

03/12/2010

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

RIGHT NUMBER: 29-13914

NAME AND ADDRESS: AMERICAN INDIAN SACRED SOCIETY
C/O ROGER SUNPATH
PO BOX 462
INKOM ID 83245

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/14/1977

POINT OF DIVERSION:

T07S R36E S22 NESE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: DOMESTIC in BANNOCK County

T07S R36E S22 NESE

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Claim No(s). 29-13914

Claim No(s). 29-13914

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 4, 2009

AMERICAN INDIAN SACRED SOCIETY
C/O ROGER SUNPATH PE
PO BOX 462
INKOM ID 83245

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #29-13914

Dear Claimant:

The Notice of Claim you filed was received from the SRBA Court recently. I have enclosed Receipt #C089563 for the filing fees you paid. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state

Enclosure:

Receipt referenced above

SCANNED

DEC - 3 2009

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 29-13914

Date Received:

Receipt No: C089563

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) AMERICAN INDIAN SACRED SOCIETY Phone (208-775-3280Mailing Address PO BOX 462, TWIN FALLS, ID Zip 832452. Date of Priority: (Only one per claim) 2/14/77 Month/Day/Year3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____

which is tributary to (b) _____

4. Location of Point of Diversion is: Township 7S, Range 36E, Section 22,
_____, 1/4 of NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of BANNOCK

Additional points of diversion if any: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

SUB MERSIBLE pump 1/2 HORSE

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For DOMESTIC purposes from 1/1 to 12/31 amount .04 (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) DOMESTIC for 1 home & 1/2 ACREIRRIGATION

SCANNED

NOV 16 2009

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of a monthly docket sheet may be obtained from any of the offices of the department; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the SRBA court's web site at www.srba.state.id.us/docket.htm. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department or the SRBA court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. You may also obtain copies of the notices of claims filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

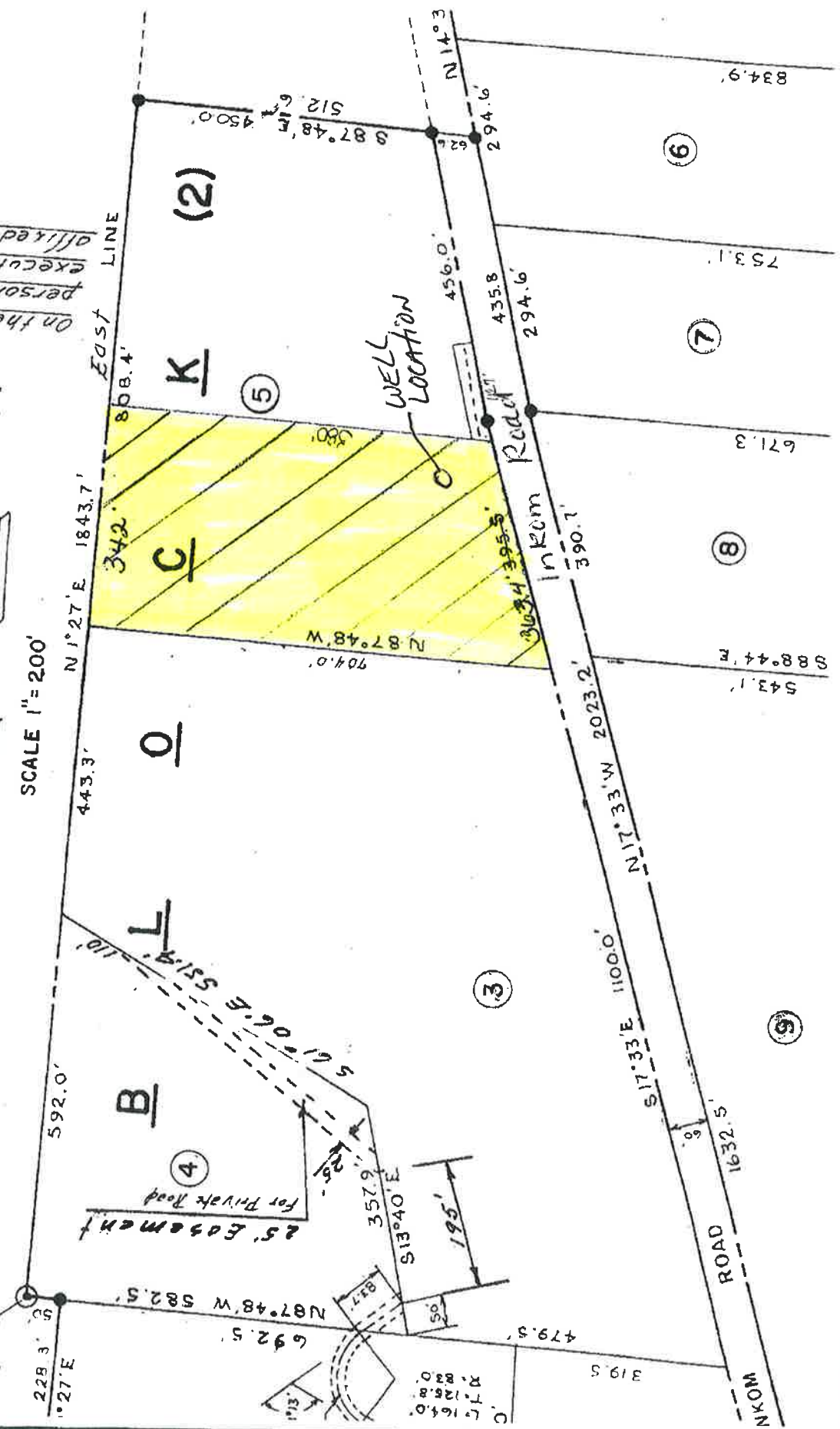
After the notices of claims have been reviewed, the director will prepare and file a Director's report with the SRBA court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. Director reports will be prepared in each administrative basin within the Snake River Basin. When the report for your basin is filed with the court, you will be mailed a notice informing you that the report for your basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

SCANNED
NOV 16 2009

COANNED

On the 11th Day of April 1973,
personally appeared the to
executed the above certificate
offered my Official Seal this
RECORDED
Instrument Nun
Book 8
Requested By
Records of B0

854.0 feet
East line of
or less to the
southerly R
08' W, along
11' W, 306.0'
to the east
S 17° 33' E
less to the
W along said
point of beg
Excepting th
And it is the inter
land in said plat
as shown and th
ment shown is
in witness where
April
s/ Norris M. Mur
s/ Duane O. Lisi
s/ Arnold T. Da
s/ Robert A. Sh
s/ Sam Lish
s/ Harl Van Bel
s/ Ron B. Bore
s/ Jeffrey Web
s/ J. T. Palm
s/ Billy Joe No
s/ Kiley Hamlin
s/ Patrick R. E



31
20714101

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 East Center
Pocatello, ID 83201

OFFICIAL RECORD BOOK 896
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 9- DEPUTY me

FIRST AMERICAN TITLE

20714101

2007 JUN 14 A 11:59

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **213837-P (ts)**

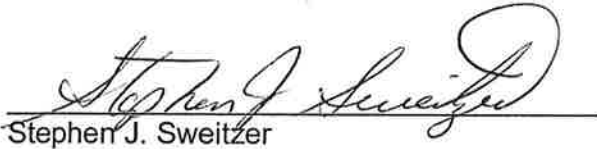
Date: **June 08, 2007**

For Value Received, **Stephen J. Sweitzer and Mary Catherine Sweitzer, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **The American Indian Sacred Society of the Four Directions, a Corporation Sole**, hereinafter called the Grantee, whose current address is **2254 Inkorn Road, Inkorn, ID 83245**, the following described premises, situated in **Bannock County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.


Stephen J. Sweitzer


Mary Catherine Sweitzer

SCANNED

MAY 16 2009

STATE OF Idaho)

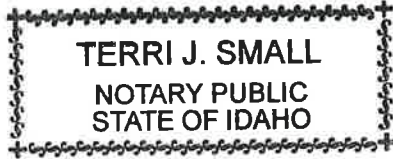
COUNTY OF Bannock)

SS.

3-2

20714101

On this 12th day of June, 2007, before me, a Notary Public in and for said State, personally appeared **Stephen J. Sweitzer and Mary Catherine Sweitzer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



A handwritten signature in cursive script, reading "Terri J. Small", written over a horizontal line.

Notary Public for the State of Idaho

Residing at: Pocatello, ID

My Commission Expires: 4/28/2011

SCANNED

NOV 16 2009

PARCEL 1:

THAT PORTION OF LOT 5, BLOCK 2, MURDOCK SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 8 OF PLAT, PAGE 45, RECORDS OF BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOT SOUTH 87°48' EAST 704 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE ALONG THE EAST LINE THEREOF SOUTH 1°27' WEST 342 FEET; THENCE NORTH 87°48' WEST 580 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID LOT; THENCE ALONG SAID WESTERLY LINE NORTH 17°33' WEST 363.4 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE EAST LINE OF SAID LOT SOUTH 1°27' WEST 342 FEET; THENCE NORTH 87°48' WEST 580 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID LOT AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY LINE, SOUTH 17°33' EAST 32.1 FEET; THENCE SOUTH 14°31' EAST 127.9; THENCE AT RIGHT ANGLES TO THE LAST MENTIONED LINE; THENCE NORTHEASTERLY 25 FEET; THENCE NORTH 14°31' WEST 150 FEET, MORE OR LESS, TO A POINT ON A LINE THAT BEARS SOUTH 87°48' EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 87°48' WEST 25 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

SCANNED
NOV 16 2009

RECEIVED

NOV 10 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 9 2009

By _____

Clerk

Deputy Clerk

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

In Re SRBA

Subcase: 29-13914

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On July 13, 2009, Roger Sonpath, on behalf of the American Indian Sacred Society filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on November 6, 2009. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated November 9, 2009.

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

SCANNED

NOV 16 2009

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on November 09, 2009, with sufficient first-class postage to the following:

AMERICAN INDIAN SACRED SOCIETY
C/O ROGER SUNPATH PE
2254 INKOM RD
PO BOX 462
INKOM, ID 83245
Phone: 208-775-3280

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SCANNED

NOV 16 2009

ORDER

Page 1 11/09/09

FILE COPY FOR 00511

Deputy Clerk

Julie Murphy

RECEIVED

JUL 14 2009

DEPARTMENT OF
WATER RESOURCES

hearing: 10-20-09

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

In Re SRBA

claim complete

Subcase 29-13914

(Insert water right number)

Fees OK

Case 39576

C. S. [signature]

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☐ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Roger Sunpath PE, American Indian Sacred Society

My address is 2254 Inkom Road, PO Box 462
Inkom, ID 83245

My phone number is: Work 208-775-3280 Home _____

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

PROPERTY RECENTLY ACQUIRED

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

WARRANTY DEED, PLAT MAP

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 25.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday Oct 20, 2009 1:30 pm
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

~~A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.~~

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:



I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

☐ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of BANNOCK

Roger Sunpath

(Insert name of person filing form)

, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Roger Sunpath PE
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 9, 2009
(Insert Date)



Bobby Kern
Notary Public for State of Idaho
Residing at: Idaho Falls, ID
My Commission expires: 9-12-2014

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 7/10, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

RECEIVED

JUL 14 2009

Form No. 42-1409 (2) b 7/06

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13914

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) AMERICAN INDIAN SACRED SOCIETY Phone (208-775-3280Mailing Address PO BOX 462, TWIN FALLS, ID Zip 832452. Date of Priority: (Only one per claim) 2/14/77 Month/Day/Year3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____

which is tributary to (b) _____

4. Location of Point of Diversion is: Township 7S, Range 36E, Section 22,
1/4 of NE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of BANNOCK

Additional points of diversion if any: _____

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, Etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

SUB MERSIBLE pump 1/2 HORSE

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For DOMESTIC purposes from 1/1 to 12/31 amount .04 (cfs)

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) DOMESTIC for 1 home & 1/2 ACREIRRIGATION

SCANNED

JUL 14 2009

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 East Center
Pocatello, ID 83201

31
OFFICIAL RECORD BKM 896
BANNOCK COUNTY IDAHO

RECEIVED 20714101
JUL 14 2009

DEPARTMENT OF
WATER RESOURCES

RECORDED AT REQUEST OF
FEE 9- DEPUTY 2nd

FIRST AMERICAN TITLE

20714101

2007 JUN 14 A 11:59

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **213837-P (ts)**

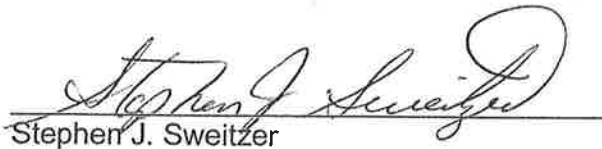
Date: **June 08, 2007**

For Value Received, **Stephen J. Sweitzer and Mary Catherine Sweitzer, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **The American Indian Sacred Society of the Four Directions, a Corporation Sole**, hereinafter called the Grantee, whose current address is **2254 Inkorn Road, Inkorn, ID 83245**, the following described premises, situated in **Bannock County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.


Stephen J. Sweitzer


Mary Catherine Sweitzer

SCANNED
JUL 14 2009

29-13914

STATE OF Idaho

)
SS.

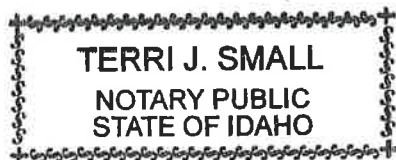
3-2

20714101

COUNTY OF Bannock

)

On this 12th day of June, 2007, before me, a Notary Public in and for said State, personally appeared **Stephen J. Sweitzer and Mary Catherine Sweitzer**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



A handwritten signature in cursive script, appearing to read "Terri J. Small", written over a horizontal line.

Notary Public for the State of Idaho

Residing at: Pocatello, ID

My Commission Expires: 4/28/2011

SCANNED

JUL 14 2009

29-13914

PARCEL 1:

THAT PORTION OF LOT 5, BLOCK 2, MURDOCK SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 8 OF PLAT, PAGE 45, RECORDS OF BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH LINE OF SAID LOT SOUTH 87°48' EAST 704 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE ALONG THE EAST LINE THEREOF SOUTH 1°27' WEST 342 FEET; THENCE NORTH 87°48' WEST 580 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID LOT; THENCE ALONG SAID WESTERLY LINE NORTH 17°33' WEST 363.4 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

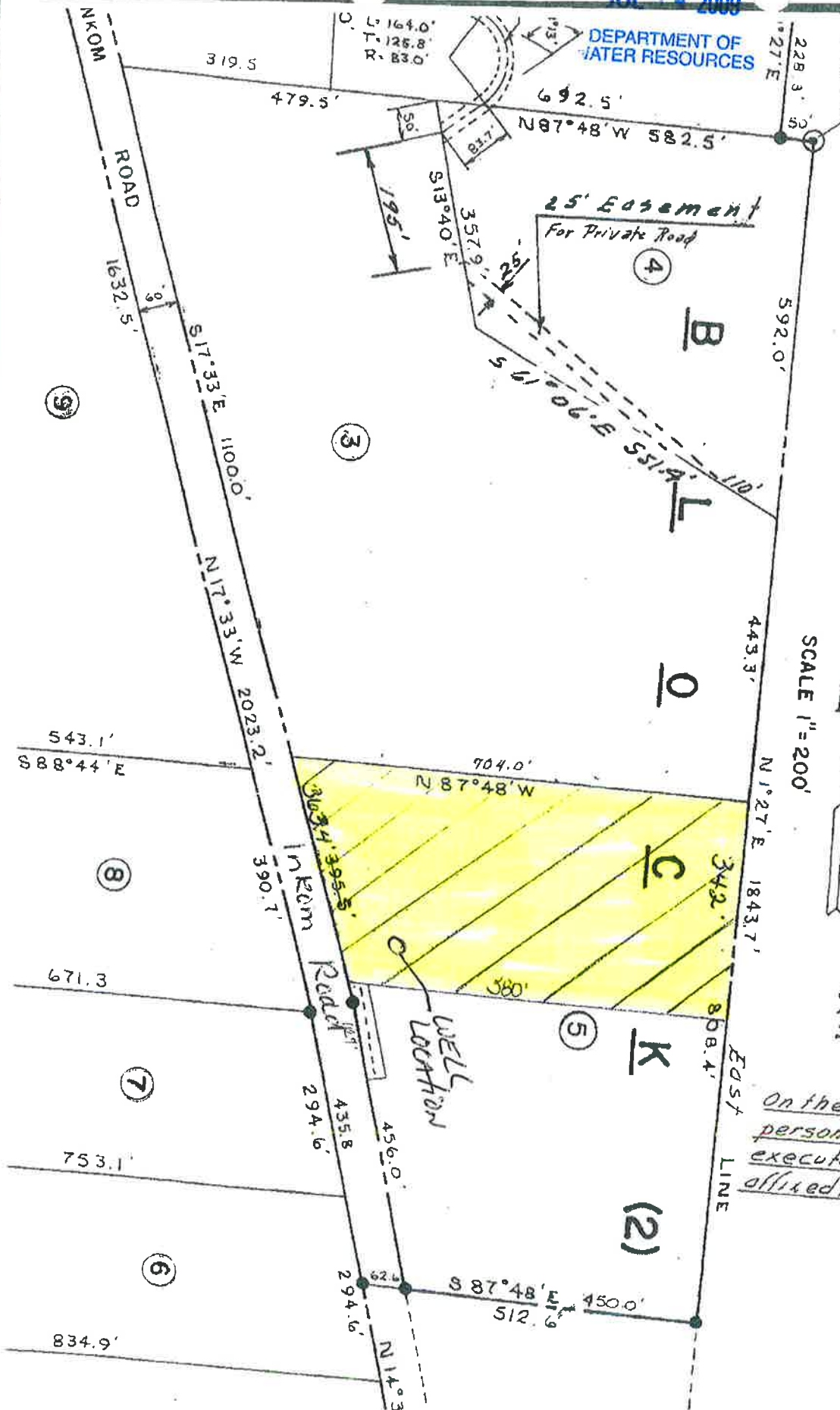
AN EASEMENT FOR INGRESS AND EGRESS OVER THE LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE EAST LINE OF SAID LOT SOUTH 1°27' WEST 342 FEET; THENCE NORTH 87°48' WEST 580 FEET, MORE OR LESS, TO THE WESTERLY LINE OF SAID LOT AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID WESTERLY LINE, SOUTH 17°33' EAST 32.1 FEET; THENCE SOUTH 14°31' EAST 127.9; THENCE AT RIGHT ANGLES TO THE LAST MENTIONED LINE; THENCE NORTHEASTERLY 25 FEET; THENCE NORTH 14°31' WEST 150 FEET, MORE OR LESS, TO A POINT ON A LINE THAT BEARS SOUTH 87°48' EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 87°48' WEST 25 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

RECEIVED

JUL 14 2009

DEPARTMENT OF
WATER RESOURCES



864.0 feet
 East line of
 or less to the
 18' W, 50 f.
 southerly R.
 08' W, along
 11' W, 306.0
 to the east
 S17°33' E
 less to the e
 W along said
 point of be
 Excepting th
 And it is the inter
 land in said Plot
 as shown and th
 ment shown is t
 In witness where

April
 s/ Norris M. Mur
 s/ Duane O. Lisi
 s/ Arnold T. Da
 s/ Robert L. Sh
 s/ Sam Lish
 s/ Karl Van Bel
 s/ Ron B. Boza
 s/ Jeffrey Web
 s/ J. T. Palm
 s/ Billy Joe Na
 s/ Kiley Hamlin
 s/ Patrick R. E.

On the 6th Day of April 1973,
 personally appeared the fo
 executed the above certifica
 affixed my Official Seal this
RECORDER

Instrument Num
 Book 8
 Requested By
 Records of Bo

— Tim Eric

SCANNED
 JUL 14 2009

29-13914