

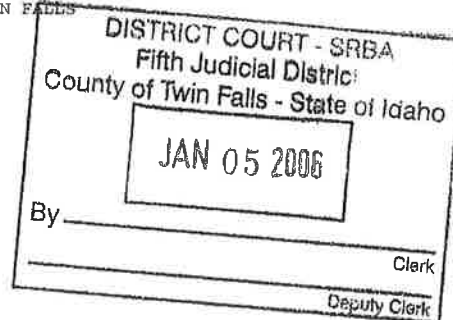
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-10834



NAME AND ADDRESS: PACIFIC EMPIRE RECORD
CORPORATION
403 C STREET
LEWISTON, ID 83501

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The quantity of water under this right shall not exceed 2,500
gallons per day.

PRIORITY DATE: 07/31/1976

POINT OF DIVERSION: T06N R40E S18 NENWSE Within Madison County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Madison County
T06N R40E S18 NWSE

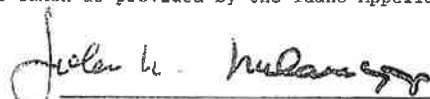
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

02/02/2006

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

RIGHT NUMBER: 22-10834
NAME AND ADDRESS: PACIFIC EMPIRE RECORD CORPORATION
403 C STREET
LEWISTON ID 83501
SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.040 CFS
The quantity of water under this right shall not exceed 2,500 gallons per day.
PRIORITY DATE: 07/31/1976
POINT OF DIVERSION:
T06N R40E S18 NENWSE Within MADISON County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within MADISON County
T06N R40E S18 NWSE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Use: Radio Station Offices

Claim no. A 2210834

Claimant Contact Log

Date _____

Remarks

Agent initials

2-24-04 Called Madison County Assessor's Office
Found Address + Name Change of Claimant.
NEW NAME & ADDRESS PACIFIC EMPIRE COMMUNICATIONS
CORP 403 C STREET, LEWISTON ID 83501 CALLED
Information To Find out IF property Had changed
owners AS WELL AS Address Information Had no
Phone # listed. OR 800#. SO WE JUST mailed
change of ownership + change of Address forms
with Evidence of priority letter. To new Address
2-24-04, RECEIVED EVIDENCE 23, MARCH 04 THE
SENT A \$25.00 CHECK I gave IT TO JENNIFER. C. TO
Return To Sender

Contacts Data Entry Form

Water Right No. A2210834

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Tri County Radio Corporation</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner	_____					
Current Owner	_____					

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

B. H. Claim

Recommend as Claimed -> Commercial

NOC Apply

NH

Reviewer: _____

Date: _____

Priority Date Data Entry FormClaim Number: A2210834

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 31 July 1976 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

B.U. Claim

Reviewer: _____

Date: _____

February 17, 2004

Tri-County Radio Corp
PO Box 458
Rexburg ID 83440

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10834

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 July 31, 1976, from a well.

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 required 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**".

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 the 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,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Point of Diversion and Source Data Entry Form

Claim Number: 190210834

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

Source:_____ Tributary:_____

Claimed Point of Diversion: T 6N, R 40E, Sec. 18,____, 14W, 5E. County: Madison

Source: Ground Water Tributary:_____

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

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

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

Other rights from this POD? GPS Tag #

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

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number:

A2210 834☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	18	1/4	SE	Madison			Commercial

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	18	NW	SE	Madison			Commercial

Total Acres _____

Document how the POU was verified:

675- Madison County Tax lots

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: 112210834☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Commercial</u>	<u>1/1</u>	<u>12/31</u>	<u>104</u>	

Overall Diversion Rate 104

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Commercial</u>	<u>1/1</u>	<u>12/31</u>	<u>0.04</u>	

Overall Diversion Rate 0.04Overall Diversion Volume 2.77

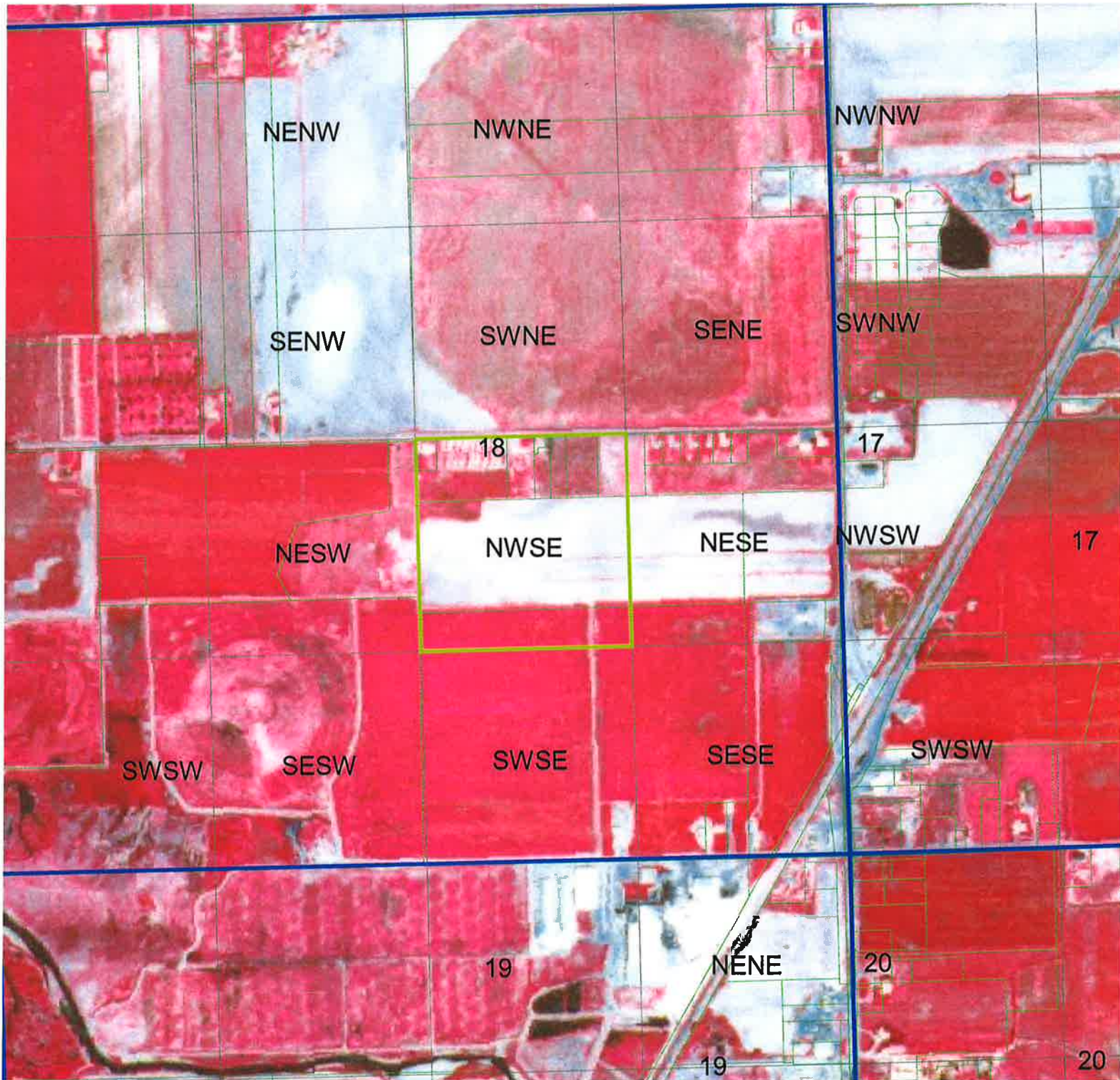
Document how the Period of Use and/or Diversion Rate were verified:

2,500 gallons/day x 365 days / 325,850 gallons/AF = 2.77 AFA

Reviewer: _____

Date: _____

22-10834





Pacific Empire
Radio
Corporation

RECEIVED

MAR 23 2004

Department of Water Resources
Eastern Region

March 22, 2004

Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Priority for SRBA Water Right Claim 22-10834

To support continuance of the above referenced Water Right Claim, the following items are enclosed:

1. Affidavit of R. John Taylor, Chairman of the Board of the current owner of the property.
2. Change in Address form.
3. Notice of Change in Water Right Ownership form.
4. A copy of a Warranty Deed transferring the property.
5. \$25 filing fee.

If you have any questions or need further documentation, please contact John Taylor or myself at 208.799.9000.

Sincerely,

JoLee K. Duclos
Corporate Secretary



Lewiston



Clarkston



Clarkston



Clarkston



Pocatello



Pocatello



Idaho Falls

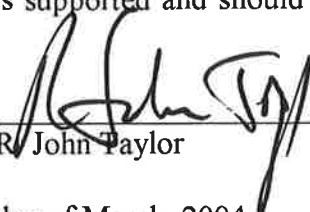


Idaho Falls



Idaho Falls

has historically been commercial and has been supplied by the well on the real property. As such, a priority claim to July 31, 1976, is supported and should be continued in the name of Pacific Empire Radio Corporation.


R/ John Taylor

Subscribed and sworn to before me this 22nd day of March, 2004.




Notary Public in and for the State of Idaho,
Residing at Lewiston
My Comm. Expires: 10-3-09

Instructions: **STATE OF IDAHO FINANCING STATEMENT - FORM UCC-1**

1. PLEASE TYPE THIS FORM IN BLACK INK.

2. Filing fees: a. With Secretary of State. Except for pre-paid account users, enclose filing fee of \$0.00 if form is typed, or \$10.00 if not typed. For attachments, add \$1.00 per printed page. Pre-paid account users must enter Customer Number in "Customer account number" block to right.

b. Filing with County Recorder. Enclose recording fee of \$2.00 per page.

3. File only the original. Make copies for your file. The original will be returned as your acknowledgment.

4. Enter only one debtor's name or assumed name per debtor block exactly as it is to be indexed. If more than four names, use an attached sheet. Enter individual debtor names: Last, First Middle Initial, e.g. Smith, John Alan Jr.

5. When the obligation has been satisfied, complete the Termination Statement and return the original to the filing office.

Mail to: Secretary of State, UCC Division, 700 W. Jefferson, P.O. Box 43720, Boise, ID 83720-0080 Ph: 208-334-3191

Debtor #1 (Last name, first, middle, title & mailing address)

PACIFIC EMPIRE HOLDING CORP.
Z KATW
403 C STREET
LEWISTON ID 83501

Debtor #3

Debtor #4

Debtor #2

CUSTOMER ACCOUNT NUMBER
BONNEVILLE COUNTY RECORDER
1042273 MAR 5 '01 PM 2:10

IDAHO SECRETARY OF STATE

02/01/2001 09:00

CR: 19112 CF: 4725 BH: 37616

4 P. 6.00 = 6.00 ATTACH 2

Secured Party and Address

JUDITH GROW, PRESIDENT
COMMUNICAST CONSULTANTS INC.
895 S. CARTERSVILLE LANE
ORM, UT 84097-6643

Assignee and Address

Check if Covered ☐ Products of collateral are also covered

Mailing Address for acknowledgment, if not Secured Party

If one of the following boxes is checked, the secured party may sign the financing statement. The collateral described herein is:

- ☐ Brought into this state already subject to a security interest in another jurisdiction.
- ☐ Subject to a security interest in another jurisdiction, and the debtor's location has changed in this state.
- ☐ Proceeds of the original collateral described herein in which a security interest was perfected.
- ☐ The subject of a financing statement which has lapsed.
- ☐ Subject to a security interest perfected under a prior name or identity of the debtor.

This financing statement covers the following types or items of property:

(If this is a fixture, timber or mineral right to be recorded with the County Recorder, include legal description and name)

SEE EXHIBIT A FOR ALL BROADCAST EQUIPMENT OF KGTH-FM AND KRXK-AM

SEE ATT

Instrument # 288893
REXBURG, MADISON, IDAHO
2001-04-16 10:30:00 No. of Pages: 4
Recorded for: COMMUNICAST CONSULTANTS
MARILYN R. RASMUSSEN Fee: 17.00
Ex-Officio Recorder Deputy

INSTRUMENT NO. 1042273
DATE 3-5-01
INST. CODE 101
IMAGED PGS 4
FEE 12.5

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss
I hereby certify that the within
Instrument was recorded.

Ronnie Longmore,
County Recorder
By: *M. Bell* Deputy
Request of: *Communicast Consultants Inc.*

Signature (s) of Debtor(s)

MARK BOLLAND, PRESIDENT OF PACIFIC EMPIRE HOLDING CORP.

CORPORATE SECRETARY OF PACIFIC EMPIRE HOLDING CORP.

Secured Party Signature

TERMINATION STATEMENT-The Secured Party no longer claims a security interest under the financing statement.

Secured Party or Assignee of Record

Date

Filing Office Use Only
IDAHO SECRETARY OF STATE

02/01/2001 09:00
CR: 7863 CF: 141378 BH: 376161

1 P. 6.00 = 6.00 UCC1 FILE # 2

Filing Number: B 892871

Revised 1/99

EXHIBIT A

SEE ATT

All tangible and intangible personal property of Debtor, now or hereafter, used or held for use in the operation of radio stations KGIM (FM) and KRXX (AM), Rexburg, Idaho ("the Stations"), whether now owned or hereafter acquired, including, without limitation, Debtor's right to receive the proceeds from any sale, transfer, assignment or other disposition of any and all authorizations issued to Debtor by the FCC for any operation of, or in connection with, the Stations; all transmission and studio equipment, fixtures, physical assets and other equipment acquired by Debtor for use at the Stations; all contracts, agreements, rights, privileges, non-governmental licenses, permits and leases entered into by, or granted to, Debtor in connection with Debtor's ownership or operation of the Stations; all slogans, jingles, trademarks, trade names, service marks, logos, copyrights, and similar materials relating to the Stations; and the goodwill and other intangible assets owned by Debtor, or hereafter created or acquired by Debtor, used in the operation of the Stations.

DATED this ____ day of December, 2000.

PACIFIC EMPIRE HOLDING CORP.

BY: Mark Bolland

Mark Bolland, President

ATTEST:

BY: Barbara J. Jupp

Corporate Secretary

Instrument # 288693

REXBURG, MADISON, IDAHO

2001-04-16

10:30:00 No. of Pages: 4

Recorded for: COMMUNICAST CONSULTANTS

MARILYN R. RASMUSSEN

Fee: 17.00

Ex-Officio Recorder Deputy for

PAGE 1 OF 4 OF EXHIBIT A

Personal Property INVENTORY of KRXX Studio location: Rexburg, Idaho
(prepared September 26, 2000 by Bill Treau, Pacific Empire Engineer)

Mobile home- 14 feet by 66 feet±, used as KRXX offices, Control Room, and Broadcast Studio; also houses
Production, control and transmitter facilities
Mobile home- Park model 30 feet by 12 feet±;
Kaufman & Broad Home Systems IDA 613-438KB ID # 175014X702BK
Satellite dish- 10 feet diameter, no brand visible -- not in use currently
Autogram audio console model IC-10 SN 455 (originally from Provo KOVO)
RCA cart tape machine
AudioLab TD-1B tape eraser
SmartCaster digital audio automation system
RCA BW-51 modulation monitor
RCA BTC-2 extension control/metering panel
Ampex 440 reel to reel recorder w/two channel electronics
Otari ARS 1000DC reel to reel playback machine, Serial 18312804
Symetrix T1-101 telephone interface
RCA transmitter BTA-1S, Serial @ 1123015
RCA microphone mixer BN-4A, Serial 5341
relay rack 48" height
(two) relay racks 66" height
Electro-Voice RE20 studio microphone, on boom
RCA 8 fader stereo mixer
RCA 5 fader mono mixer
195 foot steel, uniform cross section guyed tower
Montgomery-Ward tuner amp- control room monitor amp

Together with any replacements to/for the above
or additions thereto used in the KRXX
Broadcast chain of Equipment.

Instrument # 288693

REXBURG, MADISON, IDAHO
2001-04-16 10:30:00 No. of Pages: 4
Recorded for: COMMUNICAST CONSULTANTS
MARILYN R. RASMUSSEN Fee: 12.00
Ex-Officio Recorder Deputy *[Signature]*

Legal Description
Location of Personal Property
Securing the indebtedness of
Pacific Empire Holding Corp. to
Communicast Consultants Inc.

Commencing at a point 1896.625 feet West of the Northeast corner of the Southeast Quarter of Section 18, Township 6 North, Range 40 East, Boise Meridian, in Madison County, Idaho, and running thence South 23 rods; thence East 400 feet; thence North 23 rods; thence West 400 feet to the point of beginning, including one mobile home containing studio equipment, production, office, and news facilities; one trailer currently used as living quarters; one storage trailer; water well and pump; septic tank; improved parking area; enclosed porch and connecting hallway, all approximately as existing on September 1, 1990. Together with all water and mineral rights historically associated with the described lands.

Instrument # 288693

REXBURG, MADISON, IDAHO

2001-04-16 10:30:00 No. of Pages: 4

Recorded for: COMMUNICAST CONSULTANTS

MARILYN R. RASMUSSEN Fee: 12.00

Ex-Officio Recorder Deputy

JP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s): Pacific Empire Radio Corporation,
an Idaho corporation

[] Old Mailing Address: na

[] New Mailing Address: 403 "C" Street
Lewiston ID 83501

Telephone Number: (208) 743 - 6564

[] Signature(s) John K. Lucas
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf) corporate Secretary
(include your title if on behalf of company or organization)

Date: March 22, 2004

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

NE COPY OF DEED OR CONTRACT HAS
OWNERSHIP HAS
CHANGED

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
A22-10834					

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**.

attached

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)

Tri-County Radio Corporation
P.O. Box 458, Rexburg, ID 83440

4. New Owner/Claimant(s)

Pacific Empire Radio Corporation
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

403 C Street

City, State and ZIP Code

Lewiston ID 83501

New Telephone Number

(208) 743-6564

5. Date you acquired the property

December 1, 2000

Recorded at Request of Pacific Empire Holdings Corp.
at _____ M. Fee Paid \$ _____
by _____ Dep. Book _____ Page _____ Ref.: _____
Mail tax notice to _____ Grantee _____ Address 403 "C" Street, Lewiston, Idaho 83501

WARRANTY DEED

(SPECIAL)

D. K. Judd, a.k.a. Dean K. Judd, a.k.a. D. Kenneth Judd, a.k.a. Dean Kenneth Judd
of Provo, County of Utah, State of Utah grantor(s)
CONVEY and WARRANT against all claims by, through or under him to hereby
Pacific Empire Holdings Corp. grantee(s)
of Lewiston, Idaho for the sum of
TEN AND NO/100 (\$10.00) DOLLARS,
and other good and valuable consideration,
the following described tract of land in Madison County,
State of Idaho:

As set forth on the Attached Exhibit A, *Located in Rexburg Idaho*

WITNESS the hands of said grantor(s), this 1st day of September, A. D. 2000.

Signed in the Presence of

D. K. Judd
D. K. Judd, a.k.a. Dean K. Judd, a.k.a.
D. Kenneth Judd, a.k.a. Dean Kenneth Judd

Dean K. Judd

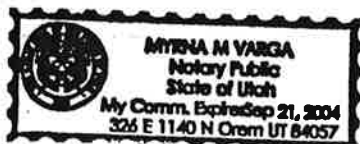
D. Kenneth Judd

D. Kenneth Judd

Dean K. Judd

STATE OF UTAH)
: §
County of Utah)

On the 26th day of September, A.D. 2000 personally appeared before me, D. K. Judd,
a.k.a. Dean K. Judd, a.k.a. D. Kenneth Judd, a.k.a. Dean Kenneth Judd, the signer of the within
instrument, who duly acknowledged to me that he executed the same.



Myrna M Varga
Notary Public

TRACT 1: COMMENCING AT A POINT 1,896.625 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 40 EAST, OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE SOUTH 23 RODS; THENCE EAST 400 FEET; THENCE NORTH 23 RODS; THENCE WEST 400 FEET TO THE POINT OF BEGINNING. LESS THE EAST 300 FEET.

ALSO LESS: COMMENCING AT A POINT 1,896.625 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 40 EAST, OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO, THENCE SOUTH 76.5 FEET TO A FENCE POST; THENCE EAST 22.25 FEET; THENCE NORTH 38.5 FEET; THENCE EAST 48 FEET; THENCE NORTH 38 FEET; THENCE WEST 70.250 FEET MORE OR LESS TO THE POINT OF BEGINNING.

TRACT 2: THE EAST 200 FEET OF THE FOLLOWING DESCRIBED PROPERTY. COMMENCING AT A POINT 1,896.625 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 40 EAST, OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE SOUTH 23 RODS; THENCE EAST 400 FEET; THENCE NORTH 23 RODS; THENCE WEST 400 FEET TO THE POINT OF BEGINNING.

TRACT 3: THE EAST 100 FEET OF THE WEST 200 FEET OF THE FOLLOWING DESCRIBED PROPERTY. COMMENCING AT A POINT 1,896.625 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 40 EAST, OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE SOUTH 23, RODS; THENCE EAST 400 FEET; THENCE NORTH 23 RODS; THENCE WEST 400 FEET TO THE POINT OF BEGINNING.

February 24, 2004

**Pacific Empire Communication Corp
403 C Street
Lewiston ID 83501**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10834

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 July 31, 1976, from a well.

In addition, it appears that either a change of address is appropriate or a change of water right ownership, if Pacific Empire Communication has recently purchased the property. In either case, forms are enclosed to meet any change requirement. Please complete and return the appropriate form with any required supporting documents.

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 required 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"**.

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 the 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,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

RECEIVED
AUG 16 1988

Department of Water Resources
Eastern District Office

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: A22-10834

Date Received: 8/10/1988

Receipt No: E002100, E002101, and
Received By: E002102

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TRI-COUNTY RADIO CORPORATION 208-356-3651
Address: P.O. BOX 458
REXBURG, ID 83440

2. Date of Priority: JUL 31, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	18	NW	SE			MADISON

5. Description of diverting works:
WELL/PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/RADIO STATION - OFFICES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	18	NW	SE		COMMER	

11. Place of use in counties: MADISON



A22-10834

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Date: 08/10/88

RECORDED
NOV 06 1992

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

13. Other Water Rights Used:

NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am General Manager of

Title

Tri County Ranch Corp., that I have signed the foregoing

Organization

document in the space below as General Manager of

Title

Tri County Ranch Corp. and that the statements contained in the

Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

G.M. Tri County Ranch Corp.
Title and Organization

Aug 15 88
Date

State of Idaho)

County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 15th day

of August 19 88

[Signature]
Notary Public

Seal

Residing at Berburg, ID

My Commission Expires 6-92
2 Date: 08/10/88