

07/08/2004

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

RIGHT NUMBER: 25-12976
NAME AND ADDRESS: O W RANCHES INC
C/O KENNETH F O BRIEN
364 JUDD LN
COALVILLE UT 84017
SOURCE: BRIDGE CREEK TRIBUTARY: GRAYS LAKE
QUANTITY: 2.080 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 04/10/1907
POINT OF DIVERSION:
T04S R43E S25 SWSESW End of Stream Flow Within BONNEVILLE County
T04S R43E S25 SESE Within BONNEVILLE County
T04S R43E S25 SESESE Begin of Stream Flow Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	2.080 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County
T04S R43E S25 SESW 41.0 T04S R43E S25 SWSE 41.0
T04S R43E S25 SESE 22.0
STOCKWATER same as IRRIGATION
104 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.

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

EXPLANATORY MATERIAL: Beneficial Use

Stockwater use is for 350 range cattle.

SCANNED

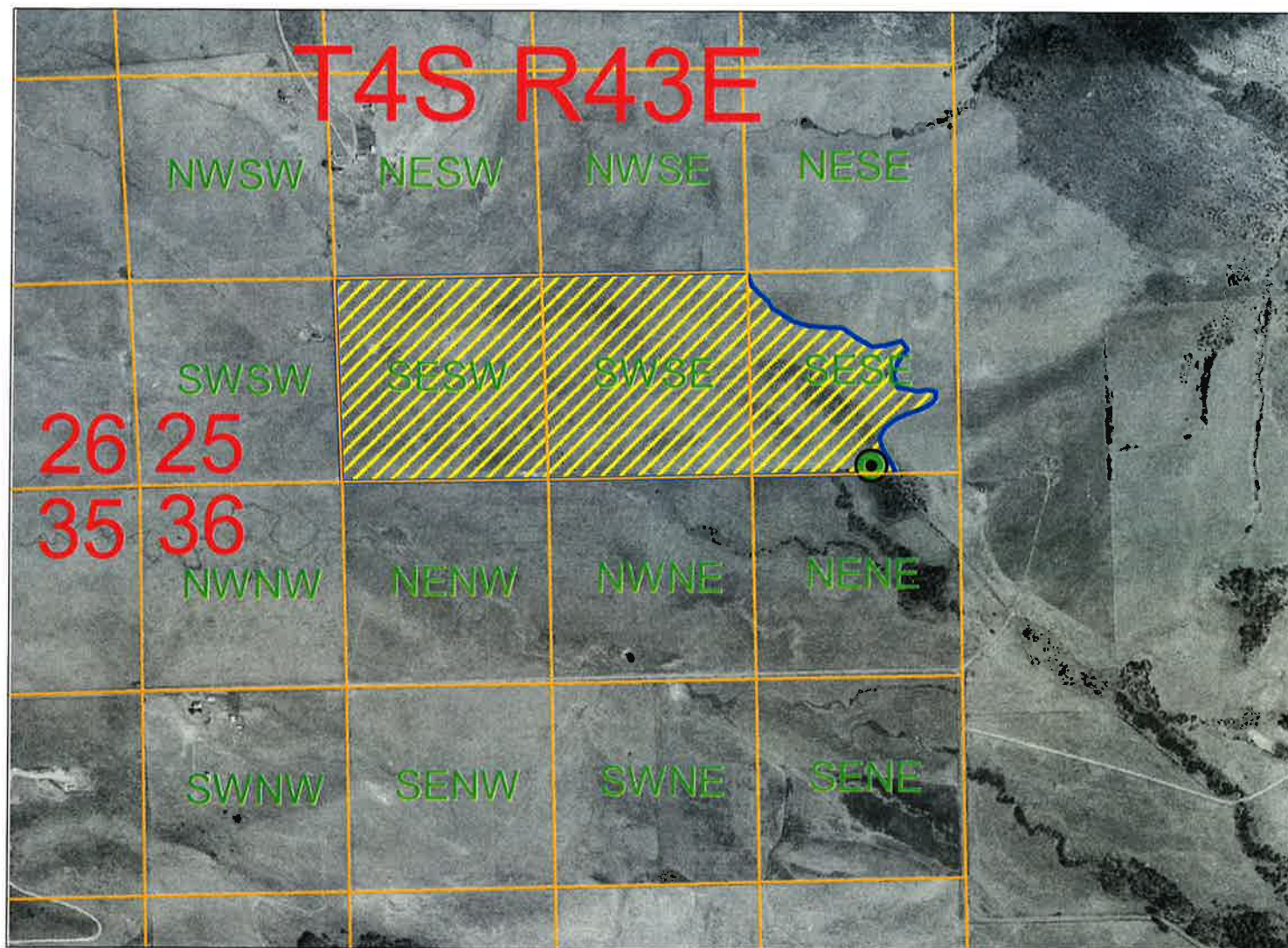
OCT 27 2004
1

PROFILED



Department of Water Resources

Claim No.: 25-12976



0 1320 2640 3960 5280 Feet

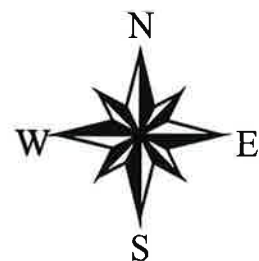
GCDB04S43E GCDB

Point of diversion

Place of Use

PROFILED

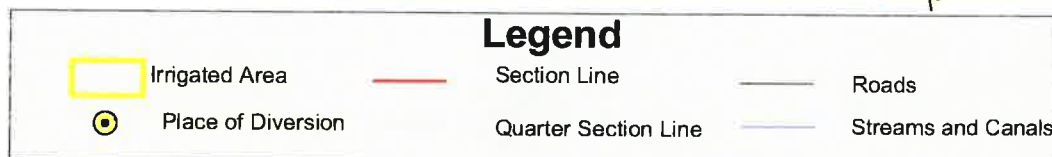
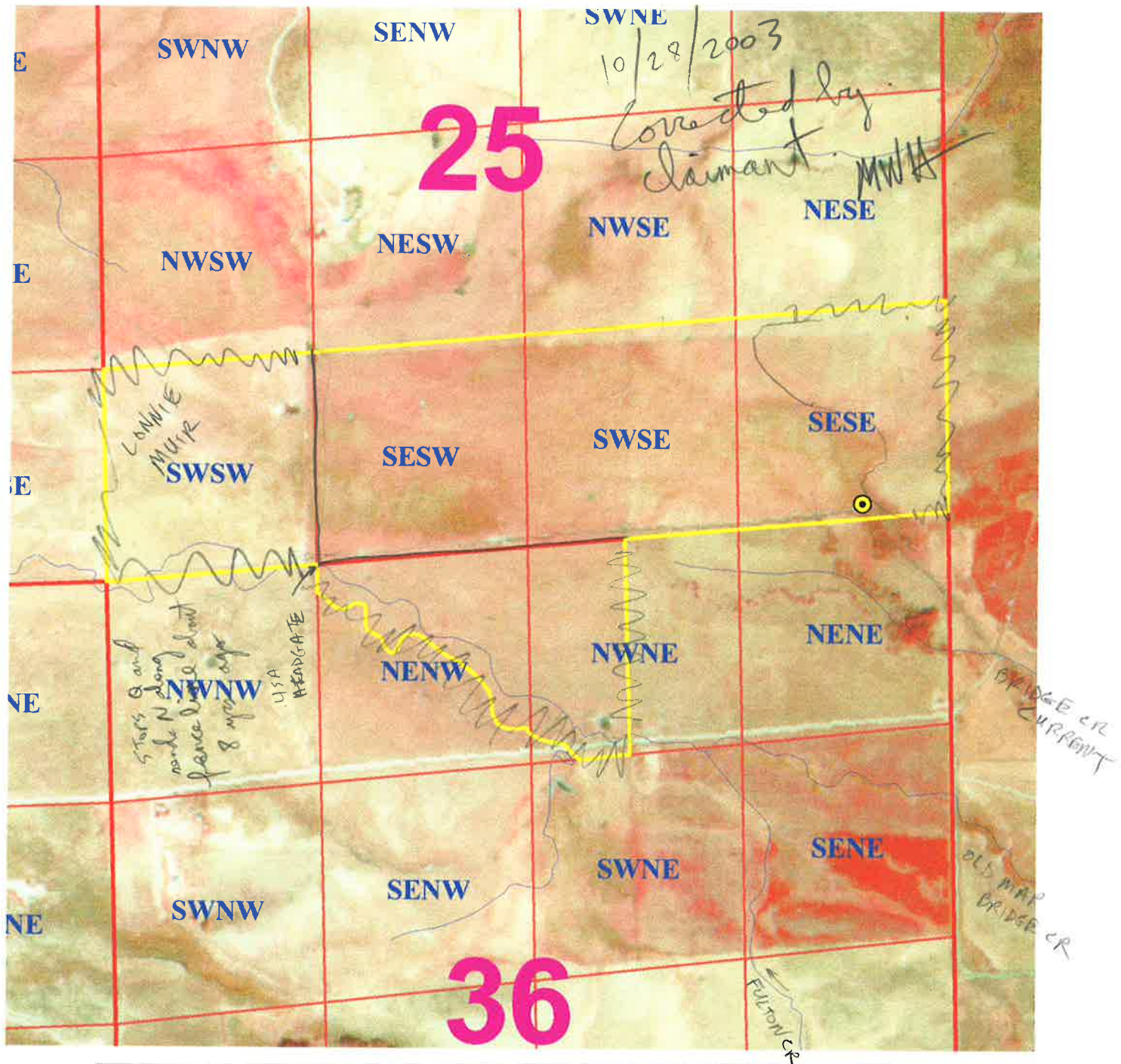
SCANNED
OCT 29 2004



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: July 2004

Water Right Claim Number 25-12976
Township , 4S43E

11/20/2000



SPATIAL
DYNAMICS



January 29, 2004

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

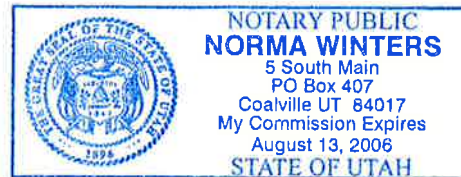
Idaho Department of Water Resources:

In 1982, our family purchased the Tingey Ranch which is now called the OW Ranch Inc. At that time I notified the Department of Water Resources and they confirmed that the ranch stated above was the only ranch that had irrigation rights out of Bridge Creek. OW Ranch has been the only one that irrigated out of Bridge Creek since that time. There is letters from landowners and previous owners on Bridge Creek confirming this in my file. I have shown on Aerial in fared Photo NAPP318123D Dated 1987 to I.D.W.R. clearly showing that the ranchers below O.W. Ranch got their water out of Eagle Creek.

I have never known of the Bird Refuge to ever irrigate anything up until 2003.

Sincerely,

 Pres.
Ken O'Brien
OW Ranch Inc





PROFILED

SCANNED

OCT 29 2004

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

I have lived at Gray's Lake for 82 years. My father homesteaded here on a ranch east of the Tingey Ranch which is now the OW Ranch Inc.

The old Tingey ranch which is now the OW Ranch Inc. owned by the Ken O'Brien family was the only ranch that irrigated out of Bridge Creek. The only ranches that irrigated below there irrigated out of Eagle Creek.

I have lived here all my life and have never known of the Bird Refuge to ever irrigate anything up until 2003.

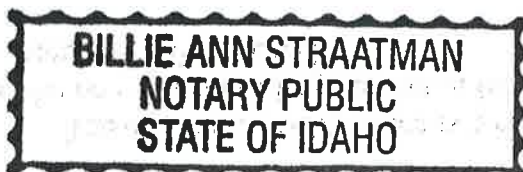

Bernard Lindstrom

Notary Public

State of Idaho)
 : ss
County of Caribou)

On this 9th day of January, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Bernard Lindstrom, a married man, know to me to be the person whose names is subscribed to the within instrument, and acknowledged to me that he executed the same.

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




NOTARY PUBLIC for the State of Idaho
Residing at : Grace, Idaho
Commission Expires: 8/25/09

PROFILED

SCANNED
OCT 29 2004

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

I have lived at Gray's Lake for 83 years. My grandfather James Sibbitt SR.
Homesteaded here.

The old Tingey ranch which is now the OW Ranch Inc. owned by the Ken
O'Brien family was the only ranch that irrigated out of Bridge Creek. The only ranches
that irrigated below there irrigated out of Eagle Creek. That ditch was built by my
grandfather James Sibbitt SR.

I have lived here all my life and have never known of the Bird Refuge to ever
irrigate anything up until 2003.


Glade Sibbitt


Notary Public my Commission Expires
February 13, 2009

JEREMY D. CLAUNCH
Notary Public
State of Idaho

PROFILED

SCANNED

OCT 29 2004

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

Idaho Department of Water Resources:

My family has been in the Gray's Lake Valley ever since ranches were homesteaded here.

My grandfather Perry Tingey owned the ranch that is now the OW Ranch Inc. (owned by the Ken O'Brien family). That ranch was the only one's that irrigated out of Bridge Creek. The only ranches that irrigated below there, irrigated out of ditch that James Sibbitt SR. hand dug to Eagle Creek.

I have stock water out of Bridge Creek, but the Bird Refugee put a head gate in the creek that is impossible to open and has diverted the water away from me and the natural flow.

I have never known of the Bird Refugee to ever irrigate anything up until 2003.


Steve Tingey


Notary Public

PROFILED

SCANNED

OCT 29 2004

Luana Tingey Hood
122 West 3500 South, Bountiful, UT 84010
(801) 292-9015

Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

November 22, 2003

Re: Bridge Creek Tributary Water Rights

Dear Sirs;

I have the following important information in regards to the above referenced water rights for the property now owned by: The **Ken O'Brien family (The OW Ranch)**:

In 1888, my grandfather, **Perry G. Tingey** (now deceased) **acquired** (from the persons who homesteaded it) **their home ranch/property in Gray, Idaho and used the Bridge Creek Tributary for Stockwater/Agricultural purposes.** My father, **Charles H. Tingey** (now deceased), **purchased the ranch from his father Perry G. Tingey, and owned it until 1974.** The property is now owned by: The Ken O'Brien family, also known as The OW Ranch. Our deeds/records show that the water rights to: Eagle Creek, and Bridge Creek, were included in all sales from that time to present.

It is well known that **from 1888 to 1974, we (Tingey Family) were the only user of irrigation water from Bridge Creek, and maintained all ditches, culverts, and head gates.** My brother Larry Tingey recollects doing much work on those irrigation ditches, "especially in the area of the Linstrom property". The only people who ever irrigated below us were on the old James Sibbett Ranch. They used water from Eagle Creek by way of a ditch hand dug by James Sibbett.

In all the years the Tingey families owned the ranch, **we were never aware of any irrigating related to the Bridge Creek nor Eagle Creek tributaries done by the Bird Refuge employees, nor was there ever a question of Water Rights ownership.**

Please feel free to contact me with any further questions regarding the property and/or Water Rights on the property formerly owned by the Perry G. Tingey and/or the Charles H. Tingey family.

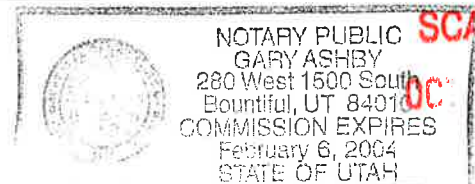
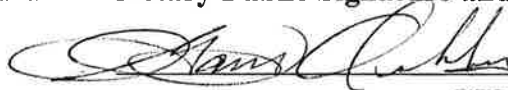
Sincerely,



Luana Tingey Hood, Representative
Charles Tingey Family Estate

Cc: Mr. Ken O'Brien, The OW Ranch
LHT/lhc

Notary Public Signature and stamp below:



PROFILED

SCANNED
29 2004

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

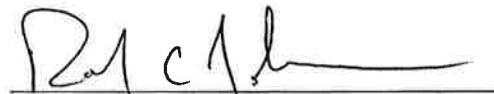
Idaho Department of Water Resources:

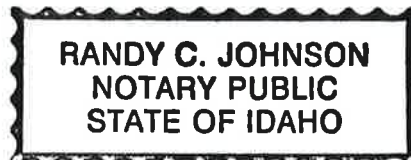
I have lived at Gray's Lake for 88 years. My grandfather James Sibbitt SR. Homesteaded here.

The old Tingey ranch which is now the OW Ranch Inc. owned by the Ken O'Brien family was the only ranch that irrigated out of Bridge Creek. The only ranches that irrigated below there irrigated out of Eagle Creek. That ditch was built by my grandfather James Sibbitt SR.

I have lived here all my life and have never known of the Bird Refuge to ever irrigate anything up until 2003.


Russell Sibbitt


Notary Public



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SCANNED
OCT 29 2004

November 22, 2003

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls ID 83402-1718

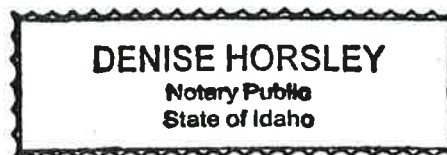
Idaho Department of Water Resources:

My grandfather Homesteaded in the Grays Lake Valley. My father purchased his ranch, and I purchased part of my fathers ranch. We have stock water in Bridge Creek above and below the old Charlie Tingey ranch which is now the OW Ranch Inc. owned by the Ken O'Brien family. That ranch (OW ranch) is the only ranch that has irrigated out of Bridge Creek. The ranches below our place irrigated out of Eagle Creek. A ditch that James Sibbitt SR. hand dug to Eagle Creek.

I have lived here all my life and have never known of the Bird Refuge to ever irrigate anything up until 2003.

Brian Muir
Brian Muir

Denise Horsley
Notary Public



PROFILED
SCANNED
OC 29 2004

10/28/2003

25-12976

Met w/ Kenny O'Brien. P/D is as follows:
N 218420
E 715526

Observed Post. Post corrected by claimant on aerial photo.

Kenny complained of US FWS installation of deadgate on Bridge Cr. Diversion sends flow N along his fence line and requires him to do additional repairs on his fence. He also mentioned that a water user in the NWNW of sec 36 was no longer receiving his stock water from the creek. The deadgate was installed about 8 yrs ago.

PROFILED
SCANNED
OCT 29 2004



10/28/2003

Bridge creek diversion, looking
upstream.

SE
↑

SCANNED
OCT 27 2004

PROFILED



10/28/2003



Bridge Cr. diversion looking
downstream

SCANNED

OCT 27 2004

PROTIED



10/28/2003 U.S. Fish + Wildlife Service headgate. W
↑

SCANNED

OCT 27 2004

PROFILED

May 2, 1991

O.W. Ranches, Inc.
10095 South 1000 West
South Jordan, UT 84065

RE: **Evidence of Priority**

Dear Sir:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

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

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED

NOV 11 1992

O.W. Ranches, Inc.

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12976
O. W. RANCHES, INC.
10095 SOUTH 1000 WEST
SOUTH JORDAN UT 84065

MICROFILMED

NOV 11 1992

Recorded at Request of _____
at _____ M. Fee Paid \$ _____
by _____ Dep. Book _____ Page _____ Ref.: _____
Mail tax notice to _____ Address _____

QUIT-CLAIM DEED

LOIS S. TINGEY
of Bountiful, County of Davis, State of Utah, hereby
QUIT-CLAIMS to

ZIONS FIRST NATIONAL BANK, a national banking association,
as TRUSTEE in TRUST
of Salt Lake City, Salt Lake County, State of Utah, for the sum of
-----TEN----- DOLLARS,
and other good and valuable consideration
the following described tract of land in Bonneville County,
State of IDAHO:

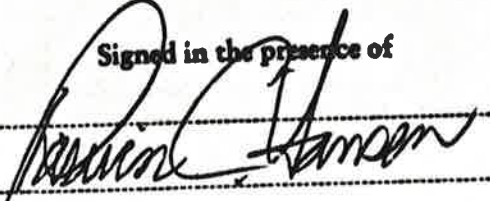
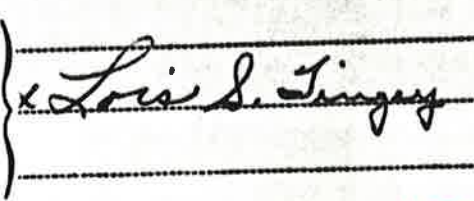
PARCEL NO. 1: The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of the NE $\frac{1}{4}$) the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of the NW $\frac{1}{4}$) the East Half of the Southwest Quarter (E $\frac{1}{2}$ of the SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, T4S, R43E of the Boise Meridian, subject to the effect of that certain indenture dated the 25th day of October, 1925, and recorded in Book 30 of Deeds, Page 214 of the records of Bonneville County, Idaho, and subject further to the effect of that certain Deed dated the 25th day of August, 1934, and recorded in Book 26, Page 417 of the records of Bonneville County, Idaho as they pertain to a one acre parcel of ground situated in the Southeast corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of the NE $\frac{1}{4}$) of Section 25, T4S, R43E of the Boise Meridian.

PARCEL NO. 2: The West Half of the West Half of the Northeast Quarter (W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$), the East Half of the Northwest Quarter (E $\frac{1}{2}$ of the NW $\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of the SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 36, T4S, R43E of the Boise Meridian.

(Cont'd on reverse)

Witness the hand of said grantor, this 20 day of
October, A. D. one thousand nine hundred and seventy-two.

Signed in the presence of

 } 

STATE OF UTAH,

COUNTY OF DAVIS

On the 20 day of
personally appeared before me

LOIS S. TINGEY

MICROFILMED

NOV 11 1992
A.D. 19

WARRANTY DEED

LOUIS S. TINGEY

Beneficial

Davis

grantor
State of Utah, hereby

ZIONS FIRST NATIONAL BANK, a National Banking Association,
as Trustee in Trust

Salt Lake City, Salt Lake County, State of Utah

grantee
for the sum of
DOLLARS.

TEN (\$10.00) and no/100-----
and other good and valuable consideration

County,

Bonneville

XXXX Idaho:

PARCEL NO. 1: The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of the NE $\frac{1}{4}$) the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of the NW $\frac{1}{4}$) the East Half of the Southwest Quarter (E $\frac{1}{2}$ of the SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, T4S, R43E of the Boise Meridian, subject to the effect of that certain indenture dated the 25th day of October, 1925, and recorded in Book 30 of Deeds, Page 214 of the records of Bonneville County, Idaho, and subject further to the effect of that certain deed dated the 25th day of August, 1934, and recorded in Book 26, Page 417 of the records of Bonneville County, Idaho as they pertain to a one acre parcel of ground situated in the Southeast corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of the NE $\frac{1}{4}$) of Section 25, T4S, R43E of the Boise Meridian.

PARCEL NO. 2: The West Half of the West Half of the Northeast Quarter (W $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$), the East Half of the Northwest Quarter (E $\frac{1}{2}$ of the NW $\frac{1}{4}$), the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 36, T4S, R43E of the Boise Meridian. TOGETHER with all right to use the waters of Eagle Creek (being an undivided one-third interest in 5.6 cubic ft. of water), evidenced by water license No. 366 for the State of Idaho, recorded November 15, 1907, in Book 1, Page 243 of the records of Bonneville County, Idaho, and also 320 in. of water of Bridge Creek, with a priority of July, 1888, and together with all other water rights (See reverse side)

20th

day of

October

A. D. 19 72

MICROFILMED

NOV 11 1992

DAVIS

October

A. D. 19 72

EXHIBIT "A"

509314

PARCEL NO. 1: The Southwest Quarter of the Northeast Quarter (SW1/4 of the NE1/4), the Southeast Quarter of the Northwest Quarter (SE1/4 of the NW1/4), the East half of the Southwest Quarter (E1/2 of the SW1/4) and the Southeast Quarter (SE1/4) of Section 25, T4S, R43E of the Boise Meridian, subject to the effect of that certain indenture dated the 25th day of October, 1925, and recorded in Book 30 of deeds, page 214 of the records of Bonneville County, Idaho, and subject further to the effect of that certain Deed dated the 25th day of August, 1934, and recorded in Book 26, page 417 of the records of Bonneville County, Idaho, as they pertain to a one acre parcel of ground situated in the Southeast corner of the Southwest Quarter of the Northeast Quarter (SW1/4 of the NE1/4) of Section 25, T4S, R43E, of the Boise Meridian. (Cont. 320 acres)

PARCEL NO. 2: The West half of the West half of the Northeast Quarter (W1/2 of the W1/2 of the NE1/4), the East half of the Northwest Quarter (E1/2 of the NW1/4), the Northeast Quarter of the Southwest Quarter (NE1/4 of the SW1/4), and the Southeast Quarter (SE1/4) of Section 36, T4S, R43E of the Boise Meridian. (Cont. 320 acres)

Together with all right to use the waters of Eagle Creek (being an undivided one-third interest in 5.5 cubic feet of water) evidenced by water license No. 366 for the State of Idaho, recorded November 15th, 1907, in Book 1, page 243 of the records of Bonneville County, Idaho, and also 320 inches of water of Bridge Creek, with a priority of July, 1888, and together with all other water rights and rights in ditches, canals and laterals and rights-of-way therefore appurtenant to said premises or used in connection therewith and all other tenements, hereditaments, and appurtenances belonging and appertaining to the above described real property.

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NOV 11 1992

and rights in ditches, canals and laterals and rights-of-way therefore appurtenant to said premises or used in connection therewith and all other tenements, hereditaments, and appurtenances belonging and appertaining to the above described real property.

MICROFILMED

NOV 11 1992

Recorded at Request of _____
at _____ M. Fee Paid \$ _____
by _____ Dep. Book _____ Page _____ Ref. _____
Mail tax notice to _____ Address _____

QUIT-CLAIM DEED

[CORPORATE FORM]

KILLEBREW-SIMMENTAL COMPANY, a corporation organized and existing under the laws of the State of Utah, with its principal office at Bountiful, Utah, of County of Davis, State of Utah, grantor, hereby QUIT CLAIMS to

Devere M. Watkins, Harmon C. Killebrew, Vibert L. Kesler, Jr.

of Bountiful, Utah Salt Lake City, Utah, and Ontario, Ore. grantees for the sum of Ten dollars and other good and valuable consideration DOLLARS.

the following described tract s of land in Bonneville County, State of Utah: Idaho:

See attached Exhibit "A" for description of property.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 9th day of June, A. D. 1975

Attest: Vibert L. Kesler, Jr.
Vibert L. Kesler, Jr. Secretary.

[CORPORATE SEAL]

KILLEBREW-SIMMENTAL Company
By Devere M. Watkins
Devere M. Watkins President.

STATE OF UTAH,
County of Salt Lake

On the 9 day of June, A. D. 1975, personally appeared before me Devere M. Watkins and Vibert L. Kesler who being by me duly sworn did say, each for himself, that he, the said Watkins is the president, and he, the said Kesler is the secretary of Killebrew Simmental Company, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Richard L. Gordon
Notary Public.

My commission expires June 21, 1976 My residence is Salt Lake City, Utah

MICROFILMED
NOV 11 1992

622167

DEVERE M. WATKINS and BERT L. KELLER, JR., of Salt Lake City, Utah and HARMON C. KILLEBREW, of Ontario, Oregon, Grantors, CONVEY and WARRANT TO WHEELER ENTERPRISES, INC., a Utah Corporation, Grantee, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, the following described tracts of land in Bonneville County, State of Idaho:

PARCEL NO. 1: The Southwest Quarter of the Northeast Quarter (SW1/4 of the NE1/4), the Southeast Quarter of the Northwest Quarter (SE1/4 of the NW1/4), the East half of the Southwest Quarter (E1/2 of the SW1/4) and the Southeast Quarter (SE1/4) of Section 25, T4S, R43E of the Boise Meridian, subject to the effect of that certain indenture dated the 25th day of October, 1925, and recorded in Book 30 of deeds, Page 214 of the records of Bonneville County, Idaho, and subject further to the effect of that certain Deed dated the 25th day of August, 1934, and recorded in Book 26, Page 417 of the records of Bonneville County, Idaho, as they pertain to a one acre parcel of ground situated in the Southeast corner of the Southwest Quarter of the Northeast Quarter (SW1/4 of the NE1/4) of Section 25, T4S, R43E, of the Boise Meridian. (Cont. 320 acres)

PARCEL NO. 2: The West half of the West half of the Northeast Quarter (W1/2 of the W1/2 of the NE1/4), the East half of the Northwest Quarter (E1/2 of the NW1/4), the Northeast Quarter of the Southwest Quarter (NE1/4 of the SW1/4), and the Southeast Quarter (SE1/4) of Section 36, T4S, R43E of the Boise Meridian. (Cont. 320 acres)

EXCEPTING THEREFROM an undivided one-half interest in all mineral rights (including geo-thermal resources) which interest is retained, in equal shares, by the Grantors.

Together with all right to use the waters of Eagle Creek (being an undivided one-third interest in 5.6 cubic feet of water) evidenced by water license No. 366 for the State of Idaho, recorded November 15th, 1907, in Book 1, page 243 of the records of Bonneville County, Idaho, and also 320 inches of water of Bridge Creek, with a priority of July, 1888, and together with all other water rights and rights in ditches, canals and laterals and rights-of-way therefore appurtenant to said premises or used in connection therewith and all other tenements, hereditaments, and appurtenances belonging and appertaining to the above described real property.

DATED this 5th day of June, 1975.

STATE OF UTAH

COUNTY OF SALT LAKE)

Devere M. Watkins

Harmon C. Killebrew

pursuant to power of attorney 69-75
Harmon C. Killebrew by Vibert L. Kesler, Jr., his attorney-in-fact

Vibert L. Kesler, Jr.

On the 6th day of June, 1975, personally appeared before me DEVERE M. WATKINS, HARMON C. KILLEBREW, by Vibert L. Kesler, Jr., his attorney-in-fact, pursuant to a Power of Attorney dated February 24, 1973, and VIBERT L. KESLER, JR., the signers of the within instrument, who duly acknowledged to me that they executed the same.

My commission expires:

Notary Public

Residing at Salt Lake City, Utah

NOV 11 1976

(Cont'd from Page 1)

Together with all right to use the waters of Eagle Creek (being an undivided one-third interest in 5.6 cubic feet of water), evidenced by water license No. 366 for the State of Idaho, recorded November 15, 1907, in Book 1, Page 243 of the records of Bonneville County, Idaho, and also 320 inches of water of Bridge Creek, with a priority of July, 1888, and together with all other water rights and rights in ditches, canals and laterals and rights-of-way therefore appurtenant to said premises or used in connection therewith and all other tenements, hereditaments, and appurtenances belonging and appertaining to the above described real property.

443092

STATE OF IDAHO)
County of Bonneville)

I hereby certify that the within instrument was recorded & microfilmed
FEB 5 9 32 AM '73

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 5 1973	

MICROFILMED

NOV 11 1992

KEITH LONG, County Recorder

By W. J. Wood Deputy

Recorder of Deeds 1st National Bank

P.O. Box 1709

Salt Lake City, Utah 84110

No. 97923.

THE UNITED STATES OF AMERICA,

To All To Whom These Presents Shall Come, Greeting:

Homestead Certificate No. 5083

Application 7112

WHEREAS There has been deposited in the GENERAL LAND

OFFICE of the United States a Certificate of the "Register of the Land Office at Blackfoot, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of Perry G. Tingey has been established and duly consummated, in conformity to law, for the South half of the South East quarter and the East half of the South West quarter of Section twenty-five, in Township four South of Range forty-three East of Boise Meridian, in Idaho, containing one hundred and sixty acres according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the United States unto

the said Perry G. Tingey the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said Perry G. Tingey and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I Theodore Roosevelt, President of the United of America, have caused these lettersto be made Patent, and the seal of the GENERAL LAND OFFICE/to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the tenth day of April, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-first.



By the President: T. Roosevelt

By F. M. McKean, Secretary,
H. W. Sanford, Recorder of the General Land Office.

Recorded Idaho, Vol. 66, Page 129.

Recorded at the request of P. G. Tingey.
August 24, 1931, at 11:22 A. M.
Fee \$1.00
Bk. 50 Records, pag. 604.

W. L. Brewrink, Recorder.

By *Alvin H. Bae*, Deputy.

MICROFILMED

NOV 11 1992

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 25-12976
Date Received: 9/12/1989
Receipt No: E010307
Received By:

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

1. Name of Claimant(s)

O W RANCHES INC Phone: (435)336-2282

C/O KENNETH F O BRIEN
364 JUDD LN
COALVILLE UT USA 84017

2. Date of Priority: 07/18/1888

3. Source: BRIDGE CREEK Trib. to: GRAYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
04S	43E	25	SE	SE	SE	BONNEVILLE	Beginning Point
04S	43E	25	SW	SE	SW	BONNEVILLE	Ending Point
04S	43E	25		SE	SE	BONNEVILLE	

5. Description of diverting works:

DIVERSION BOX TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	6.4	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
6.4 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
04S	43E	25	SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	38
			SW	SW	IRRIGATION	4
			SE	SW	IRRIGATION	40

Section Acres 122

SCANNED

OCT 27 2004

1
PROFILED

04S 43E 36

NW NE
NE NW

IRRIGATION 19
IRRIGATION 20

Section Acres 39

Total Acres 161

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Instream stockwater use is for 350 range cattle.

SEE COPY OF ATTACHED DEED AS BASIS OF THIS RIGHT

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Pres. of _____

OW Rancher Inc. Title
Organization, that I have signed the foregoing

document in the space below as Pres. of _____

OW Rancher Inc. Title
Organization and that the statements contained in the
foregoing document are true and correct. [Signature]

Signature of Authorized Agent

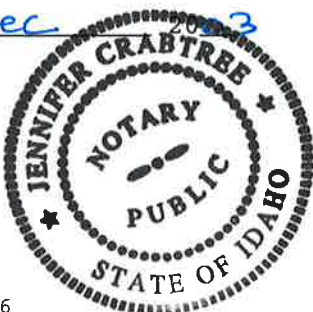
Pres
Title and Organization

12-5-03
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5th

of Dec 2003



Jennifer Crabtree

Notary Public

Residing at Idaho Falls ID

My commission Expires 9/27/09

SCANNED

OCT 27 2004

PROFILED

AJ5809NP
No. A25-12976

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 70

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	O W RANCHES INC 10095 SOUTH 1000 WEST SOUTH JORDAN UT 84065 (801) 336-2282	07/18/1888	IRRIGATION	04-01 11-01	6.400 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					6.400 CFS	402.50 AFA

Water Source: BRIDGE CREEK

Tributary to: GREYS LAKE

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04S R43E S25

SESE

BONNEVILLE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																														
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	SUM																					
04S	43E	25	:									:							:					:																						
04S	43E	36	:			19						:			20				:					:																						
																								04	40	:									:											
																								TOTAL ACRES																						

POU County: BONNEVILLE

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN SEE COPY OF ATTACHED DEED AS BASIS OF THIS RIGHT

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 09/12/89 WILSON 03/29/95 POST-STD

10/22/03 LM

SCANNED

AUG 03 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: A25-12976
Date Received: 9/12/1989
Receipt No: E010307
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: O. W. RANCHES, INC. 801-336-2282
Address: 10095 SOUTH 1000 WEST
SOUTH JORDAN, UT 84065

2. Date of Priority: JUL 18, 1888

3. Source: BRIDGE CREEK Trib. to: GREYS LAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	43E	25	SE	SE			BONNEVILLE

5. Description of diverting works:
DIVERSION BOX TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		

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

8. Total consumptive use is 402.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	43E	25	SW	SW		IRR	4.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0

A25-12976

Page 1

Date: 09/12/89

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NOV 11 1992

A2512976



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	43E	25	SE	SE		IRR	38.0
						Section Acres	122.0
		36	NW	NE		IRR	19.0
			NE	NW		IRR	20.0
						Section Acres	39.0
						Total Acres	161.0

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:

SEE COPY OF ATTACHED DEED AS BASIS OF THIS RIGHT

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Title

O.W. Randles Inc, that I have signed the foregoing
Organization

document in the space below as Manager of _____

Title

O.W. Randles Inc and that the statements contained in the
Organization

foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Mgr.
Title and Organization

Sept 12 89
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12th day

of Sept 19 89

Betty L Thompson
Notary Public

Seal

Residing at BETTY L. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

4766

2' 30"

4765

4764

4763

26

25

PLACE OF USE

(4)

(40)

(40)

(38)

(20)

(19)

POINT OF DIVERSION

36

T
4
S

R43E R44E

A25-12976

BONNEVILLE CO

CARIBOU CO

MICROFILMED
NOV 11 1982

ABSTRACT OF TITLE

TO

The following described Real Estate:

[The southwest quarter of the northeast, the southeast quarter of the northwest quarter, the east half of the southwest quarter, and the southeast quarter of section twenty-five, township four, south of range forty-three east of the Boise Meridian.]

Loan No. D 4469
Application No. 26762
Received
Filed JUL 2 - 1935
THE FEDERAL LAND BANK
OF SPOKANE

APPLICATION NO.	<u>926762</u>
APPLICANT	<u>Chas. H. Ferguson</u>
N. F. L. B.	<u>Comm</u> STATE <u>Idaho</u>

THE IDAHO ABSTRACT AND TITLE COMPANY
Idaho Falls, Idaho

6047 FLB 1

INK NO. 167—Arrow Press, 62 W. Second South, Salt Lake

FLB 2

United States of America
By Theodore Roosevelt,
President,
SEAL

Grantors

TO

Perry Tingey.

Grantees

Instrument— Patent.

Date— May 25, 1908.

Recorded— August 12, 1916, at 2:30 P.M.

Book 1 of Deeds Page 12
Records of Bonneville Co., Idaho.

Transcribed from Book Page
Records Bingham Co., Idaho.

Consideration— Full Payment.

Name of Witnesses—
Date of Acknowledgement—
Name and Title of Officer—
Address of Officer—
Is wife separately examined?
Granting words—
Covenants—
Conditions, Limitations and Recitals—

Official Seal Attached?

Description and Remarks

The south half of the south
[North half of the southeast quarter, Southwest quarter
of the northeast quarter, southeast quarter of the
northwest quarter of section twenty-five, township
four, south of range forty-three, east of the Boise
Meridian] containing 160 acres.

FLB 3

FLB 5

SEAL
President
BY THE PRESIDENT, T. ROOSEVELT
UNITED STATES OF AMERICA

Recorded-- APRIL 1, 1912, at 8:30 P.M.
Date-- APR 1, 1908
Instrument-- 1898

United States of America,
by the President, T. Roosevelt,
SEAL,

Grantors

TO

Perry G. Tingey,

Instrument-- Patent.

Date-- April 10, 1907.

Recorded--Aug. 24, 1931, at 11:22 A.M.

Book 30 of Deeds Page 604
Records of Bonneville Co., Idaho.

Transcribed from Book Page
Records Bingham Co., Idaho.

Consideration-- Dull consideration.

We further certify that there are no Grantees
except in the office of the Recorder of Deeds.

Name of Witnesses--

Date of Acknowledgement--

Name and Title of Officer--

Address of Officer--

Is wife separately examined?

Granting words--

Covenants--

Conditions, Limitations and Recitals--

Official Seal Attached?

Description and Remarks

This Certificate
Dated this
The south half of the southeast quarter and the
east half of the southwest quarter of section
twenty-five, in township four, south of range
forty-three, east of the Boise Meridian, in Idaho,
containing one hundred and sixty acres.

Dated this

FLB 4

FLB 5

SEVT
of the President, J. Roosevelt,
United States of America

Book 10 Page 207
Recorded—INDEX SV 1931 of 11:55 A.M.
Date—MAY 10 1934
Instrument—INDEX

CERTIFICATE OF ABSTRACTER

State of Idaho, }
Bonneville County, } ss.

The Idaho Falls Abstract and Title Company, of Idaho Falls, Idaho, Abstracter of Title in and for said County, does hereby certify that the foregoing abstract, consisting of TWO transfers, numbered from 1 to 2, inclusive, sets forth a true and correct abstract of the records in the office of the County Recorder of Bonneville County, Idaho, which in any way affect the title to the property described in the caption of this abstract.

We further certify that there are no taxes due and unpaid, and that there are no judgments or other liens of record in the office of the Recorder or Clerk of the District Court of said County, which are a lien against the said lands described in caption of this abstract, except as follows, to-wit:

Last half of taxes for 1933 not paid, as S. Tinney and wife, late of Bonneville County, Idaho, claim of said taxes.

This certificate is made to Perry G. Tinney

Witness our hands this 12th day of April 1934, at one o'clock P.M.

THE IDAHO FALLS ABSTRACT AND TITLE CO.

By *M. B. [Signature]*

This Certificate is hereby extended to include transfers Nos. to 4 S. [Signature] inclusive.

Dated this day of April 1934, at one o'clock P.M.

THE IDAHO FALLS ABSTRACT AND TITLE CO.

By

This Certificate is hereby extended to include transfers Nos. to 4 S. [Signature] inclusive.

Dated this day of April 1934, at one o'clock P.M.

THE IDAHO FALLS ABSTRACT AND TITLE CO.

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THE IDAHO FALLS ABSTRACT AND TITLE CO.

By

This Certificate is hereby extended to include transfers Nos. to 4 S. [Signature] inclusive.

Dated this day of April 1934, at one o'clock P.M.

THE IDAHO FALLS ABSTRACT AND TITLE CO.

By

This Certificate is hereby extended to include transfers Nos. to 4 S. [Signature] inclusive.

Dated this day of April 1934, at one o'clock P.M.

THE IDAHO FALLS ABSTRACT AND TITLE CO.

By

TO

Land Bank Commissioner.

Grantors

Grantees

Date—July 2, 1934

Recorded—Jany 19, 1935 at 10:30 A.M

Book 36 of Mortgages Page 137
Records of Bonneville County, Idaho

Transcribed from Book _____ Page _____
Records Bingham County, Idaho

Consideration— \$4800.00

Name of Witnesses—

Date of Acknowledgement—**January 8 1935** (for Charles H. Tingey and wife, Lois)

Name and Title of Officer— Colin Chester, Clerk of District Court.

Address of Officer--Soda Springs, Idaho Official Seal Attached? Yes

Is wife seperately examined?

Granting words—

Granting W Covenants

Conditions, Limitations and Recitals

(P.G.Tingey, sometimes written Perry G.Tingey,
and Hattie Tingey, husband and wife, acknowledged
s-
Jany 11 1935, before Henry W.Stahle, Notary Public
Bountiful Utah. (Seal)

Description and Remarks

Tract 1- North half of the Southeast quarter, the Southwest quarter of the Northeast quarter, and the Southeast quarter of the Northwest quarter of Section 25, Township 4 South, Range 43 East Boise Meridian.

Tract 2- The South half of the Southeast quarter, and the East half of the Southwest quarter of Section 25, Township 4 South Range 43 East Boise Meridian.

Together with all water rights and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith now and / or at any time during the existence of this mortgage, including (but not limited to) the following:

All right to use of waters of Eagle Creek (being an undivided one-third interest in 5.3 cubin feet of water) evidenced by Water License #366 for State of Idaho, recorded Nov. 15, 1907, in Book _____ Page _____ also 320 inches of waters of Bridge Creek, with priority of July 1888.

P. G. Tingey, sometimes written Perry G. Tingey who as principal obligor upon the note hereby secured executed this mortgage for the purpose of binding himself as principal obligor to the fulfillment of all the covenants of the mortgagors herein contained, but does not thereby assert any ownership of or interest in the land hereby mortgaged.

The undersigned hereby certifies that the foregoing abstract of title, consisting of Sheets numbered from 1 to 3, both inclusive, comprises a true abstract of all conveyances, deeds, trust deeds, land contracts, mortgages, leases, mechanics' and other liens, attachments, notices of levy of execution, suits pending, tax sales, tax deeds, probate proceedings, special proceedings, bankruptcy and insolvency proceedings, unsatisfied judgments, in State Courts and Federal Courts holding terms in the County, if any; transcriptions of judgments, and any other matters not herein specified, of record in the public offices in the County of Bonneville, and State of Idaho, prior to the 19th day of January, 1935, at 5 o'clock P. M., affecting the title to or constituting liens upon the following described real estate situate in said County, to-wit:

The Southwest quarter of the Northeast quarter,
the Southeast quarter of the Northwest quarter,
the East half of the Southwest quarter, and the
Southeast quarter of Section 25, Township 4 South Range
43 East Boise Meridian.

If said land, or any portion thereof, is situate within an irrigation, drainage, road or other special assessment district, report on special assessments:

This certificate does not cover Irrigation District Assessments.

Report on Taxes:

Last half taxes for 1933 not paid - \$61.00
Taxes for 1934 not paid - 89.66

This certificate is made for and at the request of The Federal Land Bank of Spokane and/or the Land Bank Commissioner, this 19th day of January, 1935.

Idaho Falls Abstract & Title Co.

By M. B. [Signature] Secretary

NOTE—This certificate must cover the entire abstract and the entire day on which the mortgage is filed.



No.4

Idaho Falls, Idaho

Both facts
Perry, G. Tingey, and wife
Hattie, Tingey, proceeded, attended

Grantors

TO

Charles H. Tingey.

Grantees

Instrument—Warranty Deed. conveyances,
mechanisms and other items, attachments, notices
Date—June 4, 1934 special proceedings,
proceedings in State Courts and Federal Courts
Recorded—May 22, 1935 at 11:32 A.M.

Book 26 of deeds Page 445
Records of Bonneville County, Idaho

Transcribed from Book
Records of Bingham County, Idaho

Consideration— \$4300.00

\$4.50 IRS cancelled on deed

Name of Witnesses—

Date of Acknowledgement— June 4, 1934

Name and Title of Officer— Henry W. Stahle, Notary Public

Address of Officer— Bountiful, Utah

Official Seal Attached? Yes.

Is wife separately examined?

Granting words—

Covenants—

Conditions, Limitations and Recitals—

If said land, or any portion thereof is situated in
assessment district, report on special assessments:

Description and Remarks

The North half of the Southeast quarter,
the Southwest quarter of the Northeast
quarter, and the Southeast quarter of the
Northwest quarter of Section 25, Township 4
South Range 43 East Boise Meridian.

Report on Taxes:

Also the South half of the Southeast quarter,
and the East half of the Southwest quarter
of Section 25, Township 4 South Range 43
East Boise Meridian

Together with all water rights and rights in ditches, canals, and
laterals and right of way therefor, appurtenant to said premises or
used in connection therewith now and or, at any time during the
existence of this mortgage, including (but not limited to the following:

All rights to use of waters of Eagle Creek (being an undivided
one-third interest in 5.6 cubic feet of water) evidenced by Water
License #366 for State of Idaho, recorded Nov 15, 1907 in Book 1
page 243, also 320 inches of waters of Bridge Creek, with priority
of July 1888.



The Undersigned hereby certifies that the foregoing Abstract of Title, consisting of Sheets numbered from 4 to 10, both inclusive, comprises a true abstract of all conveyances, deeds, trust deeds, land contracts, mortgages, leases, mechanics' and other liens, attachments, notices of levy of execution, suits pending, tax sales, tax deeds, probate proceedings, special proceedings, bankruptcy and insolvency proceedings, unsatisfied judgments, in State Courts and Federal Courts holding terms in the County, if any; transcriptions of judgments, and any other matters not herein specified, of record in the public offices in the County of Bonneville and State of Idaho subsequent to the 19th day of January, 1935, at 5:00 o'clock P. M., affecting the title to or constituting liens upon the following described real estate situate in said County, to-wit:

The Southwest quarter of the Northeast quarter,
the Southeast quarter of the Northwest quarter,
the East half of the Southwest quarter and the
Southeast quarter of Section 25m Township 4
South Range 43 East Boise Meridian.

If said land, or any portion thereof, is situate within an irrigation, drainage, road or other special assessment district, report on special assessments:

Report on Taxes:

Taxes for 1934 and prior taxes paid.

This certificate is made for and at the request of The Land Bank Commissioner
Federal Land Bank of Spokane, this
22nd day of May, 1935, at 5:00 o'clock P. M.

Idaho Falls Abstract & Title Co.

By M. Bandy Secretary

(This certificate must cover up to and including 5:00 p. m. on the day on which made.)



THIS INDENTURE, Made the 4th day of June, in the year of our Lord one thousand
 hundred and Thirty-four, between Perry G. Tingey and Hattie Tingey, husband
 and wife,

County of Centerville and State of Utah, the parties of the first part, and
 Charles H. Tingey
 County of Bonneville and State of Idaho, the part Y of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
 Forty-three Hundred and No/100ths (\$4300.00) ----- DOLLARS,
 money of the United States of America, to them in hand paid by the said part Y of the second part, the
 amount whereof is hereby acknowledged, do by these presents Grant, Sell, Bargain and Convey and Confirm unto the said
 of the second part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of
 situate, lying and being in the County of Bonneville and State of Idaho, and bounded and described as follows, to-wit:

The North Half of the Southeast Quarter, the Southwest Quarter of the Northeast
 Quarter, and the Southeast Quarter of the Northwest Quarter of Section Twenty-five, Town-
 Four South, Range Forty-three, East of the Boise Meridian.

Also, the South Half of the Southeast Quarter, and the East Half of the Southwest
 Quarter of Section Twenty-five, Township Four South, Range Forty-three, East of the Boise
 Meridian.

Together with all water rights and rights in ditches, canals and laterals, and
 of way therefor, appurtenant to said premises or used in connection therewith now
 or at any time during the existence of this mortgage, including (but not limited to)
 following:

All right to use of waters of Eagle Creek (being an undivided one-third interest
 of 6 cubic feet of water) evidenced by Water License # 366 for State of Idaho, recorded
 number 15, 1907, in Book 1, Page 243, also 320 inches of waters of Bridge Creek, with
 city of July, 1888.

Bonneville County, Idaho.

\$4.50 in U.S.I.R. Stamps.
 Attached and cancelled.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise
 coming, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges thereto,
 unto the said party of the second part, and to his heirs and assigns, forever, and the said parties
 first part and their heirs, and the said premises in a quiet and peaceable possession of the said party of the
 part, his heirs and assigns, against the said parties of the first part and their heirs, and against
 every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these
 forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals,
 and year first above written.

Signed, Sealed and Delivered in the Presence of

E. J. Soelberg

Perry G. Tingey (Seal)

Hattie Tingey (Seal)

(Seal)

(Seal)

STATE OF IDAHO,

of Davis ss.

DO HEREBY CERTIFY THAT on this 4th day of June 1934, before

Henry W. Stahl
 a public in and for said County and State, personally appeared Perry G. Tingey and Hattie Tingey,
 husband and wife,

to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged
 that they executed the same.

FARM MORTGAGE

THIS MORTGAGE, Made this 2nd day of July, 1934Between Charles H. Tingey and Lois Tingey, husband and wife; and P. G. Tingey, sometimeswritten Perry G. Tingey of assistance and to business, whoreside at Idaho, in the County of Bonneville, State of Idaho, mortgagors, to

the Land Bank Commissioner, acting pursuant to Part 3 of the Act of Congress known as the Emergency Farm Mortgage Act of 1933, at his office and place of business in the City of Spokane, State of Washington, mortgagee,

WITNESSETH: That in consideration of a loan to the mortgagors, evidenced as hereinafter described, the mortgagors do hereby grant, bargain, sell, and convey to the mortgagee the following described real property situated in the County of Bonneville, State of Idaho, to-wit:

TRACT 1: The North Half of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section Twenty-five, Township Four South, Range Forty-three, East of the Boise Meridian.

TRACT 2: The South Half of the Southeast Quarter, and the East Half of the Southwest Quarter of Section Twenty-five, Township Four South, Range Forty-three, East of the Boise Meridian, together with all water rights and rights in ditches, canals, and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith now and/or at any time during the existence of this mortgage, including (but not limited to) the following:

All right to use of waters of Eagle Creek (being an undivided one-third interest in 5.3 cubic feet of water) evidenced by Water License #366 for State of Idaho, recorded November 5, 1907, in Book , Page , also 320 inches of waters of Bridge Creek, with priority of July 1888.

her with the tenements, hereditaments, rights, privileges and appurtenances, now or hereafter belonging to or used in connection with the above described premises; and all plumbing, lighting, heating, cooking, cooling, ventilating, elevating, watering, irrigating apparatus and fixtures, now or hereafter belonging to or used in connection with the above described premises; together with all waters and water rights of every kind and description and however evidenced or manifested, which now or hereafter may be appurtenant to said premises or any part thereof, or incident to the ownership thereof, or any part thereof, and in connection therewith; and together with all of the rents, issues and profits of the mortgaged property.

This conveyance is intended as a mortgage and is given as security for the performance of the covenants hereinafter contained and for payment to the mortgagee at his (the Commissioner's) office in the City of Spokane, State of Washington, of debt evidenced by one promissory note executed by the mortgagors to the order of the mortgagee of even date herewith.

211-150
3-25-35

138929

PUBLISHED BY THE STATE OF IDAHO, 1902

THIS INDENTURE, Made ~~the~~ 10th day of April in the year of our Lord one thousand nine hundred and thirty-nine, ~~between~~ between

Hattie May Tingey, a widow

of the _____, County of Bonneville and _____, State of Idaho
the part y of the first part, and Charles Tingey
of the _____, County of Bonneville and the _____, State of Idaho
the part y of the second part:

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of

Ten and No/100 _____ DOLLARS,
and other valuable consideration _____ said
lawful money of the United States of America, to _____ and in hand paid by the part y of the second part, the receipt whereof
is hereby acknowledged, has _____ Granted, Bargained and Sold, and by these presents do _____ Grant, Bargain, Sell, Convey and
Confirm, unto the said part y of the second part, and to his _____ heirs and assigns, forever, all of the following described
real estate, situated in Bonneville County, State of Idaho, to-wit:

The East Half of the Northwest Quarter; the West Half of the West Half of the Northeast Quarter
the Northeast Quarter of the Southwest Quarter; and the Southeast Quarter of Section 36, Township 4 South,
Range 43 East, Boise Meridian.

\$.50 U. S. I. R. Stamp Attached and Cancelled.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise apper-
taining, and the reversion and reversions, remainder and remainders, 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 part y of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto
the part y of the second part, and to his _____ heirs and assigns forever. And the said part y of the first part, and her
heirs, the said premises in the quiet and peaceable possession of the said part y of the second part, and his _____ heirs and assigns,
against the said part y of the first part, and her _____ heirs, and against all and every person or persons whomsoever, lawfully
claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set her hand and seal
the day and year first above written.

Signed, Sealed and Delivered in the Presence of

E. J. Soelberg

Hattie May Tingey

(SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,)
COUNTY of Bonneville) ss.
I Do Hereby Certify
On this 10th day of April, in the year 19 39, before me,
said County and the undersigned, _____, a Notary Public,
in and for the State of Idaho, personally appeared

Hattie May Tingey, a widow and forgoing
known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me
that she executed the same. at Idaho Falls, Idaho

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

(SEAL)

Earl J. Soelberg

My commission expires June 6, 1943

Residence: Idaho Falls, Idaho, Notary Public.

Recorded at the request of Earl J. Soelberg,
March 2, 1940 at 9:12 A. M.

W. L. Brewrink

Recorder.

By Grace Mc. Intosh

Deputy Recorder.

Recorder's Fees, \$ 1.20

THE UNITED STATES OF AMERICA

Desert Lands,
Certificate No. 1751

To All to Whom these Presents shall Come - GREETING:

WHEREAS, Perry Tingey

has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho,

whereby it appears that full payment has been made by the said

Perry Tingey

according to the provisions of the Act of Congress of the 24th of April, 1890, entitled, "An Act making further provisions for the Sale of the Public Lands," and the acts supplemental thereto, for the north half of the southeast quarter, the south-west quarter of the northeast quarter, and the southeast quarter of the northwest quarter of Section twenty-five in Township four south of Range forty-three East of the Boise Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Lands returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said Perry Tingey

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have GIVEN and GRANTED, and by these presents do GIVE and GRANT, unto the said

Perry Tingey

and to his heirs, the said Tract above described,

TO HAVE AND TO HOLD THE SAME, Together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereto belonging, unto the said Perry Tingey

and to his heirs

and assigns, forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty-fifth day of May, in the year of our Lord one thousand nine hundred and eight and of the Independence of the United States the one hundred and thirty-second,

BY THE PRESIDENT: Theodore Roosevelt

By A. S. Stump Assistant Secretary.

Recorded Vol. Y 779 Page 306.



H.W. Sanford,
Recorder of the General Land Office.

Filed for Record at 2:30 o'clock P. M., August 12th,

A. D. 1916, and recorded at the request of

Perry Tingey

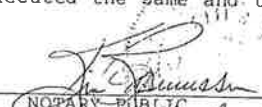
F.W. Jordan,

By Alice B. B. Deputy.

County Recorder.

Fee \$1.00.

duly sworn did say, each for himself, that he, the said Don M. Wheeler is the president, and he, the said W. B. Egan is the secretary of Wheeler Enterprises, Inc., and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors and said Don M. Wheeler and W. B. Egan each duly acknowledged to me that said corporation executed the same and the seal affixed is the seal of said corporation.


NOTARY PUBLIC
Residing at: Salt Lake County, UT.

My Commission Expires:

10/3/82

RECORDED
INDEXED
MAY 10 1982
SALT LAKE COUNTY, UTAH

EXHIBIT "A"

TOWNSHIP 4 SOUTH, RANGE 43 EAST, BOISE MERIDIAN

Parcel No. 1:

Section 25: SW 1/4 NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, SE 1/4 (excluding a one-acre parcel situated in the SW 1/4 NE 1/4 set aside as a cemetery).

Parcel No. 2:

Section 36: W 1/2 W 1/2 NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4, SE 1/4

A one-half (1/2) interest in the Mineral Rights (including geothermal) associated with the above-described real property.

An undivided one-third (1/3) interest in 5.6 Cubic Feet of Water from Eagle Creek, as evidenced by Water License No. 366 for the State of Idaho, recorded November 15, 1907 in Book 1, Page 243 of the Records of Bonneville County, Idaho.

320 Inches of water of Bridge Creek, with a priority of July 18, 1888.

A 10-year term grazing permit on the Caribou National Forest, Bridge Creek Allotment, for 175 cows from June 11th to September 30th each year amounting to 854 A.U.M.'s.

All improvements, fixtures and buildings located on the above-described real property.

625625

Recorded at Request of _____
at _____ M. Fee Paid \$ _____
by _____ Dep. Book _____ Page SECRETARY OF STATE
Mail tax notice to _____ Address _____

QUIT-CLAIM DEED

ELDRED G. WRIGHT

of South Jordan, County of Salt Lake, State of Utah, hereby grantor

QUIT-CLAIM to

O. W. RANCHES, a Utah Corporation

of TEN AND 00/100 (for the sum of \$10.00) DOLLARS,
and other good and valuable consideration
the following described tract of land in
State of ~~Utah~~ Idaho: County,

See Exhibit "A" attached hereto
and made a part hereof

INSTRUMENT NO. 625625
DATE 6-14-82
INST. CODE 356
FEE 14.00
STATE OF UTAH
By Eldred G. Wright
Request of _____

JUN 14 11 25 AM '82

BONNEVILLE COUNTY
CLERK

625625

WITNESS the hand of said grantor, this 3rd day of
May, A. D. one thousand nine hundred and eighty-two

Signed in the presence of

Eldred G. Wright
ELDRED G. WRIGHT

STATE OF UTAH,
County of Salt Lake ss.

On the 3rd day of May, A. D. one
thousand nine hundred and eighty-two personally appeared before me

ELDRED G. WRIGHT

the signer of the foregoing instrument, who duly acknowledge to me that he executed the
same.

My commission expires 30 July 1985 Address: Sandy, Utah

Notary Public.

INSTRUMENT NO. 622-3
DATE 4-12-82
INST. CODE 352
FICHE NO. 1584006
FEE
STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss
I hereby certify that the within
instrument was recorded.
recorded at request of
at _____ Fee paid \$ _____
By _____ Dep. Book _____ Page _____ Ref.: _____
Request of _____

5200, South Highland Dr., Suite 302
Salt Lake City, UT 84117
021382

EXHIBIT "I"

WARRANTY DEED

WHEELER ENTERPRISES, INC., a corporation organized and existing under the laws of the State of Utah, with its principal office at Salt Lake County, State of Utah, grantor, hereby conveys and warrants to ELDRED G. WRIGHT, of South Jordan, County of Salt Lake, State of Utah, grantee, for the sum of Ten and 00/100 Dollars (\$10.00), and other good and valuable consideration, the following described tracts of land in Bonneville County, State of Idaho:

An undivided 62 percent interest in the following described property:

TOWNSHIP 4 SOUTH, RANGE 43 EAST, BOISE MERIDIAN

Parcel No. 1:

Section 25: SW 1/4 NE 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, SE 1/4 (excluding a one-acre parcel situated in the SW 1/4 NE 1/4 set aside as a cemetery).

Parcel No. 2:

Section 36: W 1/2 W 1/2 NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4, SE 1/4

Said property being situate in Bonneville County, Idaho.

Together with a one-half (1/2) interest in the Mineral Rights (including geothermal) associated with the above-described real property.

Together with an undivided one-third (1/3) interest in 5.6 Cubic Feet of Water from Eagle Creek, as evidenced by Water License No. 366 for the State of Idaho, recorded November 15, 1907 in Book 1, Page 243 of the Records of Bonneville County, Idaho.

Together with 320 Inches of water of Bridge Creek, with a priority of July 18, 1888.

WITNESS the hand of said grantor, this 10th. day of March, 1982.

Attest:

WHEELER ENTERPRISES, INC.

Secretary

By

President

STATE OF UTAH)
(ss.
COUNTY OF SALT LAKE)

On the 10th. day of March, 1982, personally appeared before me Don M. Wheeler and W. R. Ryan, who being by me