

03/03/2004

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

RIGHT NUMBER: 25-7137

NAME AND ADDRESS: NEWELL K RICHARDSON
2088 E 4900 S
IDAHO FALLS ID 83404

SOURCE: SPRING

TRIBUTARY: SELLARS CREEK

QUANTITY: 0.040 CFS
1.200 AFY

PRIORITY DATE: 10/26/1977

POINT OF DIVERSION:

T02S R39E S2 NWSWSE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

1.20 AFY

Domestic use is for 1 home.

PLACE OF USE: DOMESTIC Within BINGHAM County

T02S R39E S02 SWSE

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.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

EXPLANATORY MATERIAL: License

Water Right 25-7137

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 25-7137

WATER RIGHT NUMBER: 25-7137

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEWELL K RICHARDSON 2088 E 4900 S IDAHO FALLS, ID 83404 (208)529-0436

Priority Date: 10/26/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SELLARS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
	<u>Total Diversion:</u>	0.040 CFS	1.20 AF

Location of Point(s) of Diversion

SPRING	NW1/4SW1/4SE1/4	Sec. 2,	Twp 02S,	Rge 39E, B.M.
BINGHAM County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	39E	2																	X

Conditions of Approval:Remarks:Comments:Dates and Other Information:

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SEP 27 2004

MH
03/03/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-7137

NEWELL K RICHARDSON

2088 E 4900 S

IDAHO FALLS ID 83404

Telephone Number: (208)529-0436

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5 Sept 04

SIGNATURE:

NEWELL K. RICHARDSON

Please print your name:

NEWELL K. RICHARDSON

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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SEP 15 2004**

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-7137

WATER RIGHT NUMBER: 25-7137

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROGER DE MORDAUNT 961 E 25TH ST IDAHO FALLS, ID 83401
Current Owner	NEWELL K RICHARDSON 2088 E 4900 S IDAHO FALLS, ID 83404 (208)529-0436

Priority Date: 10/26/1977

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SELLARS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

SPRING	NW1/4SW1/4SE1/4	Sec. 2,	Twp 02S,	Rge 39E, B.M.
BINGHAM County				

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	39E	2																	

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2. X01 Domestic use is for 1 home.

Remarks:Comments:Dates and Other Information:

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 25-7137

Licensed Date: 3/2/2004

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: And

Water District Number: 01

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

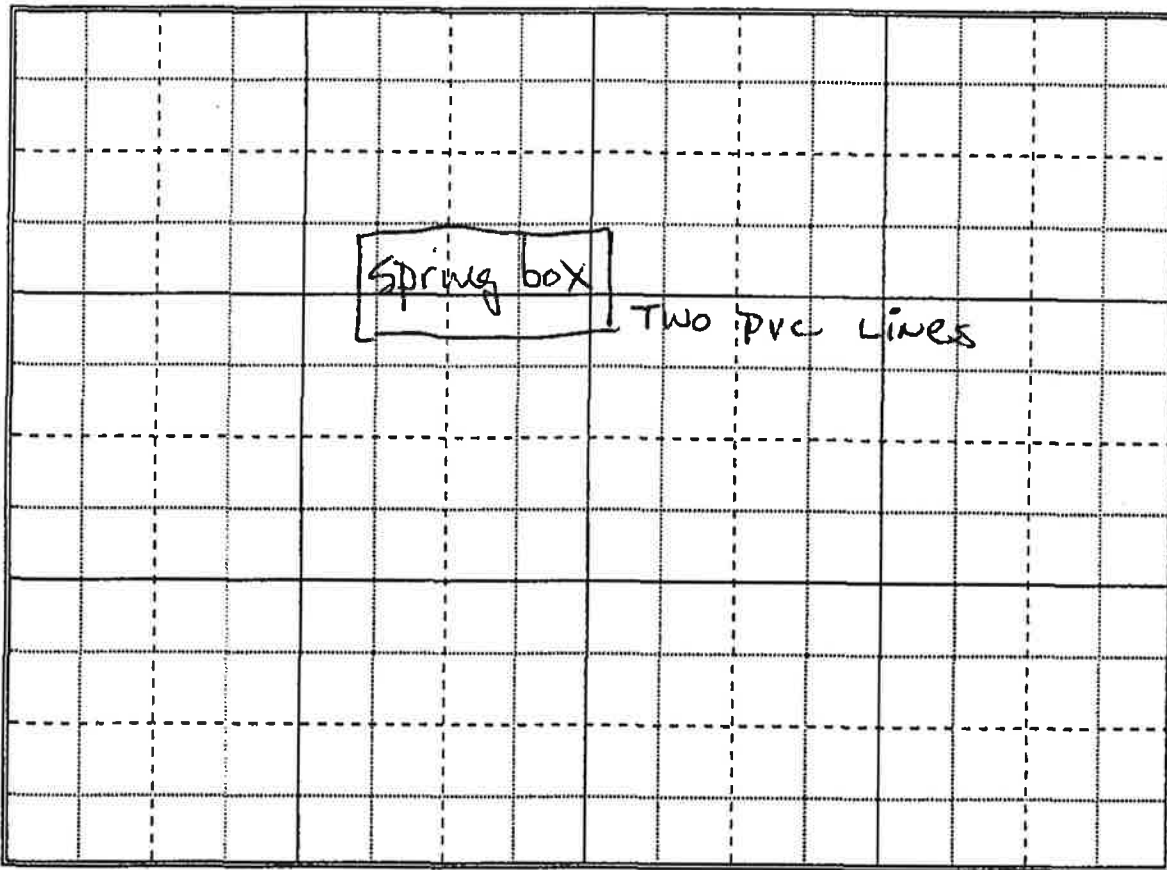
PROFILE

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SEP 27 2004

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

2 1/2 gallon bucket filled in 30 seconds from a garden hose.
Full flow would be greater than this.

E. NARRATIVE/REMARKS/COMMENTS

Spring is piped down to cabin by way of PVC line.
Nobody goes home at time of exam.
A sprinkler was running on the front lawn.

Overflow from PVC line comes down small creek in two lines.
Eventually flow is "Tee'd" into one line.

Mr. Richardson says there are no horses or ponies. He wasn't certain where that came from on the application.

Full spring flow would flow most likely exceed the permit amount. A fair amount of water was by-passing the 2 PVC pipes and running down the creek. The pipe going to the home is 1 1/2 pvc.

Hose was flowing 5 gpm. This, however, wouldn't represent the full spring flow.

I recommend licensing at standard domestic rate.

Have conditions of permit approval been met? ☒ yes ☐ no

APR 15 2002

F. FLOW CALCULATIONS

Additional Computation Sheets Attached ☐ Department of Water Resources

Measured Method:

use standard domestic amount 0.04 cfs with
Lawn watering

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} =$ _____

2. Volume Calculations for Other Uses:

one home and lawn = 1.2 AF/A

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Domestic	01/01	12/31	0.04 cfs	1.2 AF
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			0.04 cfs	1.2 AF

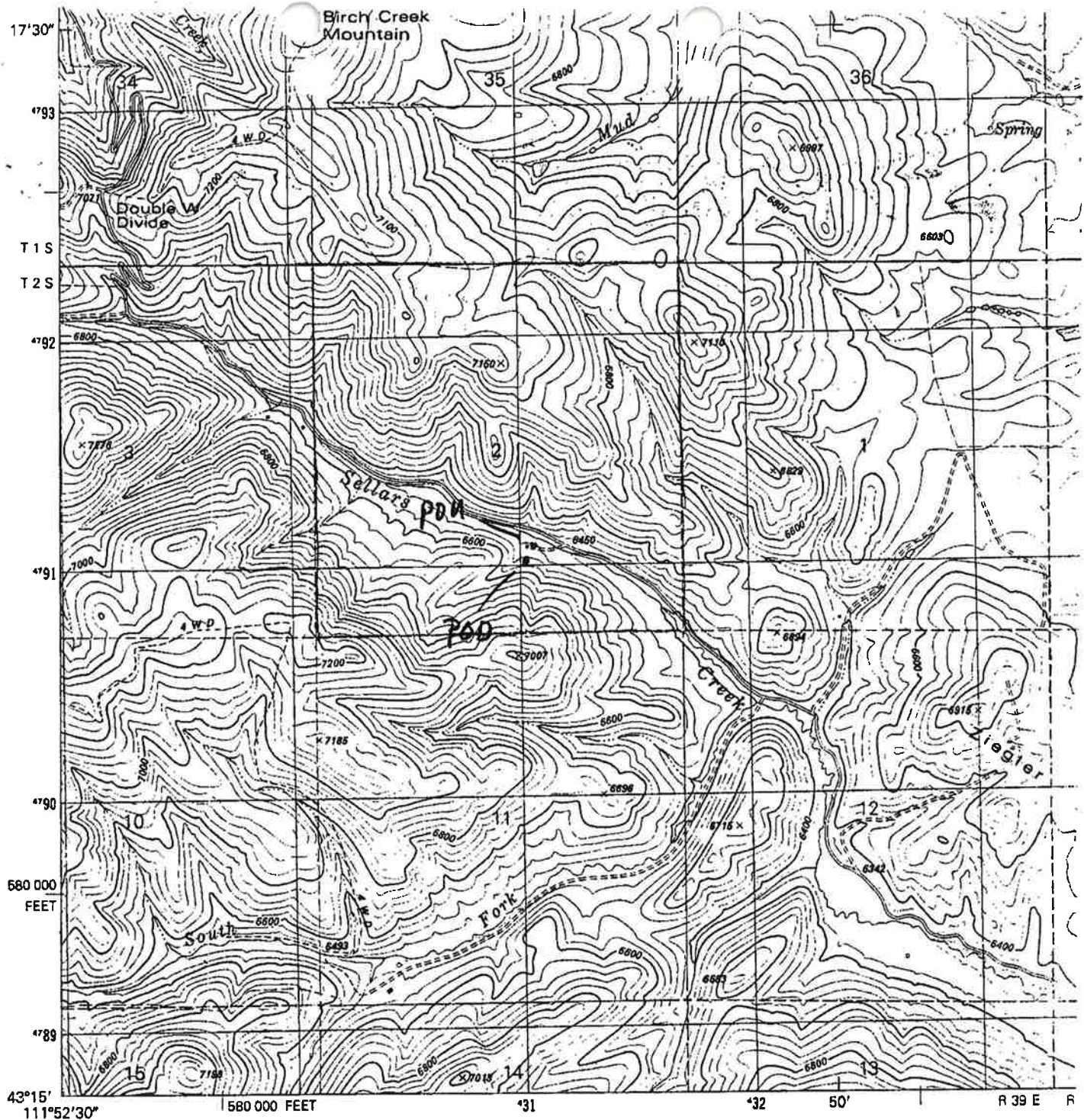
2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Steve Mueller Date 8-2-01Reviewer DAVE GELSON Date 4/9/2002

SEAL



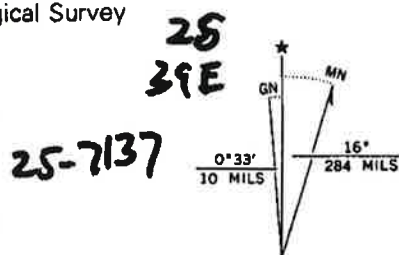
(INNER CREEK)
3675 IN NW

Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA

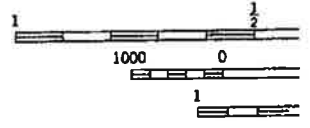
Topography by photogrammetric methods from aerial
photographs taken 1973 and 1974. Field checked 1975
Map edited 1981

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid, zone 12
1927 North American Datum
To place on the predicted North American Datum 1983
move the projection lines 12 meters north and
65 meters east as shown by dashed corner ticks

Fine red dashed lines indicate selected fence and field lines
where generally visible on aerial photographs
This information is unchecked



UTM GRID AND 1981 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



NA

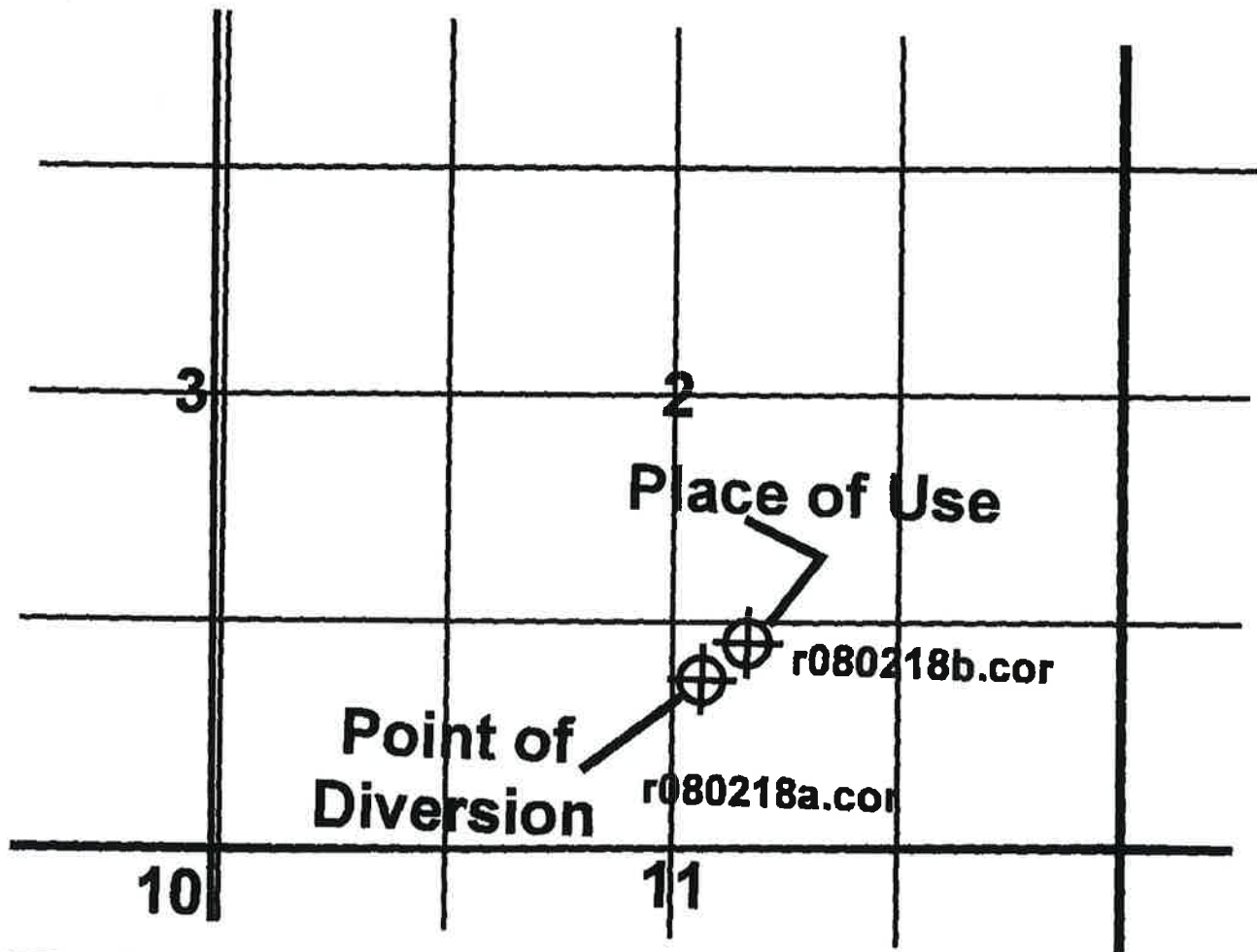
THIS MAP
FOR SALE BY U. S. GEOLOGIC
A FOLDER DESCRIB

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the National or State reservations shown on this map



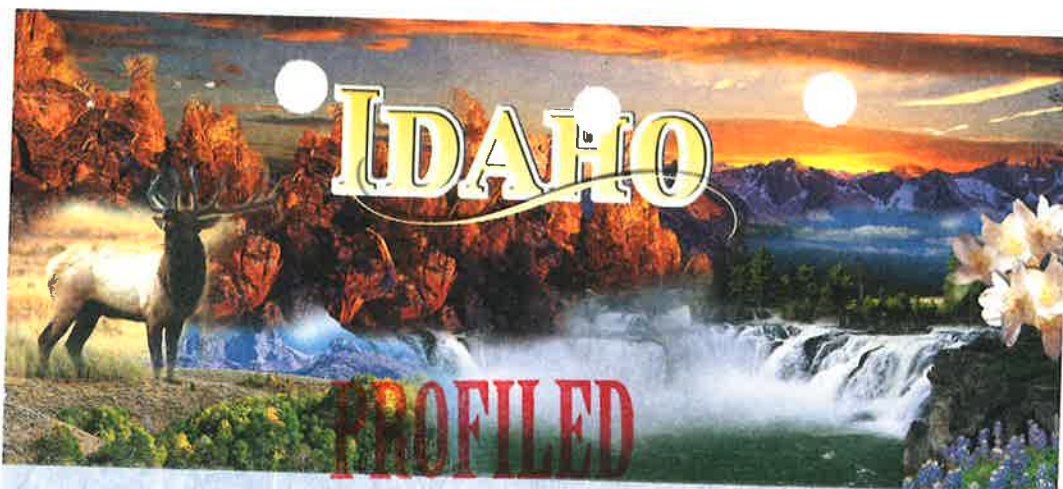
-  Sections.shp
-  T02s39e.shp
-  Posnpnt.shp

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25-07137

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SEP 27 2004



SCANNED

5 February 2004

Dear Sir:

SEP 27 2004

There has been some confusion concerning ownership of Water Rights specifically

Permit # 25-07137 - a Spring which is a Tributary to Seltow Creek.

The present title is in the name of Roger De Mordaunt & Newell K. Richardson.

It, Roger De Mordaunt no longer have any ownership related to that claim on property. That permit & claim should be titled only in the name of Newell K. Richardson.

Kindly make that correction in your records.

RECEIVED

FEB 09 2004

Department of Water Resources
Eastern Region

Respectfully,

Roger De Mordaunt

*ownership
changed
2/9/04
jc*

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	<u>25-7137</u>	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

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

OR

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

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

Roger Mordaunt, ~~Richard~~ Newell Richardson

4. New Owner/Claimant(s)

Newell K. Richardson

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

() _____

5. Date you acquired the property

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
25-7137	25-7137	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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☒ B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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

3. Name and Address of Former Owner/Claimant(s) ROGER DEMORDAUNT
961 EAST 25TH ST. ID. FALLS, ID
4. New Owner/Claimant(s) NEWELL K. RICHARDSON
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2088 E. 4900 SO.
- City, State and ZIP Code IDAHO FALLS ID 83404
- New Telephone Number 208) 539-0436
5. Date you acquired the property 21 DEC 1984

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6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

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

Newell K. Richardson
(TITLE ENCLOSED)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

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

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SEP 27 2004

WARRANTY DEED

329021

THIS INDENTURE, Made this 21st day of December, 19 84
between ROGER DEMORDAUNT and LAURA JO DEMORDAUNT, husband and wife
of Idaho Falls, State of Idaho
referred to as the Grantor, and NEWELL K. RICHARDSON, a married man
Route 3, Box 48-A
of Idaho Falls, State of Idaho, referred to as the Grantee.

WITNESSETH, For and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable considerations, Grantor has granted, bargained, sold, and by these presents, does hereby grant, bargain, sell, convey and confirm unto the said Grantee and Grantee's heirs and assigns forever, all of the following described real estate situated in the State of Idaho, to wit:

TRACT A:

A portion of the SE1/4 of Section 2 and the NE1/4 of Section 11, T. 2 S., R. 39 E.B.M., Bingham County, Idaho described as Beginning at the S1/4 corner of said Section 2, and running thence N. 0° 37'46" E. 1316.91 feet along the Section line to the NW corner of the SW1/4 SE1/4 of said Section 2, thence S. 89°35'28" E. 663.10 feet along the N. line of the SW1/4SE1/4 of said Section 2, thence S. 1970.13 feet; thence N. 89°19'26" W. 687.57 feet to the North-South Section line through said Section 11, thence N. 0°52'32" E. 660.00 feet along the North-South Section line of said Section 11 to the point of beginning.

TRACT B:

That portion of the NW1/4SE1/4 of Section 2, T. 2 S., R. 39 E.B.M., Bingham County, Idaho, lying S. of the County Road and W. of an imaginary North-South line lying S. 89°35'28" 663.10 feet E. of the SW corner of the NW1/4 SE1/4 of said Section 2.

SUBJECT TO the 1984 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.

BUT ALSO together with any and all water rights appurtenant thereto.

TO HAVE AND TO HOLD the said premises, together with all and singular the tenements, hereditaments, easements and appurtenances thereunto belonging or in anywise appertaining; and the reversions, remainders, rents, issues, and profits thereof; and all Grantor's estate, right, title and interest in and to said premises, in law as well as in equity.

Grantor shall, and by these presents, does hereby warrant and agree to forever defend the Grantee, his successors and assigns, in the quiet and peaceable possession of said premises and from and against all and every person lawfully claiming an interest therein.

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

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

Roger Demordaunt
Roger Demordaunt

Laura Jo Demordaunt
Laura Jo Demordaunt

State of Idaho } ss.
County of Bonneville
On this 21st day of December, 19 84,
before me the undersigned, a Notary Public in and for said State, personally appeared Roger Demordaunt and
Laura Jo Demordaunt, known to
me to be the person(s) whose name(s) are subscribed to the within
instrument, and acknowledged to me that they executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and af-
fixed my official seal the day and year first above written.
[Signature]
Notary Public for the State of Idaho,
Residing at Idaho Falls, Idaho.
Seal

RECORDING DATA

48 2nd PT
107 DEC 20 1984
329021
Bonneville Land & Title Co
P.O. Box 1156 I.F. 83402

Bonneville Land & Title Co.

470 B Street • P.O. Box 1156 • Idaho Falls, ID 83402-1156 • (208) 524-6666

North-South center line through said Section 2; thence South $0^{\circ}37'46''$ West 1596.90 feet along said North-South Center Line to the South one quarter corner of said Section 2; thence North $89^{\circ}19'26''$ West 660.78 feet along the Section line to the point of beginning, containing 26.30 acres.

5. There is also reserved an easement to draw and use water from the water source which services the cabin located on the property being conveyed by this deed, and to transport the same by a culinary water line of a size which will provide general culinary service to one cabin, across the property which is being conveyed by this deed to the tract hereafter described, together with the right to repair, maintain and replace the said water line as may be necessary, such right to the use of the water by said dominant tract to be nonexclusive to the owner or successors of said dominant tract, that is, such owner or successor shall share the joint use thereof with the owners and successors of the property being conveyed by this deed and Donald Jackson and Vera Jackson who claim an interest in said water, and any others who might have or claim an interest in the said water from time to time. The point of hookup or tap in to the water supply above identified shall be at a point at least 50 feet South of the South wall of the cabin located on the property being conveyed by this deed; and the water line extending to the dominant tract shall be at a point at least 50 feet South of the rear wall line of the cabin as if extended Eastwardly across the subject property. Said easement is further subject to the provision that the owners and successors of the dominant tract serviced by said water shall pay all costs and expenses for the repair, maintenance, replacement and upkeep of their water line; and shall share equally and proportionately with all parties who use the water from the spring which flows through the property being conveyed by this deed as to all costs and expenses of maintenance and upkeep of the said water supply; and said owners and successors of the dominant tract shall be responsible for applying for their water right in the said spring water and paying all costs associated therewith. The dominant tract to be serviced by said water and water line easement is described as follows:

Beginning at a point that is South $89^{\circ}19'26''$ East 677.49 feet along the Section line from the South Quarter Corner of Section Two (2), Township Two (2) South, Range Thirty-Nine (39), E.B.M., and running thence North 1310.09 feet to the North line of the Southwest Quarter, Southeast Quarter of said Section Two (2); thence South $89^{\circ}35'28''$ East 102.14 feet along said North line to the Williams Creek Road; thence South $56^{\circ}36'24''$ East 117.03 feet along said road; thence South $70^{\circ}49'54''$ East 460.70 feet along said road; thence South $63^{\circ}10'12''$ East 28.01 feet along said road; thence South 2078.87 feet; thence North $89^{\circ}19'26''$ West 660.05 feet; thence North 990.04 feet to the point of beginning, containing 33.34 acres.

6. The roadway leading from the county road to the cabin located on the subject property shall perpetually serve both the subject property and the "dominant" tract described in Paragraph 5 above for which dominant tract such easement is expressly hereby reserved, so as to provide access from and egress to the said county road for both of said tracts.

The term "culinary" as used hereinabove shall mean water service which would include, but not necessarily be limited to, the service for the cabin and for lawns, flower beds, shrubs and trees planted to decorate the cabin, and to water livestock permitted by the protective covenants.

THIS INDENTURE, Made this 2nd. day of August

in the year of our Lord one thousand nine hundred and seventy-six between
FRED KVARFORDT, JR. and WANDA KVARFORDT, his wife, AND WAYNE J. PETERSON
and MARLENE PETERSON, his wife,

of Idaho Falls, County of Bonneville, State of Idaho

the parties of the first part, and ROGER DeMORDAUNT and NEWELL K. RICHARDSON,
both married men, c/o Roger DeMordaunt, 961 East 25th Street, Idaho Falls,

of Idaho Falls County of Bonneville, State of Idaho

the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
TEN AND NO/100 (10.00)-----DOLLARS,
and other good and valuable considerations
lawful money of the United States of America/to them in hand paid by the said parties of
the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and
by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second
part, and to their heirs and assigns forever, all the following described real estate situated in

County of Bingham, State of Idaho, to-wit:

TRACT I:

Beginning at the South 1/4 corner of Section 2, Township 2 South, Range 39
E.B.M. and running thence North 0° 37' 46" East 1316.91 feet along the
Section line to the Northwest corner of the Southwest 1/4, Southeast 1/4 of said
Section 2, thence South 89° 35' 28" East 663.10 feet along the North line of
the Southwest 1/4, Southeast 1/4 of said Section 2; thence South 1970.13 feet;
thence North 89° 19' 26" West 687.57 feet to the North-South center line thru
Section 11, Township 2 South, Range 39 E.B.M.; thence North 0° 52' 32" East
660.00 feet along the North-South center line of said Section 11 to the point
of beginning containing 33.13 acres.

TRACT II:

That portion of the Northwest quarter, Southeast quarter of Section 2, Township
2 South, Range 39 E.B.M. lying South of the County road and West of an imaginary
North-South line lying South 89° 35' 28" 663.10 feet East of the Southwest corner
of said Northwest quarter, Southeast quarter of said Section 2 containing two
acres, more or less.

Subject to:

1. General taxes for the year 1976, which are a lien, but are not yet due and payable.
2. All existing patent reservations, easements or rights of way either of record or appearing on the land and all applicable protective covenants, zoning ordinances, building codes, laws and regulations. (The protective covenants being recorded as Instrument No. 176814, records of Bingham County, Idaho.)
3. All existing timber right agreements or deeds of record in Bingham County, Idaho.
4. A certain contract provision contained in a contract of sale dated October 1, 1974, but thereafter amended by an agreement amending contract of sale dated August 1, 1976, between High Country Enterprises, Incorporated, as "Seller" and Donald Jackson and Vera Jackson, his wife, as "Buyers," which amendment was agreed and consented to by Wayne J. Peterson and Marlene Peterson, his wife, and specifically Paragraph X of the said original contract, as amended by the amending agreement, which original paragraph and amendment state:

Together with the following fixtures or other property located thereon:

All existing inlaid linoleum and carpeting, window screens, screen doors, television antenna, shades, venetian blinds, curtain rods, attached lighting, plumbing and bathroom fixtures, water heating apparatus and fixtures, awnings, ventilating, cooling and heating systems, electricity generator and motor, and all irrigation fixtures and equipment which are permanently attached to the premises, and all trees, plants and shrubs.

TOGETHER, With all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, 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 said parties of the first part.

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

 [Seal]
Fred Kvarfordt, Jr.

 [Seal]
Wanda Kvarfordt

 [Seal]
Wayne J. Peterson

 [Seal]
Marlene Peterson

STATE OF IDAHO,

County of Bonneville.

On this 15

day of

September

in the year 1976, before me,

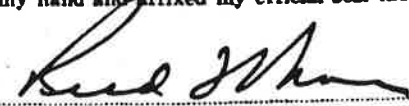
the undersigned

, a Notary Public in and for

said State, personally appeared FRED KVARFORDT, JR., WANDA KVARFORDT, WAYNE J. PETERSON and MARLENE PETERSON

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

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


Notary Public for the State of Idaho,
Residing at Idaho Falls, Idaho.
My Commission Expires: 2/26/78

"The said easement and water right to be granted to Buyers is more specifically described as follows, to-wit:

The Jackson property to which such rights, as above stated, are appurtenant is described as follows:

Beginning at a point that is South 89°19'26" East 1970.26 feet along the Section line from the Southwest Corner of Section 2, Township 2 South, Range 39, E.B.M.; thence North 1941.71 feet to the Williams Creek Road; thence South 40°20'42" East 264.44 feet along said road; thence South 72°21'54" East 531.97 feet along said road to the

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 25-7137
Date Received: 2/3/2004 2
Receipt No:
Received By: *E029509*
W.R. Warner

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

1. Name of Claimant(s)

ROGER DE MORDAUNT Phone:

961 E 25TH ST
IDAHO FALLS ID USA 83401

NEWELL K RICHARDSON Phone:

2088 E 4900 S
IDAHO FALLS ID USA 83404

2. Date of Priority: 10/26/1977

3. Source: SPRING Trib. to: SELLARS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	39E	2	NW SW SE	BINGHAM	

5. Description of diverting works:

spring is piped to cabin by way of pvc line

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	1.2

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 1.2 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

PROFILED
SCANNED

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02S	39E	2	SW	SE	DOMESTIC	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

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.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Roger D. Mordant Date: 3 Feb 2004
February 3, 2004 Date: _____

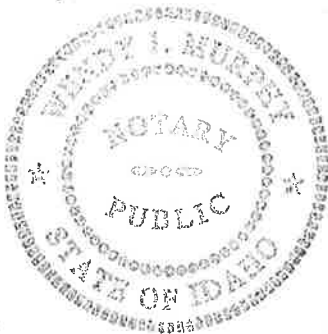
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 3rd
of February 2004 Wendy J. Murphy

Notary Public

Residing at Idaho Falls

My commission Expires 6/23/06



PROFILED
SCANNED
SEP 27 2004