

06/26/2006

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

RIGHT NUMBER: 22-2221

NAME AND ADDRESS: MERRILL R PINCOCK
1139 N 6000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.280 CFS
942.000 AFY

PRIORITY DATE: 04/16/1962

POINT OF DIVERSION:

T06N R41E S19 SENENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
4.280 CFS
942.000 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R41E S18 Lot 4 SWSW	39.00	T06N R41E S18	SESW	40.00
T06N R41E S19	NENE 27.00	T06N R41E S19	NWNE	40.00
T06N R41E S19	SWNE 34.00	T06N R41E S19	SENE	5.00
T06N R41E S19	NENW 40.00	T06N R41E S19 Lot 1 NWNW		39.00
T06N R41E S19	NWSE 5.00			

269.2 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

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



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-2221

Point(s) of Diversion:
T6N, R41E Sec. 19 SENENW

Place of Use: (parts of)
T6N, R42E Sec. 18 S2SW,
Sec. 19 N2NW, NE, NWSE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



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

750 0 750 1500 2250 3000 3750 4500 5250 6000 6750 7500 8250 9000 9750 Feet



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 17, 2008

WARD & SONS FAMIY LTD PARTNERSHIP
3656 N 5000 E
SUGAR CITY ID 83448

RE: Notice of Change of Water Right Ownership (NCO) for 22-2221 and Notice of Completed Administrative Proceeding (NCAP)

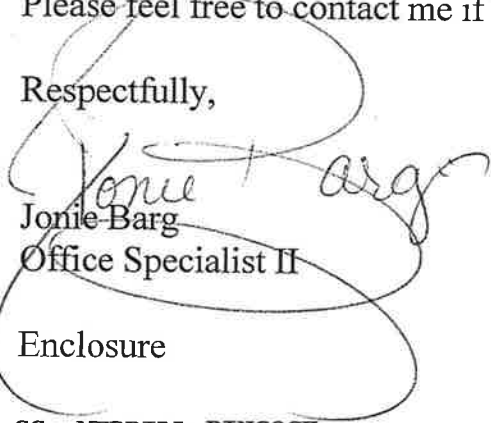
Dear Sir/Madam:

On October 24, 2008 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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

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

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

CC: MERRILL PINCOCK

SCANNED

JAN 22 2008

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

In Re SRBA

)

Water Rights: 22-2221

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

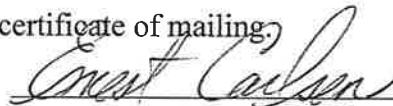
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party PINCOCK-WARD & SONS FAMILY LTD PARTNERSHIP
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 1-17-08



Signature of IDWR Representative

SCANNED
JAN 22 2008

CERTIFICATE OF MAILING

I certify that on January 18, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Merrill Pincock
1139 N 6000 E
Sugar City, ID 83448

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Ward & Sons Family Ltd Partnership
3656 N 5000 E
Sugar City, ID 83448

4. One copy to:

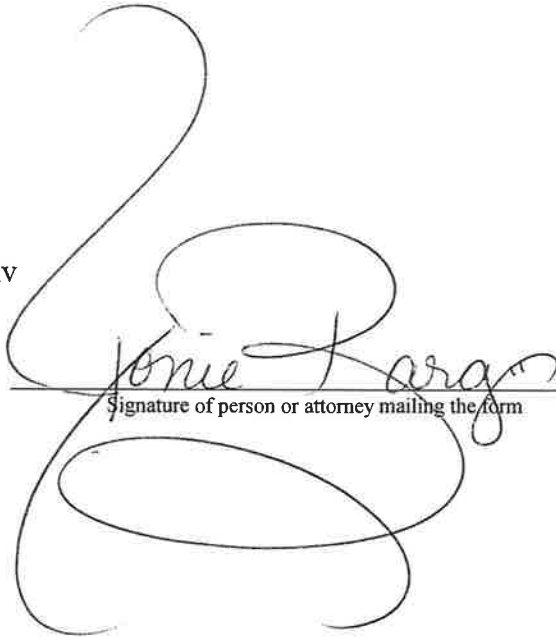
Each party in the subcase, or attorney of record

5. One copy each to:

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

6. One Copy to:

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



Signature of person or attorney mailing the form

01/17/2008

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

RIGHT NUMBER: 22-2221

NAME AND ADDRESS: WARD & SONS FAMILY LTD PARTNERSHIP
3656 N 5000 E
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.280 CFS
942.00 AFY

PRIORITY DATE: 04/16/1962

POINT OF
DIVERSION: T06N R41E S19 SENENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.280 CFS 942.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S18 Lot 4 SWSW	39.00	T06N R41E S18	SESW	40.00	
T06N R41E S19	NENE	27.00	T06N R41E S19	NWNE	40.00
T06N R41E S19	SWNE	34.00	T06N R41E S19	SENE	5.00
T06N R41E S19	NENW	40.00	T06N R41E S19 Lot 1 NWNW	39.00	
T06N R41E S19	NWSE	5.00			

269.2 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

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

SCANNED
JAN 22 2008

RECEIVED
OCT 24 2007RECEIVED
JUL 25 2007

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

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.

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-11474 domestic (Withdrawn)	22-2221	OK			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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)

Pincock, Merrill

4. New Owner/Claimant(s)

Ward + Sons Family Ltd Partnership
Name Connector (Check one): [] and, [] or, [] and/or WS & L LP

New Mailing Address

3656 N. 5000 E.

City, State and ZIP Code

Sagan City, ID 83448

New Telephone Number

(208) 458-4604

SCANNED
JAN 22 2008

5. Date you acquired the property _____

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

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

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

7. Signature(s) of New Owner(s) or Claimant(s) _____

Wayne S. Ward

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

SCANNED

Instrument # 337802
REXBURG, MADISON, IDAHO
2007-06-11 11:13:00 No. of Pages: 2
Recorded for: ALLIANCE TITLE AND ESCROW
MARILYN R. RASMUSSEN
Ex-Officio Recorder Deputy Fee: 6.00

WARRANTY DEED

Order No.:3040717013HB

FOR VALUE RECEIVED

Merrill R. Pincock and Merrill R. Pincock, personal representative of the estate of Phyllis Pincock, deceased,

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Ward and Sons Family Limited Partnership, an Idaho Limited Partnership

whose current address is

3976 N 5000 E Sugar City, ID 83448

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

Tract 1: Lot 4 and the Southeast Quarter of the Southwest Quarter of Section 18, Township 6 North, Range 41 East, Boise Meridian and Lot 1 and the Northeast Quarter of the Northwest Quarter and part of the West half of the Northeast Quarter Section 19, Township 6 North, Range 41 East of the Boise Meridian Madison County, Idaho, more particularly described as follows: Beginning at the North Quarter corner of said Section 19 and running thence South 89°56'00" East 1298.89 feet along the section line; thence South 00°15'01" West 2059.95 feet to the rim of an existing canyon; thence along said rim the following three (3) courses: (1) South 50°37'26" West 427.06 feet; thence (2) South 45°22'24" West 230.94 feet; thence (3) South 43°01'06" West 182.95 feet to the South line of the Northeast Quarter of said Section 19; thence North 89°55'28" West 677.70 feet along said South line to the Southwest corner of said Northeast Quarter of Section 19; thence North 00°09'18" East 1313.74 feet to the Southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 19; thence North 89°55'44" West 2624.93 feet to the Southwest corner of Lot 1 of said Section 19; thence North 00°16'16" East 1313.54 feet to the Northwest corner of said Section 19; thence North 00°07'22" East 1312.95 feet along the section to the Northwest corner of Lot 4 of said Section 18; thence South 89°54'09" East 2622.83 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 18; thence South 00°08'50" West 1311.55 feet to the point of beginning.

Tract 2: Part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 6 North, Range 41 East of the Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at a point that is North 89°56'00" West 350.15 feet along the section line and South 00°13'12" East 159.12 feet from the Northeast corner of said Section 19 and running thence North 89°00'00" East 116.21 feet; thence South 00°00'00" West 74.43 feet; thence North 90°00'00" West 115.92 feet; thence North 00°13'12" West 74.43 feet to the point of beginning.

Tract 3: Part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at a point that is South 00°15'01" West 165.49 feet along the section line and South 28°02'25" West 206.10 feet from the Northeast corner of said Section 19 and running thence South 26°30'28" West 264.29 feet along the rim of an existing canyon; thence North 64°42'12" West 112.21 feet; thence North 25°21'11" East 264.23 feet; thence South 64°42'12" East 117.53 feet to the point of beginning.

Together with an easement for ingress and egress over the following described property: The Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, Lot 4 and the Southeast Quarter of the Southwest Quarter of Section 18 and Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 19, Township 6 North, Range 41 East of the Boise Meridian.

Less: Commencing at the Southeast corner of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, and running thence West 80 feet;

Received Time Jul. 25. 10:27AM

RECORDED
JAN 22 2008

thence North 400 feet; thence East 80 feet; thence South 400 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7 June 07

Merrill R. Pincock
Merrill R. Pincock

Beverly L. Pincock
Beverly L. Pincock

Merrill R. Pincock, personal representative of the
estate of Phyllis Pincock, deceased

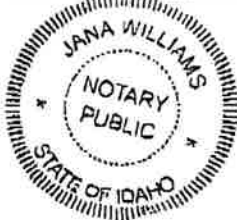
Merrill R. Pincock
By: Merrill R. Pincock, Personal Representative

State of Idaho

County of Madison

On this 7th day of June, in the year 2007 before me, a Notary Public in and for said state, personally appeared Merrill R. Pincock and Beverly L. Pincock known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

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



Jana Williams
Notary Public for the State of Idaho
Residing at:
Commission Expires:

State of Idaho

County of Madison

On this 7th day of June, 2007, before me, a Notary Public in and for said state, personally appeared Merrill R. Pincock known or identified to me to be person whose name is subscribed to the within instrument as the Personal Representative of the Estate of Deceased, and acknowledged to me that Executed the same as such Personal Representative.

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



Jana Williams
Notary Public for the State of Idaho
Residing at:
Commission Expires:

SCANNED
JAN 22 2008

Ward Bros Inc
3656 N 5000 E
Sugar City ID 83448

This agreement made and enter into on our own free accord this 24 day of Oct 2007 by Bessley Farms (landlord) and Ward Bros., Inc tenant.

Landlord does hereby lease to tenant and tenant hereby leases from landlord for farming, the following described real estate located in Proctor county, State of Idaho, containing 5 farmable acres.

This lease shall run for 50 crop years.

Landlord shall receive as rental the following cash rent: 50⁰⁰ / acre

Potatoes per farmable acre	<u>5</u>
Grain per farmable acre	<u>5</u>
Total	<u>5</u>

Tenant: Ward Bros Inc. by Ward Bros Inc, by Rick B Ward

Landlord by: Bessley Farms by
Richard Bessley

SCANNED
JAN 22 2008

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

Order No.: 3040717186HB

FOR VALUE RECEIVED

The Phyllis Pincock Testamentary Trust

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Ward and Sons Family Limited Partnership, an Idaho Limited Partnership

whose current address is

3976 N. 5000 E. Sugar City, ID 83448

the grantee(s), the following described premises, in **Madison** County, Idaho, TO WIT:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 22 June 07

The Phyllis Pincock Testamentary Trust

Merrill R. Pincock
Merrill R. Pincock, Trustee

Instrument # 338150

REXBURG, MADISON, IDAHO

2007-06-22

10:46:00 No. of Pages: 2

Recorded for : ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 6.00

State of Idaho

}
} ss.
}

County of Madison

On this 22 day of June, 2007 before me, a Notary Public in and for said state, personally appeared Merrill R. Pincock known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of The Phyllis Pincock Testamentary Trust, and acknowledged to me that he executed the same as Trustee.

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



Miriam Hernandez
Notary Public for the State of Idaho
Residing at: Rexburg
Commission Expires: 10-11-2011

SCANNED
JAN 22 2008

EXHIBIT "A"

Tract 1: Lot 4 and the Southeast Quarter of the Southwest Quarter of Section 18, Township 6 North, Range 41 East, Boise Meridian and Lot 1 and the Northeast Quarter of the Northwest Quarter and part of the West half of the Northeast Quarter Section 19, Township 6 North, Range 41 East of the Boise Meridian Madison County, Idaho, more particularly described as follows: Beginning at the North Quarter corner of said Section 19 and running thence South 89°56'00" East 1298.89 feet along the section line; thence South 00°15'01" West 2059.95 feet to the rim of an existing canyon; thence along said rim the following three (3) courses: (1) South 50°37'26" West 427.06 feet; thence (2) South 45°22'24" West 230.94 feet; thence (3) South 43°01'06" West 182.95 feet to the South line of the Northeast Quarter of said Section 19; thence North 89°55'28" West 677.70 feet along said South line to the Southwest corner of said Northeast Quarter of Section 19; thence North 00°09'18" East 1313.74 feet to the Southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 19; thence North 89°55'44" West 2624.93 feet to the Southwest corner of Lot 1 of said Section 19; thence North 00°16'16" East 1313.54 feet to the Northwest corner of said Section 19; thence North 00°07'22" East 1312.95 feet along the section to the Northwest corner of Lot 4 of said Section 18; thence South 89°54'09" East 2622.83 feet to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said Section 18; thence South 00°08'50" West 1311.55 feet to the point of beginning.

Tract 2: Part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 6 North, range 41 East of the Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at a point that is North 89°56'00" West 350.15 feet along the section line and South 00°13'12" East 159.12 feet from the Northeast corner of said Section 19 and running thence North 89°00'00" East 116.21 feet; thence South 00°00'00" West 74.43 feet; thence North 90°00'00" West 115.92 feet; thence North 00°13'12" West 74.43 feet to the point of beginning.

Tract 3: Part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at a point that is South 00°15'01" West 165.49 feet along the section line and South 28°02'25" West 206.10 feet from the Northeast corner of said Section 19 and running thence South 26°30'28" West 264.29 feet along the rim of an existing canyon; thence North 64°42'12" West 112.21 feet; thence North 25°21'11" East 264.23 feet; thence South 64°42'12" East 117.53 feet to the point of beginning.

Together with an easement for Ingress and Egress over the following described property: The Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho. Lot 4 and the Southeast Quarter of the Southwest Quarter of Section 18 and Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 19, Township 6 North, Range 41 East of the Boise Meridian.

Less: Commencing at the Southeast corner of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, and running thence West 80 feet; thence North 400 feet; thence East 80 feet; thence South 400 feet to the point of beginning.

SCANNED

JAN 22 2008

ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

Order No.:3040717186HB

FOR VALUE RECEIVED

The Phyllis Pincock Testamentary Trust

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

WS & L Limited Partnership, an Idaho Limited Partnership

whose current address is

3976 N. 5000 E. St Anthony, ID 83445

the grantee(s), the following described premises, in **Madison** County, Idaho, TO WIT:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 22 June 07

The Phyllis Pincock Testamentary Trust

Merrill R. Pincock
Merrill R. Pincock, Trustee

Instrument # 338149

REXBURG, MADISON, IDAHO

2007-06-22

10:45:00 No. of Pages: 2

Recorded for : ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Fee: 6.00

Ex-Officio Recorder Deputy Luc

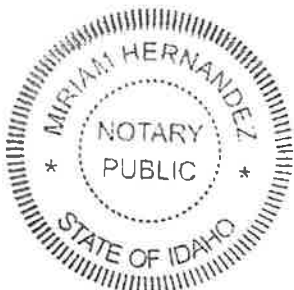
State of Idaho

}
} ss.

County of Madison

On this 22 day of June, 2007 before me, a Notary Public in and for said state, personally appeared Merrill R. Pincock known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of The Phyllis Pincock Testamentary Trust, and acknowledged to me that he executed the same as Trustee.

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



Miriam Hernandez
Notary Public for the State of Idaho
Residing at: Rexburg
Commission Expires: 10-11-2011

SCANNED
JAN 22 2008

EXHIBIT "A"

Tract 1: Part of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, described as follows: Beginning at a point that is North 89°56'00" West 350.15 feet along the section line from the Northeast corner of said Section 19 and running thence South 00°13'12" East 817.18 feet to the rim of an existing canyon; thence along said rim the following four (4) courses: (1) South 30°32'32" West 554.84 feet; thence (2) South 29°32'28" West 216.78 feet; thence (3) South 36°27'12" West 280.40 feet; thence (4) South 51°18'18" West 559.25 feet; thence North 00°15'01" East 2059.95 feet to the North line of said Section 19; thence South 89°56'00" East 979.79 feet along said North line to the point of beginning.

Tract 2: Part of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, described as follows: Beginning at a point that is South 00°15'01" West 165.49 feet along the section line from the Northeast corner of said Section 19 and running thence South 00°15'01" West 2062.41 feet along the section line to the Northeast corner of the property as described in Instrument No. 177892; thence along said property the following two (2) courses: (1) North 89°55'28" West 80.00 feet; thence (2) South 00°15'01" West 400.00 feet to the South line of the Northeast Quarter of said Section 19; thence North 89°55'28" West 1866.76 feet along said South line to the rim of an existing canyon; thence along said rim the following seven (7) courses: (1) North 43°01'06" East 182.95 feet; thence (2) North 45°22'24" East 230.94 feet; thence (3) North 50°37'26" East 427.06 feet; thence (4) North 51°18'18" East 559.25 feet; thence (5) North 36°27'12" East 280.40 feet; thence (6) North 29°32'28" East 216.78 feet; thence (7) North 30°32'32" East 554.84 feet; thence North 00°13'12" West 583.63 feet; thence South 90°00'00" East 312.08 feet; thence North 28°19'14" East 76.85 feet to the point of beginning.

Excepting therefrom the following described parcel: Part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, more particularly described as follows: Beginning at a point that is South 00°15'01" West 165.49 feet along the section line and South 28°02'25" West 206.10 feet from the Northeast corner of said Section 19 and running thence South 26°30'28" West 264.29 feet along the rim of an existing canyon; thence North 64°42'12" West 112.21 feet; thence North 25°21'11" East 264.23 feet; thence South 64°42'12" East 117.53 feet to the point of beginning.

Together with an easement for ingress and egress over the following described property: The Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, Lot 4 and the Southeast Quarter of the Southwest Quarter of Section 18 and Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 19, Township 6 North, Range 41 East of the Boise Meridian.

Less: Commencing at the Southeast corner of the Northeast Quarter of Section 19, Township 6 North, Range 41 East, Boise Meridian, Madison County, Idaho, and running thence West 80 feet; thence North 400 feet; thence East 80 feet; thence South 400 feet to the point of beginning.

SCANNED

JAN 22 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

EASTERN REGION

September 17, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WARD & SONS FAMILY LTD PARTNERSHIP
3656 N 5000 E
SUGAR CITY ID 83448

RE: RETURNED WATER RIGHT OWNERSHIP CHANGE 22-2221

Dear Claimant:

I am returning the above referenced document for additional information. The deed you submitted may be in error. The land described for Tract 3 (NENE and SENE) does not total 32 acres as described on the water right. It is also not in the correct location. Please see the enclosed photo.

If you have another deed from Mr. Pincock please submit it for Tract 3. Otherwise you will need to have deed 337802 amended if you purchased his entire farm.

Additionally, Mr. Pincock rented property from the Beasley's which is also included under this water right. If you plan to continue this agreement, and send us a copy, we can include this property in your water right. If you do not have an agreement with the Beasley's, we will have to split this water off and give it to the Beasley's.

If you have questions about this matter, please contact Assistant Regional Manager, Ernie Carlsen.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

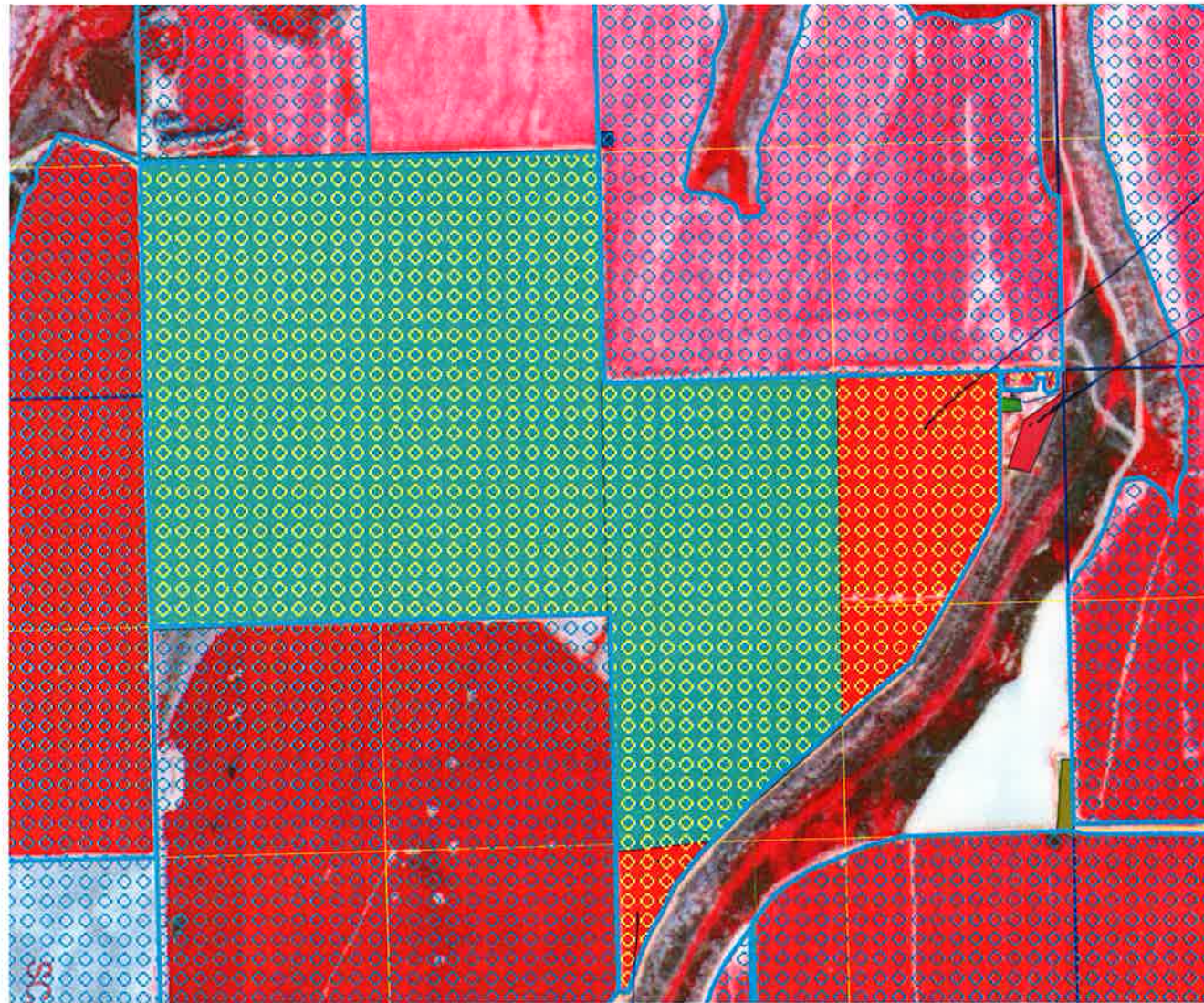
Enclosure

SCANNED

OCT 11 2007

Ward & Sons Family LTD Partnership

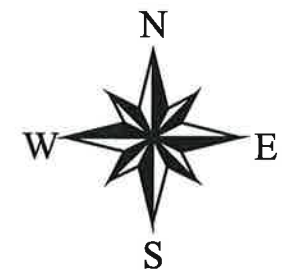
Water Right # 22-2221



We are missing the deed for this parcel

This parcel is not appurtenant to the water right. Is this an error in the deed?

- Recommendation POU
- Exception.shp
- Ward & sons tract 3.shp
- Ward & sons tract 2.shp
- Ward & sons tract 1.shp
- Sections
- QQ
- Madison taxlots
- GCDB06N41E GCDB
- GCDB06N40E GCDB
- Recommendation POD

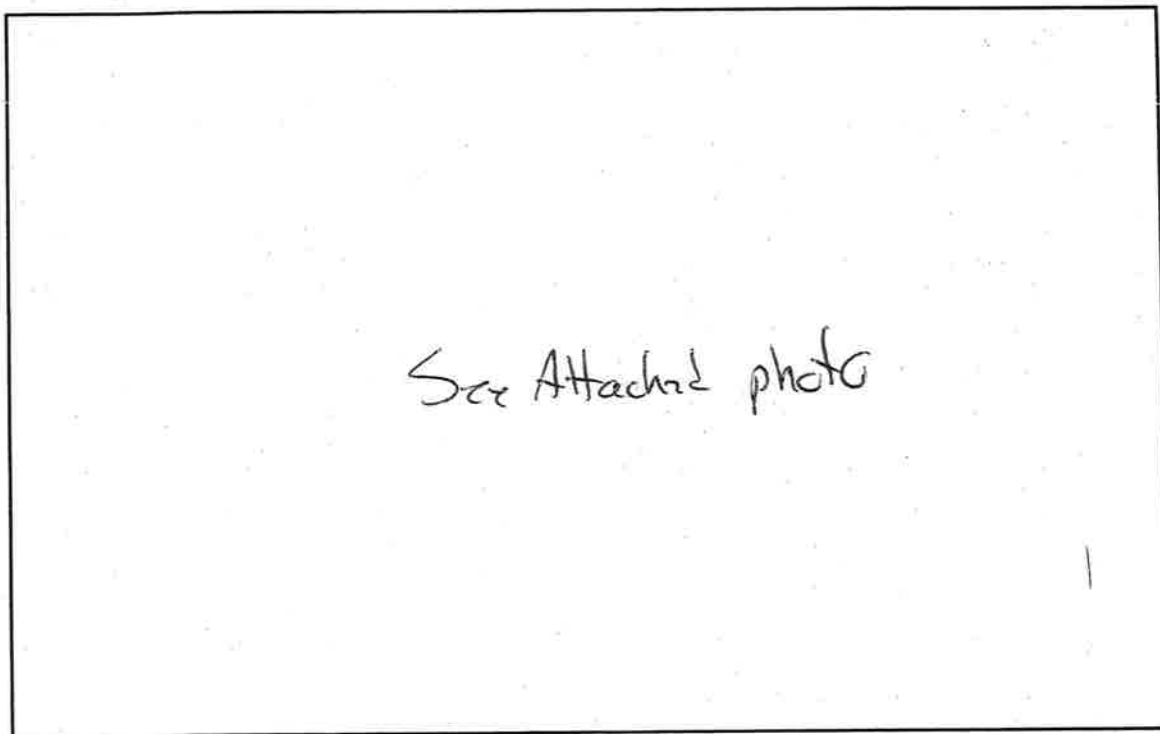


parcel owned by the Beasley's. Did you have an agreement to irrigate their land?

OCT 4 2007

SCANNED

Water Right No(s). A22-2221



GPS DATA:

Tag # A0000299 Location: on power pole

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR / Booster
Make: Westinghouse Model: _____ Hp: 150/60
SN: 2-SV61 9

PUMP
Make: Worthington Model: _____ Disch: _____
SN: VTP 1000037

NOTES:
Met with Mr. Pincock on-site. He verified address, phone + P.O.U.
He requested 2 pieces be added into P.O.U. that have been
historically rejected by him.

System is well pump to 10" mainline + Booster to private

Field Exam Date: 6-16-05 Agent: D.W. Jones

SCANNED

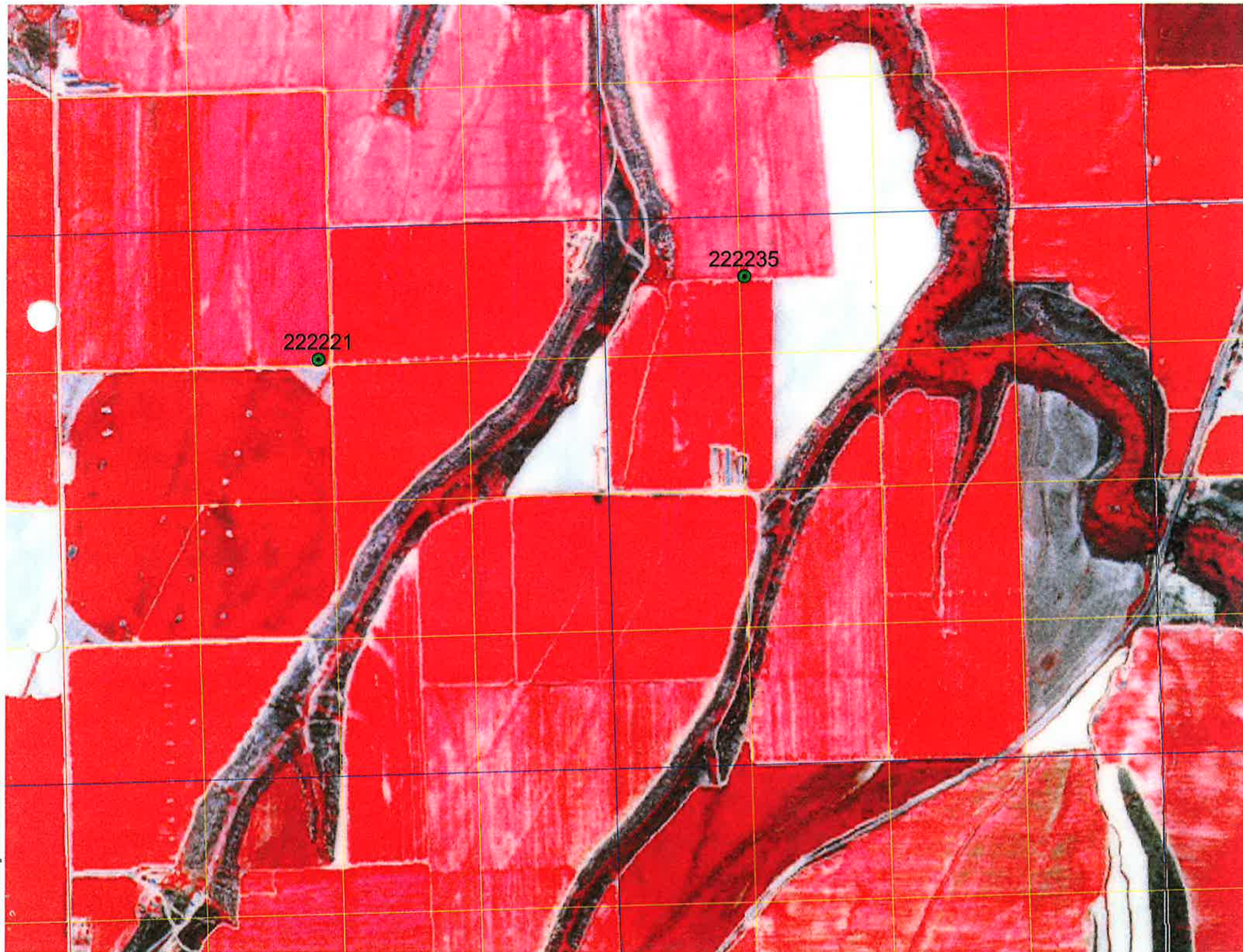
OCT 11 2007

A22-2221, Locking North



GPS tag

SCANNED
OCT 14 2007

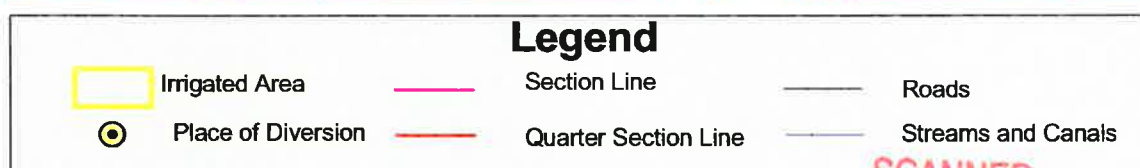


222221

222235

Water Right Claim Number 22-02221
Townships , 6N41E, 6N40E

08/06/2001



600 0 600 1200 Feet

SCANNED
OCT 11 2007

SPATIAL
DYNAMICS



13 18
24 19

82-10-10-10



License and Certificate of Water Right

Water License No. G-30460 Priority April 16, 1962 Amount 4.28 c.f.s.

THIS IS TO CERTIFY that MERRILL R. PINCOCK

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 16, 1962; that Permit No. G-30460 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4.28 second feet, was issued thereunder on March 15, 1968, showing that said works were completed on the 13 day of April, 1967; and that on the 13 day of April, 1967 MERRILL R. PINCOCK

of Rexburg, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-30460 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record ~~in~~ on the 15 day of March, 1968

~~Water~~ ~~at~~ ~~Boise~~ ~~Idaho~~ ~~on~~ ~~the~~ ~~15~~ ~~day~~ ~~of~~ ~~March~~ ~~, 1968~~ ~~.~~
The right hereby confirmed dates from April 16, 1962.

The Point of Diversion is located in the NE 1/4 NW 1/4, Sec. 19, Twp. 6 N, R. 41 E, B.M. Madison County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.28 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N	41 E	18	S ₂ SW ₄	80	80
			NE ₄ NE ₄	40	30
		19	NW ₄ NE ₄	40	40
			SW ₄ NE ₄	40	35
			SE ₄ NE ₄	40	8
			NE ₄ NW ₄	40	40
			NW ₄ NW ₄	40	39
			Total number of acres irrigated:		272

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 15 day of March, 19 68.

R. Keith Higgins
State Reclamation Engineer.

22 2241

30460

SCANNED

OCT 11 2007

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
6 N	41 E	18 19	40 40 40 40	40 40	40 40		80 240 320
PERMIT NO. G-30460 ✓ CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that MERRILL R. PINCOCK of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. G-30460, issued upon Application No. G-38525 bearing date of priority of April 16, 1962, authorizing the diversion of 6.4 second feet of waters of a well County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 4.28 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in the NE$\frac{1}{4}$SW$\frac{1}{4}$ Section 19, Township 6 North, Range 41 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: S$\frac{1}{2}$SW$\frac{1}{4}$ Section 18; NE$\frac{1}{4}$, N$\frac{1}{2}$NW$\frac{1}{4}$ Section 19, Twp. 6 North, Rge. 41 East, B.M. Proof of completion of works made: April 13, 1967 Witness my hand this 15 day of March, A.D. 1968 /S/ R. KEITH HIGGINSON State Reclamation Engineer LICENSE # SUED FOR 14.28 SEC. FI. LICENSE PAGE NO. 30460							



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-30460

This proof is for Comp. of Works & Beneficial Use In Water District No. _____

1. Name of applicant Merrill R. Pincock

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE 1/4 of Section 19

T. 6N R. 41E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

150 HP WESTING HOUSE # 388 P 530001
WINTROATH VERT PUMP # VTP - 1000 - 037
10" DISCHARGE THROUGH PRESSURE AQUA LINE
CENTRIFUGAL BOOSTER PUMP - 60 HP WESTING
MOTOR # 4 V 1856 - 10" DISCHARGE - MAIN LINE

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S 1/4 Sec. 18; NE 1/4, NW 1/4 Sec. 19, T. 6 N., R. 41 E., B.M.

(320 acres)

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

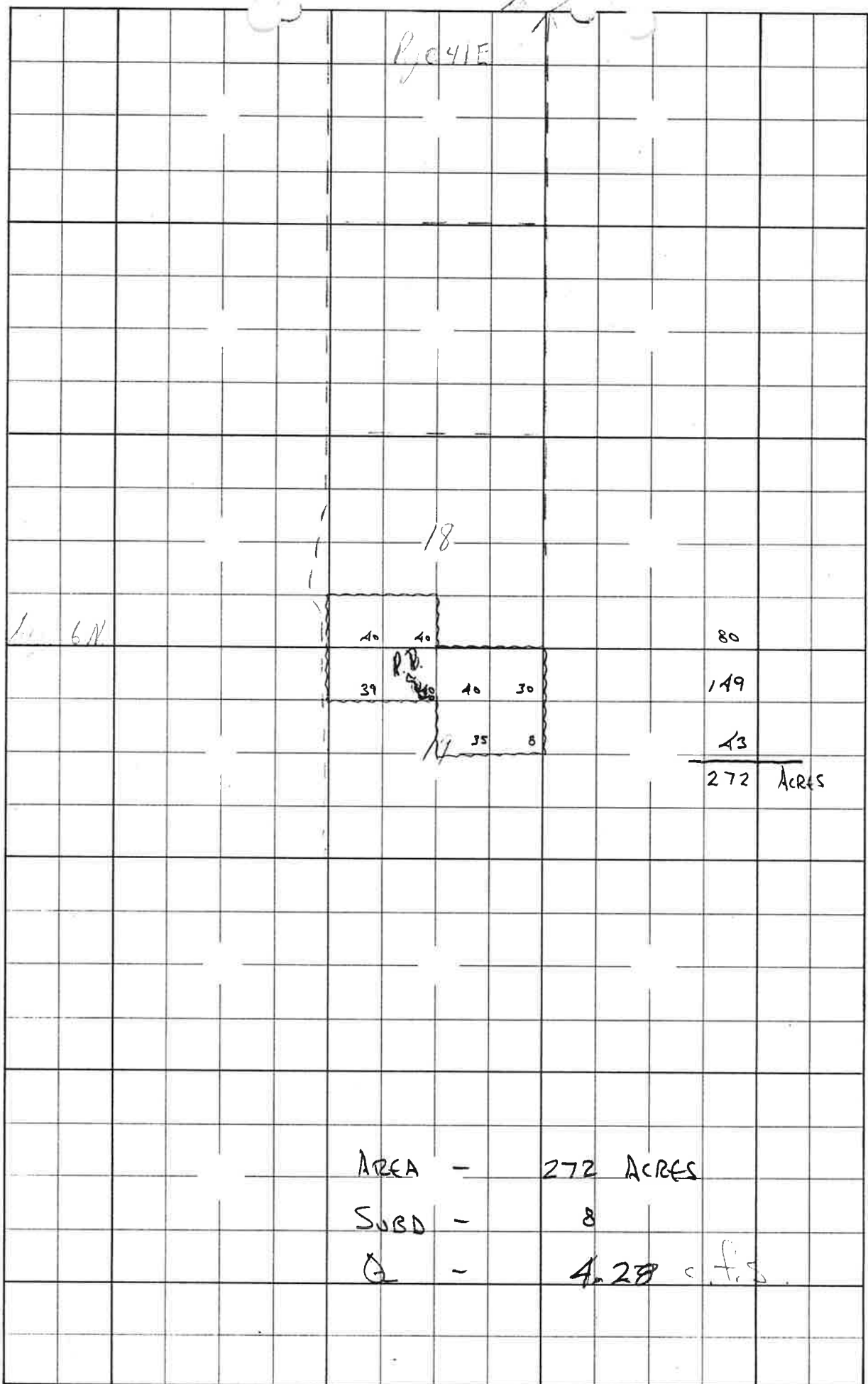
$$Q = \frac{(5.39 \text{ p.m.}) (30.3 \text{ hp})}{148.8 \text{ p.m.}} = 4.27 \text{ c.f.s.}$$
$$= 4.28$$

This examination was made on the 10 TH day of OCT, 19 67

(Signed) D. R. Examiner.

30460

DW
Plat



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

3046U

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: A22-02221
Date Received: 9/01/1988
Receipt No: E002001
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERRILL R. PINCOCK 208-458-4575
Address: 1139 N. 6000 E.
SUGAR CITY, ID 83448

2. Date of Priority: APR 16, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	41E	19	SE	NE	NW		MADISON

5. Description of diverting works:
20" diameter well 386' deep, 150 Hp motor with turbine pump.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.280		

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

8. Total consumptive use is 544.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	41E	18	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
Section Acres							80.0

A22-02221

Page 1

Date: 09/01/88

SCANNED

OCT 11 2007 MICROFILMED

OCT 29 1992

A2202221



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	41E	19	NE		NE		IRR	30.0
			NW		NE		IRR	40.0
			SW		NE		IRR	35.0
			SE		NE		IRR	8.0
			NE		NW		IRR	40.0
			NW		NW		IRR	39.0
							Section Acres	192.0
							Total Acres	272.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 30460

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Merrill R. Deniock Date: 15 Sep 1988

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of Sept. 19 88
Ernest Carlson
Notary Public

Seal

Residing at Alabo Falls RD
My Commission Expires 14 June 1994.

TONR 41E

(299)

B-43
541

25.3

13.18
24.19

B-44
542

(293)

A22-02221

40

39

159.0

Well

(297)

B-45
543

A22-11474

House Well

1660

R. HUSKINSON

40

30

127.6

32.4
3

66.1
12

142

(455)

149
05

1086

45.1

154.7

B-46
544

(291)

122.3
2

24.19
25.30

74.8
3

10.3
2

41.2

64.4
1

31.8
2

2.8
29
30

(283)

81.5
5

132.5
3

11 2007

MICROFILMED

OCT 29

8.0