

12/06/2004

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

RIGHT NUMBER: 37-4137

NAME AND ADDRESS: CHARLES T FOLEY
C/O CLOVER CREEK RANCH
1502B S 300 E
BLISS ID 83314

SOURCE: CLOVER CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 4.160 CFS

PRIORITY DATE: 04/01/1961

POINT OF DIVERSION:

T05S R12E S16 SESE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 06/30	4.160 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R12E S16	SWNW	37.0	T05S R12E S16	SESW	14.0
T05S R12E S16	NESW	32.0	T05S R12E S16	NWSW	39.0
T05S R12E S16	SWSW	22.0	T05S R12E S16	SESW	19.0
T05S R12E S16	NWSE	20.0	T05S R12E S16	SWSE	25.0

208 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.

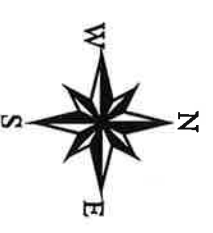
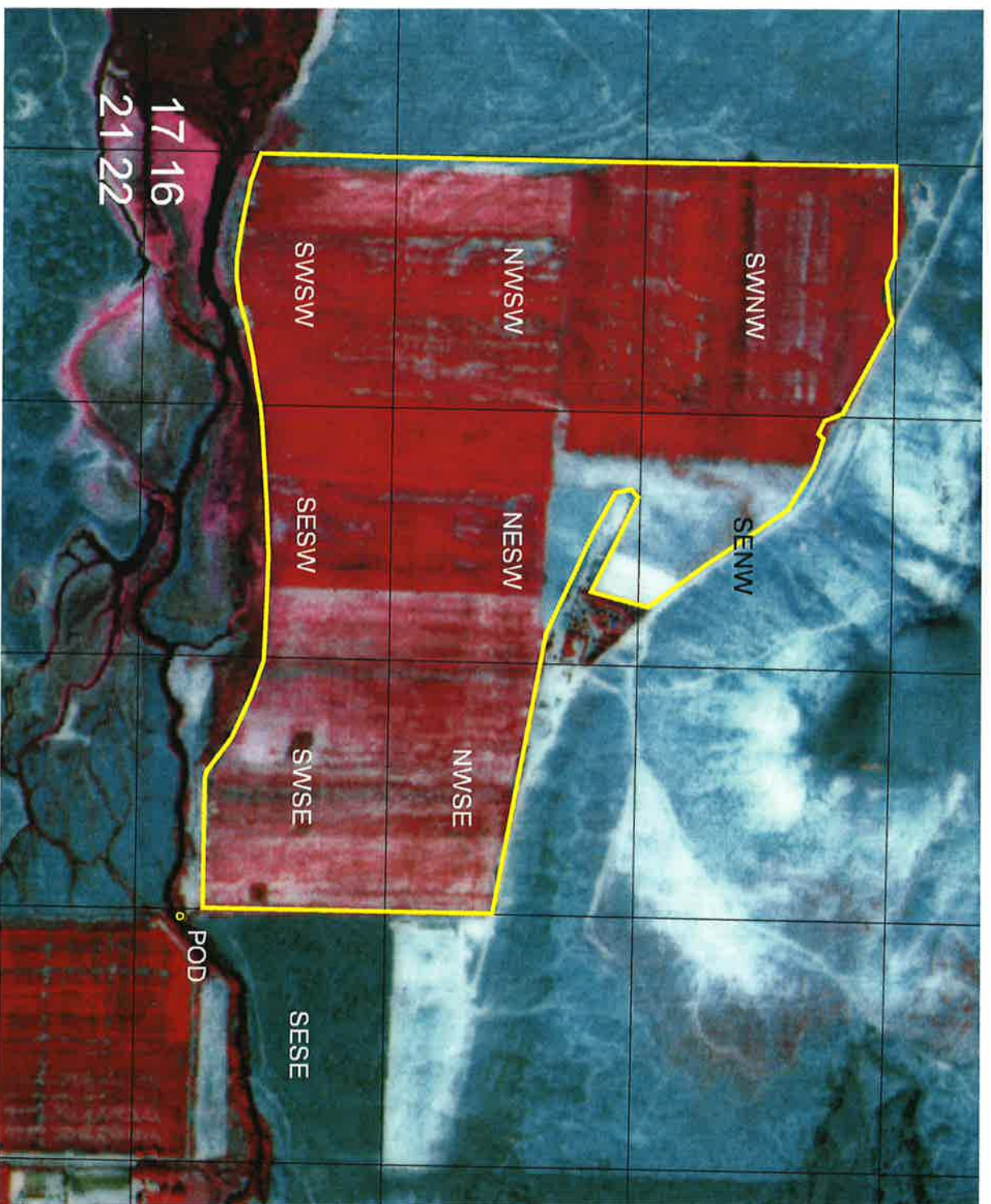
EXPLANATORY MATERIAL: Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Use of this right is combined with water from North Side Canal Co., Ltd.

37-4137

**T05S R12E
S16**



Map prepared by: Carter Fritschle
Date prepared: 12/06/04
1987-1988 NAPP photography
Idaho Department of Water Resources

Contacts Data Entry Form

Claim Number 37-4137

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	CHARLES T FOLEY	C/O CLOVER CREEK RANCH 1502B S 300 E	BLISS	ID	83314	

Date of Field Exam: 9-13-04 Time: 9:30 AAccompanied By: Foreman Mike Vos Phone Number: 352-1995Relationship to Claimant: Foreman

Directions to Property (if different from above) and/or update owner information:

Old Bliss Hiway 3 miles west - north ^{east} Cove
Spring Rd 1 1/2 miles then go north on Gravel
Rd to Ranch



Lee R. Peterson
234 S View Rd
Jerome, ID 83338-6448

Date: 9-13-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4137

Claimed Point of Diversion and Source

T05S R12E S16 SESESW Within GOODING County Source: CLOVER CREEK SNAKE RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T05S R12E S16 SESW Within GOODING County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

South corner of SW 515
 SEE color photo
 FOR NEW POD

Snake River

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
55	12E	16			Gooding	clover cr.

Other rights from this POD? no - but they do have North Side Canal shares

Document how the POD and Source were verified:

MIKE took me across clover cr. North of house to Pump location. (new location he advised me old POD is GONE - MOVED
 ① Foly 1 2415796 1309570 ^{plate} A0013785 ^{photo} 1030312

Reviewer: Date: 9-13-04

Place Of Use Data Entry Form

Claim Number 37-4137

Claimed Place Of Use

T05S R12E S16	SWNW	36.0	T05S R12E S16	SENW	11.0
T05S R12E S16	NESW	33.0	T05S R12E S16	NWSW	36.0
T05S R12E S16	SWSW	24.0	T05S R12E S16	SESW	22.0
T05S R12E S16	NWSE	17.0	T05S R12E S16	SWSE	29.0

Total Acres 208

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T05S R12E S16	SWNW	36.0	T05S R12E S16	SENW	11.0
T05S R12E S16	NESW	33.0	T05S R12E S16	NWSW	36.0
T05S R12E S16	SWSW	24.0	T05S R12E S16	SESW	22.0
T05S R12E S16	NWSE	17.0	T05S R12E S16	SWSE	29.0

Total Acres 208

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
55	12E	16			Gooding		208	irrigation

Total Acres _____

Document how the POU was verified:

Mike reviewed color Photos and yellow area on map and he said both look very good

Reviewer: _____

Date: 9-13-04

Period of Use and Quantity Data Entry Form

Claim Number 37-4137

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	6/30	4.16	
Overall Diversion Rate	4.16		Overall Diversion Volume 624	

VARIES
AS OF MAY APPROX THEY WERE OUT

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	6/30	4.16	
Overall Diversion Rate	4.16		Overall Diversion Volume	

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIG - STOCK	EARLY	EARLY	USE DOWN	SAME

good years

Overall Diversion Rate *unpredictable* Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

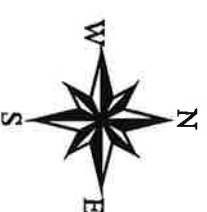
by amount of water in creek which can be used this year Mike said end of May they were out

Reviewer: _____

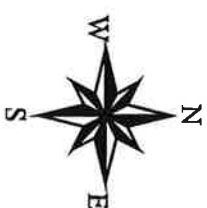
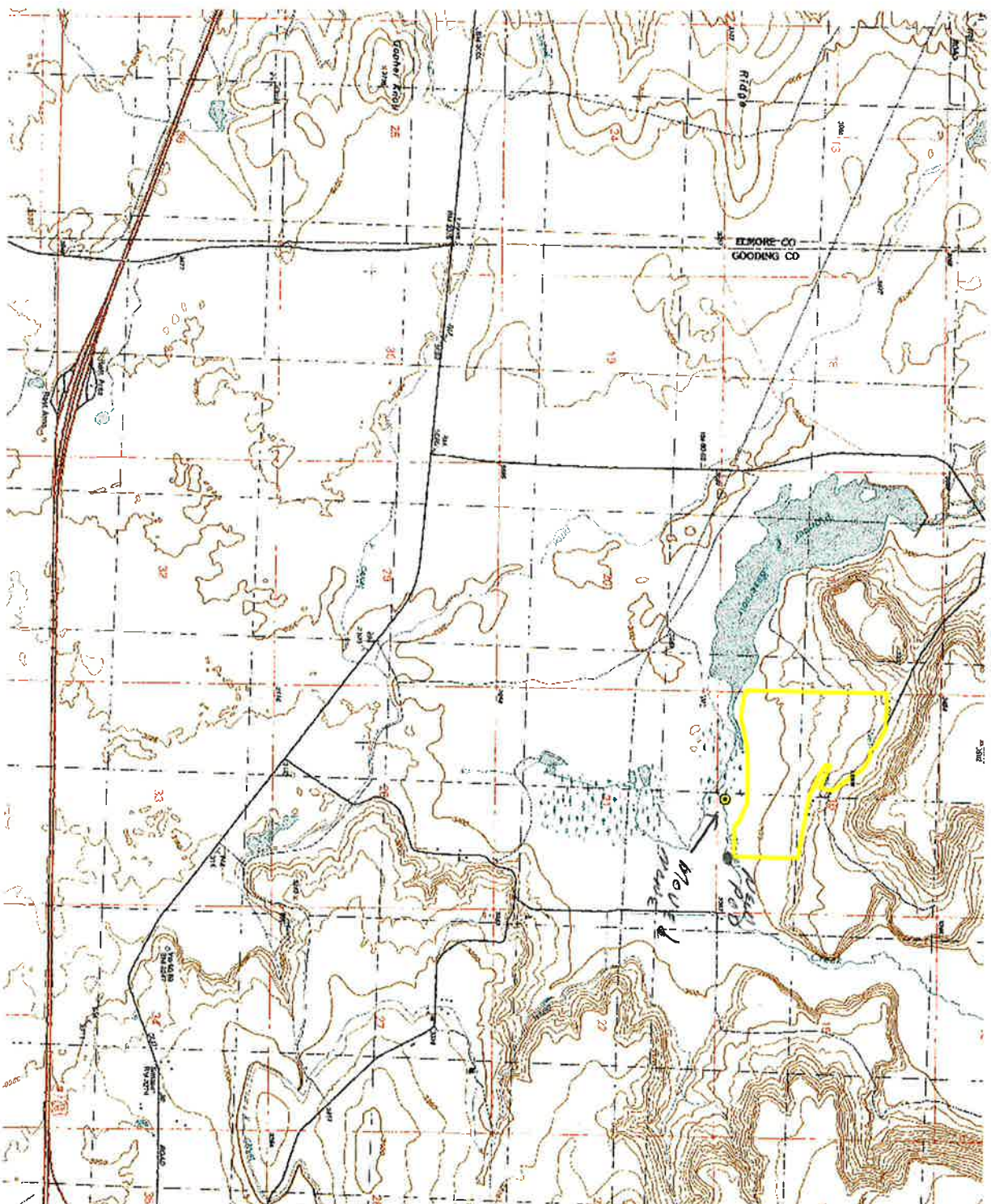
Date: *9-13-04*

37-4137

T05S R12E
S16



37-4137



ac of
POD unroofed
Cont 14 New POD
GPS

T05S R12E
S16

RECEIVED

AUG 25 2004

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources

On behalf of Clower Creek Ranch

Charles T. Foley 1502 B South 300 East

Bliss Idaho. Ident. Number 37-4137

I submit this letter from
Mrs. Floyd. as proof of water
right claim on Clower Creek.
in Gooding County. If there

are any questions or more that
we need to do please contact us
at Clower Creek Ranch (Michael Vos)

1502 B South 300 East Bliss Idaho 83314

208-352-4292

Ranch Manager
Michael Vos

State of Idaho Department of Water Resources

I *Wilber Floyd* remember my dad (R.E. Floyd)

pumping water out of Clover Creek in 1961 on Section 16 Twp5 Rng12

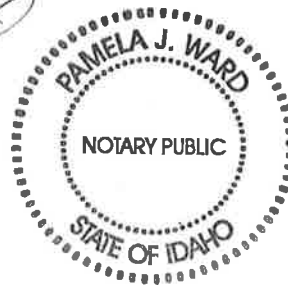
in Gooding county for the use of raising crops. We were allowed to do so
(*Watermelons*) 1st crop
when the water was high and running over Pioneer Reservoir dam.

My family bought this school section in 1951 from the State Idaho.

Wilber Floyd

8/23/09

Notary: *Pamela J. Ward*
Reside: *Richfield*
Expire: *03/04/08*



Murphy & Rose

Attorneys At Law

Jack M. Murphy

Douglas F. Rose

110 North Latah

Boise, Id. 83706

208/343-1200

Post Office Box 666

Shoshone, Id. 83352

208/886-2405

Shoshone, Idaho

April 30, 1980

RECEIVED

MAY 1 1980

Department of Water Resources

Department of Water Resources
State of Idaho
450 West State
Boise, Idaho 83700

Re: Claim No. 37-4137
Harrop Ranch, Inc.

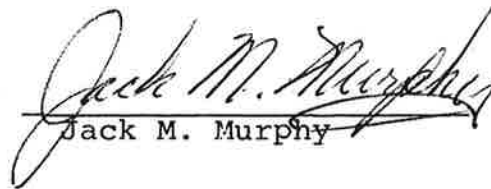
Gentlemen:

Please find enclosed the protest of Mr. W. F. Webb to the above application. Would you kindly cause the same to be filed in accordance with your rules and regulations?

Very truly yours,

MURPHY AND ROSE

By


Jack M. Murphy

JMM:ct

Encl.

RECEIVED

MAY 1 1980

Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN RE: THE CLAIM OF HARROP)
RANCH INC., CLAIM NO. 37-4137)

AFFIDAVIT
EXCEPTIONS TO APPLICATION

COMES NOW, your undersigned Affiant, W. F. Webb, of Gooding, Gooding County, Idaho, after first being duly sworn, deposes and says:

1. That he is the holder and owner of that certain Permit No. N/A, owning water in and to Clover Creek, a tributary of the Snake River. The Affiant has a decreed right on file in Gooding County, Idaho.

2. That your Affiant herein takes exceptions to the claimant's claim, identified above, on the ground and for the reason that said claimant does not own and has not applied to beneficial use the waters of Clover Creek, a tributary to the Snake River, either by surface irrigation or centrifical pump, pipes and wheel lines.

3. That your Affiant and others have continuously been in possession, application of beneficial use of all of the waters of Clover Creek, and that the same has been the condition for at least 80 years.

Therefore, your Affiant herein does make exception to the claim of the Harrop Ranch, Inc.

W. F. Webb

SUBSCRIBED AND SWORN to before me this 27th day of April, 1980.

Carlton L. H.
NOTARY PUBLIC for State of Idaho,
Residing at Shoshone, Idaho.

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 37-4137
Date Received: 8/22/1988
Receipt No: S001610
Received By: o/c 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES T FOLEY
C/O CLOVER CREEK RANCH
1502 B SOUTH 300 E
BLISS ID USA 83314

Phone: (208) 352-4292

2. Date of Priority: 04/01/1961

3. Source: CLOVER CREEK

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	12E	16	SE SE SW	GOODING	

5. Description of diverting works:

40 HP PUMP, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	6/30	4.16	

7. Total Quantity Appropriated is:
4.16 C.F.S. and/or 624 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range Section		1/4 of 1/4		Lot	Use	Acres		
05S	12E	16	SW	NW		IRRIGATION	36		
			SE	NW		IRRIGATION	11		
			NE	SW		IRRIGATION	33		
			NW	SW		IRRIGATION	36		
			SW	SW		IRRIGATION	24		
			SE	SW		IRRIGATION	22		
			NW	SE		IRRIGATION	17		
			SW	SE		IRRIGATION	29		
			Section Acres						208
			Total Acres						208

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

14. Remarks:

WATER PUMPED ABOVE PIONEER RES. WHEN RES. SPILLING EXCESS WATER. CLOVER CR. WATER IS AVAILABLE BEFORE THE CANAL SHARES ARRIVE IN THE SPRING, SO IS USED UNTIL THEN. CLOVER CR. SUPPLEMENTS THE CANAL SHARES. WELLS ARE THE PRIMARY SOURCE FOR THIS FARM. OF THE 208 ACRES IRRIGATED, 50 ACRES IN THE SE PART OF THE FARM ARE WATERED ONLY WITH SURFACE WATER. BOTH SOURCES ARE NEEDED TO PROPERLY IRRIGATE THIS FARM.

15. Basis of Claim: Statutory Claim

(Mike Vos 352-4292)

RECEIVED
JUN 20 2002
Department of Water Resources
Southern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A37-07381					
A37-07761B					
A37-04137					
A37-07194					
A37-07761A					

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

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

OR

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

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

Archie D. Walker
Glenns Ferry 83623

4. New Owner/Claimant(s)

Charles T. Foley
Name Connector (Check one): [] and [] or [] and/or
c/o Grover Creek Ranch
1502 B South 300 East

New Mailing Address

B/155 Idaho 83314

City, State and ZIP Code

New Telephone Number

(208) 352-4292

5. Date you acquired the property

Jan 2001

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

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

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

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

Mark J. Goh

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

For Office Use Only

Received by <i>[Signature]</i>	Date <i>6/20/02</i>	Fee <i>0</i>
Receipted by <i>[Signature]</i>	Date _____	Receipt No. _____
Processed by <i>[Signature]</i>	Date <i>6/20/02</i>	WR _____ Date _____

Walker & Foley

6000389

(Space Above This Line For Recorder's Use)

WARRANTY DEED

Walker Ranch, L.L.C., an Idaho limited liability company, hereinafter called the Grantor, of 1707 Carribean Drive, Sarasota, Florida 34321, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Charles T. Foley, whose current address is c/o Estabrook Capital Management, 430 Park Avenue, New York, New York 10022, hereinafter called the Grantee, all right, title, estate and interest in the real property, located in Gooding County, Idaho and more particularly described in exhibit "A" attached hereto.

TOGETHER WITH all water rights, improvements, easements, hereditaments and appurtenances thereto, if any.

SUBJECT TO: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD, the said premises, and their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. Grantor, for itself and it's successors and assigns, does hereby covenant to and with the said Grantee, his heirs and assigns, that (1) the Grantor is the owner in fee simple of said premises; (2) Grantor has the right to convey the premises; (3) the premises are free from all liens and encumbrances except as above described; (4) Grantor warrants and will defend the quiet and peaceable possession of the premises by the Grantee, his heirs and assigns forever, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, through or under Grantor, but not otherwise.

DATED this 4th day of January, 2001.

Walker Ranch, L.L.C., an
Idaho limited liability company

By: Archie D. Walker
Archie D. Walker

By: Amy C. Walker
Amy C. Walker

Instrument # 188890

GOODING, GOODING, IDAHO

2001-01-08

01:36:41

No. of Pages: 5

Recorded for : GOODING TITLE

HELEN EDWARDS

Fee: 15.00

Ex-Officio Recorder Deputy

Diane Housley

Index to: DEED, WARRANTY

WARRANTY DEED - 1

70133.0002.560519.2

STATE OF IDAHO)
County of BLAINE) ss.

On this 4th day of January, 2001, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Archie D. Walker, known or identified to me to be ~~[one of the members/one of the managers/the manager]~~ of the limited liability company of Walker Ranch, L.L.C., and [one of the members/one of the managers/the manager] who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the same in said company name.

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



Adam B. King
Notary Public for Idaho
Residing at Harley
My commission expires 10-14-03

STATE OF IDAHO)
County of BLAINE) ss.

On this 4th day of January, 2001, before me, the undersigned, a Notary Public in and for said county and state, personally appeared Amy C. Walker, known or identified to me to be ~~[one of the members/one of the managers/the manager]~~ of the limited liability company of Walker Ranch, L.L.C., and [one of the members/one of the managers/the manager] who subscribed said company name to the foregoing instrument, and acknowledged to me that she executed the same in said company name.

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



Adam B. King
Notary Public for Idaho
Residing at Harley
My commission expires 10-14-03

EXHIBIT A
G000389

TRACT I:

Township 5 South, Range 12 East of the Boise Meridian, Gooding County, Idaho

- Section 9: The East One-Half.
- Section 10: The West One-Half of the West One-Half; The Northeast Quarter.
- Section 15: The West One-Half; The Southwest Quarter of the Southeast Quarter.
- Section 16: The Southeast Quarter of the Southeast Quarter.
- Section 21: The Northeast Quarter of the Northeast Quarter; The Southeast Quarter of the Northeast Quarter.
- Section 22: The Northwest Quarter; The West One-Half of the Northeast Quarter; The Northeast Quarter of the Southwest Quarter; The West One-Half of the Southwest Quarter AND that part of the Southeast Quarter of the Southwest Quarter and part of the Southwest Quarter of the Southeast Quarter, described as follows:

BEGINNING at the South Quarter section corner of Section 22 of Township 5 South, Range 12 East of the Boise Meridian said corner marked by a U.S. General Land Office pipe with brass cap which shall be the POINT OF BEGINNING;

Thence North 89°56'35" West along the section line for 455.72 feet to a ½" rebar;

Thence on a non-tangent curve to the left for 959.29 feet to a point on the West side of the Southeast Quarter of the Southwest Quarter, said curve having a central angle of 67°23'24" with a radius of 815.60 feet and a long chord bearing of North 73°13'58" West for 904.94 feet;

Thence North 0°07'00" East along the West line of the Southeast Quarter of the Southwest Quarter for 1060.16 feet to the Northwest corner of the Southeast Quarter of the Southwest Quarter;

Thence South 89°57'09" East along the North line of the Southeast Quarter of the Southwest Quarter for 1323.79 feet to a point at the Northeast corner of the Southeast Quarter of the Southwest Quarter;

Thence South 89°59'36" East along the North line of the Southwest Quarter of the Southeast Quarter for 131.61 feet to a ½" rebar;

Thence South 0°09'47" West for 1320.51 feet to a ½" rebar on the South line of the Southwest Quarter of the Southeast Quarter;

Thence South 89°58'30" West along the South line of the Southwest Quarter of the Southeast Quarter for 131.61 feet to the POINT OF BEGINNING.

continued

EXHIBIT A
G000389-Continued
Page 2

EXCEPTING THEREFROM that part of the Southwest Quarter of the Northeast Quarter and part of the Northwest Quarter of the Southeast Quarter, described as follows:

BEGINNING at the East Quarter section corner of said Section 22, said corner marked by a 5/8" rebar;

Thence North 89°57'43" West along the North line of the Northeast Quarter of the Southeast Quarter for 1,312.95 feet to the Northeast corner of the Northwest Quarter of the Southeast Quarter which shall be the **POINT OF BEGINNING**;

Thence South 0°11'44" West along the East line of the Northwest Quarter of the Southeast Quarter for 1,319.86 feet to the Southeast corner of the Northwest Quarter of the Southeast Quarter;

Thence North 89°59'36" West along the South line of the Northwest Quarter of the Southeast Quarter for 1,008.97 feet to a 1/2" rebar;

Thence North 0°09'47" East for 1,649.32 feet to a 1/2" rebar;

Thence South 89°44'18" East for 1,009.90 feet to a 1/2" rebar on the East line of the Southwest Quarter of the Northeast Quarter;

Thence South 0°11'44" West along the East line of the Southwest Quarter of the Northeast Quarter for 324.96 feet to the **POINT OF BEGINNING**.

AND ALSO EXCEPTING that part of the Southwest Quarter of the Southwest Quarter, described as follows:

BEGINNING at the Southwest corner of Section 22 of Township 5 South, Range 12 East of the Boise Meridian, said corner marked by a U.S. General Land Office pipe with brass cap;

Thence South 89°56'35" East along Section line for 932.76 feet to a 1/2" rebar which shall be the **POINT OF BEGINNING**;

Thence on a non-tangent curve to the right for 475.74 feet to a point on the East line of the Southwest Quarter of the Southwest Quarter, said curve having a central angle of 33°25'14" with a radius of 815.60 feet with a long chord bearing of North 56°21'43" East for 469.02 feet;

Thence South 0°07'00" West along the East line of the Southwest Quarter of the Southwest Quarter for 260.20 feet to a point at the Southeast

Continued

EXHIBIT A
G000389-Continued
Page 3

corner of the Southwest Quarter of the Southwest Quarter;
Thence North 89°56'35" West along Section line for 389.96 feet to the
POINT OF BEGINNING.

TRACT II:

Township 5 South, Range 12 East of the Boise Meridian, Gooding County, Idaho

Section 16: The Northeast Quarter of the Southeast Quarter; The Southwest Quarter; The West One-Half of the Southeast Quarter; East One-Half of the Northwest Quarter; The Northeast Quarter; The West One-Half of the Northwest Quarter, **EXCEPT FOR THE FOLLOWING DESCRIBED PARCELS:**

Parcel No. 1:

Commencing at the Northwest corner of said Northwest Quarter of the Northwest Quarter;
Thence South 0°22'00" West, 599.67 feet along the Westerly boundary of said Northwest Quarter of the Northwest Quarter to the TRUE POINT OF BEGINNING;
Thence South 0°22'00" West, 300.00 feet along said Westerly boundary to the Northerly right of way boundary of a private road;
Thence South 63°40'06" East, 627.30 feet along the North right of way boundary of said private road;
Thence North 24°30'13" East, 310.90 feet;
Thence West 66°48'15" West, 749.86 feet to the TRUE POINT OF BEGINNING.

Parcel No. 2:

Commencing at the Northwest corner of said West One-Half of the Northwest Quarter;
Thence South 0°22'00" West, 966.41 feet along the Westerly boundary of said West One-Half of Northwest Quarter to the Southerly right of way boundary of a private road and the TRUE POINT OF BEGINNING;
Thence South 0°22'00" West, 364.30 feet along said Westerly boundary;
Thence South 82°16'28" East, 152.25 feet;
Thence North 75°37'20" East, 145.92 feet;
Thence South 72°26'50" East, 441.10 feet;
Thence North 22°51'03" East, 116.68 feet to the Southerly boundary of said private road;
Thence North 63°40'06" West, 843.26 feet along said Southerly right of way boundary to the TRUE POINT OF BEGINNING.

Ridgedale -> Walker

PARTNERSHIP DEED

G-16485

THIS INDENTURE, made this 21st day of May, 1990,
between CNC-Ridgedale Festival Associates Limited Partnership,
Grantor herein, and Archie D. Walker, Jr. and Amy C. Walker, as
Trustees of The Walker 1982 Trust, whose address is 11 Clover Creek Rd.,
Bliss, Idaho 83314, Grantee herein:

WITNESS:

The Grantor having been hereunto duly authorized and
for value received, and by these presents does quitclaim and
convey unto the Grantee, its successors and assigns, forever,
all the real estate situate in Gooding County, State of Idaho,
legally described on Exhibit A attached hereto and incorporated
herein by reference (the "Premises").

TO HAVE AND TO HOLD, all and singular, the Premises
together with the appurtenances unto the said Grantee, its
successors and assigns forever.

Grantor covenants and warrants only that it has not
placed any lien or other encumbrance against the Premises and
has not taken actual possession of or used the Premises in any
manner.

IN WITNESS WHEREOF, the Grantor has caused its
partnership name to be hereunto subscribed by its General
Partner(s).

CNC-RIDGEDALE FESTIVAL ASSOCIATES
LIMITED PARTNERSHIP

By: William J. Baker
William J. Baker
Its Managing General Partner

141522

STATE OF IDAHO, COUNTY OF GOODING
Filed for record at the request of John A. Myers on
17 day past 10 o'clock A. M. this 3
of July 1990. John A. Myers
JOHN A. MYERS, Recorder
By Heidi K. Packer Deputy

STATE OF Minnesota)
) ss.
COUNTY OF Hennepin)

The foregoing was acknowledged before me this 21st day
of May, 1990, by William J. Baker the Managing
General Partner of CNC-Ridgedale Festival Associates Limited
Partnership, a limited partnership under the laws of Texas, and
said William J. Baker did affirm that he has been duly
authorized to execute and deliver the foregoing deed on behalf
of the limited partnership.



Judith K. Pinner
Notary Public
My commission expires: 6/1/93

(SEAL)

This instrument was drafted by:
Fredrikson & Byron, P.A. (JOHM)
1100 International Centre
900 Second Avenue South
Minneapolis MN 55402

6869r

EXHIBIT "A"
LEGAL DESCRIPTION

Lawyers Title
Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE A CONT'D.

TOWNSHIP 5 SOUTH, RANGE 12, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 16: NEXSEK, SWK, WALKER, EXNWK, NEX, WKNWK, EXCEPT FOR
THE FOLLOWING DESCRIBED PARCELS:

PARCEL NO. 1:

Commencing at the Northwest corner of said NWKWK;
Thence South 0°22'00" West, 599.67 feet along the
Westerly boundary of said NWKWK to THE TRUE
POINT OF BEGINNING;
Thence South 0°22'00" West, 300.00 feet along said
Westerly boundary to the Northerly right of way
boundary of a private road;
Thence South 63°40'06" East, 627.30 feet along the
North. right of way boundary of said private road;
Thence North 24°30'13" East, 310.90 feet;
Thence West 66°46'11" West, 749.36 feet to THE TRUE
POINT OF BEGINNING.

PARCEL NO. 2:

Commencing at the Northwest corner of said WKNWK;
Thence South 0°22'00" West, 966.41 feet along the
Westerly boundary of said WKNWK to the Southerly
right of way boundary of a private road and THE
TRUE POINT OF BEGINNING;
Thence South 0°22'00" West, 364.30 feet along said
Westerly boundary;
Thence South 82°16'28" East, 152.25 feet;
Thence North 75°37'20" East, 145.92 feet;
Thence South 72°26'50" East, 441.10 feet;
Thence North 22°51'03" East, 116.68 feet to the
Southerly boundary of said private road;
Thence North 63°40'06" West, 843.26 feet along said
Southerly right of way boundary to THE TRUE
POINT OF BEGINNING.

Harrop Ranch -> Ridgedale

CORPORATION WARRANTY DEED

G-16485

THIS INDENTURE, made this 30th day of April, 1990, between
HARROP RANCH INC., an Idaho Corporation, Grantor herein, and
CNC - RIDGEDALE FESTIVAL ASSOCIATES LIMITED PARTNERSHIP, a TEXAS
LIMITED PARTNERSHIP, whose address is 601 Lakeshore Parkway
Minnetonka, Minnesota 55343, Grantee herein;

WITNESSETH:

The Grantor having been hereunto duly authorized by
resolution of its Board of Directors and for value received, has
granted, bargained and sold, and by these presents does grant,
bargain, sell and convey unto the Grantee, its successors and
assigns forever, all the following described real estate situated
in Gooding County, State of Idaho, to-wit:

TOWNSHIP 5 SOUTH, RANGE 12, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO.

Section 16: NE1/4SE1/4, SW1/4, W1/2SE1/4, E1/2NW1/4, NE1/4
W1/2NW1/4, EXCEPT FOR THE FOLLOWING DESCRIBED
PARCELS:

PARCEL 1:

Commencing at the Northwest corner of said NW1/4NW1/4;
Thence South 0°22'00" West, 599.67 feet along the
Westerly boundary of said NW1/4NW1/4 to THE TRUE
POINT OF BEGINNING;
Thence South 0°22'00" West, 300.00 feet along said
Westerly boundary to the Northerly right of way
boundary of a private road;
Thence South 63°40'06" East, 627.30 feet along the
North right of way boundary of said private road;
Thence North 24°30'13" East, 310.90 feet;
Thence West 66°48'15" West, 749.86 feet to THE TRUE
POINT OF BEGINNING.

JAMES CHRISTENSEN, JORGENSEN, ROBERTSON,
HOLLANDS and ROBERTSON, Chartered
ATTORNEYS AT LAW - 601 WEST WYOMING
PO BOX 1000 BOISE IDAHO 83726

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Donor

PARCEL 2:

Commencing at the Northwest corner of said W1/2NW1/4;
Thence South 0°22'00" West, 966.41 feet along the
Westerly boundary of said W1/2NW1/4 to the Southerly
right of way boundary of a private road and THE
TRUE POINT OF BEGINNING;
Thence South 0°22'00" West, 364.30 feet along said
Westerly boundary;
Thence South 82°16'28" East, 152.25 feet;
Thence North 75°37'20" East, 145.92 feet;
Thence South 72°26'50" East, 441.10 feet;
Thence North 22°51'03" East, 116.68 feet to the
Southerly boundary of said private road;
Thence North 63°40'06" West, 843.26 feet along said
Southerly right of way boundary to THE TRUE POINT
POINT OF BEGINNING;

excluding any portion of PARCEL 1 and PARCEL 2 which may
from time to time be within the Pioneer Reservoir;

Together with 105.98 shares of stock in the Northside
Canal Company; and

Together with water and water rights, ditch and ditch
rights and all and singular the tenements, hereditaments
and appurtenances thereunto belonging or in anywise
appertaining and the reversion and reversions, remainder
and remainders, rents, issues and profits thereof, and all
estate, right, title and interest in and to the said
property, as well in law as inequity, of the Grantor.

Subject to all taxes levied or assessed for 1990 and
subsequent years; and

Subject to all assessments of the Northside Canal Company
assessed in 1990 and subsequent years.

Subject to the Boundary Agreement and all easements,
rights of way, restrictions and reservations in the
original patent against said real property of record.

TO HAVE AND TO HOLD, all and singular, the said premises
together with the appurtenances unto the said Grantee, its
successors and assigns forever.

CORPORATION WARRANTY DEED
0552C

JONES, CHRISTENSEN, JOHNSON, ROBINSON,
HOLMES and ROBINSON, Chartered
P.O. Box 87 - 4th West Main
MONTICELLO, IDAHO 83402

The Grantor hereby fully warrants the title to the real property above described and will defend such title against all lawful claims of all persons.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its President pursuant to said resolution the day and year first above written.

HARROP RANCH, INC.

By E. J. Harrop
President

STATE OF IDAHO)

) ss

County of Bannock)

On this 19th day of May, in the year of 1990, before me Edward J. Jones, personally appeared E. J. HARROP, known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

NOTARY
PUBLIC

Edward J. Jones
Notary Public for Idaho

Residing at Pocatello, Idaho

My Commission expires: Nov 7, 1992

141521

STATE OF IDAHO, COUNTY OF BANNOCK

Filed for record at the request of Edward J. Jones & Edward Jones

16 min. past 10 o'clock A. M. this 3

of July, 1990 June 9th

JOHN A. MYERS, Recorder

By William K. Piatt Deputy

CORPORATION WARRANTY DEED
0552C

-2-

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NHBL

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NHBL

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NHBL

39
NHBL

542
NHBL

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3340
T-467



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

June 20, 2002

CHARLES T FOLEY
C/O CLOVER CREEK RANCH
1502 B SOUTH 300 E
BLISS ID 83314

RE: Ownership Change 37-4137, 37- 7194, 37-7381, 37-7761A & 37-7761B

Dear Mr. Foley,

I have completed the ownership changes on the above-mentioned rights and have enclosed copies for your records. Please look them over carefully to see if any corrections are necessary.

Feel free to give me a call at the office if I can be of further assistance or if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', is written over a horizontal line.

Jeanie Robertson
Sr. Water Resource Agent

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: A37-04137

Date Received: 8/22/1988

Receipt No: 5001610

Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARROP RANCH, INC. 208-554-4641
Address: P. O. BOX 4102
POCATELLO, ID 83205

2. Date of Priority: APR 01, 1961

3. Source: CLOVER CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	12E	16	SE	SE	SW		GOODING

5. Description of diverting works:
40 HP PUMP, PIPELINE, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	06/30	4.160		

7. Total Quantity Appropriated is:
4.160 C.F.S. (and/or) 624.00 A.F.A.

8. Total consumptive use is 416.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	12E	16	SW	NW		IRR	36.0
			SE	NW		IRR	11.0
			NE	SW		IRR	33.0
			NW	SW		IRR	36.0

A37-04137

Page 1

Date: 08/22/88

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	12E	16	SW	SW		IRR	24.0
			SE	SW		IRR	22.0
			NW	SE		IRR	17.0
			SW	SE		IRR	29.0
						Section Acres	208.0
						Total Acres	208.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

113 SHARES NORTHSIDE CANAL CO.; GROUNDWATER RIGHTS

14. Remarks:

WATER PUMPED ABOVE PIONEER RES. WHEN RES. SPILLING EXCESS WATER. CLOVER CR. WATER IS AVAILABLE BEFORE THE CANAL SHARES ARRIVE IN THE SPRING, SO IS USED UNTIL THEN. CLOVER CR. SUPPLEMENTS THE CANAL SHARES. WELLS ARE THE PRIMARY SOURCE FOR THIS FARM. OF THE 208 ACRES IRRIGATED, 50 ACRES IN THE SE PART OF THE FARM ARE WATERED ONLY WITH SURFACE WATER. BOTH SOURCES ARE NEEDED TO PROPERLY IRRIGATE THIS FARM.

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): E.J. Harrop Rancher Date: 8-22-88
E.J. Harrop President Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day

of August 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

9.10
16.15

B171
(452b)
T-467

See 16.55
T R. 12 E

MICROFILMED
FEB 23 1984

8.9
17.16

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2.8

68.9

13.2

19.9

200

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

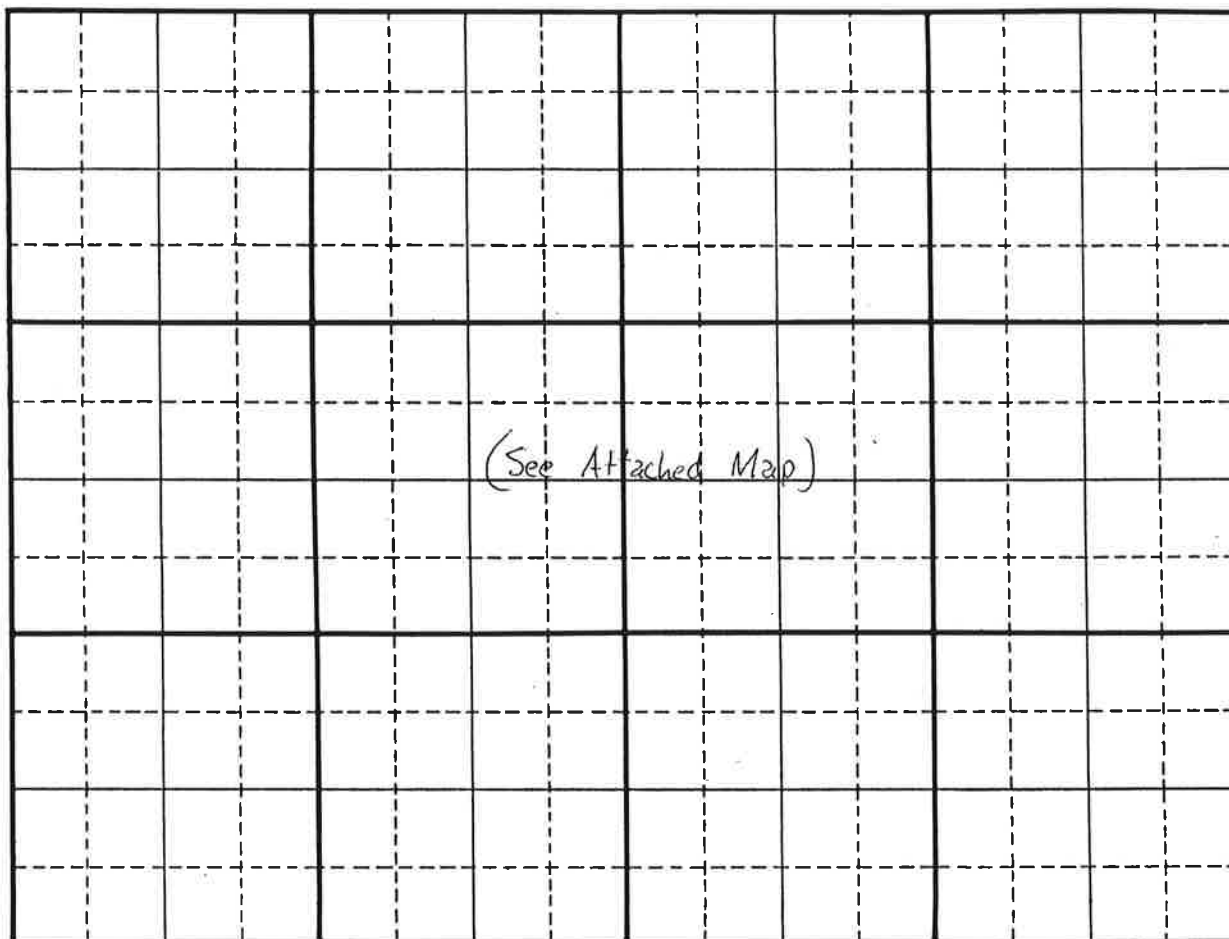
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: 11105-8

MICROFILMET

(8) Remarks This claim is for flood water pumped from the upper end of Clover Creek Reservoir when excess water is flowing over the dam.



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 31st day of January, 1980.

Harrop Ranch Inc.
(Claimant) Ed Harrop Pres.

[Signature]
Notary Public
Residing at [Signature]

My commission expires 2-22-81

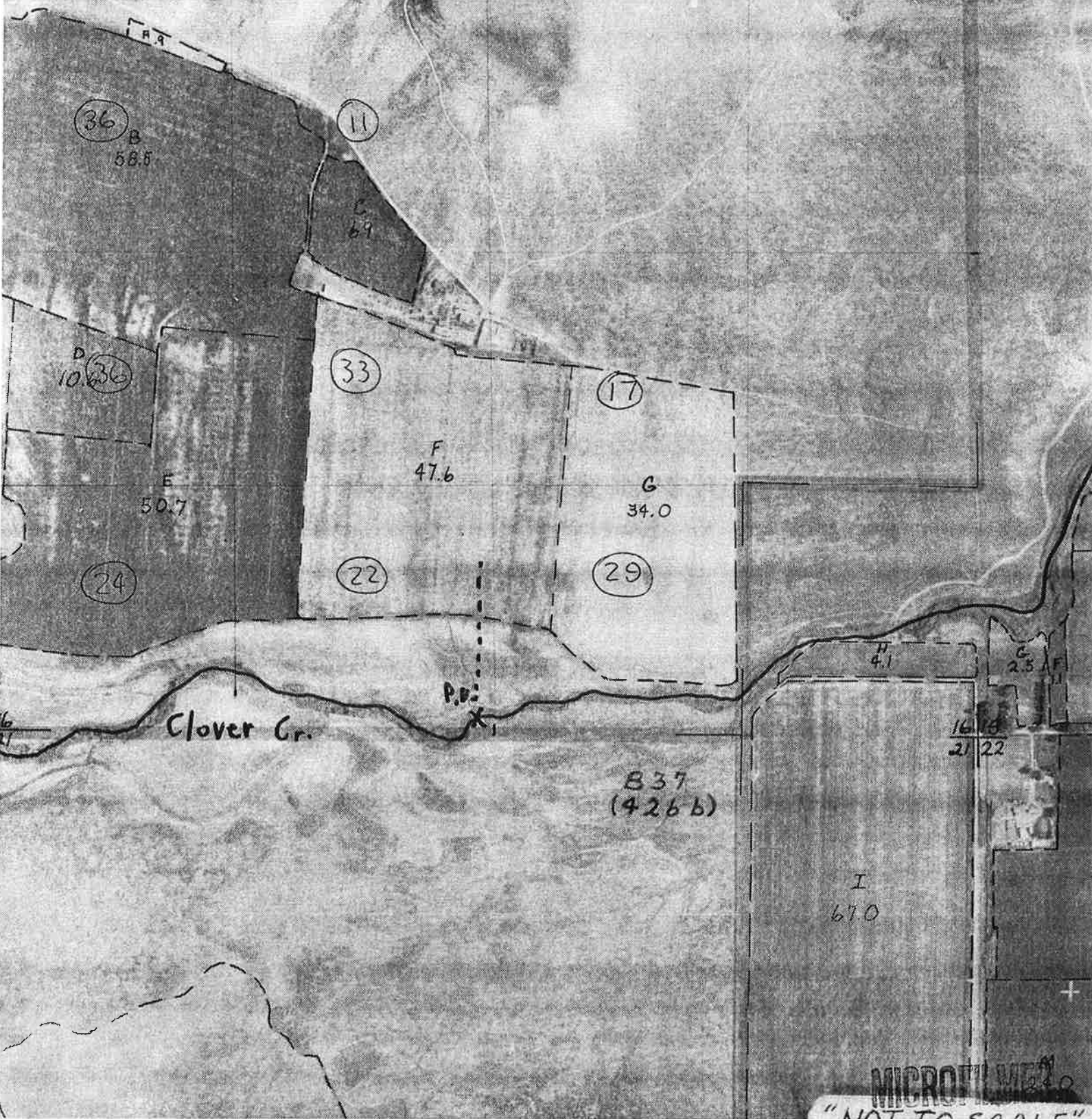
FOR DEPARTMENT USE ONLY

Received by J. E. Stanton Date 1-31-80 Exception filed by: _____ Forwarded to: _____ Date: _____
Prelim. check by ADM Date 2/7/80
\$20.00 fee received by JS Date 1-31-80 \$17090
Published in Gooding County Leader
Dates 2/28 & 3/6/80

T55, R12E, B.M.

9/10
16/15

B171
(452b)



Attention
Department of Water Resources
1041 Blue Lakes Blvd. N.
Twin Falls, Idaho

AFFIDAVIT OF WATER USE

Property involved:

Section 16, Township 5 South, Range 12 East, Boise Meridian
less the Southeast quarter of the Southeast quarter

Statement:

The date of initial use of flood water from Clover Creek by
Robert E. Floyd was Spring 1961.

ATTEST

STATE OF IDAHO
County of Gooding

On this 30th day of January, 1980, before me, the undersigned,
a Notary Public in and for said State, personally appeared
Chester T. Floyd known to me to be the person
who signed the foregoing instrument...and acknowledged to me
that he executed the same.

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

Colleen J. [Signature]
Notary Public for State of Idaho

Gooding, Idaho
Residing at

MICROFILMED