-45, 22-2213, and 22-7341.

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

Right No. 22-45 is also diverted through point of diversion described above.

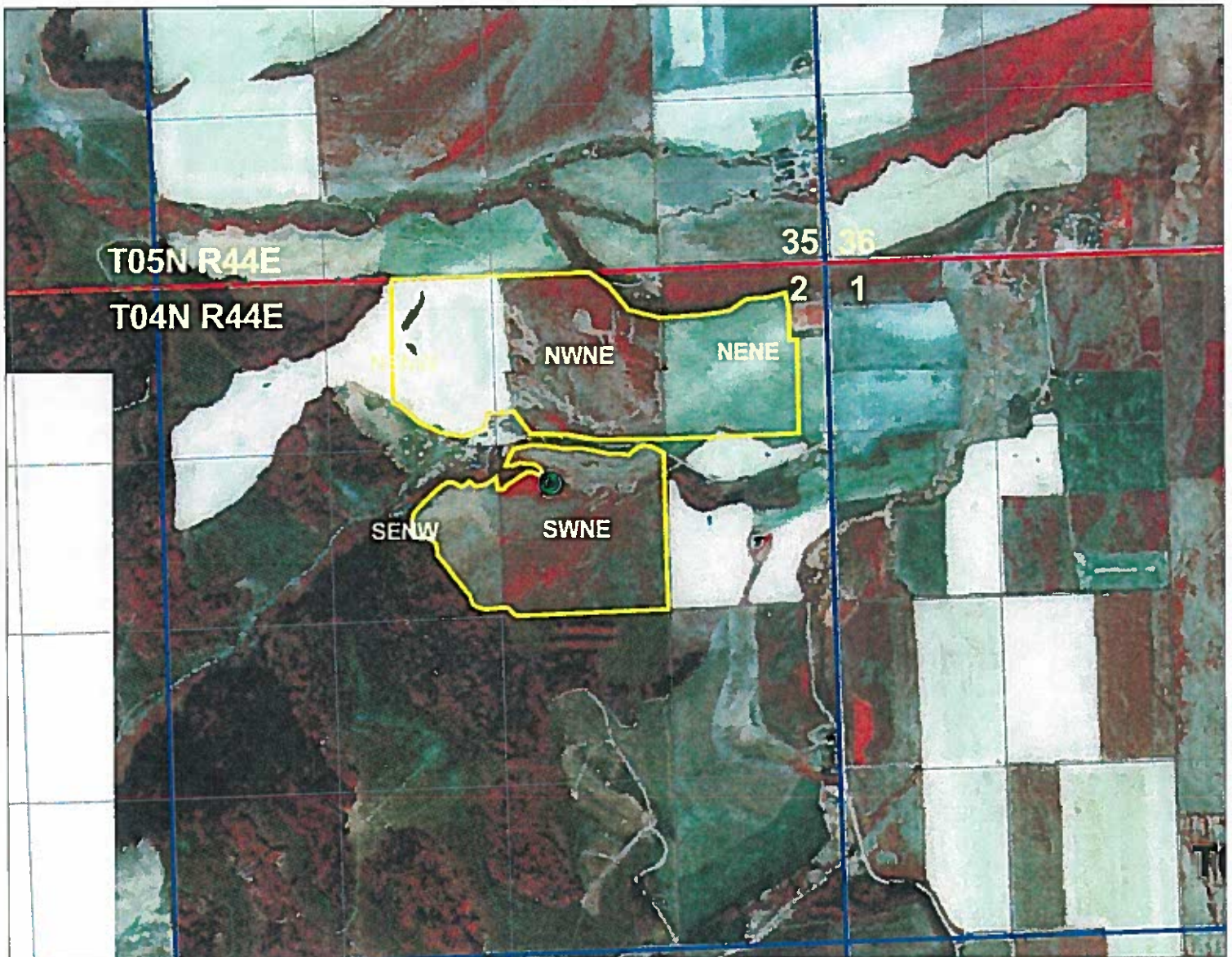
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Department of Water Resources

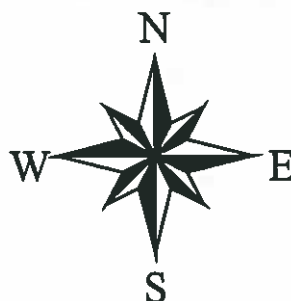
Eastern Region

Claim No.: 22-15 & 22-45



0 1000 2000 3000 Feet

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: April 2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-15

WATER RIGHT NUMBER: 22-15

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEANINE S CUSHMAN 691 HOLLADAY RD PASADENA, CA 91106-4112 (818)449-2319
Current Owner	JOHN C CUSHMAN III 691 HOLLADAY RD PASADENA, CA 91106-4112 (818)449-2319
Present Owner	BLAKE G HALL 2855 SUNNYBROOK LN IDAHO FALLS, ID 83404 (208)522-3001

Priority Date: 01/22/1916

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MIDDLE TWIN CREEK	TWIN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

MIDDLE TWIN CREEK	NW1/4SW1/4NE1/4	Sec. 2, Twp 04N, Rge 44E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	44E	2	25.0	36.0	36.0		20.0			11.0									128.0
			L 1	L 2			L 3												

Total Acres: 128

11/30/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 11, 2006

Water right number: 22-15

JEANINE S CUSHMAN
691 HOLLADAY RD
PASADENA CA 91106-4112
Telephone Number: (818)449-2319

JOHN C CUSHMAN III
691 HOLLADAY RD
PASADENA CA 91106-4112
Telephone Number: (818)449-2319

BLAKE HALL
2855 SUNNYBROOK LN
IDAHO FALLS ID 83404

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

see attached map. Area outlined should be included in water right area. Triangular point of diversion is also noted.

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

see attached map.

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

Area outlined is irrigated from stream diversion

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

DATE: 12-11-06

SIGNATURE: Blake G. Hall

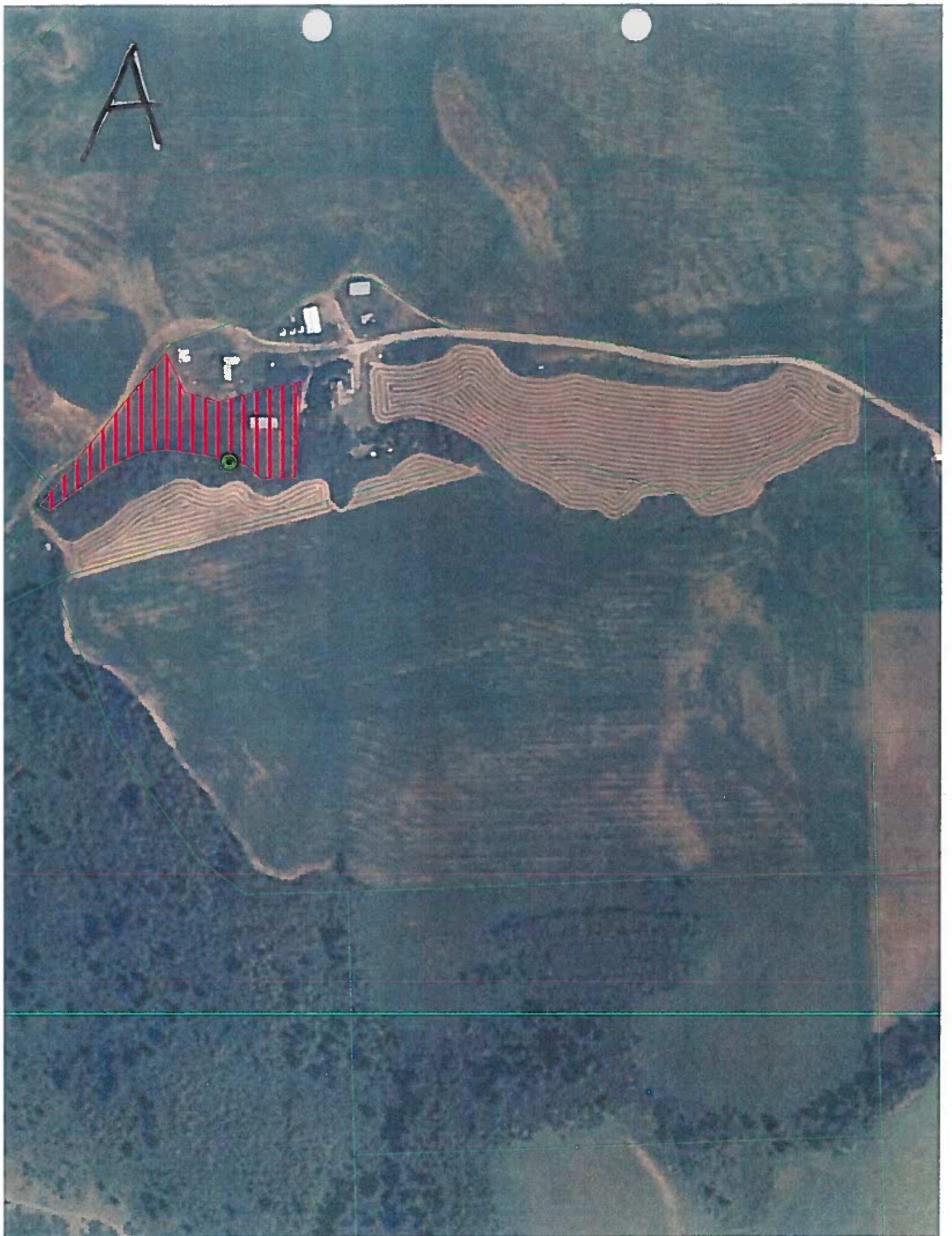
Please print your name: Blake G. Hall

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

See Map Labeled "A"

Told Mister Hall surface water rights will need to be amended.

*12-11-06
JK*



Claim no. _____

Claimant Contact Log

Date

Remarks

Agent initials

6-9-06

22-15 is not on complete decreed POD. The SENE was sold to others, however they have no claim on 22-15. One of the owners has a gravel water right that covers their irrigation. The other owner has no claim on that property. I gathered that the Cushman's did not sell any of the water with the property at time of sale. They must have moved it beforehand through an accomplished transfer.

POD appears to have been changed as well, however, it is located right next to the GN line and they have been incorrectly described. There was no change in POD.

KM

MEMORANDUM

DATE: January 3, 2006

TO: File

FROM: Jennifer Crabtree, Technical Records Specialist

RE: Adding Present Owners

Per the procedure developed in August 2005 by the state office staff, legal, and the court, I added the new claimants as "present owners" and left the old claimants as "current owners". Once the director's report is issued and all the ownership changes are received, the recommendation will be split as per our normal procedure.

PROFILED

SCANNED
JAN 12 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 4, 2006

BLAKE G HALL
2855 SUNNYBROOK LN
IDAHO FALLS ID 83404

RE: SPLIT OWNERSHIP OF WATER RIGHT 22-15, 22-45, 22-7341

Dear Mr. Hall:

Review of your "Notice of Change in Water Right Ownership" reveals a portion of the water right(s) listed above is appurtenant to your property. However, our office is unable to split water rights in Basin 22 until after we submit the Director's Report to the Snake River Basin Adjudication Court. Therefore, you have been added to the water right record(s) as a "present owner." This designation will allow you to receive copies of mailings that pertain to the water right(s) listed above.

Splitting rights will be completed following distribution of the Basin 22 Director's Report scheduled for mailing in 2006. At that time we will designate you "current owner" of your portion and notify the SRBA Court, so the water rights appurtenant to your property will be adjudicated in your name.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: File: 22-15
John Cushman

PROVIDED

SCANNED
JAN 12 2006

Split
Added.
Haded
present
owner.
JC

DELOG
AR
8-25-05
RECEIVED
1-4-06
AUG 25 2005

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

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

Department of Water Resources
Eastern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A22-07341		✓			
22-45		✓			
22-15		✓			

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

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

OR

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

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

Garry ~~into~~ Bowen | John Cushman
Rt 2 Box 1224, Driggs, Idaho (1981) CA

4. New Owner/Claimant(s)

Blake G Hall

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2855 Sunnybrook Ln

City, State and ZIP Code

Idaho Falls, ID 83404

New Telephone Number

(208) 522-3001

5. Date you acquired the property

July 30, 1999

added
present
owner
per
split
memo.
JC
1-4-06



LAUREL P. HALL
Resources/INL Director

Congressman Mike Simpson
U.S. House of Representatives
Second District, Idaho

490 Memorial Dr., Ste. 103
Idaho Falls, ID 83402
(208) 523-6701
(208) 523-2384 Fax
laurel.hall@mail.house.gov
www.house.gov/simpson

521-6182
2008

SCANNED

JAN 12 2006

PROFILED

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A22-07341</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.34</u>	<u>17 acres</u>
Stock	<u>.009</u>	<u>4 horses 2 cows</u>
Domestic	<u>.018</u>	<u>2 houses</u>
Other	<u>~~.367~~</u>	
Total	<u>.367</u>	

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

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

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

For Office Use Only

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

SCANNED

JAN 12 2000

8/25/05

TAX MASTER INQUIRY - TETON COUNTY

PMPKEY: RP 04N44E021202 A YEAR 2004

BILL# 6910

TXPKY: RP04N44E021202A

BILLED TO: HALL, BLAKE G

NAME HALL, BLAKE G

CODE AREA 8-0000

ACCT TYP

BANK

FLB

OWNER

PUP

ADDRESS

PO BOX 51630

IDAHO FALLS

ID 83405

LEGAL

TAX #3505

SEC 2 T4N R44E

MARKET VALUE

222,637

HARDSHIP

HOMEOWNER

NET MARKET

222,637

TAX AMOUNT

1,487.60

LESS: CIRCUIT

PLUS: SPECIALS

100.00

NET TAX BILLED

1,587.60

TAX PAYMENTS

1,587.60

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

639

W 125 S

NEXT PARCEL# RP

A

OR

NEXT BILL# RP

2004

F3=EXIT F14=OTHER TAXES F2=PRT SCREEN F5=PAYMNTS F6=TRANSACTIONS F24=MORE

SCANNED

JAN 12 2006

8/25/05

10410 - PARCEL MASTER INQUIR

11:44:58

PARCEL: RP 04N44E021202 A

F9=MS

F12=RC

F17=DD F19=SP

LEGAL DESCRIPTION

HALL, BLAKE G

TAX #3505

SEC 2 T4N R44E

ProVal Area Number 1

CODE AREA 8-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 5042000 EXPDATE

PREV PARCEL

PO BOX 51630

IDAHO FALLS ID 83405

639 W 125 S

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
3	2003	14300	AC	2617				
5	2003	4700	AC	197				
10	2003	1000	AC	10350				
32	1999			18726				
TOTALS		20000		222637				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit

F6=NM

F7=LG

F8=CT

F13=TM

F18=HS

F20=SrcH

SCANNED

JAN 12 2006

1-7348

RECEIVED

134664
WARRANTY DEED

JUL 30 1999

TETON CO. ID
CLERK/RECORDER



For Value Received, GARRY L. BOWEN and NADA H. BOWEN, husband and wife

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

BLAKE G. HALL and LAUREL HALL, husband and wife
whose address is: 2855 SUNNYBROOK LANE, IDAHO FALLS, ID, 83404

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

SEE ATTACHED EXHIBIT "A"

Subject to the Restriction, Covenants, and Provisions in Notice of Contract of Sale, recorded February 17, 1995, Recorder's No. 119168, Records of Teton County, Idaho AND recorded December 18, 1995, Recorder's No. 122419, Records of Teton County, Idaho

SUBJECT TO Restrictions and Covenants contained in Warranty Deed recorded February 18, 1998, Recorder's No. 129582, Records of Teton County, Idaho

Subject to reservations in United States and State Patents; existing and recorded Right-of-ways, Easements, Zoning, Building and Subdivision ordinances; Taxes and Assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:

Garry L. Bowen
GARRY L. BOWEN

Nada H. Bowen
NADA H. BOWEN

STATE OF IDAHO)
COUNTY OF TETON)

On this 29th day of July, in the year 1999, before me, a Notary Public in and for said State, personally appeared GARRY L. BOWEN and NADA H. BOWEN, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Layne W. Price
Notary Public of Idaho
Residing at 2100 S. ID
Commission Expires 11-19-2000

134664
FILED

AT THE REQUEST OF
First American
AT 41 MINUTES PAST 2 P.M.
DATE July 30, 1999
BY Layne W. Price
Notary Public
CLERK OF RECORD

LAYNE W. PRICE
NOTARY PUBLIC
STATE OF IDAHO

Teton County
My Commission Expires 11-19-2000

First American Title Company

CANNED

JAN 12 2006

134664

EXHIBIT "A"

Township 4 North, Range 44 East, Boise Meridian, Teton County, Idaho.
A portion of the North 1/2 of Section 2, described as:
Commencing at the Northeast corner of the SW1/4NE1/4 of said Section 2,
thence S 72°25'42" W. 1174.77 feet to the point of beginning;
thence West 408.19 feet;
thence N 39°20'00" W. 281.91 feet;
thence N 200.00 feet;
thence N 41°10'00" E. 130.00 feet;
thence N 74°00'00" E. 476.91 feet;
thence S 48°30'00" E. 140.00 feet;
thence South 482.41 feet to the point of beginning.

TOGETHER WITH a 30 foot wide easement for access and utilities lying
south of the following described North line;
Beginning at a point N 87°40'13" W. 1023.44 feet from the NE corner
SW1/4NE1/4 of said Section 2.
Thence N 48°30'00" W. 140.00 feet to the end of said North line.

ALSO

Township 4 North, Range 44 East, Boise Meridian, Teton County, Idaho.
A portion of the North 1/2 of Section 2, described as:
Commencing at the Northeast corner of the SW1/4NE1/4 of said Section 2,
thence S 72°25'42" W. 1174.77 feet to the point of beginning;
thence S 77°40'00" W. 927.55 feet;
thence S 67°46'38" W. 244.82 feet;
thence N 50.00 feet;
thence N 39°46'33" E. 193.98 feet;
thence N 35°55'23" E. 187.30 feet;
thence N 41°10'00" E. 479.67 feet;
thence S 200.00 feet;
thence S 38°20'00" E. 281.91 feet;
thence E 408.19 feet to the point of beginning.

ALSO another portion of the North 1/2 of Section 2, described as:
Commencing at the Northeast corner of the SW1/4NE1/4 of said Section 2,
thence S 72°25'42" W. 1174.77 feet to the point of beginning;
thence N 482.41 feet;
thence S 48°30'00" E. 130.00 feet;
thence S 83°40'00" E. 372.50 feet;
thence S 76°20'00" E. 232.00 feet;
thence N 88°00'00" E. 280.00 feet;
thence S 60°00'00" E. 100.00 feet;
thence S 0°18'18" W. 176.94 feet;
thence S 65°40'00" W. 448.05 feet;
thence N 70°40'00" W. 453.30 feet;
thence S 77°40'00" W. 227.78 feet to the point of beginning.

SUBJECT TO a 30 foot county road and utility easement being the 30
feet directly South of the following described line;
Beginning at a point N 87°40'13" W. 1023.44 feet from the NE corner
SW1/4NE1/4 of said section 2.
Thence S 83°40'00" E. 372.5 feet;
thence S 76°20'00" E. 232.00 feet;
thence N 88°00'00" E. 280.00 feet;
thence S 60°00'00" E. 100.00 feet to the easternmost property line.

ALSO SUBJECT TO a 20 foot diversion and irrigation underground pipeline
easement being 10 feet on each side of the following described
centerline;
Beginning at a point S 77°40'00" W 1495.00 feet from the NE corner
SW1/4NE1/4 of said section 2, thence S 56°00'00" E. 148.27 feet to the
Southern property line.

D.J.B.
A.H.B.

134664

SCANNED

FEB 17 1995

TETON Co. Id.

119168

MEMORANDUM OF CONTRACT OF SALE

NOTICE IS GIVEN THAT THE UNDERSIGNED HAVE ENTERED INTO A REAL ESTATE CONTRACT PROVIDING FOR THE SALE AND PURCHASE OF THE PROPERTY DESCRIBED IN THIS NOTICE. PARTICULARS CAN BE OBTAINED FROM THE PARTIES.

TAX NOTICES ARE TO BE SENT TO THE PURCHASERS.

1. Date

February 17, 1995

2. Parties

Sellers:

John C. Cushman III and Jeanine S. Cushman

Current address: 40 Chandler Place, San Marino CA 91108

Purchasers:

Garry L. Bowen and Nada H. Bowen

Current address: 639 West 125 South, Driggs, ID 83422

3. Property

Description:

All that certain property, improvements, and property rights situate in Teton county, Idaho, and being more particularly described as follows:

Township 4 North, Range 44 East, Boise Meridian

A portion of the North ½ of Section 2, described as:

Commencing at the Northeast corner of the SW¼NE¼ of said section 2, then S 72°25'42" W 1174.77 feet to the point of beginning;

Then West 408.19 feet;
Then N 38°20'00" W 281.91 feet;
Then North 200.00 feet;
Then N 41°10'00" E 30.00 feet;
Then N 74°00'00" E 476.91 feet;
Then S 48°30'00" E 140.00 feet;
Then South 482.41 feet to the point of beginning.

119168

FILED

AT THE REQUEST OF

American Land

50 MINUTES PAST 4 P.M.

DATE Feb 17, 1995

Ann J. Drake

CLERK OF TETON CO., ID.

Nora Rigby

Filed ☒
Index ☒
Record ☒

SCANNED

JAN 12 2006

And also another portion of the North ½ of Section 2, described as:

Commencing at the Northeast corner of the SW¼NE¼ of said section 2, then S 72°25'42" W 1174.77 feet to the point of beginning;

Then S 77°40'00" W 927.55 feet;
Then S 67°46'38" W 244.82 feet;
Then North 50.00 feet;
Then N 39°46'33" E 193.98 feet;
Then N 35°55'23" E 187.30 feet;
Then N 41°10'00" E 479.67 feet;
Then South 200.00 feet;
Then S 38°20'00" E 281.91 feet
Then East 408.19 feet to the point of beginning.

37

And also another portion of the North ½ of Section 2, described as:

Commencing at the Northeast corner of the SW¼NE¼ of said section 2, then S 72°25'42" W 1174.77 feet to the point of beginning;

Then North 482.41 feet;
Then S 48°30'00" E 130.00 feet;
Then S 83°40'00" E 372.50 feet;
Then S 76°20'00" E 232.00 feet;
Then N 88°00'00" E 280.00 feet;
Then S 60°00'00" E 100.00 feet;
Then S 0°18'18" W 176.94 feet;
Then S 65°40'00" W 448.05 feet
Then N 70°40'00" W 453.30 feet
Then S 77°40'00" W 227.78 feet to the point of beginning.

38

TOGETHER WITH only existing water and water rights out of Middle Twin Creek for stock watering for the livestock the purchasers may raise on the property as provided below. Also together with all the rights arising from the existing well that provides water to the existing residence on the premises and is used for other domestic purposes. Sellers reserve all other existing water rights unto themselves.

TOGETHER WITH all appurtenant rights except coal, oil, gas and mineral rights one half of which will be transferred to the purchasers the other one half of which sellers reserve unto themselves.

TOGETHER WITH right to construct one guest house on the location of an existing outbuilding if and only if and after the demolition and removal of the outbuilding. Other than the existing residence on the property and guest house that may be built, no other residences may be built on the property subject of this contract.

SUBJECT TO a 30 foot county road and utility easement being the 30 feet directly South of the following described line;

MEMORANDUM OF CONTRACT OF SALE 2

SCANNED

JAN 12 2006

Beginning at a point N 87°40'13" W 1023.44 feet from the NE corner SW¼NE¼ of said section 2.

Then S 83°40'00" E 372.5 feet

Then S 76°20'00" E 232.00 feet

Then N 88°00'00" E 280.00 feet

Then S 60°00'00" E 100.00 feet to the easternmost property line.

ALSO SUBJECT TO a 20 foot diversion and irrigation underground pipeline easement being 10 feet on each side of the following described centerline;

Beginning a point S 77°40'00" W 1495.00 feet from the NE corner SW¼NE¼ of said section 2, thence S 56°00'00" E 148.27 feet to the Southern property line.

ALSO SUBJECT TO all other road and canal easements and rights-of-way and other easements and rights-of-way as the same now exist or appear of record, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions and accruing taxes.

ALSO SUBJECT TO the limitation that the purchasers may raise, stable or house not more than 10 head of horses or cattle, one dog and not more than 2 cats on the entirety of the property being transferred. The restrictions contained in this paragraph shall be a covenant running with the land and shall encumber this parcel until its release by all parties in interest including but not limited to all adjoining landowners and the sellers or their successors in interest in the property served by the easement reserved to the sellers.

ALL THE RESTRICTIONS AND COVENANTS CONTAINED IN THE FOREGOING SHALL RUN WITH THE LAND AND SHALL BIND THE PURCHASERS AND THEIR SUCCESSORS AND ASSIGNS AND THE PROPERTY ITSELF.

Subject to taxes and assessments for 1995 and all subsequent years.

Subject to all facts, rights, claims and interest ascertainable by inspection of the property or by inquiry of persons in possession.

Subject to unpatented mining claims, reservations and exceptions and patents or in acts authorizing their issuance.

Subject to all reservations, restrictions, easements, road and road rights of way, ditches and ditch rig' of way, power lines and power line rights of way, zoning restrictions, governmental regulations and protective covenants of record for Teton County, Idaho.

ALL THE RESTRICTIONS AND COVENANTS CONTAINED IN THE FOREGOING SHALL RUN WITH THE LAND AND SHALL BIND THE PURCHASERS AND THEIR SUCCESSORS AND ASSIGNS AND THE PROPERTY ITSELF.

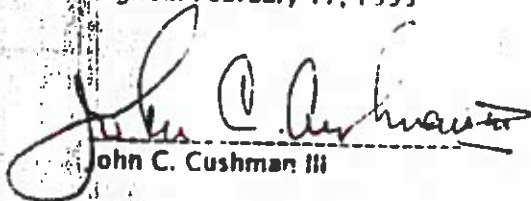
MEMORANDUM OF CONTRACT OF SALE 3

78

SCANNED
JAN 12 2006

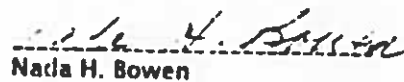
Grantor makes no covenant, representation or warranty as to the suitability of the property or as the physical condition of the property for any purpose. Grantee acknowledges that it has inspected the property, observed its physical characteristics and existing conditions, and has been afforded the opportunity to conduct such investigations and study on and of the property as it considers necessary for the purpose of acquiring the property for grantee's intended use, and Grantee waives all objections to or claims with respect to any physical characteristics and existing conditions of the property, including, without limitation, any hazardous materials in, at, under or related to the property. Grantee further acknowledges and agrees that the property is to be transferred to and purchased and accepted by Grantee in its present condition, "AS IS" and with all faults, and Grantee assumes the risk that adverse past, present and future physical characteristics and conditions may not have been revealed by its inspection or investigation.

Signed: February 17, 1995


John C. Cushman III


Jeanine S. Cushman


Garry L. Bowen


Nadia H. Bowen

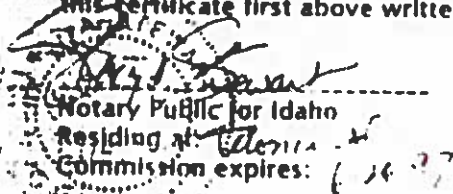
STATE OF IDAHO)

) ss

County of Teton)

On February 17, 1995, before me, Stacy A. Stewart, an Idaho notary public, personally appeared John C. Cushman III and Jeanine C. Cushman, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
Residing at: Idaho
Commission expires: 6-16-97

MEMORANDUM OF CONTRACT OF SALE 4

SCANNED
JAN 12 2006

(SEAL)

110169

STATE OF IDAHO)

) ss

County of Teton)

On February 17, 1995, before me, Shirley A. Stewart, an Idaho notary public, personally appeared Garry L. Bowen and Nada H. Bowen, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.

Shirley A. Stewart
Notary Public for Idaho

Residing at: Teton, ID

Commission expires: 6-28-97



MEMORANDUM OF CONTRACT OF SALE 5

SCANNED

JAN 12 2006

122419
DEC 18 1995

TETON Co. Id.
Clerk Recorder

MEMORANDUM OF CONTRACT OF SALE

NOTICE IS GIVEN THAT THE UNDERSIGNED HAVE ENTERED INTO A REAL ESTATE CONTRACT PROVIDING FOR THE SALE AND PURCHASE OF THE PROPERTY DESCRIBED IN THIS NOTICE. PARTICULARS CAN BE OBTAINED FROM THE PARTIES.

TAX NOTICES ARE TO BE SENT TO THE PURCHASERS.

1. Date

February 17, 1995

2. Parties

Sellers:

John C. Cushman III and Jeanine S. Cushman

Current address: 40 Chandler Place, San Marino CA 91108

Purchasers:

Garry L. Bowen and Nada H. Bowen

Current address: 639 West 125 South, Driggs, ID 83422

3. Property

Description:

All that certain property, improvements, and property rights situate in Teton county, Idaho, and being more particularly described as follows:

Township 4 North, Range 44 East, Boise Meridian

A portion of the North $\frac{1}{4}$ of Section 2, described as:

Commencing at the Northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said section 2, then S 32°37'14" W 112.24 feet to the point of beginning;

Then S 0°18'18" W 176.94 feet;
Then S 65°40'00" W 448.05 feet
Then N 70°40'00" W 453.30 feet
Then S 77°40'00" W 1155.32 feet;

122419

FILED

AT THE REQUEST OF

Garry Bowen

AT 7 MINUTES PAST 4p

DATE December 18, 1995

Ass. J. Strake

CLERK OF RECORDER

Claine Smith

Signed _____
Indexed _____
Printed _____

SCANNED

JAN 12 2006

Then S 67°46'38" W 244.82 feet;
Then North 50.00 feet;
Then N 39°46'33" E 193.98 feet;
Then N 35°55'23" E 187.30 feet;
Then N 41°10'00" E 509.67 feet;
Then N 74°00'00" E 476.91 feet;
Then S 48°30'00" E 270.00 feet;
Then S 83°40'00" E 372.50 feet;
Then S 76°20'00" E 232.00 feet;
Then N 88°00'00" E 280.00 feet;
Then S 60°00'00" E 100.00 feet to the point of beginning.

Containing 20.01 acres, more or less

TOGETHER WITH only existing water and water rights out of Middle Twin Creek for stock watering for the livestock the purchasers may raise on the property as provided below. Also together with all the rights arising from the existing well that provides water to the existing residence on the premises and is used for other domestic purposes. Sellers reserve all other existing water rights unto themselves

TOGETHER WITH all appurtenant rights except coal, oil, gas and mineral rights one half of which will be transferred to the purchasers the other one half of which sellers reserve unto themselves

TOGETHER WITH right to construct one guest house on the location of an existing outbuilding if and only if and after the demolition and removal of the outbuilding. Other than the existing residence on the property and guest house that may be built, no other residences may be built on the property subject of this contract.

SUBJECT TO a 30 foot county road and utility easement being the 30 feet directly South of the following described line;

Beginning at a point N 87°40'13" W 1023.44 feet from the NE corner SW¼NE¼ of said section 2.

Then S 83°40'00" E 372.5 feet
Then S 76°20'00" E 232.00 feet
Then N 88°00'00" E 280.00 feet
Then S 60°00'00" E 100.00 feet to the easternmost property line.

ALSO SUBJECT TO a 20 foot diversion and irrigation underground pipeline easement being 10 feet on each side of the following described centerline;

Beginning at point S 77°40'00" W 1495.00 feet from the NE corner SW¼NE¼ of said section 2, thence S 56°00'00" E 148.27 feet to the Southern property line.

MEMORANDUM OF CONTRACT OF SALE 2

SCANNED
JAN 12 2006

ALSO SUBJECT TO all other road and canal easements and rights-of-way and other easements and rights-of way as the same now exist or appear of record, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions and accruing taxes.

ALSO SUBJECT TO the limitation that the purchasers may raise, stable or house not more than 10 head of horses or cattle, one dog and not more than 2 cats on the property being transferred. The restrictions contained in this paragraph shall be a covenant running with the land and shall encumber this parcel until its release by all parties in interest including but not limited to all adjoining landowners and the sellers or their successors in interest in the property served by the easement reserved to the sellers.

Subject to taxes and assessments for 1995 and all subsequent years.

Subject to all facts, rights, claims and interest ascertainable by inspection of the property or by inquiry of persons in possession.

Subject to unpatented mining claims, reservations and exceptions and patents or in acts authorizing their issuance.

Subject to all reservations, restrictions, easements, road and road rights of way, ditches and ditch rights of way, power lines and power line rights of way, zoning restrictions, governmental regulations and protective covenants of record for Teton County, Idaho.

ALL THE RESTRICTIONS AND COVENANTS CONTAINED IN THE FOREGOING SHALL RUN WITH THE LAND AND SHALL BIND THE PURCHASERS AND THEIR SUCCESSORS AND ASSIGNS AND THE PROPERTY ITSELF.

Grantor makes no covenant, representation or warranty as to the suitability of the property or as the physical condition of the property for any purpose. Grantee acknowledges that it has inspected the property, observed its physical characteristics and existing conditions, and has been afforded the opportunity to conduct such investigations and study on and of the property as it considers necessary for the purpose of acquiring the property for grantee's intended use, and Grantee waives all objections to or claims with respect to any physical characteristics and existing conditions of the property, including, without limitation, any hazardous materials in, at, under or related to the property. Grantee further acknowledges and agrees that the property is to be transferred to and purchased and accepted by Grantee in its present condition, "AS IS" and with all faults, and Grantee assumes the risk that adverse past present and future physical characteristics and conditions may not have been revealed by its inspection or investigation.

SCANNED
JAN 12 2006

STATE OF IDAHO

)

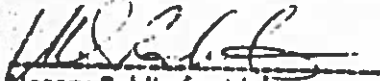
) ss

County of Teton

)

On December 18, 1995, before me, William S. R. Lafferty, an Idaho notary public, personally appeared Garry L. Bowen and Nada H. Bowen, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness, I have set my hand and affixed my official seal the day and year in this certificate first above written.

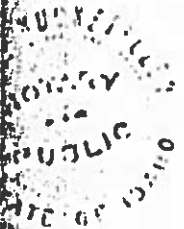


Notary Public for Idaho

Residing at: Driggs, ID.

Commission expires: 3-30-2000

(SEAL)



SCANNED

JAN 12 2006

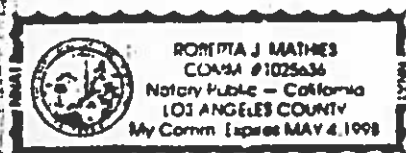
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of Los Angeles

On 12/10/06 before me, ROBERTA J. MATHES
DATE NAME, TITLE, CAPACITY, ETC. SAME FOR ALL SIGNERS

personally appeared MANUEL G. SANCHEZ JR. & ROSARIO S. SANCHEZ
NAME & ADDRESS

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Roberta J. Mathes
Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons in the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER
TITLE
☐ PARTNER(S) ☐ LIMITED
☐ ATTORNEY-IN-FACT ☐ GENERAL
☒ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER _____

DESCRIPTION OF ATTACHED DOCUMENT

DEED OF TRUST
TITLE OR TYPE OF DOCUMENT

5
NUMBER OF PAGES

12/10/06
DATE OF DOCUMENT

SIGNER IS REPRESENTING:

MANUEL G. SANCHEZ JR.
SIGNER'S OTHER THAN NAME AND ADDRESS

SCANNED

JAN 12 2006

RECEIVED

129582

Warranty Deed

American Land Title Co.
PO Box 644
Driggs, ID 83422

FEB 18 1996

TETON CO. ID
CLERK RECORDER

JOHN C. CUSHMAN, III AND JEANINE S. CUSHMAN, HUSBAND AND WIFE

do hereby grant, bargain, sell and convey unto

GARRY L. BOWEN AND NADA H. BOWEN, HUSBAND AND WIFE

whose current address is 639 WEST 125 SOUTH, DRIGGS, IDAHO 83422

the grantees, the following described premises, in Teton County Idaho, to wit
TOWNSHIP 4 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO.

A PORTION OF THE NORTH 1/2 OF SECTION 2, DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF THE SW1/4 OF SAID SECTION 2,
THEN SOUTH 72° 25' 42" WEST 1174.77 FEET TO THE POINT OF BEGINNING;
THEN SOUTH 77° 40' 00" WEST 927.55 FEET; THEN SOUTH 67° 46' 38" WEST 244.82 FEET;
THEN NORTH 50.00 FEET; THEN NORTH 39° 46' 11" EAST 193.98 FEET;
THEN NORTH 35° 55' 23" EAST 187.30 FEET; THEN NORTH 41° 10' 00" EAST 479.67 FEET;
THEN SOUTH 200.00 FEET; THEN SOUTH 38° 20' 00" EAST 281.91 FEET;
THEN EAST 408.19 FEET TO THE POINT OF BEGINNING.

AND ALSO ANOTHER PORTION OF THE NORTH 1/2 OF SECTION 2, DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF THE SW1/4 OF SAID SECTION 2,
THEN SOUTH 72° 25' 42" WEST 1174.77 FEET TO THE POINT OF BEGINNING;
THEN NORTH 482.41 FEET; THEN SOUTH 48° 30' 00" EAST 130.00 FEET;
THEN SOUTH 83° 40' 00" EAST 372.50 FEET; THEN SOUTH 76° 20' 00" EAST 232.00 FEET;
THEN NORTH 88° 00' 00" EAST 280.00 FEET; THEN SOUTH 60° 00' 00" EAST 100.00 FEET;
THEN SOUTH 0° 18' 18" WEST 176.94 FEET; THEN SOUTH 65° 40' 00" WEST 448.05 FEET;
THEN NORTH 70° 40' 00" WEST 451.30 FEET; THEN SOUTH 77° 40' 00" WEST 227.78 FEET
TO THE POINT OF BEGINNING.

SEE EXHIBIT "A" FOR REMAINING LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee &
their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said
Grantees, that they the owners in fee simple of said premises, that they are free from all incumbrances except;
Subject to all existing patent reservations, easements, rights of way, protective
covenants, zoning ordinances, and applicable building codes, laws and regulations

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: JULY 8, 1995

JOHN C. CUSHMAN, III

JEANINE S. CUSHMAN

STATE OF IDAHO COUNTY OF Teton

On this 7th day of July 1995
before me, a notary public in and for said State, personally appearedJohn C. Cushman, III and
Jeanine S. Cushman

knowing each to be the persons whose names are

subscribed to the within instrument and acknowledged to me that
they executed the sameNotary Public
IdahoNotary Public
IdahoNotary Public
Idaho

129582

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

30 HOURS PER 10 AM

DATE Feb 18, 1996

BY [Signature]

BY [Signature]

JAN 12 2006

TOGETHER WITH ONLY EXISTING WATER AND WATER RIGHTS OUT OF MIDDLE TWIL CREEK FOR STOCK WATERING FOR THE LIVESTOCK THE PURCHASERS MAY RAISE ON THE PROPERTY AS PROVIDED BELOW. ALSO TOGETHER WITH ALL RIGHTS ARISING FROM THE EXISTING WELL THAT PROVIDES WATER TO THE EXISTING RESIDENCE ON THE PREMISES AND IS USED FOR OTHER DOMESTIC PURPOSES. SELLERS RESERVE ALL OTHER EXISTING WATER RIGHTS INTO THEMSELVES.

TOGETHER WITH ALL APPURTINANT RIGHTS EXCEPT COAL, OIL, GAS AND MINERAL RIGHTS ONE HALF OF WHICH WILL BE TRANSFERRED TO THE PURCHASERS THE OTHER ONE HALF OF WHICH SELLERS RESERVE UNTO THEMSELVES.

TOGETHER WITH RIGHT TO CONSTRUCT ONE GUEST HOUSE ON THE LOCATION OF AN EXISTING OUTBUILDING IF AND ONLY IF AND AFTER THE DEMOLITION AND REMOVAL OF THE OUTBUILDING OTHER THAN THE EXISTING RESIDENCE ON THE PROPERTY AND ONE GUEST HOUSE THAT MAY BE BUILT. NO OTHER RESIDENCES MAY BE BUILT ON THE PROPERTY SUBJECT OF THIS CONTRACT.

SUBJECT TO A 30 FOOT COUNTY ROAD AND UTILITY EASEMENT BEING THE 30 FEET DIRECTLY SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT NORTH 87° 00' 13" WEST 1023.44 FEET FROM THE NE CORNER SW 1/4 OF SAID SECTION 2.
THEN SOUTH 83° 40' 00" EAST 372.5 FEET; THEN SOUTH 76° 20' 00" EAST 232.00 FEET;
THEN NORTH 88° 00' 00" EAST 280.00 FEET; THEN SOUTH 60° 00' 00" EAST 100.00 FEET
TO THE EASTERMOST PROPERTY LINE.

ALSO SUBJECT TO A 20 FOOT DIVERSION AND IRRIGATION UNDERGROUND PIPELINE EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;
BEGINNING A POINT SOUTH 71° 40' 00" WEST 1495.00 FEET FROM THE NE CORNER SW 1/4 OF SAID SECTION 2. THENCE SOUTH 56° 00' 00" EAST 148.27 FEET TO THE SOUTHERN PROPERTY LINE.

ALSO SUBJECT TO ALL OTHER ROAD AND CANAL EASEMENTS AND RIGHTS OF WAY AND OTHER EASEMENTS AND RIGHTS OF WAY AS THE SAME NOW EXIST OR APPEAR OF RECORD, COVENANTS, RESTRICTIONS, RESERVATIONS, APPLICABLE BUILDING AND ZONING ORDINANCES, USE REGULATIONS AND RESTRICTIONS AND ACCRUING TAXES.

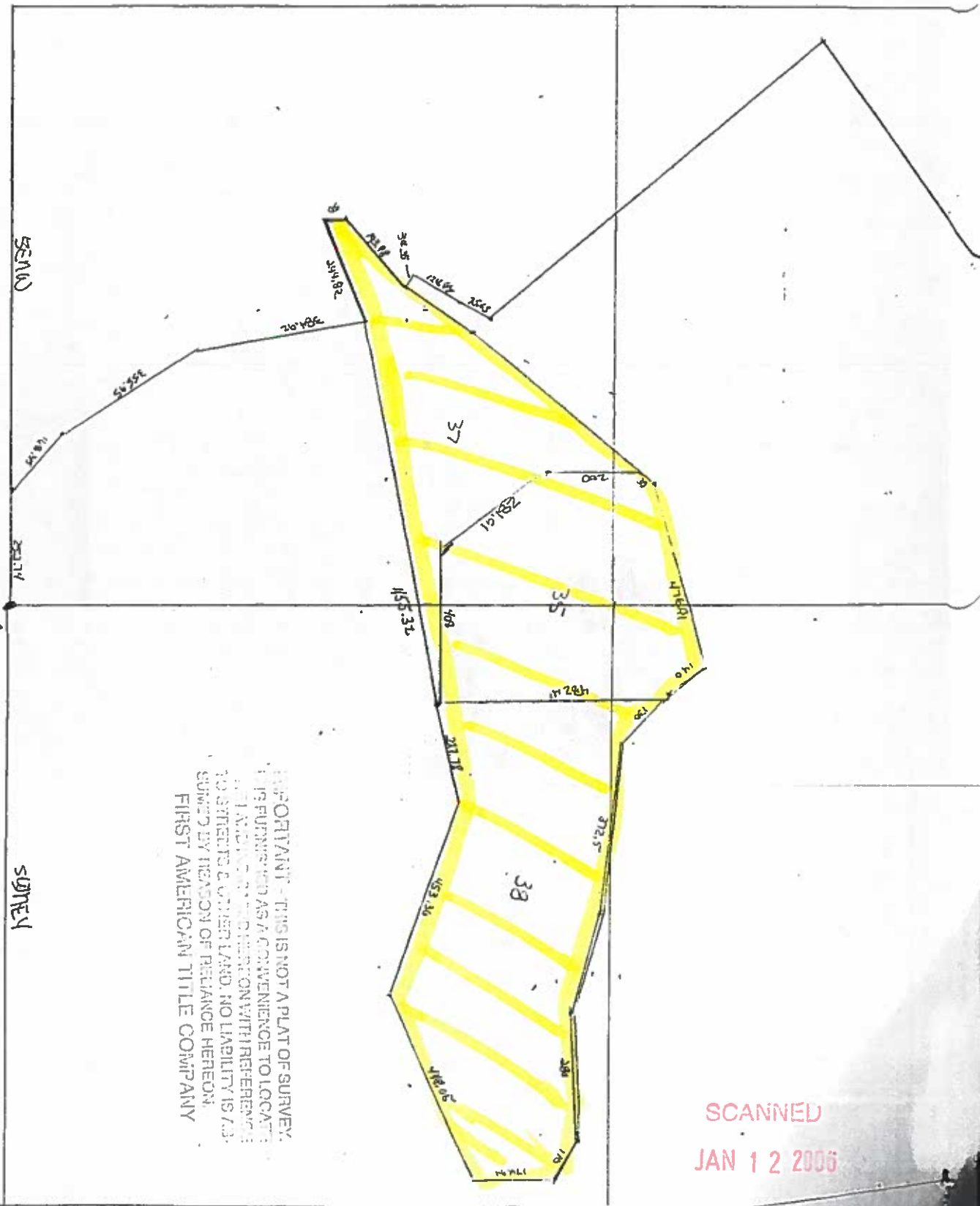
ALSO SUBJECT TO THE LIMITATION THAT THE PURCHASERS MAY RAISE, STABLE OR HOUSE NOT MORE THAN 10 HEAD OF HORSES OR CATTLE, ONE DOG AND NOT MORE THAN 2 CATS ON THE ENTIRETY OF THE PROPERTY BEING TRANSFERRED. THE RESTRICTIONS CONTAINED IN THIS PARAGRAPH SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL ENCUMBER THIS PARCEL UNTIL ITS RELEASE BY ALL PARTIES IN INTEREST INCLUDING BUT NOT LIMITED TO ALL ADJOINING LANDOWNERS AND THE SELLERS OR THEIR SUCCESSORS IN INTEREST IN THE PROPERTY SERVED BY THE EASEMENT RESERVED TO THE SELLERS.

ALL THE RESTRICTIONS AND COVENANTS CONTAINED IN THE FOREGOING SHALL RUN WITH THE LAND AND SHALL BIND THE PURCHASERS AND THEIR SUCCESSORS AND ASSIGNS AND THE PROPERTY ITSELF.

129582

SCANNED

JAN 12 2006



REPORTANT - THIS IS NOT A PLAT OF SURVEY;
 IS FURNISHED AS A CONVENIENCE TO LOCATE
 AND NOT A GUARANTEE OF ACCURACY WITH REFERENCE
 TO STREETS & OTHER LAND. NO LIABILITY IS AS-
 SUMED BY THE AGENCY OF RELIANCE HEREON.
 FIRST AMERICAN TITLE COMPANY

SCANNED
 JAN 12 2006

Contacts Data Entry Form

A 2200015

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner Tobias Cushman

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

DACREED F.C. Gillett v.s. Lynn Crandall 7 DEC 1938
DACREED To D.K. Bowen 80" (1.6 cfs) Middle Fork Creek
PRIORITY DATE 22 JAN 1916

Other WATER RIGHTS used A2200045, A2207341

FE pad/pou Conveyance/System

Reviewer: _____

Date: _____

PROFILE

SCANNED
JAN 12 2006

Water Right No(s). A2200015

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: MIDDLE TWIN CREEK Trib to: TWIN CREEK

MOTOR

Make: NOT AVAILABLE Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

USE PORTABLE PUMPS TO DIVERT WATER TO SPRINKLER
HAND LINES + SOME WHEEL LINES THE RIGHT IS
USED WITH THEIR GROUND WATER WELL

Field Exam Date: 11-19-04 Agent: NICK OLSON

SCANNED
JAN 12 2006

Priority Date Data Entry Form

Claim Number: A2000015

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 22 Jan 1916 Claimed Basis: DecreedRecommended Priority Date: 22 Jan 1916 Recommended Basis: Decreed☐ Use Claimed Priority Date and Basis as Recommended Priority Data and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

pyrites Decree

Reviewer: _____

Date: _____

SCANNED
JAN 12 2006

Point of Diversion and Source Data Entry Form

Claim Number: A 2200015.

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 4N, R 44E, Sec. 2, NW, SW, NE, County: TETONSource: MIDDLE TWIN CREEK Tributary: TWIN CREEK

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? POD- Tag #

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

SCANNED

JAN 12 2006

Place Of Use Data Entry Form

Claim Number: A2200015 -☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	44E	2	NE	NE	T&T	1	25	irrigation
"	"	"	NE	NE	"	2	36	"
"	"	"	SE	NE	"		36	"
"	"	"	NE	SW	"	3	20	"
"	"	"	SE	NE	"		71	"

Total Acres 128

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

SCANNED
JAN 12 2006

Period of Use and Quantity Data Entry Form

Claim Number: A22 00015☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Irrigation</u>	<u>4/15</u>	<u>10/15</u>		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

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

IDWR. STD. SQU. 4/15 TO 10/31

Reviewer: _____

Date: _____

SCANNED
JAN 12 2006

Claim No. 22-15

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

N/A

☐ Copy Licensing Field Exam

N/A

☐ Check if Ownership/Address Change is Required

N/A

☐ Generate, mail and file "Evidence of Priority" letter

N/A

for beneficial use claims

☒ Generate Arcview Map

CONTACT: Tom Hill c/o Au Bushman Claims

JAN 12 2006

Water Right No(s). A2200015



GPS DATA:

Tag # no tag Location: Had nothing to put tag on

Well Data:

MOTOR

Make: NA Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

They pump out of middle Tusia Creek.
with a portable A.T.O. pump into some
whirl lines & hand lines - Had 2 p.p.d.
from the creek other rights used with this
right A2200045 + A2207341

Field Exam Date: 11-19-04 Agent: Nick Olson

PROFILED

SCANNED
JAN 12 2006

PROFILED

SCANNED
JAN 12 2014

and is the owner of a ditch through which he conveys water from North Leigh Creek, with the point of diversion located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 33 in township 6 north, range 45 E.B.M., and the plaintiff, or his predecessor in interest, on or before and

22 00156. That the plaintiff, D. K. Bowen is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the Waters of Middle Twin Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XII of the Findings of Fact. the said plaintiff, or his predecessors in interest.

XII.

That the plaintiff, D. K. Bowen, is the owner of or has an estate in the following described lands, to-wit:

S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 2 in township 4 north, range 44 E.B.M.,

and is the owner of a ditch through which he conveys water from Middle Twin Creek, with the point of diversion located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 2 in township 4 north, range 44 E.B.M., and the plaintiff, or his predecessor in interest, on or before and ever since the 22nd day of January, 1916, has so diverted 1.6 cubic feet per second or 80 miners inches of the waters of said creek, and has applied the same to beneficial use in the irrigation of the above described lands during each irrigating season, which has been in addition to any other rights fixed, decreed, or granted to the said plaintiff, or his predecessors in interest.

XIII.

That the plaintiff, Jim R. R. Breckenridge, is the owner of or has an estate in the following described lands, to-wit:

S $\frac{1}{2}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 36 in township 6

tion of the lands described in Paragraph XI of the Findings of Fact.

22 0015[✓]6. That the plaintiff, D. K. Bowen is awarded the right to the use of 1.6 cubic feet per second or 80 miners inches of the Waters of Middle Twin Creek, with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XII of the Findings of Fact.

22 0016[✓]7. That the plaintiff, Jim R. R. Breckenridge is awarded 3.6 cubic feet per second or 180 miners inches of the waters of Spring Creek with priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XIII of the Findings of Fact.

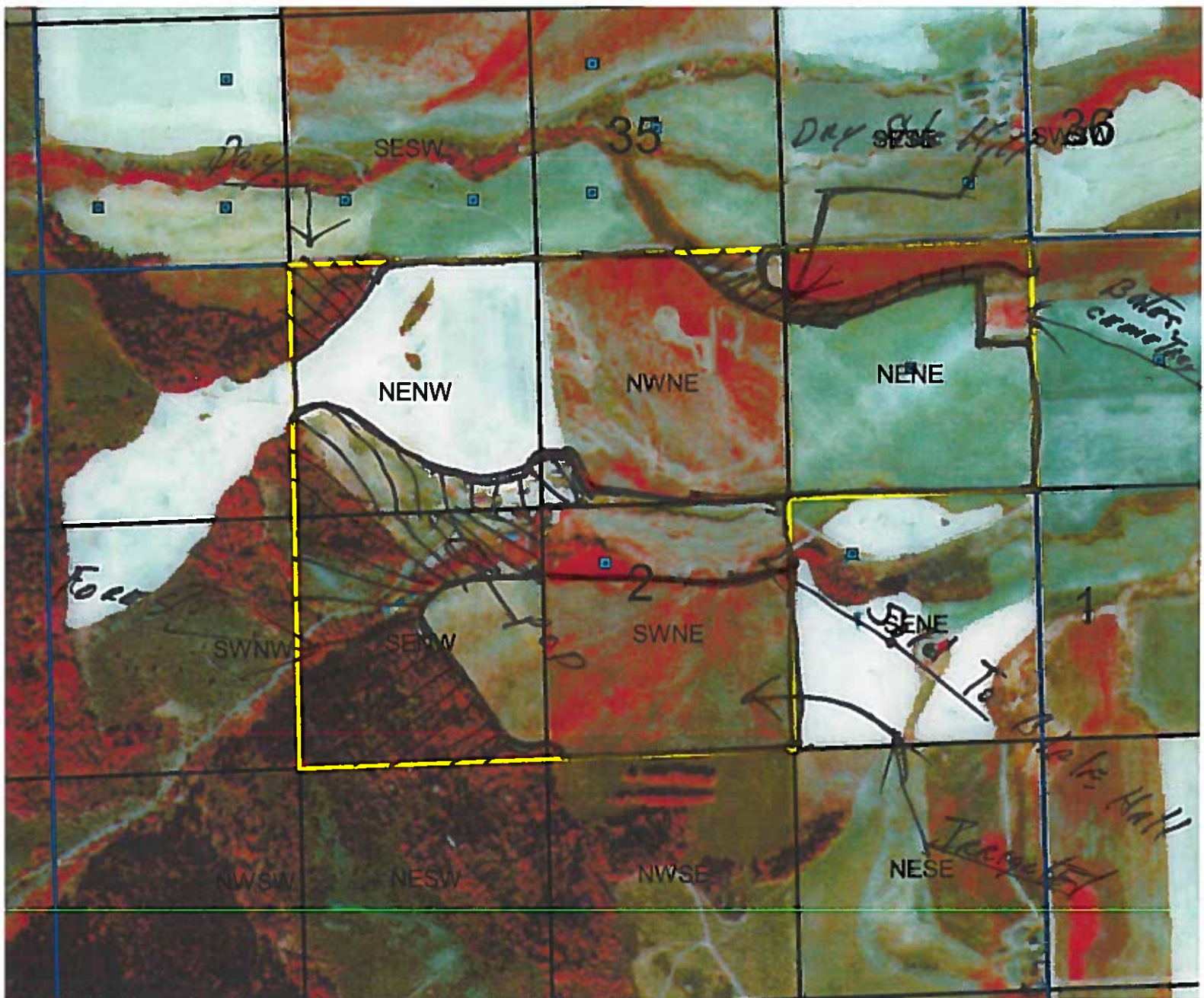
22 0017[✓]8. That the plaintiff, F. K. Breckenridge, is awarded the right to the use of .8 cubic foot per second or 40 miners inches of the waters of Spring Creek with a priority date of January 22nd 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XIV of the Findings of Fact.

22 0018[✓]9. That the plaintiff, Fred Hunter, is awarded the right to .4 cubic foot per second or 20 miners inches of the waters of Spring Creek with a priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in Paragraph XV of the Findings of Fact.

22 0019[✓]10. That the plaintiff, Edgar Cardon, is awarded the right to the use of 9.6 cubic feet per second or 480 miners inches of the waters of Teton Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in Paragraph XVI of the Findings of Fact.

22 0020[✓]11. That the plaintiff, Edgar Cardon is awarded the right

4N 44E 2
22-15



PROFILED

SCANNED
JAN 12 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

MAY 23, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN C CUSHMAN III
691 HOLLADAY RD
PASADENA CA 91106-4112

RE: CHANGE IN OWNERSHIP FOR A22-07341, -00045, -00015, -
-02213, -00028, -02139

Dear Mr. Cushman:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

PROFIT

SCANNED
JAN 12 2006



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 12/31/86 and 3/13/92

SB
1-30-97
SA 5/22/97

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range See 2 Deeds ATTACHED
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) NO - R - A 22-07341, A22-00045, A22-00015
- [] Water Right Number(s) Assigned by IDWR: A22-02213, A22-00028, A22-02137 NO - R - PERMIT
- [] Name and Address of Former Owner/Claimant(s)(Seller): Milo D. or Evelyn Bowen
639 W 125 S
Driggs, ID 83422
- [] New Owner/Claimant (Purchaser): John C Cushman III and Jeanine S. Cushman
- [] New Mailing Address: 691 Holladay Road
Pasadena, CA 91106-4112
- [] New Telephone Number: (818) 449-2319
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: 2 Warranty Deeds
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s) X John C Cushman III Date 1-27-97
X Jeanine S Cushman Date 1-27-97
- [] Signature of Former Owner/Claimant(s) _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

SCANNED

JAN 12 2006

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

PROFILED

1000 10 1300

TETON Co. Id.
Clerk Recorder

WARRANTY DEED

FOR VALUE RECEIVED, MILO D. BOWEN and EVELYN BOWEN husband and wife, of Rt. 2, Driggs, Idaho 83422, hereinaft called "Grantors", do hereby grant, bargain, sell, exchange and convey unto JOHN C. CUSHMAN, III and JEANINE S. CUSHMAN husband and wife, c/o Cushman Realty Corp., 333 S. Gr Avenue, Los Angeles, California 90017, hereinafter call "Grantees", the following described real property in Tet County, Idaho, to-wit:

Beginning at the NE corner of Sec. 2, Twp. 4 N., Rge. 44 E., Boise Mer., Teton County, Idaho, and running thence South 0°01'04" West, 298.8 feet along the section line; thence West 288.8, thence South 288.8 feet; thence East 288.71 feet to the section line; thence South 0°01'04" West, 738.39 feet to the 1/16th line; thence South 89°54'10" West, 1321.64 feet along the 1/16th section line; thence South 0°07'23" West, 1325.53 feet along the 1/16th section line; thence North 89°55'48" West, 1322.95 feet along the 1/4 section line; thence North 89°55'48" West, 252.74 feet more or less to the fence line; thence along the fence line North 40°04'52" West 168.35 feet; thence North 32°40'30" West, 355.95 feet; thence North 19°40'12" West 384.92 feet; thence South 67°46'38" West 244.82 feet; thence North 50.0 feet; thence North 39°46'33" East, 193.98 feet; thence North 54°0'20" West, 34.35 feet; thence North 32°07'33" East, 124.62 feet; thence North 33°46'01" East, 75.63 feet; thence North 41°14'22" West, 949.0 feet; thence North 71°24'01" East, 255.04 feet; thence running on a random line to the northwest corner of the NW1/4NE1/4, 1360 feet, more or less; thence North 89°46' East, 2641.10 feet to the point of beginning, containing 161.71 acres, more or less.

108739

FILED

AT THE REC'D

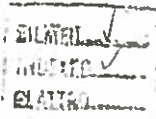
Rockefeller & Assoc.

35 9

March 16, 1992

Asa J. Drake

Nora Rigby



SCANNED

JAN 12 2006

TOGETHER With any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

GRANTORS COVENANT AND WARRANT that fee simple title, to the property, is conveyed to Grantees by this Deed, free from all encumbrances, except: existing easements for roads, ditches and utilities; and accruing 1992 property taxes which shall be prorated to March 15, 1992, with Grantors responsible for the prorata share up to that date.

GRANTORS FURTHER WARRANT That to the best of their knowledge there are no hazardous wastes on the property for which removal is required under presently applicable law. There are buried fuel tanks, one 500 gallon capacity and one 1000 gallon capacity; to the best of Grantors knowledge they have not and are not leaking.

THE CONSIDERATION for this deed includes:

(1) As to the residence home of Grantors on the premises, with garage and five acres of ground (not including farm buildings) cash consideration in the sum of \$182,852.00.

(2) For the balance of the property, which is farming property, an exchange of rental-investment property in Cache County, Utah.

DATED This 13 day of March, 1992.

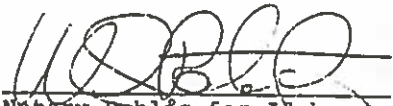
Milo D. Bowen
Milo D. Bowen

Evelyn Bowen
Evelyn Bowen

STATE OF IDAHO,)
 ss.
County of Teton.)

On this 13 day of March, 1992, before me,
undersigned, a Notary Public in and for said State, person
appeared MILO D. BOWEN and EVELYN BOWEN, husband and w
known to me to be the persons whose names are subscribed to
within instrument and acknowledged to me that they executed
same.

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


Notary Public for Idaho
Residing at Boise, ID
My Commission Expires: 3-16





WARRANTY DEED

Milo D. Bowen and Evelyn G. Bowen, husband and wife, of Driggs, Teton County, Idaho, "Grantors", for valuable consideration the receipt and sufficiency of which is acknowledged by them, hereby grant, bargain, sell, convey and confirm unto John C. Cushman, III. and Jeanine S. Cushman, husband and wife, c/o Cushman Realty Corporation, 333 S. Grand Ave., Los Angeles, California, 90017, and to their heirs, successors and assigns, the real property described on Exhibit A which is attached hereto and incorporated herein by this reference.

Together with all improvements including all mineral, oil and gas rights owned by grantors, additions, and appurtenances.

SUBJECT TO: All indebtedness owed the Farmers Home Administration evidenced by promissory notes secured by mortgages of record which are liens against the described property, payment of which obligations is grantors' obligation.

Further subject to the purchase money mortgage executed by Grantees in favor of Grantors on even date herewith securing an indebtedness of \$764,000.00

100
Mark R. Richefelter
105
4 p.m.
Jan. 2, 1987
E. Wayne Schless
Horia Hill



Milo D. Bowen
Milo D. Bowen

Evelyn G. Bowen
Evelyn G. Bowen

STATE OF IDAHO)
(ss.
County of Madison)

On this 31 Day of December, 1986, before me, Mark R. Richefelter, An Idaho Notary Public personally appeared Milo D. Bowen and Evelyn G. Bowen, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Mark R. Richefelter
Notary Public For Idaho
Residing at Driggs, Idaho
My commission expires 12/31/92
SCANNED





EXHIBIT A TO WARRANTY DEED
MORTGAGE AND SECURITY AGREEMENT
FINANCING STATEMENTS

REAL PROPERTY DESCRIPTION:

Teton County, Idaho

Township 5 North, Range 44 East of the Boise
Meridian

Section 34: Southeast 1/4 of the Southeast 1/4

Section 35: Southwest 1/4; West 1/2 of the East
1/2 less beginning at a point 2 rods south of the
Northeast corner of the Northwest 1/4 Northeast
1/4, of Section 35, Township 5 North, Range 44 East
of the Boise Meridian, running thence West 40 rods,
thence South 12 rods, thence East 40 rods, thence
North 12 rods to the point of beginning.

Township 4 North, Range 44 East of the Boise Meridian

Section 2: East 1/2

Section 2: West 1/2; less that portion lying east
of a line described as follows:

Beginning at the center of said section 2, running
thence North 69°55'48" West, 252.74 feet more or
less to the fence line; thence along the fence line
North 48°04'52" West, 168.35 feet; thence North 32°
40'30" West, 355.95 feet; thence North 19°40'12"
West, 384.92 feet; thence South 67°46'38" West
244.82 feet; thence North 50.0 feet; thence north
39°46'33" east 193.98 feet; thence North 54°0'20"
West, 34.35 feet; thence North 32°07'33" East
124.62 feet; thence North 33°46'01" East, 75.63
feet; thence North 41°14'22" west, 949.0 feet;
thence North 71°24'01" east 255.04 feet; thence
running on a random line to the northwest corner of
the NW1/4NE1/4, 1360 feet, more or less.

Together with all appurtenances and improvements and
mineral, gas and oil rights owned.

42969



SCANNED

JAN 12 2006

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: A22-00015
Date Received: 6/27/1988
Receipt No: E000523
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JOHN C CUSHMAN III 818-449-2319
Address: 691 HOLLADAY RD
PASADENA CA 91106-4112
AND/OR
Name: JEANINE S CUSHMAN III 818-449-2319
Address: 691 HOLLADAY RD
PASADENA CA 91106-4112
2. Date of Priority: JAN 22, 1916
3. Source: MIDDLE TWIN CREEK Trib. to: TWIN CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	2	NW	SW	NE		TETON
5. Description of diverting works:
ORIGINALLY HEADGATE W/ DITCHES/NOW USES PORTABLE PUMP TO LINES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		
7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 256.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	44E	2	NE		NE	1	IRR	25.0
			NW		NE	2	IRR	36.0
			SW		NE		IRR	36.0
			NE		NW	3	IRR	20.0
			SE		NW		IRR	11.0
							Section Acres	128.0
							Total Acres	128.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
22-00045/07341

14. Remarks:
THIS CLAIM REFLECTS HOW WATER IS CURRENTLY USED.
CHANGED OWNERSHIP 5/23/97/JT/SB

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/ 7/1938

F. C. GILLETTE

Decree Plaintiff

LYNN CRANDALL, W. M.

vs Decree Defendant

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: A22-00015
Date Received: 6/10/1988
Receipt No: E000523
Received By: ED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILO D. BOWEN 208-354-2434
Address: 639 W. 125 S.
DRIGGS, ID 83422

AND/OR

Name: EVELYN BOWEN 208-354-2434
Address: 639 W. 125 S.
DRIGGS, ID 83422

2. Date of Priority: JAN 22, 1916

3. Source: MIDDLE TWIN CREEK Trib. to: TWIN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	44E	2	NW	SW	NE		TETON

5. Description of diverting works:
ORIGINALLY HEADGATE W/ DITCHES/NOW USES PORTABLE PUMP TO LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.600		

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

8. Total consumptive use is 256.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A2200015



PROFILED

SCANNED
JAN 12 2006

MICROFILMED
NOV 04 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	44E	2	NE		NE	1	IRR	25.0
			NW		NE	2	IRR	36.0
			SW		NE		IRR	36.0
			NE		NW	3	IRR	20.0
			SE		NW		IRR	11.0

Section Acres 128.0

Total Acres 128.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
22-00045/07341

14. Remarks:
THIS CLAIM REFLECTS HOW WATER IS CURRENTLY USED.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date: 12/07/1938

F. C. GILLETTE
Decree Plaintiff

vs

LYNN CRANDALL, W. M.
Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Milo D. Bowen Date: June 13, 1988
Evelyn G. Bowen Date: June 13, 1988

State of Idaho)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of June 19 88

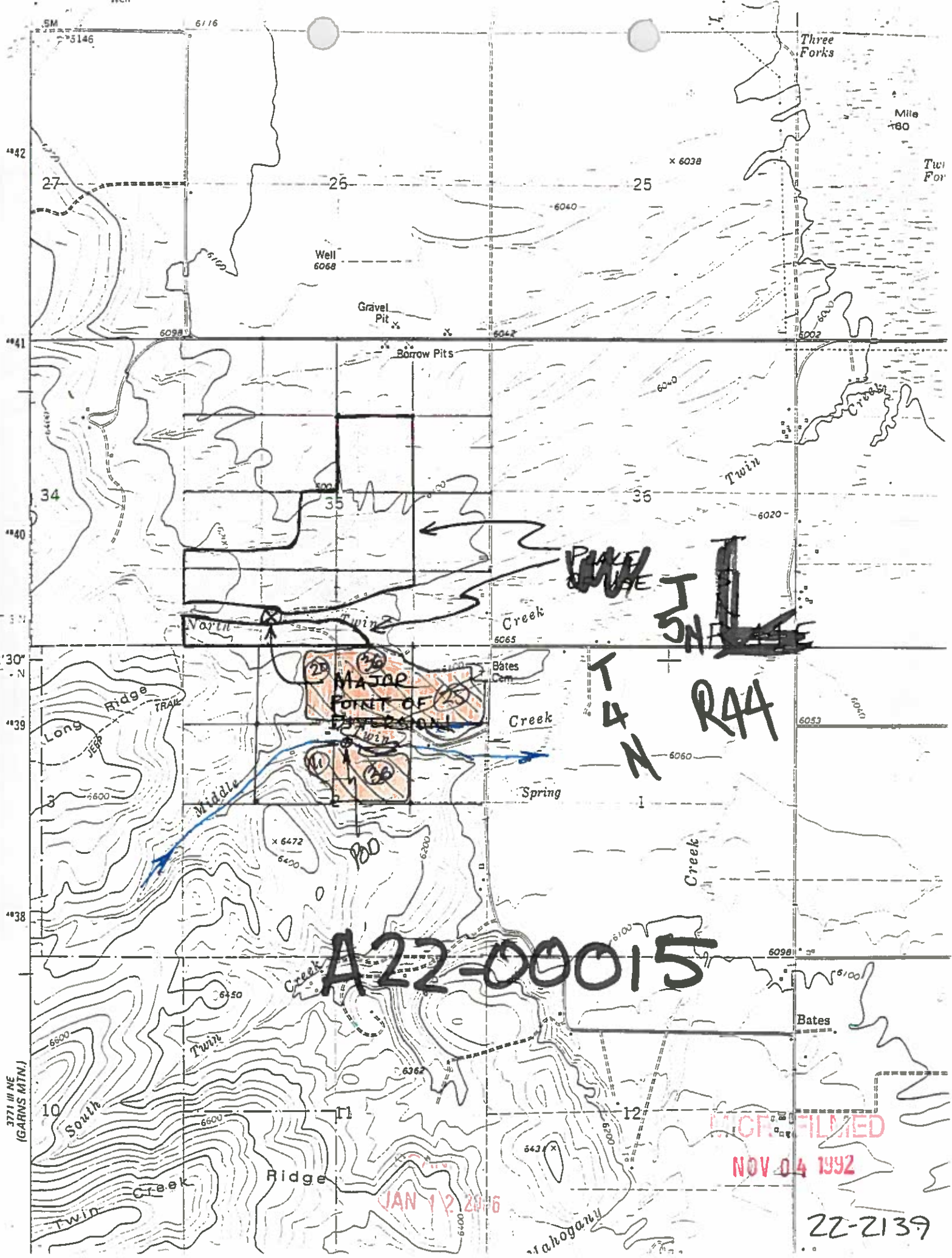
[Signature]
Notary Public

Seal

Residing at Driggs Idaho 83422

My Commission Expires Life

Comm. 3-16-94



~~PAVE~~
~~5 N~~
~~4 E~~
T 4 N R 44

A22-00015

MICROFILMED
NOV 04 1992

JAN 12 2016

22-2139