

03/06/2003

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

RIGHT NUMBER: 29-4157

NAME AND ADDRESS: LEON HARDCASTLE
675 N 8TH EAST
PRESTON ID 83263

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.880 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1955

POINT OF DIVERSION:

T09S R37E S20 SWSWNW Lot 4 Within BANNOCK County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.880 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R37E S19 Lot 3 SENE 24.0 T09S R37E S20 Lot 4 SWNW 20.0

STOCKWATER same as IRRIGATION

44 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.

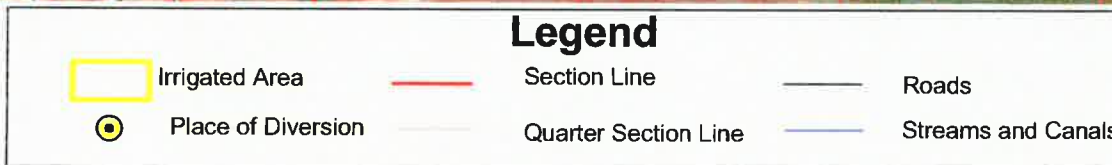
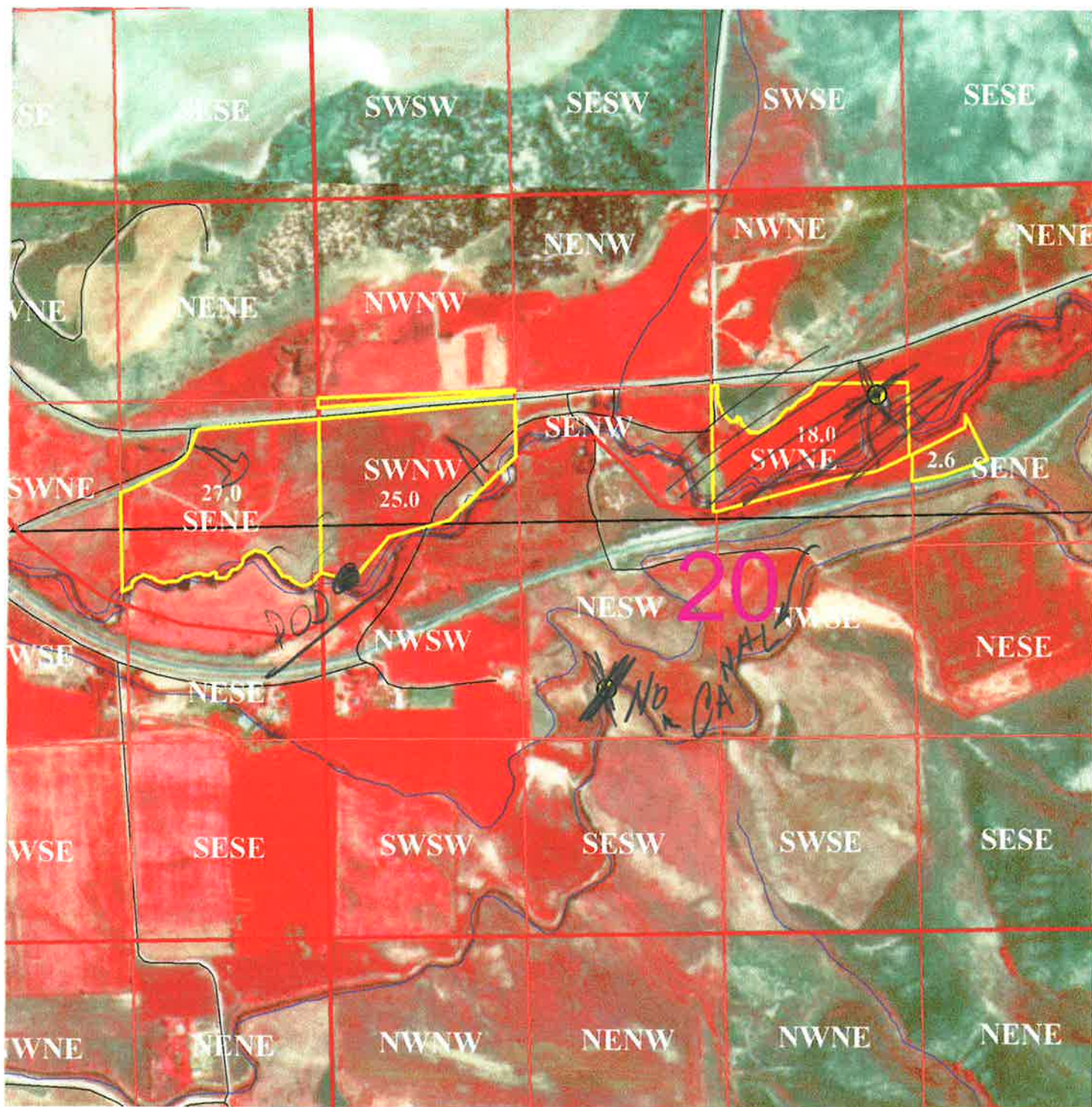
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Water Right Claim Number A29-04157

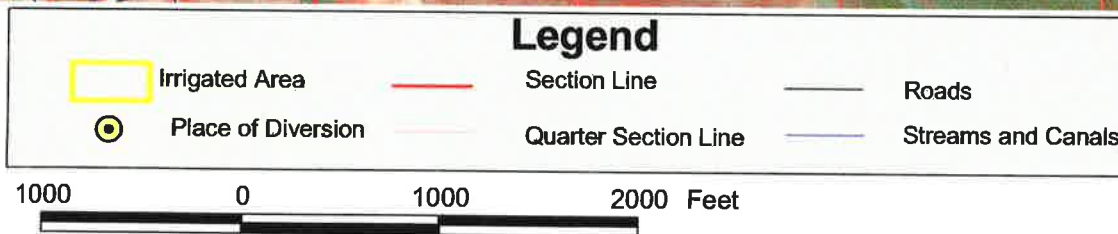
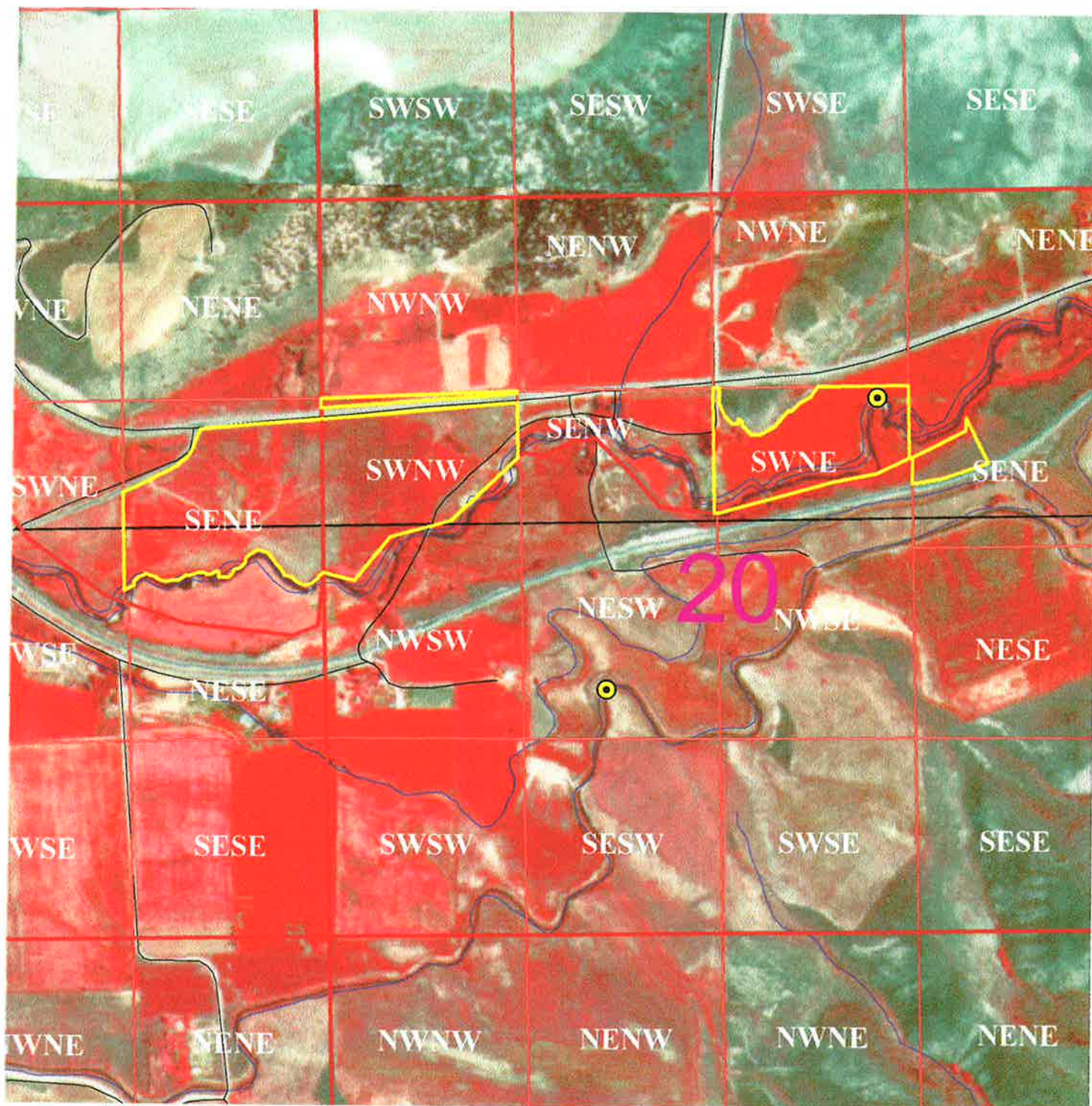
09/07/2000

Township , 9S37E



Water Right Claim Number A29-04157
Township , 9S37E

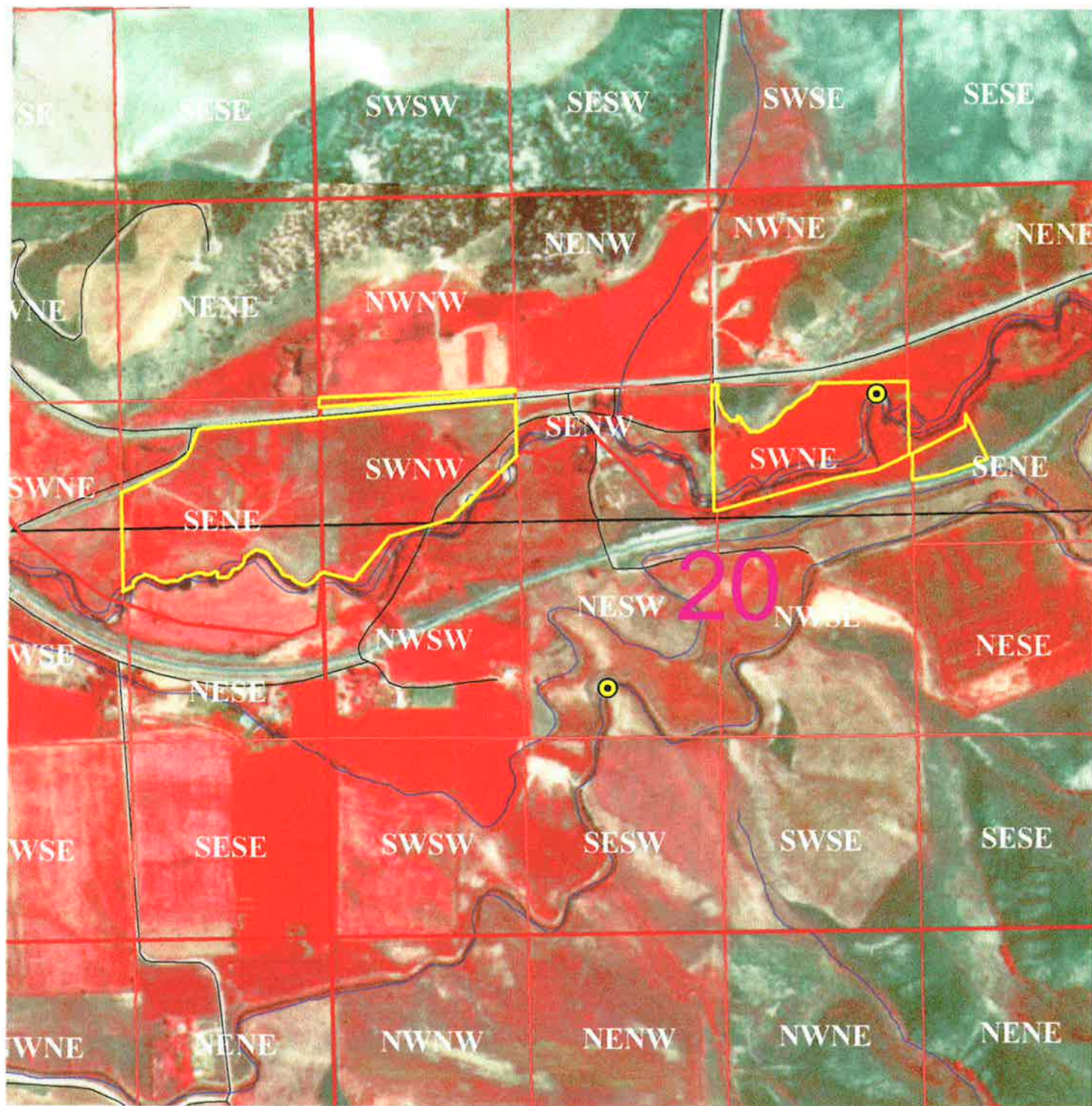
09/07/2000



Water Right Claim Number A29-04157

09/07/2000

Township , 9S37E



Legend

Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

1000 0 1000 2000 Feet

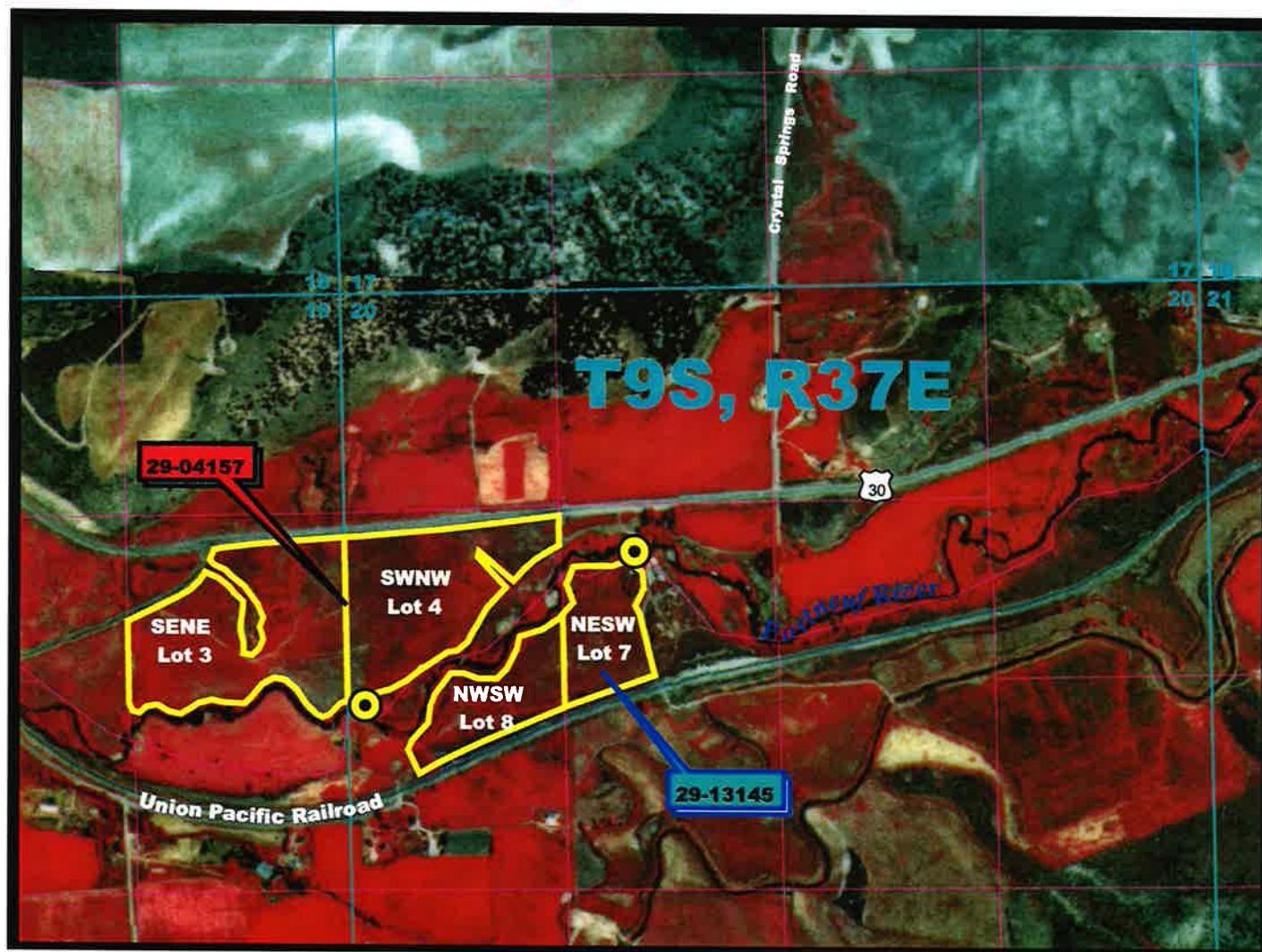




State of Idaho

Department of Water Resources

Eastern Region

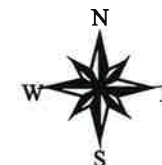


750 0 750 1500 2250 3000 3750 4500 5250 6000 Feet

Water Right(s):
29-04157, 29-13145

Place of Use: (parts of): T9S, R37E
Sec. 20 NESW (L7), NWSW (L8)
Sec. 20 SWNW (L4), Sec. 19 SENE (L3)

Point(s) of Diversion: T9S, R37E
Sec. 20 SWSWNW (L4)
Sec. 20 NWNESW (L7)



LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter

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: 29-4157

LEON HARDCASTLE
675 N 8TH EAST
PRESTON ID 83263

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Amend Recomm. to add Ac Pool in Lot 4 SWAN Sec. 20

2. Describe the changes you wish to make in the proposed recommendation:

*Also Add in-stream stockwater @ 0.02 cfs in Lots 3 & 4
Sec. 20*

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: 3-3-03

SIGNATURE:

A Leon Hardcastle

Please print your name:

A Leon Hardcastle

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

PROFILED

SCANNED

FEB 25 2005

*Done 3/6/03
mm*



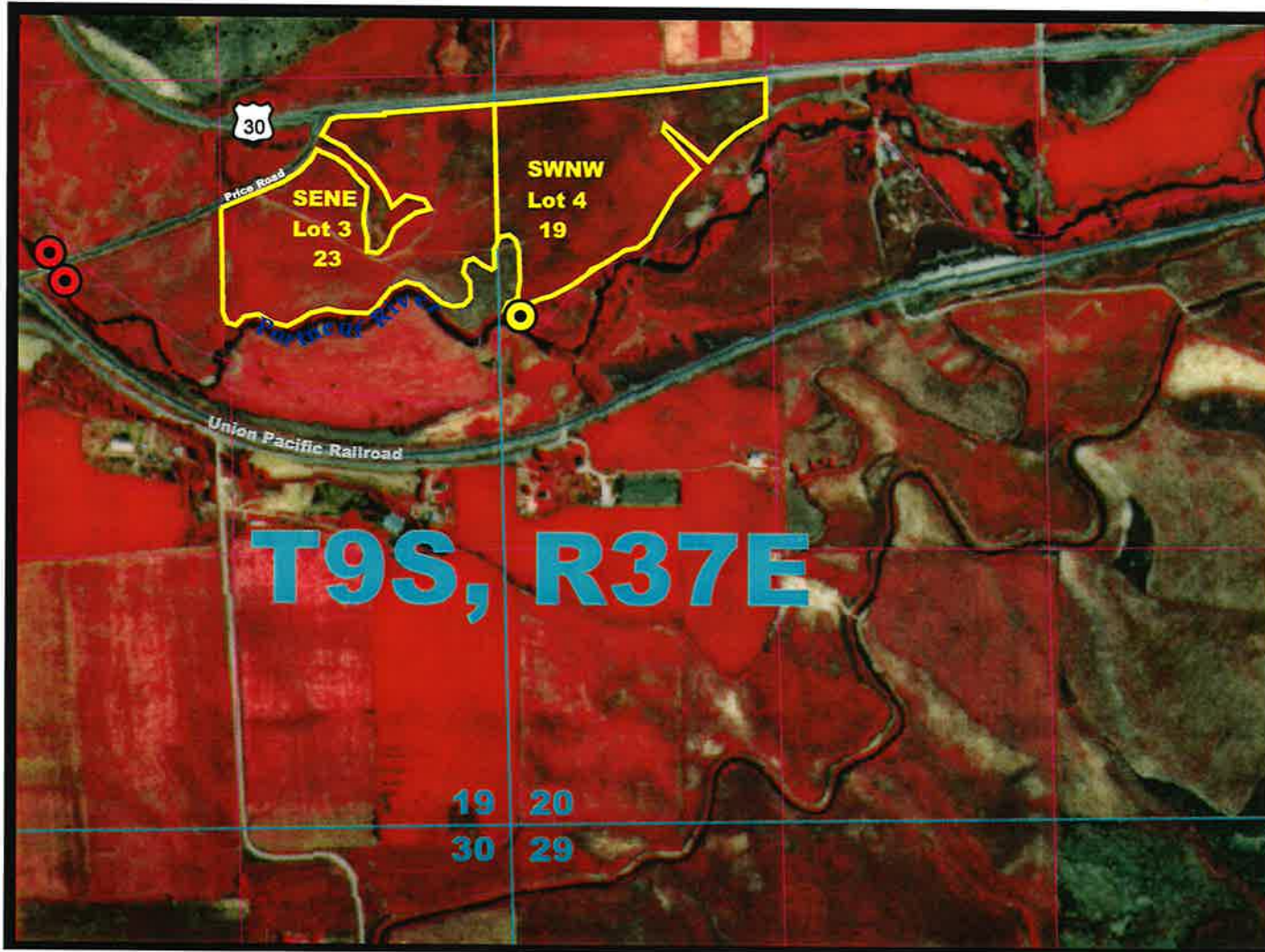
MAR 21 2005

SCANNED

State of Idaho

Department of Water Resources

Eastern Region



500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 Feet

Water Right(s):
29-04157

Place of Use: (parts of) T9S, R37E
Sec. 19 SENE (L3),
Sec. 20 SWNW (L4)

Point(s) of Diversion: T9S, R37E
Sec. 20 SWSWNW (L4)



LEGEND

-  **Point of Diversion**
-  **SESE** **Place of Use**
-  **Section**
-  **Quarter-Quarter**

29-04157

① CHANGE OF OWNERSHIP IS INDICATED. ~~Attached~~

a.) DEEDS SHOW CHAIN OF TITLE AS:

<u>SELLER</u>	<u>BUYER</u>	<u>DEED DATE</u>	<u>REMARKS</u>
JOHNSON	KELLY	4/30/1996	(NO MENTION OF Rts.)
KELLY	MID OHIO SEC.	7/5/2000	(NO MENTION OF Rts.)
MID OHIO SEC.	PORTER	7/6/2000	<u>Cutler Ditch Rts WITHHELD</u>
PORTER	HARDCASTLE	7/6/2000	<u>Cutler Ditch Rts WITHHELD</u>

b.) C/O INDICATES CHANGE OF 29-4157 FROM KELLY (ORIGINAL CLAIMANT) TO HARDCASTLE (NEWEST BUYER).
WITH CHAIN OF TITLE THIS IS ACCEPTABLE.

Q's: c.) WHATS DISTURBING ABOUT THIS TRANSACTION IS THE WITHHOLDING OF THE CUTLER DITCH Rts.

SEE Jim & Ken ANDRUS (1.) WHAT DOES MID OHIO SEC. WANT WITH THEM?
29-13401
29-13399
(FIRST WITHHOLDING BY DEED) ⇒ NO KNOWN CLAIM/TRANS.

2.) IS 29-4157 ATTEMPTING TO REPRESENT A CUTLER DITCH RIGHT ASSERTING AN ACCOMPLISHED TRANSFER (42-1426) ⇒ C/P 2, C/P 3? DON'T THINK SO.

NO! 3.) ARE THERE EVEN CUTLER DITCH RIGHTS TO PONDOR?
YES, BUT NOT WITH THIS CLAIM.

4.) WHAT ABOUT WM DELIVERY TO 29-4157 AND/OR ± CUTLER DITCH RIGHTS? ARE SO, Q = ?
NO DELIVERY
SEE THEORETICAL CASE, W/OUT PQ.

② EVIDENCE OF PRIORITY IS ACCEPTABLE AS AFFIDAVIT.

③ REASONING: 1.c.1.) ABOVE. MID OHIO SECURITIES SOLD THEIR PORTION OF CUTLER DITCH Rts TO KEN ANDRUS, WHO HAS PROVIDED DOCUMENTATION OF THAT TRANSACTION.

1.c.2.): 29-4157 CANNOT REPRESENT ANY PORTION OF ANY CUTLER DITCH Rts.

1.c.3.): NO!

1.c.4.): NO, WM DELIVERY.

PROFILING

SCANNED

FEB 25 2005

29-4157

THEORETICAL OF Pump to MAIN LINE / HAND LINE
FOR TENSION w/ KON ANOMUS 9/23/02.

3- $\frac{1}{4}$ in LINES (32 NOZZLES/ea) 96 NOZZLES
@ 60 PSI w/ $\frac{5}{32}$ " NOZZLES

POR FLOW CPM CHART

@ 60 PSI w/ $\frac{5}{32}$ " NOZZLES = 5.65 gpm

$$\frac{542 \pm \text{SPM}}{448 \frac{\text{gpm}}{\text{CFs}}} = 1.21 \text{ CFs}$$

However, Por ⁴²⁻²²⁰ § 42-202 IC, MAX/AC = 0.02 cfs

ACROAGG CALC. IS ~~42~~ _(NOB) $\therefore$ ~~42~~ $\times$ 0.02 = 0.84 cfs
RECOMMENDED

PROFILED

SCANNED
FEB 25 2005



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

PUMP, PIPELINE & SPRINKLERS. Couldn't contact owner. Neighbors indicate that as far as they know, the claimant does not pump out of river. The point shown on the current map is a gravity main line out of the Arimo/Downey ditch.

Assumptions

POD does not exist.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missing)
Phase-III (Complete w/Issues)
Phase-IV (Total Complete)

Linked
Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

0

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

☐

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

☐

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Servis, Inc.



SCANNED

FEB 25 2005

PROFILED



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29

RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

PUMP, PIPELINE & SPRINKLERS. No pump installed - probably portable gas. Remains of old diversion dam evident in river.

Assumptions

Assumed 40 HP pump, and 50 psi.

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin)
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☐ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Engineering Services, and may not be copied, modified, or distributed without the express written consent of Intrepid Engineering Serviv, Inc.



SCANNED

FEB 25 2005

PROFILED



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

August 7, 2001

ROGER JOHNSON
PO BOX 215
NAUVOO IL 62354-0215

RE: CHANGE OF ADDRESS FOR A29-04157, A29-10222,
A29-11265, A29-11274, A29-13041

Dear Mr. Johnson:

It has come to our attention that your mailing address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Roger Johnson
3369 E Hwy 30
McCammon ID 83250

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

FEB 25 2005

PROFILED



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

May 7, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCIA A KELLY
1852 PHOENIX DR
POCATELLO ID 83202-2865

RE: CHANGE OF ADDRESS FOR A29-04157

Dear Ms. Kelly:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Marcia A Kelly
6755 S Old Hwy 91
McCammon ID 83250

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

FEB 25 2005

PROFILE

MEMORANDUM

To: File 29-200
File 29-4159
File 29-13145
Hardcastle split of 29-4157
Fr: Bryce Contor
Date: 1/31/2001
Re: Cutler Ditch

Bryce

city of McCammon

Hardcastles came in today in response to a request for a more complete chain of title for a Notice of Change of Ownership for a portion of 29-4157, and to file claims on 29-200 and 29-4159, which appear to be appurtenant to this land but have not previously been claimed in the Adjudication.

The deed specifically excludes "Cutler Ditch Water" from the sale. AJ query indicates that an entity called "Cutler Ditch" has several AJ claims, and the names in the files appear to be neighbors of Hardcastles. A search of "Cutler Ditch" on the Secretary of State website failed to produce a result, so apparently the Cutler Ditch is not a formally organized entity.

No.

29-200 is noted in the decree as delivered via the Cutler Ditch, but it is neither decreed to nor claimed by Cutler Ditch nor any of the identified owners of Cutler Ditch. At this point I interpret this to mean 29-200 was a private right originally conveyed via the Cutler Ditch but not owned by the Ditch association. On that assumption, I accepted AJ claim 29-200 with an accomplished change in POD to the heading of the current delivery ditch.

Cammer

Hardcastles have not owned this property long and are not certain exactly where the Cutler Ditch is, but the current users appear to be on the north side of the highway. The current delivery ditch for Hardcastles' land is on the south of the railroad.

The 1987 NAPP clearly indicates more acres of irrigation than the combination of 29-200, 29-4159, and Hardcastles' portion of 29-4157. At this point it is unclear whether this irrigation was from Cutler Ditch shares owned by Hardcastles' predecessors, and retained in the deed, or whether this is a beneficial use right.

I accepted claim 29-13145 as a beneficial use claim, with the intention that if evidence is not provided, it still may be possible to recommend some of it as an enlargement. I cautioned the claimants that the exclusion of the "Cutler Ditch" water in the deed (copy in Notice of Change of Ownership 29-4157) is problematic.

Harold Jones is familiar with some of the history of the Cutler Ditch, and indicated that watermaster Arlin Olsen says the Cutler Ditch had severe leakage and water seldom made it as far down the ditch as this general area. Jones says the Cutler Ditch claims were filed by Roger Johnson and there is not actually a Cutler Ditch association to his knowledge. Jones also relates that Ken Andrus and his brother have inquired about a transfer of the Cutler Ditch rights which they have purchased or intend to purchase, Jones told them to wait until the AJ determines what the rights may actually be.

JUN 06 2001

Log for claim A29-04157

Spatial Dynamics PJM

9/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	19	SENE	25	27	
09s37e	20	SWNE	9	18	
09s37e	20	SENE	4	2.6	Indiscernible
09s37e	20	SWNW	24	25	
Totals:			62	72.6	

DELOG JC
10/30/00

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

RECEIVED**OCT 30 2000**Department of Water Resources
Eastern Region

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, 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
	A29-04157				

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) are 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)

Marcia Kelly
 6755 S. Old Hwy 91 McCammon 83250

- X 4. New Owner/Claimant(s)

A Leon Hardcastle
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

675 N 8th E

City, State and ZIP Code

Preston ID 83263

New Telephone Number

() [REDACTED]

5. Date you acquired the property

[REDACTED]



A Pioneer Company

PIONEER TITLE COMPANY
OF BANNOCK COUNTY

135 North Arthur Avenue / P.O. Box 1057 / Pocatello, Idaho 83204 / Telephone (208) 233-9595
FAX (208) 234-0621

January 4, 2001

Mrs. Alice Hardcastle
675 N. 8th E.
Preston, Idaho 83263

Re: Escrow 55579

Dear Mrs. Hardcastle:

Attached are copies of the deed which show the transfer of title as follows:

- (1) Marcia Kelly to Mid Ohio Securities FBO LaDell Wylie IRA
- (2) Mid Ohio Securities FBO LaDell Wylie IRA to Terrel J. Porter and Kay Arlene Porter
- (3) Terrel J. Porter and Kay Arlene Porter to A. Leon Hardcastle and Alice B. Hardcastle, Trustee (and to their Successors in Trust) of the Hardcastle Family Trust u/a/d dated May 16, 1990, as to each an undivided 50% interest

Hopefully this information is sufficient in order to get the water rights transferred.

Sincerely,

Arlene K. Evans
Assistant Vice President



20010763

A Pioneer Company
PIONEER TITLE COMPANY
 OF BANNOCK COUNTY

135 North Arthur Avenue / P.O. Box 1057 / Pocatello, Idaho 83204 / Telephone (208) 233-9595

WARRANTY DEED

For Value Received

TERREL J. PORTER and KAY ARLENE B. PORTER, husband and wife,

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

A. LEON HARDCASTLE AND ALICE B. HARDCASTLE, TRUSTEES (and to their Successors in trust) of the
 Hardcastle Family Trust u/a/d dated May 16, 1990, as to an undivided 50% interest
 each

hereinafter referred to as Grantee, whose current address is

675 N. 8th E., PRESTON, ID 83263

the following described premises, to-wit:

EXHIBIT A LEGAL DESCRIPTION ATTACHED

EXCLUDING THEREFROM; THE CUTLER DITCH WATER RIGHTS

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: July 6, 2000.

Terrel J. Porter
 TERREL J. PORTER

Kay Arlene B. Porter
 KAY ARLENE B. PORTER



STATE OF IDAHO)
) ss.
 COUNTY OF BANNOCK)

On This 7th day of July, in the year 2000, before me, a Notary Public in and for said State, personally appeared TERREL J. PORTER and KAY ARLENE B. PORTER, known or identified 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.

Christine H. Evans
 Notary Public of Idaho
 Residing at: *Pocatello, Idaho*
 Commission expires: *8/29/00*

QUITCLAIM DEED

JRP
RABP

FOR VALUE RECEIVED

MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA

do hereby convey, release, remise and forever quit claim

unto TERREL J. PORTER AND KAY ARLENE B. PORTER, HUSBAND AND WIFE

whose address is 2400 W. 7800 S., Weston, Idaho 83286

the following described premises, to-wit:

EXHIBIT A LEGAL DESCRIPTION ATTACHED

EXCLUDING THEREFROM: THE CUTLER DITCH WATER RIGHTS

together with their appurtenances, together with any after acquired title.

dated: x 7-6-00

MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA

BY:

LEONARD J. GIBEL, VICE PRESIDENT

OHIO
E OF OHIO, COUNTY OF X Lorain
On this 6th day of July 19 2000
me, a Notary Public in and for said State, personally
and Leonard J. Gibel
Vice-President
known to me to
be President and Secretary of the corporation that executed this instrument and the persons who executed the instrument on behalf of said corporation, and acknowledged to me such corporation executed the same.

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

1
Linda J. Borthwick
Notary Public
leg at
n. Expires

LUNDA J. BORTHWICK:
Notary Public, State of Ohio
My Commission Expires 03-03-01
Pioneer Title Company of Bannock County
Pocatello, Idaho - 208-233-9595

ST
NO 20010762
RECORDED AT REQUEST OF
PIONEER TITLE
2000 JUL 7 PM 4 56
OFFICIAL RECORD BOOK NO 762
BANNOCK COUNTY IDAHO
LARRY W. CHAN RECORDER
FEE 12.00 DEPUTY 13.00
By
Fe
Mail to:

QUITCLAIM DEED

FOR VALUE RECEIVED

MARCIA KELLY, A SINGLE PERSON

do hereby convey, release, remise and forever quit claim

unto MID OHIO SECURITIES CORP. FBO LADELL WYLIE IRA

whose address is 36 Lake Ave., Elyria, Ohio 44036

the following described premises, to-wit:

ATTACHED EXHIBIT A LEGAL DESCRIPTION

AND: Execution of this Deed by the Grantor fully releases any Rights of Redemption as may be set forth in the Decree of Foreclosure and Order of Sale under Case No. SVOC-99-01395D, recorded December 27, 1999 as Instrument No. 99021038.

together with their appurtenances, together with any after acquired title.

dated: July 5, 2000

Marcia Kelly
MARCIA KELLY

ACKNOWLEDGMENT - Individual

STATE OF IDAHOCounty of BannockOn this 5th day of July, in the year of 2000, before me, Patricia K. Evans, a notary public,personally appeared Marcia Kelly, known or

identified to me to be the person whose name is

subscribed to the within instrument, and acknowledged to me that she executed the same.

Notary Public Patricia K. EvansResiding at: Pocatello, IdahoComm. Exp: 8/29/04

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,

this _____ day of _____, 19____, in my office, and duly recorded in Book of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.

Fees \$

Mail to:

Pioneer Title Company of Bannock County
Pocatello, Idaho - 208-233-9595

NO 20010761

RECORDED AT REQUEST OF

PIONEER TITLE

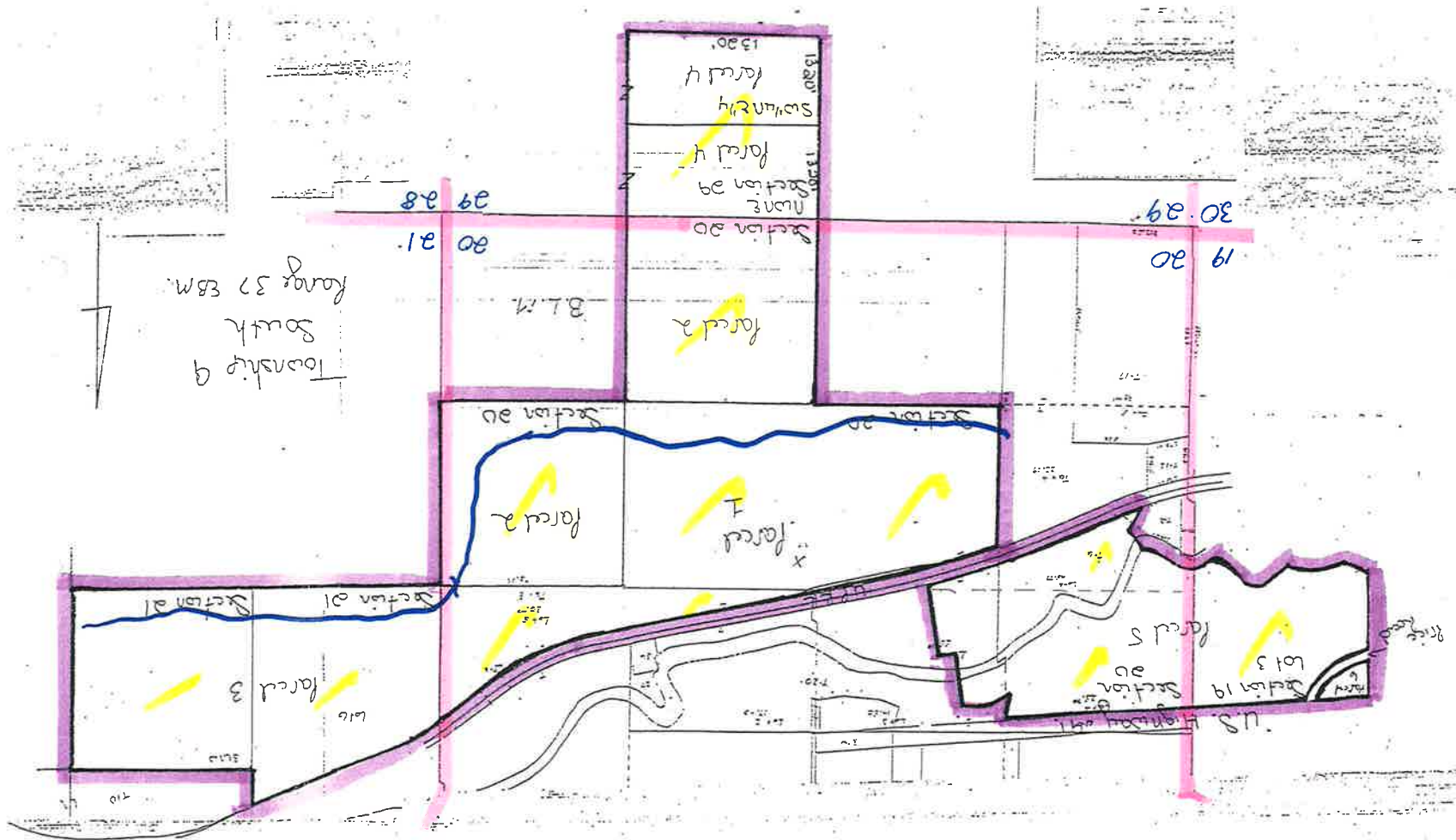
2000 JUL 7 PM 4 56

OFFICIAL RECORD BOOK NO.

BANNOCK COUNTY IDAHO

LARRY W. CHAN RECORDER

FEE 12.00



Township 9
South
Range 37 East

38
96007061

thence North 01°19'25" East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North 69°22'56" East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of 48°41'54" a distance of 311.47 feet to the point of tangency (Chord=North 45°01'59" East 302.18 feet); thence North 20°41'03" East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North 85°54'05" East 2168.06 feet to the true point of beginning.

AND ALSO: A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labelled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South 85°54'05" West 2168.06 feet along a right of way fence line to a 5/8-inch rebar with cap; thence South 83°04'27" West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South 27°43'22" West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North 46°06'14" West; thence Southwesterly along said curve through a central angle of 25°29'10" a distance of 131.87 feet to the point of tangency (Chord=South 56°38'24" West 130.78 feet); thence South 69°22'56" West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North 01°19'25" East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North 06°10'08" East;

thence Southeasterly along said curve through a central angle of 01°31'13" a distance of 31.73 feet to a point (Chord=South 84°35'29" East 31.73 feet); thence North 04°38'55" East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North 04°38'55" East; thence Southeasterly along said curve through a central angle of 08°34'46" a distance of 178.58 feet to the point of tangency (Chord=South 89°38'28" East 178.41 feet); thence North 87°32'29" East 166.13 feet along a right of way fence line to the true point of beginning.

32

96007061

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

AND ALSO: A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labelled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of 08°56'50" a distance of 802.18 feet to the point of tangency (Chord= South 70°59'28" West 801.37 feet); thence South 66°31'03" West 621.80 feet to the beginning of a 281.18 foot spiral curve with a 03°03'00" delta;

thence South 67°41'00" West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North 27°41'51" East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North 46°06'50" West 169.52 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the Northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North 85°01'21" West 38.58 feet; thence North 67°35'49" West 127.48 feet; thence North 53°37'14" West 154.22 feet; thence North 85°51'38" West 96.51 feet; thence South 44°51'52" West 135.51 feet; thence North 59°33'58" West 118.74 feet; thence North 39°50'41" West 212.32 feet; thence North 88°41'10" West 99.08 feet; thence South 52°18'09" West 232.50 feet;

thence North 80°50'47" West 168.73 feet; thence South 86°29'36" West 99.23 feet; thence South 74°46'54" West 160.70 feet; thence North 65°51'32" West 118.65 feet; thence South 68°10'58" West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North 00°34'39" West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

42

20010763

EXHIBIT A

PARCEL 1:

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 2:

All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 3:

All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 4:

All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 5:

A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of 08°56'50" a distance of 802.18 feet to the point of tangency (Chord= South 70°59'28" West 801.37 feet); thence South 66°31'03" West 621.80 feet to the beginning of a 281.18 foot spiral curve with a 03°03'00" delta;

thence South 67°41'00" West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North 27°41'51" East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North 46°06'50" West 169.52 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the Northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North 85°01'21" West 38.58 feet; thence North 67°35'49" West 127.48 feet; thence North 53°37'14" West 154.22 feet; thence North 85°51'38" West 96.51 feet; thence South 44°51'52" West 135.51 feet; thence North 59°33'58" West 118.74 feet; thence North 39°50'41" West 212.32 feet; thence North 88°41'10" West 99.08 feet; thence South 52°18'09" West 232.50 feet;

thence North 80°50'47" West 168.73 feet; thence South 86°29'36" West 99.23 feet; thence South 74°46'54" West 160.70 feet; thence North 65°51'32" West 118.65 feet; thence South 68°10'58" West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North 00°34'39" West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

thence North 01°19'25" East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North 69°22'56" East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of 48°41'54" a distance of 311.47 feet to the point of tangency (Chord=North 45°01'59" East 302.18 feet); thence North 20°41'03" East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North 85°54'05" East 2168.06 feet to the true point of beginning.

PARCEL 6:

A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South 85°54'05" West 2168.06 feet along a right of way fence line to a 5/8-inch

24-4

20010763

rebar with cap; thence South $83^{\circ}04'27''$ West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South $27^{\circ}43'22''$ West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North $46^{\circ}06'14''$ West; thence Southwesterly along said curve through a central angle of $25^{\circ}29'10''$ a distance of 131.87 feet to the point of tangency (Chord=South $56^{\circ}38'24''$ West 130.78 feet); thence South $69^{\circ}22'56''$ West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North $06^{\circ}10'08''$ East;

thence Southeasterly along said curve through a central angle of $01^{\circ}31'13''$ a distance of 31.73 feet to a point (Chord=South $84^{\circ}35'29''$ East 31.73 feet); thence North $04^{\circ}38'55''$ East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North $04^{\circ}38'55''$ East; thence Southeasterly along said curve through a central angle of $08^{\circ}34'46''$ a distance of 178.58 feet to the point of tangency (Chord=South $89^{\circ}38'28''$ East 178.41 feet); thence North $87^{\circ}32'29''$ East 166.13 feet along a right of way fence line to the true point of beginning.

NO 20010763

RECORDED AT REQUEST OF
PIONEER TITLE

2000 JUL 7 PM 4 58

OFFICIAL RECORD BOOK NO 762

BANNOCK COUNTY IDAHO

LARRY W CHAN RECORDER

FEE 1200 DEPUTY BQ

EXHIBIT A**PARCEL 1:**

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 2:

All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 3:

All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 4:

All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 5:

A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of $08^{\circ}56'50''$ a distance of 802.18 feet to the point of tangency (Chord= South $70^{\circ}59'28''$ West 801.37 feet); thence South $66^{\circ}31'03''$ West 621.80 feet to the beginning of a 281.18 foot spiral curve with a $03^{\circ}03'00''$ delta;

thence South $67^{\circ}41'00''$ West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North $27^{\circ}41'51''$ East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North $46^{\circ}06'50''$ West 169.52 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the Northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North $85^{\circ}01'21''$ West 38.58 feet; thence North $67^{\circ}35'49''$ West 127.48 feet; thence North $53^{\circ}37'14''$ West 154.22 feet; thence North $85^{\circ}51'38''$ West 96.51 feet; thence South $44^{\circ}51'52''$ West 135.51 feet; thence North $59^{\circ}33'58''$ West 118.74 feet; thence North $39^{\circ}50'41''$ West 212.32 feet; thence North $88^{\circ}41'10''$ West 99.08 feet; thence South $52^{\circ}18'09''$ West 232.50 feet;

thence North $80^{\circ}50'47''$ West 168.73 feet; thence South $86^{\circ}29'36''$ West 99.23 feet; thence South $74^{\circ}46'54''$ West 160.70 feet; thence North $65^{\circ}51'32''$ West 118.65 feet; thence South $68^{\circ}10'58''$ West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North $00^{\circ}34'39''$ West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North $69^{\circ}22'56''$ East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of $48^{\circ}41'54''$ a distance of 311.47 feet to the point of tangency (Chord=North $45^{\circ}01'59''$ East 302.18 feet); thence North $20^{\circ}41'03''$ East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North $85^{\circ}54'05''$ East 2168.06 feet to the true point of beginning.

PARCEL 6:

A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South $89^{\circ}39'11''$ West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South $85^{\circ}54'05''$ West 2168.06 feet along a right of way fence line to a 5/8-inch

11-4

rebar with cap; thence South $83^{\circ}04'27''$ West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South $27^{\circ}43'22''$ West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North $46^{\circ}06'14''$ West; thence Southwesterly along said curve through a central angle of $25^{\circ}29'10''$ a distance of 131.87 feet to the point of tangency (Chord=South $56^{\circ}38'24''$ West 130.78 feet); thence South $69^{\circ}22'56''$ West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North $06^{\circ}10'08''$ East;

thence Southeasterly along said curve through a central angle of $01^{\circ}31'13''$ a distance of 31.73 feet to a point (Chord=South $84^{\circ}35'29''$ East 31.73 feet); thence North $04^{\circ}38'55''$ East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North $04^{\circ}38'55''$ East; thence Southeasterly along said curve through a central angle of $08^{\circ}34'46''$ a distance of 178.58 feet to the point of tangency (Chord=South $89^{\circ}38'28''$ East 178.41 feet); thence North $87^{\circ}32'29''$ East 166.13 feet along a right of way fence line to the true point of beginning.

EXHIBIT A**PARCEL 1:**

That portion of Lots 5, 6 and 7 lying Southerly of the Union Pacific Railroad as the same is located in Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 2:

All of the NE1/4 SE1/4 and the SW1/4 SE1/4 of Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 3:

All of Lot 6 and the SE1/4 NW 1/4 lying Southerly of the Union Pacific Railroad as the same is located in Section 21, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 4:

All of the NW 1/4 NE1/4 and SW1/4 NE1/4 of Section 29, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho.

PARCEL 5:

A parcel of land located in Sections 19 and 20 in Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20; thence South 89°39'11" West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North, the true point of beginning;

thence South 08°00'52" West 183.22 feet to a 5/8-inch rebar with cap; thence North 56°11'55" East 116.32 feet; thence North 70°16'49" East 61.29 feet; thence South 87°45'45" East 166.83 feet; thence South 07°18'58" East 384.29 feet to a 5/8-inch rebar with cap set at the South end of a fence;

thence North 84°51'16" East 120.0 feet to a 5/8-inch rebar with cap set on the projection of a North-South fence line; thence South 09°18'44" East 483.48 feet along said projection and fence line to a 5/8-inch rebar with cap set on the Northerly right of way line of the Union Pacific Railroad right of way line, said point being on a 5136.99 foot non-tangent curve whose center bears South 14°32'08" East;

thence Southwesterly along said curve through a central angle of $08^{\circ}56'50''$ a distance of 802.18 feet to the point of tangency (Chord= South $70^{\circ}59'28''$ West 801.37 feet); thence South $66^{\circ}31'03''$ West 621.80 feet to the beginning of a 281.18 foot spiral curve with a $03^{\circ}03'00''$ delta;

thence South $67^{\circ}41'00''$ West 245.22 feet along the long chord of said spiral curve to a 5/8-inch rebar with cap set on the projection of a fence line; thence North $27^{\circ}41'51''$ East 212.87 feet to a 5/8-inch rebar with cap set at a fence corner; thence North $46^{\circ}06'50''$ West 169.52 feet along a fence line and its projection to a 5/8-inch rebar with cap set on the Northerly bank of the Portneuf River; thence along said river bank through the following courses:

thence North $85^{\circ}01'21''$ West 38.58 feet; thence North $67^{\circ}35'49''$ West 127.48 feet; thence North $53^{\circ}37'14''$ West 154.22 feet; thence North $85^{\circ}51'38''$ West 96.51 feet; thence South $44^{\circ}51'52''$ West 135.51 feet; thence North $59^{\circ}33'58''$ West 118.74 feet; thence North $39^{\circ}50'41''$ West 212.32 feet; thence North $88^{\circ}41'10''$ West 99.08 feet; thence South $52^{\circ}18'09''$ West 232.50 feet;

thence North $80^{\circ}50'47''$ West 168.73 feet; thence South $86^{\circ}29'36''$ West 99.23 feet; thence South $74^{\circ}46'54''$ West 160.70 feet; thence North $65^{\circ}51'32''$ West 118.65 feet; thence South $68^{\circ}10'58''$ West 83.21 feet to a 5/8-inch rebar with cap set in a fence line; thence leaving said river bank and running North $00^{\circ}34'39''$ West 319.86 feet along said fence line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 276.73 feet along said fence line to a 5/8-inch rebar with cap set on the Southerly right of way line of the Price Road, said right of way width from centerline being 35.0 feet; thence North $69^{\circ}22'56''$ East 250.04 feet along said right of way line to the beginning of a 366.45 foot radius curve concave to the Northwest;

thence Northeasterly along said curve through a central angle of $48^{\circ}41'54''$ a distance of 311.47 feet to the point of tangency (Chord=North $45^{\circ}01'59''$ East 302.18 feet); thence North $20^{\circ}41'03''$ East 63.19 feet along said right of way line to a 5/8-inch rebar with cap; thence North $85^{\circ}54'05''$ East 2168.06 feet to the true point of beginning.

PARCEL 6:

A parcel of land located in Section 19, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian, Bannock County, Idaho, and further described as follows:

Beginning at the North quarter corner of said Section 20, Township 9 South, Range 37 East, Boise Meridian; thence South $89^{\circ}39'11''$ West 1312.67 feet along the North line of said Section 20; thence South 1390.0 feet to a 5/8-inch rebar with cap labeled "A.A. Hudson, PLS 4735" set on the Southerly right of way line of U.S. Highway No. 30 North; thence South $85^{\circ}54'05''$ West 2168.06 feet along a right of way fence line to a 5/8-inch

rebar with cap; thence South $83^{\circ}04'27''$ West 86.58 feet to a 5/8-inch rebar with cap set on the Westerly right of way fence line of the Price Road, the true point of beginning;

thence South $27^{\circ}43'22''$ West 140.98 feet to a point on a 296.45 foot radius non-tangent curve whose center bears North $46^{\circ}06'14''$ West; thence Southwesterly along said curve through a central angle of $25^{\circ}29'10''$ a distance of 131.87 feet to the point of tangency (Chord=South $56^{\circ}38'24''$ West 130.78 feet); thence South $69^{\circ}22'56''$ West 221.84 feet along the Price Road right of way line to a 5/8-inch rebar with cap;

thence North $01^{\circ}19'25''$ East 268.64 feet to a 5/8-inch rebar with cap set on the Southerly right of way line of U.S. Highway No. 30 North, said point is also on a 1196.0 foot radius non-tangent curve whose center bears North $06^{\circ}10'08''$ East;

thence Southeasterly along said curve through a central angle of $01^{\circ}31'13''$ a distance of 31.73 feet to a point (Chord=South $84^{\circ}35'29''$ East 31.73 feet); thence North $04^{\circ}38'55''$ East 3.40 feet to a point on a 1192.60 foot radius non-tangent curve whose center bears North $04^{\circ}38'55''$ East; thence Southeasterly along said curve through a central angle of $08^{\circ}34'46''$ a distance of 178.58 feet to the point of tangency (Chord=South $89^{\circ}38'28''$ East 178.41 feet); thence North $87^{\circ}32'29''$ East 166.13 feet along a right of way fence line to the true point of beginning.



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

November 8, 2000

A LEON HARDCASTLE
675 N 8TH E
PRESTON ID 83263

RE: OWNERSHIP CHANGE FOR 29-04157

Dear Mr. Hardcastle:

Per your request, one of our water agents researched to see which water rights are appurtenant to your property. 29-04157 goes to your property but is in the name of Marcia Kelly. In order for our office to change the ownership from her to you, please do the following:

- 1) fill in the orange highlighted items on the "Notice of Change in Water Right Ownership" form.
- 2) Sign item #7 on the back of the same form.
- 3) Provide a chain of title from Marcia Kelly to you. The enclosed quitclaim deed is from Mid Ohio Securities to Terrel and Arlene Porter. Provide the documents that convey this property from the Porter's to you. Call the Bannock County assessor and they can help you.

Once I receive the above items, I will proceed with changing the water right ownership of 29-04157.

Our research also discovered two additional water rights that were claimed for your property but never filed in the Snake River Basin Adjudication. To file on this water, please fill out the enclosed "Notice of Claim to a Water Right". The "water right reports" are inserted to assist you in this process. The fees for these filings are: \$50.00 per claim, \$50.00 late fee, and \$1.00 per acre.

If you have further questions about this matter, please contact Water Rights Supervisor Ernie Carlsen.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Crabtree". The signature is written in dark ink and is positioned above the printed name and title.

Jennifer Crabtree
Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 19, 1996

MARCIA KELLY
6755 S OLD HWY 91
MC CAMMON ID 83250

Re: Change in Ownership from Roger Johnson.

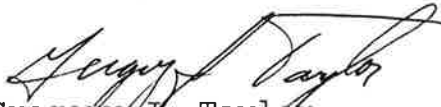
Dear Marcia:

Please find enclosed Notice of Claim No. A29-04157. It has been modified to reflect you as the current owner and you may keep it for your records.

All of the other water rights that appear to pertain to the property you purchased are in the name of Cutler Ditch or Portneuf Irrigating Co.. As we discussed, you will need to contact the two companies to have shares transferred to your name.

Please do not hesitate to contact this office if you have any questions regarding this matter, or, if you believe this is in some way in error.

Sincerely,


Gregory J. Taylor
Sr. Water Agent, Adjudications

FILE

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.

11-8-96
ET

1. Water Right Number(s) 1
Adjudication Claim Number(s) A29-04157

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

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

AND

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Roger S. Johnson and Kaye R. Johnson

4. New Owner/Claimant(s)

Marcia A. Kelly

Name connector (Check one): [] AND, [] OR, [] AND/OR

New Mailing Address

6755 S. Old Hwy. 91, McCammon, ID 83250

City, State and ZIP Code

McCammon, ID 83250

New Telephone Number

(208) 237-4112

5. Date you acquired the property April 30, 1996

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

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

Diversion rate in CFS _____ Number of homes _____ Other uses _____

cubic feet per second

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

7. Signature of New Owner/Claimant(s)

Marcia A. Kelly

Date 11-7-96

Date _____

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

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

A29-11274, 00051, 11253

31
WARRANTY DEED

96007061

FOR VALUE RECEIVED

ROGER S. JOHNSON AND KAYE R. JOHNSON, ALSO SHOWN AS
KAY R. JOHNSON, HUSBAND AND WIFE

The Grantor S, do hereby grant, bargain, sell and convey unto

MARCIA KELLY, A SINGLE PERSON

The Grantee S, whose address is 6755 S. OLD HWY. 91, MCCAMMON, ID 83250

the following described premises, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
HER heirs and assigns forever. And the said GrantorS do hereby covenant to
and with the said Grantee, that The Y ARE the ownerS in fee simple of said premises; that said
premises are free from all encumbrances

and that The Y will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 30, 1996

Roger S. Johnson
ROGER S. JOHNSON

Kaye R. Johnson
KAYE R. JOHNSON

STATE OF IDAHO, COUNTY OF BANNOCK

On this 30TH day of APRIL, 1996,
before me, Notary Public in and for said State, personally appeared

ROGER S. JOHNSON AND KAYE R. JOHNSON,
HUSBAND AND WIFE

known to me as the Grantors, who are known to me as the Grantors

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the
request

at
this
19
of Deed

NO 96007061
RECORDED AT REQUEST OF
PIONEER TITLE

RECEIVED

MAR 27 1995

Department of Water Resources
Eastern District Office

McCammon, Idaho
March 24, 1995

Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho

Dear Sirs:

I, Roger Johnson filed the claim for 2.50 cfs for use on the land in described in claim No. A29-04157 on 04/10/1955. Enclosed is a notarized statement from Irvin Gilbert.

We were raising sugar beets. Surface irrigation water would sink in the ground in less than 300 ft.

We checked with France Potter, the water master, and used one diesel powered pump to pump from the Portneuf river and sprinkler irrigate the sugar beets. France Potter said that when we pumped, it made no difference in the river flow at the next division two miles down the river. With his permission we used two diesel powered pumps to sprinkler irrigate the sugar beets. He determined that the two pumps pumped 2.50 cfs of water. When we were using 2.50 cfs of water from the river it made no difference in the flow of the river at the next diversion point on the river.

Mr. Potter suggested that this would be a good water right and that we should file for this water.

We have raised sugar beets, grain and alfalfa hay on this land.

Sincerely yours,

Roger Johnson

Roger Johnson,
Roger Johnson,

Roger Johnson Came
before me 3-24-95
Belva Olsen Hansen
exp date 11-95

MICROFILMED
NOV 13 1995

RECEIVED

MAR 27 1995

Department of Water Resources
Eastern District Office

Virginia, Idaho
March, 7, 1995

Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho

Dead Sirs:

I Ervin Gilbert having lived in this area over sixty years do witness that Roger Johnson did apply water to land that lies west of his house in 1955. He used two portable pumps and pumped out of the river to irrigate sugar beets. The beets were irrigated from May to the end of September.

Ervin Gilbert

State of Arizona
Maricopa County

The foregoing instrument was acknowledged before me this 13 day of March 19 95. Witness my hand and official seal.

Jenny D. Lynch
Notary

My Commission Expires Dec. 11, 1996

My commission expires

*Ervin Gilbert or Priority
1955 - Bottom of irrig
season, June 1, 55
is OK*

MICROFILMED
NOV 13 1996

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: **A29-04157**
Date Received: 4/11/1990
Receipt No: E013088
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MARCIA KELLY
Address: 6755 S OLD HWY 91
MC CAMMON ID 83250 208-237-4112

2. Date of Priority: JUN 1, 1955

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	37E	20	NE	SW	NE	2-40!	BANNOCK
			SW	SW	NW	4	BANNOCK

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

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

8. Total consumptive use is 157.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	37E	19	SE	NE	3	IRR	25.2

A29-04157

PROFILED

Page

1

SCANNED

Date: 11/18/96

MAR 21 2006

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	25.2	
		20	SW	NE	2	IRR	9.0
			SE	NE	1	IRR	4.0
			SW	NW	4	IRR	24.8
					Section Acres	37.8	
					Total Acres	63.0	

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:

14. Remarks:

CHANGED OWNERSHIP 11/18/96/JT/GT

15. Basis of Claim: STATUTORY CLAIM

JUN 06 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: A29-04157
Date Received: 4/11/1990
Receipt No: 2013088
Received By: EAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER JOHNSON 208-254-3348
Address: 3369 E. HWY. 30
MC CAMMON, ID 83250
OR
Name: KAYE JOHNSON 208-254-3348
Address: 3369 E. HWY. 30
MC CAMMON, ID 83250

A2904157



2. Date of Priority: JUN 01, 1955

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	37E	20	NE	SW	NE	2	BANNOCK
			SW	SW	NW	4	BANNOCK

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

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

8. Total consumptive use is 157.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-04157

Page 1

Date: 04/11/90

MICROFILMED
NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	19	SE	NE	3	IRR	25.2
						Section Acres	25.2
		20	SW	NE	2	IRR	9.0
			SE	NE	1	IRR	4.0
			SW	NW	4	IRR	24.8
						Section Acres	37.8
						Total Acres	63.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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 X 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): Stacy Johnson Date: 4-11-1990

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 day
of April 19 90.
Ernest J. Carlse
Notary Public



Residing at Albion Falls, ID.
My Commission Expires 6-14-1994