

08/23/2005

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

RIGHT NUMBER: 22-4029

NAME AND ADDRESS: ROBYN PARKINSON
PO BOX 326
ST ANTHONY ID 83445

DIRK PARKINSON
PO BOX 326
ST ANTHONY ID 83445

SOURCE: SOUTH TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 0.050 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1879

POINT OF DIVERSION:

T06N R40E S1 NWSWN Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	11/01 04/01	0.050 CFS

PLACE OF USE: STOCKWATER Within MADISON County

T06N R40E S02	NESW	T06N R40E S02	NWSW
T06N R40E S02	SWSW	T06N R40E S02	SESW
T06N R40E S02	NWSE	T06N R40E S02	SWSE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

AJ0749NP
No. A22-04029

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIRK PARKINSON	06/01/1879	STOCKWATER	11-01 04-01	0.05 CFS	
C	ROBYN PARKINSON		GROUNDWATER RECHARGE	11-01 04-01	2.65 CFS	
	PO BOX 326					
	ST ANTHONY ID 83445					
	(208) 652-7340			TOTAL DIVERSION:	2.70 CFS	

Water Source: TETON RIVER, SOUTH FORK

Tributary to: HENRYS FORK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T06N R40E S01

NWSWNW

MADISON County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
06N	40E	2	:					:					:	S	S	S	S	:	S	S			:	

Place of use location for GROUNDWATER RECHARGE is the same location as described for: STOCKWATER

POU County: MADISON

Non-Irrigation Uses: S/150 RANGE, GROUNDWATER RECHARGE.

Other Rights: NONE

Remarks: GEN HISTORICALLY, WATER HAS BEEN DIVERTED DURING THE NONE IRRIGATION SEASON TO PROVIDE DRINKING WATER FOR STOCK. WE BELIEVE THE BASIS FOR THIS DIVERSION STEMS FROM OUR DECREED IRRIGATION RIGHT WITH THE SAME PRIORITY (A22-00491A). THE DECREE DID NOT LIMIT THE PERIOD OF USE FOR A RIGHT AND ALSO ALLOWED FOR OTHER USES.

CHANGE OF OWNERSHIP 7 MAY 1999.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:
Presumption Flag:

22-4029
22-4029

February 2, 2006

Dirk Parkinson
Robyn Parkinson
PO Box 326
St Anthony ID 83445

RE: Supporting documentation for Stock Water or Ground Water Recharge

Dear Dirk & Robyn:

Over the past several months numerous meetings have taken place with individuals and representatives of water delivery organizations in the upper Snake River Valley and the Department of Water Resources (IDWR) concerning the non-irrigation season diversion of stock water and ground water recharge. In response to these meetings the following criteria were identified for evaluating and recommending these two uses.

- The claimant will have to provide documentation that verifies a historical practice of diverting water during the non-irrigation season for the purpose of providing stock water and ground water recharge. An example would be copies of the minutes for a water delivery organization referencing the diversion of water for these two uses. This information also will be used to help establish the priority date of the use.
- The claimant needs to provide copies of records showing the quantity of water historically diverted during the non-irrigation season. These records will be used as a basis for recommending the diversion rates for these two uses.
- The claimant will have to provide documents, written statements and/or affidavits from individuals who have witnessed the non-irrigation season diversion of water. These individuals need to provide a historical perspective based on actual observation.

Claimants need to assess their actual diversion requirements for stock water and ground water recharge. The quantity of water claimed for non-irrigation season stock water should be the amount needed to reach the end of the delivery system plus provide drinking water for stock. Claimants should not rely upon ground water recharge as a use to supplement the stock water in order for water to reach the end of the delivery system. *Claimants holding Winter Water Savings contracts may have lost their entitlement to divert water for 150 days between November 1 and April 30 through either abandonment or forfeiture.*

For some claimants, amending claims to reflect the necessary quantity for stock water will result in a substantial filing fee (\$100 per cfs). This fee is not refundable, which emphasizes the importance of providing documentation that supports the claimed uses.

If you or the organization you represent have already amended one or more claims and provided the documentation identified above, you may disregard this letter.

Individuals or organizations wishing assistance in amending their claims can call the Eastern Region office.

Respectfully yours,
Ernest Carlsen

Water Right Supervisor

Enclosures (2)
emc

06N40E2

22424A



Claim No. 22-4029

Document Checklist

☐ Copy License/Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

458-4170 10/25/04 7:48 AM msg on machine

5:32pm Mr Godfrey left me a msg

6:45 pm - Farm sold to Dirk Parkinson, Sugar City

Ownership 6-420-2 5401 DIRK PARKINSON

P.O. Box 326

STANTON 83445

Phone 356 7251 Sugar
CR2

652-7251 - Plummer

Contacts Data Entry Form

Claim Number: 21-04029

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

OWNERSHIP. PARCEL 5401 / 278279
DALE PARKINSON

Reviewer: _____ Date: _____

Water Right No(s). 22-04029

POD McCormick - Route 12
GPS -
Piston.

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: S. Fork Teton R. Trib to: HEBERTS Fm

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Claim Number: 22-04029

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to : _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to : _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins or other markings visible.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	2	NE	NW	MADISON		-	STOCK
			NW				-	
			SW				-	
			SE				-	
			NW	SE			-	
			SW				-	
							-	
							-	

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	2	NE	NW	MADISON		-	Stock
			NW				-	
			SW				-	
			SE				-	
			NW	SE			-	
			SW				-	
							-	
							-	

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

POU VERIFIED BY INSPECTION ON 1-19-05

Reviewer: JHM Date: 1-19-05

May 28, 2004

**GLEN OR LOUISE GODFREY
PO BOX 21
NEWDALE ID 83436**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4029

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JUN 1 1879, from TETON RIVER, SOUTH FORK.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

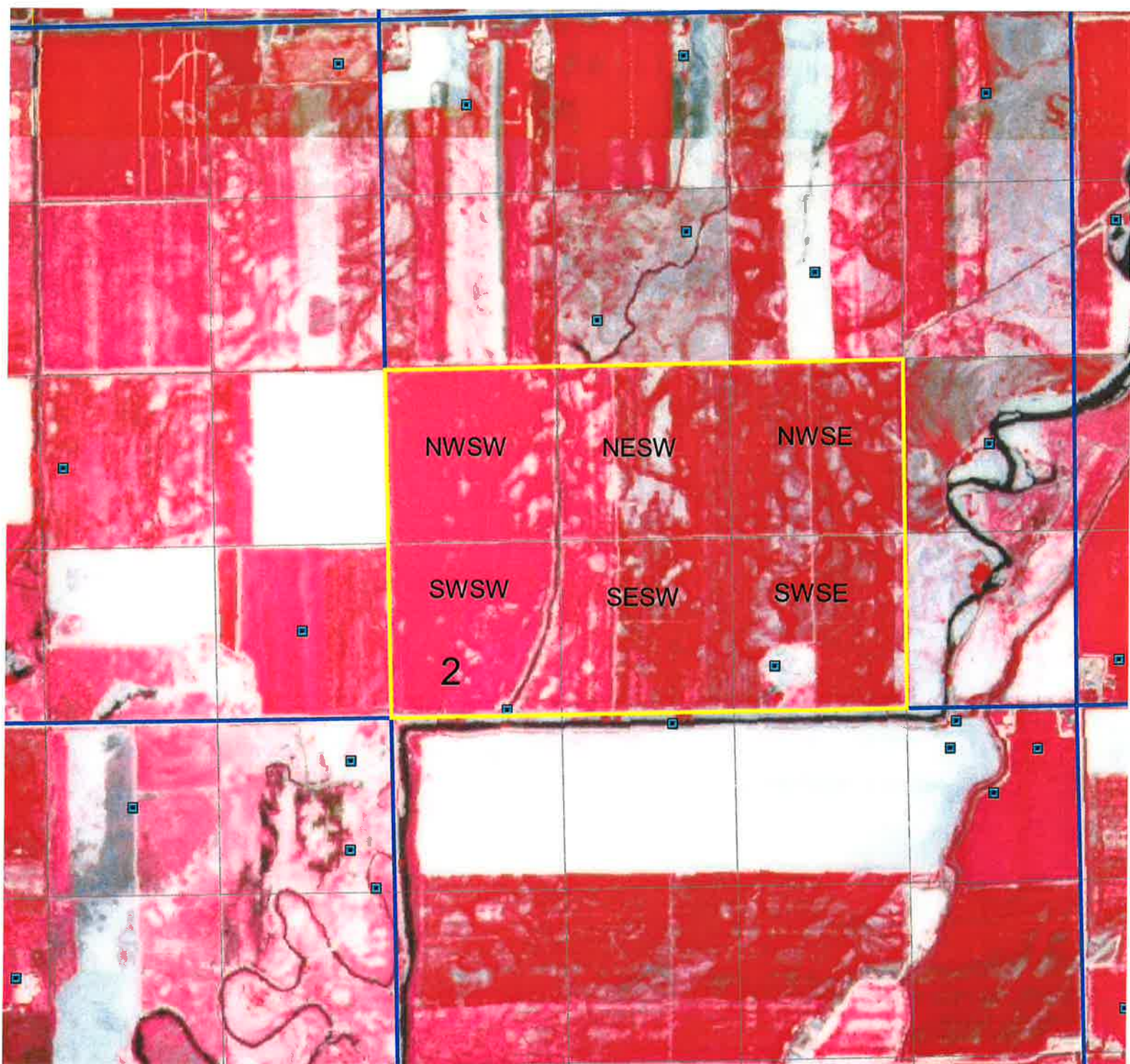


Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

22-4029
6N 40E





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 1999

DIRK & ROBYN PARKINSON
PO BOX 326
ST ANTHONY ID 83445

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A22-00424A,
A22-00425A, A22-00490, A22-00491A, A22-04029

Dear Mr. & Mrs. Parkinson:

The request for Change of Water Right Ownership concerning the above-referenced Notice 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 the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland
Technical Records Specialist

Enclosure

Merrill & Merrill

P.O. Box 991
Pocatello, Idaho 83201-0991
(208) 232-2286
Fax: (208) 232-2499

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: 525-7177

Number of pages in addition to this cover sheet:

To: Tony Olenichak

Of: Dept. Water Reserves

From: Garry Longmore

Client/Matter:

Date: 4/29/99

COMMENTS:

Dirk Parkinson ① Notice of change ② Contract
③ Legal Descriptors.

Please contact my office
if you have any questions



THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT (208) 232-2286.

04/29/99 11:02 FAX 208 652 7342
04/29/99 10:44 FAX 322499PARKINSON SD FR
Merrill&MerrillDELOG
AR02
002

04/89/1599 12:55 2085257177

IDWR EASTERN

4-30-99

PAGE 08

Form 42-318/42-1002(6) February 1, 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s):
- Adjudication Claim No(s): A22-00424A, A22-00425A, A22-00491A,
2. The following REQUIRED information must be submitted with this form: A22-00480, A22-04029
 - 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 attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Glen and Louise Godfrey
310 Park Street, Wendover Idaho 83436
4. New Owner/Claimant(s): Pirk and Karyn Parkinson
Name Connection (Check one): ☐ and, ☐ or, ☐ and/or
P.O. Box 326
- New Mailing Address: St. Anthony Idaho 83445
- City, State and ZIP Code: Idaho 83445
- New Telephone Number: 208 652-7340
5. Date you acquired the property: April 26, 1999
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 you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
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 or Claimant(s): [Signature] Date 4-29-99
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

REAL ESTATE CONTRACT OF SALE

THIS AGREEMENT, made and entered into this 2nd day of April, 1999, by and between Glen and Louise Godfrey, husband and wife ("SELLERS") and Dirk and Robyn Parkinson, husband and wife ("BUYERS").

RECITALS

- A. SELLERS own real property which is more particularly described in exhibit A attached hereto and incorporated by reference. The real property also includes all improvements, water rights, and appurtenances thereto, including but not limited to those water rights set forth in paragraph three (3) of this agreement, except for those water rights expressly excluded from this contract and reserved to SELLERS under the terms of this contract of sale.
- B. SELLER's personal property which shall be sold pursuant to this agreement is more particularly listed below and shall collectively be referred to in this Agreement as the "Equipment."
- Eight (8) Wheel Lincs
Four (4) Hand-lines
Two (2) 75 Horsepower Pumps
- C. The SELLERS desire to sell to BUYERS, and BUYERS agree to purchase from SELLERS, all the described real property and equipment, subject to the terms and conditions hereof.

NOW THEREFORE, for good and valuable consideration including payments of money, promises, and agreements, recited herein which are contractual and not mere recitals the parties do hereby agree as follows:

AGREEMENT

1. SALE OF REAL AND PERSONAL PROPERTY.

SELLERS shall sell and BUYERS shall purchase the subject real property and equipment. Except for the water rights expressly reserved to SELLERS under the terms of this contract of sale, all structures, irrigation fixtures, water and water rights including but not limited to storage and decreed water rights, and ditches and ditch rights, appurtenant thereto that are now on or used in connection with the premises shall be included in this sale.

2. SURVEY.

BUYERS surveyed their home place excepted from this purchase which exception is set forth in Exhibit A. The parties desire to use the surveyed legal description for this exception.

3. WATER RIGHTS.

SELLERS agrees to sell the following water rights to BUYER and represents that the real property has such appurtenant water rights:

- i. 107 acre feet of the total 110 acre feet storage water in the Fremont/Madison Irrigation District. SELLERS hereby expressly retain and reserve three (3) acre feet of storage water in the Fremont/Madison Irrigation District, appurtenant to the above described real property. .
- ii. Adjudicated claims based on decreed and beneficial use as follows:
A22-00424A, A22-00425A, A22-00491A, A22-00490, and A22-04029.

BUYER expressly reserves and retains the stockwater and domestic beneficial use adjudicated claim water right A22-11249.

4. PRICE.

BUYERS shall pay SELLERS for said property a purchase price of five hundred eighty four thousand dollars (\$584,000) in lawful money of the United States of America, payable as follows:

- a. Seventy-five thousand dollars (\$75,000) as earnest money, receipt of which is hereby acknowledged, paid by BUYERS to SELLERS.
- b. Five hundred nine thousand Dollars (\$509,000) payable against principal and to be paid by upon closing by BUYERS to SELLERS.

5. POSSESSION.

BUYERS is granted possession of the real property and equipment of the premises upon closing.

6. APPORTIONMENTS.

All taxes and assessments upon the property shall be prorated between the parties as of the day of closing. SELLERS shall pay all taxes and assessments levied upon the property for the time prior to and including said date, and BUYERS shall pay all such taxes and assessments levied upon the property for the term after said date before the same become delinquent.

7. CLOSING.

First American Title Company is herein designated both as closing agent for BUYERS and SELLERS. Closing shall be on or before May 1, 1999.

8. COSTS OF CLOSING/ESCROW AGENT/ATTORNEY'S FEES.

The cost of Title Insurance shall be paid by SELLERS and any surveys shall be paid by BUYERS. BUYERS and SELLERS shall pay all other closing costs equally, except attorney's fees, including cost of any document preparation done by closing agent, any and all costs of closing as the same may be charged by closing agent. SELLERS and BUYERS will pay their respective attorney's fees.

9. DEED AND BILL OF SALE.

SELLERS shall execute a good and sufficient warranty deed for the real property, free and clear of all liens and encumbrances. SELLERS shall purchase at closing, from the sales proceeds paid at closing a standard owner's title insurance policy for the amount of the purchase price, subject to the usual printed exceptions, easements, and reservations of record and accruing taxes. At closing, Sellers shall also deliver to Buyer a bill of sale to the personal property

10. ENVIRONMENTAL REPRESENTATION.

To SELLERS' best information and belief, SELLERS represent with respect to the premises and the water sources located on or under the premises, that there has been no spill, discharge, cleanup or contamination of or by any hazardous or toxic waste or substance, and that during the course of their ownership of the real property, the sellers have complied with all federal and state environmental laws and regulations.

The terms "hazardous waste," "hazardous substance," "disposal," "release," and "threatened release," as used in this Contract of Sale shall have the same meanings as set forth in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as

amended, 42 U.S.C., Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1987, Pub. L. No 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 49 U.S.C., Section 6001, et seq., or other applicable State or Federal laws, rules or regulations.

11. LEGAL REPRESENTATION.

The Law Offices of Merrill and Merrill Chartered have served as attorney for BUYERS for this transaction.

12. BINDING EFFECT.

This agreement is not only binding upon the parties hereto, but upon their respective successors, heirs, administrators and assigns. The terms "SELLERS" and "BUYERS" shall be construed, as used herein, to include the actual parties hereto.

13. INTEGRATION OF AGREEMENT.

BUYERS and SELLERS acknowledge that the terms of this contract may vary from terms contained in any preliminary agreements, conversations, or dealing had or held prior to the execution of this contract and may vary from any negotiations between BUYERS, or any of BUYERS'S agents prior to the execution of this contract. BUYERS and SELLERS agree that the terms, covenants, and conditions of this contract do supersede all prior negotiations, agreements, statements, and terms; that there are no other agreements not contained in this contract; that this contract shall be and is the final expression of the agreement of the parties and shall control. BUYERS and SELLERS do further agree that no modification of this contract shall be valid unless the same is in writing and executed by both BUYERS and SELLERS.

14. MISCELLANEOUS.

BUYERS and SELLERS agree to execute any other documents necessary to properly perfect SELLERS' interest in and to the property described in this contract.

15. SURVIVAL OF TERMS.

The terms and provisions of this Contract of Sale shall survive the closing and the execution and delivery of instruments of transfer and conveyance. The terms of this Contract of Sale shall not be merged out by the execution and delivery of the instruments of transfer and conveyance.

GODFREY Husband and Wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Notary Public for Idaho

Residing at: St. Anthony
Commission Expires: 2-16-2001

STATE OF IDAHO,)
County of Madison)ss.

On this 26th day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared DIRK PARKINSON AND ROBYN PARKINSON, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Notary Public for Idaho

Residing at: J. Anthony
Commission Expires: 2-16-2001

16. WAIVER.

A waiver of any default or breach of any term of this Contract of Sale shall not be deemed to be a waiver of any simultaneous or subsequent breach of the same or any other term of this Contract. All waivers must be in writing and must be signed by SELLERS. No failure or delay of SELLERS to exercise any right to remedy hereunder shall operate as a waiver.

17. SEVERANCE AND VALIDITY.

If any provision of this contract or any provision of any related document shall be determined by any court of competent jurisdiction to be invalid, void, or otherwise unenforceable, the remaining provisions shall remain in full force and effect and shall not be affected, impaired or invalidated thereby. It is agreed that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void, or unenforceable provision or part thereof.

IN WITNESS WHEREOF BUYERS and SELLERS have executed this contract this 16th day of April, 1999.

SELLERS

Glenn R. Godfrey
GLENN R. GODFREY

Louise Godfrey
LOUISE GODFREY

BUYERS

Dirk Parkinson
DIRK PARKINSON

Robyn Parkinson
ROBYN PARKINSON

STATE OF IDAHO,)
)ss.

County of Madison.)

On this 16th day of April, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared GLENN R. GODFREY AND LOUISE

Exhibit A

W 1/2 SE1/4, SW1/4 of Section 2, Township 6 North, Range 40 East, Boise Meridian
Madison County, Idaho.

LESS THE FOLLOWING: Beginning at a point that is N.89°53'04"W. along the Section line 2019.82 feet from the Southeast Corner of Section 2, Township 6 North, Range 40 East of the Boise Meridian; running thence N. 89°53'04"W. along said Section line 411.20 feet; thence N.00°27'31"W. 358.24 feet; thence S.89°53'04"E 406.55 feet; thence S.01°12'08"E. 358.32 feet to the point of beginning.

ALSO LESS THE FOLLOWING : That portion of property deeded to Madison County for the use of a public road further described in warranty deed recorded April 22, 1987, Instrument No. 220677.

10/27/1988.

IRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME GODFREY, GLEN CLAIM IDENT. NO. A22-04029
DATE RECEIVED 8-24-88 CK # 340 AMOUNT \$ 335⁰⁰

- | | YES | NO |
|--|---------------|-----------|
| 1. Is the name and address complete with zip code? | <u>S</u> | <u> </u> |
| 2. Is a priority date entered? | <u>S</u> | <u> </u> |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 3. (a) Is a source entered? | <u>S</u> | <u> </u> |
| (b) Is a tributary to entered? (if required) | <u>N/A</u> | <u> </u> |
| 4. Is the legal description of the p.d. sufficient? | <u>S</u> | <u> </u> |
| 5. Is there a description of the diverting works? | <u>S</u> | <u> </u> |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>S</u> | <u> </u> |
| Is the period of use included? | <u>S</u> | <u> </u> |
| Is a quantity claimed for each use? | <u>S</u> | <u> </u> |
| 7. Is a total quantity claimed entered? | <u>S</u> | <u> </u> |
| 8. If required is a consumptive use entered? | <u>N/A</u> | <u> </u> |
| Is the consumptive use correct? | <u>N/A</u> | <u> </u> |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>N/A</u> | <u> </u> |
| 10. Is (are) the place(s) of use entered? | <u>S</u> | <u> </u> |
| 11. Is (are) the county(ies) entered? | <u>S</u> | <u> </u> |
| 12. Is the ownership of p.u. checked? | <u>S</u> | <u> </u> |
| 13. Are other water rights listed or "none" indicated? | <u>S</u> | <u> </u> |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | <u>N/A</u> | <u> </u> |
| 15. Is the basis of the claim checked? | <u>S</u> | <u> </u> |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | <u>S</u> | <u> </u> |
| Has the claim been signed, sealed, and dated by a notary? | <u>S</u> | <u> </u> |
| Was this claim filed on time, or was an extension granted? | <u>S</u> | <u> </u> |
| Is the fee enclosed correct? | <u>Exempt</u> | <u> </u> |
| If this claim is based on an existing water right, has the identification number been entered? | <u>N/A</u> | <u> </u> |
| Should this claim be receipted and data entered? | <u>S</u> | <u> </u> |

Claim checked by: PM

E001690

X

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: A22-04029
Date Received: 8/24/1988
Receipt No: E001690
Received By: ENC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GLEN R. GODFREY 208-458-4170
Address: P.O. BOX 21
NEWDALE, ID 83436

OR

Name: LOUISE GODFREY 208-458-4170
Address: P.O. BOX 21
NEWDALE, ID 83436

2. Date of Priority: JUN 01, 1879

3. Source: TETON RIVER, SOUTH FORK Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	40E	1	NW	SW	NW		MADISON

5. Description of diverting works:
HEADWORKS FOR MCCORMICK ROWE DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	11/01	04/01	0.050		
GROUNDWATER RECHARGE	11/01	04/01	2.650		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/150 RANGE, GROUNDWATER RECHARGE.

A22-04029

Page 1

Date: 01/24/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	40E	2	NE		SW		STOCK	
			NW		SW		STOCK	
			SW		SW		STOCK	
			SE		SW		STOCK	
			NW		SE		STOCK	
			SW		SE		STOCK	

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:
NONE

14. Remarks:

HISTORICALLY, WATER HAS BEEN DIVERTED DURING THE NONE IRRIGATION SEASON TO PROVIDE DRINKING WATER FOR STOCK. WE BELIEVE THE BASIS FOR THIS DIVERSION STEMS FROM OUR DECREEED IRRIGATION RIGHT WITH THE SAME PRIORITY (A22-00491A). THE DECREE DID NOT LIMIT THE PERIOD OF USE FOR A RIGHT AND ALSO ALLOWED FOR OTHER USES.

15. Basis of Claim: STATUTORY CLAIM

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 x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): x Glen R. Godfrey Date: x 24 Jan 89
_____ Date: _____

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 24 day

of January 19 89

Seal

Ernest Carlson
Notary Public

Residing at Idaho Falls, ID.
My Commission Expires 14 June 1994

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: 39356

Ident. Number A22-04029Date Received 24 Aug 1988Receipt Number E001690.

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Glen Godfrey Phone (208) 458-4170Mailing Address Box 21 Newdale, Idaho Zip 834362. Date of Priority (Only one (1) per claim) June 1 18793. Source of water supply (a) Teton River
which is tributary to (b) Snake River (Henry's Fork)4. a. Location of existing point of diversion is: Township 6N Range 40E Section 1,
NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Madison

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 36" culvert with screw headgate controls
Flat bottom, V sides, concrete measuring station. Diverted through the
McCormick Rowe ditch.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

ORW (acre feet)

For ground water recharge purposes from 11-1 to 4-1 amount ~~2.00~~ 2.70 or _____

For ~~stock water~~ purposes from ~~11-1~~ to ~~4-1~~ amount ~~0.70~~ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.7 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) winter time groundwater recharge to maintain soil moisture profile.

Also up to 150 head of stock cattle on fall pasture in fields.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	40E	2									~~40~~			~~40~~	~~40~~	~~40~~	~~40~~	~~40~~	<i>ORW</i> ~~160~~
											E			E	E	E	E		

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Madison

12. Do you own the property listed above as place of use? Yes yes No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

14. Remarks: Ever since this farm was patented to its first owner, Ruben H. Row, by the U.S. government thru the 'Homestead Act', water from the Teton River has been used to irrigate crops and replenish ground water by filling ditches and sloughs during winter and early spring.

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Last Name Glen Godfrey Ident No. A22-04029

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

R 40E

X Point of diversion

21

11

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OCT 29 1992

Last Name Glen Godfrey Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 22-4029

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Shirley R. Gooding Date 23 Aug 88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____ of _____

Title _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Fremont) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of August 19 88

SEAL

Notary Public Susan Lott

Residing at Newdale, Idaho

My Commission Expires March 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant