

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: A36-04260C
Date Received: 11/22/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK F. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350
AND/OR
Name: JANET H. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350
AND/OR
Name: PAUL H. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350
AND/OR
Name: KATHY F. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350

2. Date of Priority: DEC 10, 1901

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	6	SE	SE	SE	8	GOODING

5. Description of diverting works:
PIPELINE, PUMPS,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.036		
DOMESTIC	01/01	12/31	0.036		

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

A.F.A.

8. Total consumptive use is 606.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ? HOMES; STOCKWATER, 2000 RANGE; COMM. CAFE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	13E	14	NW	NE	STOCK	
	14E	18	NW	NE	STOCK	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIM WAS SPLIT FROM A36-04260 BY OWNERSHIP CHANGE 1/4/91 BY JG.

15. Basis of Claim: BENEFICIAL USE

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 _____ 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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

VICORP
1991

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CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

NOV 30 1990

[] Water Right Number(s): A36-04260

Department of Water Resources
Southern Region Office

[] Name and Address of
Former Claimant: Robert H. Brailsford

300 Morrison Drive #644

Twin Falls, Idaho 83301

[] New Claimant(s): Jack F. Duncan, Janet H. Duncan,
Paul H. Duncan, and Kathy F. Duncan

[] New Mailing Address: Route 1, Box 293A
Rupert, Idaho 83350

New Telephone Number: (208) 436-6848

[] Does the change in ownership result in a splitting of the
water right claimed? X yes no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

0.036 cfs for stockwater 1-1 to 12.31. P/U is all land listed

for stockwater in claim. Mr. Brailsford has agreed to continue

delivery of 0.036 cfs for stockwater per attached Joint Use Agreement

[] Attach proof of ownership Deed and Contract
Describe proof attached: (FC/Brailsford) and FC/Duncan)

[] Signature of New Claimant(s): Jack F. Duncan Janet H. Duncan
Paul H. Duncan Kathy F. Duncan

Date: 5-16-90

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12/22/90 By: IC

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 12/22/90 By: IC

Claim Numbers of Split, if any:

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

04-Jan-1991 15:48

Kathy Wall
Secretary
Price-Poulton and Company
2300 Overland Ave.
Box 1120
Burley, ID 83318

RE: Adjudication Claim(s) No. A02-10005, A02-07249 AND A36-04260A
A36-94260B

Dear Ms. Wall:

We have changed the name of the ownership on the above-listed Adjudication Claim(s) to a water right, as you have requested. Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry.

If you have any questions or objections regarding the computer record, please contact this office.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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FEB 1 1991

JOINT USE AGREEMENT

THIS AGREEMENT dated this 16th day of January, 1990, between FARM CREDIT BANK OF SPOKANE, successor by merger to The Federal Land Bank of Spokane, a corporation chartered under federal law (referred to herein as "FCB"); and ROBERT B. TRAVERS and WILLIAM B. TRAVERS, Co-trustees of the Plateau Trust, dated October 13, 1980, and ROBERT H. BRAILSFORD, (referred to herein as "Grantor");

W I T N E S S E T H:

A. RECITALS.

The parties recite as follows:

1. FCB and Grantor have executed a Settlement Agreement and related documents, pursuant to which Grantor has conveyed to FCB the real property described on Exhibit "A" attached hereto (referred to herein as "the Property").

2. In conjunction with that Settlement Agreement, Grantor is conveying to FCB a water right for domestic and stockwater uses in the amount of up to 16.15 gallons per minute or 0.0360 c.f.s. ("the Conveyed Water"), included in Thousand Springs Water Statutory Claim No. A36-04260, which conveyed water is appurtenant to the Property. Said water right represented by Claim No. A36-04260 consists of the right to take water (including the Conveyed Water) from a certain spring on the north side of the Snake River, to transmit the same across the river in a pipeline and through various pipes to various points of use including the Property, and shall be in lieu of all other rights for water on the Property out of such spring or through said pipeline system.

3. Grantor is the successor in interest to Brailsford Brothers, Inc., under a Water Right Agreement, dated the 14th day of December, 1959, recorded as Instrument No. 488686, records of Twin Falls County Recorder, Twin Falls, Idaho. Said Water Right Agreement provides in part for the upkeep and maintenance of a pipeline system (referred to herein as "the Pipeline System") for delivery of certain water, including the water referred to above conveyed by Grantor to FCB.

4. The Pipeline System through which said water right is delivered and which is the subject of this

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agreement is located in part on a parcel of ground particularly described on Exhibit "B" attached hereto.

5. It is the intention of the parties by this agreement to apportion the rights and obligations of Grantor under the Water Right Agreement, in order to provide for delivery of the water being conveyed by Grantor to FCB.

B. AGREEMENT.

NOW, THEREFORE, in consideration of the covenants contained herein, the parties agree as follows:

1. Delivery of Water. Following the execution of the Settlement Agreement and related documents by FCB and Grantor, the Conveyed Water shall be delivered through the Pipeline System to a spur pipeline for conveyance by FCB to the Property.

2. Apportionment of Cost.

2.1 FCB or its successors in interest shall be responsible for the entire cost of the upkeep, maintenance, operation, and replacement of the spur pipeline beginning at and from the point the spur pipeline connects with the Pipeline System, including a pump, electrical panel, and pipe, which delivers water exclusively to the Property, including, without limitation, the costs for establishing a separate electrical power box and meter and the electricity for operating the pump currently located near where the spur pipeline connects with the pipeline system.

2.2 In addition to those costs which are its exclusive responsibility under paragraph 2.1, FCB or its successors in interest shall pay to Grantor a portion of the cost of the upkeep, maintenance, operation, and replacement of the Pipeline System which cost is the responsibility of Grantor under the Water Right Agreement (referred to herein as "Pipeline Costs"), in an amount equal to the same proportion of the Pipeline Costs that the amount of said Conveyed Water bears to the amount of water that determines and establishes Grantor's share of the Pipeline Costs.

2.3 In the event FCB conveys the Property to a third party, FCB, and it only, shall have no further obligation to pay any portion of the Pipeline Costs, except those costs which have been incurred by Grantor as a result of services or materials actually provided for the Pipeline System prior to the closing of the conveyance by FCB to such third party. Notwithstanding the foregoing sentence,

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FEB 17 1988

successors in interest to FCB, including such third party, shall have the obligation to pay according to paragraph B 2.2 above herein.

3. Continued Operation of System.

3.1 Grantor shall continue to manage and operate the pipeline system in accordance with the obligation of Grantor under the Water Right Agreement such that the water conveyed to FCB by Grantor shall continue to be delivered to the spur pipeline in the manner and at the times substantially the same as has been done in the past. In the past there have been, and in the future there can be expected to be interruptions and reductions in the flow and delivery of water due to repairs, maintenance, replacements, relocations, servicing, and causes beyond Grantor's control.

3.2 Grantor may move the pipeline from its present precise location in the event that it is necessary or convenient to Grantor to do so; provided, that the following conditions are met: (a) the continued flow of water to the spur pipeline is not unduly or unreasonably interrupted or reduced; (b) the point of delivery to the spur pipeline is not moved without the express written consent of the owner of the Property; and (c) that portion of the Pipeline System now located on the land described on Exhibit "B" attached hereto is not moved off that parcel of land.

3.3 Subject to the provisions of Section 4.2 below, in the event of any interruptions or reductions in the flow of water to FCB's spur pipeline for any reason, other than Grantor's negligence or Grantor's breach of this Agreement, Grantor shall not be liable to FCB or FCB's successors in interest for claims or damages arising from non-delivery of the Conveyed Water, or any portion thereof, to FCB's spur pipeline.

4. Access to System.

4.1 In the event that Grantor fails or refuses to perform its obligations to repair, maintain, or replace the Pipeline System consistent with Section 3 above, such that the condition of the Pipeline System interferes with the delivery of water to the spur pipeline, then FCB and its designated agents shall have the right to go upon the real property described on Exhibit "B" for the purpose of accomplishing reasonable maintenance, repair, and replacement of the Pipeline System as needed.

4.2 Grantor shall reimburse FCB promptly for expenses incurred by FCB to accomplish reasonable maintenance, repair, and replacement of the Pipeline System as provided in Section 4.1 above.

4.3 In addition to the foregoing, FCB and its successors in interest shall have reasonable access over and across the land described on Exhibit "B" in order to maintain, repair, or replace the spur pipeline, pump, electrical panel, powerline to the electrical panel, and the pipeline which delivers water exclusively to the Property. Following completion of such repairs, maintenance, or replacement, FCB and its designated agents shall return the ground on which such work was done to substantially the same condition as the ground was in at the commencement of such work. FCB shall compensate Grantor for the reasonable value of planted crop seed or growing crops that are damaged during such repair, maintenance, or replacement work.

5. Quality of Water. By execution of this Agreement and consent to the obligations imposed upon Grantor herein, Grantor does not guarantee or warrant the quality of water to be supplied through the Pipeline System after the date hereof.

6. Adjudication of Water Right.

6.1 All of the water rights described herein are subject to future rulings of Courts of competent jurisdiction in the Snake River Adjudication proceeding. Grantor does not guarantee or warrant the effect that such litigation or any litigation may have on the priority date, quantity, use, or place of use of the conveyed water rights.

6.2 FCB or its successors in interest shall be responsible for perfecting and maintaining the conveyed water right, including, without limitation, filing any necessary modification to the existing Water Adjudication Claim which covers the water right described above.

7. Binding Effect. This agreement shall be binding upon the heirs, devisees, personal representatives, successors and assigns of the parties hereto; and shall, with respect to the Property described on Exhibit "A," be deemed a covenant running with the land for the benefit of the Property.

8. Attorney Fees. In the event any legal or equitable action is filed seeking a remedy for breach of, or declaration of rights under this agreement, the prevailing

party in such litigation shall be entitled to an award of reasonable litigation costs and attorney fees incurred in such litigation, in addition to such other and further relief as is awarded by the court.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

FARM CREDIT BANK OF SPOKANE

By: M. Wayne Dennis

Position: Sn. Credit Officer

Robert B. Travers
ROBERT B. TRAVERS, Co-Trustee
of the Plateau Trust dated
October 13, 1980

William B. Travers
WILLIAM B. TRAVERS, Co-Trustee
of the Plateau Trust dated
October 13, 1980

Robert H. Brailsford
ROBERT H. BRAILSFORD

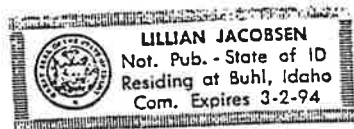
STATE OF IDAHO

)
) ss.

County of Twin Falls

On this 2nd day of March, 1990, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared M. Wayne Dennis, known to me to be the Senior Credit Officer who executed the foregoing 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.

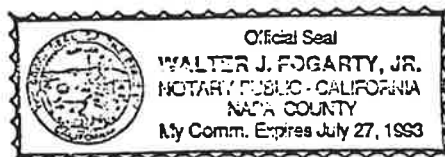


Lillian Jacobsen
NOTARY PUBLIC FOR IDAHO
Residing at:
My commission expires:

STATE OF CALIFORNIA)
County of NAPA) ss.

On this 5TH day of FEBRUARY, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT B. TRAVERS, known to me to be the person whose name is subscribed to the foregoing instrument as Co-Trustee of Plateau Trust, and acknowledged to me that he executed the same as Co-Trustee for Plateau Trust.

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



Walter J. Fogarty, Jr.
NOTARY PUBLIC FOR IDAHO - CALIFORNIA
Residing at: NAPA COUNTY
My commission expires: 7-27-93

STATE OF California)
County of SANTA BARBARA) ss.

On this 16th day of January, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM B. TRAVERS, known to me to be the person whose name is subscribed to the foregoing instrument as Co-Trustee of Plateau Trust, and acknowledged to me that he executed the same as Co-Trustee for Plateau Trust.

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



Kathleen D Krause
NOTARY PUBLIC FOR IDAHO ~~CALIFORNIA~~
Residing at: Carpinteria, Ca.
My commission expires: 8-27-90

STATE OF IDAHO)

County of)

Twin Falls

) ss.

On this 2nd day of March, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT H. BRAILSFORD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that 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.

Lillian Jacobsen
NOTARY PUBLIC FOR IDAHO
Residing at: Buhl
My commission expires: 3-2-94

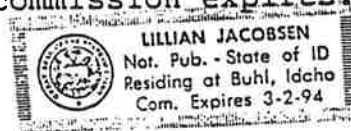


EXHIBIT "A"

PARCEL NO. 1:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 11: SW1/4; E1/2SE1/4; SW1/4SE1/4

Section 12: S1/2

Section 13: ALL

Section 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

Township 8 South, Range 14 E., B.M., Twin Falls
County, Idaho

Section 7: Lots 7, 8; SE1/4SW1/4; W1/2SE1/4

Section 18: E1/2NW1/4; W1/2NE1/4; Lots 1, 2, 3 and
4

PARCEL NO. 2:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 11: NW1/4SE1/4

PARCEL NO. 3:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 10: S1/2S1/2SE1/4

Section 11: S1/2N1/2NE1/4; S1/2NE1/4

Section 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4

Section 15: N1/2NE1/4; N1/2S1/2NE1/4

All subject to Twin Falls County Highway Right of
Way

TOGETHER WITH all water and water rights of every
kind and description and however evidenced, used
upon or appurtenant to said property, which in any
manner entitles Grantor to water, including but not
limited to water rights under Permit Nos. A02-10005
and A02-07249 and Thousand Springs Water Statutory
Claim No. A36-04260 (not to exceed 16.15 gallons per
minute or 0.0360 c.f.s. from said Statutory Claim
No. A36-04260).

TOGETHER WITH any and all tenements, hereditaments,
easements, rights, privileges, and appurtenances
thereunto belonging or used in connection therewith,
and the reversions, remainders, rents, issues, and
profits thereof.

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TOGETHER WITH all rights including access over and across land owned by the Bureau of Land Management as granted for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock, and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

APPROVED
FEB 1 1985

EXHIBIT "B"

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 6: Lots 10 and 11
Section 7: Lots 2, 3, NE1/4NW1/4, Lot 5

EXCEPT

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 7: A tract of land located in Government Lot 5, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 7;

THENCE North $0^{\circ}10'21''$ East for a distance of 2482.61 feet
along the easterly boundary of said Section 7 to the
Meander Corner for Sections 7 and 8 on the Left Bank of
the Snake River;

THENCE North $56^{\circ}45'48''$ West for a distance of 419.13 feet to a
point on the easterly right-of-way boundary of U.S.
Highway 30, Project No. F-2361(12) and the TRUE POINT OF
BEGINNING;

THENCE Northwesterly for a distance of 640.22 feet on the arc
of a nontangent curve to the left with a radius of
2914.79 feet, a central angle of $12^{\circ}35'05''$ and a chord
which bears North $44^{\circ}31'30''$ West 638.94 feet to an angle
point in said boundary;

THENCE North $42^{\circ}33'54''$ West for a distance of 241.00 feet to
an angle point in said right-of-way boundary;

THENCE Northwesterly for a distance of 53.47 feet on the arc
of a curve left with a radius of 2240.08 feet, a central
angle of $1^{\circ}19'20''$ and a chord which bears North $50^{\circ}00'34''$
West 53.47 feet along said right-of-way boundary;

THENCE North $50^{\circ}21'19''$ East for a distance of 556.92 feet to a
point on the approximate high water line of the Snake
River;

THENCE South $30^{\circ}23'16''$ East for a distance of 281.77 feet
southeasterly along said approximate high water line to a
point 25.00 feet northwesterly at right angles from the
northwesterly boundary of Burden's Lodge Subdivision;

THENCE South $55^{\circ}34'00''$ West for a distance of 139.54 feet
parallel with and 25.00 feet northwesterly from the
northwest boundary of said Burden's Lodge Subdivision to
a point on the northerly projection of the Southwest
boundary of said Burden's Lodge Subdivision;

THENCE South $29^{\circ}37'00''$ East for a distance of 582.35 feet
along the southwesterly boundary of said Burden's Lodge
Subdivision and its projection to an angle point in said
Boundary;

THENCE South $22^{\circ}30'00''$ East for a distance of 164.59 feet
along said southwesterly boundary;

THENCE South $74^{\circ}41'46''$ West for a distance of 160.74 feet to
the TRUE POINT OF BEGINNING.

WITNESSED
FEB 7 1962

AND EXCEPT

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 7: A parcel of land being part of Burden's Lodge
Subdivision and part of government Lot 5, more particularly
described as follows:

BEGINNING at the southeast corner of said Section 7;

THENCE North $0^{\circ}10'21''$ East for a distance of 2482.61 feet

along the easterly boundary of Section 7 to the Meander
Corner for Section 7 and 8 on the left bank of the Snake
River;

THENCE North $5^{\circ}30'18''$ West for a distance of 164.72 feet to
the southeast corner of Lot 33 of said Burden's Subdivision
and the TRUE POINT OF BEGINNING;

THENCE South $89^{\circ}59'00''$ West for a distance of 283.90 feet to a
point on the easterly right-of-way boundary of U.S.
Highway 30, Project No. F-2361(12);

THENCE northwesterly along said right-of-way boundary for a
distance of 83.21 feet on the arc of a non-tangent curve
to the left with a radius of 2914.79 feet, a central
angle of $1^{\circ}38'08''$ and a chord which bears North 37
degrees $41'05''$ West for a distance of 83.20 feet;

THENCE North $74^{\circ}41'46''$ East for a distance of 160.74 feet to
the westerly boundary of Lot 31 of said Burden's Lodge
Subdivision;

THENCE South $22^{\circ}30'00''$ East for a distance of 42.21 feet to
the southwest corner of Lot 32 of said Burden's Lodge
Subdivision;

THENCE North $71^{\circ}52'00''$ East for a distance of 125.00 feet to
the southeast corner of said Lot 32 of Burden's Lodge
Subdivision;

THENCE South $22^{\circ}30'00''$ East for a distance of 117.00 feet to
the southeast corner of said Lot 33 of Burden's Lodge
Subdivision and the TRUE POINT OF BEGINNING.

AND ALSO EXCEPT

ALL of BURDEN'S LODGE SUBDIVISION, Twin Falls County, Idaho
according to the official plat thereof, recorded in Book 8 of
Plats, page 8, records of Twin Falls County, Idaho.

AND ALSO EXCEPT

U.S. Highway 30 Project No. F-2361(12), Twin Falls County,
Idaho

SUBJECT TO: Twin Falls County Highway Right-of-way

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FEB 12 1991

27926- lj

967444

State of Idaho) ss
Co. of Twin Falls)
I hereby certify that this
Inta. Map was recorded at
request of

TITLEFACT, Inc.

this
MAR. 12 1990

In my office at & recorded

In Book

RICHARD A. RENCE

Deputy

Fee \$

return to

NONMERGER WARRANTY DEED
FCB Loan No. 13461 301 01
Plateau Trust

Until a change is requested,
all tax statements shall be
sent to the following address:

Farm Credit Bank of Spokane
c/o Farm Credit Services - Twin
Falls
129 Eastland Drive
P.O. Box 288
Twin Falls, Idaho 83303-0288

THIS DEED, made this 16th day of January, 1990, between
ROBERT TRAVERS and WILLIAM B. TRAVERS, Co-Trustees of the
Plateau Trust dated October 13, 1980, and ROBERT H.
BRAILSFORD, the Grantors, and FARM CREDIT BANK OF SPOKANE, a
corporation chartered under the laws of the United States,
(FCB) successor by merger to The Federal Land Bank of Spokane,
a corporation formerly chartered under the laws of the United
States, whose mailing address is West 601 First Avenue,
TAF-C5, Spokane, Washington 99220, the Grantee,

WITNESSETH, that for and in consideration of the covenants
hereinafter contained, the avoidance of the costs and expense
of foreclosure litigation, the payment by Grantee of all title
insurance premiums and recording and transfer fees, costs, and
expenses, and other good and valuable consideration, the
Grantors do by these presents grant, convey, and warrant
forever unto the Grantee, and to its successors and assigns,
all the property described on Exhibit "A" attached hereto and
incorporated herein.

ALL SITUATE IN County of Twin Falls, State of Idaho,
subject to rights of way and easements for roads,
utilities, and irrigation ditches as same exist or
appear of record, and mortgage to Grantee dated
January 21, 1985, and recorded February 28, 1985.

TOGETHER WITH all water and water rights of every
kind and description and however evidenced, used
upon or appurtenant to said property, which in any
manner entitle Grantors to water, including but not
limited to water rights under Permit Nos. A02-10005
and A02-07249 and Thousand Springs Water Statutory
Claim No. A36-04260 (not to exceed 16.15 gallons per
minute or 0.0360 c.f.s. from said statutory Claim
No. A36-04260).

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TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges, and appurtenances thereunto belonging or used in connection therewith, including all of the rights granted to FCB and its successors in interest pursuant to the terms of a Joint Use Agreement dated January 16th, 1990, between Grantors and FCB; and the reversions, remainders, rents, issues, and profits thereof.

SUBJECT TO all reservations, restrictions, covenants, easements, and uses of record, apparent or in use.

Including the entirety of Grantor's right, title, and interest in 283 AUM's of BLM Grazing Permits.

TO HAVE AND TO HOLD, all and singular, the said property, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever. Grantors covenant with Grantee that the former is now seized in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances (except those set forth above); that Grantors and all persons acquiring any interest in the same through or for them will, on demand, execute and deliver to Grantee at Grantee's expense, any further assurance of the same that may be reasonably required; and that Grantors will warrant to Grantee all of the said property against every person lawfully claiming the same, except those claiming under the above exceptions.

This deed is absolute in effect and conveys fee simple title of the property above described to the Grantee and does not operate as a rescission or as a mortgage, trust conveyance, or security agreement of any kind.

Grantee's acceptance of this conveyance is conditioned upon there being no liens against the property, except for those set forth above.

This deed does not effect a merger of the fee ownership and the lien of the mortgage described herein. The fee and lien shall hereafter remain separate and distinct. It is not the intent of the parties to affect the subrogation rights of any third parties.

By acceptance of this deed, Grantee covenants and agrees that it shall not enforce any judgment against Grantors for the indebtedness evidenced by the promissory note secured by that

MICROFILMED

certain mortgage executed by Robert H. Brailsford, unmarried; Arthur K. Simpson, as Trustee of the Plateau Trust dated October 13, 1980, Mortgagors, to The Federal Land Bank of Spokane, a corporation, Mortgagee, dated January 21, 1985, and recorded on February 28, 1985, as Instrument No. 876457, in the official records of Twin Falls County, Idaho. This deed shall not operate to preclude Grantee from proceeding in any action to enforce the mortgage, but shall preclude Grantee from obtaining a deficiency judgment against Grantors.

Grantors do hereby waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the property and mortgage described above.

Grantors hereby surrender and deliver possession of the property to Grantee.

Grantors declare that this conveyance is freely and fairly made, and Grantors are not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence, or misrepresentation of Grantee, its agent, or attorney, or any other person.

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



ROBERT TRAVERS, Co-Trustee of
the Plateau Trust dated
October 13, 1980



WILLIAM B. TRAVERS, Co-Trustee
of the Plateau Trust dated
October 13, 1980

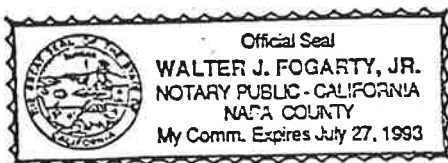


ROBERT H. BRAILSFORD

STATE OF CALIFORNIA)
) ss.
County of NAPA)

On this 5th day of FEBRUARY, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT TRAVERS, Co-Trustee of the Plateau Trust dated October 13, 1980, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed on behalf of said Trust.

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

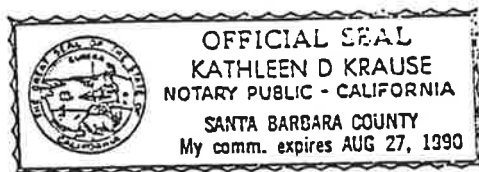


Walter J. Fogarty
NOTARY PUBLIC FOR: CALIFORNIA
Residing at: NAPA COUNTY
My commission expires: 7-27-93

STATE OF California)
) ss.
County of Santa Barbara)

On this 16th day of JANUARY, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM B. TRAVERS, Co-Trustee of the Plateau Trust dated October 13, 1980, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed on behalf of said Trust.

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



Kathleen D. Krause
NOTARY PUBLIC FOR: CALIFORNIA
Residing at: Carpinteria
My commission expires: 8-27-90

STATE OF IDAHO

)
) ss.
)

County of Twin Falls

On this 2nd day of March, 19 , before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT H. BRAILSFORD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that 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.

Lillian Jacobsen
NOTARY PUBLIC FOR IDAHO
Residing at: Buhl
My commission expires: 3-2-94



EXHIBIT A

PARCEL NO. 1

Township 8 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 11: SW1/4; E1/2SE1/4; SW1/4SE1/4
Section 12: S1/2
Section 13: ALL
Section 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 7: Lots 7, 8; SE1/4SW1/4; W1/2SE1/4
Section 18: E1/2NW1/4; W1/2NE1/4; Lots 1, 2, 3 and 4

PARCEL NO. 2

Township 8 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 11: NW1/4SE1/4

PARCEL NO. 3

Township 8 South, Range 13 E., B.M., Twin Falls County, Idaho.
Section 10: S1/2S1/2SES1/4
Section 11: S1/2N1/2NE1/4; S1/2NE1/4
Section 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4
Section 15: N1/2NE1/4; N1/2S1/2NE1/4

All subject to Twin Falls County Highway Right of Way

Hereby granting unto grantee as an appurtenance to the herein described property all rights including access over and across land owned by the Bureau of Land Management as granted to Grantors for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

WARRANTY DEED

FOR VALUE RECEIVED, FARM CREDIT BANK OF SPOKANE, successor by merger to the Federal Land Bank of Spokane, the Grantor, does hereby grant, bargain, sell and convey unto JACK F. DUNCAN and JANET H. DUNCAN, husband and wife; and PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife, Grantees, the following described premises located in County, Idaho, to-wit:

PARCEL NO. 1:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 11: SW1/4; E1/2SE1/4; SW1/4SE1/4

Section 12: S1/2

Section 13: ALL

Section 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

Township 8 South, Range 14 E., B.M., Twin Falls
County, Idaho

Section 7: Lots 7, 8; SE1/4SW1/4; W1/2SE1/4

Section 18: E1/2NW1/4; W1/2NE1/4; Lots 1, 2, 3, & 4

PARCEL NO. 2:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 11: NW1/4SE1/4

PARCEL NO. 3:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 10: S1/2S1/2SE1/4

Section 11: S1/2N1/2NE1/4; S1/2NE1/4

Section 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4

Section 15: N1/2NE1/4; N1/2S1/2NE1/4

All subject to Twin Falls County Highway Right of Way

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Seller to water, including but not limited to water rights under Permit Nos. A02-10005 and A02-07249 and Thousand Springs Water Statutory Claim No. A36-04260.

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges, and appurtenances

thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues, and profits thereof.

TOGETHER WITH all of Seller's rights and SUBJECT TO all of Seller's obligations pursuant to the terms of a Joint Use Agreement dated March 2, 1990, between Seller and Robert Travers and William B. Travers, Co-trustees of the Plateau Trust, dated October 13, 1980, and Robert H. Brailsford.

TOGETHER WITH all rights including access over and across land owned by the Bureau of Land Management as granted for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock, and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

TOGETHER WITH Bureau of Land Management grazing preference for 283 AUM's for which the above-described real property serves as base property.

SUBJECT TO the terms of an Electric Service Agreement between Robert H. Brailsford and Idaho Power Company.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED This 24 day of May, 1990.

FARM CREDIT BANK OF SPOKANE

By: m. Wayne Dement

Position: Senior Credit Officer

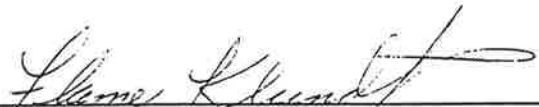
STATE OF IDAHO)

County of Twin Falls)

ss.

On this 24 day of May, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared M. Wayne Dennis, known to me to be the Authorized Agent of Farm Credit Bank of Spokane who executed the foregoing 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 FOR IDAHO
Residing at: Twin Falls
My commission expires: 3-5-1993

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: A36-04260C
Date Received: 11/22/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SALMON FALLS LAND & LIVESTOCK CO 208-837-4917
Address: C/O MIKE HENSLEE
BELL RAPID RD
HAGERMAN ID 83332

2. Date of Priority: DEC 10, 1901

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	6		SE	SE	8	GOODING

5. Description of diverting works:
PIPELINE, PUMPS,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.036		
DOMESTIC	01/01	12/31	0.036		

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

8. Total consumptive use is 606.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ? HOMES; STOCKWATER, 2000 RANGE; COMM. CAFE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	13E	14	NW	NE		STOCK	
	14E	18	NW	NE		STOCK	



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10-5-94

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: ADZ-1005R-ADZ-7249R, A36-042600
- ☐ Name and Address of Former
Owner/Claimant(s)(Seller): Wendell Ranch -
P.O. Box 1120 -
Burley, ID 83318
- ☐ New Owner/Claimant
(Purchaser): Salmon Falls Land & Livestock Company
- ☐ New Mailing Address: 210 N. W. Henslee
Box 1120 Road -
Burley, ID 83332
- ☐ New Telephone Number: (208) 337-4917
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of
ownership, describe
proof attached: Road Warranty Deed -

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New
Owner/Claimant(s): James & Henslee Date 10-5-94
- ☐ Signature of Former
Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11/2/94 By: SC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

POOR ORIGINAL

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

ACTION REQUIRED

11/28/94 1:50 pm

FROM: ~~Judy Givens~~ /JG

TO: Files: A02-10005B, A02-07249B A36-04260C

Called Larry Roberts, Mgr. Land Title in Burley, concerning above-referenced claims. I received Change of Ownership form but the Original Owners Lists the Duncans on Claims, form shows Highland Ranch as original owners. Larry said he would send me a copy of form with the Duncans signatures.

SD-0601-2 Last Name: DUNCAN

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	DUNCAN						
-	JACK F	C	A36-11274	04/30/1958	GROUNDWATER	0.040	43 DOMEST
-	SARAH E	C	A36-12005	04/05/1965	GROUNDWATER	0.040	43 DOMEST
-	MILDRED	O	A36-02174A	06/23/1952	GROUNDWATER	3.860	01 IRR
-					SPLIT RIGHT		
-					COMBINED RI		
-	SARAH E	C	36-12005	04/05/1965	GROUNDWATER	0.040	43 DOMEST
-	JACK F	C	A36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK
-							43 DOMEST
-	JANET H	C	A36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK
-							43 DOMEST
-	PAUL H	C	A36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK
-							43 DOMEST
-	KATHY F	C	A36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK
-							43 DOMEST
-	GRANT D	C	36-15068	10/25/1979	GROUNDWATER	0.060	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0601-2 Last Name: DUNCAN

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
—	DUNCAN						
—	KATHY	C	36-12170	09/30/1957		0.060	04 STOCK
—	MILDRED	O	36-02174A	06/23/1952	GROUNDWATER SPLIT RIGHT COMBINED RI	3.860	01 IRR
—	PAUL H	C	36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK 43 DOMEST
—	KATHY F	C	36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK 43 DOMEST
—	JACK F	C	36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK 43 DOMEST
—	JANET H	C	36-04260C	12/10/1901	SPRINGS	0.036	04 STOCK 43 DOMEST
—							
—							
—							
—							

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SALMON FALLS LAND & LIVESTOCK CO C/O MIKE HENSLEE BELL RAPID RD HAGERMAN ID 83332 (208) 837-4917	12/10/1901	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.03 CFS 0.03 CFS	26.20 AFA
TOTAL DIVERSION:					0.03 CFS	26.20 AFA

D PAUL H DUNCAN
D KATHY F DUNCAN
D JACK F DUNCAN
D JANET H DUNCAN
RT 1 BOX 293A
RUPERT ID 83350
(208) 436-6848

Water Source: SPRINGS

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T08S R14E S06 Lot08(SESESE)

GOODING County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
08S	13E	14	:				S												
08S	14E	18	:				S												

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

POU County: TWIN FALLS

Non-Irrigation Uses: DOMESTIC/ SHOP; STOCKWATER/ UP TO 2000 RANGE CATTLE

Other Rights: NONE

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04260A AND 36-04260B.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY

NOV 29 1994

Department of Water Resources
Southern Region Office

REFER TO: EC-618
OFFICE: Burley

November 28, 1994

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301
Attention: Judy

RE: Water Right Adjudication Nos. A02-10005B, A02-72491B
and A365-04260C previously in the name of Jack Duncan
et al

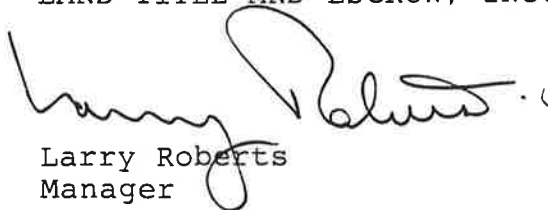
Dear Judy:

Enclosed please find a photostatic copy of a recorded Quitclaim Deed dated May 18, 1992 between Jack H. Duncan and Janet H. Duncan, husband and wife, and Paul H. Duncan and Kathy F. Duncan, husband and wife, and Circle D Farms, Inc., Grantor, to Highland Ranch, a partnership consisting of Jack F. Duncan, Paul H. Duncan, David R. Price and Boyd R. Poulton, on property in Twin Falls County, Idaho.

This deed should enable you to change the Notice of Water Right Ownership into the name of Salmon Falls Land & Livestock Company.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.


Larry Roberts
Manager

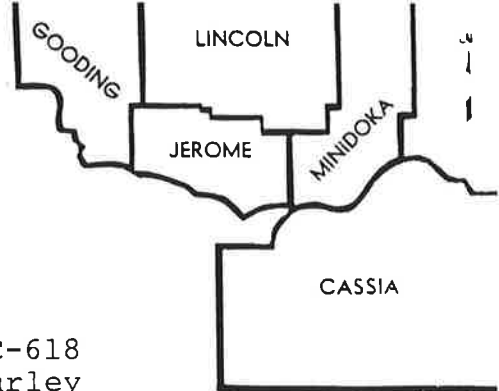
LR/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 1199



QUITCLAIM DEED

THIS INDENTURE, made this 18th day of May, 1992,
between JACK H. DUNCAN and JANET H. DUNCAN, husband and wife,
PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife, and CIRCLE
D FARMS, INC., of Rupert, Idaho, herein called the "Grantor",
and HIGHLAND RANCH, a partnership, consisting of Jack F. Duncan,
Paul H. Duncan, David R. Price and Boyd R. Poulton, of Route 1,
Box 364, Rupert, Idaho 83350, herein called the "Grantee".

W I T N E S S E T H:

The said Grantor, for and in consideration of the sum
of Ten Dollars (\$10.00), lawful money of the United States of
America, and other valuable consideration to Grantor in hand
paid by the Grantee, the receipt whereof is hereby acknowledged,
does by these presents remise, release and forever quitclaim
unto the Grantee and to the heirs and assigns of the Grantee,
all of the interest of the Grantor in that certain lot, piece or
parcel of land situated, lying and being in the County of Twin
Falls, State of Idaho, bounded and particularly described as
follows, to-wit:

That real property on Exhibit A and the
equipment listed on Exhibit B attached hereto.

TOGETHER with all and singular the tenements,
hereditaments, and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder
and remainders, rents, issues, and profits thereof. To have and
to hold all and singular the said premises, together with the
appurtenances, unto the Grantee, and to the heirs and assigns of

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY IDAHO

1 Grantee forever.

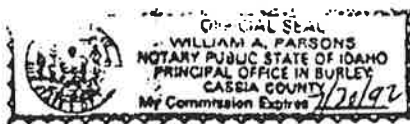
2 IN WITNESS WHEREOF, the Grantor has executed this
3 Quitclaim Deed.

4 Jack F. Duncan
5 Paul H. Duncan
6 Kathy F. Duncan
7 Janet H. Duncan
8 CIRCLE D FARMS, INC.

9 BY William A. Parsons
10 President

11 STATE OF IDAHO)
12) ss
13 County of Cassia)

14 On this 18 day of May, in the year 1992, before me,
15 the undersigned, a Notary Public in and for said State,
16 personally appeared JACK F. DUNCAN and JANET H. DUNCAN, husband
17 and wife, PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife,
18 known or identified to me to be the persons whose names are
19 subscribed to the within instrument, and acknowledged to me that
20 they executed the same.



21 William A. Parsons
22 Notary Public for Idaho
23 Residing at _____
24 My commission expires on _____

25 STATE OF IDAHO)
26) ss
27 County of Cassia)

28 On this 18 day of May, in the year 1992, before me,
29 the undersigned, a Notary Public in and for said State,
30 personally appeared JACK F. DUNCAN, known or identified to me to
31 be the President of CIRCLE D. FARMS, INC., the corporation that
32 executed the instrument or the person who executed the
33 instrument on behalf of said corporation, and acknowledged to me

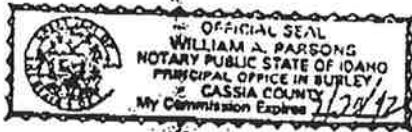
that such corporation executed the same.

William A. Parsons

Notary Public for Idaho

Residing at

My commission expires on



PARSONS, SMITH STONE & FLETCHER
ATTORNEYS
BURLEY, IDAHO

CASSIA COUNTY, IDAHO
RECORDED 11/28/97

1997 NOV 20 10 08 AM 006935

EX-100
FEE: 27.00

POOR ORIGINAL

EXHIBIT "A"
TO Quitclaim Deed

TOWNSHIP 8 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 11: SW1/4; E1/2SE1/4; SW1/4SE1/4

SECTION 12: S1/2

SECTION 13: ALL

SECTION 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

TOWNSHIP 8 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 7: LOTS 7 AND 8; SE1/4SW1/4; W1/2SE1/4

SECTION 18: E1/2NE1/4; W1/2NE1/4; LOTS 1, 2, 3 AND 4

TOWNSHIP 8 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 11: NW1/4SE1/4

TOWNSHIP 8 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 10: S1/2S1/2SE1/4

SECTION 11: S1/2N1/2NE1/4; S1/2NE1/4

SECTION 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4

SECTION 15: N1/2NE1/4; N1/2S1/2NE1/4

(continued)

Page 1 - Exhibit A

POOR ORIGINAL

Exhibit A Continued

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property; which in any manner entitle Seller to water, including but not limited to water rights under Permit Nos. A02-10005, and A02-07249 and Thousand Springs Water Statutory Claim No. A36-04260.

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges, and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues, and profits thereof.

TOGETHER WITH all of Seller's rights and SUBJECT TO all of Seller's obligations pursuant to the terms of a Joint Use Agreement dated March 2, 1990, between Seller and Robert Travers and William B. Travers, Co-trustees of the Plateau Trust, dated October 13, 1980, and Robert H. Brailsford.

TOGETHER WITH all rights including access over and across land owned by the Bureau of Land Management as granted for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock, and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

TOGETHER WITH Bureau of Land Management grazing preference for 283 AUM's for which the above-described real property serves as base property.

SUBJECT TO the terms of an Electric Service Agreement between Robert H. Brailsford and Idaho Power Company.

EXHIBIT B
TO Quitclaim Deed

PERSONAL PROPERTY:

1-500 HP US Electric Motor, Model No. 500GPH with S.C. Turbine Layne Pump Model No. T840-57.

1-500 HP Electric Westinghouse Motor, Model No. 5008-24 with S.C. Turbine Layne Pump Model No. T81003.

1-500 HP Electric Westinghouse Motor, Model No. 5008-24 with S.C. Turbine Pump Model No. T81002.

1-300 HP Electric Westinghouse Motor, Model No. TUDP with S.C. Turbine Pump Model No. T81004.

1-200 HP Electric Westinghouse Motor, Model No. GUDP with S.C. Turbine Pump Model No. T81005.

1-200 HP Electric Westinghouse Motor, Model No. TDEP with Centrifugal Peerless Pump Model No. 8AD17.

1-200 HP Electric Westinghouse Motor, Model No. TDEP with Centrifugal Peerless Pump Model No. 8AD17.

1-200 HP Electric Westinghouse Motor, Model No. TDEP with Centrifugal Peerless Pump Model No. 8AD17.

1-125 HP Electric Westinghouse Motor, Model No. TDEP with Centrifugal Peerless Pump Model No. 6AD16.

1-125 HP Electric Westinghouse Motor, Model No. TDEP with Centrifugal Peerless Pump Model No. 6AD16.

1-50 HP Electric Westinghouse Motor, Model No. TDEP with Centrifugal Peerless Pump

POOR ORIGINAL

1-50 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump. Not in use, but repairable.

1-20 HP Electric Westinghouse Motor, Model No. SBDP with Centrifugal Peerless Pump.

1-50 HP Electric GE Motor, Model No. S-DE with Centrifugal Peerless Pump Model No. F3144AP. Not in use, but repairable.

1-Valley Pivot 1010' in length; 1-Valley Pivot 1220' in length; 1-Valley Pivot 1320' in length; 1-Valley Pivot 1450' in length; 1-Valley Pivot 1315' in length; 1-Wade Rain Pivot 1295' in length; 1-Valley Pivot 1300' in length; 1-Valley Pivot 1100' in length; 1-Valley Pivot 1325' in length; 2-Valley Pivots 1350' in length; 1-Wade Rain Pivot 1320' in length;

600' of 34" buried steel mainline; 1580' of 32" buried steel mainline; 1750' of 32" buried steel mainline; 2800' of 30" buried steel mainline; 2780' of 26" buried steel mainline; 900' of 24" buried steel mainline; 1700' of 22" buried steel mainline; 1080' of 18" buried steel mainline; 2300' of 16" buried steel mainline; 2620' of 14" buried steel mainline; 2784' of 12" buried steel mainline; 13,277' of 10" buried steel mainline; 550' of 8" buried steel mainline; 3822' of 12" exposed steel mainline; 651 joints of 3" aluminum solid set lines; 800 joints of 3" handline with an undetermined number of valve openers and end plugs; aluminum mainline, 50' joints: 10" - 54 joints, 8" - 99 joints, 6" - 87 joints.

1,500 gallon storage tank; 7 stock tanks (3 of which are located on the described real property and four of which are located on contiguous BLM property); pressure system for domestic use.

283 A.U.M.s of BLM Grazing Permits.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 30, 1994

LAND TITLE & ESCROW INC
LARRY ROBERTS MANAGER
PO BOX 177
BURLEY ID 83318

RE: ADJUDICATION CLAIM(S) A02-10005B, A02-07249B & 36-04260C

Dear Mr. Roberts:

Pursuant to the notification that you are representing the Claimant(s) on the above-referenced Change of Ownership Adjudication Claim(s), I have changed the Department's record(s) as you have requested. Please note that the Report for Basin 36 has been filed with the court so the recommendations for the above claim is listed in the former owners name. Should you have any questions concerning the print-outs, please feel free to contact me at this office.

The Standard Form 3 form (enclosed) is required for 36-04260C, which will have to be filled out according to the instructions. Any questions concerning this form, please can contact the SRBA Court here in Twin Falls at 736-3011.

Sincerely,

Judy Givens
Technical Records Specialist

/jg

Enclosures: Proofs Reports
Standard Form #3

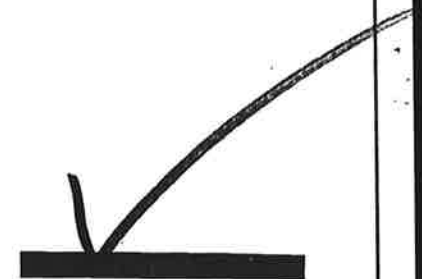
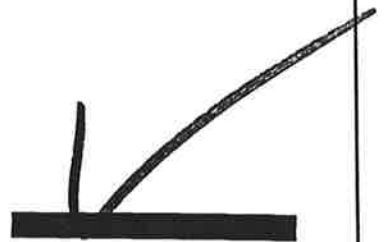
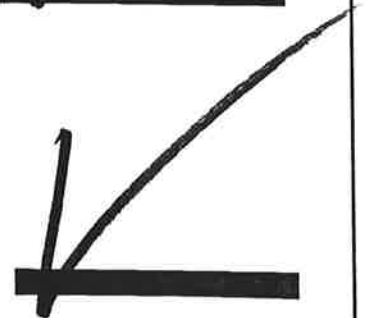
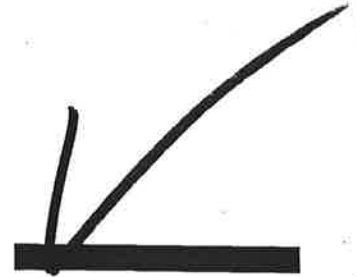
R PROOF

CVR

MAPS

PHOTOS

MISC



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FEB 02 1993

Water Right Number - R36-04260C Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***

DUNCAN PAUL H 1 - RT 1 BOX 293A
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-6848

DUNCAN KATHY F 1 - RT 1 BOX 293A
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-6848

DUNCAN JACK F 1 - RT 1 BOX 293A
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-6848

DUNCAN JANET H 1 - RT 1 BOX 293A
2 -
3 -
City- RUPERT State- ID Zip- 83350
Phone - 208-436-6848

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

12/10/1901 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

SPRINGS SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

Tw	Rng	Sec	Tract	Lot	RFlg	County
08S	14E	6	SE SE SE	8	(47)	GOODING

+ - - - - Water Use - - - - - +

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.036	26.20
43 - DOMESTIC		01/01	12/31	0.036	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +

0.036 26.20 0.0

+ - - - - Place of Use - - - - - +

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	13E	14	NW NE			04	STOCKWATER	(83) TWIN FALLS
08S	14E	18	NW NE			04	STOCKWATER	(83) TWIN FALLS

Total Acres:

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Water right number - R36-04260C

Prefix Translation: RESEARCH

+ - - Diversion Means - PIPELINE, PUMPS,

+ - - Non-Irrigation Use - DOMESTIC/ SHOP; STOCKWATER/ UP TO 2000 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04260A AND 36-04260B.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +
Date: 02/08/1991 User Id: BEDKE Subject: LW-STAFF REVIEW
Date: 10/23/1992 User Id: MERRITT Subject: BASIS OF RIGHT CHANGED SINCE BRAILSFORD PROVIDED EVIDENCE
THAT THE RIGHT WAS DECREED IN CLAMPITT VS HERRON DATED IN 1945. ADDED CONDITION C05 AND ERROR FLAG D.

+ - - Audit Fields - - +
10/23/92 MERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/23/1992	Old Judicial District	-
Claim Received Date	- 11/22/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	- D

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:41:10
01/09/91

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04260C

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE				N	6	R.D.-W 10/4/91	DB	R.D.-W 10/4/91
POINT OF DIV	Y			N				
SOURCE				N				
PLACE OF USE	Y			N	6			
DIV. AMOUNT CFS/VOLUME	Y			N	6			
CONSUMPTIVE USE	-			N				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y					✓		✓

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

FILED
FEB 12 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:41:10
01/09/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04260C

LAST: BRAILSFORD
ADDRESS: 300 MORRISON DR. #644
CITY: TWIN FALLS
PHONE NUMBER: 208-733-9161

OWNER CODE: 0

FIRST: ROBERT H.

STATE: ID ZIP: 83301

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848

OWNER CODE: C

FIRST: JACK F.

STATE: ID ZIP: 83350

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848

OWNER CODE: C

FIRST: JANET H.

STATE: ID ZIP: 83350

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848

OWNER CODE: C

FIRST: PAUL H.

STATE: ID ZIP: 83350

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848

OWNER CODE: C

FIRST: KATHY F.

STATE: ID ZIP: 83350

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: CLAIM WAS SPLIT FROM A36-04260 BY OWNERSHIP CHANGE 1/4/91 BY JG.

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CONTACT PERSON: _____

DATE OF FIELD EXAM: 1/18/91

APPOINTMENT MADE: Y() N(☒)

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

see photos in A36-04260B + flow measurements

PHONE NUMBER: () - -

TIME: 10 : A(☒) P()

PHONE NUMBER: () - -

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A. AJ CLAIM: # A36-04260C PRIORITY DATE: 12-10-1901 STAGE: J
B. WR RECORD: # 36-04260 PRIORITY DATE: 12-10-1901 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS:

see enclosed documents

RECOMMENDED PRIORITY DATE:
12-10-1901

REVIEWED BY

W

DATE

1/24/91

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FEB U 2 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04260C	08S	14E	6		SE	SE	8	GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-07866 R36-07866
A36-07085
A36-04260
A36-04260B

WR RECORDS IN SAME 40 ACRE TRACT

36-07085
36-07786
36-07866
36-07072

SOURCE: SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04260	08S	14E	6		SE	SE	8	GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-07085
36-07786
36-07866

A36-07866 R36-07866
A36-07072 R36-07072
R36-04260A

SOURCE: SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER

 X

REMARKS:

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FEB U 2 1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

_____ *same* _____

SOURCE: SPRINGS

TRIB: SNAKE RIVER

REVIEWED BY: _____

DATE: _____

1/24/91

MICROFILMED

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A. ROOT WATER RIGHT NUMBERS: A36-04260A
R36-04260A
A36-04260B
A36-04260C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECORD ACRES
08S	13E	14	NW	NE		DUNCAN , JACK F.	A36-04260C /	- /	29.0		
			NW	NE		DUNCAN , JACK F.	A02-07249 /40.0	02-07249 / 5.0			
			NW	NE		DUNCAN , JACK F.	A02-10005 /40.0	- /			
			NW	NE		BRAILS福德 , ROBERT H.		36-04260 /			
08S	14E	18	NW	NE		DUNCAN , JACK F.	A36-04260C /	- /	40.0		
			NW	NE		DUNCAN , JACK F.	A02-07249 /40.0	- /			
			NW	NE		DUNCAN , JACK F.	A02-10005 /40.0	- /			
			NW	NE		BRAILS福德 , ROBERT H.		36-04260 /			
			NW	NE		BRAILS福德 , ROBERT		36-07085 /40.0			
TOTAL ACRES							A36-04260C		69.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
N

PRESUMPTION FLAG:

REMARKS:

*Domestic use considered as unrecorded
transfer - OK - used for shop*

RECOMMENDATIONS:

TOTAL ACRES: N/A

REVIEWED BY: W

DATE: 1/24/91

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY
A36-04260C STOCKWATER	FROM 01-01 TO 12-31
~~A36-04260C DOMESTIC~~	~~FROM 01-01 TO 12-31~~

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.036 CFS
~~.036 CFS~~ OK
.036 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY
36-04260 IRRIGATION	FROM 03-15 TO 11-15
36-04260 STOCKWATER	FROM 01-01 TO 12-31
36-04260 COMMERCIAL	FROM 01-01 TO 12-31
36-04260 DOMESTIC	FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
10.500 CFS
.070 CFS
.020 CFS
.100 CFS
10.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE	FIELD EXAMINER
Y	<u> ✓ </u>
Y	<u> ✓ </u>
Y	<u> ✓ </u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(✓) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.036 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 10.500 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y N

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

B. FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS

see A36-04260B

C. ARE OTHER WATER RIGHTS USED? Y() N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~NONE~~ NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A02-07249	SNAKE RIVER	DUNCAN , JACK F.	32.480	0.013		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04260C	STOCKWATER	DUNCAN , JACK F.	FROM 01-01 TO 12-31	.036 CFS	
A36-04260C	DOMESTIC	DUNCAN , JACK F.	FROM 01-01 TO 12-31	.036 CFS	
A02-10005	STOCKWATER	DUNCAN , JACK F.	FROM 01-01 TO 12-31	.230 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 606.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

N/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

Dom + Stock use

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

stock

1/1 12/31

.036

Dom

1/1 12/31

.036

.036

TOTAL FOR THIS RIGHT

REVIEWED BY:

W

DATE:

1/24/91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED *N/A*
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04260

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 10.500 EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-04260A	0.400	R36-04260A	0.400	-	
-	R36-04260A	0.400	R36-04260A	0.400	-	
-	A36-04260B	10.500	-	-	-	
-	A36-04260C	0.036	-	-	36-04260	10.500
-						
TOTAL CFS		11.336		0.800		10.500

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

A36-04260A = .40 recommended
B = 10.064 legal review
C = .036 recommended
10.5

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AUTHENTICATION:

SIGNATURE: ln

DATE: 1/24/91

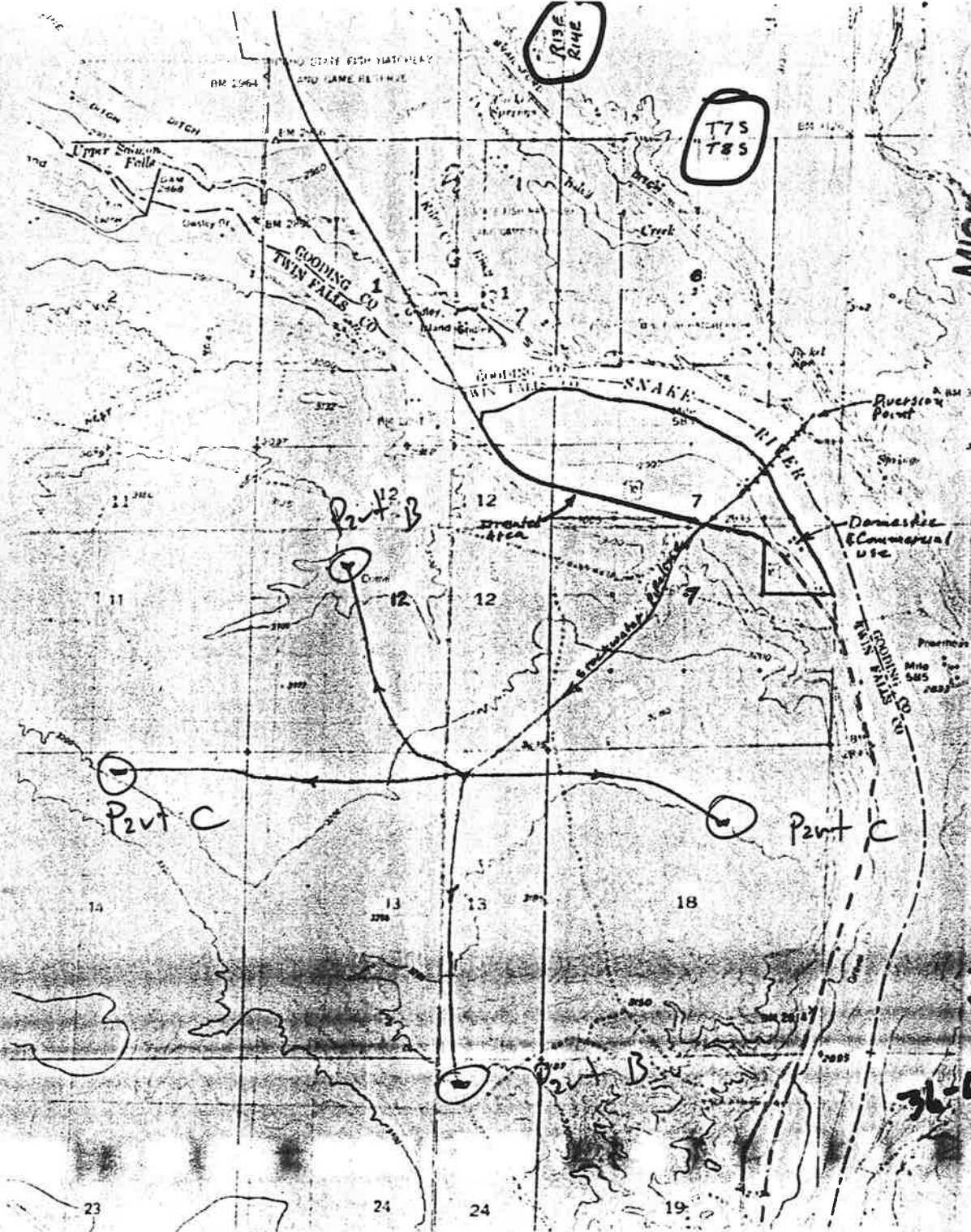
NAME OF FIELD EXAMINER: _____

TITLE: _____

R.V. 2K 10/4/91

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FEB 02 1993



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FEB U 2 1993

T
DB
S

36-042

36-04260C

C

837-6559

CONVERSATION MEMORANDUM

NAME OF PARTY GARY EICHELBERGER
EMPLOYEE: LW

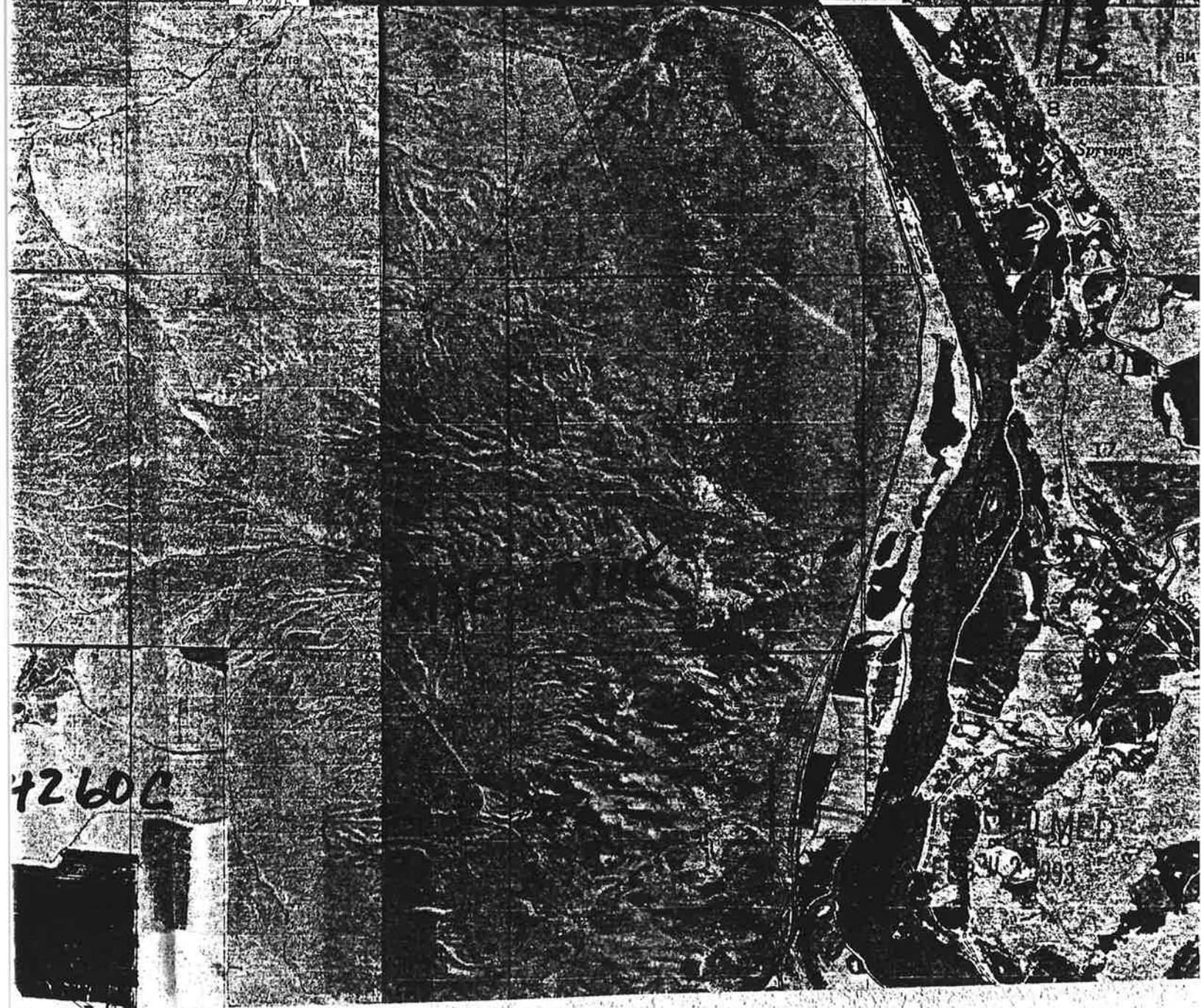
DATE 1/18/91
FILE A36-04260

RE: Gary lives on the property and
confirmed that the water is piped to
crown's west yard around for stock use.

MICROFILMED
FEB 02 1993

400 000
FEET

260 000 FEET



4260C

COPIED COUNTY
Miranda A. Herron of Ogden, County of Boone State of Iowa
has, this 1st day of December 1901, appropriated and hereby
claim the use of the water of Twin Springs to the extent of ^{one hundred} (100) cubic feet per second,
flowing at the point of intended diversion, which said point of intended diversion

213

is particularly described as follows, to-wit: About two hundred
feet from Snake River and in Sec 6, T 3 S R 14 E and in
County of Lincoln State of Idaho. That the special purpose or purposes
for which said water is claimed irrigation and Power Plant. The
place of its intended use is South of Snake River in Cassia Co. Idaho.
That the general course of the proposed canal or conduit is North
of West and East of South. That the length of said proposed canal or
conduit is some miles. Some miles of the above canal is to be North of
West and is to be used for irrigating lands in Sec 6 and T 3 S
R 14 E and land in the vicinity of Salmon Falls and Snake River
Three miles the above canal is to run East of South and to be used
for irrigating land in Sec. 7-8 and 17 T 3 S R 14 E

A copy of this notice was duly posted at or near the point of intended
diversion on the 10th day of December, 1901. Testimony my hand at Austin
County of Cassia, State of Idaho, this 10th day of December, 1901.

Miranda A. Herron Appropiator & Claimant
State of Idaho. Appeared before me Miranda A. Herron of Ogden
County of Boone State of Iowa being first duly sworn
deposes and says that she of lawful age and That she is the
appropriator and claimant of the water right described in the within
and foregoing notice and which water runs in subscribed trusts. That the
statements in said notice are true, and that the original notice of which the
 foregoing is a true copy was posted in a conspicuous place at or near
the point of intended diversion at 10th o'clock AM, the 10th day of December 1901.

Miranda A. Herron
Subscribed and sworn to before me, this 10 day of December 1901.
Notary Public for Cassia Co. Austin Cassia Co. Idaho
Salmon Falls Precinct.

Recorded at the County Clerk's Office of Cassia Co. Idaho, this 17th day of December 1901 at 4 PM A. M. W. A. Herron

MICROFILMED
FEB 2 1962

of 100 feet to a point on the south line of said subdivision which is 100 feet east of the intersection of said road with the upper Rim Rock of Snake River Canyon.

Together with all waters thereon, or which may be developed thereon and all water rights appurtenant thereto.

Excepting all waters heretofore lawfully appropriated and used by Dwight E. Stacy and his predecessors in interest on lands across Snake River for irrigation and domestic uses.

Together with a right of way for pole line and electric conduits, described as follows: Beginning at the corner common to Sections 5, 6, 7 and 8, in said township and range, and running north one-quarter mile.

Together with an easement or right of way for road described as follows: Commencing at the 40-corner in the east boundary of said Section 6, which said corner is the northeast corner of Lot 8 of said section; thence west along the north boundary line of said lot to the upper Rim Rock of the Snake River Canyon; thence southeasterly along the line of an old roadway or grade formerly used over said Lot 8 to the premises above conveyed but the easement or right of way herein granted shall not be exclusive against the grantors, their heirs or assigns.

Together with all and singular the tenements, hereditaments and appurtenances to said conveyed premises belonging and in any wise appertaining, 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 in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever.

And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors -- and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whosoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

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

WITNESSES: S. T. Hamilton

Paul S. A. Bickel (SEAL)

Anna C. Bickel (SEAL)

STATE OF IDAHO,)
County of Twin Falls,) SS.

On this 19th day of November, 1927, before me, S. T. Hamilton, a Notary Public in and for said state, personally appeared Paul S. A. Bickel and Anna C. Bickel, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

(NOTARY SEAL)

S. T. Hamilton, Notary Public
for Idaho, Residing at Twin Falls, Idaho.

Filed for record at the request of Security Title & Trust Co. at 3:55 o'clock P.M. Dec. 1, 1927.
Recd. \$1.00

Myrtle P. Enking, Ex-officio Recorder.

By S. M. Miller, Deputy.

|||||

FEB 4 2 1928

DIVISION AND LIMITATION OF WATER RIGHT

WHEREAS, by deed dated November 19, 1927, and recorded December 2, 1927 in Book 6 of Deeds, page 590, records of Gooding County, Idaho Power Company is the owner of certain lands in Gooding County upon which rise certain waters and springs, including those known as Bickel Springs, which said deed contains the exception of "all waters heretofore lawfully appropriated and used by Dwight E Stacy and his predecessors in interest on lands across Snake River for irrigation and domestic uses," said lands referred to being in Twin Falls County, State of Idaho; and

WHEREAS said water right has never been defined or limited of record;

NOW THEREFORE IT IS STIPULATED:

1. That the point of diversion of said waters is in Lot 8, of Section 6, Township 8 South, Range 14 East, Boise Meridian, at the intake of a ditch and pipe line, approximately located North 11° 27' East 344.7 feet from meander corner on or near the north bank of Snake River, in Gooding County; that the land upon which said waters are and have been used are located across Snake River, and comprise what is known as the Stacy Ranch, consisting of Lots 10 and 11 of Section 6, and Lots 2, 3 and 5 and the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section 7, Township 8 South, Range 14 East, and Lot 10 of Section 1, Township 8 South, Range 13 East, Boise Meridian, in Twin Falls County, Idaho; that said water is conveyed from the point of diversion by means of a pipe line and ditches to and across Snake River to the lands upon which the same are used.

2. That the quantity of water heretofore diverted, appropriated and used by the said Dwight E Stacy and his predecessors, and the right to the use of said waters, including all rights as the successor under that certain water notice by Mercedes A Herron, dated December 10, 1901, and recorded in Book A of Water Rights, page 412, Records of Gooding County, are hereby defined as and limited to ten and one-half cubic feet per second (10.5 cfs) of said waters, at the said point of diversion and intake, for irrigation and domestic use on the lands aforesaid.

It is hereby declared, the parties hereto, for themselves and their successors and assigns, have executed this stipulation defining and limiting said water right, this 21st day of October, 1944.

Witness:

S T Hamilton

Attorney for Stacys

Dwight E Stacy

Dwight E Stacy

Stennace Stacy

Stennace Stacy

Husband and Wife

IDAHO POWER COMPANY

By C J Strike
C J Strike, President

STATE OF Idaho,)
COUNTY of Twin Falls) ss.

On this 21st day of October, in the year A D 1944, before me, the undersigned, a Notary Public in and for said State, personally appeared DWIGHT E STACY and STENNACE STACY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

S T Hamilton, Notary Public
Residing at Twin Falls, Idaho

S T Hamilton
Notary Public.
Residing at Twin Falls, Idaho.

RECORDED
FEB 12 1953

WARRANTY DEED

THIS INDENTURE made this 19th day of November, 1927, Paul S. A. Bickel Anna C. Bickel, his wife, of Gooding County, State of Idaho, the parties of the first part, and Idaho Power Company, incorporated under the laws of the State of Maine and authorized to do business in the State of Idaho, the party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of (\$10.00) Dollars, lawful money of the United States, and other valuable considerations then paid by the said party of the second part, the receipt whereof is hereby acknowledged, do, by these presents, grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors --and assigns forever, certain real property Sections Five (5), Six (6), Seven (7) and Eight (8), Township Eight (8) South, of Range fifteen (15) East, Boise Meridian, in Gooding County, Idaho, more particularly described follows, to-wit:

In the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 5: Beginning at the SW corner of said Section 5; thence north on the west line of said Section 5 to a point 100 feet north of the precipice of the upper Rim Rock of Snake River Canyon; thence southeasterly paralleling the said rim rock at a distance of 100 feet to a point 100 feet east of the intersection of the south line of said section 5 with the precipice of the upper rim rock of Snake River Canyon; thence west along the south line of said section 5 to the point of beginning.

In Lot Eight (8), said Section Six (6): Beginning at the Southeast corner of said Lot 8, being the corner common to said Sections 5, 6, 7, and 8; thence north on the east boundary line of said Lot 8 to a point 100 feet north of the precipice of the upper rim rock of Snake River Canyon; thence northwesterly paralleling the said rim rock at a distance of 100 feet to the strip of land in said Lot 8 granted by the grantors herein to the Twin Falls North Side Land and Water Company by deed dated January 17, 1912, and recorded in Book J of Deeds, at page 331, in the records of Gooding County, Idaho, and by said Company and its successor occupied with a ditch to convey waste water to Snake River; thence southeasterly along the southern boundary of said strip of land to its intersection with Snake River and thence continuing to the thread of said stream; thence southeasterly following the thread of Snake River up stream to its intersection with the south line of said Lot 8; thence east along the south boundary of said Lot 8 to the place of beginning.

Lot One (1) of said Section Seven (7).

In Lot One (1), said Section Eight (8): All that portion of said Lot 1 lying south west of a line described as follows: Beginning at a point on the north line of said Lot 8, which is 100 feet east of the intersection of said north line with the upper Rim Rock of Snake River Canyon; thence southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet north of the intersection of the east line of Lot 8 with the upper Rim Rock of Snake River Canyon.

In the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section Eight (8): All that portion of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying east and west of a line described as follows: Beginning at a point on the west line of said subdivision which is 100 feet north of the intersection of said line with the upper Rim Rock of Snake River Canyon; thence southeasterly paralleling said Rim Rock at a distance

FEB 2 1928

TWIN FALLS COUNTY, IDAHO

539

STATE OF IDAHO,)
COUNTY OF TWIN FALLS,) ss.

On this 27th day of October, in the year A D 1944, before me GEO H PETERSEN, a Notary Public in and for said State, personally appeared C J STIRAL, known to me to be the President of the corporation that executed the within instrument, 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.

(Geo H Petersen, Notary Public)
(State of Idaho)
(NOTARIAL SEAL)

Geo H Petersen
Notary Public,
Residing at Boise, Idaho

Filed for record at the request of S T Hamilton at 9:00 A M on Nov 22, 1944.

Fee .20 paid

G A Bulles

LO
m

Recorder

STATE OF IDAHO
COUNTY OF TWIN FALLS }
I HEREBY CERTIFY THE FOREGOING IS A
FULL TRUE & PERFECT COPY OF THE
ORIGINAL RECORD. 1944
AT PAGE 235
KILMARD A. PENCE
EX-OFFICIO RECORDER
BY [Signature] DEPUTY

MICROFILMED
FEB 2 1993

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: A36-04260C

Date Received: 11/22/1988

Receipt No: X777777

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK F. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350

AND/OR

Name: JANET H. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350

AND/OR

Name: PAUL H. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350

AND/OR

Name: KATHY F. DUNCAN 208-436-6848
Address: RT. 1 BOX 293A
RUPERT, ID 83350

2. Date of Priority: DEC 10, 1901

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	14E	6	SE	SE	SE	8	GOODING

5. Description of diverting works:
PIPELINE, PUMPS,

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.036		
DOMESTIC	01/01	12/31	0.036		

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

A.F.A.

A36-04260C

Page 1

Date: 01/04/91

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FEB U 2 1993

8. Total consumptive use is 606.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC, ? HOMES; STOCKWATER, 2000 RANGE; COMM. CAFE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	13E	14	NW	NE	STOCK	
	14E	18	NW	NE	STOCK	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

NONE

14. Remarks:

CLAIM WAS SPLIT FROM A36-04260 BY OWNERSHIP CHANGE 1/4/91 BY JG.

15. Basis of Claim: BENEFICIAL USE

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 _____ 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): _____ Date: _____

_____ Date: _____

State of Idaho

County of _____

)
) SS.
)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

NOV 30 1990

[] Water Right Number(s): A36-04260

Department of Water Resources
Southern Region Office

[] Name and Address of
Former Claimant:

Robert H. Brailsford

300 Morrison Drive #644

Twin Falls, Idaho 83301

[] New Claimant(s):

Jack F. Duncan, Janet H. Duncan,

Paul H. Duncan, and Kathy F. Duncan

[] New Mailing Address: Route 1, Box 293A

Rupert, Idaho 83350

New Telephone Number: (208) 436-6848

[] Does the change in ownership result in a splitting of the
water right claimed? X yes no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

0.036 cfs for stockwater 1-1 to 12.31. P/U is all land listed

for stockwater in claim. Mr. Brailsford has agreed to continue

delivery of 0.036 cfs for stockwater per attached Joint Use Agreement.

[] Attach proof of ownership Deed and Contract

Describe proof attached: (FC/Brailsford) and FC/Duncan)

[] Signature of New Claimant(s):

Jack F. Duncan Janet H. Duncan
Paul H. Duncan Kathy F. Duncan

Date: 5-16-90

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12/22/90 By: 1C

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 12/22/90 By: 1C

Claim Numbers of Split, if any:

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FEB 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

04-Jan-1991 15:48

Kathy Wall
Secretary
Price-Poulton and Company
2300 Overland Ave.
Box 1120
Burley, ID 83318

RE: Adjudication Claim(s) No. A02-10005, A02-07249 AND A36-04260A
A36-94260B

Dear Ms. Wall:

We have changed the name of the ownership on the above-listed Adjudication Claim(s) to a water right, as you have requested. Please review the computer generated claim(s) for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry.

If you have any questions or objections regarding the computer record, please contact this office.

Sincerely,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
FEB 02 1993

JOINT USE AGREEMENT

THIS AGREEMENT dated this 16th day of January, 1990, between FARM CREDIT BANK OF SPOKANE, successor by merger to The Federal Land Bank of Spokane, a corporation chartered under federal law (referred to herein as "FCB"); and ROBERT B. TRAVERS and WILLIAM B. TRAVERS, Co-trustees of the Plateau Trust, dated October 13, 1980, and ROBERT H. BRAILSFORD, (referred to herein as "Grantor");

W I T N E S S E T H:

A. RECITALS.

The parties recite as follows:

1. FCB and Grantor have executed a Settlement Agreement and related documents, pursuant to which Grantor has conveyed to FCB the real property described on Exhibit "A" attached hereto (referred to herein as "the Property").
2. In conjunction with that Settlement Agreement, Grantor is conveying to FCB a water right for domestic and stockwater uses in the amount of up to 16.15 gallons per minute or 0.0360 c.f.s. ("the Conveyed Water"), included in Thousand Springs Water Statutory Claim No. A36-04260, which conveyed water is appurtenant to the Property. Said water right represented by Claim No. A36-04260 consists of the right to take water (including the Conveyed Water) from a certain spring on the north side of the Snake River, to transmit the same across the river in a pipeline and through various pipes to various points of use including the Property, and shall be in lieu of all other rights for water on the Property out of such spring or through said pipeline system.
3. Grantor is the successor in interest to Brailsford Brothers, Inc., under a Water Right Agreement, dated the 14th day of December, 1959, recorded as Instrument No. 488686, records of Twin Falls County Recorder, Twin Falls, Idaho. Said Water Right Agreement provides in part for the upkeep and maintenance of a pipeline system (referred to herein as "the Pipeline System") for delivery of certain water, including the water referred to above conveyed by Grantor to FCB.
4. The Pipeline System through which said water right is delivered and which is the subject of this

agreement is located in part on a parcel of ground particularly described on Exhibit "B" attached hereto.

5. It is the intention of the parties by this agreement to apportion the rights and obligations of Grantor under the Water Right Agreement, in order to provide for delivery of the water being conveyed by Grantor to FCB.

B. AGREEMENT.

NOW, THEREFORE, in consideration of the covenants contained herein, the parties agree as follows:

1. Delivery of Water. Following the execution of the Settlement Agreement and related documents by FCB and Grantor, the Conveyed Water shall be delivered through the Pipeline System to a spur pipeline for conveyance by FCB to the Property.

2. Apportionment of Cost.

2.1 FCB or its successors in interest shall be responsible for the entire cost of the upkeep, maintenance, operation, and replacement of the spur pipeline beginning at and from the point the spur pipeline connects with the Pipeline System, including a pump, electrical panel, and pipe, which delivers water exclusively to the Property, including, without limitation, the costs for establishing a separate electrical power box and meter and the electricity for operating the pump currently located near where the spur pipeline connects with the pipeline system.

2.2 In addition to those costs which are its exclusive responsibility under paragraph 2.1, FCB or its successors in interest shall pay to Grantor a portion of the cost of the upkeep, maintenance, operation, and replacement of the Pipeline System which cost is the responsibility of Grantor under the Water Right Agreement (referred to herein as "Pipeline Costs"), in an amount equal to the same proportion of the Pipeline Costs that the amount of said Conveyed Water bears to the amount of water that determines and establishes Grantor's share of the Pipeline Costs.

2.3 In the event FCB conveys the Property to a third party, FCB, and it only, shall have no further obligation to pay any portion of the Pipeline Costs, except those costs which have been incurred by Grantor as a result of services or materials actually provided for the Pipeline System prior to the closing of the conveyance by FCB to such third party. Notwithstanding the foregoing sentence,

successors in interest to FCB, including such third party, shall have the obligation to pay according to paragraph B 2.2 above herein.

3. Continued Operation of System.

3.1 Grantor shall continue to manage and operate the pipeline system in accordance with the obligation of Grantor under the Water Right Agreement such that the water conveyed to FCB by Grantor shall continue to be delivered to the spur pipeline in the manner and at the times substantially the same as has been done in the past. In the past there have been, and in the future there can be expected to be interruptions and reductions in the flow and delivery of water due to repairs, maintenance, replacements, relocations, servicing, and causes beyond Grantor's control.

3.2 Grantor may move the pipeline from its present precise location in the event that it is necessary or convenient to Grantor to do so; provided, that the following conditions are met: (a) the continued flow of water to the spur pipeline is not unduly or unreasonably interrupted or reduced; (b) the point of delivery to the spur pipeline is not moved without the express written consent of the owner of the Property; and (c) that portion of the Pipeline System now located on the land described on Exhibit "B" attached hereto is not moved off that parcel of land.

3.3 Subject to the provisions of Section 4.2 below, in the event of any interruptions or reductions in the flow of water to FCB's spur pipeline for any reason, other than Grantor's negligence or Grantor's breach of this Agreement, Grantor shall not be liable to FCB or FCB's successors in interest for claims or damages arising from non-delivery of the Conveyed Water, or any portion thereof, to FCB's spur pipeline.

4. Access to System.

4.1 In the event that Grantor fails or refuses to perform its obligations to repair, maintain, or replace the Pipeline System consistent with Section 3 above, such that the condition of the Pipeline System interferes with the delivery of water to the spur pipeline, then FCB and its designated agents shall have the right to go upon the real property described on Exhibit "B" for the purpose of accomplishing reasonable maintenance, repair, and replacement of the Pipeline System as needed.

4.2 Grantor shall reimburse FCB promptly for expenses incurred by FCB to accomplish reasonable maintenance, repair, and replacement of the Pipeline System as provided in Section 4.1 above.

4.3 In addition to the foregoing, FCB and its successors in interest shall have reasonable access over and across the land described on Exhibit "B" in order to maintain, repair, or replace the spur pipeline, pump, electrical panel, powerline to the electrical panel, and the pipeline which delivers water exclusively to the Property. Following completion of such repairs, maintenance, or replacement, FCB and its designated agents shall return the ground on which such work was done to substantially the same condition as the ground was in at the commencement of such work. FCB shall compensate Grantor for the reasonable value of planted crop seed or growing crops that are damaged during such repair, maintenance, or replacement work.

5. Quality of Water. By execution of this Agreement and consent to the obligations imposed upon Grantor herein, Grantor does not guarantee or warrant the quality of water to be supplied through the Pipeline System after the date hereof.

6. Adjudication of Water Right.

6.1 All of the water rights described herein are subject to future rulings of Courts of competent jurisdiction in the Snake River Adjudication proceeding. Grantor does not guarantee or warrant the effect that such litigation or any litigation may have on the priority date, quantity, use, or place of use of the conveyed water rights.

6.2 FCB or its successors in interest shall be responsible for perfecting and maintaining the conveyed water right, including, without limitation, filing any necessary modification to the existing Water Adjudication Claim which covers the water right described above.

7. Binding Effect. This agreement shall be binding upon the heirs, devisees, personal representatives, successors and assigns of the parties hereto; and shall, with respect to the Property described on Exhibit "A," be deemed a covenant running with the land for the benefit of the Property.

8. Attorney Fees. In the event any legal or equitable action is filed seeking a remedy for breach of, or declaration of rights under this agreement, the prevailing

party in such litigation shall be entitled to an award of reasonable litigation costs and attorney fees incurred in such litigation, in addition to such other and further relief as is awarded by the court.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

FARM CREDIT BANK OF SPOKANE

By: M. Wayne Dennis

Position: Sen. Credit Officer

Robert B. Travers
ROBERT B. TRAVERS, Co-Trustee
of the Plateau Trust dated
October 13, 1980

William B. Travers
WILLIAM B. TRAVERS, Co-Trustee
of the Plateau Trust dated
October 13, 1980

Robert H. Brailsford
ROBERT H. BRAILSFORD

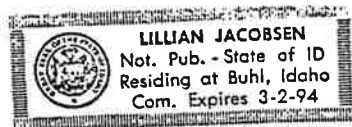
STATE OF IDAHO

County of Twin Falls

)
) ss.
)

On this 2nd day of March, 1990, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared M. Wayne Dennis, known to me to be the Senior Credit Officer who executed the foregoing 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.

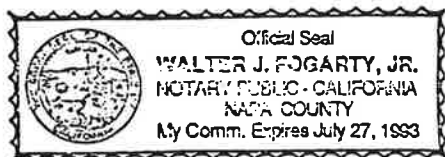


Lillian Jacobsen
NOTARY PUBLIC FOR IDAHO
Residing at:
My commission expires:

STATE OF CALIFORNIA)
County of NAPA) ss.

On this 5TH day of ~~January~~ ^{FEBRUARY}, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT B. TRAVERS, known to me to be the person whose name is subscribed to the foregoing instrument as Co-Trustee of Plateau Trust, and acknowledged to me that he executed the same as Co-Trustee for Plateau Trust.

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



Walter J. Fogarty, Jr.
NOTARY PUBLIC FOR IDAHO - CALIFORNIA
Residing at: NAPA COUNTY
My commission expires: 7-27-93

STATE OF California)
County of SANTA BARBARA) ss.

On this 16th day of January, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM B. TRAVERS, known to me to be the person whose name is subscribed to the foregoing instrument as Co-Trustee of Plateau Trust, and acknowledged to me that he executed the same as Co-Trustee for Plateau Trust.

MICROFILMED
FEB 02 1993

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



Kathleen D Krause
NOTARY PUBLIC FOR IDAHO CALIFORNIA
Residing at: CARPINTERIA, CA.
My commission expires: 8-27-90

STATE OF IDAHO)

County of)

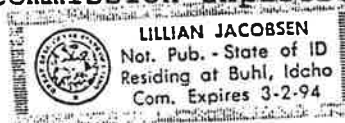
Twin Falls)

ss.

On this 2nd day of March, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT H. BRAILSFORD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that 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.

Lillian Jacobsen
NOTARY PUBLIC FOR IDAHO
Residing at: Buhl
My commission expires: 3-2-94



MICROFILMED
FEB 02 1993

EXHIBIT "A"

PARCEL NO. 1:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 11: SW1/4; E1/2SE1/4; SW1/4SE1/4

Section 12: S1/2

Section 13: ALL

Section 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

Township 8 South, Range 14 E., B.M., Twin Falls
County, Idaho

Section 7: Lots 7, 8; SE1/4SW1/4; W1/2SE1/4

Section 18: E1/2NW1/4; W1/2NE1/4; Lots 1, 2, 3 and
4

PARCEL NO. 2:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 11: NW1/4SE1/4

PARCEL NO. 3:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho

Section 10: S1/2S1/2SE1/4

Section 11: S1/2N1/2NE1/4; S1/2NE1/4

Section 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4

Section 15: N1/2NE1/4; N1/2S1/2NE1/4

All subject to Twin Falls County Highway Right of
Way

TOGETHER WITH all water and water rights of every
kind and description and however evidenced, used
upon or appurtenant to said property, which in any
manner entitles Grantor to water, including but not
limited to water rights under Permit Nos. A02-10005
and A02-07249 and Thousand Springs Water Statutory
Claim No. A36-04260 (not to exceed 16.15 gallons per
minute or 0.0360 c.f.s. from said Statutory Claim
No. A36-04260).

TOGETHER WITH any and all tenements, hereditaments,
easements, rights, privileges, and appurtenances
thereunto belonging or used in connection therewith,
and the reversions, remainders, rents, issues, and
profits thereof.

MICROFILMED

FEB 02 1993

TOGETHER WITH all rights including access over and across land owned by the Bureau of Land Management as granted for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock, and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

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EXHIBIT "B"

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 6: Lots 10 and 11
Section 7: Lots 2, 3, NE1/4NW1/4, Lot 5

EXCEPT

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 7: A tract of land located in Government Lot 5, more particularly described as follows:

BEGINNING at the Southeast corner of said Section 7;

THENCE North $0^{\circ}10'21''$ East for a distance of 2482.61 feet along the easterly boundary of said Section 7 to the Meander Corner for Sections 7 and 8 on the Left Bank of the Snake River;

THENCE North $56^{\circ}45'48''$ West for a distance of 419.13 feet to a point on the easterly right-of-way boundary of U.S. Highway 30, Project No. F-2361(12) and the TRUE POINT OF BEGINNING;

THENCE Northwesterly for a distance of 640.22 feet on the arc of a nontangent curve to the left with a radius of 2914.79 feet, a central angle of $12^{\circ}35'05''$ and a chord which bears North $44^{\circ}31'30''$ West 638.94 feet to an angle point in said boundary;

THENCE North $42^{\circ}33'54''$ West for a distance of 241.00 feet to an angle point in said right-of-way boundary;

THENCE Northwesterly for a distance of 53.47 feet on the arc of a curve left with a radius of 2240.08 feet, a central angle of $1^{\circ}19'20''$ and a chord which bears North $50^{\circ}00'34''$ West 53.47 feet along said right-of-way boundary;

THENCE North $50^{\circ}21'19''$ East for a distance of 556.92 feet to a point on the approximate high water line of the Snake River;

THENCE South $30^{\circ}23'16''$ East for a distance of 281.77 feet southeasterly along said approximate high water line to a point 25.00 feet northwesterly at right angles from the northwesterly boundary of Burden's Lodge Subdivision;

THENCE South $55^{\circ}34'00''$ West for a distance of 139.54 feet parallel with and 25.00 feet northwesterly from the northwest boundary of said Burden's Lodge Subdivision to a point on the northerly projection of the Southwest boundary of said Burden's Lodge Subdivision;

THENCE South $29^{\circ}37'00''$ East for a distance of 582.35 feet along the southwesterly boundary of said Burden's Lodge Subdivision and its projection to an angle point in said Boundary;

THENCE South $22^{\circ}30'00''$ East for a distance of 164.59 feet along said southwesterly boundary;

THENCE South $74^{\circ}41'46''$ West for a distance of 160.74 feet to the TRUE POINT OF BEGINNING.

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AND EXCEPT

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 7: A parcel of land being part of Burden's Lodge
Subdivision and part of government Lot 5, more particularly
described as follows:

BEGINNING at the southeast corner of said Section 7;

THENCE North $0^{\circ}10'21''$ East for a distance of 2482.61 feet
along the easterly boundary of Section 7 to the Meander
Corner for Section 7 and 8 on the left bank of the Snake
River;

THENCE North $5^{\circ}30'18''$ West for a distance of 164.72 feet to
the southeast corner of Lot 33 of said Burden's Subdivision
and the TRUE POINT OF BEGINNING;

THENCE South $89^{\circ}59'00''$ West for a distance of 283.90 feet to a
point on the easterly right-of-way boundary of U.S.
Highway 30, Project No. F-2361(12);

THENCE northwesterly along said right-of-way boundary for a
distance of 83.21 feet on the arc of a non-tangent curve
to the left with a radius of 2914.79 feet, a central
angle of $1^{\circ}38'08''$ and a chord which bears North 37
degrees $41'05''$ West for a distance of 83.20 feet;

THENCE North $74^{\circ}41'46''$ East for a distance of 160.74 feet to
the westerly boundary of Lot 31 of said Burden's Lodge
Subdivision;

THENCE South $22^{\circ}30'00''$ East for a distance of 42.21 feet to
the southwest corner of Lot 32 of said Burden's Lodge
Subdivision;

THENCE North $71^{\circ}52'00''$ East for a distance of 125.00 feet to
the southeast corner of said Lot 32 of Burden's Lodge
Subdivision;

THENCE South $22^{\circ}30'00''$ East for a distance of 117.00 feet to
the southeast corner of said Lot 33 of Burden's Lodge
Subdivision and the TRUE POINT OF BEGINNING.

AND ALSO EXCEPT

ALL of BURDEN'S LODGE SUBDIVISION, Twin Falls County, Idaho
according to the official plat thereof, recorded in Book 8 of
Plats, page 8, records of Twin Falls County, Idaho.

AND ALSO EXCEPT

U.S. Highway 30 Project No. F-2361(12), Twin Falls County,
Idaho

SUBJECT TO: Twin Falls County Highway Right-of-way

MICROFILMED
FEB 02 1993

27926-ly

967444

State of Idaho) ss
Co. of Twin Falls)
I hereby certify that this
Ints. Map has been filed at
request of

TITLEFACT, Inc.

11.3.1990 this
MAR. 12 1990

In my office at & recorded

In Book

RICHARD A. PENCE

Richard A. Pence

Fee \$ 18.00 Deputy return to

NONMERGER WARRANTY DEED
FCB Loan No. 13461 301 01
Plateau Trust

Until a change is requested,
all tax statements shall be
sent to the following address:

Farm Credit Bank of Spokane
c/o Farm Credit Services - Twin
Falls
129 Eastland Drive
P.O. Box 288
Twin Falls, Idaho 83303-0288

THIS DEED, made this 16th day of January, 1990, between
ROBERT TRAVERS and WILLIAM B. TRAVERS, Co-Trustees of the
Plateau Trust dated October 13, 1980, and ROBERT H.
BRAILSFORD, the Grantors, and FARM CREDIT BANK OF SPOKANE, a
corporation chartered under the laws of the United States,
(FCB) successor by merger to The Federal Land Bank of Spokane,
a corporation formerly chartered under the laws of the United
States, whose mailing address is West 601 First Avenue,
TAF-C5, Spokane, Washington 99220, the Grantee,

WITNESSETH, that for and in consideration of the covenants
hereinafter contained, the avoidance of the costs and expense
of foreclosure litigation, the payment by Grantee of all title
insurance premiums and recording and transfer fees, costs, and
expenses, and other good and valuable consideration, the
Grantors do by these presents grant, convey, and warrant
forever unto the Grantee, and to its successors and assigns,
all the property described on Exhibit "A" attached hereto and
incorporated herein.

ALL SITUATE IN County of Twin Falls, State of Idaho,
subject to rights of way and easements for roads,
utilities, and irrigation ditches as same exist or
appear of record, and mortgage to Grantee dated
January 21, 1985, and recorded February 28, 1985.

TOGETHER WITH all water and water rights of every
kind and description and however evidenced, used
upon or appurtenant to said property, which in any
manner entitle Grantors to water, including but not
limited to water rights under Permit Nos. A02-10005
and A02-07249 and Thousand Springs Water Statutory
Claim No. A36-04260 (not to exceed 16.15 gallons per
minute or 0.0360 c.f.s. from said statutory Claim
No. A36-04260).

MICROFILMED
FEB 02 1993

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges, and appurtenances thereunto belonging or used in connection therewith, including all of the rights granted to FCB and its successors in interest pursuant to the terms of a Joint Use Agreement dated January 16th, 1990, between Grantors and FCB; and the reversions, remainders, rents, issues, and profits thereof.

SUBJECT TO all reservations, restrictions, covenants, easements, and uses of record, apparent or in use.

Including the entirety of Grantor's right, title, and interest in 283 AUM's of BLM Grazing Permits.

TO HAVE AND TO HOLD, all and singular, the said property, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever. Grantors covenant with Grantee that the former is now seized in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances (except those set forth above); that Grantors and all persons acquiring any interest in the same through or for them will, on demand, execute and deliver to Grantee at Grantee's expense, any further assurance of the same that may be reasonably required; and that Grantors will warrant to Grantee all of the said property against every person lawfully claiming the same, except those claiming under the above exceptions.

This deed is absolute in effect and conveys fee simple title of the property above described to the Grantee and does not operate as a rescission or as a mortgage, trust conveyance, or security agreement of any kind.

Grantee's acceptance of this conveyance is conditioned upon there being no liens against the property, except for those set forth above.

This deed does not effect a merger of the fee ownership and the lien of the mortgage described herein. The fee and lien shall hereafter remain separate and distinct. It is not the intent of the parties to affect the subrogation rights of any third parties.

By acceptance of this deed, Grantee covenants and agrees that it shall not enforce any judgment against Grantors for the indebtedness evidenced by the promissory note secured by that

certain mortgage executed by Robert H. Brailsford, unmarried; Arthur K. Simpson, as Trustee of the Plateau Trust dated October 13, 1980, Mortgagors, to The Federal Land Bank of Spokane, a corporation, Mortgagee, dated January 21, 1985, and recorded on February 28, 1985, as Instrument No. 876457, in the official records of Twin Falls County, Idaho. This deed shall not operate to preclude Grantee from proceeding in any action to enforce the mortgage, but shall preclude Grantee from obtaining a deficiency judgment against Grantors.

Grantors do hereby waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the property and mortgage described above.

Grantors hereby surrender and deliver possession of the property to Grantee.

Grantors declare that this conveyance is freely and fairly made, and Grantors are not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence, or misrepresentation of Grantee, its agent, or attorney, or any other person.

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



ROBERT TRAVERS, Co-Trustee of
the Plateau Trust dated
October 13, 1980



WILLIAM B. TRAVERS, Co-Trustee
of the Plateau Trust dated
October 13, 1980

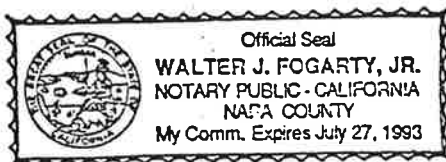


ROBERT H. BRAILSFORD

STATE OF CALIFORNIA)
County of NAPA) ss.

On this 5th day of FEBRUARY, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT TRAVERS, Co-Trustee of the Plateau Trust dated October 13, 1980, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed on behalf of said Trust.

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



Walter J. Fogarty
NOTARY PUBLIC FOR: CALIFORNIA
Residing at: NAPA COUNTY
My commission expires: 7-27-93

STATE OF California)
County of Santa Barbara) ss.

On this 16th day of JANUARY, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM B. TRAVERS, Co-Trustee of the Plateau Trust dated October 13, 1980, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed on behalf of said Trust.

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



Kathleen D. Krause
NOTARY PUBLIC FOR: CALIFORNIA
Residing at: CARPINTERIA
My commission expires: 8-27-90

STATE OF IDAHO

County of Twin Falls

)
) ss.
)

On this 2nd day of March, 19 , before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT H. BRAILSFORD, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that 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.

Lillian Jacobsen
NOTARY PUBLIC FOR IDAHO
Residing at: Buhl
My commission expires: 3-2-94



EXHIBIT A

PARCEL NO. 1

Township 8 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 11: SW1/4; E1/2SE1/4; SW1/4SE1/4
Section 12: S1/2
Section 13: ALL
Section 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

Township 8 South, Range 14 E., B.M., Twin Falls County, Idaho
Section 7: Lots 7, 8; SE1/4SW1/4; W1/2SE1/4
Section 18: E1/2NW1/4; W1/2NE1/4; Lots 1, 2, 3 and 4

PARCEL NO. 2

Township 8 South, Range 13 E., B.M., Twin Falls County, Idaho
Section 11: NW1/4SE1/4

PARCEL NO. 3

Township 8 South, Range 13 E., B.M., Twin Falls County, Idaho.
Section 10: S1/2S1/2SE1/4
Section 11: S1/2N1/2NE1/4; S1/2NE1/4
Section 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4
Section 15: N1/2NE1/4; N1/2S1/2NE1/4

All subject to Twin Falls County Highway Right of Way

Hereby granting unto grantee as an appurtenance to the herein described property all rights including access over and across land owned by the Bureau of Land Management as granted to Grantors for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

MICROFILMED

FEB 02 1993

WARRANTY DEED

FOR VALUE RECEIVED, FARM CREDIT BANK OF SPOKANE, successor by merger to the Federal Land Bank of Spokane, the Grantor, does hereby grant, bargain, sell and convey unto JACK F. DUNCAN and JANET H. DUNCAN, husband and wife; and PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife, Grantees, the following described premises located in County, Idaho, to-wit:

PARCEL NO. 1:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho
Section 11: SW1/4; E1/2SE1/4; SW1/4SE1/4
Section 12: S1/2
Section 13: ALL
Section 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

Township 8 South, Range 14 E., B.M., Twin Falls
County, Idaho
Section 7: Lots 7, 8; SE1/4SW1/4; W1/2SE1/4
Section 18: E1/2NW1/4; W1/2NE1/4; Lots 1, 2, 3, & 4

PARCEL NO. 2:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho
Section 11: NW1/4SE1/4

PARCEL NO. 3:

Township 8 South, Range 13 E., B.M., Twin Falls
County, Idaho
Section 10: S1/2S1/2SE1/4
Section 11: S1/2N1/2NE1/4; S1/2NE1/4
Section 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4
Section 15: N1/2NE1/4; N1/2S1/2NE1/4

All subject to Twin Falls County Highway Right of Way

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Seller to water, including but not limited to water rights under Permit Nos. A02-10005 and A02-07249 and Thousand Springs Water Statutory Claim No. A36-04260.

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges, and appurtenances

thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues, and profits thereof.

TOGETHER WITH all of Seller's rights and SUBJECT TO all of Seller's obligations pursuant to the terms of a Joint Use Agreement dated March 2, 1990, between Seller and Robert Travers and William B. Travers, Co-trustees of the Plateau Trust, dated October 13, 1980, and Robert H. Brailsford.

TOGETHER WITH all rights including access over and across land owned by the Bureau of Land Management as granted for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock, and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

TOGETHER WITH Bureau of Land Management grazing preference for 283 AUM's for which the above-described real property serves as base property.

SUBJECT TO the terms of an Electric Service Agreement between Robert H. Brailsford and Idaho Power Company.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees that it is the owner in fee simple of said premises; that the premises are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED This 24 day of May, 1990.

FARM CREDIT BANK OF SPOKANE

By: m. Waupre

Position: Senior Credit Officer

MICROFILMED

FEB 02 1993

STATE OF IDAHO)

County of Twin Falls) ss.

On this 24 day of May, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared M. Wayne Dennis, known to me to be the authorized agent of Farm Credit Bank of Spokane who executed the foregoing 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.

Sharon K. Kline
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls
My commission expires: 3-5-1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SALMON FALLS LAND & LIVESTOCK CO C/O MIKE HENSLEE 95A BELL RAPID RD HAGERMAN ID 83332 (208) 837-4917	12/10/1901	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.03 CFS 0.03 CFS	26.20 AFA
TOTAL DIVERSION:					0.03 CFS	26.20 AFA

D JANET H DUNCAN
D PAUL H DUNCAN
D KATHY F DUNCAN
D JACK F DUNCAN
RT 1 BOX 293A
RUPERT ID 83350
(208) 436-6848

Water Source: SPRINGS

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T08S R14E S06 Lot08(SESSESE)

GOODING County

Place of use Legal Description for: STOCKWATER

	NE	NW	SW	SE
NENE N1/4 S1/4 SENE	: NENW N1/4 S1/4 SENE	: NESW N1/4 S1/4 SENE	: NENE N1/4 S1/4 SENE	: NESW N1/4 S1/4 SENE
T R S : Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac
08S 13E 14	S	:	:	:
08S 14E 18	S	:	:	:

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

POU County: TWIN FALLS

Non-Irrigation Uses: DOMESTIC/ SHOP; STOCKWATER/ UP TO 2000 RANGE CATTLE

Other Rights: NONE

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Remarks: GEN THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04260A AND 36-04260B.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Flagged C.
hold at it.
KRC
10-7-96

Comments: Date: 02/08/1991 User-ID: BEDKE Subject: LW-STAFF REVIEW

Date: 10/23/1992 User-ID: MERRITT Subject: BASIS OF RIGHT CHANGED SINCE BRALLSFORD PROVIDED EVIDENCE THAT THE RIGHT WAS DECREED IN CLAMPITT VS HERRON DATED IN 1945. ADDED CONDITION C05 AND ERROR FLAG D.

Date: 11/29/1994 User-ID: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 11/22/94 FORMER OWNERS DUNCANS AKA
HIGHLAND RANCH NEW OWNER SALMON FALLS LAND & LIVESTOCK CO. COPY
OF WARRANTY DEED SUBMITTED WITH FORM.

Date: 01/03/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.
*CONFIRMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS

Audit: 09/30/96 DSHAFF

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-04260C

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

May 18, 1998 1:50pm

NAME:
WEST NASH CALLIN

RE:
BRAILSFORD PIPELINE

HE WANTED TO KNOW WHAT THE FLOW IN THE PIPELINE HAS BEEN MEASURED AS... BASED ON MY REVIEW OF THE FILE EARLIER TODAY, I READ WHERE LOREN HOLMES HAS STATED THE FLOW IS CAPABLE OF 10.5 CFS BUT THE ACTUAL APPROPRIATION OF BENEFICIAL USE HAS NEVER BEEN ESTABLISHED PRIOR TO THE SRBA.

COPY

APR 25 PM 3:04

DISTRICT COURT-SRBA
TWIN FALLS CO., 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 SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-04260C

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Paul H and Kathy F Duncan

Jack F and Janet H Duncan

Rt 1 Box 293A

Rupert ID 83350

Phone: 436-6848

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Salmon Falls Land & Livestock Co Inc

123 Bell Rapids Rd

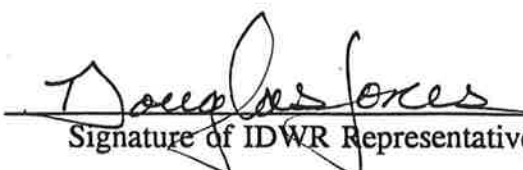
Hagerman ID 83332

Phone: 837-4917

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/22/92


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4-25, 1997, I mailed the original and copies of this form to the following persons, 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. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Paul H and Kathy F Duncan
Jack F and Janet H Duncan
Rt 1 Box 293A
Rupert ID 83350
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Salmon Falls Land & Livestock Co Inc
123 Bell Rapids Rd
Hagerman ID 83332
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-28-1997

PAGE: A-13

RIGHTS FROM: SOURCE: SPRINGS TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 36-04260C

NAME & ADDRESS: SALMON FALLS LAND & LIVESTOCK CO INC
123 BELL RAPIDS RD
HAGERMAN ID 83332-6041

SOURCE: SPRINGS TRIBUTARY: SNAKE RIVER

QUANTITY: 0.036 CFS
26.2 AFYTHE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 12/10/1901

POINT OF DIVERSION: T08S R14E S06 LOT 8 (SESESE) Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.036 CFS
	DOMESTIC DOMESTIC/ SHOP; STOCKWATE	01-01 12-31	26.2 AFY
			0.036 CFS

PLACE OF USE: STOCKWATER Within TWIN FALLS County
T08S R13E S14 NWNE
R14E S18 NWNE

Place of use for DOMESTIC is same as STOCKWATER

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.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04260A AND 36-04260B.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.



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

April 25, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SALMON FALLS LAND & LIVESTOCK
123 BELL RAPIDS RD
HAGERMAN ID 83332

RE: SRBA Claim(s) 36-04260

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Enclosed you will also find copies of adjudication profile reports on the above water rights showing your correct address. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Paul H and Kathy F Duncan
Jack F and Janet H Duncan

o/c no 83

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

03/25/97 13:15:09
Page 1

Water Right Number - R36-04260C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
SALMON FALLS LAND & LIVESTOCK CO INC

1 - 123 BELL RAPIDS RD
2 -
3 -
City- HAGERMAN
Phone - 208-837-4917

State- ID Zip- 833326041

*** D - DIR RPT OWNER ***
DUNCAN

JANET H

1 - RT 1 BOX 293A
2 -
3 -

State- ID Zip- 83350

DUNCAN

PAUL H

City- RUPERT
Phone - 208-436-6848
1 - RT 1 BOX 293A
2 -
3 -

DUNCAN

KATHY F

State- ID Zip- 83350

City- RUPERT
Phone - 208-436-6848
1 - RT 1 BOX 293A
2 -
3 -

DUNCAN

JACK F

State- ID Zip- 83350

City- RUPERT
Phone - 208-436-6848
1 - RT 1 BOX 293A
2 -
3 -

State- ID Zip- 83350

City- RUPERT
Phone - 208-436-6848

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/10/1901 17 SOUTHERN D - DECREE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
SPRINGS SNAKE RIVER

+ - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

08S 14E 6 SE SE SE 8 (47) GOODING

+ - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

04 - STOCKWATER 01/01 12/31 0.036 26.20
43 - DOMESTIC 01/01 12/31 0.036

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.036 26.20 0.0

"DO NOT FILM"

Prefix Translation: RESEARCH

Total Acres:

+ - - Other Rights for Same Use - NONE

GEN THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-04260A AND 36-04260B.

No Old Water Right Numbers Found

- - - - - Old Water Right Numbers - - - - - +

Conditions of Approval

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

| + - - - - | - Decree Plaintiff | - - - + | + - - - - | - Decree Defendant | - - - + | + - Decree Date |
|-----------|--------------------|---------|-----------|--------------------|---------|-----------------|
| | | | | | | 00/00/0000 |

Date: 02/08/1991 User Id: BEDKE Subject: LW-STAFF REVIEW
 Date: 10/23/1992 User Id: MERRITT Subject: BASIS OF RIGHT CHANGED SINCE BRAILSFORD PROVIDED EVIDENCE
 THAT THE RIGHT WAS DECREED IN CLAMPIIT VS HERRON DATED IN
 1945. ADDED CONDITION C05 AND ERROR FLAG D.
 Date: 11/29/1994 User Id: JGIVENS Subject: OWNERSHIP CHANGE
 CHANGE OF OWNERSHIP RECEIVED 11/22/94 FORMER OWNERS DUNCANS AKA HIGHLAND RANCH NEW OWNER SALMON FALLS LAND & LIVESTOCK CO. COPY
 OF WARRANTY DEED SUBMITTED WITH FORM.
 Date: 01/03/1996 User Id: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
 THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
 K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.
 *CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS
 Date: 10/02/1996 User Id: D&S-DSHA Subject: D&S CONDITION CODE UPDATE
 CONDITION CODE N11 ADDED
 Date: 03/25/1997 User Id: TRAWCETT Subject: ADDRESS CHANGE
 ADDRESS CHANGED PER LETTER REC'D 3/11/97.

- - Audit Fields - - + . 03/25/97 TFAWCETT

"DO NOT FILM"

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | old Judicial District | - |
| Claim Received Date | - 11/22/1988 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - X777777 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - D |

"DO NOT FILM"

Old (D) Number -

+ - - - - - Address - - - - - +

1 - 123 BELL RAPIDS RD
2 -
3 -
City - HAGERMAN
Phone - 208-837-4917
State- ID Zip- 833326041

Phone - 200-637-4917

1 - RT 1 BOX 293A
2 -
3 -

State- ID Zip- 83350

State- ID Zip- 83350

State- ID Zip- 83350

| | + - - | Stage | - - + | + - - | Status | - - - + |
|------------|-------|-------|-------|-------|--------|---------|
| D - DECREE | | | | | | |

+ - - - - Tributary - - - - - +
SNAKE RIVER

[illegible]

(47) GOOD ING

----- Diversion Rate ----- Diversion Volume ----- +

| | |
|-------|-------|
| 01/01 | 12/31 |
| 01/01 | 12/31 |

+ - Total Consumptive Use - + - KW Usage - +

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)03/25/97 13:14:12
Page 2

Water right number - 36-04260C

Prefix Translation: WATER RIGHT

| Trn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-----------------|
| 08S | 13E | 14 | NW NE | | | 04 | STOCKWATER | (83) TWIN FALLS |
| 08S | 14E | 18 | NW NE | | | 04 | STOCKWATER | (83) TWIN FALLS |

Total Acres:

- - - Diversion Means - PIPELINE, PUMPS,
- - - Non-Irrigation Use - DOMESTIC/ SHOP; STOCKWATER/ UP TO 2000 RANGE CATTLE
- - - Other Rights for Same Use - NONE

GEN THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04260A AND 36-04260B.

No Old Water Right Numbers Found

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - Decree Date - - +
00/00/0000

Date: 02/08/1991 User Id: BEDKE Subject: LW-STAFF REVIEW
Date: 10/23/1992 User Id: MERRITT Subject: BASIS OF RIGHT CHANGED SINCE BRAILSFORD PROVIDED EVIDENCE
THAT THE RIGHT WAS DECREED IN CLAMPITT VS HERRON DATED IN 1945. ADDED CONDITION C05 AND ERROR FLAG D.
Date: 11/29/1994 User Id: JGIVENS Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED 11/22/94 FORMER OWNERS DUNCANS AKA HIGHLAND RANCH NEW OWNER SALMON FALLS LAND & LIVESTOCK CO. COPY
OF WARRANTY DEED SUBMITTED WITH FORM.
Date: 01/03/1996 User Id: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT OWNER CHANGE.
*CONFORMED NAME/ADDRESS TO AVOID DUPLICATE MAILING LABELS
Date: 03/25/1997 User Id: TFANCETT Subject: ADDRESS CHANGE
ADDRESS CHANGED PER LETTER REC'D 3/11/97.

- - - Audit Fields - - +
03/25/97 TFANCETT

- - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 11/02/1992 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -

"DO NOT FILM"

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

03/25/97 13:14:12
Page 3

Water right number - 36-04260C

Prefix Translation: WATER RIGHT

+ - - - - Claim Received Date - 11/22/1988 - - - - - Adjudication Rights Dates and Flags Area - - - - - +
- - - - - Last Amended Date - 00/00/0000 - - - - - Temporary Right - P
- - - - - Receipt Number - X777777 - - - - - Water District - -
- - - - - POU Ownership Flag - Y - - - - - Federal/State Indicator - S
- - - - - Name Connector - AND/OR - - - - - Presumption Flag - -
- - - - - - - - - - - Notice of Error Flag - D

"DO NOT FILM"

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: **A36-04260C**
Date Received: 11/22/1988
Receipt No: X777777
Received By: _____

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

1. Name: SALMON FALLS LAND & LIVESTOCK CO 208-837-4917
Address: C/O MIKE HENSLEE
BELL RAPID RD
HAGERMAN ID 83332

2. Date of Priority: DEC 10, 1901

3. Source: SPRINGS Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 08S | 14E | 6 | SE | SE | | 8 | GOODING |

5. Description of diverting works:
PIPELINE, PUMPS,

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 01/01 | 12/31 | 0.036 | | |
| DOMESTIC | 01/01 | 12/31 | 0.036 | | |

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

8. Total consumptive use is 606.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, ? HOMES; STOCKWATER, 2000 RANGE; COMM. CAFE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use |
|----------|-------|---------|--------|-----|-----|-------|
| 08S | 13E | 14 | NW | NE | | STOCK |
| | 14E | 18 | NW | NE | | STOCK |

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DEC 04 1996

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
NONE

14. Remarks:

CLAIM WAS SPLIT FROM A36-04260 BY OWNERSHIP CHANGE 1/4/91 BY JG.

OWNERSHIP CHANGE 11/29/94 BY JG.

15. Basis of Claim: BENEFICIAL USE

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 _____ 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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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DEC 04 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10-5-94

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: ADZ-10005R ACZ-7249B, A36-042600

[] Name and Address of Former Owner/Claimant(s)(Seller): Highland Ranch -
P.O. Box 1120 -
Burley, ID 83318

[] New Owner/Claimant (Purchaser): Salmon Falls Land & Livestock Company

[] New Mailing Address: c/o Mr. & Mrs. Henslee
Boil Rapids Road -
Hayden, ID 83332

[] New Telephone Number: (208) 837-4917

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: Record Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s): James & Henslee Date 10-5-94

[] Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 11/29/94 By: SG

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

DEC 04 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

ACTION REQUIRED

11/28/94 1:50 pm

FROM:

Judy Givens /JS

TO:

Files: A02-10005B, A02-07249B A36-04260C

Called Larry Roberts, Mgr. Land Title in Burley, concerning above-referenced claims. I received Change of Ownership form but the Original Owners Lists the Duncans on Claims, form shows Highland Ranch as original owners. Larry said he would send me a copy of form with the Duncans signatures.

MICROFILMED
DEC 04 1996

SD-0601-2 Last Name: DUNCAN

STATE

| S
E
L | First
Name | O
W
N | Water
Right No. | Priority
Date | Source | Total
Diversion | Use
Code Desc |
|-------------|---------------|-------------|--------------------|------------------|----------------------------|--------------------|------------------|
| | DUNCAN | | | | | | |
| | JACK F | C | A36-11274 | 04/30/1958 | GROUNDWATER | 0.040 | 43 DOMEST |
| | SARAH E | C | A36-12005 | 04/05/1965 | GROUNDWATER | 0.040 | 43 DOMEST |
| | MILDRED | O | A36-02174A | 06/23/1952 | GROUNDWATER | 3.860 | 01 IRR |
| | | | | | SPLIT RIGHT
COMBINED RI | | |
| | SARAH E | C | 36-12005 | 04/05/1965 | GROUNDWATER | 0.040 | 43 DOMEST |
| | JACK F | C | A36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| | | | | | | | 43 DOMEST |
| | JANET H | C | A36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| | | | | | | | 43 DOMEST |
| | PAUL H | C | A36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| | | | | | | | 43 DOMEST |
| | KATHY F | C | A36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| | | | | | | | 43 DOMEST |
| | GRANT D | C | 36-15068 | 10/25/1979 | GROUNDWATER | 0.060 | 43 DOMEST |

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

DEC 04 1996

SD-0601-2 Last Name: DUNCAN

STATE

| S
E
L | First
Name | O
W
N | Water
Right No. | Priority
Date | Source | Total
Diversion | Use
Code Desc |
|-------------|---------------|-------------|--------------------|------------------|-------------|--------------------|------------------|
| - | DUNCAN | | | | | | |
| - | KATHY | C | 36-12170 | 09/30/1957 | | 0.060 | 04 STOCK |
| - | MILDRED | O | 36-02174A | 06/23/1952 | GROUNDWATER | 3.860 | 01 IRR |
| - | | | | | SPLIT RIGHT | | |
| - | | | | | COMBINED RI | | |
| - | PAUL H | C | 36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| - | | | | | | | 43 DOMEST |
| - | KATHY F | C | 36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| - | | | | | | | 43 DOMEST |
| - | JACK F | C | 36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| - | | | | | | | 43 DOMEST |
| - | JANET H | C | 36-04260C | 12/10/1901 | SPRINGS | 0.036 | 04 STOCK |
| - | | | | | | | 43 DOMEST |

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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DEC 04 1996

AJ0749NP
NO. 36-04260C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/29/94
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|--|------------------|------------------------|----------------------------|----------------------|---------------------|
| C | SALMON FALLS LAND & LIVESTOCK CO
C/O MIKE HENSLEE
BELL RAPID RD
HAGERMAN ID 83332
(208) 837-4917 | 12/10/1901 | STOCKWATER
DOMESTIC | 01-01 12-31
01-01 12-31 | 0.03 CFS
0.03 CFS | 26.20 AFA |
| TOTAL DIVERSION: | | | | | 0.03 CFS | 26.20 AFA |

D PAUL H DUNCAN
D KATHY F DUNCAN
D JACK F DUNCAN
D JANET H DUNCAN
RT 1 BOX 293A
RUPERT ID 83350
(208) 436-6848

Water Source: SPRINGS

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T08S R14E S06 Lot08(SESESE)

GOODING County

Place of use Legal Description for: STOCKWATER

| | NE | SE | SW | SE | SW | SE | SE | SE |
|------------|---------|---------|---------|---------|---------|---------|---------|---------|
| T R S | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac |
| 08S 13E 14 | : S | : | : | : | : | : | : | : |
| 08S 14E 18 | : S | : | : | : | : | : | : | : |

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

POU County: TWIN FALLS

Non-Irrigation Uses: DOMESTIC/ SHOP; STOCKWATER/ UP TO 2000 RANGE CATTLE

Other Rights: NONE

Conditions of Approval:

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks: THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04260A AND 36-04260B.

Dates:

Exam Made Date:

Verified Date:

Misc:

Water District Number:

Field Inspection Flag:
Presumption Flag:

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DEC 0 4 1996

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY

NOV 29 1994

Department of Water Resources
Southern Region Office

REFER TO: EC-618
OFFICE: Burley

November 28, 1994

Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301
Attention: Judy

RE: Water Right Adjudication Nos. A02-10005B, A02-72491B
and A365-04260C previously in the name of Jack Duncan
et al

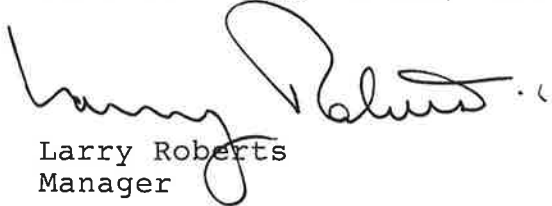
Dear Judy:

Enclosed please find a photostatic copy of a recorded Quitclaim Deed dated May 18, 1992 between Jack H. Duncan and Janet H. Duncan, husband and wife, and Paul H. Duncan and Kathy F. Duncan, husband and wife, and Circle D Farms, Inc., Grantor, to Highland Ranch, a partnership consisting of Jack F. Duncan, Paul H. Duncan, David R. Price and Boyd R. Poulton, on property in Twin Falls County, Idaho.

This deed should enable you to change the Notice of Water Right Ownership into the name of Salmon Falls Land & Livestock Company.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.


Larry Roberts
Manager

LR/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 1199

MICROFILMED

DEC 04 1996

QUITCLAIM DEED

1
2 THIS INDENTURE, made this 18th day of May, 1992.
3 between JACK H. DUNCAN and JANET H. DUNCAN, husband and wife,
4 PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife, and CIRCLE
5 D FARMS, INC., of Rupert, Idaho, herein called the "Grantor",
6 and HIGHLAND RANCH, a partnership, consisting of Jack F. Duncan,
7 Paul H. Duncan, David R. Price and Boyd R. Poulton, of Route 1,
8 Box 364, Rupert, Idaho 83350, herein called the "Grantee".

W I T N E S S E T H:

9
10 The said Grantor, for and in consideration of the sum
11 of Ten Dollars (\$10.00), lawful money of the United States of
12 America, and other valuable consideration to Grantor in hand
13 paid by the Grantee, the receipt whereof is hereby acknowledged,
14 does by these presents remise, release and forever quitclaim
15 unto the Grantee and to the heirs and assigns of the Grantee,
16 all of the interest of the Grantor in that certain lot, piece or
17 parcel of land situated, lying and being in the County of Twin
18 Falls, State of Idaho, bounded and particularly described as
19 follows, to-wit:

20 That real property on Exhibit A and the
21 equipment listed on Exhibit B attached hereto.

22 TOGETHER with all and singular the tenements,
23 hereditaments, and appurtenances thereunto belonging or in
24 anywise appertaining, the reversion and reversions, remainder
25 and remainders, rents, issues, and profits thereof. To have and
26 to hold all and singular the said premises, together with the
appurtenances, unto the Grantee, and to the heirs and assigns of

POOR ORIGINAL

1 Grantee forever.

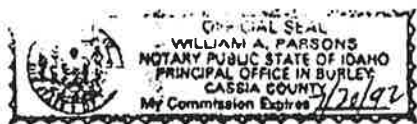
2 IN WITNESS WHEREOF, the Grantor has executed this
3 Quitclaim Deed.

4 Jack F. Duncan
5 Paul H. Duncan
6 Kathy F. Duncan
7 Janet H. Duncan
8 CIRCLE D FARMS, INC.

9 BY William A. Parsons
10 President

11 STATE OF IDAHO)
12) SS
13 County of Cassia)

14 On this 18 day of May, in the year 1992, before me,
15 the undersigned, a Notary Public in and for said State,
16 personally appeared JACK F. DUNCAN and JANET H. DUNCAN, husband
17 and wife, PAUL H. DUNCAN and KATHY F. DUNCAN, husband and wife,
18 known or identified to me to be the persons whose names are
19 subscribed to the within instrument, and acknowledged to me that
20 they executed the same.



22 William A. Parsons
23 Notary Public for Idaho
24 Residing at _____
25 My commission expires on _____
26

27 STATE OF IDAHO)
28) SS
29 County of Cassia)

30 On this 18 day of May, in the year 1992, before me,
31 the undersigned, a Notary Public in and for said State,
32 personally appeared JACK F. DUNCAN, known or identified to me to
33 be the President of CIRCLE D. FARMS, INC., the corporation that
34 executed the instrument or the person who executed the
35 instrument on behalf of said corporation, and acknowledged to me
36

POOR ORIGINAL

Page 2 - Quitclaim Deed

MICROFILMED

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

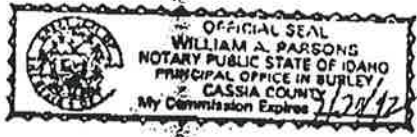
PARSONS, SMITH, STONE & FLETCHER
ATTORNEYS
BURLINGAME, IDAHO

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that such corporation executed the same.

William A. Parsons

Notary Public for Idaho
Residing at _____
My commission expires on _____



CASSIA COUNTY, IDAHO
Parsons, Smith, Stone & Fletcher
1992 NOV 28 2 10 PM - 0006935

EX-107
FEE: \$1.00

POOR ORIGINAL

EXHIBIT "A"
TO Quitclaim Deed

TOWNSHIP 8 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 11: SW1/4; E1/2SE1/4; SW1/4SE1/4

SECTION 12: S1/2

SECTION 13: ALL

SECTION 14: N1/2; E1/2SW1/4; N1/2SE1/4; SW1/4SE1/4

TOWNSHIP 8 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 7: LOTS 7 AND 8; SE1/4SW1/4; W1/2SE1/4

SECTION 18: E1/2NE1/4; W1/2NE1/4; LOTS 1, 2, 3 AND 4

TOWNSHIP 8 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 11: NW1/4SE1/4

TOWNSHIP 8 SOUTH RANGE 13 EAST OF THE BOISE MERIDIAN, TWIN FALLS
COUNTY, IDAHO

SECTION 10: S1/2S1/2SE1/4

SECTION 11: S1/2N1/2NE1/4; S1/2NE1/4

SECTION 12: S1/2NW1/4NW1/4; N1/2SW1/4NW1/4

SECTION 15: N1/2NE1/4; N1/2S1/2NE1/4

(continued)

Page 1 - Exhibit A

POOR ORIGINAL

MICROFILMED

DEC 04 1996

Exhibit A Continued

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property; which in any manner entitle Seller to water, including but not limited to water rights under Permit Nos. A02-10005, and A02-07249 and Thousand Springs Water Statutory Claim No. A36-04260.

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges, and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues, and profits thereof.

TOGETHER WITH all of Seller's rights and SUBJECT TO all of Seller's obligations pursuant to the terms of a Joint Use Agreement dated March 2, 1990, between Seller and Robert Travers and William B. Travers, Co-trustees of the Plateau Trust, dated October 13, 1980, and Robert H. Brailsford.

TOGETHER WITH all rights including access over and across land owned by the Bureau of Land Management as granted for purposes indicated below under BLM Grants described as follows:

1. Decision #I-12511, dated July 29, 1976, for purposes of maintaining a pump station, penstock, and access road, with rights of ingress and egress;
2. Decision #I-16067, dated August 12, 1980, granting an access road; and
3. Decision #I-20652, executed on July 3, 1984, for ingress and egress to maintain pipeline and water supply.

TOGETHER WITH Bureau of Land Management grazing preference for 283 AUM's for which the above-described real property serves as base property.

SUBJECT TO the terms of an Electric Service Agreement between Robert H. Brailsford and Idaho Power Company.

EXHIBIT B...
TO Quitclaim Deed

PERSONAL PROPERTY:

1-500 HP US Electric Motor, Model No. 500GPH with S.C. Turbine Layne Pump Model No. T840-57.

1-500 HP Electric Westinghouse Motor, Model No. 5008-24 with S.C. Turbine Layne Pump Model No. T81003.

1-500 HP Electric Westinghouse Motor, Model No. 5008-24 with S.C. Turbine Pump Model No. T81002.

1-300 HP Electric Westinghouse Motor, Model No. TUDP with S.C. Turbine Pump Model No. T81004.

1-200 HP Electric Westinghouse Motor, Model No. GUDP with S.C. Turbine Pump Model No. T81005.

1-200 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump Model No. 8AD17.

1-200 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump Model No. 8AD17.

1-200 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump Model No. 8AD17.

1-125 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump Model No. 6AD16.

1-125 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump Model No. 6AD16.

1-50 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump.

POOR ORIGINAL

1-50 HP Electric Westinghouse Motor, Model No. TDBP with Centrifugal Peerless Pump. Not in use, but repairable.

1-20 HP Electric Westinghouse Motor, Model No. SBDP with Centrifugal Peerless Pump.

1-50 HP Electric GE Motor, Model No. S-DD with Centrifugal Peerless Pump Model No. F3144AP. Not in use, but repairable.

1-Valley Pivot 1010' in length; 1-Valley Pivot 1220' in length; 1-Valley Pivot 1320' in length; 1-Valley Pivot 1450' in length; 1-Valley Pivot 1315' in length; 1-Wade Rain Pivot 1295' in length; 1-Valley Pivot 1300' in length; 1-Valley Pivot 1100' in length; 1-Valley Pivot 1325' in length; 2-Valley Pivots 1350' in length; 1-Wade Rain Pivot 1320' in length;

600' of 34" buried steel mainline; 1580' of 32" buried steel mainline; 1750' of 32" buried steel mainline; 2800' of 30" buried steel mainline; 2780' of 26" buried steel mainline; 900' of 24" buried steel mainline; 1700' of 22" buried steel mainline; 1080' of 18" buried steel mainline; 2300' of 16" buried steel mainline; 2620' of 14" buried steel mainline; 3784' of 12" buried steel mainline; 13,277' of 10" buried steel mainline; 550' of 8" buried steel mainline; 3822' of 12" exposed steel mainline; 651 joints of 3" aluminum solid set lines; 800 joints of 3" handline with an undetermined number of valve openers and end plugs; aluminum mainline, 50' joints; 10" - 54 joints, 8" - 99 joints, 6" - 87 joints.

1,500 gallon storage tank; 7 stock tanks (3 of which are located on the described real property and four of which are located on contiguous BLM property); pressure system for domestic use.

283 A.U.M.s of BLM Grazing Permits.

POOR ORIGINAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 30, 1994

LAND TITLE & ESCROW INC
LARRY ROBERTS MANAGER
PO BOX 177
BURLEY ID 83318

RE: ADJUDICATION CLAIM(S) A02-10005B, A02-07249B & 36-04260C

Dear Mr. Roberts:

Pursuant to the notification that you are representing the Claimant(s) on the above-referenced Change of Ownership Adjudication Claim(s), I have changed the Department's record(s) as you have requested. Please note that the Report for Basin 36 has been filed with the court so the recommendations for the above claim is listed in the former owners name. Should you have any questions concerning the print-outs, please feel free to contact me at this office.

The Standard Form 3 form (enclosed) is required for 36-04260C, which will have to be filled out according to the instructions. Any questions concerning this form, please can contact the SRBA Court here in Twin Falls at 736-3011.

Sincerely,

Judy Givens
Technical Records Specialist

/jg

Enclosures: Proofs Reports
Standard Form #3

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DEC 04 1996

R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILMED
FEB U 2 1993

Water Right Number - R36-04260C

Prefix Translation:

RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - -

+ - - - -

*** C - CURRENT OWNER ***
DUNCAN

PAUL H

1 - RT 1 BOX 293A
2 -
3 -

State- ID Zip- 83350

DUNCAN

KATHY F

City- RUPERT
Phone - 208-436-6848
1 - RT 1 BOX 293A
2 -
3 -

State- ID Zip- 83350

DUNCAN

JACK F

City- RUPERT
Phone - 208-436-6848
1 - RT 1 BOX 293A
2 -
3 -

State- ID Zip- 83350

DUNCAN

JANET H

City- RUPERT
Phone - 208-436-6848
1 - RT 1 BOX 293A
2 -
3 -

State- ID Zip- 83350

+ - - Priority Date - - +
12/10/1901+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
SPRINGS+ - - Tributary - - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
08S 14E 6 SE SE SE 8 (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume04 - STOCKWATER
43 - DOMESTIC01/01 12/31
01/01 12/310.036 26.20
0.036+ - Total Div. Rate - + + - Total Div. Volume - +
0.036 26.20+ - Total Consumptive Use - + + - KW Usage - +
0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08S 13E 14 NW NE 04 STOCKWATER (83) TWIN FALLS
08S 14E 18 NW NE 04 STOCKWATER (83) TWIN FALLS

Total Acres:

MICROFILMED
FEB 02 1993

Water right number - R36-04260C

Prefix Translation: RESEARCH

+ - - Diversion Means - PIPELINE, PUMPS,

+ - - Non-Irrigation Use - DOMESTIC/ SHOP; STOCKWATER/ UP TO 2000 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 36-04260A AND 36-04260B.

No Old Water Right Numbers Found

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

+ - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - Decree Date - - +
00/00/0000

Date: 02/08/1991 User Id: BEDKE Subject: LW-STAFF REVIEW
Date: 10/23/1992 User Id: MERRITT Subject: BASIS OF RIGHT CHANGED SINCE BRALLSFORD PROVIDED EVIDENCE
THAT THE RIGHT WAS DECREED IN CLAMPIITT VS HERRON DATED IN 1945. ADDED CONDITION C05 AND ERROR FLAG D.

+ - - Audit Fields - - +
10/23/92 MERRITT

| Adjudication Rights Dates and Flags Area | |
|--|------------|
| Court Report Filing | 00/00/0000 |
| Objection Filed Date | 00/00/0000 |
| Response Filed Date | 00/00/0000 |
| Claim Received Date | 11/22/1988 |
| Field Inspection Made | 00/00/0000 |
| Field Inspection Flag | |
| Verified Date | 10/23/1992 |
| Last Amended Date | 00/00/0000 |
| Receipt Number | X777777 |
| POU Ownership Flag | - Y |
| Name Connector | - AND/OR |
| Civil Case Number | 39576 |
| Old Case Number | |
| Old Judicial District | |
| Temporary Right | - P |
| Water District | |
| Federal/State Indicator | - S |
| Presumption Flag | - |
| Notice of Error Flag | - D |

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FEB U 2 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:41:10
01/09/91

CLAIM NUMBER: A36-04260C

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
CODE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------|---|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | | N | 6 | 10/14/91 | | 10/14/91 |
| POINT OF DIV | Y | | | N | | | | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | Y | | | N | 6 | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | N | 6 | | | |
| CONSUMPTIVE USE | - | | | N | | | | |
| PURPOSES | Y | | | N | | | | |
| PERIOD OF USE | Y | | | N | | | | |
| BASIS OF CLAIM | Y | | | N | | | | |
| REMARKS | Y | | | N | | | | |

"VERIFIED BY" CODES

- TOPO MAP/ORTHO-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MICROFILMED
FEB 12 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:41:10
01/09/91

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04260C

LAST: BRALLSFORD
ADDRESS: 300 MORRISON DR. #644
CITY: TWIN FALLS
PHONE NUMBER: 208-733-9161
OWNER CODE: O
FIRST: ROBERT H.
STATE: ID ZIP: 83301

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848
OWNER CODE: C
FIRST: JACK F.
STATE: ID ZIP: 83350

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848
OWNER CODE: C
FIRST: JANET H.
STATE: ID ZIP: 83350

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848
OWNER CODE: C
FIRST: PAUL H.
STATE: ID ZIP: 83350

LAST: DUNCAN
ADDRESS: RT. 1 BOX 293A
CITY: RUPERT
PHONE NUMBER: 208-436-6848
OWNER CODE: C
FIRST: KATHY F.
STATE: ID ZIP: 83350

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
CLAIM REMARKS: CLAIM WAS SPLIT FROM A36-04260 BY OWNERSHIP CHANGE 1/4/91 BY JG.
DATABASE Y FIELD EXAMINER

MICROFILMED
FEB 02 1993

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: 1/18/91

APPOINTMENT MADE: Y (____) N (☒)

TIME: 10 : ____ A (☒) P (____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

see photos in A36-04260B + floor measurements

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FEB U 2 1993

A. AJ CLAIM: # A36-04260C PRIORITY DATE: 12-10-1901 STAGE: J

B. WR RECORD: # 36-04260 PRIORITY DATE: 12-10-1901 STAGE: S

C. FIELD EXAM REQUIRED? FIELD EXAMINER N

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)
IF YES EXPLAIN.

REMARKS: We enclosed documents

MICROFILMED
FEB U 2 1993

RECOMMENDED PRIORITY DATE:
12-10-1901

REVIEWED BY W DATE 1/24/91

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|---------|
| A36-04260C | 08S | 14E | 6 | | SE | SE | 8 | GOODING |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
 A36-07866 R36-07866
 A36-07085
 A36-04260
 A36-04260B

WR RECORDS IN SAME 40 ACRE TRACT
 36-07085
 36-07786
 36-07866
 36-07072

SOURCE: SPRINGS

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|---------|
| 36-04260 | 08S | 14E | 6 | | SE | SE | 8 | GOODING |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
 A PREFIX R PREFIX
 36-07085 R36-07866
 36-07786 R36-07072
 36-07866 R36-04260A

SOURCE: SPRINGS

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY? | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|---|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | N |  |

REMARKS:

MICROFILMED
FEB 02 1993

| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: | | 1/4 | | 1/4 | | LOT | | COUNTY | |
|---|------|------|----------------------|-----|--|-----|--|--------|--|
| TWP. | RGE. | SEC. | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| SOURCE: SPRINGS | | | TRIB: SNAKE RIVER | | | | | | |
| REVIEWED BY: <i>lv</i> | | | DATE: <i>1/24/91</i> | | | | | | |

MICROFILMED
FEB 02 1993

A. ROOT WATER RIGHT NUMBERS:

A36-04260A
R36-04260A

A36-04260B

A36-04260C

B. POU LISTING

TWP RING SEC 1/4 1/4 LOT NAME

AJ #/ACRES WR #/ACRES LANDSAT DATA FIELD EXAM. RECOMM. ACRES

| | | | | | | | | | | |
|------------|----|----|-----------------------|--------------|----------|------------|------|------|--|--|
| 08S 13E 14 | NW | NE | DUNCAN, JACK F. | A36-04260C / | - | 02-07249 / | 5.0 | 29.0 | | |
| | NW | NE | DUNCAN, JACK F. | A02-07249 / | - | - | - | - | | |
| | NW | NE | DUNCAN, JACK F. | A02-10005 / | 36-04260 | / | / | / | | |
| | NW | NE | BRAILSFORD, ROBERT H. | | | | | | | |
| 08S 14E 18 | NW | NE | DUNCAN, JACK F. | A36-04260C / | - | - | - | 40.0 | | |
| | NW | NE | DUNCAN, JACK F. | A02-07249 / | - | - | - | - | | |
| | NW | NE | DUNCAN, JACK F. | A02-10005 / | 36-04260 | / | / | / | | |
| | NW | NE | BRAILSFORD, ROBERT H. | | 36-07085 | / | 40.0 | | | |

TOTAL ACRES A36-04260C 69.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE FIELD EXAMINER
Y N

PRESUMPTION FLAG:

REMARKS:

Domestic use considered as unrecorded transfer - OK - used for shop

RECOMMENDATIONS:

TOTAL ACRES:

N/A

REVIEWED BY:

W

DATE:

1/24/91

MICROFILMED
FEB U 2 1993

A. AJ CLAIMED USES:

PURPOSES
A36-04260C STOCKWATER
~~A36-04260C DOMESTIC~~

MONTH/DAY
FROM 01-01 TO 12-31
~~FROM 01-01 TO 12-31~~

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.036 CFS
~~.036 CFS~~ **OK**
.036 CFS

B. WR RECORDED USES:

PURPOSES
36-04260 IRRIGATION
36-04260 STOCKWATER
36-04260 COMMERCIAL
36-04260 DOMESTIC

MONTH/DAY
FROM 03-15 TO 11-15
FROM 01-01 TO 12-31
FROM 01-01 TO 12-31
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
10.500 CFS
.070 CFS
.020 CFS
.100 CFS
10.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
DUE TO DIVERSION RATE DISCREPANCY? (Y/N) Y W
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N) Y W

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

Y() N()
Y() N() Explain in remarks, below.

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FEB 02 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N(☒)

AT TOTAL CLAIMED DIVERSION RATE: 0.036 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 10.500 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y

FIELD
DATABASE EXAMINER W

B. FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS

see A36-04260B

C. ARE OTHER WATER RIGHTS USED? Y() N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM | SOURCE | NAME | DIV. RATE | RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------|------------------|-----------|-----------|-----------|----------------|
| A02-07249 | SNAKE RIVER | DUNCAN , JACK F. | 32.480 | 0.013 | | |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|------------|------------|------------------|---------------------|----------|--------|
| A36-04260C | STOCKWATER | DUNCAN , JACK F. | FROM 01-01 TO 12-31 | .036 CFS | |
| A36-04260C | DOMESTIC | DUNCAN , JACK F. | FROM 01-01 TO 12-31 | .036 CFS | |
| A02-10005 | STOCKWATER | DUNCAN , JACK F. | FROM 01-01 TO 12-31 | .230 CFS | |

MICROFILMED
FEB 02 1993

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 606.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

Dom + Stock use

MICROFILMED
FEB 02 1993

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD | | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|------------------|-------------|-------|----------------------|-----------------------|-------------------|
| | FROM | TO | | | |
| Stock | 1/1 | 12/31 | 1.036 | | |
| Dom | 1/1 | 12/31 | 1.036 | | |
| | | | 1.036 | | |

TOTAL FOR THIS RIGHT

REVIEWED BY:

lv

DATE:

1/24/91

MICROFILMED
FEB 02 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:
 OWNERSHIP
 FORFEIT/ABANDON
 ADDITIONAL DIV. AMOUNT

ACCEPTED
 AS CLAIMED
 ()
 ()
 ()
 ()

NEEDS
 REVIEW
 ()
 ()
 ()
 ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04260
 TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
 10.500

EXAMINER

CFS

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A36-04260A | 0.400 | R36-04260A | 0.400 | - | - |
| - | R36-04260A | 0.400 | R36-04260A | 0.400 | - | - |
| - | A36-04260B | 10.500 | - | - | - | - |
| - | A36-04260C | 0.036 | - | - | 36-04260 | 10.500 |
| - | - | - | - | - | - | - |

TOTAL CFS

11.336

0.800

10.500

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
 If NO, is the written review sheet attached? (Y/N)

DATABASE
 N

FIELD
 EXAMINER

REMARKS:

A36-04260A = .40 recommended

B = 10.064 legal review

C = .036 recommended

10.5

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 FEB 02 1993

AUTHENTICATION:

SIGNATURE:

W

DATE:

1/24/91

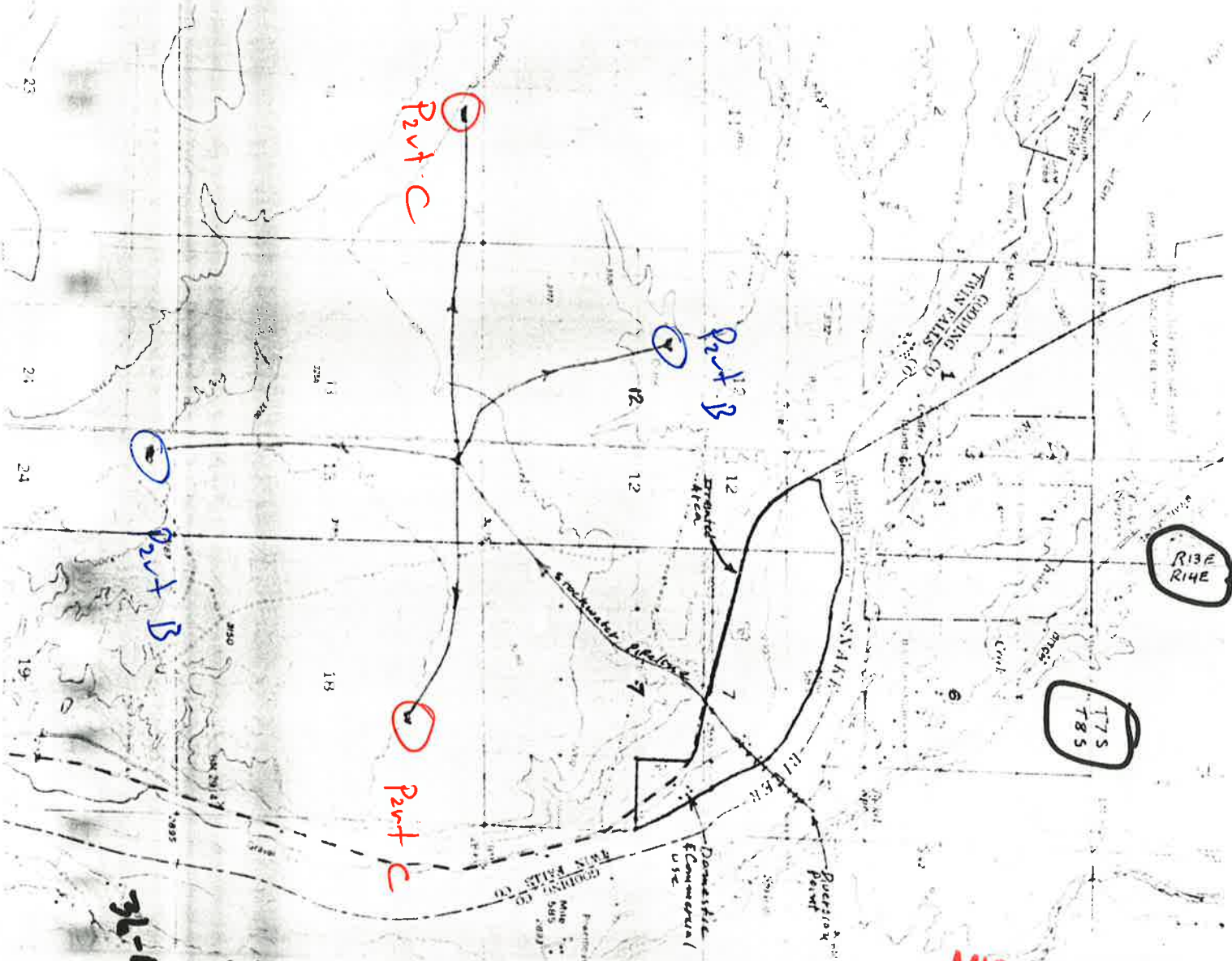
NAME OF FIELD EXAMINER:

TITLE:

G.L. St

10/14/91

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FEB U 2 1993

1108
15

36-042602
36-042602

C

837-6559

CONVERSATION MEMORANDUM

NAME OF PARTY GARY EICHELBERGER
EMPLOYEE: I.W.

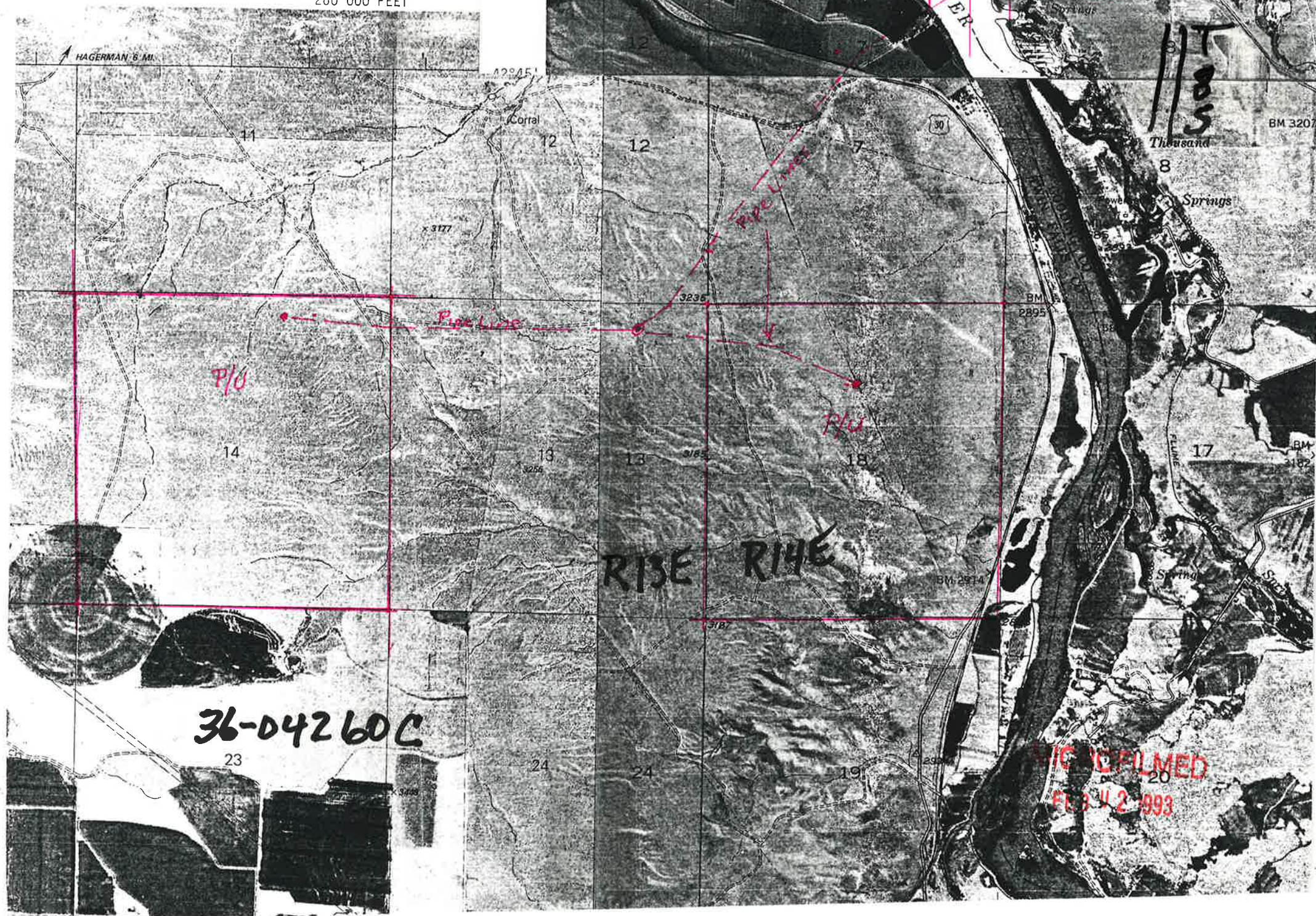
DATE 1/18/91
FILE A36-04260

RE: Gary lives on the property and
confirmed that the water is piped to
crow's nest year around for stock use.

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FEB 02 1993

400 000
FEET

260 000 FEET



36-04260C

NOT FILMED
FEB 12 1993

Boone County
Miranda A. Herron of Ogden, County of Boone, State of Iowa, has, this 10th day of December 1901, appropriated and hereby claims the use of the water of Twin Springs to the extent of ^{one hundred} (100) cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion

is particularly described as follows, to-wit: About Two Hundred feet from Snake River and in Sec 6, T 3 S, R 14 E, and in County of Latah State of Idaho. That the special purpose or purposes for which said water is claimed Irrigation and Power Plant. The place of its intended use is South of Snake River in Cassia Co. Idaho. That the general course of the proposed canal or conduit is North of West and East of South. That the length of said proposed canal or conduit is some miles. Four miles of the above canal is to be North of West and is to be used for irrigating land in Sec. 6 and 7 T 3 S, R 14 E. and land in the vicinity of Salmon Falls and Snake River. Three miles the above canal is to run East of South and to be used for irrigating land in Sec. 7-8 and 17 T 3 S, R 14 E.

A copy of this notice was duly posted at or near the point of intended diversion on the 10th day of December, 1901. Testimony my hand at Austin County of Cassia, State of Idaho, this 10th day of December, 1901.

Miranda A. Herron Appropriatee & Claimant

State of Idaho, ss. Appeared before me Miranda A. Herron of Ogden County of Cassia, County of Boone State of Iowa being first duly sworn deposes and says that she is of lawful age and that she is the appropriator and claimant of the water right described in the within and foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 10⁰⁰ o'clock A.M., the 10th day of December 1901.

Miranda A. Herron

Subscribed and sworn to before me, this 10 day of December 1901.

Wm. L. Austin Justice Peace, Austin Cassia Co. Idaho

Salmon Falls Precinct.

Recorded at request of Miranda A. Herron Dec. 12th 1901 at 9 A.M. J. M. Graham Recorder

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FEB 02 1993

of 100 feet to a point on the south line of said subdivision which is 100 feet east of the intersection of said south line with the upper Rim Rock of Snake River Canyon.

Together with all waters thereon, or which may be developed thereon and all water rights appurtenant thereto.

Excepting all waters heretofore lawfully appropriated and used by Dwight E. Stacy and his predecessors in interest on lands across Snake River for irrigation and domestic uses.

Together with a right of way for pole line and electric conduits, described as follows: Beginning at the corner common to Sections 5, 6, 7 and 8, in said township and range, and running north one-quarter mile.

Together with an easement or right of way for road described as follows: Commencing at the 40-corner in the east boundary of said Section 6, which said corner is the northeast corner of Lot 8 of said section; thence west along the north boundary line of said lot to the upper Rim Rock of the Snake River Canyon; thence southeasterly along the line of an old roadway or grade formerly used over said Lot 8 to the premises above conveyed but the easement or right of way herein granted shall not be exclusive against the grantors, their heirs or assigns.

Together with all and singular the tenements, hereditaments and appurtenances to said conveyed premises belonging and in any wise appertaining, 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 in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together with the appurtenances, unto the party of the second part, and to its successors and assigns forever.

And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors -- and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

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

WITNESSES: S. T. Hamilton

Paul S. A. Bickel (SEAL)

Anna C. Bickel (SEAL)

STATE OF IDAHO,)
County of Twin Falls,) SS.

On this 19th day of November, 1927, before me, S. T. Hamilton, a Notary Public in and for said state, personally appeared Paul S. A. Bickel and Anna C. Bickel, his wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

(NOTARY SEAL)

S. T. Hamilton, Notary Public
for Idaho, Residing at Twin Falls, Idaho.

Filed for record at the request of Security Title & Trust Co. at 3:55 o'clock P.M. Dec.
Jan. 1928.
Fees. \$2.50

Myrtle P. Enking, Ex-officio Recorder

By S. M. Miller, Deputy.

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MICROFILMED
FEB 02 1993

LIMITATION AND LIMITATION OF WATER RIGHT

WHEREAS, by deed dated November 19, 1927, and recorded December 2, 1927 in Book 6 of Deeds, page 590, records of Gooding County, Idaho Power Company is the owner of certain lands in Gooding County upon which rise certain waters and springs, including those known as Rickel Springs, which said deed contains the exception of "all waters heretofore lawfully appropriated and used by Dwight E Stacy and his predecessors in interest on lands across Snake River for irrigation and domestic uses," said lands referred to being in Twin Falls County, State of Idaho; and

WHEREAS said water right has never been defined or limited of record;

NOW THEREFORE IT IS STIPULATED:

1. That the point of diversion of said waters is in Lot 6, of Section 6, Township 8 South, Range 14 East, Boise Meridian, at the intake of a ditch and pipe line, approximately located North 11° 27' East 344.7 feet from meander corner on or near the north bank of Snake River, in Gooding County; that the land upon which said waters are and have been used are located across Snake River, and comprise what is known as the Stacy Ranch, consisting of Lots 10 and 11 of Section 6, and Lots 2, 3 and 5 and the Northeast quarter of the Northwest quarter (NE1/4NW1/4) of Section 7, Township 8 South, Range 14 East, and Lot 10 of Section 1, Township 8 South, Range 13 East, Boise Meridian, in Twin Falls County, Idaho; that said water is conveyed from the point of diversion by means of a pipe line and ditches to and across Snake River to the lands upon which the same are used.

2. That the quantity of water heretofore diverted, appropriated and used by the said Dwight E Stacy and his predecessors, and the right to the use of said waters, including all rights as the successor under that certain water notice by Maranda A Herron, dated December 10, 1901, and recorded in Book A of Water Rights, page 412, Records of Gooding County, are hereby defined as and limited to ten and one-half cubic feet per second (10.5 cfs) of said waters, at the said point of diversion and intake, for irrigation and domestic use on the lands aforesaid.

IN WITNESS WHEREOF, the parties hereto, for themselves and their successors and assigns, have executed this stipulation defining and limiting said water right, this 21st day of October, 1944.

Witness:

S T Hamilton

Attorney for Stacys

Dwight E Stacy

Dwight E Stacy

Stennace Stacy

Stennace Stacy

Husband and Wife

IDAHO POWER COMPANY

By C J Strike

C J Strike, President

STATE OF Idaho,)

COUNTY OF Twin Falls) ss.

On this 21st day of October, in the year A D 1944, before me, the undersigned, a Notary Public in and for said State, personally appeared DWIGHT E STACY and STENNACE STACY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(S T Hamilton, Notary Public)

(C J Strike, President)

(Dwight E Stacy)

(Stennace Stacy)

S T Hamilton

Notary Public.

Residing at Twin Falls, Idaho.

MICROFILMED
FEB 12 1993

WARRANTY DEED

THIS INDENTURE, made this 19th day of November, 1927, betw Paul S. A. Bickel Anna C. Bickel, his wife, of Gooding County, State of Idaho, the parties of the first part, and Idaho Power Company, incorporated under the laws of the State of Maine and authorized to do business in the State of Idaho, the party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of (\$10.00) Dollars, lawful money of the United States, and other valuable considerations then paid by the said party of the second part, the receipt whereof is hereby acknowledged, do, by these presents, grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors --and assigns forever, certain real property Sections Five (5), Six (6), Seven (7) and Eight (8), Township Eight (8) South, of Range fifteen (15) East, Boise Meridian, in Gooding County, Idaho, more particularly described follows, to-wit:

In the SW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 5: Beginning at the SW corner of said Section 5; thence north on the west line of said Section 5 to a point 100 feet north of the precipice of the upper Rim Rock of Snake River Canyon; thence southeasterly paralleling the said rim rock at a distance of 100 feet to a point 100 feet east of the intersection of the south line of said section 5 with the precipice of the upper rim rock of Snake River Canyon; thence west along the south line of said section 5 to the point of beginning.

In Lot Eight (8), said Section Six (6): Beginning at the Southeast corner of said Lot 8, being the corner common to said Sections 5, 6, 7, and 8; thence north on the east boundary line of said Lot 8 to a point 100 feet north of the precipice of the upper rim rock of Snake River Canyon; thence northwesterly paralleling the said rim rock at a distance of 100 feet to the strip of land in said Lot 8 granted by the grantors herein to the Twin Falls North Side Land and Water Company by deed dated January 17, 1912, and recorded in Book J of Deeds, at page 331, in the records of Gooding County, Idaho, and by said Company and its successor occupied with a ditch to convey waste water to Snake River; thence southwesterly along the southern boundary of said strip of land to its intersection with Snake River and thence continuing to the thread of said stream; thence southeasterly following the thread of Snake River up stream to its intersection with the south line of said Lot 8; thence east along the south boundary of said Lot 8 to the place of beginning.

Lot One (1) of said Section Seven (7).

In Lot One (1), said Section Eight (8): All that portion of said Lot 1 lying south west of a line described as follows: Beginning at a point on the north line of said section 8, which is 100 feet east of the intersection of said north line with the upper Rim Rock of Snake River Canyon; thence southeasterly paralleling the said Rim Rock at a distance of 100 feet to a point 100 feet north of the intersection of the east line of Lot 8 with the upper Rim Rock of Snake River Canyon.

In the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section Eight (8): All that portion of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying east and west of a line described as follows: Beginning at a point on the west line of said subdivision which is 100 feet north of the intersection of said line with the upper Rim Rock of Snake River Canyon; thence southeasterly paralleling said Rim Rock at a distance

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TWIN FALLS COUNTY, IDAHO

539

IDAHO RECORD BOOK CO., BOISE 1933

STATE OF IDAHO,)
COUNTY OF ALTA,) ss.

On this 27th day of October, in the year A D 1944, before me GEO H PETERSEN, a Notary Public in and for said State, personally appeared C J STRIKE, known to me to be the President of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

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

(Geo H Petersen, Notary Public)
(State of Idaho)

Geo H Petersen
Notary Public,
Residing at Boise, Idaho

(NOTARIAL SEAL)

Filed for record at the request of S T Hamilton at 9:00 A M on Nov 28, 1944.

Fee .20 Paid

G A Bulles

LO
m]

Recorder

STATE OF IDAHO
COUNTY OF TWIN FALLS }
I HEREBY CERTIFY THE FOREGOING TO BE A
FULL TRUE AND CORRECT COPY OF THE
ORIGINAL RECORD. 1944
AT PAGE 539
BY RICHARD A. FENCE
EX-OFFICIO RECORDER
DEPUTY

MICROFILMED
FEB 02 1993