

11/06/2006

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

RIGHT NUMBER: 75-14136

NAME AND ADDRESS: JOHN CRAIN
124 TERRACE LN
SAN MARCOS CA 92069

SOURCE: SPRINGS

TRIBUTARY: SALMON RIVER

QUANTITY: 0.070 CFS

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

PRIORITY DATE: 05/01/1920

POINT OF DIVERSION:

T21N R22E S30 NENENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/01 11/01	0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S19 Lot 4 SESW 1.50

STOCKWATER same as IRRIGATION

1.5 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: BASIS OF CLAIM - Beneficial Use

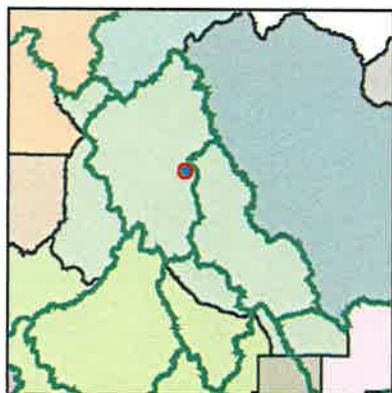


Idaho Department of Water Resources

SRBA Claim:
75-14136

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles

Prepared by R. Brown
On Tuesday, May 16, 2006
1987/88 Aerial Photography

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s). 75-14136

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0017213

Township _____	Range _____	Section _____	1/4 _____	1/4 _____	1/4 _____
Township _____	Range _____	Section _____	1/4 _____	1/4 _____	1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

Headgate, ditch to place of use

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

no water being diverted at time of exam

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-18-06

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature



ATT: Freddie Runnalls

State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-14136
JOHN CRAIN
124 TERRACE LN
SAN MARCOS CA 92069

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

OF DWR IN
SALMON

1 208 756 6644

ATT: Freddie Runwalls

Page 1179

IDAHO DEPARTMENT OF WATER RESOURCES Adjudication Claim Report 75-14136

WATER RIGHT NUMBER: 75-14136

Owner Type Name and Address
Current Owner JOHN CRAIN
 124 TERRACE LN
 SAN MARCOS, CA 92069
 (760)471-1479

Priority Date: 05/01/1920
Basis: Statutory Claim
Status: Active

Source Tributary
SPRINGS SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.330 CFS	
IRRIGATION	04/01 to 11/01	0.040 CFS	
	<u>Total Diversion:</u>	0.370 CFS	

Location of Point(s) of Diversion
SPRINGS NE1/4NE1/4NW1/4 Sec. 30, Twp 21N, Rge 22E, S.M.
 LEMHI County

Place of Use
IRRIGATION Within LEMHI County
T21N R22E S19 Lot 4 SESW 1.5
Total Acres: 1.5
STOCKWATER same as IRRIGATION

Conditions of Approval:
1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4172

Remarks:

Homestead Certificate No 737 Application 769.

The United States of America

To all to whom these presents shall come, Greeting: Whereas there has been deposited in the General Land Office, ^{of the United States} a Certificate of the Register of the Land Office at Bailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Anthony Nichols has been established and duly consummated, in conformity to law, for the West half of the South East quarter and the Lots numbered three and four of Section nineteen in Township twenty one North of Range twenty two East of Boise Meridian in Idaho containing one hundred and fifty nine acres and ninety hundredths of an acre, according to the official plat of the Survey of said Land returned to the General Land Office by the Surveyor General. Now know ye, that there is, therefore, granted by the United States unto the said Anthony Nichols the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Anthony Nichols and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I, William McKinley, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty first day of March in the year of our Lord one thousand eight hundred and ninety eight and of the Independence of the United States the one hundred and twenty second.

(Seal)

By the President William McKinley

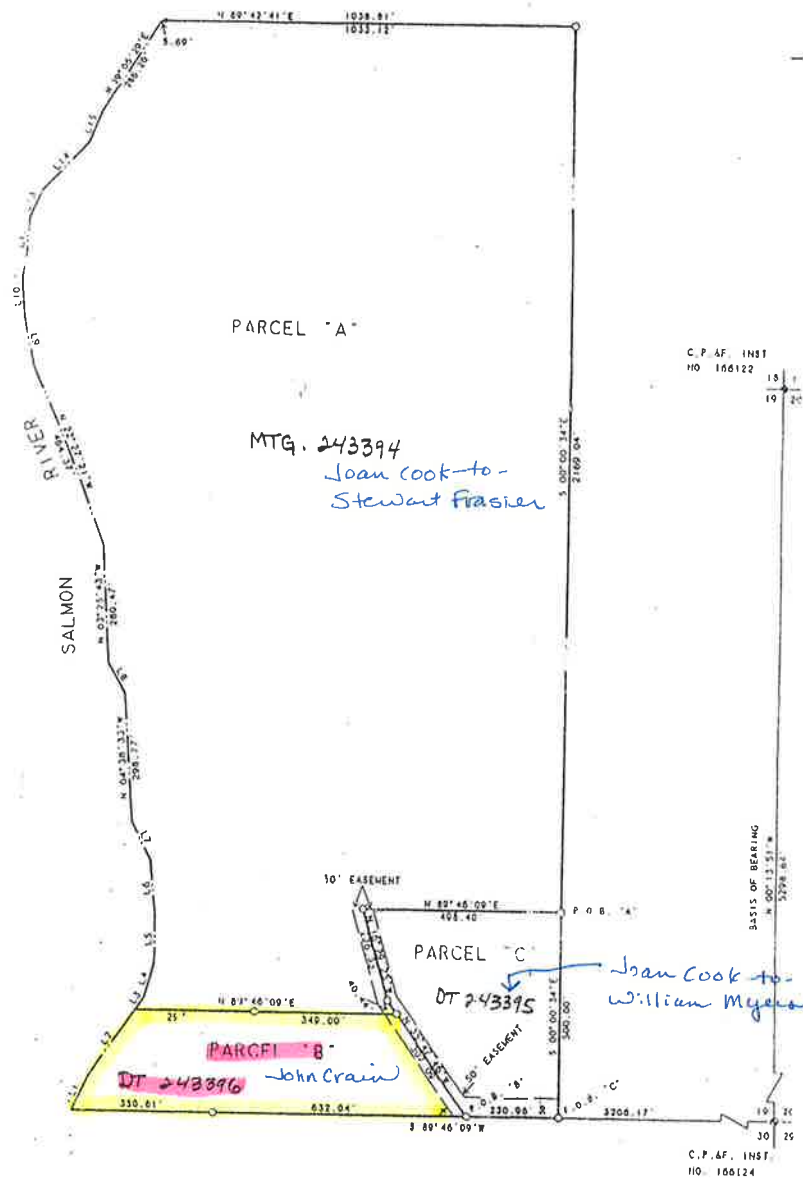
Recorded Vol 34. Page 311.

By J. M. McLean Secretary.

L. H. Bush Recorder of the General Land Office

Recorded at the request of Anthony Nichols May 7-1898 at 30 minutes past 8 o'clock A.M. in Book J. of Deeds page 227. Records of Lemhi County, Idaho.

J. P. Delongh County Recorder
By O. A. Humphrey, Deputy.



The Company has not surveyed the premises described in DT-120216. The sketch below is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability as to the validity, location, or ownership of any easement or other matter shown thereon, nor for the inaccuracies therein, including the accurate location of boundaries, including water boundaries. This sketch does not purport to show all highways, roads and easements adjoining or affecting said premises, nor is it a part or modification of the report, commitment, policy or other title evidence to which it may be attached.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 31, 2003

JOHN CRAIN
124 TERRACE LN
SAN MARCOS CA 92069

RE: CHANGE IN OWNERSHIP FOR 75-4172

Dear Mr. Crain:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-4172 split into:
75-14134: 0.90 cfs, 22.5 acres, Dance
75-14135: 1.73 cfs, 56 acres, Cook
75-14136: 0.37 cfs, 1.5 acres, Crain

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

cc: Doyle Dance
Joan Cook

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
75-4172	75-4172	—	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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

- A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~ *None Required*
- 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)

Doyle W. Dance

4. New Owner/Claimant(s)

John Crain

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

New Mailing Address

124 Terrace Lane

City, State and ZIP Code

San Marcos CA 92069

New Telephone Number

760 471-1479

5. Date you acquired the property

Jan. 15, 2003

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) _____

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

For Office Use Only

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

6-7257

Warranty Deed

For Value Received

HOWARD E. MASON AND EDNA M. MASON,
HUSBAND AND WIFE,

the grantor S, do hereby grant, bargain, sell and convey unto

JOAN COOK

whose current address is

the grantee, the following described premises, in Lemhi County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantor S do hereby covenant to and with the said Grantee, that they the owner S in fee simple of said premises; that they are free from all incumbrances

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

Dated: March 3 1997

Howard E. Mason
HOWARD E. MASON

Edna M. Mason
EDNA M. MASON

STATE OF IDAHO, COUNTY OF Lemhi--SS
On this 3rd day of March 1997
before me, a notary public in and for said State, personally appeared

HOWARD E. MASON

NOTARY

PUBLIC

known to me to be the person whose name is
described in the within instrument, and acknowledged to me that
he executed the same

Witness at Salmon
County, Idaho 3-19-2003

State of Idaho)
County of Lemhi) SS No. 232764
This instrument was filed for record at the request
of *ALLIANCE TITLE*
at 2:00 o'clock p.m. March 11, 1997
and duly filed and indexed in the records of Lemhi
County

Alice M. Anderson
Ex-Officio Recorder

By *John L. Anderson* Deputy
Fee 12.00

Permit: *AB and Clerk*

ALLIANCE

STATE OF CALIFORNIA

County of SAN JOAQUIN --ss

On this 5TH day of March 1997 before me, the undersigned a Notary Public in and for said state personally appeared EDNA M. MASON known to me to be the persons whose names are subscribed to the with in instrument and acknowledged to me that he/they executed the same.

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

Pamela S. Pettis

Notary Public for Calif, residing at STOCKTON, CA
My commission expires: APRIL 20, 1999



EXHIBIT "A"

A PARCEL OF LAND LOCATED IN LOT 3 AND 4, SECTION 19, T. 21 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 19 FROM WHICH THE NE CORNER OF SAID SECTION BEARS N. 00 DEGREES 13' 31" W., 5298.64 FT. THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 89 DEGREES 46' 09" W. ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION 19 A DISTANCE OF 3208.17 FT. TO THE POINT OF BEGINNING;

THENCE CONTINUING S. 89 DEGREES 46' 09" W. ALONG SAID BOUNDARY A DISTANCE OF 1213.61 FT. TO A POINT ON THE EASTERLY BANK OF THE SALMON RIVER;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID BANK; N. 25 DEGREES 27' 11" E., 97.75 FT.; N. 35 DEGREES 14' 33" E., 236.00 FT.; N. 16 DEGREES 01' 54" E., 84.33 FT.; N. 00 DEGREES 18' 44" E., 112.91 FT.; N. 06 DEGREES 08' 19" W., 136.70 FT.; N. 28 DEGREES 03' 01" W., 104.53 FT.; N. 04 DEGREES 38' 33" W., 298.77 FT.; N. 31 DEGREES 18' 55" W., 82.06 FT.; N. 03 DEGREES 26' 43" W., 280.47 FT.; N. 22 DEGREES 27' 21" W., 464.37 FT.; N. 10 DEGREES 11' 01" W., 127.22 FT.; N. 03 DEGREES 43' 06" W., 95.63 FT.; N. 06 DEGREES 38' 37" E., 48.09 FT.; N. 03 DEGREES 52' 06" E., 102.79 FT.; N. 22 DEGREES 43' 44" E., 77.32 FT.; N. 43 DEGREES 18' 43" E., 165.20 FT.; N. 22 DEGREES 07' 23" E., 82.03 FT.; N. 29 DEGREES 06' 29" E., 286.20 FT.; THENCE N. 89 DEGREES 42' 41" E. A DISTANCE OF 1038.81 FT.; THENCE S. 00 DEGREES 00' 34" E. A DISTANCE OF 2669.04 FT. TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING EASEMENTS

EXHIBIT "A" CONTINUED

A easement located in Section 19, T. 21 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SE corner of said Section 19, run thence West along the southerly boundary of said section a distance of 2806.50 ft. to the POINT OF BEGINNING;
Thence continuing West along said boundary 389.50 ft.;
Thence North a distance of 25.00 ft.;
Thence East and parallel to said boundary 387.58 ft.;
Thence S 04°13'00" E a distance of 25.07 ft. to the POINT OF BEGINNING.

A easement located in Section 19, T. 21 N., R. 22 E. Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SE corner of said Section 19, run thence West along the southerly boundary of said section a distance of 2482.50 ft. to the POINT OF BEGINNING;
Thence continuing West along said boundary 324.00 ft.;
Thence N 04°13'00" W a distance of 26.07 ft.;
Thence East and parallel to said boundary 325.92 ft.;
Thence South a distance of 26.00 ft. to the POINT OF BEGINNING.

The above conveyance is made free and clear of all other encumbrances except: Rights of way and easements, reservation in Federal patents and state deeds, or other restrictions imposed by law, building and use restrictions of records, building and zoning regulations and ordinances of any governmental unit whether of sight or of records.

6-7257

Warranty Deed

For Value Received

DOYLE W. DANCE AND LOA R. DANCE,
husband and wife,

the grantor(s), do hereby grant, bargain, sell and convey unto

HOWARD E. MASON AND EDNA M. MASON,
husband and wife,

whose current address is

Rt 1 Box 219, Salmon, Id 83467

the grantees, the following described premises, in Lemhi County Idaho, to wit:

SEE EXHIBIT "A"
attached hereto

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do hereby covenant to and with the said Grantee(s), that they are the owner(s) in fee simple of said premises, that they are free from all incumbrances

and that they will warrant and defend the same to said Grantee(s) and their heirs and assigns forever.

Dated: March 1 1997

Doyle W. Dance
DOYLE W. DANCE

Loa R. Dance by
LOA R. DANCE
Deon A. Dance C.A.

STATE OF IDAHO, COUNTY OF Lemhi--SS
On this 7th day of March 1997
before me, a notary public for said State, personally appeared

DOYLE W. DANCE

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

he L. W. Dance

Residing at Salmon
County Expires 2-19-2007

232783
Book of 100) 2310
County of Lemhi
This instrument was first recorded at the recorder's office of the County of Lemhi, Idaho, on the 11th day of March 1997, at 2:40 o'clock PM, and duly indexed and recorded in the records of said County.

By Deon A. Dance
Notary Public
for the County of Lemhi, Idaho

ALLIANCE

STATE OF IDAHO
County of Bingham--

On this 7 day of March, 1999, before me the undersigned a Notary Public in and for said state, personally appeared, LEON DOYLE DANCE known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Loa B. Dance and acknowledged to me that he subscribed the name of Loa B. Dance thereto as principal and his own name as attorney in fact.

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




Notary Public for Idaho, residing at BLACKFOOT, Id
My commission expires: 8/12/2000

EXHIBIT "A

A PARCEL OF LAND LOCATED IN LOT 3 AND 4, SECTION 19, T. 21 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 19 FROM WHICH THE NE CORNER OF SAID SECTION BEARS N. 00 DEGREES 13' 51" W., 5298.64 FT. THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 89 DEGREES 46' 09" W. ALONG THE SOUTHERLY BOUNDARY OF SAID SECTION 19 A DISTANCE OF 3206.17 FT. TO THE POINT OF BEGINNING:

THENCE CONTINUING S. 89 DEGREES 46' 09" W. ALONG SAID BOUNDARY A DISTANCE OF 1213.61 FT. TO A POINT ON THE EASTERLY BANK OF THE SALMON RIVER:

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID BANK: N. 25 DEGREES 27' 11" E., 97.75 FT., N. 35 DEGREES 14' 33" E., 236.00 FT.; N. 16 DEGREES 01' 54" E., 84.33 FT.; N. 00 DEGREES 18' 44" E., 112.91 FT.; N. 06 DEGREES 08' 19" W., 136.70 FT.; N. 28 DEGREES 03' 01" W., 104.53 FT.; N. 04 DEGREES 38' 33" W., 298.77 FT.; N. 31 DEGREES 18' 55" W., 82.06 FT.; N. 03 DEGREES 26' 43" W., 280.47 FT.; N. 22 DEGREES 27' 21" W., 464.37 FT.; N. 10 DEGREES 11' 01" W., 127.22 FT.; N. 03 DEGREES 42' 06" W., 95.63 FT.; N. 06 DEGREES 38' 37" E., 48.09 FT.; N. 03 DEGREES 52' 06" E., 102.79 FT.; N. 22 DEGREES 43' 41" E., 77.32 FT.; N. 43 DEGREES 18' 43" E., 165.20 FT.; N. 22 DEGREES 07' 23" E., 82.03 FT.; N. 29 DEGREES 06' 29" E. 286.20 FT.; THENCE N. 89 DEGREES 42' 41" E. A DISTANCE OF 1036.81 FT.; THENCE S. 00 DEGREES 00' 34" E. A DISTANCE OF 2669.04 FT. TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING EASEMENTS

EXHIBIT "A" CONTINUED

A easement located in Section 19, T. 21 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SE corner of said Section 19, run thence West along the southerly boundary of said section a distance of 2806.50 ft. to the POINT OF BEGINNING;
Thence continuing West along said boundary 329.50 ft.;
Thence North a distance of 25.00 ft.;
Thence East and parallel to said boundary 329.52 ft.;
Thence S 04°13'00" E a distance of 25.07 ft. to the POINT OF BEGINNING.

A easement located in Section 19, T. 21 N., R. 22 E. Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SE corner of said Section 19, run thence West along the southerly boundary of said section a distance of 2482.50 ft. to the POINT OF BEGINNING;
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Thence N 04°13'00" W a distance of 26.07 ft.;
Thence East and parallel to said boundary 325.91 ft.;
Thence South a distance of 26.00 ft. to the POINT OF BEGINNING.

The above conveyance is made free and clear of all other encumbrances except: Rights of way and easements, reservation in Federal patents and state lands, and other restrictions imposed by law, building and use restrictions of record, building and zoning regulations and ordinances of the governmental unit whether of sight or of record.

SCHEDULE A

File No.

Policy No. 1278970

Amount of Insurance \$ 37,423.66

Premium \$ 273.00

Date of Policy JANUARY 15, 2003

a.m. 10:20
p.m.

1. Name of Insured: JOHN CRAIN, a married man

2. The estate or interest in the land which is covered by the policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in: JOHN CRAIN, a married man

4. The land referred to in this policy is described as follows:

SEE ATTACHED EXHIBIT "A"

EXHIBIT "A"

A parcel of land located in Lot 3 and 4, Section 19, T 21 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the SE corner of said Section 19 from which the NE corner of said section bears N 00°13'51" W 5298.64 ft. the Basis of Bearing of this description, run thence S 89°46'09" W along the southerly boundary of said Section 19 a distance of 3437.13 ft. to the POINT OF BEGINNING;

Thence continuing S 89°46'09" W along said boundary a distance of 982.65 ft. to a point on the easterly bank of the Salmon River;

Thence the following courses and distances along said bank;

N 25°27'11" E 97.75 ft.; N 35°14'33" E 198.57 ft.;

Thence N 89°46'09" E a distance of 646.44 ft.;

Thence S 35°47'46" E a distance of 307.09 ft. to the POINT OF BEGINNING.

Together with a 50.00 ft. wide easement north of the following described line:

Commencing at the SE corner of said Section 19 from which the NE corner of said section bears N 00°23'51" W 5298.64 ft. the Basis of Bearing of this description, run thence S 89°46'09" W along the southerly boundary of said Section 19 a distance of 3206.17 ft. to the POINT OF BEGINNING;

Continue thence S 89°46'09" W a distance of 230.96 ft.

Subject to and Together with a 50.00 ft. wide easement 25.00 ft. either side of the following described line:

Commencing at the SE corner of said Section 19 from which the NE corner of said section bears N 00°13'51" W 5298.64 ft. the Basis of Bearing of this description, run thence S 89°46'09" W along the southerly boundary of said Section 19 a distance of 3437.13 ft. to the POINT OF BEGINNING;

Thence N 35°47'46" W a distance of 307.09 ft.

SCHEDULE B

File No.

Policy No. 1278970

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material, theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

7. GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2000 ARE DELINQUENT; GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2001 ARE DELINQUENT; GENERAL TAXES AND ASSESSMENTS FOR THE FIRST HALF OF 2002 ARE DELINQUENT; GENERAL TAXES AND ASSESSMENTS FOR THE SECOND HALF OF 2002 ARE DUE AND PAYABLE, BUT NOT YET DELINQUENT; GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2003 ARE AN ACCRUING LIEN.
8. THE RIGHT, TITLE AND INTEREST OF THE PUBLIC IN AND TO THOSE PORTIONS OF THE ABOVE DESCRIBED PREMISES FALLING WITHIN THE BOUNDS OF ROADS OR HIGHWAYS, DEDICATED AND OR OTHERWISE USED BY THE PUBLIC AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS ATTENDANT AND PERTINENT TO SAID HIGHWAYS.
9. ANY ADVERSE CLAIM BASED ON THE ASSERTION THAT SOME PORTION OF SAID LAND IS NOW OR AT ANY TIME HAS BEEN WITHIN THE BOUNDARIES OF THE SALMON RIVER OR BY REASON OF THE FACT OR CLAIM THAT ANY PORTION OR PORTIONS THEREOF HAVE BEEN RENDERED UN-NAVIGABLE BY ARTIFICIAL MEANS, OR HAS ACCRETED TO SUCH PORTIONS SO CREATED.
10. EASEMENT TO IDAHO POWER COMPANY, FOR POWERLINES AND INCIDENTAL PURPOSES, RECORDED JULY 30, 1938, IN BOOK C OF AGREEMENTS AT PAGE NO. 273, RECORDS OF LEMHI COUNTY, IDAHO.
11. EASEMENT TO IDAHO POWER COMPANY, FOR POWERLINES AND INCIDENTAL PURPOSES, RECORDED JUNE 8, 1973, UNDER INSTRUMENT NO. 123838, RECORDS OF LEMHI COUNTY, IDAHO.
12. EASEMENT TO LEMHI TELEPHONE COMPANY, A CORPORATION, RECORDED MARCH 16, 1971, UNDER INSTRUMENT NO. 116921, RECORDS OF LEMHI COUNTY, IDAHO.
13. EASEMENT AGREEMENT, BETWEEN LOWELL A. MICHEL AND PATRICIA L. MICHELL, HUSBAND AND WIFE, RECORDED MARCH 11, 1997, UNDER INSTRUMENT NO. 232761, RECORDS OF LEMHI COUNTY, IDAHO.
14. EASEMENT AGREEMENT, BETWEEN TED WHITTAKER AND BONNIE WHITTAKER, HUSBAND AND WIFE, RECORDED MARCH 11, 1997, UNDER INSTRUMENT NO. 232760, RECORDS OF LEMHI COUNTY, IDAHO.
15. LOT SPLIT PLAT FILED FOR RECORD UNDER INSTRUMENT NO. 240098, RECORDS OF LEMHI COUNTY, IDAHO.

CONTINUED ON NEXT PAGE

CONTINUATION OF EXCEPTIONS ON POLICY NO. 1278970

PAGE NO. 2

SCHEDULE B

16. SANITARY REGULATIONS AND RECOMMENDATIONS, RECORDED MARCH 31, 1999,
UNDER INSTRUMENT NO. 240099, RECORDS OF LEMHI COUNTY, IDAHO.

TRUSTEE'S DEED

253148

Lemhi Title & Abstract Co.
Order No. 6202

Fred Snook, (herein called Trustee) as TRUSTEE under the Deed of Trust hereinafter particularly described, does hereby BARGAIN, SELL, and CONVEY, WITHOUT WARRANTY TO

JOHN CRAIN, a married man

(herein called GRANTEE) whose address is

P.O. BOX 1632, SAN MARCOS, CA 92079

all of the real property situated in the County of Lemhi, State of Idaho described as follows:

A parcel of land located in Lot 3 and 4, Section 19, T 21 N., R. 22 E., Boise Meridian, Lemhi County, Idaho , more particularly described as follows:

Commencing at the SE corner of said Section 19 from which the NE corner of said section bears N 11 13'51" W 5298.64ft the Basis of bearing of this description, run thence S 89 46'09" W along the southerly boundary of said Section 19 a distance of 3437.13 ft. to the POINT OF BEGINNING;

Thence continuing S 89 46'09" W along said boundary a distance of 982.65ft. to a point on the easterly bank of the Salmon River;

Thence the following courses and distances along said bank;

N 25 27'11" E 97.75ft.; N 35 14'33" E 198.57ft.;

Thence N 89 46'09" E a distance of 646.44ft.;

Thence S 35 47'46" E a distance of 307.09ft. to the POINT OF BEGINNING

PARCEL CONTAINS 4.71 ACRES

Together with a 50.00ft. wide easement north of the following described line:

Commencing at the SE corner of said Section 19 from which the NE corner of said section bears N 00 23'51" W 5298.64 ft. the basis of Bearing of this description, run thence S 89 46'09" W along the southerly boundary of said Section 19 a distance of 3206.17ft. to the POINT OF BEGINNING;

Continue thence S 89 46'09" w a distance of 230.96ft.

Subject to and together with a 50.00 ft. wide easement 25.00ft. either side of the following described line:

Commencing at the SE corner of said Section 19 from which the NE corner of said section bears N 00 13'51" W 5298.64 ft. the Basis of Bearing of this description, run thence S 89 46'09" W along the southerly boundary of said section 19 a distance of 3437.13 ft to the POINT OF BEGINNING;

Thence N 35 47'46" W a distance of 307.09ft.

The Trustee has no knowledge of a more particular description of above referred real property, but for purpose of compliance with Section 60-113 Idaho Code, the trustee has been informed that according to the County Assessors office, the address of Lemhi Idaho, is sometimes associated with said property. Said property is vacant land and does not have a regular US Mail Street address assigned to said property. Salmon, Idaho is the nearest city to the property.

The conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust between C. Joan Cook as Grantor, to Lemhi Title & Abstract Company, as original Trustee, herein and Quality Supply, Inc. Profit Sharing and Trust as Beneficiaries, recorded February 3, 2000 as Instrument No. 243396, records of Lemhi County, Idaho; Fred Snook, Esq. was appointed as Successor Trustee on July 30, 2002, recorded as Instrument No. 251228, records of Lemhi County, Idaho, and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

(a) Default occurred in the obligations for which such Deed of Trust was given as security and the Beneficiary made demand upon the said Trustee to sell said property pursuant to the terms of said Deed of Trust. Notice of Default was recorded on September 4, 2002 as Instrument No. 251711 records of Lemhi County, Idaho, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of the sale.

(b) After recordation of said Notice of Default, Trustee gave notice of the time and place of the sale of said property by registered or certified mail, by personal service upon the occupants of said real property (there are no occupants residing on said real property), by posting in a conspicuous place on said property and by publishing in a newspaper of general circulation in the county in which the property is situated as more fully appears in affidavits recorded at least 20 days prior to the date of sale as Instrument No. 252296, 252297 & 252295 records of Lemhi County Idaho.

Trustee's Deed - p. 2

(c) The provision, recitals and contents of the Notice of Default referred to in Paragraph (a) supra and of the Affidavits referred to in paragraph (b) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth herein at length.

(d) All requirements of law regarding the mailing, personal service, posting, publication and recording Notice of Default, and Notice of Sale and of all other notices have been complied with.

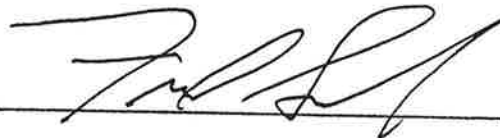
(e) Not less than 120 days elapsed between the giving of notice of sale by registered or certified mail and the sale of the property.

(f) Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to the Grantee, being the highest bidder therefor, the property herein described for the sum of \$ 37,423.66 , subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principle, interest, advances and costs.

IN WITNESS WHEREOF, The Successor Trustee, pursuant to authority of State Statute has signed his name hereunto on January 13, 2003.

Fred Snook, Esq., Successor Trustee

By: _____



Trustee's Deed - p. 3

State of Idaho)
County of Lemhi) SS No. 253148
This Instrument was filed for record at the request
of Lemhi Title
at 10:20 o'clock A m. 15 Jan 2003
and duly filmed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By K. Baumeist Deputy
Fee 12.00
Return to _____

STATE OF IDAHO

}

253148

ss.

COUNTY OF Lemhi

}

On this 13th day of January, 2003, before me, a notary public in and for said State personally appeared FRED SNOOK known to me to be the Successor Trustee, whose name is subscribed to the within instrument and acknowledged to me he 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.



A handwritten signature in black ink, appearing to be "John D. Smith", written over a horizontal line.

Notary Public for Idaho

Residing at Salmon, Idaho

Commission Expires: 12-14-2003

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 75-14136
Date Received: 10/31/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

JOHN CRAIN Phone: (760)471-1479
124 TERRACE LN
SAN MARCOS CA USA 92069

2. Date of Priority: 05/01/1920

3. Source: SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	22E	30	NE NE NW	LEMHI	

5. Description of diverting works:

SPRINGS FLOW INTO THE MEGG DITCH TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.04	
STOCKWATER	01/01	12/31	0.33	

7. Total Quantity Appropriated is:

0.37 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
21N	22E	19	SE SW 4	IRRIGATION	1.5
Section Acres					1.5

Total Acres 1.5

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4172

15. Basis of Claim: Statutory Claim