

05/10/2007

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

RIGHT NUMBER: 22-13247

NAME AND ADDRESS: IDAHO HOLDINGS LLC
5004 MONUMENT AVE STE 200
RICHMOND VA 23230

SOURCE: UNNAMED STREAM

TRIBUTARY: TETON RIVER

QUANTITY: 0.930 CFS

PRIORITY DATE: 06/19/1920

POINT OF DIVERSION:

T05N R45E S34 SENWSW Within TETON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.930 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S33

NESE

20.00

T05N R45E S33

NWSE

28.00

T05N R45E S33

SESE

1.80

49.8 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 - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 22-11747



Idaho Department of Water Resources

SRBA Recommendation:

22-13247

(Irrigation)

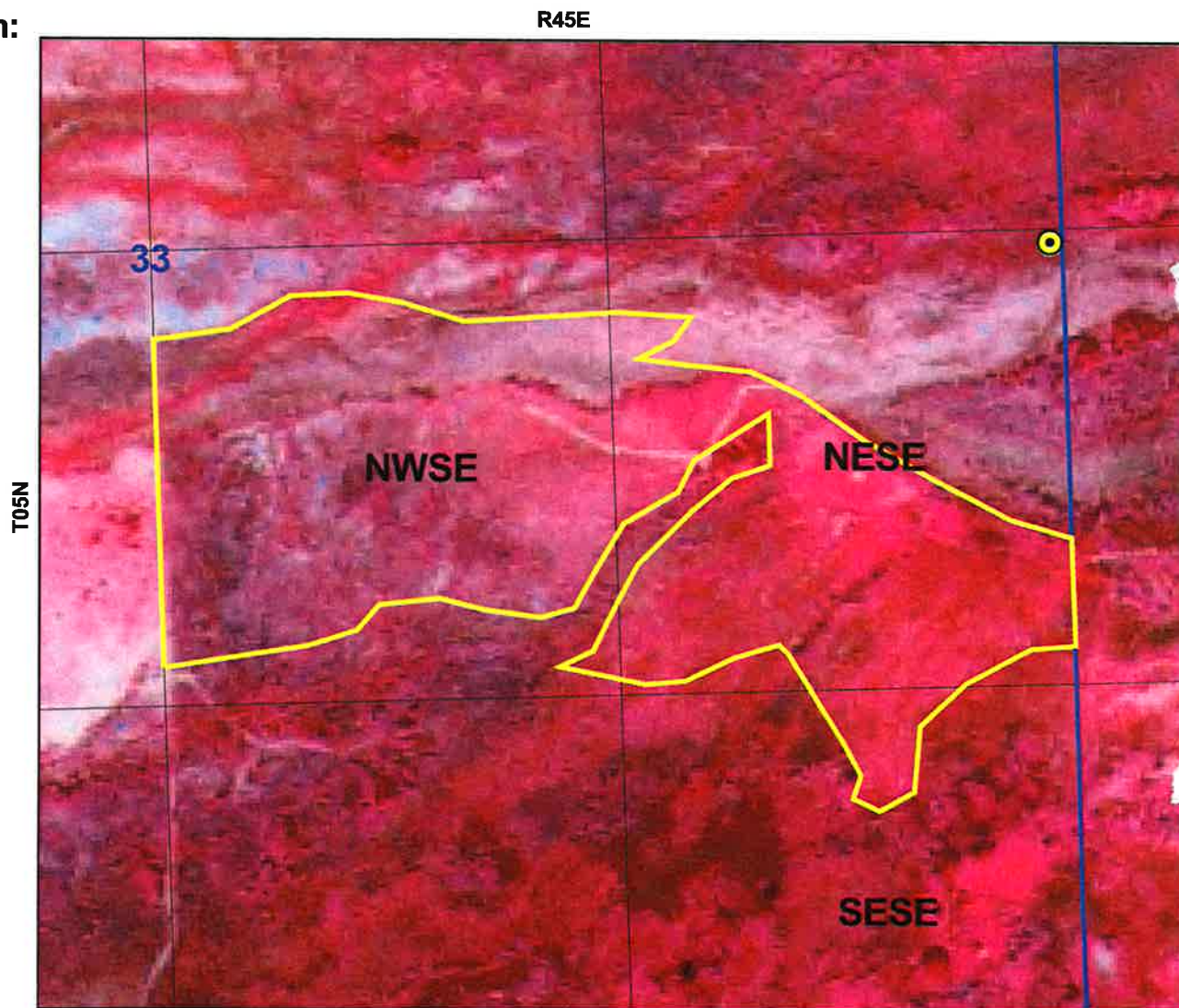
SCANNED
JUN 01 2007

Legend

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



Teton County
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by T. Galbraith
On Monday, November 20, 2006
1987/88 Aerial Photography



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 27, 2008

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RECEIVED

MAR 28 2008

Department of Water Resources
Eastern Region

RE: SRBA Subcase No. 22-13247 (Idaho Holdings, LLC)

Dear Judge Melanson:

The Director's Report for Basin 22, Part 2 was filed with the SRBA Court on December 22, 2006. The objection deadline ended on July 25, 2007 and the response deadline ran on September 26, 2007. No objections have been filed to this subcase. As a result of a recent approval of a permit for an overlapping water right (22-13709), IDWR has determined that it is necessary for IDWR to amend the original Director's Report for water right no. 22-13247. Accordingly, I am attaching an Amended Director's Report for this water right.

Initial hearings for Basin 22, Part 2 are tentatively scheduled to begin on August 18, 2008, thus the standard deadlines to file objections and responses will occur prior to that date.

If you have any questions regarding this Amended Director's Report, please contact me at 287-4810.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

cc: Idaho Holdings LLC
Teton County Courthouse
Ernie Carlsen
Special Master Brigitte Bilyeu

SCANNED

MAR 11 2008

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

RIGHT NUMBER: 22-13247

NAME AND ADDRESS:

IDAHO HOLDINGS LLC
5004 MONUMENT AVE STE 200
RICHMOND VA 23230

SOURCE: Source:

UNNAMED STREAM

Tributary:

TETON RIVER

QUANTITY: 0.930 CFS

PRIORITY DATE: 06/19/1920

POINT OF DIVERSION:

T05N R45E S33 NENESE Within TETON County

T05N R45E S34 SENWSW Within TETON County

**PURPOSE AND
PERIOD OF USE:**

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 10/31

0.830 CFS

MITIGATION

04/15 10/31

0.100 CFS

PLACE OF USE:

IRRIGATION within TETON County

T05N R45E S33 NESE 20.0

T05N R45E S33 NWSE 23.0

T05N R45E S33 SESE 1.8

MITIGATION within TETON County

T05N R45E S33 NWSE 5.0

49.8 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 - Decreed

This right is a split from former right 22-11747

Mitigation use is for diversion to wildlife storage associated with 22-13709.



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

May 25, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

IDAHO HOLDINGS LLC
5004 MONUMENT AVE STE 200
RICHMOND VA 23230

RE: Notice of Change of Water Right Ownership (NCO) for 22-13245, 22-13247
and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir or Madam:

On January 11, 1007, 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,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: David McWethy
James McWethy
Laura McWethy
Saundra Sewell

SCANNED

JUN 01 2007

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: 22-13245, 22-13247

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party

☐ 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: May 18, 2007

Ernest Carlson

Signature of IDWR Representative

SCANNED

JUN 01 2007

CERTIFICATE OF MAILING

I certify that on May 29, 2007, 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:
David B, James B, & Laura McWethy and
Saundra Sewell
107 Shadow End
Victor ID 83455

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Idaho Holdings, LLC
5004 Monument Ave., Suite 200
Richmond, VA 23230

4. One copy to:

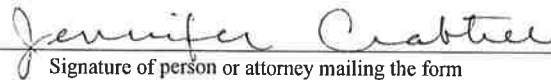
Each party in the subcase, or attorney of record
N/A

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

SCANNED
JUN 01 2007

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

OK JC 4/27/07
RECEIVED

JAN 11 2007

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
22-13247					
22-13245					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is 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) DAVID B. MCWETHY, JAMES B. MCWETHY, LAURA MCWETHY, SAUNDRA SEWELL
4. New Owner/Claimant(s) 107 SHADOW END, VICTOR, ID 83455
IDAHO HOLDINGS, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 5004 MONUMENT AVE, SUITE 200
- City, State and ZIP Code RICHMOND, VA 23230
- New Telephone Number (804) 359-8444 (307) 732-2028
5. Date you acquired the property 7/1/2004

SCANNED

JUN 11 2007

needs
 NCAP

CM 5-20

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>22-13247</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1.14 cfs.</u>	<u>cel</u>
Stock		
Domestic		
Other		
Total		

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

- X 7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

JUN 11 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

IDAHO HOLDINGS LLC
5004 MONUMENT AVE
RICHMOND VA 23230

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-13245,
22-13247

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in Teton County Idaho. The property to which I am referring was most recently owned by the McWethy family. The legal description is as follows:

T05N, R45E, S33, SE 1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

SCANNED

JUN 11 2007

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED



★ ★ ★ ★ PITNEY BOWERS
U.S. POSTAGE
1011 PB352
8952 \$00.630 JAN 05
8466 MAILED FROM ZIP CODE 83402

LAURA MC WETHY

DAVID B MC WETHY

JAMES B MC WETHY

SAUNDRA SEWELL
107 SHADOW END
VICTOR ID 83455

AWK

2213245
2213247

RECEIVED
JAN 09 2007
Department of Water Resources
Eastern Region

SCANNED
JAN 09 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

DAVID B MC WETHY

JAMES B MC WETHY

LAURA MC WETHY

SAUNDRA SEWELL
107 SHADOW END
VICTOR ID 83455



No Data Avail.

SEWE107 T834552003 1803 04 03/04/04
SEWELL RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

83455XS1083402/1700



SCANNED
JUN 01 2007

22-13245-
22-13247

Contacts Data Entry Form

Claim Number: _____

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

Current Owner: DAVID WETHY 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: _____

% FILED 5/02

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

THIS IS A SPLIT OF FORMER RT 22-11747 WHICH IS CLAIMED AS A DECREE RT. OF UNKNOWN ORIGIN.

Remark

SEE 22-685 CC ATTACHED

Remark

DISCREED UNDER PRICE, et al vs R.D. CARLSON, 9/04/1986 AS DECREE 22-C-1

THIS CLAIM IS DIRECTLY AFFECTED BY THE ABOVE REFERENCED DECREE.

22-685 → 22-11747 { 22-13247
80 ac. 1.5 d/s 61 ac. 1.14 d/s
22-13248
19 ac. 0.36 d/s

Proportionate split ↑

Reviewer: _____ Date: _____

SCANNED
JUN 01 2007

Point of Diversion and Source Data Entry Form

Claim Number: _____

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.

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

Recommended Point(s) of Diversion and Source.

Tw	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:

NO GPS POINTS TAKEN - POD'S ARE
TO MANY SMALL DITCHES FROM UNNAMED STREAM W/ CANALS
Dams. DITCHES ORIGINATED IN SEC. 34 W/ SEC. 33 NEARBY

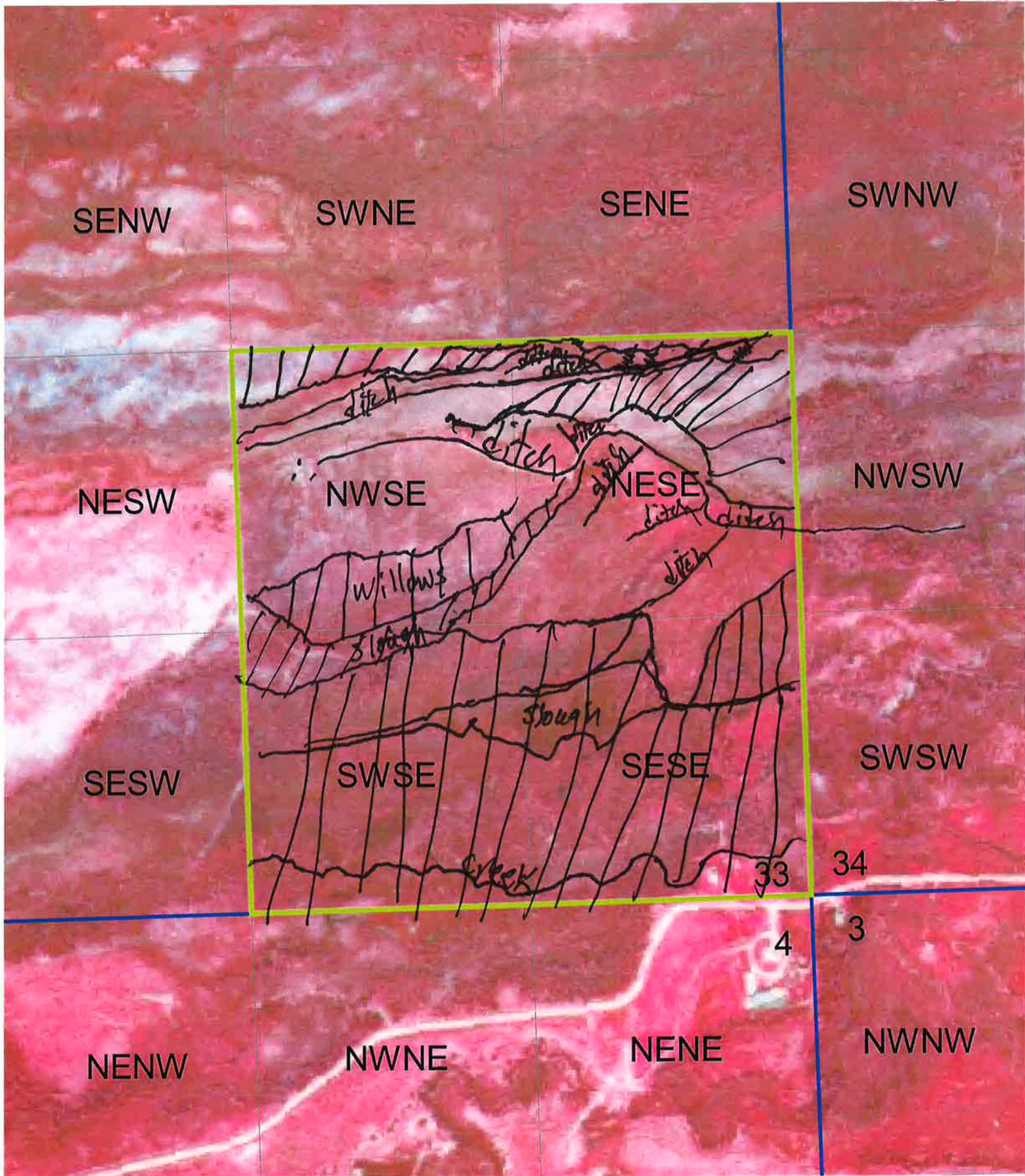
Reviewer: _____ Date: _____

SCANNED

JUN 01 2007

22-13247

7/2/04
20
JUL 20 2007



Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

DD
7/2/04
The acreage claimed seems to be right. There is a lot of swampy marsh ground, but the acreage claimed is irrigated from a series of ditches that branch off an unnamed stream that comes on the W ground from the east.

Reviewer: _____ Date: _____

SCANNED

JUN 01 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 13, 2002

DAVID MC WETHY
JAMES MC WETHY
LAURA MC WETHY
SAUNDRA SEWELL
107 SHADOW END
VICTOR ID 83455

RE: CHANGE IN OWNERSHIP FOR 22-11747 & 22-11942

Dear Claimants:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-11747:

22-13247: 1.14 cfs, 122 AFA, 61 acres, McWethy, et al

22-13248: 0.36 cfs, 38 AFA, 19 acres, Price, et al

22-11942:

22-13245: 3.91 cfs, 130 AFA, 61 acres, McWethy, et al

22-13246: 5.81 cfs, 194 AFA, 91 acres, Price, et al

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

SCANNED

JUN 11 2002

Respectfully submitted,

Jennifer Crabtree

Jennifer Crabtree

Technical Records Specialist

cc: James Price
Price Brothers
Marlene Price

SCANNED

JUN 04 2007

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

OK JC 6-13-02

RECEIVED

MAY 21 2002

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-11747	X			
	22-11942	X			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

4. New Owner/Claimant(s)

David B. McWethy Sandra Sewell James B. McWethy Larra McWethy

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

New Mailing Address

107 Shadow End

City, State and ZIP Code

Victor, ID 83455

New Telephone Number

(208) 787-4163

5. Date you acquired the property

APRIL 17th, 2002

SCANNED

JUN 01 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Daniel B. McWaters

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.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED
JUL 11 2007

RECEIVED

147706

T9495

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **Marilyn Anderson and Kenton Anderson, wife and husband, an undivided ten percent interest (10%)**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/10/02

Marilyn Anderson
Marilyn Anderson
Kenton C. Anderson
Kenton Anderson

Instrument # 147706

DRIGGS, TETON, IDAHO

2002-04-17

03:02:07 No. of Pages: 1

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy M. Allen

Index to: DEED WARRANTY

STATE OF Idaho)
) ss.
COUNTY OF Madison)

On this 10 day of April, 2002, before me a Notary Public, personally appeared Marilyn Anderson and Kenton Anderson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jesse Anderson
Notary Public
Residing at Reynolds
Commission Expires: 03-15-07



147706

SCANNED

JUN 11 2007

T9495
APR 17 2002

WARRANTY DEED

TETON CO., ID.
CLERK RECORDER

For Value Received **Marilyn Anderson and Kenton Anderson as Trustees in Trust for Joseph M. Anderson, a minor child, an undivided 2.05607% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

**Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.
Section 33: SE1/4**

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/10/02

Joseph M. Anderson Trust

Marilyn Anderson
Marilyn Anderson, Trustee

Kenton Anderson
Kenton Anderson, Trustee

Instrument # 147707

DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy M. Dean
Index to: DEED, WARRANTY

STATE OF Idaho)
COUNTY OF Madison) ss.

On this 10 day of April, in the year of 2002, before me a Notary Public, personally appeared Marilyn Anderson and Kenton Anderson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

Jesse Anderson
Notary Public of
Residing at Rexburg
Commission Expires: 03-15-07



SCANNED

JUN 9 1 2007

APR 17 2002

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

For Value Received **Marilyn Anderson and Kenton Anderson as Trustees in Trust for Kenton M. Anderson, a minor child, an undivided 2.05607% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/10/02

Kenton M. Anderson Trust

Marilyn Anderson
Marilyn Anderson, Trustee

Kenton Anderson
Kenton Anderson, Trustee

Instrument # 147708

DRIGGS, TETON, IDAHO

2002-04-17

03:02:07 No. of Pages: 1

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy M. Sewell

Index to: DEED, WARRANTY

STATE OF

Idaho

)

)ss.

)

COUNTY OF

Madison

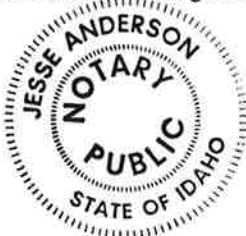
On this 10 day of April, in the year of 2002, before me a Notary Public, personally appeared Marilyn Anderson and Kenton Anderson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

Jesse Anderson
Notary Public for Idaho

Residing at

Rexburg

Commission Expires: 03-15-07



SCANNED

JUN 01 2007

RECEIVED

T9495

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDERFor Value Received **David N. Anderson, a single man, an undivided 2.05607% interest;**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried womanwhose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.**Section 33: SE1/4****ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.****ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4-11-02


David N. Anderson**Instrument # 147709**

DRIGGS, TETON, IDAHO

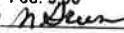
2002-04-17

03:02:07 No. of Pages: 1

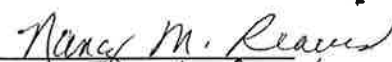
Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy 

Index to: DEED, WARRANTY

STATE OF North Carolina)
COUNTY OF Forsyth) ss.On this 11 day of April, 2002, before me a Notary Public, personally appeared; David N. Anderson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.
Notary Public of Forsyth County
Residing at 3320 Burke Mill Rd., Winston-Salem, NC
Commission Expires: Mar. 31, 2005

SCANNED

JUN 01 2007

147709

T9495 APR 17 2002
TETON CO., ID
CLERK RECORDER

WARRANTY DEED

For Value Received **Kristina Anderson, a single woman, an undivided 2.05607% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

**Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.
Section 33: SE1/4**

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

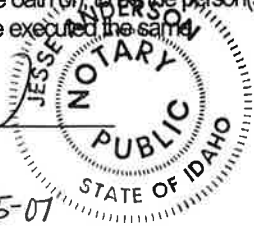
Dated: 4/10/02
Kristina Anderson
Kristina Anderson

Instrument # 147710
DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy M. Dean
Index to: DEED, WARRANTY

STATE OF Idaho)
COUNTY OF Madison) ss.

On this 10 day of April, 2002, before me a Notary Public, personally appeared Kristina Anderson, known or identified to me (or proved to me on the oath of) to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.

Jane Anderson
Notary Public of
Residing at Kenosha
Commission Expires: 03-15-07



SCANNED
JUN 01 2007

T9495

APR 17 2002

WARRANTY DEED

TETON COUNTY
CLERK RECORDERFor Value Received **JaNae Anderson, a single woman, an undivided 1.77574% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried womanwhose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.**Section 33: SE1/4****ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.****ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/10/02

JaNae Anderson
JaNae AndersonSTATE OF *Idaho*)
COUNTY OF *Madison*) ss.**Instrument # 147711**DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy *M. Allen*
Index to: DEED, WARRANTYOn this *10* day of April, 2002, before me a Notary Public, personally appeared, JaNae Anderson, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.*Jesse Anderson*
Notary Public of
Residing at *Rexburg*
Commission Expires: *03-15-07*SCANNED
JUN 01 2007

T9495 APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **Kenneth P. Price and Marla P. Price, husband and wife, an undivided ten percent interest, (10%)**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 10 - 2002

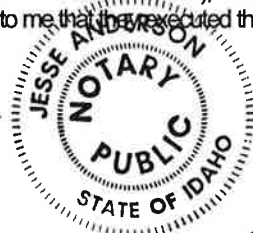
Kenneth P. Price
Kenneth P. Price

Marla P. Price
Marla P. Price

STATE OF Idaho)
) ss.
COUNTY OF Madison)

On this 10 day of April, 2002, before me a Notary Public, personally appeared Kenneth P. Price and Marla P. Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Jesse Anderson
Notary Public of Idaho
Residing at: Reynolds
Commission Expires: 03-15-07



Instrument # 147712

DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy N. G. Boyle
Index to: DEED, WARRANTY

RECEIVED

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **Benjamin Heath Price, a single man, an undivided 2.05607% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/10/02
Benjamin Heath Price
Benjamin Heath Price

STATE OF Idaho Idaho)
COUNTY OF Madison) ss.

Instrument # 147713
DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy M. Dean
Index to: DEED, WARRANTY

On this 10 day of April, 2002, before me a Notary Public, personally appeared Benjamin Heath Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Jane Anderson
Notary Public of Idaho
Residing at Rexburg
Commission Expires: 03-15-07



RECEIVED

T9495

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDERFor Value Received **Nephi James Price, a single man, an undivided 5.88785% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried womanwhose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.**Section 33: SE1/4****ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.****ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 04/10/02

Nephi James Price
Nephi James Price

STATE OF Idaho)

COUNTY OF Madison) ss.On this 10 day of April, 2002, before me a Notary Public, personally appeared Nephi James Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

Notary Public of

Residing at RexburgCommission Expires: 13-15-07**Instrument # 147714**

DRIGGS, TETON, IDAHO

2002-04-17

03:02:07 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy N. G. Boyle

Index to: DEED, WARRANTY

147715

RECEIVED

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **Kenneth P. Price and Marla P. Price as Trustees in Trust for April Ann Price, a minor child, an undivided 2.05607% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/10/02

April Ann Price Trust

Kenneth P. Price
Kenneth P. Price, Trustee

Marla P. Price
Marla P. Price, Trustee

Instrument # 147715

DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy [Signature]
Index to: DEED, WARRANTY

STATE OF IDAHO)

COUNTY OF Madison)
ss.

On this 10 day of April, in the year of 2002, before me a Notary Public, personally appeared Kenneth P. Price and Marla P. Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

[Signature]
Notary Public of Idaho
Residing at Reynoldsburg
Commission Expires: 03-15-07



147715

SCANNED

JUN 01 2007

RECEIVED

T9495

APR 17 2002

TETON CO., ID
CLERK RECORDER**WARRANTY DEED**

For Value Received **R. Vandes Price and Jill T. Price, husband and wife, an undivided ten percent interest (10%)**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:

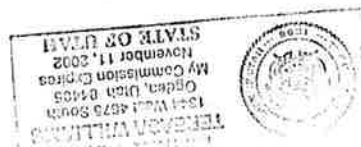
R. Vandes Price
R. Vandes Price

Jill T. Price
Jill T. Price

STATE OF Utah)
COUNTY OF Boise) ss.

On this 11 day of April, 2002, before me a Notary Public, personally appeared R. Vandes Price and Jill T. Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Theresa Wilkins
Notary Public of
Residing at Layton Ut
Commission Expires: 1-1-03

**Instrument # 147716**

DRIGGS, TETON, IDAHO

2002-04-17

03:02:07 No. of Pages: 1

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy M. Green

Index to: DEED, WARRANTY

SCANNED

JUN 01 2007

147716

RECEIVED

T9495 APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **R. Vandes Price and Jill T. Price as Trustees in Trust for Nicole Marie Price, a minor child, an undivided 10.00% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4-11-02

Nicole Marie Price Trust

R. Vandes Price
R. Vandes Price, Trustee

Jill T. Price
Jill T. Price, Trustee

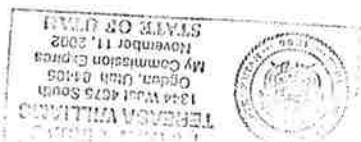
Instrument # 147717

DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy N. Boyle
Index to: DEED, WARRANTY

STATE OF Utah)
COUNTY OF Boise) ss.

On this 11 day of April, in the year of 2002, before me a Notary Public, personally appeared R. Vandes Price and Jill T. Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

Meresa Williams
Notary Public of
Residing at Layton Ut
Commission Expires: 11-1-02



SCANNED

JUN 01 2002

147717

T9495 APR 17 2002

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

For Value Received **Brett P. Bingham, a single man, an undivided 5.79440% interest;**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried womanwhose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.**Section 33: SE1/4****ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.****ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated:

Brett P. Bingham
Brett P. Bingham**Instrument # 147718**DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy N. Boyle
Index to: DEED, WARRANTYSTATE OF TEXAS)
COUNTY OF BOWIE) ss.On this 13 day of April, 2002, before me, personally appeared Brett P. Bingham, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.C. Anne Snider
Notary Public of
Residing at: P.O. Box 113 (205-MAIN) FLORES, TX 75561
Commission Expires: 5-4-002

147718

SCANNED

JUN 01 2007

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **Nathan Arthur Price, a single man, an undivided 3.73832% interest**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: APRIL 12th, 2002

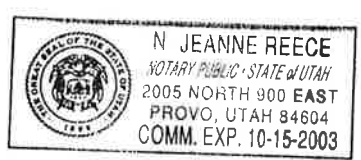
Nathan Price
Nathan Arthur Price

STATE OF Utah)
) ss.
COUNTY OF Utah)

Instrument # 147719
DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy N. Reece
Index to: DEED, WARRANTY

On this 12th day of April, 2002, before me a Notary Public, personally appeared Nathan Arthur Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.

N. Jeanne Reece
Notary Public of Utah
Residing at 2005 N. 900 E Provo, UT
Commission Expires: 10-15-03



SCANNED

JUN 01 2007

RECEIVED

APR 17 2002

WARRANTY DEED

TETON CO. ID
CLERK RECORDER

For Value Received **Linda Bingham and Paul D. Bingham, wife and husband, an undivided ten percent interest (10%)**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4-12-02

Linda Bingham

Linda Bingham

Paul D. Bingham

Paul D. Bingham

Instrument # 147720

DRIGGS, TETON, IDAHO

2002-04-17

03:02:07 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy *M. Dean*

Index to: DEED, WARRANTY

STATE OF *Idaho*)
COUNTY OF *Franklin*) ss.

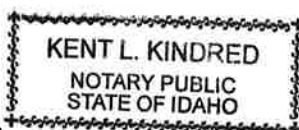
On this *12* day of *April*, 2002, before me a Notary Public, personally appeared Linda Bingham and Paul D. Bingham, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Kent L. Kindred

Notary Public of

Residing at

Commission Expires: *11-24-06*



147720

SCANNED

JUN 01 2007

RECEIVED

147721

T9495

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **Linda Bingham and Paul D. Bingham as Trustees in Trust for Heather Bingham, a minor child, an undivided 4.20560%**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4-12-02

Heather Bingham Trust

Linda Bingham, Trustee

Linda Bingham, Trustee

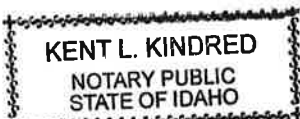
Paul D. Bingham, Trustee

Paul D. Bingham, Trustee

STATE OF *Idaho*)
COUNTY OF *Franklin*) ss.

On this *12* day of April, in the year of 2002, before me a Notary Public, personally appeared Linda Bingham and Paul D. Bingham, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

Notary Public of *Idaho*
Residing at *Preston ID*
Commission Expires: *11-24-06*



Instrument # 147721

DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy *M. Dunn*
Index to: DEED, WARRANTY

SCANNED

JUN 01 2007

147721

RECEIVED

147722

T9495

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received **Dale K. Price, Jr. and Anna Marie Price, husband and wife, an undivided ten per cent interest (10%)**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: **107 Shadow End, Victor, ID 83455**

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 17, 2002

Dale K. Price, Jr.
Dale K. Price, Jr.

Anna Marie Price
Anna Marie Price

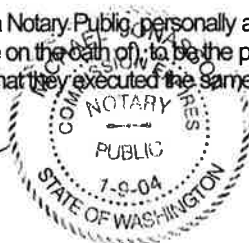
Instrument # 147722

DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for: FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy M. Burn
Index to: DEED, WARRANTY

STATE OF WA)
COUNTY OF King) ss.

On this 17TH day of April, 2002, before me a Notary Public, personally appeared Dale K. Price, Jr. and Anna Marie Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Key Bank
Notary Public of KENT
Residing at 1-9-04
Commission Expires: 1-9-04



SCANNED

JUN 01 2002

147722

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER
For Value Received Dale K. Price, Jr. and Anna Marie Price as Trustees in Trust for Camilla Kay Price, a minor child, an undivided 2.52336% interest

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Saundra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: 107 Shadow End, Victor, ID 83455

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.
Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 17, 2002

Camilla Kay Price Trust

Dale K. Price, Jr., Trustee
Anna Marie Price, Trustee
STATE OF WA)
COUNTY OF KID) ss.

Instrument # 147723
DRIGGS, TETON, IDAHO
2002-04-17 03:02:07 No. of Pages: 1
Recorded for : FIRST AMERICAN TITLE
NOLAN G. BOYLE Fee: 3.00
Ex-Officio Recorder Deputy M. Deen
Index to: DEED, WARRANTY

On this 17th day of April, in the year of 2002, before me a Notary Public, personally appeared Dale K. Price, Jr. and Anna Marie Price, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument as trustees and acknowledged to me that they executed the same as such trustees.

Notary Public of Key Bank
Residing at
Commission Expires: 1-9-04



RECEIVED

APR 17 2002

WARRANTY DEED

TETON CO., ID
CLERK RECORDER

For Value Received Douglas Phillips Price, a single man, an undivided 3.73832% interest

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

David Burch McWethy and Sandra Knowles Sewell, husband and wife and James Burch McWethy, an unmarried man and Laura Katzner McWethy, an unmarried woman

whose address is: 107 Shadow End, Victor, ID 83455

Hereinafter called the Grantee, the following described premises situated in Teton County, , to-wit:

Township 5 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 33: SE1/4

ALSO DEED NO. 97760 Beginning at the Northeast Corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho; thence N. 89° 56'W., for a distance of 12.33 feet to the true point of beginning; thence N. 89° 56'W., 709.28 feet; thence S. 18° 42'50" E. 84.15 feet; thence S. 89° 42'20" E., 678.82 feet; thence N. 2° 09'12" E., 82.22 feet to the true point of beginning.

ALSO DEED NO. 97759 Beginning at the Northeast corner of Section 4, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running N. 89° 56' W., 12.33 feet; thence South 82.22 feet; thence East 12.33 feet; thence North 82.22 feet to the point of beginning.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 4/15/02

Douglas Phillips Price
Douglas Phillips PriceState of Utah)
) ss
County of Utah)

Instrument # 147724

DRIGGS, TETON, IDAHO

2002-04-17

03:02:07 No. of Pages: 1

Recorded for : FIRST AMERICAN TITLE

NOLAN G. BOYLE

Fee: 3.00

Ex-Officio Recorder Deputy [Signature]

Index to: DEED, WARRANTY

On this 15th day of April in the year 2002, before me, a Notary Public, personally appeared Douglas Phillips Price known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that he executed the same.[Signature]
Notary Public of Utah
Residing at Key Bank
Commission Expires: May 5, 2009

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Department of Water Resources

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JAMES W. PRICE and MARLENE T.)
PRICE, husband and wife; and) Case No. 1948
DALE K. PRICE and VIRGINIA P.)
PRICE, husband and wife.)

Plantiffs,)

vs.)

RONALD D. CARLSON, Watermaster)
of Water District No. 01 of the) DECREE
State of Idaho, and ALL UNKNOWN)
CLAIMANTS OF 1.5 cfs OF THE)
WATERS OF A BRANCH OF WOOD CREEK,)
A TRIBUTARY OF THE TETON RIVER,)
TRIBUTARY OF THE SNAKE RIVER,)
DIVERTED IN THE NE1/4SE1/4 of)
SECTION 33, AND IN THE NW1/4)
SE1/4 AND SW1/4SW1/4 OF SECTION)
34, ALL IN TOWNSHIP 5, RANGE 45)
EAST BOISE MERIDIAN, IN TETON)
COUNTY, IDAHO,)
Defendants.)

A Report in the Nature of Proposed Findings of Water Rights
(hereinafter the report) was filed with this Court by the
Director of the Idaho Department of Water Resources on June 25,
1986. The report contains findings of fact, conclusions of law,
and recommendations to the court as to the rights of James W. and

DECREE, Page 1

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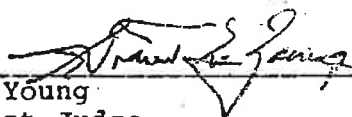
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Marlene T. Price and Dale K. and Virginia P. Price to the use of water from an unnamed stream tributary to the Teton River within Teton County. The report is hereby incorporated in this decree by this reference.

IDAHO CODE § 42-1405 (3)(f) and 42-1411(4)(f) (Supp. 1986) provide for a period of 60 days from the filing of the report in which objections to the report may be filed. The objection period ended August 25, 1986, and no objections to the report were filed.

The findings of fact and conclusions of law set forth in the report are hereby adopted, and the recommendations to the court set forth in the report are hereby decreed.

DATED this 4th day of September 1986.


Grant Young
District Judge

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June 25 86
E. Wayne Schenck
Donna Schenck

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TETON

JAMES W. PRICE and MARLENE T.
PRICE, husband and wife; and
DALE K. PRICE and VIRGINIA P.
PRICE, husband and wife.

Plaintiffs,

vs.

RONALD D. CARLSON, Watermaster
of Water District No. 01 of the
State of Idaho, and ALL UNKNOWN
CLAIMANTS OF 1.5 cfs OF THE
WATERS OF A BRANCH OF WOOD CREEK,
A TRIBUTARY OF THE TETON RIVER,
TRIBUTARY OF THE SNAKE RIVER,
DIVERTED IN THE NE1/4SE1/4 OF
SECTION 33, AND IN THE NW1/4
SE1/4 AND SW1/4SW1/4 OF SECTION
34, ALL IN TOWNSHIP 5, RANGE 45
EAST BOISE MERIDIAN, IN TETON
COUNTY, IDAHO,

Defendants.

Case No. 1948

REPORT IN THE NATURE
OF PROPOSED FINDING
OF WATER RIGHTS

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Department of Water Resources

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The above-entitled cause was initiated by the filing of a complaint, entitled COMPLAINT - QUIET TITLE TO WATER RIGHTS, but which provides that the action was filed pursuant to Idaho Code § 42-1405 (Supp. 1985), for the purpose of quieting title to rights to the use of water of a branch of Wood Creek, a tributary of the Teton River, which is tributary to the Snake River. The Idaho Department of Water Resources, acting for Ronald Carlson, defendant watermaster, prayed in its answer that plaintiffs not be decreed any water rights until such time as the Department had completed an examination of the claimed water right and submitted this report in the nature of proposed findings of water rights as provided in Idaho Code § 42-1405 (Supp. 1985).

Based on the files and records of the Department and of the above-entitled court, and on the field examination by the Department of the pertinent ditches, diversions, lands irrigated, and other uses of water, the Director recommends the following findings of fact, conclusions of law, and decree of water rights:

FINDINGS OF FACT

Definitions

1. The phrase "acre-foot" or the acronym "af" is the volume of water sufficient to cover one acre of land one foot deep with water; one af is equal to 43,560 cubic feet or about 325,851 gallons or 12 acre-inches.

2. The phrase "cubic foot per second" or the acronym "cfs" refers to a unit of measure of the rate of flow of water; one cfs

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is equal to fifty miner's inches in Idaho, or about 449 gallons per minute.

3. The phrase "consumptive use" means the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage, whether or not treatment for purposes of maintaining water quality is required before the water may be returned to the water system. For irrigation purposes, consumptive use is that amount of water used through evapotranspiration by the crop minus the effective precipitation.

4. The term "Department" refers to the Idaho Department of Water Resources; the term "Director" refers to the Director of the Idaho Department of Water Resources.

5. The phrase "irrigation use" means water use limited to application of water to the land surface or root zone of the soil for the purpose of producing crops on that land.

6. The term "permit" refers to a water right document authorizing the appropriation of water issued by the Department pursuant to Idaho Code § 42-204 (Supp. 1985).

7. The term "watermaster" refers to a person charged with distribution of water within a water district pursuant to title 42, chapter 6, Idaho Code.

Initiation of the Supplemental Adjudication

8. The plaintiff initiated this action by the filing of a complaint for quiet title in the District Court of the Seventh

Judicial District of the State of Idaho in and for the County of Teton on December 3, 1982, which complaint provided that the action was filed pursuant to Idaho Code § 42-1405 (Supp. 1985).

9. The plaintiff caused to be published in the Teton Valley News, a weekly newspaper published at Driggs, County of Teton, a notice of SUMMONS QUIET TITLE. The notice was published in said newspaper once a week for three consecutive weeks beginning with the December 16, 1982 issue.

10. Said notice contained the information required by Idaho Code § 42-1405(c) (Supp. 1985) with the following exceptions: the post-office address of the plaintiffs, the date of priority of the water right claimed, the nature of the water use, and the place of use. The notice incorrectly names Woods Creek as the source of water.

11. The Department filed its answer on January 20, 1983, praying that plaintiffs not be decreed any water rights until the Department had conducted an examination and submitted a report.

Objections

12. No objections were filed pursuant to Idaho Code § 42-1405(1)(d)(Supp. 1985) to the water right claimed by the plaintiffs.

Field Examination

13. The Department conducted a field examination July 12, 1982. The examination included an investigation of the diversion structures, the uses made of the water diverted, and the lands

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upon which it was used.

General Description of the Plaintiffs' Property and Its Environment

14. Plaintiffs are owners of property located in Teton County as described below:

a. SE1/4 Sec. 33, T. 5 N., R. 45 E., B. M.

b. SW1/4 Sec. 34, T. 5 N., R. 45 E., B. M.

15. As shown on U.S. Geological Survey maps, Bates and Driggs Quadrangles, an unnamed stream, tributary to the Teton River, flows through plaintiffs' property. One branch flows in a southwesterly direction through the NE1/2 SE1/4 Sec. 33, the other branch flows in a southwesterly direction through Sec. 34. Woods Creek and its tributaries are north of the drainage from which water is diverted.

16. Water rights in the Teton River drainage basin are located in the Department's administrative Basin 22 which is part of Water District No. 01, and are subject to regulation by the watermaster of Water District No. 01 of the State of Idaho.

17. The period of use when water is beneficially used for irrigation is when the chance of temperatures of 28°F. or lower is 50% or less. The period of use in the area where the plaintiffs' property is located is April 15 to October 15 of each year for a total of 184 days.

18. A maximum rate of flow of .02 cfs per acre of irrigated land is reasonably required for irrigation of land in the area where the plaintiffs' property is located. The consumptive use

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for irrigation where the plaintiffs' property is located is 1.86 af per acre per year.

Description of Points of Diversion and Places of Use

19. Exhibit A shows the points of diversion and places of use of the rights claimed in this action. Exhibit A is incorporated herein by this reference.

20. The presently used points of diversion are as follows:

NE1/4 SE1/4 Sec. 33,
NW1/4 SW1/4 Sec. 34,
SW1/4 SW1/4 Sec. 34,
All in T. 5 N., R. 45 E., B. M.

21. The places of use are as follows:

NW1/4 SE1/4 (28 acres)
NE1/4 SE1/4 (23 acres)
SW1/4 SE1/4 (2 acres)
SE1/4 SE1/4 (8 acres)
All in Sec. 33 (61 acres subtotal)

NW1/4 SW1/4 (14 acres)
SW1/4 SW1/4 (5 acres)
All in Sec. 34 (19 acres subtotal)

All in T. 5N., R. 4. B. M. (80 acres total)

22. The wooden diversion works and ditches have a capacity of 1.5 cfs. Measuring devices and lockable headgates or other control devices have not been installed at any of the points of diversion.

Plaintiffs' Rights to Use Water From The Teton River
Drainage Basin

23. An application for permit to appropriate water was received by the Commissioner of Reclamation on June 19, 1920 from the plaintiffs' predecessor in interest. A certificate of

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Completion of Works was issued July 15, 1921. Proof of beneficial use was due July 10, 1922, but was not filed. On October 20, 1975, the permit was cancelled by the Department, after notice to the permit holder and an opportunity for the permit holder to show cause why the permit should not be cancelled.

24. The original permit incorrectly named Woods Creek as the source of water. The point of diversion and place of use shown on the original permit are different from those claimed in this action. The point of diversion was the SW1/4 NW1/4 Sec. 34, the place of use was 80 acres in the N1/2 SE1/4 Sec. 33, all in T. 5 N., R. 45 E., B. M. There has been no expansion of use even though the point of diversion and places of use are different than those stated in the original permit. The Department has no record of any water rights with a point of diversion from the unnamed stream which would be affected by the change.

Prior Decrees Determining Rights to Use Water from the Teton River Drainage Basin

25. General adjudications:

Rexburg Irrigation Co. v. Teton Canal Co. (9th Dist., Fremont Co. 1910).

26. Adjudications supplemental to Rexburg:

- a. Woodville Canal Co. v. Clark & Edwards Canal Co. (E.D. Id. 1929);
- b. Garner v. Baldwin (9th Dist., Fremont Co. 1930);
- c. Saurey v. Crandall (9th Dist., Fremont Co. 1932);
- d. Teton Valley Power & Milling Co. v. Crandall (9th Dist., Fremont Co. 1936);

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- e. Cherry Grove Canal Co. v. Crandall (9th Dist. Fremont Co. 1937);
- f. Fox Creek Irrigation Co. v. Crandall (9th Dist., Fremont Co. 1937);
- g. Grand Teton Canal Co. v. Crandall (9th Dist., Fremont Co. 1937);
- h. String Canal Co. v. Crandall (9th Dist., Fremont Co. 1938);
- i. Garden Water Co. v. Crandall (9th Dist., Fremont Co. 1938);
- j. Griggs v. Crandall (9th Dist., Fremont Co. 1938);
- k. Hansen v. Crandall (9th Dist., Fremont Co. 1938);
- l. Johnson v. Crandall (9th Dist., Fremont Co. 1938);
- m. Leigh Creek Canal Co. v. Crandall (9th Dist., Fremont Co. 1938);
- n. Gillette v. Crandall (9th Dist., Fremont Co. 1938);
- o. Cache Canal Co. v. Crandall (9th Dist., Fremont Co. 1948);
- p. Rasmussen v. Crandall (9th Dist., Fremont Co. 1950);
- q. Rasmussen v. Crandall (9th Dist., Fremont Co. 1952);
- r. Buxton v. Crandall (9th Dist., Fremont Co. 1954);
- s. Gardner v. Crandall (9th Dist., Fremont Co. 1954);
- t. Smith v. Crandall (9th Dist., Fremont Co. 1955);
- u. Price v. Crandall (9th Dist., Fremont Co. 1955);
- v. Rammell v. Crandall (9th Dist., Fremont Co. 1956);
- w. Sorenson v. Crandall (9th Dist., Fremont Co. 1956);
- x. Christensen v. Eagle (12 Dist., Fremont Co. 1959);
- y. Pehrson v. Eagle (12th Dist., Fremont Co. 1959);
- z. Ricks v. Eagle (12th Dist., Fremont Co. 1964);

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- aa. Buxton v. Eagle (12th Dist., Fremont Co. 1966);
- bb. Aberdeen-Springfield Canal Co. v. Eagle (7th Dist., Fremont Co. Civil No. 6117, 1969);
- cc. Hoopes v. Larson (7th Dist., Fremont Co. Civil No. 6513, 1971);
- dd. Rammell v. Dunn (7th Dist., Teton Co. Civil No. 1912, 1986).

27. Other actions affecting water rights:

- a. Taylor v. Hulet (6th Dist., Fremont Co. 1912)(action between water users);
- b. Koon v. Empey (9th Dist., Bonneville Co. 1922)(re ownership of rights decreed in Rexburg);
- c. Madsen v. Mickle (9th Dist., Teton Co. 1933)(re ownership of rights decreed in Rexburg);
- d. McClellan v. Row (9th Dist., Madison Co. 1935)(re ownership of rights decreed in Rexburg);
- e. Roxana Canal Co. v. Daniels (Equity No. 2447, D Wyo. 1941)(stipulation between Idaho and Wyoming water users);
- f. Neeley v. Browning (9th Dist., Madison Co. 1954)(stipulation between water users);
- g. Kunz v. Kunz (12th Dist., Teton Co. Civil No. 1459, 1967)(action between water users);
- h. Jardine v. Eagle (7th Dist., Teton Co. Civil No. 1647, 1968)(groundwater right);
- i. Crow v. Carlson (7th Dist., Teton Co. Civil No. 1856, 1985)(re ownership of right decreed in Rexburg);

28. Matter herein expressed as a finding of fact which is later deemed to be a conclusion of law is hereby made a conclusion of law.

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CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Director makes the following conclusions of law:

Applicable Legal Principles

1. Idaho Code § 42-1405 (Supp. 1985) states in part as follows:

(1)

(b) The claimant shall in his complaint, set out his own right and he shall further set forth his acceptance as binding upon him of all prior applicable decrees and the findings of fact and conclusions of law upon which they are based....

(c) After return of service of summons, the claimant in said action shall cause to be published once a week for not less than three (3) weeks a notice of the pendency and purpose of said action in such newspaper or newspapers as the judge of said district court may order, which notice shall contain the title of the court and the cause, the name and post-office address of the plaintiff, the date of priority of the water right claimed, the source of the water supply, the amount of water claimed, in general the nature of the water use, the approximate location of the point of diversion, and the place of use; and

(d) Any person claiming a water right which may be injured thereby, and who objects to the water right claimed by the plaintiff, as described in the published notice, shall, within forty-five (45) days of the date of the first publication of notice, file with the district court written notice of such objection stating the reasons for the objection. . . .

. . . .

(f) Upon completion of the report by the department of water resources, it shall be filed with the court and a copy thereof shall be sent to all parties to the action. Objections to the report of the department and hearing upon such objections

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shall be in accordance with the provisions of section 42-1410, Idaho Code;

....
(2) The court by its decree in said action shall determine the rights of said plaintiff in accordance with the proof submitted but subject to the terms of the original decree or decrees.

2. An appropriative right is defined by a determination of the following:

- a. source of water supply
- b. date of priority
- c. rate of diversion
- d. nature of use
- e. point of diversion
- f. place of use
- g. period of use
- h. annual volume of consumptive use

Idaho Code § 42-1410 (Supp. 1985).

3. Beneficial use is the measure and limit of an appropriative water right.

4. Prior to May 19, 1971, two methods of initiating a new right to the use of surface water existed in Idaho. The first method was to follow the then existing statutory procedure. The second method was to divert unappropriated water and apply it to a beneficial use. The date of priority under the first method related back to the date of posting the required notice or the filing of an application with the state engineer. The date of

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priority under the latter method is the date of application of the water to a beneficial use. Sand Point Water & Light Co. v. Panhandle Development Co., 11 Idaho 405, 83P. 347 (1905); Nielson v. Parker, 19 Idaho 727, 115 P.488 (1911); Crane Falls Power & Irrigation Co. Ltd. v. Snake River Irrigation Co. Ltd., 24 Idaho 63, 133 P.655 (1913).

5. Prior to the 1969 amendments to Idaho Code § 42-108 (see 1969 Idaho Session Laws, Ch. 303, p. 905) requiring persons seeking to change the point of diversion or place of use of a water right to obtain the approval of the Department, the place of use or point of diversion of a water right could be changed without filing an application for change in use with the Department, provided that the change did not cause injury to the rights of other water users.

6. Idaho Code § 42-701 (1977) requires the plaintiffs to install and maintain measuring devices and lockable headgates or other control devices of a type acceptable to the Department, at the point where water is diverted, for use by the watermaster in the delivery of the water right.

Application of Legal Principles

7. The plaintiffs have not strictly complied with the provisions of Idaho Code § 42-1405(c) (Supp. 1985) concerning publication of notice of the present action, but the notice published was sufficient to apprise interested persons of the pendency and purpose of the present action.

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8. The doctrines of res judicata, collateral estoppel, and Idaho Code § 42-1405 (Supp. 1985) do not preclude a claimant from acquiring a right to the use of water after entry of a decree in a prior general adjudication.

9. It is concluded that the plaintiffs initiated a right to the use of waters from an unnamed stream with a priority of June 19, 1920.

10. The rate of diversion is 1.5 cfs, the maximum annual volume of consumptive use is 148.8 af.

11. The nature of use is irrigation, the period of use for irrigation is April 15 to October 15 each year.

12. The points of diversion are located in:

NE1/4 SE1/4 Sec. 33,
NW1/4 SW1/4 Sec. 34,
SW1/4 SW1/4 Sec. 34,
all in T. 5 N., R. 45 E., B. M.

13. The place of use is 61 acres in the SE 1/4 Sec. 33, and 19 acres in the W 1/2 Sec. 34, all in T. 5N., R.45E., B.M.

14. The plaintiffs have not complied with Idaho Code § 42-701 (1977).

15. This action is supplemental to the Rexburg Decree (see Finding of Fact No. 25) and the decree and the findings of fact and conclusions of law upon which it is based are binding upon the plaintiffs.

16. Matter herein expressed as a conclusion of law which is later deemed to be a finding of fact is hereby made a finding of fact.

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RECOMMENDATIONS TO THE COURT

Based upon the foregoing findings of fact and conclusions of law, the Director makes the following recommendations:

1. The plaintiffs' right to the use of water shall be as follows:

- 22-0685
- a. source: unnamed stream, tributary to Teton River
thence the Snake River
 - b. date of priority: June 19, 1920
 - c. nature of use: Irrigation
 - d. rate of diversion: 1.5 cfs
 - e. points of diversion: NE1/4 SE1/4 Sec. 33
NW1/4 SW1/4 Sec. 34
SW1/4 SW1/4 Sec. 34
All in T. 5 N., R. 45 E.,
B. M.
 - f. place of use:
 - Section 33: NW1/4 SE1/4 (28 acres)
NE1/4 SE1/4 (23 acres)
SW1/4 SE1/4 (2 acres)
SE1/4 SE1/4 (8 acres)
 - Section 34: NW1/4 SW1/4 (14 acres)
SW1/4 SW1/4 (5 acres)
 - All in T. 5 N., R. 45 E., B. M. (80 acres
total)
 - g. period of use: April 15 to October 15 of each year

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- h. maximum annual volume of consumptive use: 148.8 af
- i. basis of right: Beneficial use

2. The plaintiffs shall be required to install and maintain measuring devices and lockable headgates or other flow control devices of a type acceptable to the Department in accordance with Idaho Code § 42-701 (1977).

DATED this 11th day of June, 1986.

Respectfully submitted,


A. KENNETH DUNN
Director, Idaho Department of
Water Resources

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13247
Date Received: 6/13/2002
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID B MC WETHY Phone: (208) 787-4163
107 SHADOW END
VICTOR ID USA 83455

JAMES B MC WETHY Phone: (208) 787-4163
107 SHADOW END
VICTOR ID USA 83455

LAURA MC WETHY Phone: (208) 787-4163
107 SHADOW END
VICTOR ID USA 83455

SAUNDRA SEWELL Phone: (208) 787-4163
107 SHADOW END
VICTOR ID USA 83455

2. Date of Priority: 06/19/1920

3. Source: UNNAMED STREAM Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
05N	45E	33	NE	NE	SE	TETON	
05N	45E	34	SE	SE	NW	TETON	
05N	45E	34	SE	NW	SW	TETON	
05N	45E	34	NW	SW	SW	TETON	

5. Description of diverting works:

CANVAS DAMS DIVERT THE WATER INTO DITCHES

6. Water is used for the following purposes:

A2213247



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Purpose
IRRIGATION

From To C.F.S.
04/15 10/15 1.14

(or) A.F.A
122

7. Total Quantity Appropriated is:
1.14 C.F.S. and/or 122 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	33	NE	SE	IRRIGATION	23
			NW	SE	IRRIGATION	28
			SW	SE	IRRIGATION	2
			SE	SE	IRRIGATION	8
Section Acres						61
Total Acres						61

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 22-11747

15. Basis of Claim: Decreed