

10/30/2002

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

RIGHT NUMBER: 29-164
NAME AND ADDRESS: RONNIE D TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246

SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 0.290 CFS
PRIORITY DATE: 04/01/1881
POINT OF DIVERSION:
T10S R38E S4 NESWSW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.290 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within BANNOCK County
T09S R38E S32 SESE 14.0 T09S R38E S33 SWSW 10.0

24 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH WEST DEMPSEY DITCH.



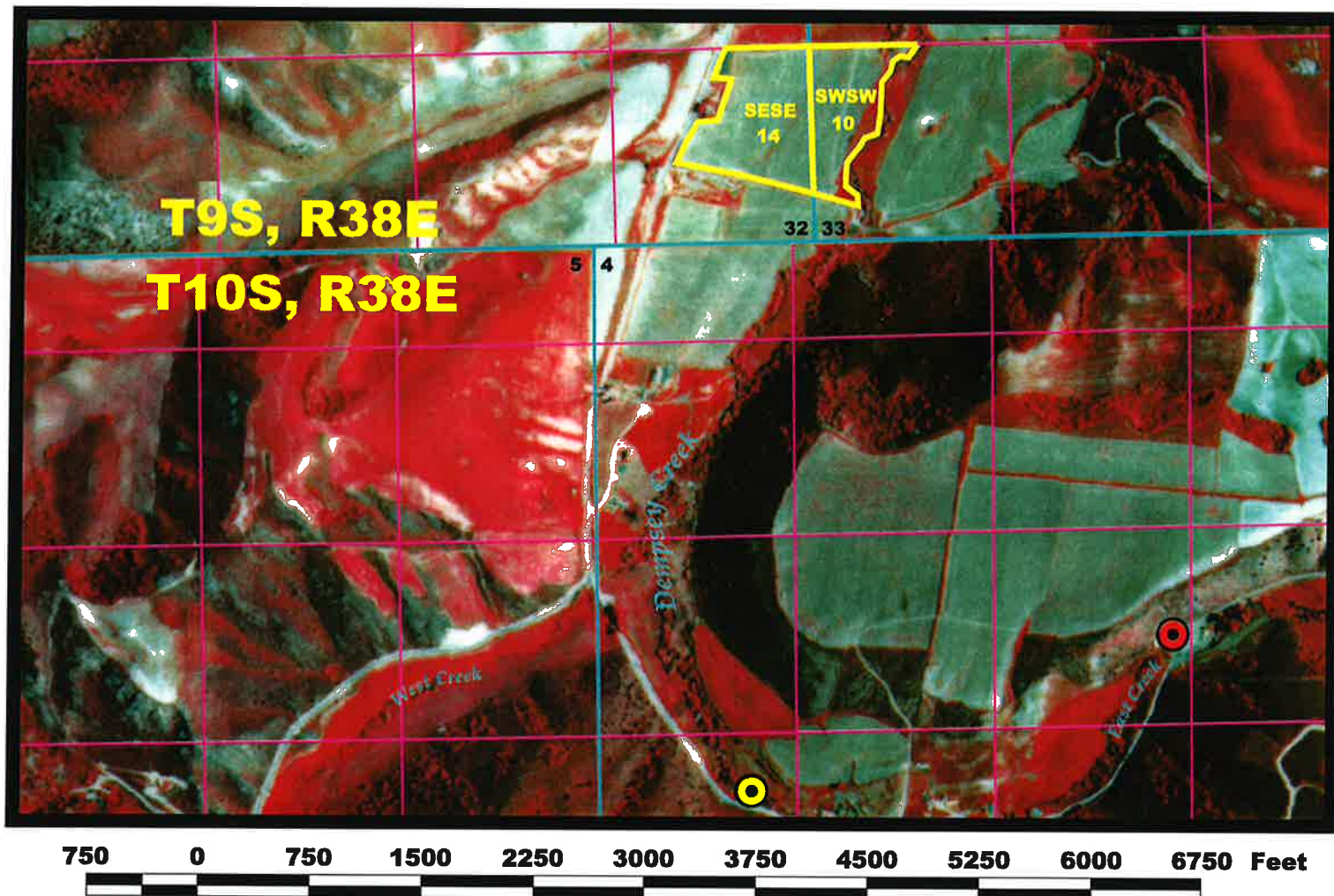
STATE OF IDAHO

Department of Water Resources

Eastern Region



WATER RIGHT(S): 29-00164



LEGEND

 **Place of Use**

 **Section**

 **Quarter-Quarter**

 **Point of Diversion**

Place of Use: (parts of)
T9S, R38E Sec. 32 SESE,
Sec. 33 SWSW

Point(s) of Diversion: T10S, R38E
Sec. 4 NESWSW

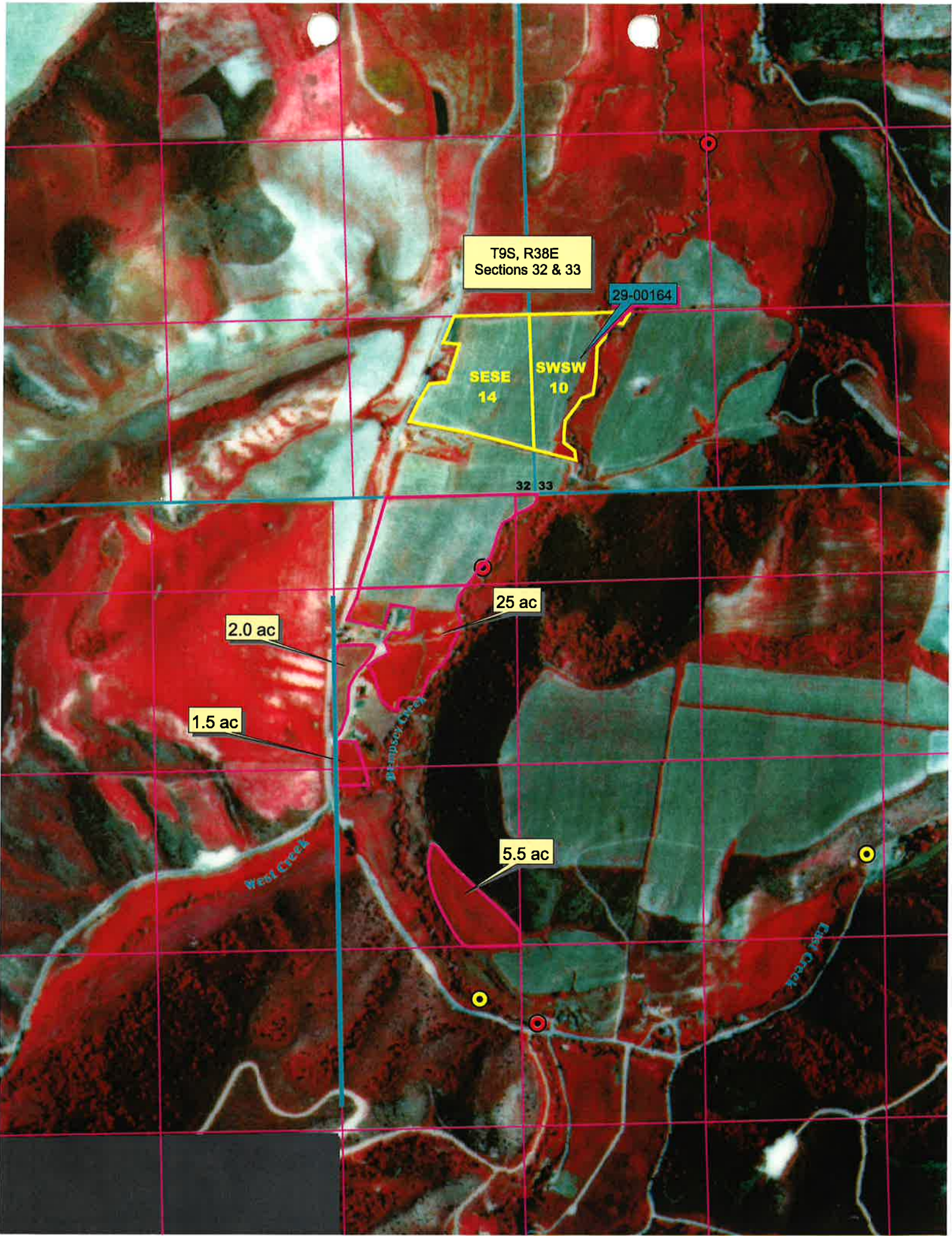
Note: Delivery through West
Dempsey Ditch.



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: March 2002

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JUL 06 2005



T9S, R38E
Sections 32 & 33

29-00164

SESE
14

SWSW
10

32 33

2.0 ac

1.5 ac

25 ac

5.5 ac

West Creek

East Creek

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: April 21, 2003

Water right number: 29-164

RONNIE D TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5267

SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS ID 83246
Telephone Number: (208) 776-5267

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:

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

DATE: 3-15-03

SIGNATURE:

Ronnie D. Tillotson

Please print your name:

Ronnie D. Tillotson

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

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WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/03/01 14:27:37

Page 1

Water Right Number - 29-00164

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

AVERY

KOHN N.

1 -

2 -

3 -

City-

State-

Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
04/01/1881 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
DEMPSEY CREEK PORTNEUF RIVER

+ - - - - Point of Diversion - - - - - +									
Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
10S	38E	4	SW SW			(5) BANNOCK			
		5	NE NE			(5) BANNOCK			

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	09/15	0.290	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.290 0.0

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	38E	32	SE SE			01	IRRIGATION	(5) BANNOCK
09S	38E	33	SW SW			01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN P/U INCOMPLETE.
THIRD P/D LISTED AS BYINGTON - MERRICK DITCH.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

L. AVERY
A29-13131

0.63 cfs 5/01/1881
34 AC.

SEE GIS

L. AVERY
A29-13131

SPLIT PORTION OF 29-00156
0.78 cfs 05/01/1881

G. GILLMAN
A29-00156A

0.05 cfs 5/01/1881

REDUCED FROM
0.22 cfs TO 0.05 cfs
5.0 AC. TO 2.5 AC.

R. PRICE
A29-12021

0.10 cfs 5/01/1881

REDUCED FROM:
0.31 cfs TO 0.10 cfs
6.0 AC. TO 5.0 AC.

L. AVERY
A29-10291

COMBINES DECREEED Rts.
29-00156 (0.78) AND 29-
00164 (0.29).

TOTAL Q = 1.07 cfs

PRIORITY: 5/1/1881

SPLIT BY C/O's
W/ DEED AS:

R. TILLOTSON
A29-00164

CLAIMED AS ORIGINAL DECREE

0.29 cfs 04/01/1881

DEED SPECIFIES ALL OF #124

SEC 32 S8SE

SEC 33 SWSW T9S R38E

NOTE: SEE SPLIT CALCULATIONS
IN A29-10291.

R. TILLOTSON
A29-13132

SPLIT PORTION OF 29-00156

0.XX cfs 05/01/1881

THERE IS NO DOCUMENTATION
TO SUPPORT THIS SPLIT PORTION.
THIS DID NOT HAPPEN. ABR

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

Grimm
L. AVERY

03/28/2001

WATER RIGHT NO. 29-10291

Owner Type
Current Owner

Name and Address
SPLIT RIGHT
XXXX
, ID 00000

Original Owner

LELAND AVERY
12200 S DEMPSEY
LAVA HOT SPRINGS, ID 83246
(208)776-5234

29-10291

SPLIT BY SALE (PROPORTIONAL)
11/2000

R. TILLOTSON
29-13132

SPLIT BY SALE 8/1984 (PROPORTIONAL)
R. PRICE

Priority Date: 05/01/1881
Basis: Decreed
Status: Parent

Source
DEMPSEY CREEK

Tributary to
PORTNEUF RIVER

Beneficial Use
IRRIGATION

From	To	Diversion Rate	Volume	Subuse Code
4/01	11/01	1.07 CFS		

Total Diversion

1.07 CFS

Location of Point(s) of Diversion:

Point of Diversion	Section	Township	Range	County
DEMPSEY CREEK	SESE	Sec. 32	Range 38E	BANNOCK County
DEMPSEY CREEK	NESW	Sec. 04	Range 38E	BANNOCK County
DEMPSEY CREEK	NWSW	Sec. 04	Range 38E	BANNOCK County

IRRIGATION Use:
Acre Limit: 58

Place(s) of use:

Place of Use Legal Description: IRRIGATION

BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	38E	32		SESE	16									
		33		SWSW	14									
10S		4	4	NWNW	15		SWNW	5						
				NWSW	8									

Total Acres: 58

Remarks:

1. COMBINED RIGHTS 29-00156 AND 29-00164

SPLIT BY CHANGE OF OWNERSHIP INTO 31-13131 (AVERY) AND 31-13132 (TILLOTSON). ACRES SPLIT BY POU; ALL SECTION 4 LANDS TO AVERY, ALL SECTION 32 LANDS TO TILLOTSON. Q SPLIT PROPORTIONALLY ACCORDING TO RATIO OF ACRES. ORIGINAL CLAIM FULLY APPORTIONED TO SPLITS. BCONTOR 11/8/2000.

Dates:

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Water Right 29-10291

NO
DID NOT HAPPEN
THIS WAY.

What About Sec. 33 14 ac
Sec. 32 is only 16 ac
Tot 30 ac
\$32?

C.I.S. having intake North 53 degrees East 1550 feet from Southwest corner of Section 4, Township 10 South, Range 38 E.B.M. (Avery-Godfrey Ditch) and also by means of a ditch having intake near where Dempsey Creek crosses the Township line between Townships 9 and 10, South, Range 38 E.B.M. (Byington-Merrick Ditch), for the irrigation of the North half of the Northwest quarter, Section 33, Township 9 South, Range 38 E.B.M., excepting a tract of land used as a cemetery.

124. AVERY, KOHN N.
9-0164, 1881 April 1

.29 c.f.s.
702

14.54

No Spec. Ac.

Said water to be diverted by means of a ditch having intake South 34 degrees West 640 feet from the Southwest corner of Section 33, Township 9 South, Range 38 E.B.M., (Avery-Hemenway Ditch); and also by means of a ditch having intake North 53 degrees East 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 38 E.B.M. (Avery-Godfrey Ditch); and also by means of a ditch having intake near where Dempsey Creek crosses the line between Townships 9 and 10 South Range 38 E.B.M. (Byington-Merrick Ditch), for the irrigation of the Southeast quarter of the Southeast quarter of Section 32, and the Southwest quarter of the Southwest quarter of Section 33, Township 9 South, Range 38 E.B.M. except the tract of land hereinbefore described belonging to M. Lucinda Byington.

125. AVERY, CLARENCE
9-0165, 1881 July 1

.29 c.f.s.

Said water to be diverted by means of a ditch having intake North 53 degrees East 1550 feet from the Southwest corner of Section 4, Township 10 South, Range 38 E.B.M. (Avery-Godfrey Ditch), and also by means of a ditch having intake South 34 degrees West 640 feet from the Southwest corner of Section 33, Township 9 South, Range 38 E.B.M. (Avery-Hemenway Ditch) for the irrigation of the Northeast quarter of the Southeast quarter of Section 32, Township 9 South, Range 38 E.B.M.

126. AVERY, J. A.
9-0166, 1881 May 1 1 miner's inch
9-0167, 1881 July 1 26 miner's inches
9-0168, 1883 May 1 27 miner's inches

Said water to be diverted through a ditch having intake in the East half of the Northwest quarter, Section 9, Township 10 South, Range 38 E.B.M.; also by means of 3 ditches having intakes in East Creek, a tributary of Dempsey Creek, as follows: (a) In Northwest quarter Northeast quarter Section 10; (b) In Northwest quarter Southeast quarter Section 4; (c) North 25 degrees, West 700 feet from Southeast corner of the Southwest quarter, Section 4, Township 10 South, Range 38 E.B.M., for the irrigation of lands lying within the Southeast quarter of the Northwest quarter, the East half of the Southwest quarter; the Southwest quarter of the Southwest quarter, Section 4, Township 10 South, Range 38 E.B.M.

SCANNED

JUL 06 2005

PROFILE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 22, 2000

Ronnie D. Tillotson
Sherril Tillotson
PO Box 261
Lava Hot Springs, ID 83246

Re: New Claim A29-164, Amended Claim A29-13132

Dear Water Users:

Enclosed is a new adjudication claim and an amended claim to reflect the information provided by the watermaster, that the 4-1-1881 right has been historically delivered to the lands you purchased from Mr. Avery.

Please return these with notarized signatures and a check for \$100, made out to "Idaho Department of Water Resources." Please mail them "Attention: Bryce" to the address noted at the top of this letter.

Feel free to call me if you have questions.

Sincerely,

Bryce A. Contor
Bryce A. Contor
Senior Water Resource Agent

*1-18-01
Returning Attached
Documents signed and
notarized. Thanks for
your help. The Tillotsons
check # 3643 for \$100.00
attached per your
instructions.*

COPY

RECEIVED

JAN 19 2001

Department of Water Resources
Eastern Region

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JUL 06 2005

MEMORANDUM

To: A29-10291
A29-13131
A29-13132
Fr: Bryce Contor
Date: 12/11/2000
Re: Priority Date of Claim

Bryce

Today Mr. Tillotson, owner of split A29-13132, came in with some concerns. According to Mr. Tillotson:

1. The original claim A29-10291 was combined from two decreed rights, one with priority 4-1-1881 and one with priority 5-1-1881. In filing as a combined claim, the priority of the senior right was reduced.
2. The agreement with the seller was that Mr. Tillotson purchased all of the 4-1-1881 right and a proportionate part of the 5-1-1881 right. Mr. Tillotson points to reference in the deed to "specifically right #124 on the Dempsey Creek water" as evidence of this intent.
3. The seller is elderly and not very strong, and may not be able to indicate his intent.
4. The reference "#124" refers not to IDWR number 29-124, but to the watermaster's numbering system.
5. Mr. Tillotson will contact the watermaster, Mr. Olsen, for documentation that "#124" does indeed refer to the 4-1-1881 right.
6. If the watermaster's documentation does not seem adequate, Mr. Tillotson will approach Mr. Avery's attorney for clarification of the intent.

Because Mr. Avery originally claimed 5-1-1881, it appears he will not be injured if I restore the 4-1-1881 priority to part of Mr. Tillotson's right. If the watermaster's documentation appears adequate, I plan to prepare a new claim A31-164 for the 4-1-1881 water, and an amended claim 31-13132 for only a portion of the 5-1-1881 water, for Mr. Tillotson's signature.

I still plan to require convincing documentation, because if Mr. Avery's actual intent were to split both rights proportionally, referencing the claimed PPU, I instead ought to invite Avery to file a new claim for a proportionate part of 29-164.

A29-10291 - 1.07 cfs
(MINUS) A29-00164 - 0.29 cfs
RESTORED AS A29-00164 TO TILLOTSON
WHICH REPRESENTS 29-00156 (\$119), OF WHICH:
GILLMAN & PRIOR
AVERY RETAINS 34/50 AC (24 AC GOES TO 164)

.78 cfs
- .15
.63

BUT G. GILLMAN GETS 0.05 cfs, 25 AC
R. PRIOR GETS 0.10 cfs, 50 AC. UNCOUNTED IN ORIGINAL 50 AC BUT PART OF 156.
SO, AVERY RETAINS 0.63 cfs ON 34 AC. (SOME UNCLAIMED BY NEW OWNERS)

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JUL 06 2005

TILLOTSON GETS NONE OF 29-00156 OR 29-13131 OR 29-13132.

BCL 11/8/00

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 124 => 29-00164 RECEIVED
Adjudication Claim No(s): APR 19 2000

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

Department of Water Resources
Eastern Region

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

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

Leland Avery

4. New Owner/Claimant(s)

Lava Hot Springs Idaho 83246

RONNIE D. TELLOTON SHERRIL I. TELLOTON

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

New Mailing Address

P O Box 261

City, State and ZIP Code

LAVA HOT SPRINGS, IDAHO 83246

New Telephone Number

208 776-5267

5. Date you acquired the property

November 4th 1998

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 35 Number and type of stock

50-100 Dairy Heifers

Diversion rate in CFS _____ Number of homes you acquired None Other uses

7. Signature of New Owner(s) or Claimant(s)

Ronnie D. Telloton
Sherril I. Telloton

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

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

PROFIT

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JUL 06 2005

Escrow #: 52719SW-MH

Approved by: *RSJ*
*ESJ*4-1
WARRANTY DEED

FOR VALUE RECEIVED, LELAND AVERY, AN UNMARRIED MAN

the Grantor(s), do(es) hereby grant, bargain, sell, and convey unto RONNIE D. TILLOTSON AND SHERRIL I. TILLOTSON, HUSBAND AND WIFE
the Grantee(s), whose address is 11937 S DEMPSEY CREEK RD, LAVA HOT SPRINGS, ID 83246
(Mailing Address), AS PER LEGAL, LAVA HOT SPRINGS, ID 83246 (Property Address),
the following described premises, situated in BANNOCK County, Idaho:

LEGAL DESCRIPTION EXHIBIT "A" ATTACHED

*ALONG WITH ALL MINERAL & WATER RIGHTS ASSOCIATED WITH SAID
PROPERTY AND SPECIFICALLY RIGHT #124 ON THE DEMPSEY CREEK
WATER; A TRIBUTORY OF THE PORTNEUF RIVER*

*29-00164
0.29 cfs*

RECEIVED

APR 19 2000

Department of Water Resources
Eastern Region

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s) and Grantee(s) heirs, successors, and assigns forever. The Grantor(s) do(es) hereby covenant and warrant to and with the Grantee(s) that the Grantor(s) is/are the owner(s) in fee simple of such premises; that such premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 52719SW, dated November 06, 1998; those made, suffered, assumed, or created by the Grantee(s); reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessments, if any, for the current year) that are not yet due and payable; and that the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

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JUL 06 2005

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Parcel 1

Beginning at a point 316 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North ~~75°51'~~ West 920 feet to the East side of a County Road;

thence following the East side of said County Road in a Northeasterly direction 348.5 feet, more or less, to a point 846 feet due North of the South boundary line of said Section 32; thence East 1221.5 feet, more or less, to a point 822 feet due West of the West 1/16 line of Section 33; thence South ~~12°59'~~ West 629.2 feet to a point 221 feet North of the South line of Section 33; thence North 75°51' West 392 feet, more or less, to the point of beginning.

Parcel 2

Beginning at a point 1326 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence East 1320 feet, more or less, to the Southwest 1/16 corner of Section 33; thence South along the West 1/16 line of said Section 33 a distance of 294.5 feet;

thence North 75°51' West 734 feet to the center of the water bed of Dempsey Creek; thence South 12°59' West 390.5 feet; thence West 1221.5 feet, more or less, to the East side of the county road; thence following the said county road in a Northeasterly direction 533 feet, more or less, to the South 1/16 line of Section 32; thence East along the said South 1/16 line 437.5 feet, more or less, to the point of beginning.

Parcel 3

Beginning at point on the South line of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; the said point being two rods West of the West side of the country road at its intersection with the said South section line;

thence North 13°36' East 594 feet; thence South 75°51' East 99 feet to the West side of the county road; thence North about 22° ~~West~~ East and following the West side of the county road 844 feet, more or less, to the South 1/16 line of said section;

thence West along said South 1/16 line 46 rods, more or less, to the Northwest corner of the SE1/4 SE1/4 of said Section 32; thence South 3 rods; thence South 65°15' West 87 rods to the meridional center line of said section;

thence South along said center line 43 rods to the South quarter corner of the said Section 32; thence East along the South line of said section 88.6 rods, more or less, to the point of beginning.

SCANNED RECEIVED

JUL 06 2005 10 2000

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EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

Exception No. 1

Beginning at the South quarter corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North $0^{\circ}08'$ East along the meridional center line of the said Section 32 a distance of 174.24 feet; thence East 250.0 feet; thence South $0^{\circ}08'$ West 174.24 feet, more or less, to the South boundary of the said Section 32; thence West 250.0 feet, more or less, to the point of beginning.

Being a part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho.

Exception No. 2

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North $45^{\circ}12'29''$ West a distance of 1141.06 feet to the true point of beginning, a 5/8" rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Westerly right-of-way line of Dempsey Creek Road; thence North $58^{\circ}28'57''$ West a distance of 148.68 feet to a 5/8" rebar with cap;

thence North $34^{\circ}32'26''$ East a distance of 53.04 feet to a 5/8" rebar with cap; thence North $21^{\circ}11'46''$ East a distance of 111.78 feet to a 5/8" rebar with cap; thence North $13^{\circ}29'24''$ East a distance of 172.80 feet to a 5/8" rebar with cap; thence North $04^{\circ}17'19''$ West a distance of 60.42 feet to a 5/8" rebar with cap;

thence North $63^{\circ}09'18''$ West a distance of 52.10 feet to a 5/8" rebar with cap; thence North $82^{\circ}19'02''$ West a distance of 140.96 feet to a 5/8" rebar with cap; thence South $82^{\circ}42'35''$ West a distance of 88.66 feet to a 5/8" rebar with cap; thence South $73^{\circ}15'36''$ West a distance of 169.17 feet to a 5/8" rebar with cap;

thence South $88^{\circ}29'21''$ West a distance of 148.09 feet to a 5/8" rebar with cap set on a fence line; thence following said fence line through the following four courses; North $68^{\circ}57'02''$ East a distance of 153.15 feet to a 5/8" rebar with cap; thence North $74^{\circ}19'23''$ East a distance of 129.10 feet to a 5/8" rebar with cap;

thence North $88^{\circ}44'53''$ East 428.00 feet to a 5/8" rebar with cap; thence South $88^{\circ}50'46''$ East a distance of 150.81 feet to a 5/8" rebar with cap set on the West right of way line of Dempsey Creek Road; thence South $23^{\circ}25'00''$ West 309.33 feet to a 5/8" rebar with cap set on the point of curvature of a 3019.03 foot radius tangent curve concave to the Northwest;

thence Southwesterly through a central angle of $03^{\circ}45'25''$ a distance of 197.96 feet to a 5/8" rebar with cap (chord = South $25^{\circ}17'43''$ West 197.93 feet); thence South $27^{\circ}10'26''$ West a distance of 73.96 feet to the true point of beginning.

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APR 19 2000

JUL 06 2005 Department of Water Resources
Eastern Region

Exception No. 3

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North $40^{\circ}12'25''$ West a distance of 1113.17 feet to the true point of beginning, a $5/8''$ rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Easterly right-of-way line of Dempsey Creek Road. Said point being the point of curvature of a 3079.03 foot radius non-tangent curve whose center bears North $62^{\circ}59'26''$ West;

thence Northeasterly along said curve through a central angle of $02^{\circ}27'50''$ a distance of 132.40 feet to a $5/8''$ rebar with cap; (Chord = North $25^{\circ}46'40''$ East 132.40 feet); thence North $27^{\circ}57'09''$ East a distance of 59.07 feet to a $5/8''$ rebar with cap; thence North $50^{\circ}01'03''$ East a distance of 84.63 feet to a $5/8''$ rebar with cap;

thence North $74^{\circ}05'16''$ East a distance of 43.92 feet to a $5/8''$ rebar with cap; thence South $81^{\circ}54'55''$ East a distance of 22.87 feet to a $5/8''$ rebar with cap set on a fence line; thence South $22^{\circ}07'45''$ West a distance of 97.92 feet along said fence line to a $5/8''$ rebar with cap; thence South $13^{\circ}41'21''$ West a distance of 148.13 feet along said fence line to a $5/8''$ rebar with cap; thence North $89^{\circ}59'40''$ West a distance of 143.06 feet along said fence line to the true point of beginning.

Exception No. 4

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the Southeast corner of said Section 32; thence North $52^{\circ}55'51''$ West 1104.3 feet to a 1/2-inch rebar with cap labelled "AA HUDSON PLS 4735" set on the Northerly right of way line of Dempsey Creek Road, the true point of beginning;

thence South $75^{\circ}27'16''$ West 155.39 feet to a 1/2-inch rebar with cap; thence North $67^{\circ}05'32''$ West 40.86 feet to a 1/2-inch rebar with cap; thence South $83^{\circ}22'18''$ West 45.26 feet to a 1/2-inch rebar with cap; thence North $48^{\circ}06'43''$ West 54.97 feet to a 1/2-inch rebar with cap;

thence North $48^{\circ}28'56''$ East 134.02 feet to a 1/2-inch rebar with cap; thence North $57^{\circ}34'13''$ East 77.64 feet to a 1/2-inch rebar with cap; thence North $44^{\circ}24'26''$ East 44.58 feet to a 1/2-inch rebar with cap; thence South $58^{\circ}28'57''$ East 153.17 feet to a 1/2-inch rebar with cap set on said Westerly right of way line; thence South $30^{\circ}39'52''$ West 105.32 feet along said right of way line to the true point of beginning.

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Department of the Interior
Bureau of Land Management

Agent#	State	County	Prop	Tran	Issue Amt.	Reissue Tran	Code	Amt.	Code	mt.	Code	Amt.	Simultaneous Issue#
11007	11	005	4	010				\$				\$	#

OWNERS POLICY
SCHEDULE A

File No: 52719

Policy No.: SV 2791819

Amount: \$100,000.00

Premium: \$ 555.00

1. Policy Date: November 12, 1998 as of 4:20 p.m.
2. Name of Insured:
Ronnie D. Tillotson and Sherril I. Tillotson
3. The estate or interest in the land described herein and which is covered by this policy is:
Fee Simple
4. Title to the estate or interest covered by this policy at the date hereof is vested in
Ronnie D. Tillotson and Sherril I. Tillotson, husband and wife
5. The land referred to in this policy is situated in the County of Bannock, State of Idaho, and is described as follows:
See Exhibit A attached to and made a part hereof.

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Department of Agriculture
Eastern Region

Parcel 1

Beginning at a point 316 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North 75°51' West 920 feet to the East side of a County Road;

thence following the East side of said County Road in a Northeasterly direction 348.5 feet, more or less, to a point 846 feet due North of the South boundary line of said Section 32; thence East 1221.5 feet, more or less, to a point 822 feet due West of the West 1/16 line of Section 33; thence South 12°59' West 629.2 feet to a point 221 feet North of the South line of Section 33; thence North 75°51' West 392 feet, more or less, to the point of beginning.

Parcel 2

Beginning at a point 1326 feet North of the Southeast corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence East 1320 feet, more or less, to the Southwest 1/16 corner of Section 33; thence South along the West 1/16 line of said Section 33 a distance of 294.5 feet;

thence North 75°51' West 734 feet to the center of the water bed of Dempsey Creek; thence South 12°59' West 390.5 feet; thence West 1221.5 feet, more or less, to the East side of the county road; thence following the said county road in a Northeasterly direction 533 feet, more or less, to the South 1/16 line of Section 32; thence East along the said South 1/16 line 437.5 feet, more or less, to the point of beginning.

Parcel 3

Beginning at point on the South line of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; the said point being two rods West of the West side of the country road at its intersection with the said South section line;

thence North 13°36' East 594 feet; thence South 75°51' East 99 feet to the West side of the county road; thence North about 22° West and following the West side of the county road 844 feet, more or less, to the South 1/16 line of said section;

thence West along said South 1/16 line 46 rods, more or less, to the Northwest corner of the SE1/4 SE1/4 of said Section 32; thence South 3 rods; thence South 65°15' West 87 rods to the meridional center line of said section;

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thence South along said center line 43 rods to the South quarter corner of the said Section 32; thence East along the South line of said section 88.6 rods, more or less, to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

Exception No. 1

Beginning at the South quarter corner of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho; thence North 0°08' East along the meridional center line of the said Section 32 a distance of 174.24 feet; thence East 250.0 feet; thence South 0°08' West 174.24 feet, more or less, to the South boundary of the said Section 32; thence West 250.0 feet, more or less, to the point of beginning.

Being a part of the SW1/4 SE1/4 of Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho.

Exception No. 2

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North 45°12'29" West a distance of 1141.06 feet to the true point of beginning, a 5/8" rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Westerly right-of-way line of Dempsey Creek Road; thence North 58°28'57" West a distance of 148.68 feet to a 5/8" rebar with cap;

thence North 34°32'26" East a distance of 53.04 feet to a 5/8" rebar with cap; thence North 21°11'46" East a distance of 111.78 feet to a 5/8" rebar with cap; thence North 13°29'24" East a distance of 172.80 feet to a 5/8" rebar with cap; thence North 04°17'19" West a distance of 60.42 feet to a 5/8" rebar with cap;

thence North 63°09'18" West a distance of 52.10 feet to a 5/8" rebar with cap; thence North 82°19'02" West a distance of 140.96 feet to a 5/8" rebar with cap; thence South 82°42'35" West a distance of 88.66 feet to a 5/8" rebar with cap; thence South 73°15'36" West a distance of 169.17 feet to a 5/8" rebar with cap;

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Department of Public Services
S&P 11/11

thence South $88^{\circ}29'21''$ West a distance of 148.09 feet to a $5/8''$ rebar with cap set on a fence line; thence following said fence line through the following four courses; North $68^{\circ}57'02''$ East a distance of 153.15 feet to a $5/8''$ rebar with cap; thence North $74^{\circ}19'23''$ East a distance of 129.10 feet to a $5/8''$ rebar with cap;

thence North $88^{\circ}44'53''$ East 428.00 feet to a $5/8''$ rebar with cap; thence South $88^{\circ}50'46''$ East a distance of 150.81 feet to a $5/8''$ rebar with cap set on the West right of way line of Dempsey Creek Road; thence South $23^{\circ}25'00''$ West 309.33 feet to a $5/8''$ rebar with cap set on the point of curvature of a 3019.03 foot radius tangent curve concave to the Northwest;

thence Southwesterly through a central angle of $03^{\circ}45'25''$ a distance of 197.96 feet to a $5/8''$ rebar with cap (chord = South $25^{\circ}17'43''$ West 197.93 feet); thence South $27^{\circ}10'26''$ West a distance of 73.96 feet to the true point of beginning.

Exception No. 3

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of Section 32; thence North $40^{\circ}12'25''$ West a distance of 1113.17 feet to the true point of beginning, a $5/8''$ rebar with cap, labelled "A.A. Hudson, PLS 4735", set on the Easterly right-of-way line of Dempsey Creek Road. Said point being the point of curvature of a 3079.03 foot radius non-tangent curve whose center bears North $62^{\circ}59'26''$ West;

thence Northeasterly along said curve through a central angle of $02^{\circ}27'50''$ a distance of 132.40 feet to a $5/8''$ rebar with cap; (Chord = North $25^{\circ}46'40''$ East 132.40 feet); thence North $27^{\circ}57'09''$ East a distance of 59.07 feet to a $5/8''$ rebar with cap; thence North $50^{\circ}01'03''$ East a distance of 84.63 feet to a $5/8''$ rebar with cap;

thence North $74^{\circ}05'16''$ East a distance of 43.92 feet to a $5/8''$ rebar with cap; thence South $81^{\circ}54'55''$ East a distance of 22.87 feet to a $5/8''$ rebar with cap set on a fence line; thence South $22^{\circ}07'45''$ West a distance of 97.92 feet along said fence line to a $5/8''$ rebar with cap; thence South $13^{\circ}41'21''$ West a distance of 148.13 feet along said fence line to a $5/8''$ rebar with cap; thence North $89^{\circ}59'40''$ West a distance of 143.06 feet along said fence line to the true point of beginning.

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Exception No. 4

A parcel of land located in Section 32, Township 9 South, Range 38 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the Southeast corner of said Section 32; thence North $52^{\circ}55'51''$ West 1104.3 feet to a 1/2-inch rebar with cap labelled "AA HUDSON PLS 4735" set on the Northerly right of way line of Dempsey Creek Road, the true point of beginning;

thence South $75^{\circ}27'16''$ West 155.39 feet to a 1/2-inch rebar with cap; thence North $67^{\circ}05'32''$ West 40.86 feet to a 1/2-inch rebar with cap; thence South $83^{\circ}22'18''$ West 45.26 feet to a 1/2-inch rebar with cap; thence North $48^{\circ}06'43''$ West 54.97 feet to a 1/2-inch rebar with cap;

thence North $48^{\circ}28'56''$ East 134.02 feet to a 1/2-inch rebar with cap; thence North $57^{\circ}34'13''$ East 77.64 feet to a 1/2-inch rebar with cap; thence North $44^{\circ}24'26''$ East 44.58 feet to a 1/2-inch rebar with cap; thence South $58^{\circ}28'57''$ East 153.17 feet to a 1/2-inch rebar with cap set on said Westerly right of way line; thence South $30^{\circ}39'52''$ West 105.32 feet along said right of way line to the true point of beginning.

PROFILE

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JUL 06 2005

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APR 19 2000
Recording

Policy No. SV 2791819

52719

This policy does not insure against loss or damage by reason of the following:

STANDARD EXCEPTIONS

- (a) Rights or claims of parties in possession not shown by the public records.
- (b) Easements, or claims of easements, not shown by the public records.
- (c) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
- (d) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (e) Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
- (f) Any service, installation or connection charge for sewer, water or electricity.
- (g) General taxes not now payable; matters relating to special levies or assessments, if any, preceding the same becoming a lien.

SPECIAL EXCEPTIONS

1. A Boundary Line Agreement and Quit Claim Deed executed by and between the parties herein named upon the terms, conditions and provisions therein provided.

Between: Leland Avery and Maxine Avery,
husband and wife; Karma S. Van Lauven, a
single person; Rex L. Baker and Peggy Ann
Baker, husband and wife; and Bruce L. Baker
and Peggy L. Baker, husband and wife

Dated: March 9, 1994
Recorded: March 17, 1994
Instrument No.: 94004705

FILED

SCANNED
JUL 06 2005

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CLERK OF COURT

SCHEDULE B (continued)

Policy No. SV 2791819

52719

2. A Deed of Trust to secure an indebtedness of \$90,000.00, and any other amounts payable under the terms thereof.

Dated: November 11, 1998

Grantor: Ronnie D. Tillotson and Sherril I. Tillotson, husband and wife

Trustee: Pioneer Title Company of Bannock County

Beneficiary: Leland Avery, an unmarried man

Recorded: November 12, 1998

Instrument No.: 98022798

PROFILE

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Department of Agriculture
Bureau of Reclamation

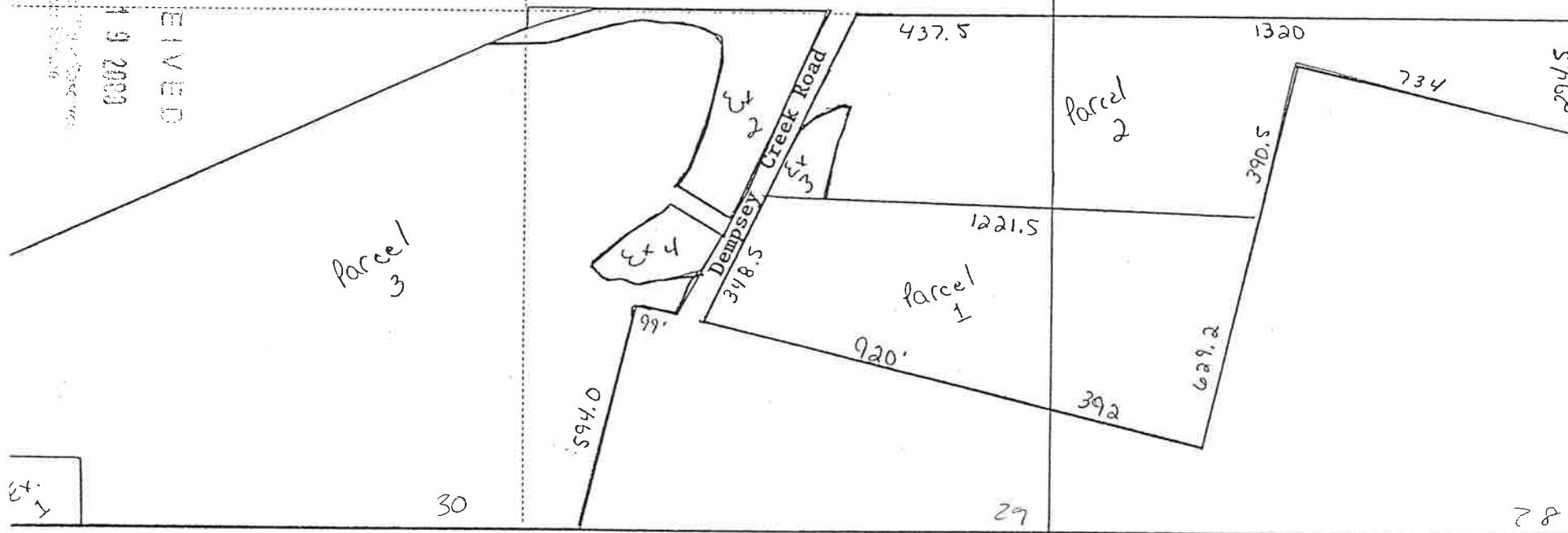
Township 9 South, Range 38 E.B.M.

PROBLEM

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Section 32

Section 33

BOUNDARY LINE AGREEMENT

AND
QUIT CLAIM DEED

THIS AGREEMENT made and entered into this 9th day of March 1994, by and between LELAND AVERY and MAXINE AVERY, husband and wife whose current address is 12200 South Dempsey Creek Road, Lava Hot Springs, Idaho 83246 (hereinafter "FIRST PARTY"), and KARMA S. VAN LAUVEN, a single person whose current address is 11723 So. Dempsey Creek Road, Lava Hot Springs, Idaho 83246, and BRENDA F. SMITH, a single person, whose current address is Box F, Grace, Idaho 83241, and REX L. BAKER and PEGGY ANN BAKER, husband and wife whose current address is 11716 So. Dempsey Creek Road, Lava Hot Springs, Idaho 83246, and BRUCE L. BAKER and PEGGY L. BAKER, Husband and wife, 4810 East Highway 30, Lava Hot Springs, Idaho 832476, (hereinafter "SECOND PARTY").

RECITALS

I.

The parties to this agreement are adjoining landowners of parcels of property located and described as follows:

FIRST PARTY:

Beginning at a point on the South line of Section 32, that is 1178 feet West of the Southeast corner of Section 32, Township 9, South, Range 38 East, Boise Meridian, Bannock County, Idaho; the said point being two rods West of the West side of the County Road at its intersection with the said South section line; running thence North 13° 36' East 594 feet; Thence 75° 51' East, 99 feet to the West side of the County Road; Thence North about 22° West, and following the West side of the County Road 844 feet, more or less, to the South 1/16 line of said section; Thence West along said South 1/16 line 46 rods, more or less, to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said section 32; Thence South 3 rods; Thence South 65° 15' West 87 rods to the meridional center line of said section; Thence South along said center line, 43 rods to the South Quarter corner of the said Section 32; Thence East along the South line of said Section, 88 rods, more or less, to the point of beginning.

THERE IS HOWEVER EXCEPTED FROM THE ABOVE TRACT, THE FOLLOWING TRACT:

BOUNDARY LINE AGREEMENT

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Department of the Secretary of State
Salem, Oregon

6-2

Beginning at the South 1/4 corner of Section 32, Township 9 South, Range 38 East, Boise Beridian, thence North 0° 08' East along the meridional center line of the said Section 32, 174.25 feet;
Thence East 250.0 feet;
Thence South 0° 08' West, 174.24 feet, more or less, to the South boundary of the said Section 32;
Thence West 250.00 feet, more or less, to the point of beginning. Being a part of the SW 1/4 SE 1/4 of Section 32, Township 9 South, Range 38 East of Boise Meridian, and containing 1.0 acre more or less.

SECOND PARTY: The East Half of the Southwest Quarter, the North Half of the Southeast Quarter and also, commencing at the Northwest corner of the Southwest Quarter of the Southeast Quarter and running thence South 37 rods;
Thence in a Northeasterly direction 82 rods;
Thence North 3 rods;
Thence West 80 rods to the Place of Beginning, all in Section 32, Township 9 South, Range 38 East, Boise Meridian, in Idaho.

II.

The existing common boundary line between the two properties, as set forth in the deeds held by the parties is described as follows:

FIRST PARTY:

Thence West along said South 1/16 line, 46 rods, more or less, to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 32.

SECOND PARTY:

South line of the North half of the Southeast Quarter.

The parties desire to establish a new boundary line along an established fence line as a matter of mutual convenience between the adjoining properties.

For the reasons set forth above, and in consideration of the mutual covenants and promises contained in this agreement FIRST PARTY and SECOND PARTY agree as follows:

1. The new boundary line between the property owned by FIRST PARTY and SECOND PARTY, as established by a survey prepared by Alexander A. Hudson, a Professional Land Surveyor in the State of Idaho, shall be located as follows:

BOUNDARY LINE AGREEMENT

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Department of State
Bureau of Land Management

6-3

A common boundary line located in Section 32, Township 9 South Range 38 East, Boise Meridian, Bannock County, Idaho and further described as follows:

Beginning at the Southeast corner of said Section 32; Thence North 23° 06' 17" West 1448.71 feet to a 5/8" rebar with cap labelled "A.A. HUDSON, PLS 4735" set on the Westerly right-of-way line of Dempsey Creek Road, the True Point of Beginning;

Thence along a fence line through the following four courses; North 88° 50' 46" West 150.81 feet to a 5/8" rebar with cap; South 88° 44' 53" West 428.00 feet to a 5/8" rebar with cap; South 74° 19' 23" West 129.10 feet to a 5/8" rebar with cap; South 68° 57' 02" West 153.15 feet to a 5/8" rebar with cap.

2. Each of us does hereby remise, release and quitclaim as necessary to other party in this agreement any land lying between the common boundary line by deed and the new common boundary line.

~~Between the parties, and any prior understanding~~
representations of any kind preceding the date of this agreement shall not be binding on either party except to the extent incorporated in this agreement.

4. Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only in writing signed by each party or an authorized representative of each party.

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

FIRST PARTY:

Leland Avery
LELAND AVERY

Maxine Avery
MAXINE AVERY

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3

BOUNDARY LINE AGREEMENT

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JUL 06 2005

Department of Fish Resources
Bureau of Fish

6-4

94004705

SECOND PARTY:

Karma S. Van Launen
KARMA S. VAN LAUVEN

Brenda F. Smith
BRENDA F. SMITH

Rex L. Baker
REX L. BAKER

94004705

NO.
PIONEER TITLE

'94 MAR 17 A11:38

OFFICIAL
BANNOCK COUNTY
LARRY W. CHAN
EE. 18 DEPUTY

609

Peggy Ann Baker
PEGGY ANN BAKER

Bruce L. Baker
BRUCE L. BAKER

Peggy L. Baker
PEGGY L. BAKER

STATE OF IDAHO)

County of Bannock)

ss

On this 9th day of March, 1994, before me, the undersigned Notary Public, personally appeared Leland Avery and Maxine Avery, husband and wife and known to me to be the parties whose names are subscribed to the foregoing document 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 first above written.

Janice R. Canine

BOUNDARY LINE AGREEMENT

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JUL 06 2005

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APR 9 2000
PROFILED

6-5

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

NOTARY SEAL

Janice R. Casner
 NOTARY PUBLIC FOR IDAHO
 Residing at: Lava Hot Springs, Id.
 Commission Expires: May 14, 1994

(SEAL)

STATE OF IDAHO)
 : ss
 County of Bannock)

On this 9th day of March, 1994, before me, the undersigned Notary Public, personally appeared Karma S. Van Lauven, a single person, and known to me to be the partie whose name is subscribed to the foregoing document and acknowledged to me that she executed the same.

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

NOTARY SEAL

Janice R. Casner
 NOTARY PUBLIC FOR IDAHO
 Residing at: Lava Hot Springs, Id.
 Commission Expires: May 14, 1994

(SEAL)

STATE OF IDAHO)
 : ss
 County of Bannock)

On this 10th day of March, 1994, before me, the undersigned Notary Public, personally appeared Brenda F. Smith, a single person and known to me to be the partie whose name is subscribed to the foregoing document and acknowledged to me that she executed the same.

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

Janice R. Casner
 NOTARY PUBLIC FOR IDAHO

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BOUNDARY LINE AGREEMENT

APR 19 2000

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JUL 06 2005

Department of State Records

PROFILED

6-4

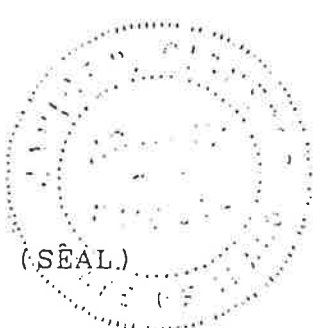
Residing at: Lava Hot Springs, Id.
Commission Expires: May 14, 1994

(SEAL)

STATE OF IDAHO)
: ss
County of Bannock)

On this 7th day of March, 1994, before me, the undersigned Notary Public, personally appeared Rex L. Baker and Peggy Ann Baker, husband and wife and known to me to be the parties whose names are subscribed to the foregoing document 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 first above written.



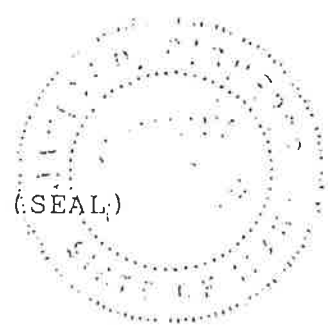
Janice R. Cisneros
NOTARY PUBLIC FOR IDAHO
Residing at: Lava Hot Springs, Id.
Commission Expires: May 14, 1994

(SEAL)

STATE OF IDAHO)
: ss
County of Bannock)

On this 10th day of March, 1994 before me, the undersigned Notary Public, personally appeared Bruce L. Baker and Peggy L. Baker, husband and wife and known to me to be the parties whose names are subscribed to the foregoing document 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 first above written.



Janice R. Cisneros
NOTARY PUBLIC FOR IDAHO
Residing at: Lava Hot Springs, Id.
Commission Expires: May 14, 1994

(SEAL)

BOUNDARY LINE AGREEMENT

PROFIT

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JUL 06 2005

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APR 19 2000

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 29-164
Date Received: 2/1/90
Receipt No: *FD 26439*
Received By: *BAC*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

RONNIE D TILLOTSON Phone: (208)776-5267

PO BOX 261
LAVA HOT SPRINGS ID USA 83246

SHERRIL TILLOTSON Phone: (208)776-5267

PO BOX 261
LAVA HOT SPRINGS ID USA 83246

A2900164



2. Date of Priority: 04/01/1881

3. Source: DEMPSEY CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
09S	38E	32	SE SE	BANNOCK

5. Description of diverting works:

HEADGATE/PIPELINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.29	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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JUL 06 2005

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Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	32	SE	SE	IRRIGATION	16
					Section Acres	16
09S	38E	33	SW	SW	IRRIGATION	14
					Section Acres	14
					Total Acres	30

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

ORIGINALLY FILED AS 29-10291 AS A COMBINED CLAIM OF 29-156 AND 29-164. 29-10291 WAS SUBSEQUENTLY SPLIT INTO 29-13131 AND 29-13132 BY CHANGE OF OWNERSHIP. BASED ON WATER MASTER VERIFICATION, 29-13132 IS AMENDED TO SHOW ONLY THE SPLIT OF 31-156 AND THIS CLAIM IS FILED TO ENJOY THE FULL ORIGINAL PRIORITY DATE AND DIVERSION RATE OF 31-164, WHICH WAS APPURTENANT TO THE LANDS PURCHASED BY TILLOTSON.

CLAIM GIVEN "TEMPORARY" STATUS PENDING RECEIPT OF SIGNED CLAIM.

*database updated
1/19/01
Bac*

15. Basis of Claim:

16. Signature(s)

*162
164*

@.02 = 415

*24 -
39 -
63 - Acres*

*36 -
145
506 By Deuce*

PROFIT

SCANNED
JUL 06 2005

(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:

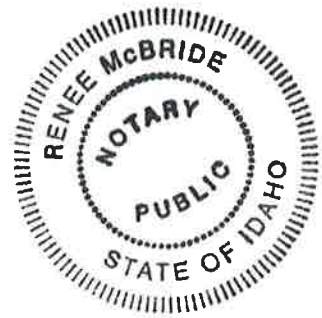
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Ronnie D. Feltner* Date: 1-17-01
Sherril D. Feltner 1-17-01 Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this
of 17th January 2001

Renee McBride
Notary Public
Residing at hawa had springs
My commission Expires May 31, 2006



PROFILE
SCANED
JUL 06 2005
12/22/2000

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: A29-00164
Date Received: 2/01/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COMBINED RIGHT

Address:

NA, ID

00000

2. Date of Priority: APR 01, 1881

3. Source: DEMPSEY CREEK

Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	32	SE	SE			BANNOCI

5. Description of diverting works:
HEADGATE/PIPELINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.290		

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

A.F.A.

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	38E	32	SE	SE		IRR	16.0

Section Acres 16.0

A29-00164

Page 1

Date: 02/02/90

SCANNED

JUL 06 2005

MICROFILMED

NOV 13 1992

PROFILE

A2900164

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	33	SW	SW	IRR	14.0
Section Acres						14.0
Total Acres						30.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIRD P/D LISTED AS BYINGTON - MERRICK DITCH.
THIS RIGHT WAS COMBINED WITH A29-00156 TO CREATE A29-10291

15. Basis of Claim:

PROFILED

SCANNED
JUL 06 2005

MICROFILMED
NOV 13 1992