

12/29/2005

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

RIGHT NUMBER: 22-2048B

NAME AND ADDRESS: STANLEY EDWARDS
PO BOX 699
DRIGGS ID 83422

MARJORIE EDWARDS
PO BOX 699
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.370 CFS

PRIORITY DATE: 03/18/1910

POINT OF DIVERSION:

T04N R44E S1 NESWSE 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	0.370 CFS

PLACE OF USE: IRRIGATION Within TETON County

T04N R45E S06 SESW 18.5

18.5 ACRES TOTAL

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

This right is subject to regulation by the watermaster of Water District 01.

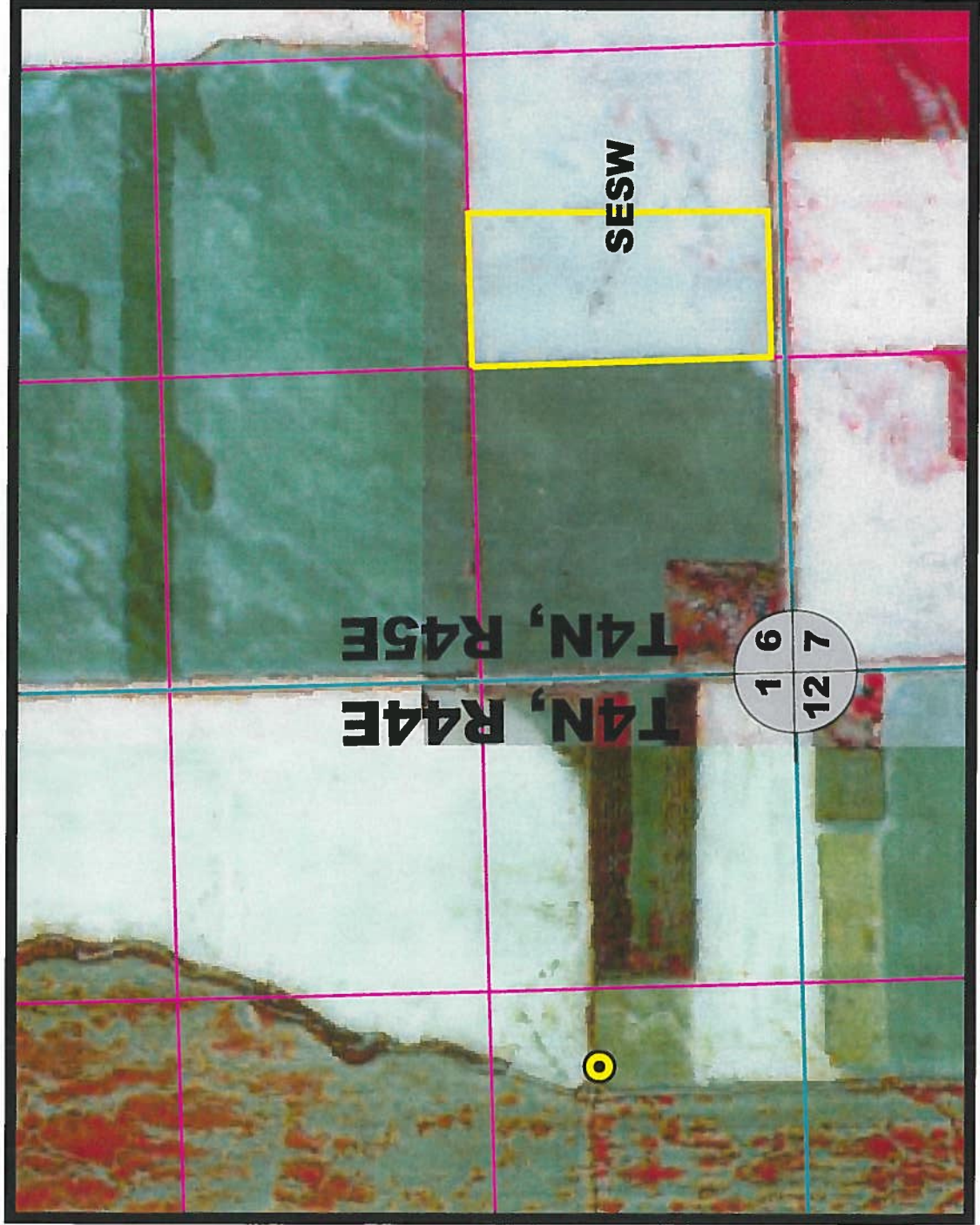
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

Department of Water Resources
Eastern Region



Water Right(s): 22-2048B

Point(s) of Diversion:
T4N, R44E Sec. 1 NESWSE

Place of Use: (part of)
T4N, R45E Sec. 6 SESW

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAIP Photography
Prepared by: A. Ruberry
Date: December 2005

Claim No. 22-2048B

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

NIA

☒ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

NA

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

NIA

☒ Generate Arcview Map

WATER IS DIVERTED OUT OF MIAHOGANY CREEK
INTO pump. & SPRINKLED onto fields
THROUGH WHEEL. LINES 5 DIFFERENT CLAIMS COME
OUT OF THIS pump. & ALSO SOME HAND
LINES ARE USED.

Tag # AD 00 13801

Water Right No(s).

A 22 02048 B

GPS DATA:

Tag # A00 13801 Location: on Concrete Diversion

Well Data:

MOTOR

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

PUMP

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

NOTES:

WATER IS DIVERTED OUT OF MAKYAMA CREEK INTO DITCH TO FIELD pump
TO FIELD IN WHEELING 5 DIFFERENT CLAIMS COME OUT OF THIS
PUMP. + ALSO SOME HAND LINES ARE USED

Field Exam Date:

6-10-05

Agent:

NICK OLSON

Fremont County
Mahogany Creek
2.1 cu. ft. per second.
Irrigation and Domestic
Priority 3/15/1910

WHEREAS, On the 18th day of March, A. D. 1910, EZRA G. PATE, holder of Permit No. 5834, duly made application for said permit to use 2.1 cubic feet per second of the waters of Mahogany Creek, County of Fremont, State of Idaho, for irrigation and domestic purposes, and

WHEREAS, On the 18th day of March, A. D. 1910, Permit No. 5834 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of March, A. D. 1911, and for the application to beneficial use of said water on or before the 18th day of March, A. D. 1912.

WHEREAS, On the 18th day of March, A. D. 1911, EZRA G. PATE, the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.1 cubic feet per second of said waters, as evidenced by my Certificate No. 5834, dated June 28, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to a place of intended use 3.22 cubic feet per second of water, with date of priority of A. D. 1910, and

WHEREAS, On the 18th day of March, A. D. 1911, EZRA G. PATE, the holder of said permit duly made proof of the application to beneficial use of 2.1 cubic feet per second of said water;

NOW, THEREFORE, by virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to EZRA G. PATE, of Boise, County of Fremont, State of Idaho, the holder and owner of said Permit No. 5834, a perpetual right, dating from June 28, 1911, to the use of 2.1 cubic feet per second of the waters of Mahogany Creek, in the County of Fremont, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at a point about 95 rods S., and 2 rods E. of center of Sec. 11, Township 4 North, Range 44, East of Boise Meridian, and abutted to and upon 100 acres, divided as follows: (35 acres in Lot 7, 35 acres in SW 1/4, and 35 acres in NW 1/4, Section 11, Township 4 North Range 44, East of Boise Meridian, for the purpose of irrigation and domestic use subject, however, to the laws of the State of Idaho applicable to a license of the use of the waters of the State, and subject, also, to the local or community custom, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

Witness, My hand and the seal of my office at Boise, Idaho, this 28th day of June, A. D. nineteen hundred and eleven.

A. E. Robinson,
State Engineer

(SEAL)

3042

Report of Engineer

1. State name of applicant and number of permit: *Bert G. Page - Permit 5834*
2. State source of water: *Manogahy creek*
3. Location of point of diversion: *About 96 rods S. 2 rods W. of center of Sec. 12, T. 4 N., R. 44 E.*
4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: *Yes*
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: *2'*
 - (b) Width at water line: *2 1/2'*
 - (c) Depth of water: *1"*
 - (d) Grade per mile: *20'*

6. State whether or not water has been turned into works of diversion and if so to what extent:

Was used for water part of last season

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *Lot 2, under cultivation 55 acres*

S.E. 1/4 S.W. 1/4

S.W. 1/4 S.E. 1/4

Pasture 25 acres

25'

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross ditch lands to be irrigated.

Remarks:

Water diverted from Manogahy creek

STATE OF IDAHO.

County of _____

being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____

1911

My Commission Expires _____

Notary Public.

5834

T.M. R.H.E.B.M.

T.M. R.H.E.B.M.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

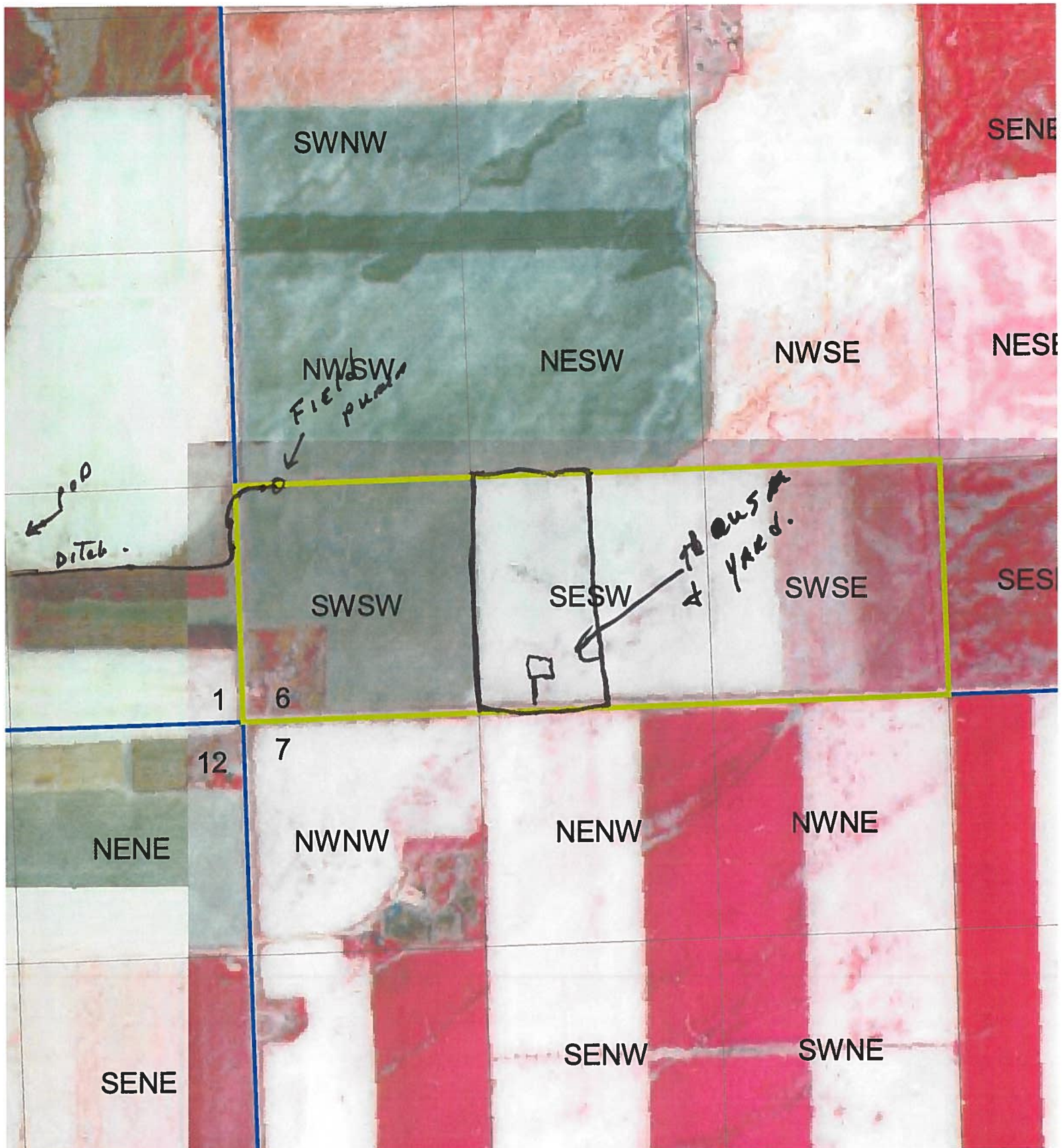
SEC.

SEC.

5834

22-2048B

4N 45E





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

February 24, 2004

STANLEY & MARJORIE EDWARDS
PO BOX 699
DRIGGS ID 83422

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-2048B

Dear Mr. & Mrs. Edwards:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree

Technical Records Specialist

Enclosure

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

RECEIVED

FEB 24 2004

Department of Water Resources
Eastern Region

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

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, 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
	22-2048B				

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. O
- 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) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY or SURVEY MAP**.

Name and Address of Former
Owner/Claimant(s)

Harvey & Suzanne Edwards

New Owner/Claimant(s)

270 Center Road, Eagle Bridge, NY 12057

Stanley Edwards & Marjorie Edwards

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

New Mailing Address

P.O. Box 699

City, State and ZIP Code

Driggs ID 83422

New Telephone Number

(800) 354 3776

Date you acquired the property

June 23rd 1998

130660 H.E.
GIFT DEED S.E.
QUIT CLAIM DEED

RECEIVED
JUN 23 1998
TETON CO., ID
CLERK RECORDER

Grantors, Harvey Edwards, a married man and Suzanne R. Edwards, his wife, of the Town of Eagle Bridge, State of New York, ~~for the consideration of Ten and No/~~ 100 (\$10.00) Dollars, ~~in hand paid,~~ CONVEY AND QUITCLAIM to Stanley Edwards, a single man, and Marjorie Williams, a single woman, as joint tenants, P.O. Box 742 83455 residing in the Town of Victor, County of Teton, State of Idaho all interest in the following described Real Estate situated in the County of Teton in the State of Idaho, to wit:

TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO. Section 6: W1/2 SE1/4 SW1/4

Pursuant to the restrictive covenant in two deed between Louis B. Cushman, a married man, his wife, Christine S. Cushman, John C. Cushman, III and Jeanine S. Cushman, husband and wife, Grantors, and Eric E. Thompson and Sandra A. Thompson, husband and wife, Grantees, dated February 22, 1994, recorded December 12, 1996 with the Teton County Clerk, instrument no. 125877 which limits two parcels of real estate to three homes, the Grantors, Eric E. Thompson and Sandra A. Thompson specifically grant to the Grantees, Harvey Edwards and Suzanne R. Edwards, husband and wife, the right to build only one of three single-family residence and associated out buildings permitted on the two parcels pursuant to that restrictive covenant. The Grantors, Eric E. Thompson and Sandra A. Thompson also warrant that they have not granted any rights to any other parties, which would defeat the rights of the Grantees to build on this property.

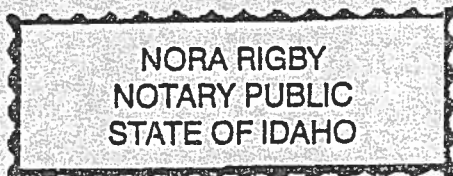
SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

130660

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

IN WITNESS WHEREOF the said Grantors have executed this instrument as of the day and year set forth below.

Dated this 23rd day of June, 1998.



Harvey Edwards
Harvey Edwards

Suzanne R. Edwards
Suzanne R. Edwards

STATE OF Idaho)
COUNTY OF Idaho) ss.

I, Nora Rigby, a Notary Public in and for said County, in the State aforesaid DO HEREBY CERTIFY that Harvey Edwards is personally known to me and whose name is subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

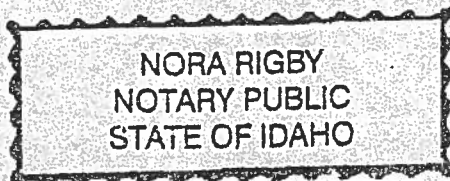
Given my hand and official seal, this 23rd day of June 1998.

Nora Rigby
Notary Public
My commission expires: 3/31/2001

STATE OF Idaho)
COUNTY OF Idaho) ss.

I, Nora Rigby, a Notary Public in and for said County, in the State aforesaid DO HEREBY CERTIFY that Suzanne R. Edwards is personally known to me and whose name is subscribed to the foregoing instrument appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given my hand and official seal, this 23rd day of June, 1998.



Nora Rigby
Notary Public
My commission expires: 3/31/2001

130660

FILED

AT THE REQUEST OF

Harvey Edwards

AT 30 MINUTES PAST 11 a.m.

DATE June 23, 1998

Clara J. Drake
CLERK OF RECORD

BY Nora Rigby

STATE OF IDAHO

County of TETON

No. 50

Marriage License

KNOW ALL PERSONS BY THIS CERTIFICATE: That any regularly ordained minister of the Gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which said minister is a member, or any judge or magistrate, or competent officer to whom this may come, not knowing of any lawful impediments thereto, is hereby authorized and empowered to solemnize the rites of Matrimony between:

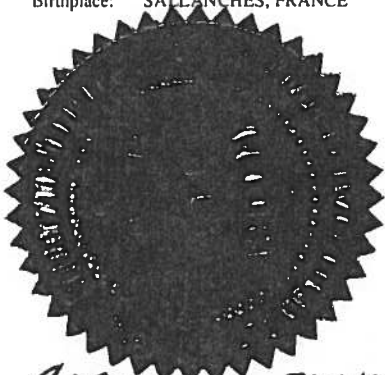
GROOM

AND

BRIDE

Name: STANLEY LAWRENCE EDWARDS
Address: DRIGGS, TETON County, IDAHO
Age: 30 Race: WHITE Status: SINGLE
Birthdate: 1/13/1969
Birthplace: SALLANCHES, FRANCE

Name: MARJORIE ELLEN WILLIAMS
Address: DRIGGS, TETON County, IDAHO
Age: 29 Race: WHITE Status: SINGLE
Maiden name if previously married: WILLIAMS
Birthdate: 12/31/1969
Birthplace: DENVER, COLORADO



And to certify the same to said parties, or either of them under the signature and seal, of said minister or official capacity, and thereupon is required to deliver the original to the parties so married.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at DRIGGS, TETON County, IDAHO, this 20th day of December, 1999

NOLAN G. BOYLE

Recorder

Nora Rigby

Deputy Recorder

Marriage Certificate

I, CAROLE S. FLAHERTY, a MINISTER OF THE UNIVERSAL LIFE CHURCH
residing in the city of VICTOR, in the county of TETON, in the state of
Idaho do certify that, in accordance with the authority on me conferred by the above license, I did on this 21st day
of DECEMBER in the year A.D. 1999 in the city of DRIGGS in
the county of TETON, in the state of Idaho, solemnize the rites of matrimony between

STANLEY LAWRENCE EDWARDS of DRIGGS, in the county of TETON, of the state of IDAHO

and MARJORIE ELLEN WILLIAMS of DRIGGS, in the county of TETON, of the state of IDAHO

in the presence of Robert Carlson and Greta Gretzinger
WITNESS my hand at the county aforesaid, this 21st day of DECEMBER, A.D. 1999.

In the presence of:

Officiant's Signature

Officiant's Mailing Address

and

Carole S. Flaherty
784 S. 450 W
VICTOR ID 83455

(This copy for the Bride and Groom)

P<USAEDWARDS<<MARJORIE<ELLEN<<<<<<<<<<<<<<<
0758039639USA6912314F1011072<<<<<<<<<<<<<<<02



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FEBRUARY 17, 1997

TERRELL J BOLES
1060 SALEM WALK DR
GREENSBORO GA 30642

RE: CHANGE IN OWNERSHIP FOR A22-02048

Dear Mr. Boles:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with new Notice(s) being generated to reflect 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:

A22-02048^D BOLES, 0.370 CFS, 18.5 ACRES
A22-02048^B EDWARDS, 0.370 CFS, 18.5 ACRES

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if there are other corrections or questions, feel free to contact this office.

Respectfully submitted,

Jo Thompson
Adjudications Secretary

Enclosure:

CC: HARVEY EDWARDS/COPY CLAIM/LETTER

FEBRUARY 25, 1997

DEAR MR. EDWARDS:

I APOLOGIZE FOR MY ERROR, BUT WHEN I ASSIGNED THE WATER RIGHT NUMBER TO YOUR NAME, I GAVE IT A "D". IT SHOULD HAVE BEEN A "B". PLEASE CHANGE YOUR "COPY" TO A "B". ALL OTHER INFORMATION SPECIFIED IS CORRECT AS SHOWN.

Thanks,
Jo

DECEED RIGHT 22-0204B

SPLIT Analysis Flow Chart
(FOR NUMBERING PURPOSES)

UNDER CONTRACT OF SALE FROM
PORTER ENT. TO J.C. CUSHMAN III
DECEED 29 Nov 96.

A22-0204B J.C. CUSHMAN III

2.1 cfs MANOGANY CR 18 MAR 1910

P.O.U. AS SEC. 6 T. 4N. R. 4SE.

SWSW 31.0 AC LOT 7

SESW 37.0 AC

SWSE 37.0 AC

105.0 AC

A A22-0204BA J.C. CUSHMAN III

1.73 cfs MANOGANY CR 18 MAR 1910

P.O.U. T. 4N. R. 4SE SEC 6

SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.

E³SESW 18.5 AC.

86.5 AC

C A22-0204BC J.C. CUSHMAN III

1.36 cfs MANOGANY CR 18 MAR 1910

P.O.U. T. 4N. R. 4SE SEC 6

SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.

68.0 AC.

D A22-0204BD T.J. BOLES

0.37 cfs MANOGANY CR 18 MAR 1910

P.O.U. T. 4N. R. 4SE. SEC. 6

E³SESW 18.5 AC.

● WARRANT DEED 26 NOV 96

● REQUEST FOR 96 7 JAN 97

● RECD 10 FEB 97

B A22-0204BS HE EDWARDS

0.37 cfs MANOGANY CR

P.O.U. T. 4N. R. 4SE SEC 6 W³SESW

18.5 AC

DECEED RIGHT 22-0204B (AS SPLIT)
ENTOMED TO SRBA RECEIPT NO. E003735

SPLIT ANALYSIS FROM CHART
(ACTUAL)

A A22-0204BA J.C. CUSHMAN III
0.74 cfs MANDAGANY CR 18/03/1910
P.O.D. T. 4N. R. 4WE. SEC. 1 SWSE
P.O.U. T. 4N. R. 4SE. SEC. 6
SWSE 37.0 AC

UNDER CONTRACT OF SALE FROM
HUTTER ENT. TO J.C. CUSHMAN III
DEED 29/11/96. SRBA CLAIM 11/02/98

A22-0204B J.C. CUSHMAN III

WARRANTY DEEDS
124175 AND 125877
22 FEB 1994

B A22-0204BB E. THOMPSON
No AS c/o FILED

2.1 cfs MANDAGANY CR 18/03/1910
P.O.D. T. 4N. R. 4WE. SEC. 1 SWSE
P.O.U. T. 4N. R. 4SE. SEC. 6
SWSW 31.0 AC (LOT 7)
SESW 37.0 AC
SWSE 37.0 AC
105.0 AC

1.36 cfs MANDAGANY CR 18/03/1910
P.O.D. T. 4N. R. 4WE. SEC. 1 SWSE
P.O.U. T. 4N. R. 4SE. SEC. 6
SWSW (LOT 7) 31.0 AC
SESW 37.0 AC
68.0 AC

UNCLAIMED AS
OF 24 FEB 97

C WARRANTY DEED 13/12/96
A22-0204BC T.J. BOLES
0.37 cfs MANDAGANY CR 18/03/1910
P.O.D. T. 4N. R. 4WE. SEC. 1 SWSE
P.O.U. T. 4N. R. 4SE. SEC. 6 ESESW
18.5 AC.
▲ REQUEST FOR c/o 07/01/97
▲ REC'D 10/02/97

D WARRANTY DEED 26/11/96
A22-0204BD H. EDWARDS
0.37 cfs MANDAGANY CR 18/03/1910
P.O.D. T. 4N. R. 4WE. SEC. 1 SWSE
P.O.U. T. 4N. R. 4SE. SEC. 6 WSESW
18.5 AC.

RIGHT AS OF 24 FEB 97
ASR

E REAL ESTATE CONTRACT OF SALE 08/11/89
A22-0204BE D. BENN
0.62 cfs MANDAGANY CR 18/03/1910
P.O.D. T. 4N. R. 4WE. SEC. 1 SWSE
P.O.U. T. 4N. R. 4SE. SEC. 6 SWSW
(AS LOT 7) LESS 5AC ± 31.0 AC
▲ REQUEST FOR c/o 07/01/97
▲ SEE FILE LETTER 14/02/97

DEC 30 1996

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

Department of Water Resources
Eastern Region

Original to be mailed to IDWR Regional Office in your area.

RECEIVED

DEC 12 1996

TETON CO., ID
CLERK RECORDER

125878

Warranty Deed

35-9172-G

354-2285 Nancy Perry
ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

COPY

For Value Received

Eric E. Thompson and Sandra A. Thompson, HUSBAND AND WIFE.

the grantors, do hereby grant, bargain, sell and convey unto

Harvey Edwards and Suzanne R. Edwards, HUSBAND AND WIFE.

whose current address is

Rd 1 Center Rd. Box 290, Eagle Bridge, NY 12057

the grantees, the following described premises, in Teton County Idaho, to wit:

TOWNSHIP 4 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO.
SECTION 6: W1/2 SE1/4 SW1/4 320 AC.

Pursuant to the restrictive covenant in two deed between Louis B. Cushman, a married man, his wife, Christine S. Cushman, John C. Cushman, III and Jeanine S. Cushman, husband and wife, Grantors, and Eric E. Thompson and Sandra A. Thompson, husband and wife, Grantees, dated February 22, 1994, recorded December 12, 1996 with the Teton County Clerk, instrument no: 125877 which limits two parcels of real estate to three homes, the Grantors, Eric E. Thompson and Sandra A. Thompson specifically grant to the Grantees, Harvey Edwards and Suzanne R. Edwards, husband and wife, the right to build only one of three single-family residence and associated out buildings permitted on the two parcels pursuant to that restrictive covenant. The Grantors, Eric E. Thompson and Sandra A. Thompson also warrant that they have not granted any rights to any other parties, which would defeat the rights of the Grantees to build on this property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owner s 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: November 26, 1996

Eric E. Thompson
Eric E. Thompson

Sandra A. Thompson
Sandra A. Thompson

STATE OF _____, COUNTY OF _____, 19 96
On this _____ day of _____
before me, a notary public in and for said State, personally appeared

Eric E. Thompson
Sandra A. Thompson

known 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.

Notary Public

Residing at _____
Comm. Expires _____

125878

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 18 MINUTES PAST 3 P.M.

DATE Dec. 12, 1996

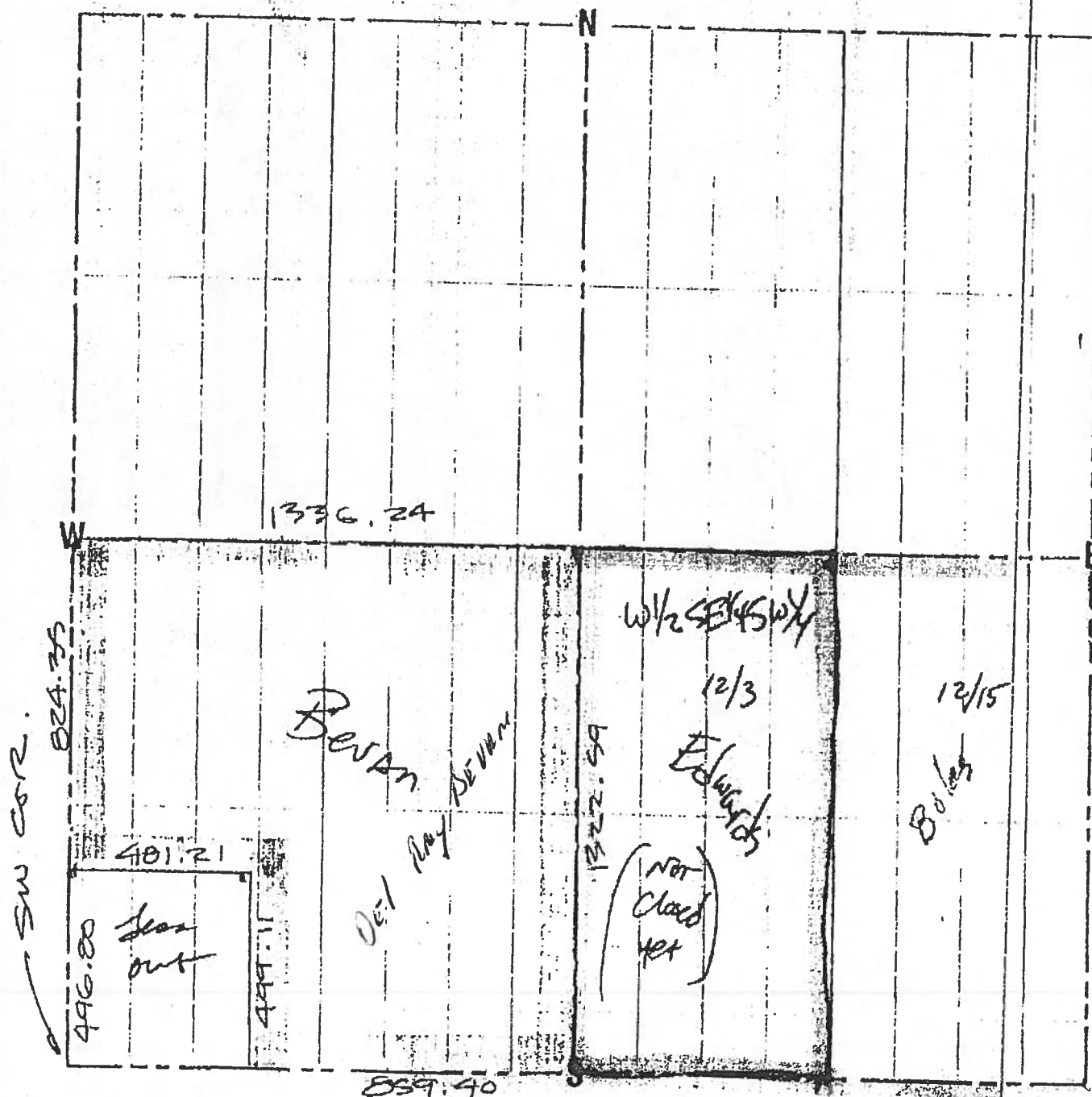
Dea J. Drake
CLERK OF RECORD
BY Nora Rygh DEPUTY

КПГ 57N 776 000000

SW 1/4

SFC 6 TWP 4 N RG 45 R3M

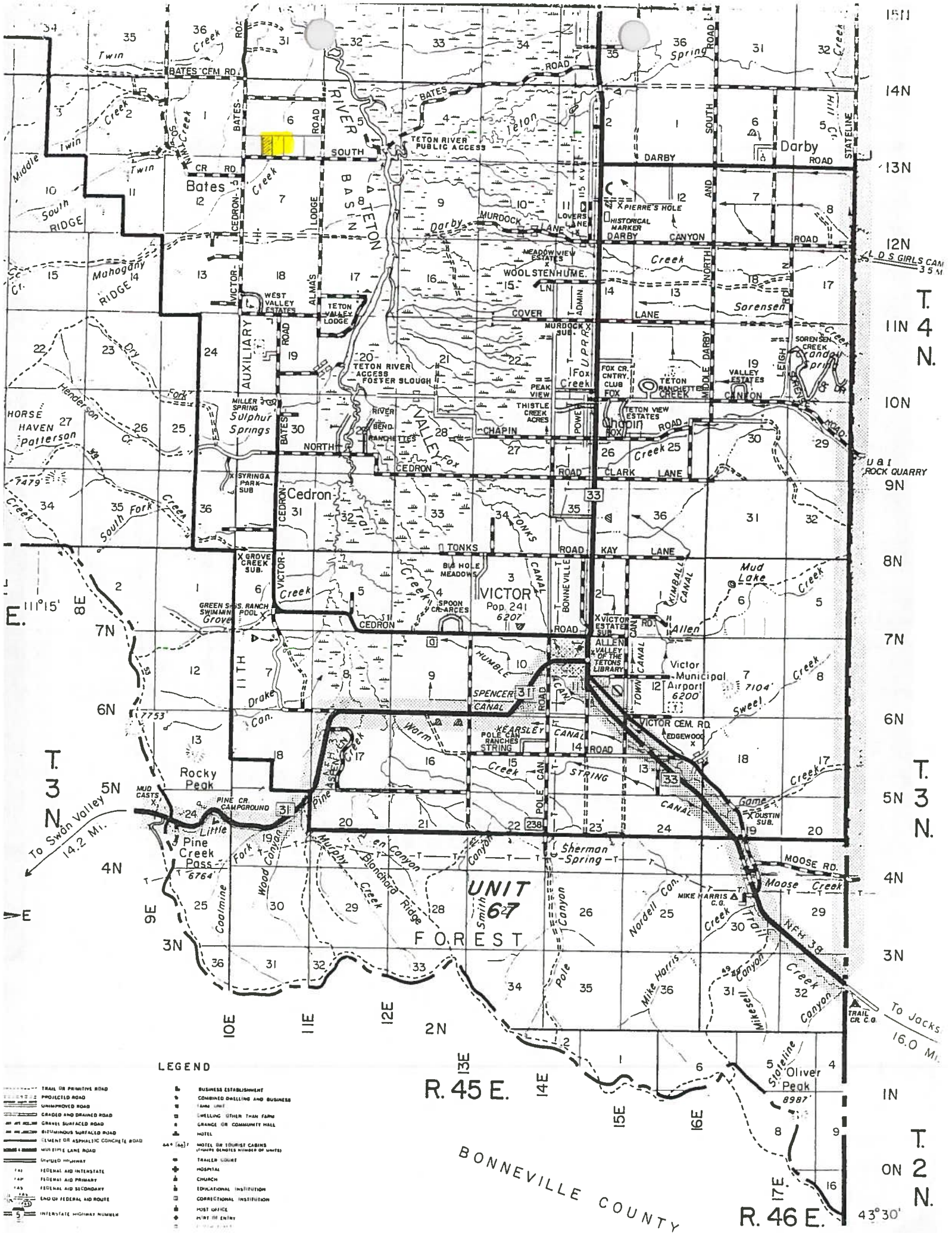
SCALE FOR QUARTER SECTION



Each side large blue squares = 5 chains, 20 rods, 330 feet; area of square 2.5 acres.
Each side small red squares = 1.25 chains, 5 rods, 82.5 feet; area of square .1625 of 1 acre.

PRONTO LAND MEASURE 20-40 MAP SHEET

PHOTO LAND MEASURE
P.O. Box 3212, Flint, MI 48602
Phone (313) 833-7950



LEGEND

- | | | | |
|--|-----------------------------------|--|--------------------------------|
| | TRAIL OR PRIMITIVE ROAD | | BUSINESS ESTABLISHMENT |
| | PROJECTED ROAD | | COMBINED DWELLING AND BUSINESS |
| | UNIMPROVED ROAD | | FARM UNIT |
| | GRADED AND DRAINED ROAD | | DWELLING OTHER THAN FARM |
| | GRAVEL SURFACED ROAD | | GRANGE OR COMMUNITY HALL |
| | BITUMINOUS SURFACED ROAD | | HOTEL |
| | CEMENT OR ASPHALTIC CONCRETE ROAD | | MOTEL OR TOURIST CABINS |
| | MULTIPLE LANE ROAD | | (Number) NUMBER OF UNITS |
| | IMPROVED HIGHWAY | | TRAILER COURT |
| | FEDERAL AND INTERSTATE | | HOSPITAL |
| | FEDERAL AID PRIMARY | | CHURCH |
| | FEDERAL AID SECONDARY | | EDUCATIONAL INSTITUTION |
| | END OF FEDERAL AID ROUTE | | CORRECTIONAL INSTITUTION |
| | INTERSTATE HIGHWAY NUMBER | | POST OFFICE |
| | | | POINT OF ENTRY |

R. 45 E.

BONNEVILLE COUNTY

R. 46 E.

T. 2 N.

To Jacks
16.0 Mi.

To Swain Valley
14.2 Mi.

UNIT
67
FOREST

43°30'

CORPORATION WARRANTY DEED

1. Date

November ^{27th} 27, 1996

2. Parties

Grantor: Potter Enterprises, Inc., an Idaho corporation

Current address:

Scott Eskelson, Esq.
485 E. Street
Idaho Falls, ID 83402

523-4650

Grantee: John C. Cushman, III and Jeanine Cushman, husband and wife and Louis B. Cushman,

Current address:

John C. Cushman, III
Cushman Realty Corporation
601 South Figueroa Street
47th Floor
Los Angeles, CA 90017-5752

What happened to.
SWSE (37.0x) of
22-02048
Does Ref: 114921
1/3/94

3. Property

Idaho County: Teton

Description:

Parcel 1: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho

Parcel 2: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 4 North, Range 45 East of the Boise Meridian, Teton County, Idaho, less and except Tax #2689. The exception is described as

Beginning at the West corner of said section 6, running thence East 470 feet, more or less, to a point in line with the established fence line; thence North following said fence line 500 feet, more or less, to the corner of said fence line; thence West 470 feet, more or less to the West edge of the SW $\frac{1}{4}$, Section 6, thence South 500 feet, more or less to the point of beginning.

TOGETHER WITH;

All water rights, ditches, ditch rights, easements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues, and profits.

SUBJECT TO;

Easements and rights-of-way of record, if any, covenants, restrictions, reservations, applicable building and zoning ordinances, use regulations and restrictions, and accruing taxes.

Taxes and assessments for 1996 and all subsequent years.

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

Unpatented mining claims, reservations and exceptions and patents or in acts authorizing their issuance.

All other matters of record.

4. Consideration

Ten Dollars and other good and valuable consideration, receipt of which is acknowledged.

5. Grant

Grantor has been authorized by resolution of its board of directors, for consideration listed above, to grant, bargain, sell, convey and confirm to grantee, their heirs, successors and assigns the transferred interest in the property described in this deed.

6. Warranties

Grantor, for itself, its successors and assigns, covenants with grantee and their heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed.

Grantor has good right to convey the property described in this deed to grantee.

The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

Grantor and its successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, their heirs, successors and assigns against the lawful claims of all persons.

7. Construction

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

POTTER ENTERPRISES, INC.

By: Shirley E Cox
Its: Secretary/President V.P.

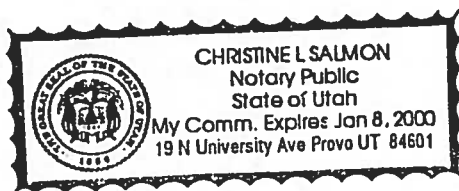
STATE OF UTAH)
County of Utah) ss.

On November 29 1996, before me, , a Utah notary public, personally appeared Shirley Cox, known or identified to me to be the vice president of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Christine L. Salmon
Notary Public for Utah
Residing at: Provo, UT
Commission Expires: Jan. 8, 2000

(SEAL)



125877
WARRANTY DEED

RECEIVED

DEC 12 1996

TETON CO., ID
CLERK RECORDER

1. Date

February 22, 1994

2. Parties

Grantor: Louis B. Cushman, a married man of 2800 Post Oak Boulevard, Suite 5300, Houston, Texas 77056-6111, dealing with his sole and separate property, joined by his wife Christina S. Cushman to convey any community property interest she may have in the property, and John C. Cushman, III and Jeanine S. Cushman, husband and wife of 801 South Figueroa Street, Suite 4700, Los Angeles, California 90017-5752.

Grantee: Eric E. Thompson and Sandra A. Thompson, husband and wife

Current Address: 1101 Hidden ^{Beech} Valley Road, Lake Almanor, California 96137

3. Property

Transferred Interest: All

Idaho county: Teton

Description:

Section 6, Township 4 North, Range 45 East of the Boise Meridian: SE $\frac{1}{4}$ SW $\frac{1}{4}$
(approximately 40 acres).

Together With:

1. All water rights appurtenant to the property;
2. All appurtenant mineral rights, if any;
3. All reversions and remainders;
4. All rents, issues and profits; and

5. All tenements, hereditaments, appurtenances, improvements and fixtures, and the right to prorate use (based on acreage) of the pump, panel, screen box, and portable mainlines with the adjoining land owner to the east, subject to paying the prorata share (based on acreage) of all maintenance and electricity costs to include the responsibility for and obligation to pay costs pursuant to the attached Agreement for Electrical Services dated April 16, 1991.

Subject To:

1. Taxes for 1994 and subsequent years.
2. If zoning ordinances permit, grantees may build not more than one (1) single family residence and associated out buildings reasonably necessary to the use of the premises may be constructed on the property. A like restriction is in force on the ~~SW~~ SW $\frac{1}{4}$, Section 6, Township 4 North, Range 45 East of the Boise Meridian. Grantee may build one

100 S. LIT. IN B. L. AS
300 S. LIT. IN B. L. AS
W. LIT. IN B. L. AS

such residence on each parcel and a third on this parcel or the other, but may not build more than three on the two parcels. This provision is a covenant running with the land to be permanently enforced.

3. All conditions, covenants, restrictions and ordinances affecting the property.

4. Consideration

Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is acknowledged.

5. Grant

For the consideration stated, grantor grants, bargains, sells, and conveys to grantee and to grantee's heirs and assigns forever the transferred interest in the property described in this deed.

6. Warranties

Grantor, for himself, his heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed.

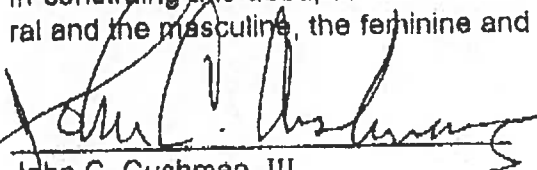
Grantor has good right to convey the property described in this deed to grantee.

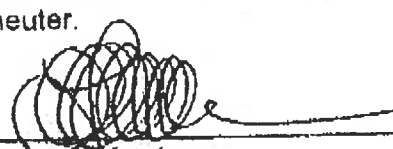
The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

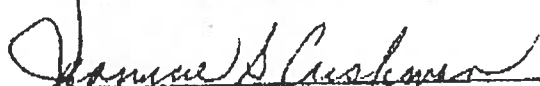
Grantor and his heirs and successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, his heirs, successors and assigns against the lawful claims of all persons.

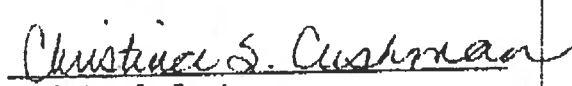
7. Construction

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


John C. Cushman, III


Louis B. Cushman


Jeanine S. Cushman


Christina S. Cushman

125877

STATE OF CA)
 County of LOS ANGELES) ss.

On February 14, 1994, before me, NANCY L. FULLER, a(n) CALIF.
 notary public, personally appeared John C. Cushman, III and Jeanine S. 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 certi-
 cate first above written.

Nancy L. Fuller
 Notary Public for STATE OF CALIF.
 Residing at: 3611 FIRST AVE., LA CRESENTA, CA 91214
 My Commission expires: 8/16/95

(SEAL)



STATE OF TEXAS)
 County of HARRIS) ss.

On February 22, 1994, before me, LINDA ANNE RAY, a(n) TEXAS
 notary public, personally appeared Louis B. Cushman and Christina S. Cushman, known
 or identified to me to be the persons whose names are subscribed to the within instru-
 ment, 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 certi-
 cate first above written.

Linda Anne Ray
 Notary Public for TEXAS
 Residing at: 2800 POST OAK BLVD., SUITE 5300, HOUSTON TX 77056
 My Commission expires: 11/3/97

(SEAL)



125877

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESOROW

AT 17 MINUTES PAST 3 PMDATE Dec 12, 1996BY Joe J. Drake

DEPUTY

WARRANTY DEED - PAGE 3

RECEIVED

JUN 14 1996

TETON CO. ID
CLERK RECORDER

124175

ALLIANCE TITLE & ESCROW
P.O. BOX 782
MERIDIAN, ID 83440

WARRANTY DEED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

1. Date

February 12, 1994AT 21 MINUTES PAST 12 PMDATE June 14, 1996Ada S. DrakeBY Ada S. DrakeCLERK OF RECORD
DEPUTYFiled _____
Indexed _____
Platted _____

2. Parties

Grantor: Louis B. Cushman, a married man of 2800 Post Oak Boulevard, Suite 5300, Houston, Texas 77056-6111, dealing with his sole and separate property, joined by his wife Christina S. Cushman to convey any community property interest she may have in the property, and John C. Cushman, III and Jeanine S. Cushman, husband and wife of 601 South Figueroa Street, Suite 4700, Los Angeles, California 90017-5752.

Grantee: Eric E. Thompson and Sandra A. Thompson, husband and wife

Current Address: 1101 Hidden Valley Road, Lake Almanor, California 96137
Beach

3. Property

Transferred Interest: All

Idaho county: Teton

Description:

Section 6, Township 4 North, Range 45 East of the Boise Meridian: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Less Tax #2689 (approximately 5.39 acres). The exception is described as:

Beginning at the West corner of said section 6, running thence East 470 feet, more or less, to a point in line with the established fence line; thence North following said fence line 500 feet, more or less, to the corner of said fence line; thence West 470 feet, more or less to the West edge of the SW $\frac{1}{4}$, Section 6, thence South 500 feet, more or less, to the point of beginning (approx 34.6 acres)

Together With:

1. All water rights appurtenant to the property;
2. All appurtenant mineral rights, if any;
3. All reversions and remainders;
4. All rents, issues and profits; and
5. All tenements, hereditaments, appurtenances, improvements and fixtures, and the right to prorate use (based on acreage) of the pump, panel, screen box, and portable mainlines with the adjoining land owner to the east, subject to paying the prorata share (based on acreage) of all maintenance and electricity costs to include the responsibility for and obligation to pay costs pursuant to the attached Agreement for Electrical Services dated April 16, 1991.

STATE OF CA)
) ss.
 County of Los Angeles)

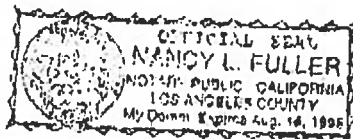
On February 14, 1994, before me, NANCY L. FULLER, a(n) CALIF
 notary public, personally appeared John C. Cushman, III and Jeanine S. Cushman,
 known or identified to me to be the persons whose names are subscribed to the within
 instrument, and acknowledged to me that they executed the same.

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

Nancy L. Fuller
 Notary Public for STATE OF CALIF

Residing at: 3611 FIRST AVE., LA CRESCENTA, CA 91214
 My Commission expires: 8/16/95

(SEAL)



STATE OF Texas)
) ss.
 County of Harris)

On February 22, 1994, before me, Linda C. Smith, a(n) Texas
 notary public, personally appeared Louis B. Cushman and Christina S. Cushman, known
 or identified to me to be the persons whose names are subscribed to the within instru-
 ment, 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 certifi-
 cate first above written.

Linda C. Smith
 Notary Public for HARRIS COUNTY, TEXAS

Residing at: 2800 POST OAK BLVD, SUITE 5300, HOUSTON, TX 77004
 My Commission expires: 11/3/94

(SEAL)



Subject To:

1. Taxes for 1994 and subsequent years.
2. If zoning ordinances permit, grantees may build not more than one (1) single family residence and associated out buildings reasonably necessary to the use of the premises may be constructed on the property. A like restriction is in force on the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6, Township 4 North, Range 45 East of the Boise Meridian. Grantee may build one such residence on each parcel and a third on this parcel or the other, but may not build more than three on the two parcels. This provision is a covenant running with the land to be permanently enforced.
3. All conditions, covenants, restrictions and ordinances affecting the property.

4. Consideration

Ten Dollars (\$10.00) and other good and valuable consideration, receipt and sufficiency of which is acknowledged.

5. Grant

For the consideration stated, grantor grants, bargains, sells, and conveys to grantee and to grantee's heirs and assigns forever the transferred interest in the property described in this deed.

6. Warranties

Grantor, for himself, his heirs, successors and assigns, covenants with grantee, his heirs, successors, and assigns as follows:

Grantor is currently the owner of the property as described in this deed.

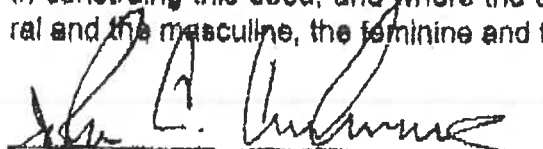
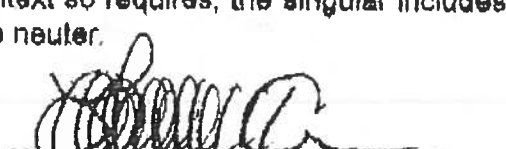
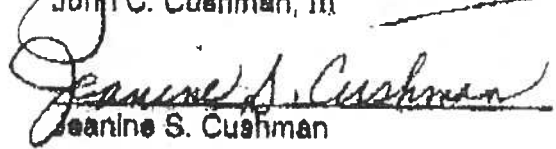
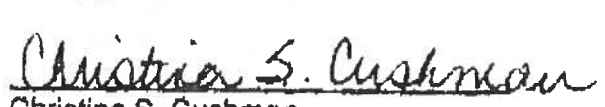
Grantor has good right to convey the property described in this deed to grantee.

The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

Grantor and his heirs and successors will forever warrant and defend the quiet and peaceful possession of the property granted by this deed to grantee, his heirs, successors and assigns against the lawful claims of all persons.

7. Construction

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


John C. Cushman, III
Louis B. Cushman
Jeanine S. Cushman
Christina S. Cushman

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 22-2048B
Date Received: 11/2/1988
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

STANLEY EDWARDS Phone: (208)354-3776
PO BOX 699
DRIGGS ID USA 83422

MARJORIE EDWARDS Phone: (208)354-3776
PO BOX 699
DRIGGS ID USA 83422

2. Date of Priority: 03/18/1910

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	44E	1	SW SE	TETON	

5. Description of diverting works:

HEADGATE TO DITCHES TO SPRINKLERS AT P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.37	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

04N	45E	6	SE	SW	IRRIGATION	18.5
					Section Acres	18.5
					Total Acres	18.5

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:

14. Remarks:

ORIGINAL LICENSE INDICATES P/U IN SEC6 T4N R44E. THIS APPEARS TO BE IN ERROR. ACTUAL P/U IS AS LISTED. P/D CHANGED FROM SESW SEC 12 T4N R44E TO PRESENT LOCATION ~1975.

*** A22-02048B, 0.37 CFS, ON 18.5 AC, H. EDWARDS, 30DEC96 'A' PORTION AS SPLIT TO C AND D IS CLAIMED IN-FULL. ABR.

'A' PORTION OF A22-02048, SPLIT BY WARRANTY DEED 22FEB94. CHANGE OF OWNERSHIP NOT RECEIVED BETWEEN J. CUSHMAN AND E. THOMPSON. THE SALES OF SPLIT PORTION 'B' ARE SUPPORTED BY WARRANTY DEEDS (FILE) REMAINING PORTION 'A' IS AS FOLLOWS; A22-02048A, 1.73 CFS, ON 86.5 AC., J. CUSHMAN OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,C AND D. 14FEB97,ABR *** PLACE OF USE IS 18.5 AC IN W1/2SE1/4SW1/4, SEC 6, T4N,R45E.

15. Basis of Claim: License

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: **A22-02048B**
Date Received: 11/ 2/1988
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: HARVEY E EDWARDS
Address: RD 1 CENTER RD BOX 290
EAGLE BRIDGE NY 12057 518-677-5720

AND

Name: SUZANNE R EDWARDS
Address: RD 1 CENTER RD BOX 290
EAGLE BRIDGE NY 12057 518-677-5720

2. Date of Priority: MAR 18, 1910

3. Source: MAHOGANY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	44E	1	SW	SE			TETON

5. Description of diverting works:
HEADGATE TO DITCHES TO SPRINKLERS AT P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.370		

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

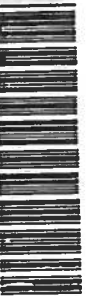
8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	45E	6	SE	SW		IRR	18.5

A2202048B



10. Place of Use: Continued

Section Acres 18.5

Total Acres 18.5

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:

14. Remarks:

ORIGINAL LICENSE INDICATES P/U IN SEC6 T4N R44E. THIS APPEARS TO BE IN ERROR. ACTUAL P/U IS AS LISTED. P/D CHANGED FROM SESW SEC 12 T4N R44E TO PRESENT LOCATION ~1975.

A22-02048B, 0.37 CFS, ON 18.5 AC, H. EDWARDS, 30DEC96
'A' PORTION AS SPLIT TO C AND D IS CLAIMED IN-FULL. ABR.
'A' PORTION OF A22-02048, SPLIT BY WARRANTY DEED 22FEB94. CHANGE OF OWNERSHIP NOT RECEIVED BETWEEN J. CUSHMAN AND E. THOMPSON. THE SALES OF SPLIT PORTION 'B' ARE SUPPORTED BY WARRANTY DEEDS (FILE)
REMAINING PORTION 'A' IS AS FOLLOWS;

A22-02048A, 1.73 CFS, ON 86.5 AC., J. CUSHMAN
OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,C AND D. 14FEB97,ABR

PLACE OF USE IS 18.5 AC IN W1/2SE1/4SW1/4, SEC 6, T4N,R45E.

15. Basis of Claim: LICENSE

Water Right Number: 5834