

08/07/2006

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

RIGHT NUMBER: 22-2048F
NAME AND ADDRESS: JOHN DOUGLAS MERRILL
PO BOX 459
DRIGGS ID 83422

PATRICIA A MERRILL
PO BOX 459
DRIGGS ID 83422

SOURCE: MAHOGANY CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.400 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	0.400 CFS
PLACE OF USE:	<u>IRRIGATION Within TETON County</u>		
	T04N R45E S06	SWSE 20.00	
	20 ACRES TOTAL		

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Mohagoney

08/07/2006

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:

Water right number: 22-2048F

JOHN DOUGLAS MERRILL
PO BOX 459
DRIGGS ID 83422
Telephone Number: (208)354-3422

PATRICIA A MERRILL
PO BOX 459
DRIGGS ID 83422
Telephone Number: (208)354-3422

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12/10/06 SIGNATURE: Patricia A. Merrill

Please print your name: PATRICIA A. MERRILL

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

gc

12/01/2006

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:

Water right number: 22-2095

PETER LINN
PO BOX 255
VICTOR ID 83455
Telephone Number: (208) 787-2213

TRUDY LINN
PO BOX 255
VICTOR ID 83455
Telephone Number: (208) 787-2213

RECEIVED

JAN 04 2007

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

12-29-2006

SIGNATURE:

Peter V. Linn

Trudy Linn

Please print your name:

PETER V. LINN

Trudy Linn

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

OC



Idaho Department of Water Resources

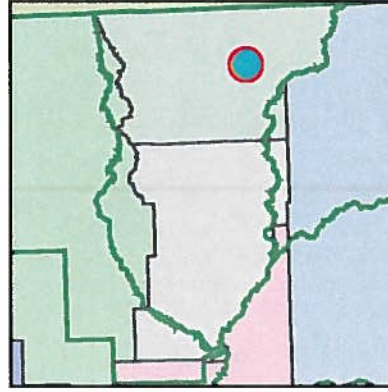
SRBA Recommendation:

22-2048F

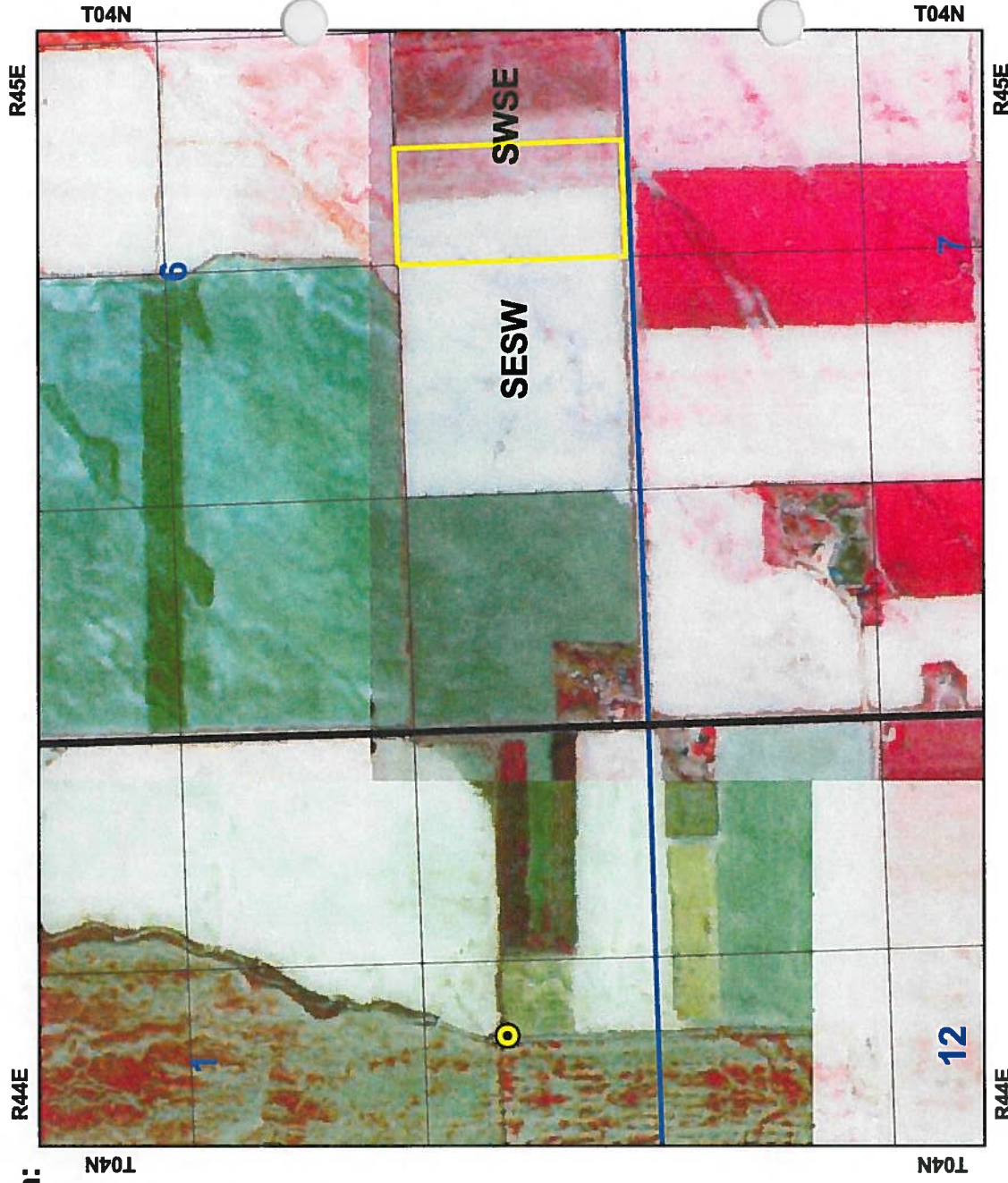
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



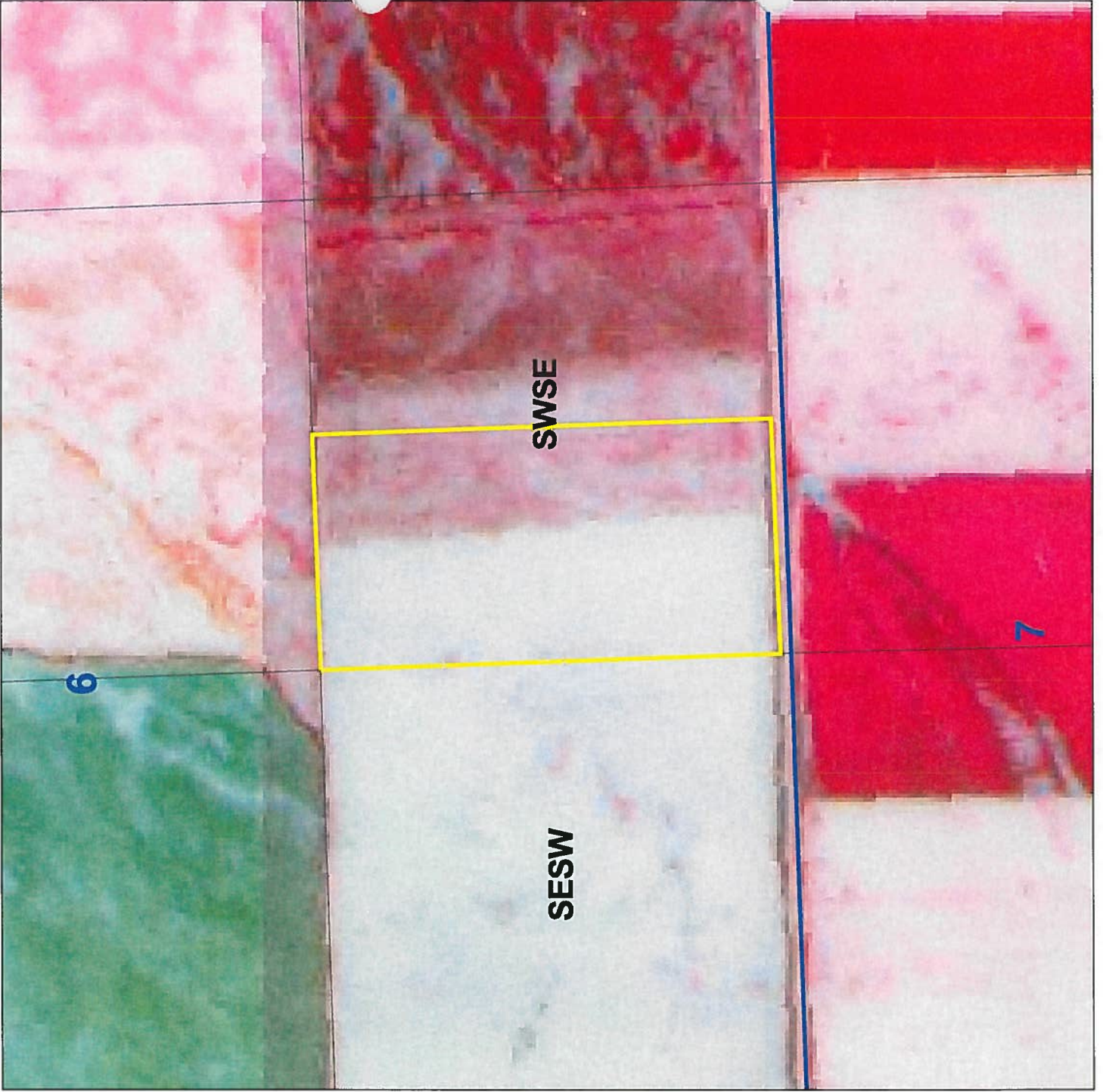
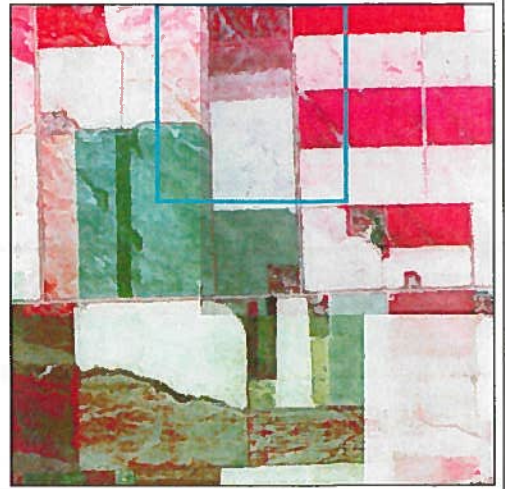
0.8 Miles

0.4

0

Prepared by T. Galbraith
On Monday, August 7, 2006
1987/88 Aerial Photography

22-2048F



208-589-4199
NICK OLSON

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.

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, 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
22-2048F		✓			

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) 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**.

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

Louis Cushman
2800 Post oak Blvd Ste. 5300 - Houston, TX
77056

4. New Owner/Claimant(s)

Steve Hammond

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 68

City, State and ZIP Code

Victor, ID. 83455

New Telephone Number

(208) 787-3360

5. Date you acquired the property

1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at Item 1. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at Item 3.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at Item 6. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip Item 6 and go to Item 7.
7. The new owner(s) must sign the form in the space(s) provided at Item 7. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

RECEIVED

JAN 20 1998

TETON CO. ID
CLERK RECORDER

WARRANTY DEED

129285

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AS 20 MINUTES PAST 9 A M

DATE 1-20-98

BY *[Signature]*
CLERK RECORDER

BY *[Signature]*
DEPUTY

1. DATE

December 30, 1993

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: John Douglas Merrill and Steve M. Hammond, individually and as partners d/b/a Big Hole Tree and Sod Farm, a general partnership

Current Address: P.O. Box 2032, Jackson, Wyoming 83001

3. PROPERTY

Transferred Interest: All

Idaho county: Teton

Description:

Southwest 1/4 of the Southeast 1/4, Section 6, Township 4 North, Range 45 East, Boise Meridian, containing 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. The tenements, hereditaments, appurtenances, improvements and fixtures, including one (1) wheel move surface irrigation line, and the ~~right~~ prorata use of the pump, panel, screen box, and portable mainlines with the adjoining land owner subject to paying the prorata share of all maintenance costs.

and electricity

(based on acreage)

[Handwritten signatures and initials]

Subject to:

1. Taxes for 1993 and subsequent years.
2. If zoning ordinances permit, buyers may build not more than on (1) single family residence and associated out buildings reasonably necessary to the use of the premises may be constructed on the property on each half, roughly twenty acres, of the property. This provision is a covenant running with the land to be permanently enforced.
3. Buyers may construct buildings reasonably necessary for a tree-sod farm operation of the property.
4. All conditions, covenants restrictions and ordinances effecting 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 quite 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.

129285

Handwritten signature

John C. Cushman, III
John C. Cushman, III

Louis B. Cushman
Louis B. Cushman

Jeanine S. Cushman
Jeanine S. Cushman

Christina S. Cushman
Christina S. Cushman

STATE OF _____)
County of _____) (ss.

Attaches

On January _____, 1998, before me, _____ an
_____ notary public, personally appeared John C. Cushman, III and
Jeanine S. Cushman, known or identified to me to be the person 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 _____
Residing at: _____
My Commission Expires: _____

(SEAL)

STATE OF _____)
County of _____) (ss.

On January _____, 1998, before me, _____ an
_____ notary public, personally appeared Louise B. Cushman and
Christina S. Cushman, known or identified to me to be the person 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 _____
Residing at: _____
My Commission Expires: _____

(SEAL)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

NO. 8007

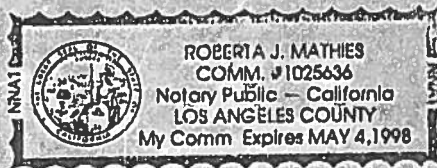
State of California

County of Los Angeles

On 1/6/97 before me, ROBERTA J. MATHIES, NOTARY PUBLIC
DATE NAME, TITLE OF OFFICER - E.G., JANE DOE, NOTARY PUBLIC

personally appeared JOHN C. CUSHMAN, III AND JERINNE S. CUSHMAN
NAME(S) OF SIGNER(S)

☒ 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 ~~dis~~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. Mathies
SIGNATURE OF NOTARY

OPTIONAL

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

CAPACITY CLAIMED BY SIGNER

☒ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)
☐ PARTNER(S) ☐ LIMITED
☐ GENERAL
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

WARRANTY DEED
TITLE OR TYPE OF DOCUMENT

TWO (2)
NUMBER OF PAGES

12/24/93
DATE OF DOCUMENT

LOUIS + CHRISTINA CUSHMAN
SIGNER(S) OTHER THAN NAMED ABOVE

John C. Cushman, III

Louis B. Cushman

Louis B. Cushman

Jeanine S. Cushman

Christina S. Cushman

Christina S. Cushman

STATE OF _____)
County of _____) (ss.

On January _____, 1998, before me, _____ an
_____ notary public, personally appeared John C. Cushman, III and
Jeanine S. Cushman, known or identified to me to be the person 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 _____
Residing at: _____
My Commission Expires: _____

(SEAL)

STATE OF TEXAS)
County of HARRIS) (ss.

On January 6, 1998, before me, LINDA ANNE RAY an
_____ notary public, personally appeared Louis B. Cushman and
Christina S. Cushman, known or identified to me to be the person 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

Linda Anne Ray

Notary Public for STATE OF TEXAS
Residing at: 2800 Park Oak Blvd., Suite 5300, Houston, TX 77061
My Commission Expires: 11-3-2001

(SEAL)



129285

MAY 16 1997

127196

IDHON CO. IS
NOTARY RECORDS

QUITCLAIM DEED

For Value Received

Big Hole Tree and Sod Farm, a general partnership

do hereby convey, release, remise and forever quit claim unto

Steve M. Hammond and Tammy Hammond, husband and wife
whose current address is

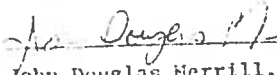
P.O. Box 60, Victor, ID 83455

the following described premises, to-wit:

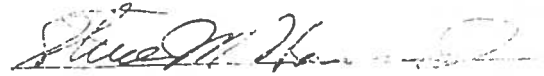
The East 1/2 of the Southwest 1/4 of the Southeast 1/4,
Section 6, Township 4 North, Range 45 East, Boise
Meridian, Teton County, Idaho, containing approximately
20 acres.

together with their appurtenances.

Dated: February 27, 1997



John Douglas Merrill, partner



Steve M. Hammond, partner

STATE OF IDAHO, COUNTY OF Teton
On this 15th day of May, 1997,
before me, a notary public in and for said State, personally
appeared

John Douglas Merrill and Steve M.
Hammond, Partners of Big Hole Tree
and Sod Farm

known to me to be the person(s) whose name(s)
is/are subscribed to the within instrument, and acknowledged to
me that they/they executed the same
on behalf of said partnership


Notary Public
Residing at Teton, Idaho
Commission Expires 6-28-2003

OFFICIAL SEAL
KACY A. STEWART
NOTARY PUBLIC - IDAHO
TETON COUNTY
MY COMMISSION EXPIRES 6/28/2003

127196

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

14 MINUTES PAST 12:00

DATE May 16, 1997

Kacy A. Stewart

Notary Public

Teton, Idaho

Furnished by

127196

ALLIANCE
TITLE & ESCROW L.L.P.

JAN 20 1998

TETON CO. ID
CLERK RECORDER

WARRANTY DEED

129285

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 20 MINUTES PAST 9 A M

DATE 1-20-98

BY [Signature]
CLERK OF DISTRICT COURT
DEPUTY

1. DATE

December 20, 1993

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: John Douglas Merrill and Steve M. Hammond, individually and as partners d/b/a Big Hole Tree and Sod Farm, a general partnership

Current Address: P.O. Box 2032, Jackson, Wyoming 83001

3. PROPERTY

Transferred interest: All

Idaho county: Teton

Description:

Southwest ¼ of the Southeast ¼, Section 6, Township 4 North, Range 45 East, Boise Meridian, containing 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. The tenements, hereditaments, appurtenances, improvements and fixtures, including one (1) wheel move surface irrigation line, and the right to prorata use of the pump, panel, screen box, and portable mainlines with the adjoining land owner subject to paying the prorata share of all maintenance costs. and electricity

(based on acreage)

[Signature]
[Signature]
[Signature]

WE CERTIFY THIS TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL DOCUMENT.
ALLIANCE TITLE & ESCROW, INC.
BY [Signature]

COPY

QUITCLAIM DEED

For Value Received

Big Hole Tree and Sod Farm, a general partnership
do hereby convey, release, remise and forever quit claim unto

John Douglas Merrill and Patricia A. Merrill, husband and wife
whose current address is

the following described premises, to-wit:

**The West 1/2 of the Southwest 1/4 of the Southeast 1/4,
Section 6, Township 4 North, Range 45 East, Boise
Meridian, Teton County, Idaho, containing approximately
20 acres.**

together with their appurtenances.

Dated: **February 27, 1997**

John Douglas Merrill, partner

Steve M. Hammond, partner

STATE OF IDAHO, COUNTY OF **Teton**
On this _____ day of _____, 1997,
before me, a notary public in and for said State, personally
appeared

**John Douglas Merrill and Steve M.
Hammond, Partners of Big Hole Tree and
Sod Farm**

known to me to be the person s whose name s
subscribed to the within instrument, and acknowledged to
me that **they** executed the same.
on behalf of said partnership

Notary Public
, Idaho

Residing at _____
Comm. Expires _____

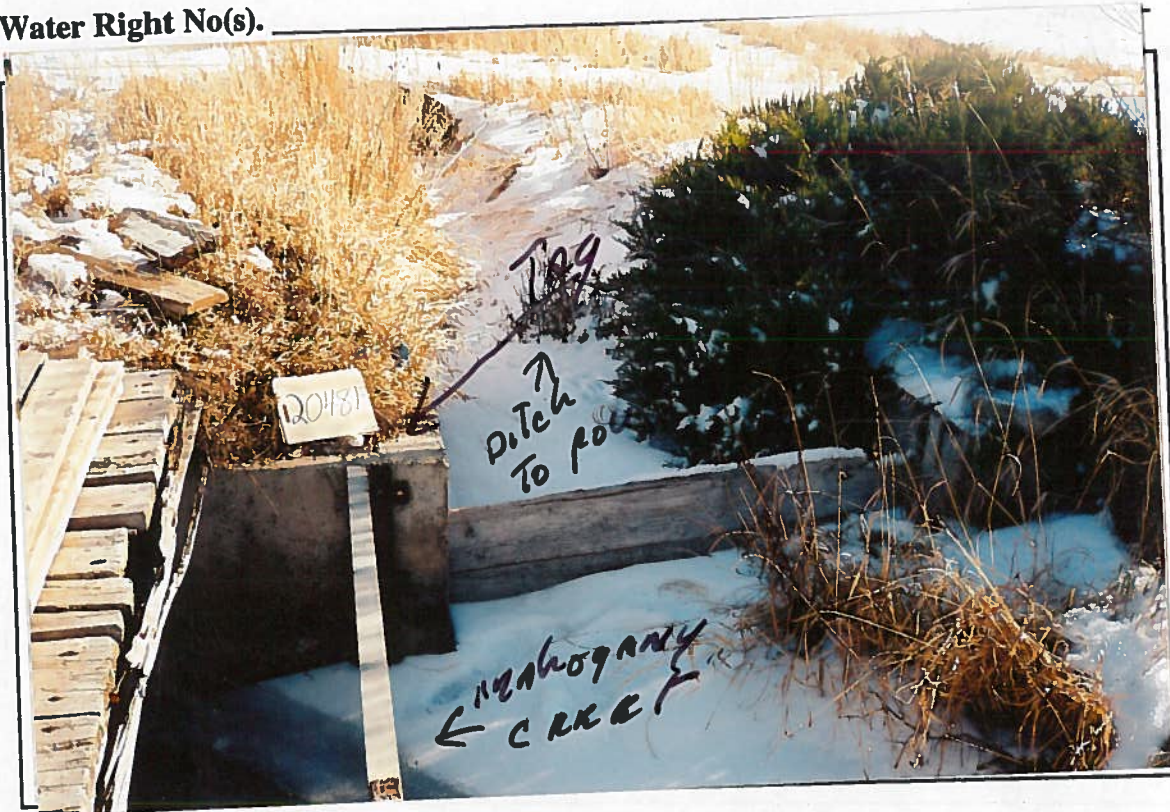
Furnished by the

ALLIANCE
TITLE & ESCROW CORP.



Litho 5-2560

Water Right No(s). _____



GPS DATA:

Tag # 00013801 Location: on Concrete Structure

Diversion Data:

Source: Mahogany Creek Trib to: Teton River

MOTOR

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

PUMP

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

NOTES:

Diverted From Mahogany Creek into
Irrigation Ditch To Field pump, into
main line to wheel & hard lines,
right is connected with other rights

Field Exam Date: 11-21-05 Agent: Nick Olson

Fremont County,
Cahogany Creek
2.1 c. ft. per second
Irrigation and domestic
Priority 3/18/1910

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 15th day of March, A. D. 1911, and for the application to beneficial use of said water on or before the 15th day of March, A. D. 1912.

WHEREAS, On the 18th day of March, A. D. 1911, E. 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. 5854, dated June 26, 1911, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.22 cubic feet per second of water, with date of priority of March 12, 1910, and

WHEREAS, On the 18th day of March, A. D. 1911, E. 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 waters;

NOW, THEREFORE, by virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to E. G. PATE, of said County of Fremont, State of Idaho, and holder and owner of said Permit No. 5834, a perpetual right, dating from March 12, 1910, to the use of 2.1 cubic feet per second of the waters of Cahogany 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 to a point about 90 rods N., and 2 rods E. of center of Sec. 11, Township 4 North, Range 4 East of Boise Meridian, and connected to and upon 100 acres of land as follows: (55 acres in Lot 35 acres in E 1/4 Sec. 11, and 55 acres in E 1/4 Sec. 11, Township 4 North Range 4E, 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 licensee of the waters of the State, and subject also, to the local or community custom, rules and regulations which have been or may hereafter be adopted from time to time by a majority of the owners of the source of supply, and for the purpose of 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. S. Robinson,
State Engineer

(SEAL)

1912 1048

Report of Engineer

1. State name of applicant and number of permits. *State of Idaho, Permit No. 1*
2. State source of water supply. *Mountain Creek*
3. Location of point of diversion. *About 30 feet S. of S. 1/4 Sec. 7, on eastern of*
the 1st 1/4 Sec. 7, T. 1 N., R. 1 E., S. 1 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: *6"*

(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, but not for irrigation

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract. *Lot 1, Section 1, T. 1 N., R. 1 E., S. 1 E.*

S. E. 1/4 Sec. 1

S. W. 1/4 Sec. 1

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

Remarks: *None*

STATE OF IDAHO.

County of *Idaho*

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 *10th* day of *May* 191*1*

My Commission Expires

Notary Public

5834

TAK. R. H. A. E. B. M.

TAK. R. H. A. E. B. M.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

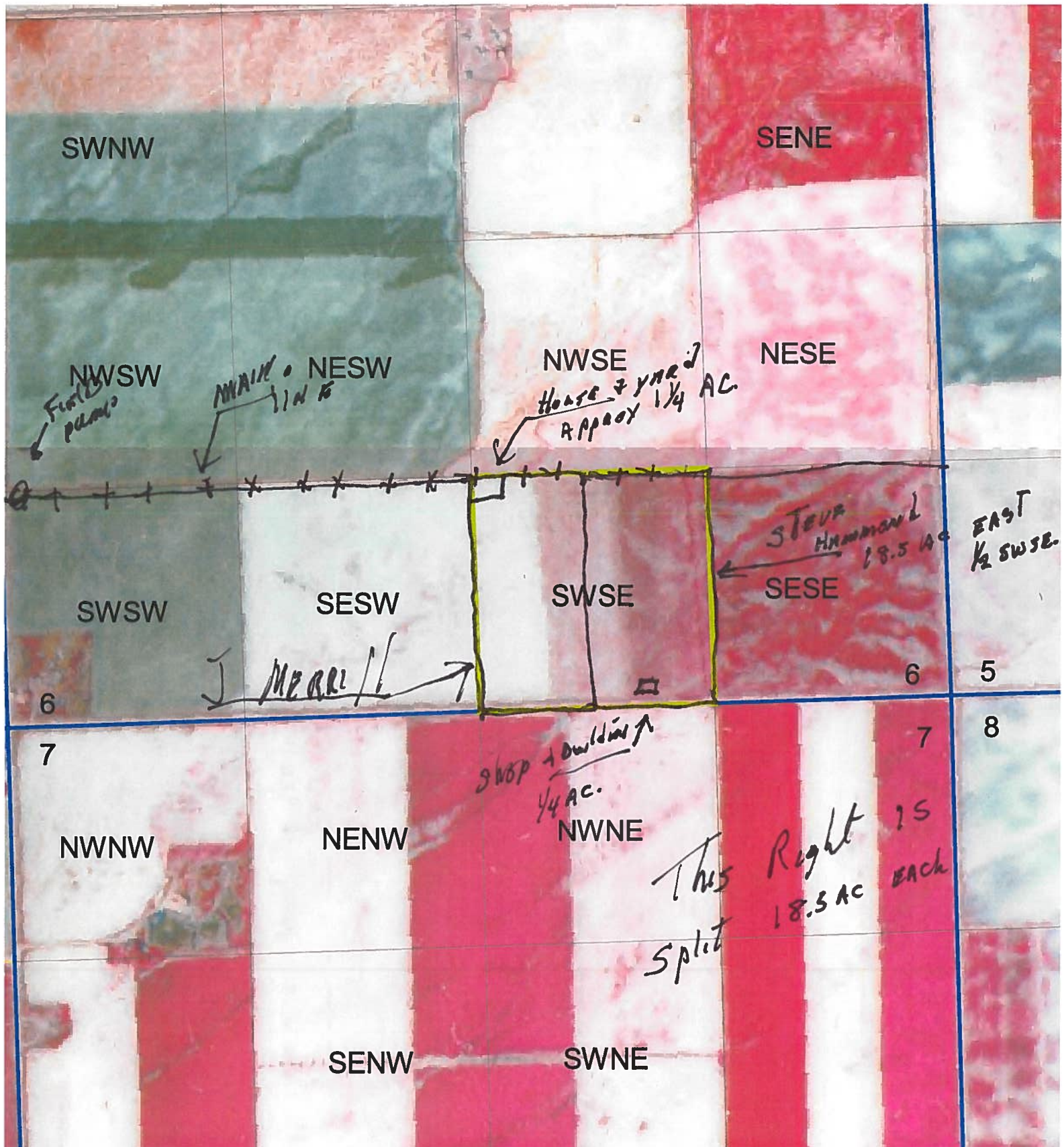
SEC.

SEC.

5831

22-2048F

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2003

JOHN D & PATRICIA MERRILL
PO BOX 459
DRIGGS ID 83422

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

Dear Mr. & Mrs. Merrill:

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,

Kristen Forsgren
Office Specialist 1

Enclosure

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.

OK
JC
9/17/03
RECEIVED
FEB 03 2003
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, 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
_____	<u>22-2048F</u>	<u>N</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) 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**.

3. Name and Address of Former Owner/Claimant(s) John C Cushman III or Louis B Cushman
601 S Figueroa St #4700 2800 POST OAK BLVD, STE 5300
Los Angeles, CA 90017 Houston, TX 77056
4. New Owner/Claimant(s) John D. & Patricia Merrill
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 459
- City, State and ZIP Code Driggs, ID 83422
- New Telephone Number (208) 354-3422
5. Date you acquired the property 12/30/1993

RECEIVED

MAY 16 1997

127197

TETON CO., ID
CLERK RECORDER

QUITCLAIM DEED

For Value Received

Big Hole Tree and Sod Farm, a general partnership
do hereby convey, release, remise and forever quit claim unto

John Douglas Merrill and Patricia A. Merrill, husband and wife
whose current address is

P.O. Box 801, Driggs, ID 83422
the following described premises, to-wit:

The West 1/2 of the Southwest 1/4 of the Southeast 1/4,
Section 6, Township 4 North, Range 45 East, Boise
Meridian, Teton County, Idaho, containing approximately
20 acres.

together with their appurtenances.

Dated: February 27, 1997

John Douglas Merrill
John Douglas Merrill, partner

Steve M. Hammond
Steve M. Hammond, partner

STATE OF IDAHO, COUNTY OF Teton
On this 15th day of May, 1997,
before me, a notary public in and for said State, personally
appeared

John Douglas Merrill and Steve M.
Hammond, Partners of Big Hole Tree and
Sod Farm

known to me to be the person s whose name s
subscribed to the within instrument, and acknowledged to
me that they executed the same.
on behalf of said partnership

Stacy A. Stewart
Residing at Teton, Idaho
Comm. Expires 6-28-2003

Notary Public
, Idaho

OFFICIAL SEAL
STACY A. STEWART
NOTARY PUBLIC - IDAHO
TETON COUNTY

MY COMMISSION EXPIRES 6/28/2003

127197

FILED

AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 15 MINUTES PAST 10 a.m.

DATE May 16, 1997

Stacy A. Stewart

CLERK OF RECORD

BY Nora Rigby DEPUTY

Furnished by the

127197

ALLIANCE

WARRANTY DEED

1. DATE

December 30, 1993

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: John Douglas Merrill and Steve M. Hammond, individually and as partners d/b/a Big Hole Tree and Sod Farm, a general partnership

Current Address: P.O. Box 2032, Jackson, Wyoming 83001

3. PROPERTY

Transferred interest: All

Idaho county: Teton

Description:

Southwest ¼ of the Southeast ¼, Section 6, Township 4 North, Range 45 East, Boise Meridian, containing 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. The tenements, hereditaments, appurtenances, improvements and fixtures, including one (1) wheel move surface irrigation line, and the ~~right~~ prorata use of the pump, panel, screen box, and portable mainlines with the adjoining land owner subject to paying the prorata share of all maintenance costs.

^ and electricity

(based on acreage)

CSC
JDC
[Handwritten signatures and initials]

Subject To:

1. Taxes for 1993 and subsequent years.
2. If zoning ordinances permit, buyers 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 on each half, roughly twenty acres, of the property. This provision is a covenant running with the land to be permanently enforced.
3. Buyers may construct buildings reasonably necessary for a tree-sod farm operation of the property.
4. All conditions, covenants, restrictions and ordinances effecting 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

STATE OF Idaho
(ss.
County of Teton)

On December 30, 1993, before me, Mark S. Rockefeller(n) a 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 certificate first above written.

Mark S. Rockefeller
Notary Public for ID
Residing at: Driggs, 83422
My Commission expires: 3-16-94

(SEAL)

STATE OF Idaho
(ss.
County of Teton)

On December 30 1993, before me, Mark S. Rockefeller(n) a 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 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.

Mark S. Rockefeller
Notary Public for ID
Residing at: Driggs, 83422
My Commission expires: 3-16-94

(SEAL)

WAR-DEED.DOC

ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
 DO NOT PAY.

PARCEL DESCRIPTION:

SW4SE4
 C 6 T4N R45E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 354-3507

PARCEL ADDRESS:

450 W 200 S

MERRILL JOHN DOUGLAS

P O BOX 801
 BRIGGS

ID 83422

Appeals of your property value must be filed in
 writing, on a form provided by the County, by:

JUNE 24, 2002

Tax Code Area:
 13-00

Parcel Number:
 RP 04N45E068550 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
IRRIGTD AG	19.330 AC	8,273	8,273
RURAL HOMESITE	1.000 AC	9,000	9,000
RURAL RES BLDG		239,545	265,777
RURAL IMP ON AG		1,776	1,776
SUBTOTAL:	20.330	258,594	284,826
LESS HOMEOWNERS EXEMPTION:		50,000	50,000
NET TAXABLE PROPERTY VALUE:		208,594	234,826

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
NTY	404.86	455.75	208-354-2905	08/26/2002
DIST 401	847.32	953.88	208-354-2207	06/10/2002
BATES	6.38	7.13		NO RESPONSE
E PROTECTION	280.16	315.85	208-354-2760	08/20/2002
RARY	23.54	26.50	208-787-2201	08/27/2002
SUBTOTAL:	1,562.22	1,750.13		
FEES:	110.00	110.00		
TOTAL PROPERTY TAXES & FEES:	1,672.28	1,870.13		

THIS IS NOT A BILL. DO NOT PAY.
 See the back of this Notice for details.

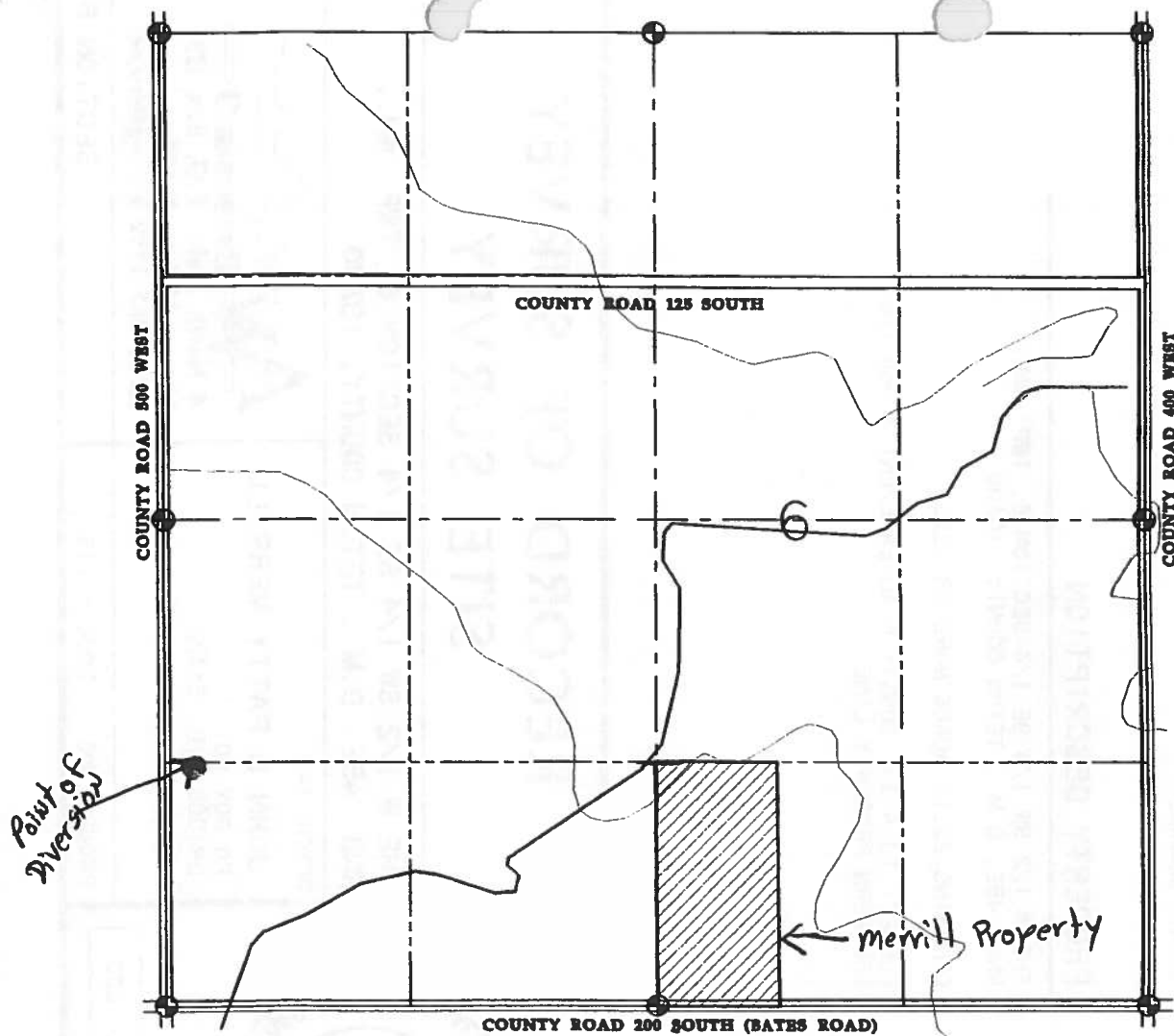
ARE CHECK PAYABLE TO:
 2002 TAX BILL/RECEIPT
 2002 TAX BILL/RECEIPT
 4305 CODE AREA 10-00
 1
 17,273
 267,553
 PACCEL NUMBER
 003474-80035504

9 N MAIN #3
 KISGS ID 83422
 1ST HALF DUE
 2ND HALF DUE
 FULL DUE
 TAX 863.94
 TAX 363.94
 TAX 1,727.88
 LATE
 INT
 COST
 TOT
 NET MV
 TOT ACS

MERKILL JOHN DOUGLAS
 P O BOX 901
 DRIGGS ID 83422
 4204564
 SEC 5 TAX R45E
 TAXING DISTRICT
 COUNTY
 SCH DIST 401
 CEM 3ATES
 FIRE PROTECTION
 APPLICABLE MV
 LIBRARY
 DISTRICT TOTAL
 LANDFILL
 WATER
 AMOUNT DUE
 RATE
 AMOUNT
 395.10
 948.44
 6.90
 244.48
 22.96
 1,617.88
 30.00
 30.00
 1,727.88

*** IMPORTANT ***
 PLEASE READ BOTH FRONT AND BACK
 MONTHLY PAYMENTS ARE ACCEPTED
 PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.
 KEEP TOP PORTION FOR YOUR RECORDS.
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE

PLEASE READ THE BACK OF THIS NOTICE
 YOUR RETURNED CHECK IS YOUR RECEIPT



VICINITY MAP

SECTION 6, TWP. 4N., RNG. 45E., B.M.,
TETON COUNTY, IDAHO

SCALE 1" = 1000'

RECORDER'S CERTIFICATE

STATE OF IDAHO)
) SS
COUNTY OF TETON)

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS _____ DAY
OF _____, 200__, AT _____.
AT THE REQUEST OF _____
INSTRUMENT NUMBER _____

COUNTY RECORDER

PROPERTY DESCRIPTION

RECEIVED

APR 24 1997

Department of Water Resources
Central Region

~~CHANGE MAIL ADDRESS~~
This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number (s): A22 -02048F

[] Old Mailing Address: 333 S. GRAND AVENUE
SUITE 4000
LOS ANGELES, CA 90071

[] New Mailing Address: 601 S. FIGUEROA ST. #4700
LOS ANGELES, CA 90017

New Telephone Number: (213) 674 - 6575

[] Signature of Claimant: [Signature]
Date: 4/21/97

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: 5-6-97 By: [Signature]

*Did not have authorization to change
Louis Cushman's address; left as is.*



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

MARCH 25, 1997

DEL RAY BEVAN
4184 S 4050 W
WEST VALLEY CITY UT 84120

RE: CHANGE IN OWNERSHIP FOR A22-02048C

Dear Mr. Bevan:

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:

A22-02048E, Beven, 0.62 cfs, 31 acres
A22-02048F, Cushman, 0.74 cfs, 37 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: Cushman III/copy claim/copy letter

DECEED RIGHT 22-0204B

SPLIT ANALYSIS FROM CUMMINT
(FOR NUMBERING PURPOSES) PAGE 1

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

A22-0204B J.C. CUSHMAN III

2.1 cfs MANOGANY CR 18 MAR 1910
R.O.U. AS SEC. 6 T. 4N. R. 45E.
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
R.O.U. T. 4N. R. 45E SEC 6
(LOT 7) SWSW 31.0 AC.
SWSE 37.0 AC.
E²SESW 18.5 AC.
86.5 AC

C A22-0204BC J.C. CUSHMAN III

1.36 cfs MANOGANY CR 18 MAR 1910
R.O.U. T. 4N. R. 45E. SEC. 6
SWSE 37.0 AC.
(LOT 7) SWSW 31.0 AC.
68.0 AC.

D A22-0204BD T.J. BOLES

● WARRANT DEED 13 DEC 96
0.37 cfs MANOGANY CR 18 MAR 1910
R.O.U. T. 4N. R. 45E. SEC. 6
E²SESW 18.5 AC.
● REQUEST FOR 46 7 JAN 97
● REC'D 10 FEB 97

B A22-0204BB HE EDMANDS

● WARRANT DEED 26 NOV 96
0.37 cfs MANOGANY CR
R.O.U. T. 4N. R. 45E SEC 6 W²SESW
18.5 AC

(F) A22-020418E J.C. CUSHMAN III

0.74 cfs MAHOGANY CK. 18 MAR 1910
R.O.D. T.4N. R.45E. SEC. 6 SWSE
R.O.U. T.4N. R.45E. SEC. 6
SWSE 37 AC.

95 MAR 91
P.B.V.

(C) A22-020418C J.C. CUSHMAN III

1.36 cfs MAHOGANY CK 18 MAR 1910
R.O.U. T.4N. R.45E. SEC. 6
SWSE 37.0 AC
(lot 7) SWSW 31.0 AC
68.0 AC.

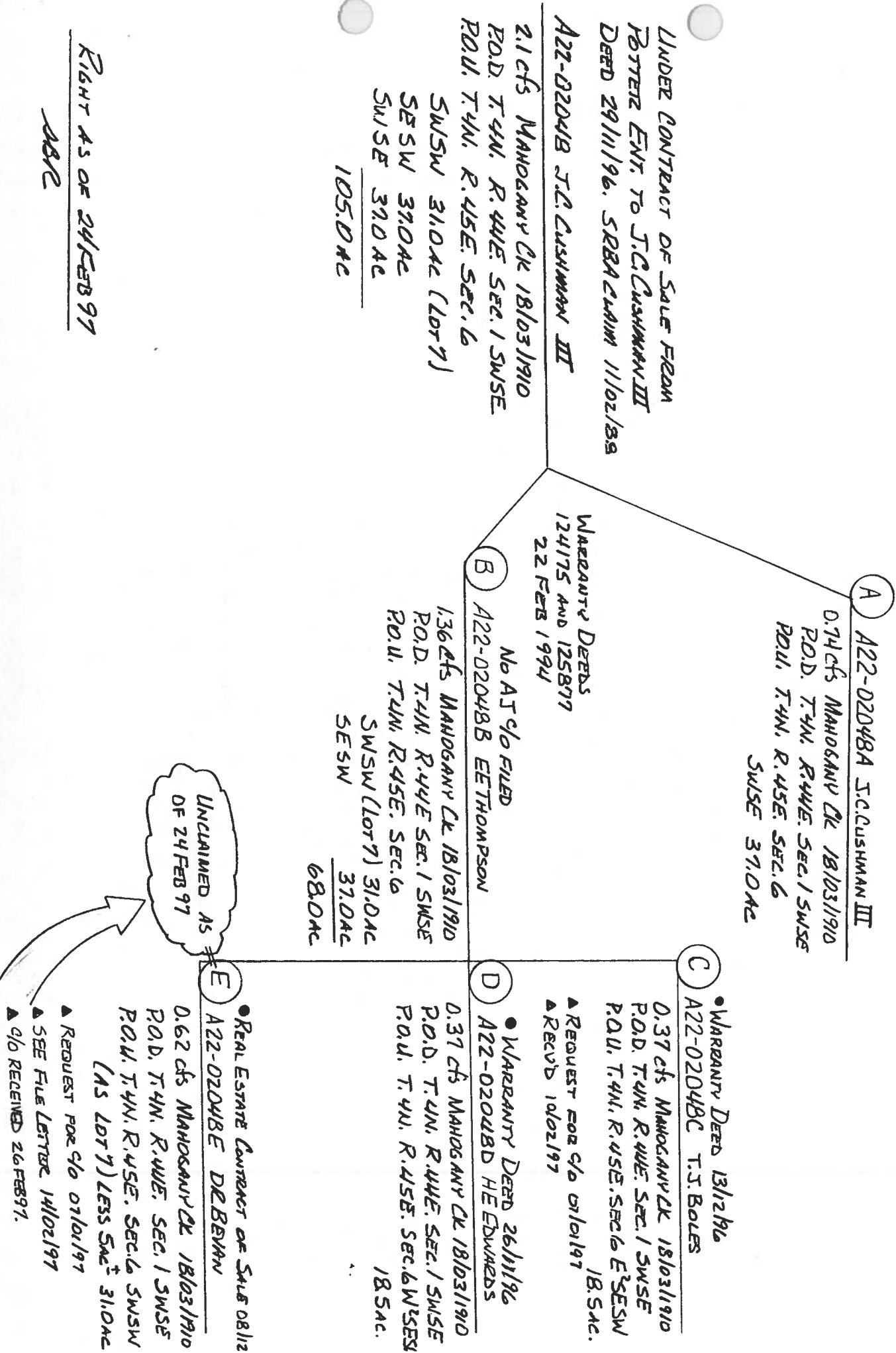
* THIS SPLIT PORTION IS ACTUALLY SPLIT
FROM EE THOMPSON WHO DID NOT FILE
A CHANGE OF OWNERSHIP WHEN PURCHASED
FROM J.C. CUSHMAN III, 22 FEB 1994.

(E) * A22-020418E DR. BEVAN

0.62 cfs MAHOGANY CK 18 MAR 1910
R.O.D. T.4N. R.45E. SEC. 1 SWSE
R.O.U. T.4N. R.45E. SEC. 6 SWSW
(AS lot 7) LESS 5 AC[±] 31.0 AC

DECEASED RIGHT 22-020418 (AS SPLIT)
ENJOINED TO SRBA RECEIPT NO. E003735

SPLIT ANALYSIS FLOW CHART
(ACTUAL)



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

RECEIVED

FEB 26 1997

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

Department of Water Resources
Eastern District Office

1. Water Right Number(s) A22-02048
Adjudication Claim Number(s) A22-02048 (TO BE SPLIT)

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) ERIC & SANDY THOMPSON

1101 HIDDEN BEACH ROAD
LAKE ALMANOR, CA, 96137

4. New Owner/Claimant(s) DEL RAY & RETA BEVAN

New Mailing Address

Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
4184 SOUTH JENSEN CIRCLE

City, State and ZIP Code

WEST VALLEY CITY, UTAH 84120

New Telephone Number

(801) 963-0410

5. Date you acquired the property Dec, 1995

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

Number of acres actually irrigated 35 Number and type of stock

Diversion rate in CFS Number of homes 0 Other uses
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Del Ray Bevan Date Jan. 16, 1997

Date

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

Alliance Title & Escrow Corp.
P.O. Box 644
Driggs, Idaho 83422

1. DATE

December 2, 1995

2. PARTIES

Grantor: Eric E. Thompson and Sandra A. Thompson

Current Address: 1101 Hidden Valley Road
Lake Almanor, CA 96137

Grantee: Del Ray Bevan and Reta Bevan

Current Address: 4184 South 4050 West
West Valley City, UT 84120

3. PROPERTY

Transferred interest: All

Idaho county: Teton

Description:

A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, Township 4 North, Range 45 East of the Boise Meridian Teton county, Idaho described as:

Commencing at the Southwest corner of said Section 6; then North 0°07'09" West 496.80 feet along the West section line to a point in line with an existing fence line, the point of beginning,

Then North 0°07'09" West 824.35 feet further along the West section line to the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,
Then North 89°50'49" East, 1136.24 feet to the Northeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,
Then South 0°20'32" East 1322.59 feet to the Southeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6,
Then South 89°54'30" West 859.40 feet along the South section line to a point in line with an existing fence line,
Then North 0°12'30" West 499.11 feet along said fence line to a fence corner

The South 89°38'00" West 481.21 feet along an existing fence line to the point of beginning.

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. The tenements, hereditaments, appurtenances, improvements and fixtures, and the right to prorata use (based on acreage) of the pump, panel, screen box, and portable mainlines with the adjoining land owners 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 Agreement for Electrical Service dated April 16, 1991.

Subject To:

1. Taxes for 1995 and subsequent years.
2. Development for housing purposes shall be limited to no more than one (1) single-family residence and associated out-buildings on this parcel. Seller's adjoining parcel east of the property subject of this contract is subject to a like restriction. The seller may construct a third single-family residence with associated out-buildings on the parcel the seller is retaining. No more than three single-family residence may be constructed on the two parcels, i.e. SW¼SE¼ (less tax #2689) and SE¼SW¼. This provision is a covenant running with the land to be permanently enforced.
3. All conditions, covenants, restrictions and ordinances effecting the property.
4. All easements of records

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.

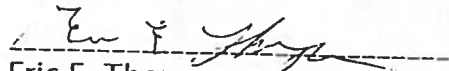
Grantor has good right to convey the property described in this deed to grantee.

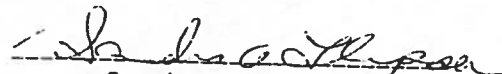
The property described in this deed is free from all encumbrances, except as otherwise shown in this deed.

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.


Eric E. Thompson


Sandra A. Thompson

STATE OF)
 (ss.
County of)

On December ____, 1995, before me, _____, a(n) _____ notary public, personally appeared Eric E. Thompson and Sandra A. Thompson, 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 _____
Residing at: _____
My Commission expires: _____

(SEAL)

POLICY OF TITLE INSURANCE

Schedule A

Office File Number: 35-8841-G

Policy Number: 13 0043 106 00000079

Date of Policy: December 13, 1995, at 03:37 pm

Amount of Insurance: \$105,360.00

Premium: \$429.75

1. Name of Insured:

DEL RAY BEVAN and RETA BEVAN, husband and wife

2. The estate or interest in the land which is covered by this policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

DEL RAY BEVAN and RETA BEVAN, husband and wife

4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:

SEE SCHEDULE B

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

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

A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6 Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, being further described as:

Commencing at the Southwest corner of said Section 6; thence North 0°07'09" West 496.80 feet along the Western section line to a point in-line with an existing fence line, the point of beginning:

Thence North 0°07'09" West, 824.35 feet further along the Western section line to the Northwest corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence North 89°50'49" East, 1336.24 feet to the Northeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence South 0°20'32" East, 1322.59 feet to the Southeast corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6;

Thence South 89°54'30" West, 859.40 feet along the Souther Section line to a point in-line with an existing fence line;

Thence North 0°12'30" West, 499.11 feet along said fence line to a fence corner;

Thence South 89°38'00" West, 481.21 feet along an existing fence line to the point of beginning.

SCHEDULE A

Owner Form

OWNER.POL

Valid Only If Schedule B and Cover Are Attached

PROPERTY DESCRIPTIONS

W 1/4 CORNER SECTION 6
SET 5/8" X 24" IRON PIN
WITH 1/2" ALUMINUM CAP
INSCRIBED: AW ENO 20

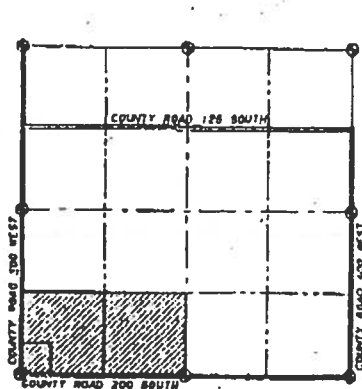
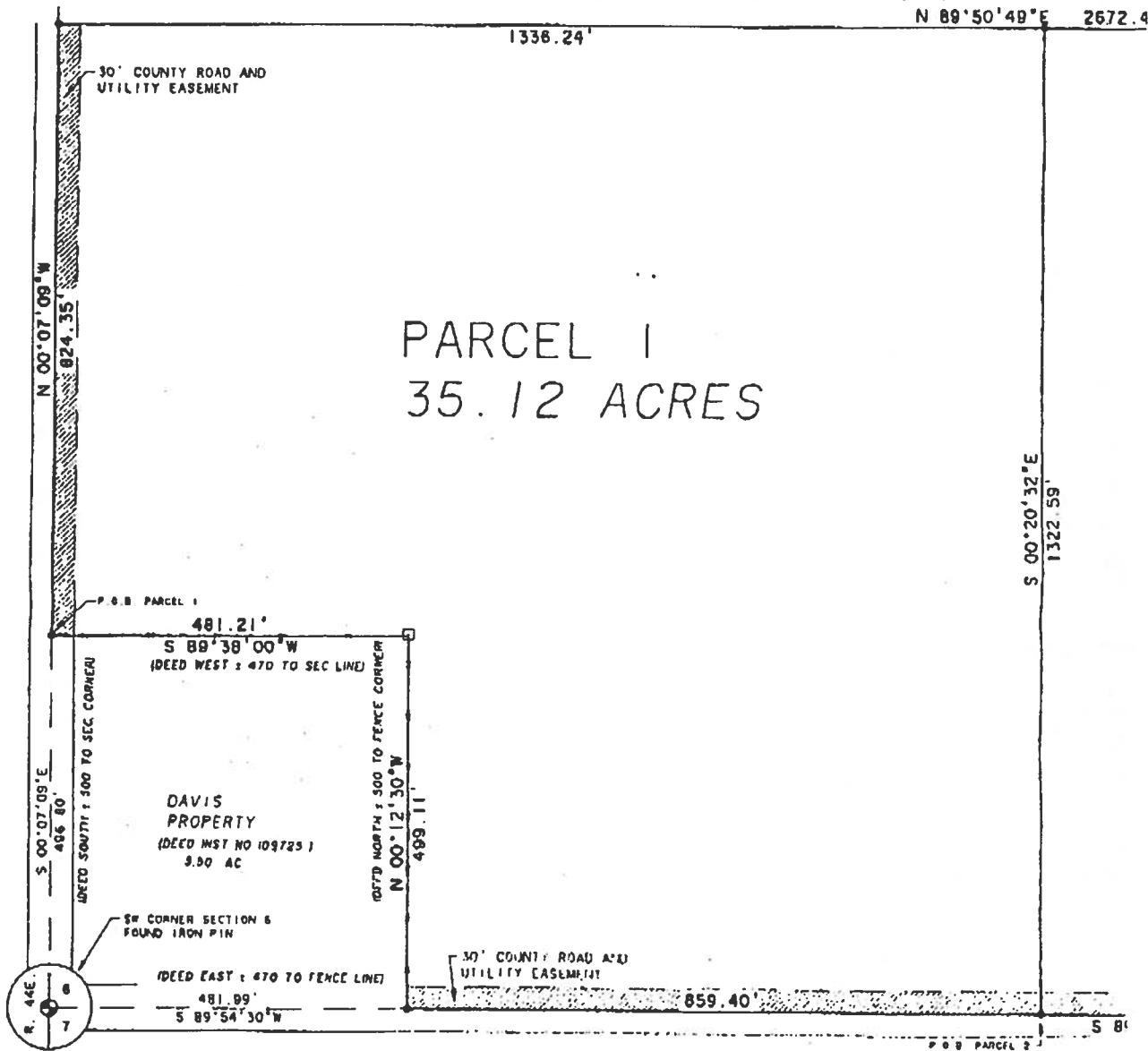
PARCEL 1

A PORTION OF THE SW 1/4 SW 1/4 SECTION 6, TWP. 4N., R. 4E., S. 8M., TETON COUNTY, IDAHO,
BEING FURTHER DESCRIBED AS:
COMMENCING AT THE SW CORNER OF SAID SECTION 6, THENCE N 0°07'09"W, 499.00 FEET ALONG THE
WESTERN SECTION LINE TO A POINT IN-LINE WITH AN EXISTING FENCE LINE, THE POINT OF
BEGINNING,
THENCE N 0°07'09"W, 824.35 FEET FURTHER ALONG THE WESTERN SECTION LINE TO THE NW CORNER
SW 1/4 SW 1/4 OF SAID SECTION 6;
THENCE N 89°50'49"E, 1338.24 FEET TO THE NE CORNER SW 1/4 SW 1/4 OF SAID SECTION 6;
THENCE S 0°20'32"E, 1322.59 FEET TO THE SE CORNER SW 1/4 SW 1/4 OF SAID SECTION 6;
THENCE S 89°54'30"W, 859.40 FEET ALONG THE SOUTHERN SECTION LINE TO A POINT IN-LINE WITH
AN EXISTING FENCE LINE;
THENCE N 0°12'30"W, 499.11 FEET ALONG SAID FENCE LINE TO A FENCE CORNER,
THENCE S 89°38'00"W, 481.21 FEET ALONG AN EXISTING FENCE LINE TO THE POINT OF BEGINNING.
CONTAINS 35.12 ACRES, MORE OR LESS.

SUBJECT TO A COUNTY ROAD AND UTILITY EASEMENT ALONG THE SOUTHERN AND WESTERN PROPERTY LINES

PARCEL 2

THE SE 1/4
DESCRIBED /
COMMENCING
SOUTHERN
BEGINNING
THENCE N 0°
THENCE S 0°
SAID SECTION
THENCE S 8°
BEGINNING
CONTAINS 40
SUBJECT TO



VICINITY MAP

SECTION 6, TWP. 4N., R. 4E., S. 8M.

LEGEND

- ⊙ SECTION CORNER FOUND AS NOTED
- FENCE CORNER AND PROPERTY CORNER FOUND
- ▲ SET SECTION CORNER AS NOTED
- SET 5/8" X 24" IRON PIN WITH 1/2" ALUMINUM CAP INSCRIBED AW ENO 2000 AND MARKED 1/18
- CALCULATED CORNER IN-LINE WITH EXISTING FENCE CORNER
- SECTIONAL BREAKDOWN LINE
- FENCE LINE
- ▨ EASEMENT - TYPE AND WIDTH AS NOTED

COPY

RECEIVED

MAR 13 1997

Department of Water Resources
Eastern Region

7 JANUARY 1997

MR DEL RAY BEVAN
4184 S 4050 W
WEST VALLEY CITY UT 84120

RE: PURCHASE OF PROPERTY WITH WATER RIGHTS, A22-02048 (PART)

Dear Mr Bevan;

It has come to our attention that you may have recently purchased a parcel of property in, or near, Driggs, Idaho. The legal description of this parcel would be SW1/4SW1/4 Section 6, T04N, R45E, B.M., (with a small exclusion). According to Idaho Department of Water Resources records, the parcel which we understand you may have purchased has appurtenant to it a portion of a water right.

If, in-fact, our information is correct and you wish to claim the portion of the water appurtenant to this parcel I have enclosed a Notice of Change of Water Right Ownership form and a Proof Report of the right (in it's entirety) for your convenience. Please complete the form, sign it, and return it to our office as soon as possible. Also, please note the need for the required document(s) in item 2 of the form. There is no fee for a change of ownership filing.

This water right is enjoined to the on-going Snake River Basin Adjudication (SRBA), and it is our goal to favorably recommend this water right to the court. In review of this matter should you have questions regarding this water right please feel free to contact this office at the above address and/or telephone number.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudications Bureau

CC: File

Enclosure: Change of Ownership Form
Proof Report, A22-02048

COPY

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 22-2048F
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)

JOHN DOUGLAS MERRILL Phone: (208)354-3422
PO BOX 459
DRIGGS ID USA 83422

PATRICIA A MERRILL Phone: (208)354-3422
PO BOX 459
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	0.74	

7. Total Quantity Appropriated is:
0.74 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
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04N	45E	6	SW	SE	IRRIGATION	37
					Section Acres	37
					Total Acres	37

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.

*** 'C' PORTION OF RIGHT SPLIT BY CHANGE OF OWNERSHIP.

'C' PORTION AS SPLIT TO E AND F IS CLAIMED IN-FULL.

A22-02048C, 1.36 CFS, ON 68.0 AC, A22-02048E, 0.62 CFS, ON 31.0 AC, D.R. BEVAN A22-02048F, 0.74 CFS, ON 37.0 AC, J. CUSHMAN III OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,D,E AND F.

SEE RECEIPT NO. E003735. SPLIT ANALYSIS FLOW CHART IN A29-02048C. **CHANGED ADDRESS PER REQUEST; DID NOT CHANGE LOUIS' ADDRESS 5/6/97/JT**

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: A22-02048F
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: JOHN C CUSHMAN III
Address: 601 S FIGUEROA ST #4700
LOS ANGELES CA 90017
OR
Name: LOUIS B CUSHMAN
Address: 2800 POST OAK BLVD
SUITE 5300
HOUSTON TX 77056
213-629-6575
713-877-1700
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 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 0.740
7. Total Quantity Appropriated is:
0.740 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	Lot	Use	Acres
04N	45E	6	SW	SE		IRR	37.0
Section Acres							37.0
Total Acres							37.0

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:

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.

'C' PORTION OF RIGHT SPLIT BY CHANGE OF OWNERSHIP.

'C' PORTION AS SPLIT TO E AND F IS CLAIMED IN-FULL.

A22-02048C, 1.36 CFS, ON 68.0 AC,

A22-02048E, 0.62 CFS, ON 31.0 AC, D.R. BEVAN

A22-02048F, 0.74 CFS, ON 37.0 AC, J. CUSHMAN III

OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,D,E AND F.

SEE RECEIPT NO. E003735. SPLIT ANALYSIS FLOW CHART IN A29-02048C.

**CHANGED ADDRESS PER REQUEST; DID NOT CHANGE LOUIS' ADDRESS

5/6/97/JT**

15. Basis of Claim: LICENSE

Water Right Number: 5834

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: **A22-02048F**
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: JOHN C CUSHMAN III
Address: 333 S GRAND AVE
SUITE 400
LOS ANGELES CA

213-613-1505

90071

OR

Name: LOUIS B CUSHMAN
Address: 2800 POST OAK BLVD
SUITE 5300
HOUSTON TX

713-877-1700

77056

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	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	0.740		

7. Total Quantity Appropriated is:

0.740 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A2202048F



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	6	SW	SE		IRR	37.0
Section Acres							37.0
Total Acres							37.0

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:

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.

'C' PORTION OF RIGHT SPLIT BY CHANGE OF OWNERSHIP.

'C' PORTION AS SPLIT TO E AND F IS CLAIMED IN-FULL.

A22-02048C, 1.36 CFS, ON 68.0 AC,

A22-02048E, 0.62 CFS, ON 31.0 AC, D.R. BEVAN

A22-02048F, 0.74 CFS, ON 37.0 AC, J. CUSHMAN III

OVERALL A22-02048 CLAIMED IN-FULL AS PARTS B,D,E AND F.

SEE RECEIPT NO. E003735. SPLIT ANALYSIS FLOW CHART IN A29-02048C.

15. Basis of Claim: LICENSE

Water Right Number: 5834