

07/06/2005

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

RIGHT NUMBER: 25-2115A

NAME AND ADDRESS: HAMILTON LAND & LIVESTOCK LTD
C/O CLARK HAMILTON
17122 E OLD RIRIE HWY
RIRIE ID 83443

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.860 CFS 900 AFS

PRIORITY DATE: 12/10/1954

POINT OF DIVERSION:

T03N R41E S6 NWNE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

3.860 CFS
264.00 AFY
900 AFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R41E S05 Lot 2 NWSW	14.0	T03N R41E S06	SWNE	36.0	
T03N R41E S06	SENE	24.0	T03N R41E S06	SENE	18.0
T03N R41E S06	NESW	37.0	T03N R41E S06 Lot 6 NWSW	16.0	
T03N R41E S06	NESE	40.0	T03N R41E S06	NWSE	40.0

225 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: License

07/22/2004

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

RIGHT NUMBER: 25-2115A

NAME AND ADDRESS: HAMILTON LAND & LIVESTOCK LTD
C/O CLARK HAMILTON
17122 E OLD RIRIE HWY
RIRIE ID 83443

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.860 CFS

PRIORITY DATE: 12/10/1954

POINT OF DIVERSION:

T03N R41E S6 NWESW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 11/01

QUANTITY
3.860 CFS
904.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R41E S05	1e	SWNW	1.0	T03N R41E S05 Lot 2	NWSW	14.0
T03N R41E S06		SWNE	36.0	T03N R41E S06	SENE	24.0
T03N R41E S06		SENW	18.0	T03N R41E S06	NESW	37.0
T03N R41E S06	6c	NWSW	16.0	T03N R41E S06	NESE	40.0
T03N R41E S06		NWSE	40.0			

226 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: License

Water Right 25-2115A

SCANNED 1
AUG 25 2004



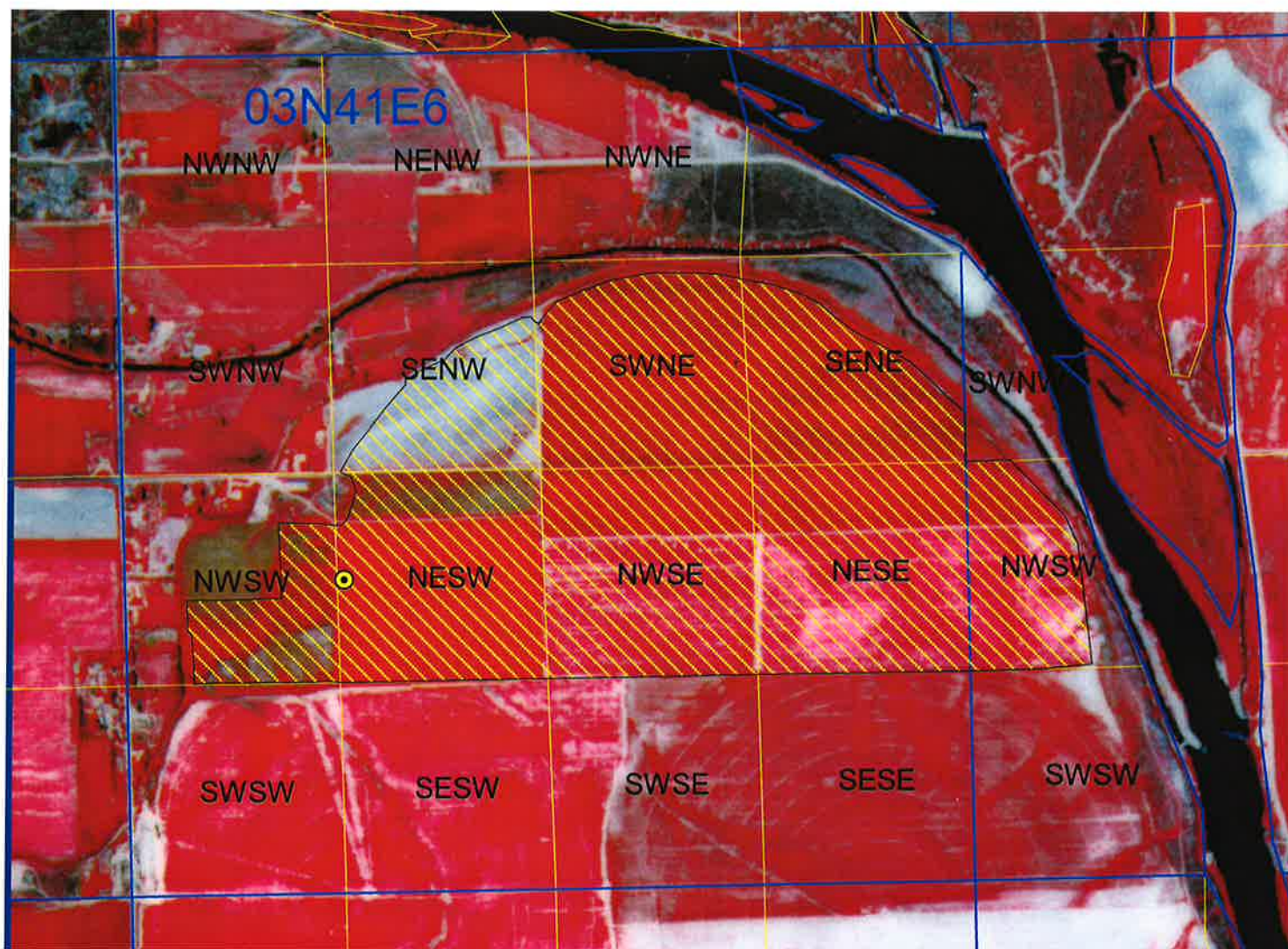
State of Idaho

Department of Water Resources

Eastern Region



Water Right(s): 25-2115A



1320 0 1320 2640 3960 Feet



- Point of Diversion
- Place of Use
- Sections
- QQ

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: May 2005

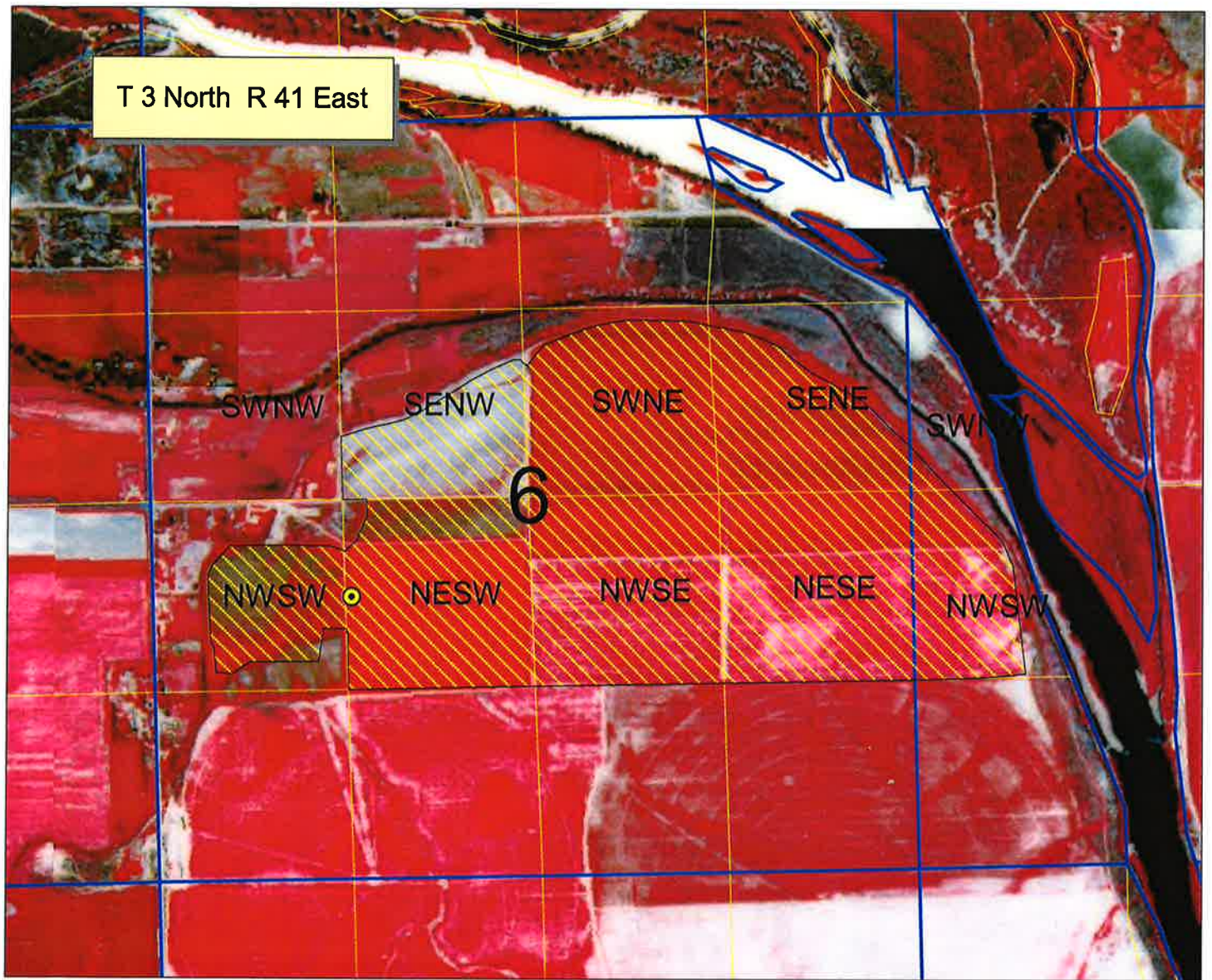


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-2115A



T 3 North R 41 East

6

1320 0 1320 2640 3960 Feet

- Point of Diversion
- ▨ Place of Use
- ▬ Sections
- ▬ QQ

PROFILED



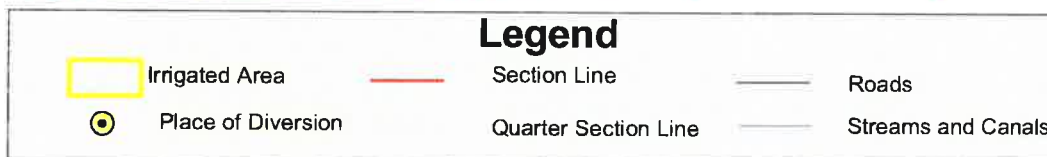
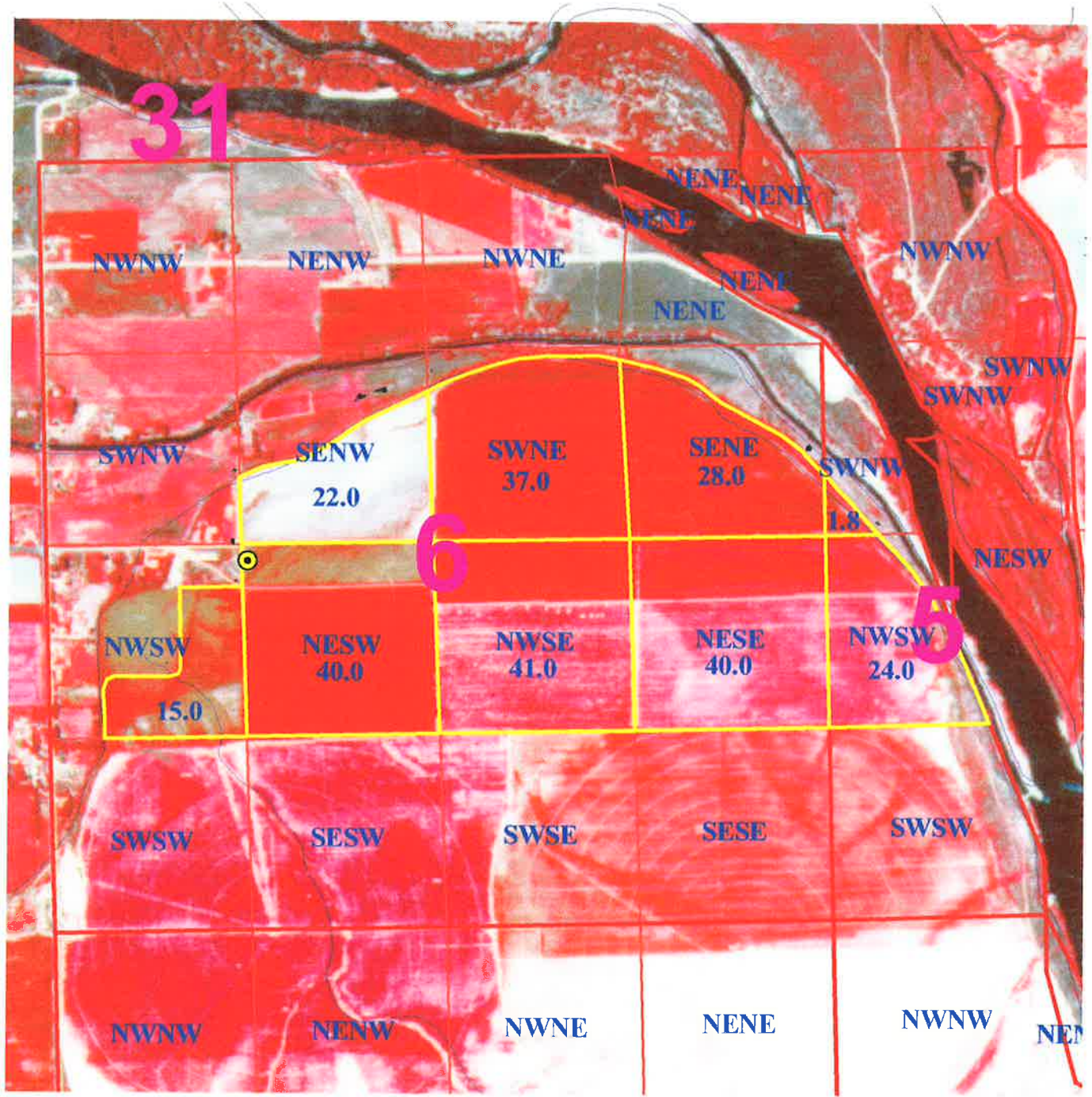
GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: July 2004

11/29/2000

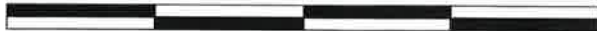


Water Right Claim Number 25-02115A
Townships , 5N38E, 3N41E

11/29/2000



800 0 800 1600 2400 Feet



SPATIAL
DYNAMICS



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

RIGHT NUMBER: 25-2115A

NAME AND ADDRESS:

HAMILTON LAND & LIVESTOCK LTD
C/O CLARK HAMILTON
17122 E OLD RIRIE HWY
RIRIE ID 83443

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 3.860 CFS
900.000 AFY

~~0.000 AFY~~

PRIORITY DATE: 12/10/1954

POINT OF DIVERSION:

T03N R41E S6 NWNESW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 11/01	<u>3.860 CFS 900.00 AFY</u>
		3.860 CFS 904.00 AFY

PLACE OF USE: IRRIGATION within BONNEVILLE County

~~T03N R41E S05 Lot 10 S06 1.0~~

T03N R41E S05 Lot 2 NWSW 14.0
T03N R41E S06 SWNE 36.0
T03N R41E S06 SENE 24.0
T03N R41E S06 SENW 18.0
T03N R41E S06 NESW 37.0
T03N R41E S06 Lot 6 NWSW 16.0
T03N R41E S06 NESE 40.0
T03N R41E S06 NWSE 40.0
225 ACRES TOTAL

~~226 ACRES TOTAL~~

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 5, 2001

SHARON LEE HAMILTON
CLITUS HAMILTON
HAMILTON LAND & LIVESTOCK
4850 W 13400 S
RIVERTON UT 84065

RE: OWNERSHIP CHANGE FOR WATER RIGHTS 25-2108, 25-2115A,
25-2162, 25-7067, 25-7102A, & 25-7180

Dear Mr. & Mrs. Hamilton:

I am returning the above referenced requests received in our office on January 3, 2001. The ownership was already changed to Hamilton Land and Livestock in 1999 and 2000.

I have enclosed copies for your records. Please note some of the right numbers have changed. 25-2108 was renumbered to 25-2108B and 25-2108C as a result of an administrative transfer. 25-2162 was split by a change of ownership into 25-2162A and 25-2162B. The property retained by the Hamilton's is the B portion.

I hope this updates you on the status of these rights.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

Log for claim 25-02115A

Spatial Dynamics CAT

11/29/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n41e	5	SWNW	1	1.8	
03n41e	5	NWSW	16	24	
03n41e	6	SWNE	36	37	
03n41e	6	SENE	24	28	
03n41e	6	SENW	18	22	
03n41e	6	NESW	37	40	POD placement?
03n41e	6	NWSW	16	15	
03n41e	6	NESE	40	40	
03n41e	6	NWSE	40	41	
Totals:			228	248.8	



A 2502115 A.

Clark Hamilton
in photo

150 H.P. G E pump. SN# SK6315XC8A
10" pump to 12" mainline.

Tag# A.O 009510

G.P.S. 068 7222
028 2275

NE 1/4 OF SW 1/4 SEC. 6

photo # 12 TAKEN IN NORTH EAST DIRECTION

AJ5809NP
No. A25-02115A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 66

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAMILTON LAND & LIVESTOCK LTD 4850 W 13400 S RIVERTON UT 84065	12/10/1954	IRRIGATION	04-01 11-01	3.860 CFS	
TOTAL DIVERSION:					3.860 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T03N R41E S06 NWNESW BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
03N	41E	5	:					01				02-14						15.0
03N	41E	6	:			36	24			18		37	16			40	40	211.0
TOTAL ACRES																	226.0	

POU County: BONNEVILLE

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00156 A01-00202 A25-02115 A25-02115B A25-04169

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/2-10-00

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/17/98 DCARLSON 02/10/00 JCRABTRE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 10, 2000

HAMILTON LAND & LIVESTOCK LTD
4850 W 13400 S
RIVERTON UT 84065

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A25-04022,
A25-02108B, A25-02163B, A25-02115A

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

STATE OF IDAHO

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES

JUL 23 1999

Department of Water Resources
Eastern Region

Clark Hamilton NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

538-7725(H)

538-7755(S)

390-2675(M)

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) A25-04022/A25-021088/A25-021638/A25-02115A

Adjudication Claim Number(s) _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Clyde A. & LaRae Cook & Ronald Lovell
P. O. Box 566
Ririe, Id 834434. New Owner/Claimant(s) Hamilton Land & Livestock Ltd.Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/ORNew Mailing Address 4850 West 13400 SouthCity, State and ZIP Code Riverton, Utah 84065New Telephone Number () - -

5. Date you acquired the property _____

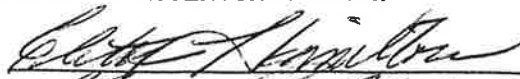
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s)

Date 7-15-99Date 7-15-99

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 24, 2000

HAMILTON LAND & LIVESTOCK LTD
4850 WEST 13400 SOUTH
RIVERTON UT 84065

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR A25-02108B, A25-02115A, A25-02163B, A25-04022 HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

☐ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER LEGAL DOCUMENT indicating your ownership of the property and water rights in question,

☐ LEGAL DESCRIPTION OF PROPERTY

☐ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

☒ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.*

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO THIS OFFICE AND WE WILL PROCESS YOUR CHANGE OF OWNERSHIP AS SOON AS POSSIBLE.

*** The map included with the ownership change packet does not reflect the property sold to Hamilton Land and Livestock. Please submit a map for the appurtenant property and our office will process this change as soon as possible. If you have any questions regarding this matter, please contact Senior Water Agent Allen Ruberry at (208) 525-7161.**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1998

CLYDE & LARAE COOK
PO BOX 566
RIRIE ID 83443

RE: CHANGE IN OWNERSHIP FOR A25-02115

Dear Mr. & Mrs. Cook:

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:

A25-02115A, 3.86 cfs on 226 acres, COOK
A25-02115B, 0.14 cfs on 8 acres, BYINGTON

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.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure

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

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

1. Water Right Number(s) _____
Adjudication Claim Number(s) A25-02115
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Clyde Foster Co. 4.00 0.14
234
4. New Owner/Claimant(s) Clyde & La Rae Cook
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address PO Box 506
City, State and ZIP Code Ririe, Idaho 83443
New Telephone Number (208) 338-7215
5. Date you acquired the property 19 June 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 226^{ac} Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Clyde Cook Date _____
Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

139223

WARRANTY DEED

ALLAN M. COOK, a married man, dealing with his sole and separate property, as GRANTOR.

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **FOSTER COMPANY, a partnership, as GRANTEE.**

whose address is PO Box 308, Rigby ID 83442, and Grantee's successors and assigns, all of the following described real property, to-wit:

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 5: Government Lot 2;
Section 6: NE1/4 SW1/4;
N1/2 SE1/4;
S1/2 NE1/4;

AND ALSO: Beginning at the West Quarter corner of said Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; running thence East 525 feet to the TRUE POINT OF BEGINNING; thence South 270 feet, more or less, to the East bank of the Riley Canal; thence South along said East bank of the aforementioned Riley Canal to the South line of Lot 6; thence East to the Southeast Corner of said Lot 6; thence North to the Northeast Corner of said Lot 6; thence West to the true point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- All of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho, lying North of the Riley Canal.
- Beginning at a point 525 feet East of the West Quarter Corner of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; thence South 285 feet; thence East 375 feet; thence North 285 feet; thence West 375 feet, more or less, to the point of beginning.
- That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded in Book 7 at Page 154 of Deed Records, records of Bonneville County, Idaho.

SUBJECT TO the 1997 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

SUBJECT TO the Mortgage recorded as Instrument No. 937356 and Fixture Filings recorded as Instrument No. 937357 and B741549 with Bonneville County and Secretary of State, respectively, which the Grantee hereby agrees to assume and pay in full.

ALSO SUBJECT TO the Reciprocal Water Usage Agreement recorded as Instrument No. 937358.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: March 19, 1997

Allan M. Cook
Allan M. Cook

INSTRUMENT NO. 939223
DATE 3-26-97
INST CODE 208
FICHE NO. 12144-50
FEE 300

STATE OF IDAHO
COUNTY OF BONNEVILLE

STATE OF IDAHO

COUNTY OF Bonneville

On March 19, 1997

Allan M. Cook

I hereby certify that the within instrument was recorded.

Recorded by Ronald Longmore,

By *[Signature]*

RECORDED

known or identified to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

[Signature]

Notary Public for the State of Idaho
Commission Expiration Date: 01/28/2003

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO

Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

Bonneville Land & Title Co.

407 N. Capital Ave • P.O. Box 51690 • Idaho Falls, ID 83405-1690 • (208) 524-6601

937355

WARRANTY DEED

MURRY IRVING BYINGTON a/k/a MURRY I. BYINGTON a/k/a MURRY BYINGTON a/k/a MURRAY I.
BYINGTON a/k/a MURRAY BYINGTON and AUDREY MARY BYINGTON a/k/a AUDREY W. BYINGTON a/k/a
AUDREY BYINGTON, husband and wife as GRANTOR,
for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto
ALLAN M. COOK a married man dealing with his sole and separate property

as GRANTEE,
and Grantee's successors and assigns, all of the following described real estate situated in the State of Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

INSTRUMENT NO.	937355
DATE	2-21-97
INST. CODE	203
FICHE NO.	12068-39
FEE	600
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within Instrument was recorded.	
Ronald Longmore, County Recorder	
By	<i>[Signature]</i> Deputy
Request of	

97 FEB 21 PM 4 45

BONNEVILLE COUNTY
RECORDER

937355

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.
Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors
and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons
In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.
IN WITNESS WHEREOF, the Grantor hereunto has set his hand and seal hereto on February 21, 1997.

[Signature]
Murry I. Byington

[Signature]
Audrey Byington

STATE OF IDAHO)

RECORDING DATA

COUNTY OF Bonneville) ss

On February 21, 1997 before me, the undersigned, a Notary
Public in and for said State, personally appeared Murry Irving Byington
a/k/a Murry I. Byington a/k/a Murry Byington a/k/a
Murray I. Byington a/k/a Murray Byington and Audrey
Mary Byington a/k/a Audrey W. Byington a/k/a Audrey
Byington
known to me to be the person(s) whose name(s) I/are subscribed to the
within instrument, and acknowledged to me that he/she/they executed the
same.

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

[Signature]
Notary Public for the State of Idaho
Commission Expiration Date: 01/28/2003

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO

Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

Bonneville Land & Title Co.

Copyright © 1997 * P.O. Box 51610 * Idaho Falls, ID 83403-1690 * (208) 524-6600

Township 3 N

Section

Section

N1/2 SE1/4;

S1/2 NE1/4;

AND AL

41 East

the TR

Riley

South

the No

EXCEPT

a.

b.

c.

SUBJECT TO
reservation
and applica

EXHIBIT "A"

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 5: Government Lot 2;

Section 6: NE1/4 SW1/4;

N1/2 SE1/4;

S1/2 NE1/4;

AND ALSO: Beginning at the West Quarter corner of said Section 5, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; running thence East 525 feet to the TRUE POINT OF BEGINNING; thence South 270 feet, more or less, to the East bank of the Riley Canal; thence South along said East bank of the aforementioned Riley Canal to the South line of Lot 6; thence East to the Southeast Corner of said Lot 6; thence North to the Northeast Corner of said Lot 6; thence West to the true point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. All of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho, lying North of the Riley Canal.**
- b. Beginning at a point 525 feet East of the West Quarter Corner of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; thence South 285 feet; thence East 375 feet; thence North 265 feet; thence West 375 feet, more or less, to the point of beginning.**
- c. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded in Book 7 at Page 154 of Deed Records, records of Bonneville County, Idaho.**

SUBJECT TO the 1997 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

WARRANTY DEED

BKT T-13110

971046

THIS INDENTURE, made this 18th day of June, 1998 between FOSTER COMPANY a partnership consisting of BRAD FOSTER and BOYD FOSTER as General Partners, of P.O. Box 308, Rigby, Jefferson County, State of Idaho, the Grantor, and CLYDE A. COOK and LARAE L. COOK, his wife, of 210 East Ririe Highway, Ririe, Jefferson County, Idaho, the Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00), lawful money of the United States of America, and other good and valuable considerations, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said Grantee, and to Grantee's heirs and assigns, forever, all the following described real estate situated in the County of Bonneville, State of Idaho, to-wit:

SEE ATTACHED EXHIBITS A & B

Together with an unused eighteen tower Valley center pivot with cams panel. Said pivot is subject to a lease in favor of First Security Leasing which lease grantors will continue to pay and be bound by the terms thereof. Lessees do not assume any of the obligations under said lease.

Together with Water Right License Nos. 25-02115 and 150 horsepower General Electric pump and motor, identification number SK6315XC84, all other irrigation equipment appurtenant thereto, and potato cellar located on said premises.

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

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever. And the said Grantor, and said Grantor's heirs shall and will warrant and by these presents forever defend the said premises in the quiet and peaceable possession of the said Grantee, and Grantee's heirs and assigns, against the said Grantor, and Grantor's heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same.

IN CONSTRUING this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor hereunto has set his hand.

Brad Foster
BRAD FOSTER
General Partner of Foster Company
STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss
I hereby certify that the within
instrument was recorded.
Ronald Longmire,
County Recorder

INSTRUMENT NO. 971046
DATE 6-19-98
INST. CODE 2051
FICHE NO. 2407-36 BOYD FOSTER

98 JUN 19 PM 4 52

BONNEVILLE COUNTY
RECORDER

971046

On this 18th day of June, 1998 before me, the undersigned, a Notary Public in and for said State, personally appeared BRAD FOSTER and BOYD FOSTER, General Partners of Foster Company, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of Foster Company.

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

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO

Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

Lenore J. Katri
Notary Public for Idaho

Residing at:

Commission Expires: 1/28/2003

(seal)

Township 3 North, Range 41, East of the Boise Meridian, Bonneville County, Idaho:

Section 5: Government Lot 2; ✓

Section 6: NE1/4 SW1/4; ✓

N1/2 SE1/4; ✓

S1/2 NE1/4; ✓

AND ALSO: Beginning at the West Quarter corner of said Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; running thence East 525 feet to the TRUE POINT OF BEGINNING; thence South 270 feet, more or less, to the East bank of the Riley Canal; thence South along said East bank of the aforementioned Riley Canal to the South line of Lot 6; thence East to the Southeast Corner of said Lot 6; thence North to the Northeast Corner of said Lot 6; thence West to the true point of beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. All of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho, lying North of the Riley Canal.
- b. Beginning at a point 525 feet East of the West Quarter Corner of Section 6, Township 3 North, Range 41 East of the Boise Meridian, Bonneville County, Idaho; thence South 285 feet; thence East 375 feet; thence North 285 feet; thence West 375 feet, more or less, to the point of beginning.
- c. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded in Book 7 at Page 154 of Deed Records, records of Bonneville County, Idaho.

EXCEPTING THEREFROM:

Beginning at a point that is S.89°57'06"E. 900.00 feet along the East-West Center Section line of Section 6 Township 3 North, Range 41 East of the Boise Meridian and running thence S.00°11'14"E. 285.00 feet; thence N.89°57'06"W. 375.00 feet; thence N.00°11'14"W. 21.01 feet to the East bank of the Riley Canal; thence along the East bank of the Riley Canal the following three (3) courses: (1) S.29°55'18"W. 299.18 feet; thence (2) S.13°15'18"W. 66.81 feet; thence (3) S.01°14'30" E. 163.28 feet; thence S.89°57'06"E. 577.61; thence N.00°11'14"W. 751.71 feet; thence N.89°57'06"W. 40.00 feet to the point of beginning, containing 6.006 acres.

from the West 1/4
Corner

EXCEPTING THEREFROM: The existing county road Right-of-way along the North side of the above described property.



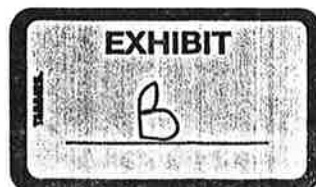
Township 3 North, Range 41 E.B.M.

SE1/4 of the NW1/4 of Section 6, which is South of the fence located along the South bank of the Riley Ditch (the fence is approximately 4 to 5 feet from the ditch) subject to the right of the Pivot irrigation system to extend over the fence.

LESS: Beginning at a point that is S.89°57'06"E. 1310.67 feet along the East-West Center Section line of Section 6 Township 3 North, Range 41 East of the Boise Meridian, and running thence along a fence line the following two (2) courses: (1) N.03°00'59"E. 486.94 feet; thence (2) N.77°43'05"E. 474.66 feet to a point on a curve with a radius of 2553.53 feet and a chord that bears S.40°47'29"W. 693.62 feet; thence to the left along said curve 695.77 feet through a central angle of 15°36'42" to a point that is 33 feet East of an existing fence line on the West side of an existing roadway; thence S.03°00'59"W. 62.22 feet to the said East-West Center Section line; thence N.89°57'06"W. 33.00 feet along the center section line to the point of beginning, containing 2.227 acres.

B.F.
BE

Together with any and all water and ditch rights appurtenant thereto.



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 25-2115A
Date Received: 9/26/1989
Receipt No: X999999
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

HAMILTON LAND & LIVESTOCK LTD Phone: (208)538-7725
C/O CLARK HAMILTON
12444 N 175 E
RIRIE ID USA 83443

2. Date of Priority: 12/10/1954

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	41E	6	NW NE SW	BONNEVILLE	

5. Description of diverting works:

WELL, 16" CASING, 231' DEEP, 150 HP TURBINE PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.86	

7. Total Quantity Appropriated is:
3.86 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	41E	5	NW SW	IRRIGATION	14
			SW NW	IRRIGATION	1

SCANNED

AUG 25 2004

03N	41E	6	NE	SW	IRRIGATION	37
			NW	SW	IRRIGATION	16
			NE	SE	IRRIGATION	40
			SW	NE	IRRIGATION	36
			SE	NE	IRRIGATION	24
			NW	SE	IRRIGATION	40
			SE	NW	IRRIGATION	18
					Section Acres	211
					Total Acres	226

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP PER REQUEST/2-10-00

15. Basis of Claim: License

16. Signature(s)

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

SCANNED
AUG 25 2004

AJ0749NP
No. A25-02115A

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

DATE: 02/10/00
PAGE: 1

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
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C HAMILTON LAND & LIVESTOCK LTD
4850 W 13400 S
RIVERTON UT 84065

12/10/1954 IRRIGATION 04-01 11-01 3.860 CFS

TOTAL DIVERSION: 3.860 CFS

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T03N R41E S06 NWNESW BONNEVILLE County

Place of use Legal Description for: IRRIGATION

	NE					NW					SW					SE					
T. R S	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
03N 41E 5	:				:				01	:			02-14	:							15.0
03N 41E 6	:		36	24	:				18	:	37	16		:	40	40					211.0
																					TOTAL ACRES 226.0

POU County: BONNEVILLE

Other Rights: NONE

Remarks: GEN CHANGED OWNERSHIP PER REQUEST/2-10-00

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

SCANNED

JUL 27 2001

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: A25-02115A
Date Received: 9/26/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLYDE COOK 208-538-7215
Address: PO BOX 566
RIRIE ID 83443

AND/OR

Name: LARAE COOK 208-538-7215
Address: PO BOX 566
RIRIE ID 83443

2. Date of Priority: DEC 10, 1954

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	41E	6	NW	NE	SW		BONNEVILLE

5. Description of diverting works:
WELL, 16" CASING, 231' DEEP, 150 HP TURBINE PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.860		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	41E	5	SW	NW		IRR	1.0

A2502115A



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	41E	5	NW	SW	2	IRR	14.0
						Section Acres	15.0
		6	SW	NE		IRR	36.0
			SE	NE		IRR	24.0
			SE	NW		IRR	18.0
			NE	SW		IRR	37.0
			NW	SW		IRR	16.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	211.0
						Total Acres	226.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 25311

16. Signature(s)

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

Number of attachments: _____