

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-13661 V1

WATER RIGHT NUMBER: 22-13661 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIE K ARNOLD 1045 N HWY 32 FELT, ID 83424 (208)456-2873
Current Owner	JANET ARNOLD 1045 N HWY 32 FELT, ID 83424 (208)456-2873

Priority Date: 05/13/1970

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	05/15 to 09/15	0.960 CFS	
	<u>Total Diversion:</u>	0.960 CFS	235.59 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NW1/4	Sec. 27, Twp 07N, Rge 44E, B.M.
TETON County		
GROUND WATER	SE1/4SW1/4NW1/4	Sec. 27, Twp 07N, Rge 44E, B.M.
TETON County		
GROUND WATER	SE1/4SW1/4NE1/4	Sec. 27, Twp 07N, Rge 44E, B.M.
TETON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
07N	44E	27	25.0	30.0	35.0	90.0	
Total Acres: 90							

Conditions of Approval:

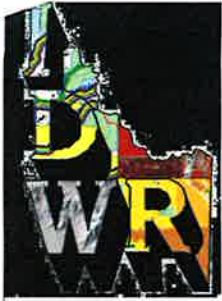
1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

2. This right is renumbered from former right 22-7033 .
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. This right is a split from former right 22-13601 .
5. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:

Comments:

Water Supply Bank:



Idaho Department of Water Resources

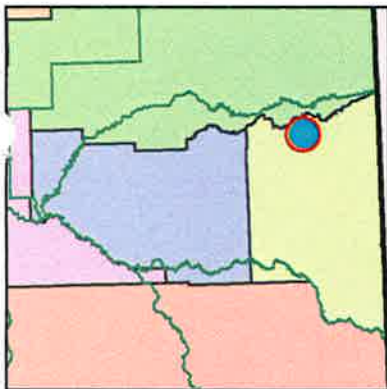
SRBA Recommendation:

22-13661

(Irrigation)

Legend

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



Teton County
IDWR Basin 22



0 0.3 0.6 Miles



Prepared by J. Crabtre
On Friday, December 15, 2006
1987/88 Aerial Photography

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (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
~~22-7033~~					
22-13601		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) 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) Larry E Burns, 701 N Main
Trexburg, Idaho 83440
4. New Owner/Claimant(s) Dennie K. Arnold and Janet Arnold
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1045 North Highway
- City, State and ZIP Code Felt, Idaho 83424
- New Telephone Number (208) 456-2873
5. Date you acquired the property June 24, 1997

RECEIVED

FEB 20 2002

146822TETON CO. ID
CLERK RECORDER**WARRANTY DEED**

WARRANTY DEED made this 24 day of June, 1997, between M. DON MCFARLAND AKA DON MCFARLAND AND CAROL LYNN MCFARLAND AKA CAROL MCFARLAND, whose mailing address is 350 Falls Avenue, Twin Falls, Idaho 83301, herein referred to as Grantor (whether one or more, male and/or female), and DENNIE K. ARNOLD AND JANET ARNOLD, whose mailing address is 1045 North highway 32, Felt, Idaho 83424, herein referred to as Grantee (whether one or more male and/or female), witnesseth:

That Grantor, for and in consideration of the sum of TEN Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold, and does, by these presents, grant, bargain, sell, convey, and confirm unto Grantee and to his heirs and assigns forever, all the following described real estate situate in the County of Teton, State of Idaho:

TRACT 1

TOWNSHIP 7 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO

Section 27: NW $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ N $\frac{1}{2}$ Section 28: S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$

LESS THE FOLLOWING: That portion of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$, described by metes and bounds as follows: Commencing at the Northwest corner of said Section 28, thence South 03 degrees 24'36" East, 2691.40 feet along the West Boundary line to the West quarter corner of said Section 28; thence North 89 degrees 19'39" East, 1303.13 feet along the East-West Center quarter line to the Center-West sixteenth corner of said Section 28; thence South 03 degrees 00'45" East, 1342.78 feet along the West sixteenth corner of said Section 28; thence North 89 degrees 12'48" East, 1757.42 feet along the South sixteenth line of said Section 28, thence North 29 degrees 14'37" West, 308.39 feet to a point monumented with a bronze marker inscribed 28G744; thence North 37 degrees 48'40" West, 944.29 feet to a point monumented with a bronze marker inscribed 28H744; thence north 36 degrees 25'30" East, 718.75 feet to a point monumented with a bronze marker inscribed 28J744; thence North 38 degrees 42'01" West, 1726.67 feet to a point monumented with a bronze marker inscribed 28K744; thence North 82 degrees 17'17" West, 1430.97 feet to a point monumented with a bronze marker inscribed 28L744; thence North 46 degrees 33'58" West, 576.92 feet to a point monumented with a bronze marker inscribed 28M744; thence North 45 degrees 42'58" East 665.38 feet to a point on the North boundary line of Section 28; thence South 89 degrees 32'42" West, 545.34 feet along the north boundary line to the Northwest corner of said Section 28 to the POINT OF BEGINNING.

ALSO LESS; Commencing at the Northwest corner of Section 28, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho, thence North 89 degrees 32'42" East, 545.34 feet to the point of beginning; thence North 89 degrees 32'42" East 218.81 feet, along the North quarter line; thence South 03 degrees 32'36" East, 909.71 feet; thence North 82 degrees 17'17" West, 335.46 feet to a bronze marker inscribed 28L744; thence North 46 degrees 33'58" West, 576.92 feet to a point monumented with a bronze marker inscribed 28M744; thence North 45 degrees 42'58" East, 665.38 feet to a point on the North boundary line of Section 28, the POINT OF BEGINNING.

WARRANTY DEED

146822

Page - 1

TRACT 2

Beginning at a point that is North 417.40 feet along the Section line from the East Quarter corner (Southeast corner of the Southeast Quarter of the Northeast Quarter) of Section 6 Township 6 North, Range 45, Boise Meridian, Teton County, Idaho; and running thence North 200 feet; thence West 190 feet; thence South 200 feet; thence East 190 feet to the POINT OF BEGINNING. Together with a roadway easement described as follows: Beginning at a point that is North 356.2 feet along the section line from the East Quarter Corner (Southeast corner of the Southeast Quarter of the Northeast Quarter) of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho and running thence West 349.40 feet; thence North 61.20 feet; thence East 349.40 feet; thence South 61.20 feet to the POINT OF BEGINNING. Less: State Highway 32.

TRACT 3

Beginning at a point that is North 121.20 feet along the Section line from the East Quarter corner (Southeast corner of the Southeast Quarter of the Northeast Quarter) of Section 6 Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho; and running thence West 19.85 feet to the West right-of-way monument brass cap for Highway 32 stamped Station 188+00; and running thence West 329.55 feet; thence North 296.20 feet; thence East 349.4 feet to the Section line; and thence South 296.2 feet along the Section line to the POINT OF BEGINNING. Less: State Highway 32.

TRACT 4

From the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, South 86 degrees 57'45" West 32.26 feet to the West side of State Highway 32 Right-of-Way. Thence South 0 degrees 13'31" East 706.09 feet to a point; thence West 160.56 feet to a point; thence South 200.00 feet to a point; thence West 227.40 feet to a point; thence South 279.61 feet to a point; thence West 526.76 feet to a point; thence North 0 degrees 20'45" West 1136.97 feet to a point approximately the center of the county road; thence North 86 degrees 57'45" East 920.10 feet along the county road to the POINT OF BEGINNING.

~~EXCEPTING THEREFROM~~ From the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 6 Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, south 86 degrees 57'45" West 32.26 feet to the West side of State Highway 32 Right-of-Way. Thence South 0 degrees 13'31" East 706.09 feet to a point; thence West 160.56 feet to the TRUE POINT OF BEGINNING; thence South 200.00 feet to a point; thence West 227.4 feet to a point; thence diagonally Northwest 1047.5 feet more or less to a point which is South 86 degrees 57'45" West 952.36 feet from the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$, of said Section 6, Township and Range aforesaid, and which point is approximately the center of the county road; and thence North 86 degrees 57'45" East along the county road 759.54 feet more or less, to a point which is North 0 degrees 13'31" West 706.09 feet, more or less from the TRUE POINT OF BEGINNING; and thence South 0 degrees 13'31" East 706.09 feet, more or less, to the TRUE POINT OF BEGINNING.

TAX #
3582

ALSO EXCEPTING THEREFROM From the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho. South 86 degrees 57'45" West 32.26 feet to the West side of State Highway 32 Right-of-Way said point being the POINT OF BEGINNING. Thence South 0 degrees 13'31" East 706.09 feet to a point; thence West 160.56 feet to a point; thence North 0 degrees 13'31" West 706.09 feet to a point; thence North 86 degrees 57'45" East along the county road 160.56 feet more or less to the POINT OF BEGINNING.

TRACT 5

From the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, South 86 degrees 57'45" West 952.36 feet to the POINT OF BEGINNING; thence South 86 degrees 57'45" West 829.14 feet to a point; thence South 0 degrees 20'45" East 1093.03 feet to a point; thence East 828.24 feet to a point; thence North 0 degrees 20'45" West 1136.97 feet to the POINT OF BEGINNING.

TRACT 6

From the Northeast Corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho. South 86 degrees 57'45" West 32.26 feet to the West side of State Highway 32 Right-of-Way; thence South 0 degrees 13'31" East 706.09 feet to a point; thence West 160.56 feet to the POINT OF BEGINNING; thence South 200.00 feet to a point; thence West 227.4 feet to a point; thence diagonally Northwest 1047.5 feet more or less to a point which is South 86 degrees 57'45" West 952.36 feet from the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$, of said Section 6, Township and Range aforesaid, and which point is approximately the center of the county road; and thence North 86 degrees 57'45" East along the county road 759.54 feet, more or less, to a point which is North 0 degrees 13'31" West 706.09 feet, more or less from the TRUE POINT OF BEGINNING; and thence South 0 degrees 13'31" East 706.09 feet, more or less, to the TRUE POINT OF BEGINNING.

SUBJECT TO County road right of way along North property line.

RESERVING to Grantor a 50 foot wide easement for ingress and egress to Grantor's real property lying west of the property herein described, which easement's Southern boundary line is more particularly described as follows, to wit:

Beginning at the TRUE POINT OF BEGINNING, as more particularly described above, and thence West to the western boundary of the property herein described.

TOGETHER with a 50 foot wide easement for ingress and egress to Grantor's real property herein described which is the subject of this Contract of Sale, which easement's southern boundary line is more particularly described as follows, to-wit:

Beginning at the TRUE POINT OF BEGINNING, as more particularly described above, and thence East 160.56 feet, to the West side of State Highway 32 Right-of-Way.

TRACT 7

Beginning 318 feet South of the East Quarter Corner of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho, and running thence South 80 feet, more or less to the North Boundary line of the original townsite plat of the City of Felt; thence West 272 feet; thence North 80 feet, more or less to a point directly West of the point of beginning; thence East 272 feet to the POINT OF BEGINNING.

TOGETHER with an easement to use, repair, and replace the existing waterline situated on and across the grantor's retained property located immediately to the north of the above described property, specifically described as follows:

Beginning at the East Quarter Corner of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho and running thence South 318 Feet; thence West 417.4 feet; thence North 318 feet; thence East 417.4 feet to the POINT OF BEGINNING.

TRACT 8

Lots 1, 28, 29, and 30 of Block 4 of the Felt City Townsite, as per the recorded plat thereof.

TRACT 8A

Lots 1 and 6 and the North 25 feet of Lots 2, 3, 4 and 5 all in Block 3 of the Felt Townsite, County of Teton, State of Idaho.

TOGETHER with all water, water rights, water licences, ditches and ditch rights thereunto belonging or in anywise appertaining, specifically including, but not limited to the following:

Water License No. 22-07033 for 6.000 cfs diversion rate, 1463.80 A.F.A. for with a point of Diversion in Section 27, T7N, R44 E.B.M. to be applied on 564 acres

SUBJECT TO:

1. Taxes and assessments for the year 1996 and all subsequent years.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof.
4. All reservations, restrictions, easements, road and road rights of way, ditch and ditch rights of way, zoning restrictions, governmental regulations and protective covenants of record.

5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
6. A Mortgage dated June 12, 1992 to secure an indebtedness in the principal sum of \$6,351,458.50, and any other amounts and/or obligations secured thereby.
Recorded: July 15, 1992, Instrument No. 110558
Mortgagor: Don McFarland and Carol McFarland
Mortgagee: Key Bank of Idaho
MODIFICATION AND EXTENSION, recorded July 13, 1993, Recorder's No. 113226, Records of Teton County, Idaho.
MODIFICATION AGREEMENT, recorded May 4, 1995, Recorder's No. 119948, Records of Teton county, Idaho.
EXTENSION AND AMENDMENT TO COMMERCIAL/AGRICULTURAL PROMISSORY NOTE, recorded September 19, 1996, Recorder's No. 125106, Records of Teton County, Idaho.

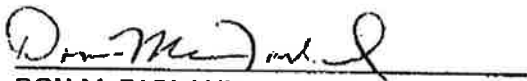
TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, specifically including the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity.

TO HAVE AND TO HOLD, all and singular the above-described premises together with the appurtenances unto grantee and to his heirs and assigns forever.

And Grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of Grantee, his heirs, and assigns against Grantor and his heirs and against all and every person and persons whomsoever lawfully claiming the same.

This deed is intended and does convey all the right, title and interest of the grantors in and to the above described property which they may have obtained after the execution of this deed by virtue of a certain contract of sale executed on the same date as this deed was executed, wherein, the grantees herein are sellers and the grantors herein are buyers of the above described property.

IN WITNESS WHEREOF, Grantor has hereunto set his hand on the day and year first above written.


DON McFARLAND


CAROL McFARLAND

146822

STATE OF IDAHO

1 SS.

}

On this 24 day of June, 1997, before me, the undersigned, Antonia M. Carberry, a Notary Public in and for the State of Idaho, personally appeared **Don McFarland and Carol McFarland**, known to me to be the persons whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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



NOTARY PUBLIC FOR IDAHO

Residing at: Blackroot

My Commission Exp.: 05/20/2020

146822



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: June 6, 1997

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____

If you have additional legal descriptions, please attach separate sheet. See description on attached Deeds

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A22-07033

☐ Name and Address of Former Owner/Claimant(s)(Seller): M. Don McFarland
350 Falls Avenue
Twin Falls, ID 83301

☐ New Owner/Claimant (Purchaser): Dennie K. Arnold

☐ New Mailing Address: 1045 North Highway 32
Felt, ID 83424

☐ New Telephone Number: (208) 456 - 2873

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: 2 Warranty Deeds, (1) Burns to McFarland, (2) McFarland to Arnold
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Arnold: Dennie K. Arnold Date 6-24-97

☐ Signature of Former Owner/Claimant(s): McFarland: M. Don McFarland Date 6-24-97
Carol Lynn McFarland Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

ADDENDUM TO FARM LEASE

This is an Addendum to the Farm Lease dated the 12th day of February, 1996, by and between LARRY BURNS and SUE BURNS, husband and wife, d/b/a BADGER CREEK FARMS, hereinafter referred to as "Landlord" and DON MCFARLAND, hereinafter referred to as "Tenant."

It is agreed by and between the parties that all water rights used to water the crops of the Tenant shall remain the property of the Tenant and/or at the end of the Lease shall revert to the Tenant.

In all other respects, the Farm Lease is hereby ratified and affirmed.

DATED this 18 day of March, 1996.

TENANT

Don McFarland
Don McFarland

LANDLORD

Larry Burns
Larry Burns

Sue Burns
Sue Burns

ADDENDUM TO FARM LEASE\1
P:\PTL\LMC-17\BURNS.ADD

CLEAR CREEK L&M

McFARLAND

06/1997 09:36

2087340745

03/01/91 11:03

2 2088255754

WARRANTY DEED

FOR VALUE RECEIVED, Lola J. Burns, sole Trustee of the Burns Family Trust, hereinafter called "Grantor," hereby grants, bargain, sells and conveys unto Don McFarland and E. Gary Steed, d/b/a McFarland-Steed Partnership, whose mailing address is Box 268, Eden, Idaho 83325, hereinafter called "Grantee," the following described premises, in Teton County, Idaho, to wit:

See Exhibit "A" attached hereto and made a part hereof by reference thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances and all water rights 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 they are free from encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

105910
FILED

DATED this 12 day of April, 1990.

THE REQUEST OF

First American

BURNS FAMILY TRUST

45 MINUTES PAST 11 a M

May 3, 1990

Wayne Schiess
CLERK OF RECORDER

Nora Hill

FILED
INDEXED
PLATED

By Lola J. Burns
Lola J. Burns sole Trustee

STATE OF CALIFORNIA
STATE OF IDAHO

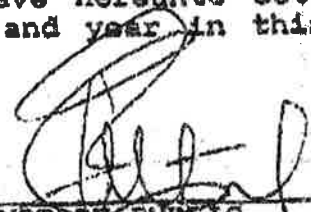
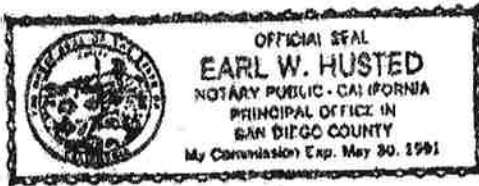
County of SAN DIEGO

ss.

On this 12TH day of APRIL, 1990, before me, the undersigned, a Notary Public in and for said State,

personally appeared Lola J. Burns, known to me to be the sole Trustee of the Burns Family Trust, the Trust whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of the Trust.

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


NOTARY PUBLICResidence: SAN DIEGO COUNTYMy Commission Expires: 5-30-91

(WarrDeed.LJB.JWS/d1)

WARRANTY DEED\2

03/01/91 11:04

X 2089255754

LUN McFARLAND

P.03

LEGAL C BURNS PROPERTY ORDER NO. 3394

TOWNSHIP 7 NORTH, RANGE 44 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO
Section 27: NW1/4SW1/4; S1/2N1/2
Section 28: S1/2NE1/4; NW1/4; NE1/4SW1/4; N1/2SE1/4

ALSO: Beginning at a point that is North 417.40 feet along the Section line from the East Quarter corner (Southeast corner of the Southeast Quarter of the Northeast Quarter) of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho; and running thence North 200 feet; thence West 190 feet; thence South 200 feet; thence East 190 feet to the Point of Beginning. Together with a roadway easement described as follows: Beginning at a point that is North 356.2 feet along the section line from the East Quarter corner (Southeast corner of the Southeast Quarter of the Northeast Quarter) of Section 6, Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho and running thence West 349.40 feet; thence North 61.20 feet; thence East 349.40 feet; thence South 61.20 feet to the Point of Beginning.

LESS THE FOLLOWING: That portion of the NW1/4 and the NE1/4SW1/4 and the S1/2NE1/4 and the N1/2SE1/4, described by metes and bounds as follows: Commencing at the Northwest corner of said Section 28, thence South 03 degrees 24'36" East, 2691.40 feet along the West Boundary line to the West quarter corner of said Section 28; thence North 89 degrees 19'39" East, 1303.13 feet along the East-West center quarter line to the Center-West sixteenth corner of said Section 28; thence South 03 degrees 00'45" East, 1342.78 feet along the West sixteenth line to the Southwest sixteenth corner of said Section 28; thence North 89 degrees 12'58" East, 1757.42 feet along the South sixteenth line of said Section 28; thence North 29 degrees 49'37" West, 308.39 feet to a point monumented with a bronze marker inscribed 28G744; thence North 37 degrees 48'40" West, 944.29 feet to a point monumented with a bronze marker inscribed 28H744; thence North 36 degrees 25'30" East, 718.75 feet to a point monumented with a bronze marker inscribed 28J744; thence North 38 degrees 42'01" West, 1726.67 feet to a point monumented with a bronze marker inscribed 28K744; thence North 82 degrees 17'17" West, 1430.97 feet to a point monumented with a bronze marker inscribed 28L744; thence North 46 degrees 33'58" West, 576.92 feet to a point monumented with a bronze marker inscribed 28M744; thence North 45 degrees 42'58" East 665.38 feet to a point on the North boundary line of Section 28; thence South 89 degrees 32'42" West, 545.34 feet along the North boundary line to the Northwest corner of said Section 28 to the Point of Beginning.

ALSO LESS: Commencing at the Northwest corner of Section 28, Township 7 North, Range 44 East, Boise Meridian, Teton County, Idaho, thence North 89 degrees 32'42" East, 545.34 feet to the point of beginning; thence North 89 degrees 32'42" East 218.81 feet, along the North quarter line; thence South 03 degrees 32'36" East, 909.71 feet; thence North 82 degrees 17'17" West, 335.46 feet to a bronze marker inscribed 28L744; thence North 46 degrees 33'58" West, 576.92 feet to a point monumented with a bronze marker inscribed 28M744; thence North 45 degrees 42'58" East, 665.38 feet to a point on the North boundary line of Section 28, the Point of Beginning.

TOGETHER WITH all water and water rights, appurtenant, belonging, or appertaining thereto, including those particular water rights evidenced by State of Idaho Water License Number 22-7033, with a priority date of May 13, 1970.

ALSO TOGETHER WITH components of an irrigation system presently located on the above-described premises, including 200 HP U.S. motor and Johnston turbin pump; 3 Valley Electric self-propelled circular systems; Two - 1297 foot and one - 1243 foot in length serial numbers 13412, 13413, and 13414. Together with all columns, panels and components to the irrigation pump, motors and circles; and one mile of eight inch to ten inch buried steel mainline.

SUBJECT TO existing county road rights-of-way and all other easements, rights-of-way, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions, of record, and payment of accruing present year taxes and assessments.

39761