

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21246
Date Received: 1/30/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID B VERST Phone: (208)578-1083
PO BOX 3703
HAILEY ID 83333

VICKY VERST Phone: (208)578-1083
PO BOX 3703
HAILEY ID 83333

2. Date of Priority: 11/26/1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
03N	18E	20	SE	SW	NW	BLAINE	

5. Description of diverting works:

HEADGATE #22, HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.14	

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	33	SW	NW	IRRIGATION	2.7
					Section Acres	2.7
					Total Acres	2.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, SAGEBRUSH SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20933.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2004

DAVID VERST
VICKY VERST
PO BOX 3703
HAILEY ID 83333

Re: SRBA Claim(s) 37-21246

Dear Mr. and Mrs. Verst:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
A37-02402	37-20933	☒			
	37-21246	☒	New #		

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)
Leslie A Tidwell
P.O. Box 2919, Ketchum Id 83340
4. New Owner/Claimant(s)
David Verst and Vicky Verst
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
P.O. Box 3703
- City, State and ZIP Code
Healey Id 83333
- New Telephone Number
208 578-1083
528-04
5. Date you acquired the property
5-28-04

RECEIVED

JUN 02 2004

Department of Water Resources
Southern Region



6.

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A 37-00402/37-2933</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.14 CFS</u>	<u>2.6 Acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>.14 CFS</u>	_____

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

7.

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

h. B. V.

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

For Office Use Only

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

[Signature]

Order No. 54177

WARRANTY DEED

READ AND APPROVED *[Signature]*

FOR VALUE RECEIVED

LESLIE A. TIDWELL, an unmarried woman

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

DAVID B. VERST and VICKY VERST, husband and wife, husband and wife

GRANTEE(s) whose address is: **P. O. BOX 3703, HAILEY, ID 83333**

the following described real property in **Blaine** County, Idaho, to wit:

Lot 3 in Block 1 of SAGEBRUSH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 422945, records of Blaine County, Idaho.

DEED RESTRICTION SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

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

Dated: May 27, 2004

[Signature of Leslie A. Tidwell]
LESLIE A. TIDWELL

State of IDAHO

County of BLAINE

On this 27 day of MAY in the year 2004, before me, the undersigned, personally appeared **LESLIE A. TIDWELL** known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that she/he/they executed the same.

WITNESS my hand and official seal

Notary Public

Commission Expires: *9-26-07*

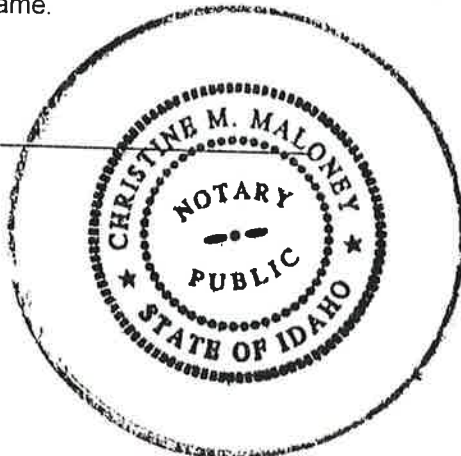
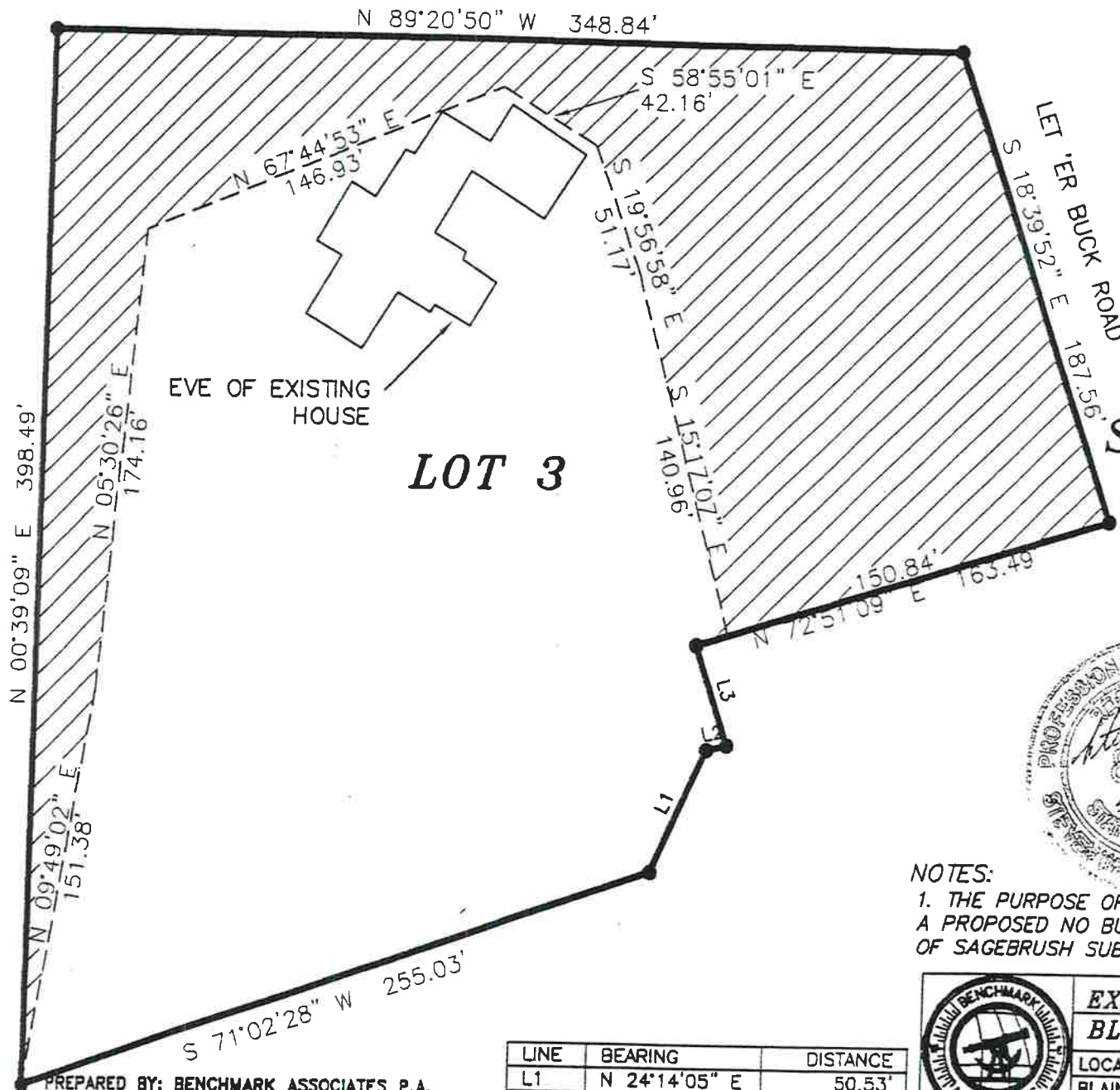


EXHIBIT C



NOTES:

1. THE PURPOSE OF THIS EXHIBIT MAP IS TO SHOW A PROPOSED NO BUILDING ZONE ON LOT 3 BLOCK 1 OF SAGEBRUSH SUBDIVISION.

PREPARED BY: BENCHMARK ASSOCIATES P.A.
P.O. BOX 733 - 100 BELL DRIVE
KETCHUM, IDAHO, 83340
PHONE (208)726-9512 FAX (208)726-9514

LINE	BEARING	DISTANCE
L1	N 24°14'05" E	50.53'
L2	N 76°42'53" E	7.75'
L3	N 18°01'03" W	39.83'



EXHIBIT MAP OF LOT 3
BLK 1. SAGEBRUSH SUB'D.

LOCATED IN T3N, R18E, SEC.33, B.M.
BLAINE COUNTY, IDAHO.

PREPARED FOR : LESLIE TIDWELL

EXHIBIT MAP PLOT BY : SWS DATE : 5/11/2004
PROJECT NO. 04822 PLOT FILE 04822CALC.DWG SHEET 1 OF 1

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Sagebrush Subdivision

This declaration is made on _____ 1999, by Kristine Pigeon, hereinafter, referred to as "Declarant". Whereas, "Declarant is the owner of certain property located in Blaine County, State of Idaho which will be subdivided into four (4) lots called the Sagebrush Subdivision.

Definitions

"Declarant": original property owner, Kristine Pigeon.

"Owner": the recorded owner(s) that hold title to any lot within the subdivision.

"Lot": divided parcels, 1,2,3, and 4 as depicted on the Preliminary Plat Map.

Membership

Every owner is entitled and required to be a member of the Sagebrush Homeowners Association. Each lot is entitled to one voting right.

Rules and Regulations

The Association can make reasonable rules and regulations governing the use, operation and improvements to the road and water system

Fire Protection

The Declarant will be responsible for the construction of a pond and dry hydrant to meet minimum standards as set forth by the Wood River Rural Fire District. The surface water right #A37-00402 will be used to maintain water in the pond. The pond will also be used for irrigation purposes.

Irrigation Water and Weed Abatement

Water right #A37-00402, (0.81 cfs surface water from the Hiawatha Canal), will be divided for use by the owners as follows:

Lot 1: .12 cfs

Lot 2: .14 cfs

Lot 3: .14 cfs

Lot 4: .41 cfs

NEW# 37-20933

The Declarant will install a pump and pipe to each lot from the pond. It will be the responsibility of each owner to install an irrigation system. The owner will be responsible for irrigating their lot and for controlling and removing noxious weeds.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21246
Date Received: 1/30/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LESLIE A TIDWELL Phone: (208)578-7769
PO BOX 2919
KETCHUM ID 83340

2. Date of Priority: 11/26/1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	18E	20	SE SW NW	BLAINE	

5. Description of diverting works:

HEADGATE #22, HIAWATHA CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.14	

7. Total Quantity Appropriated is:
0.14 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	18E	33	SW	NW	IRRIGATION	2.7
Section Acres						2.7
Total Acres						2.7

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, SAGEBRUSH SUBDIVISION.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20933.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 2, 2004

LESLIE A TIDWELL
PO BOX 2919
KETCHUM ID 83340

RE: SRBA Claim(s) 37-20933 (Part)

Dear Ms. Tidwell:

Pursuant to the notification that you bought a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portions have been numbered 37-21245 for lot 2 and 37-21246 for lot 3.

Enclosed please find your copies of the computer-generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Irish Fawcett', is written over the typed name.

Irish Fawcett
Technical Records Specialist

enc.

12/01/2003 14:09 2087363037

IDWR SOUTHERN REGION

Form 42-048/42-1409(8) July 2000

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

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

PAGE 01
RECEIVED
DEC 08 2003
Department of Water Resources
Southern Region

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
A37-00402	37-20933	☒			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. ☒ A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

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

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

KRISTINE PIGEON
P.O. Box 394 SUN VALLEY, ID 83353

4. New Owner/Claimant(s)

KEITH A. TIDWELL
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 2919

City, State and ZIP Code

KETCHUM, ID 83340

New Telephone Number

208 578 7769

5. Date you acquired the property

1/3/03

KRISTINE PIGEON SOLD TO PATRICK + PATRICIA CARTER,
BUT THEY NEVER TRANSFERRED THE WATER RIGHT
INTO THEIR NAMES

Form 42-148/42-1489(4) July, 2000

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>A37-00402 / 37-20933</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.14 CFS</u>	<u>2.7 Acres</u>
Stock		
Domestic		
Other		
Total	<u>.14 CFS</u>	

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

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

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

For Office Use Only

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

**HAILEY, BLAINE, IDAHO**

2003-01-06 03:30:00 No. of Pages: 1

Recorded for : BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYQCACORP DEED

WARRANTY DEED

For Value Received **PATRICK CASEY CARTER AND PATRICIA HALEY CARTER, husband and wife**

the Grantor hereby grants, bargains, sells, conveys and warrants unto **LESLIE A. TIDWELL**, an unmarried woman ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

the Grantee whose current address is: PO BOX 2919, KETCHUM ID 83340

the following described premises, to-wit:

Lot 3, Block 1 of SAGEBRUSH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 422945, records of Blaine County, Idaho.

Parcel Number: 005020000030A

SUBJECT TO: Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

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

Dated: December 17, 2002

Dated: December 17, 2002

Patricia Casey Carl

Patricia Halper Porter

POLICY OF TITLE INSURANCE ISSUED BY

STEWART TITLE

GUARANTY COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, STEWART TITLE GUARANTY COMPANY, a Texas corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused this policy to be signed and sealed by its duly authorized officers as of the Date of Policy shown in Schedule A.

STEWART TITLE

GUARANTY COMPANY

[Signature]
Chairman of the Board



[Signature]
President

Countersigned:

[Signature]
Authorized Countersignature
BLAINE COUNTY TITLE ASSOCIATES
Agent ID #120008

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the Insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws; that is based on:
 - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure: (i) to timely record the instrument of transfer; or (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

ALTA OWNER'S POLICY

SCHEDULE A

Order Number: 02011386

Policy No.: O-9701-297110

Date of Policy: January 06, 2003 3:30 PM
or the date of recording of the insured deed, whichever is later.

Amount of Insurance: \$ 415,000.00

Premium: \$ 1,464.00

1. Name of Insured:

LESLIE A. TIDWELL

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

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

LESLIE A. TIDWELL, an unmarried woman

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

Lot 3, Block 1 of SAGEBRUSH SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 422945, records of Blaine County, Idaho.

ALTA OWNER'S POLICY

SCHEDULE B

Order Number: 02011386

Policy No.: O-9701-297110

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

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. State of Idaho Temporary Permit No. 2113 to IDAHO POWER, as disclosed in Deed recorded June 2, 1998 as Instrument No. 414922, records of Blaine County, Idaho.
8. Any limitations or conditions for right of access across Idaho Transportation Department lands from Buttercup Road.
9. Notes, Easements and Restrictions as shown on the Plat of SAGEBRUSH SUBDIVISION, recorded January 12, 1999 as Instrument No. 422945, records of Blaine County, Idaho.

ROAD

OLD-UPRR

BUTTERCUP

(Basis of Bearings)

S 18°39'52" E 2263.01'

LET-ER-BUCK ROAD
S 18°39'52" E 431.95'

10' SNOW REMOVAL EASEMENT

LOT 2
111,290 sq.ft.±
2.6 Ac.±

BLOCK 1

LOT 3
116,120 sq.ft.±
2.7 Ac.±

PLACE OF THE LOT 3 14 CFS

20' CANAL MAINTENANCE & ACCESS EASEMENT

357.31'

398.49'

N 00°39'09" E 2142.53'

POINT OF DIVERSION

N 1/16 Cor. Sec. 32&33

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	Chord	Chord Direction
C1	132.81'	90.00'	84°32'49"	81.82'	121.08'	S41°54'06"W
C2	132.40'	90.00'	84°17'24"	81.45'	120.78'	S42°31'00"E
C3	32.25'	28.00'	65°59'50"	18.18'	30.50'	N51°39'47"W

A PLAT SHOWING SAGEBRUSH SUBDIVISION

LOCATED WITHIN
N.W.1/4 SECTION 33, T.3 N., R.18 E., B.M., BLAINE COUNTY, IDAHO

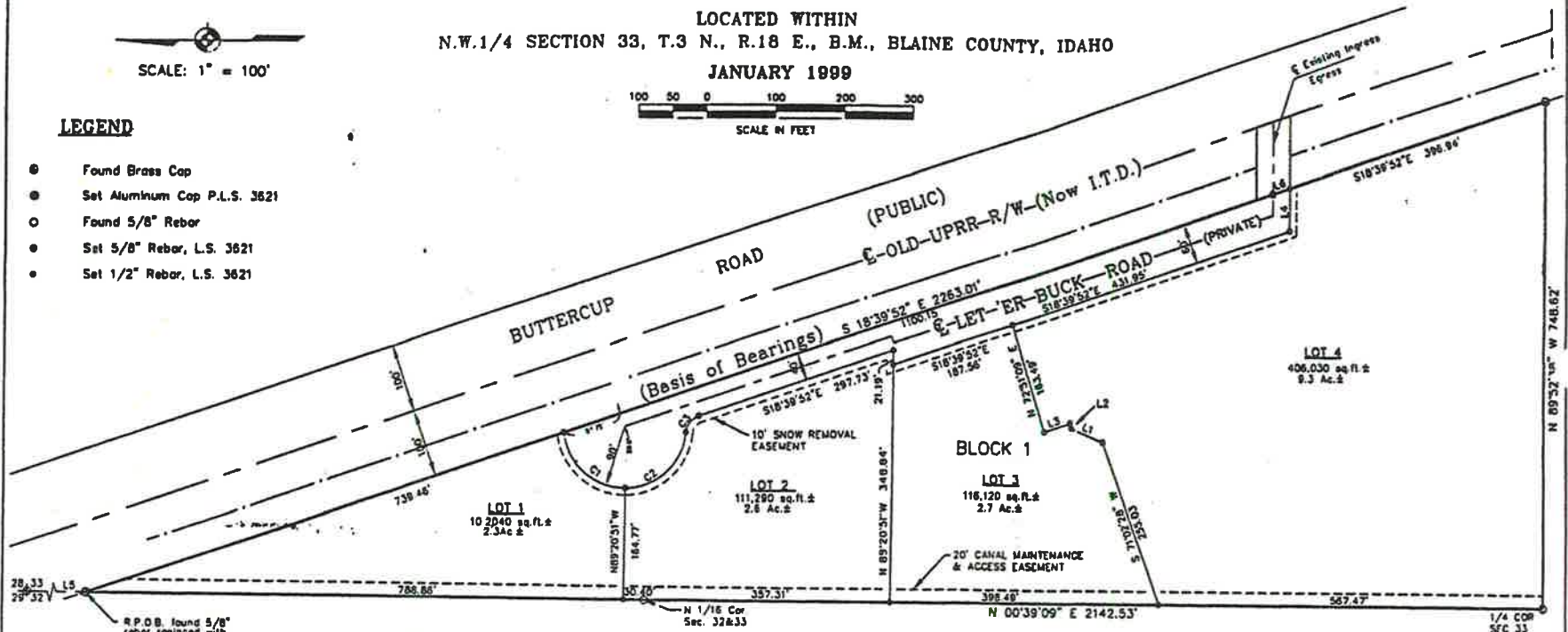
JANUARY 1999

SCALE: 1" = 100'



LEGEND

- Found Brass Cap
- Set Aluminum Cap P.L.S. 3621
- Found 5/8" Rebar
- Set 5/8" Rebar, L.S. 3621
- Set 1/2" Rebar, L.S. 3621



LINE	LENGTH	BEARING
L1	50.53'	N24°14'05"E
L2	7.75'	N76°42'53"E
L3	39.83'	N18°01'03"W
L4	63.51'	S89°31'26"E
L5	503.98'	S0°39'09"W
L6	26.46'	S18°39'52"E

CURVE	LENGTH	RADIUS	DELTA	TANGENT	Chord	Chord Direction
C1	132.81'	80.00'	64°32'49"	81.82'	121.08'	S41°54'08"W
C2	132.40'	80.00'	64°17'24"	81.45'	120.78'	S42°31'00"E
C3	32.25'	28.00'	65°59'30"	18.18'	30.50'	N51°39'47"W

NOTES

- The purchaser and/or owner of this lot or parcel understands and agrees that private road construction, maintenance and snow removal shall be the obligation of the owner, owner's successors in interest or the homeowners association, and that Blaine County is in no way obligated to accept, maintain or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify in writing any successor in interest of these facts.
- A public utility easement of 10 feet in width exists along all side and rear lot lines.
- Individual lot owners are responsible for control of noxious weeds as per state regulations. Mowing and manual removal are recommended.
- All fire protection requirements of the Wood River Rural Fire District (or otherwise applicable fire district), the Uniform Fire Code and the Blaine County Fire Protection Ordinance including but not limited to water supply, clear zones and year round access to fire hydrants shall be complied with prior to the issuance of any building permits within this subdivision.
- Septic systems and drain field locations shall be approved by South Central Health District prior to issuance of a building permit.
- All utilities shall be underground.
- All new domestic wells in this subdivision shall be metered.
- This property includes and is adjacent to active agricultural uses. Residents and purchasers shall be aware that agricultural practices, livestock grazing and operations, occurring day and night, are allowed and may result in dust, odors, use and application of agricultural chemicals, spraying, ground preparation, harvesting, etc. In addition, the roads accessing this property are used by agricultural vehicles. Such practices and uses are normal functions on agricultural lands and are not considered nuisances.
- Blaine County School District bus routes do not include Let Er Buck Road. School children may need to be transported to the nearest school bus stop on Buttercup Road.
- The decreed water rights shall remain with the four (4) lots contained herein in perpetuity and shall not be sold off the land.
- Neither the owner of any lot within this subdivision nor any association of homeowners shall inhibit the single-time use of the Wood River Trail System by completely plowing all of the snow from the pathway.
- Owners shall comply with Health Department regulations including sewage disposal system setbacks from irrigation distribution systems.
- A blanket easement to benefit the Sagebrush Homeowners is reserved for a water delivery line and the protection pond to be constructed on Lots 2 and 3.

HEALTH CERTIFICATE: Sanitary restrictions as required by Idaho Code Title 50, Ch. 13, have been satisfied. Sanitary restrictions may be reimposed in accordance with Idaho Code Title 50, Ch. 13, Sec. 50-1326, by issuance of a Certificate of disapproval.
 Date: 1-11-99
 Signature: Robert L. Enright
 South Central District Health Dept., CHS



RICHARD D. FOSBURY, P.L.S. 3621

SAGEBRUSH SUBDIVISION
 GALENA ENGINEERING, INC.
 KETCHUM, IDAHO
 SHEET 1 OF 2

Job No. 4588

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Sagebrush Subdivision

This declaration is made on February 8 1999, by Kristine Pigeon, hereinafter, referred to as "Declarant". Whereas, "Declarant is the owner of certain property located in Blaine County, State of Idaho which will be subdivided into four (4) lots called the Sagebrush Subdivision.

Definitions

"Declarant": original property owner, Kristine Pigeon.

"Owner": the recorded owner(s) that hold title to any lot within the subdivision.

"Lot": divided parcels, 1,2,3, and 4 as depicted on the Preliminary Plat Map.

Membership

Every owner is entitled and required to be a member of the Sagebrush Homeowners Association. Each lot is entitled to one voting right.

Rules and Regulations

The Association can make reasonable rules and regulations governing the use, operation and improvements to the road and water system.

Fire Protection

The Declarant will be responsible for the construction of a pond and dry hydrant to meet minimum standards as set forth by the Wood River Rural Fire District. The surface water right #A37-00402 will be used to maintain water in the pond. The pond will also be used for irrigation purposes.

Irrigation Water and Weed Abatement

Water right #A37-00402, (0.81 cfs surface water from the Hiawatha Canal), will be divided for use by the owners as follows:

Lot 1: .12 cfs

Lot 2: .14 cfs

Lot 3: .14 cfs

Lot 4: .41 cfs

The Declarant will install a pump and pipe to each lot from the pond. It will be the responsibility of each owner to install an irrigation system. The owner will be responsible for irrigating their lot and for controlling and removing noxious weeds.

Maintenance of Water System

The Owners Association will be responsible for operating and maintaining the water system. The cost of operation and repairs to the main system will be divided proportionally, as determined by the amount of ground under irrigation, among the owners.

Let 'Er Buck Road

The Declarant will build to Blaine County standards a private road, Let 'Er Buck Road, that will provide access to all lots. Maintenance and snow removal will be the responsibility of the Association.

Amenities for Owners

The Owners and their families will have the right to use, without charge, the Sagebrush equestrian facility riding arenas during the period of time that Declarant owns lot #4. However, first consideration will be the use by the Sagebrush Equine Training Center for the Handicapped. All riders are subject to the Idaho Horse Bill and must sign the standard Sagebrush Release Form.

Building Restrictions

All owners will be required to follow the codes and guidelines established by Blaine County and the City of Hailey.

Animals and Livestock

There are no restrictions as to types of animals that can be maintained on the property. Owners, with the exception of Lot 4, will not be allowed to board horses or provide riding instruction.

Signed


Kristine S. Pigeon

Date

2/8/99

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

JUN 16 1998

1. Water Right Number(s) # A37-00402 JUN 16 1998
 Adjudication Claim Number(s) SAME Department of Water Resources
Southern Region

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

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) STATE OF IDAHO
IDAHO DEPT. OF LANDS, PO BOX 83720, BOISE, ID 83720

4. New Owner/Claimant(s) KRISTINE PIGEON
 Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
 New Mailing Address PO Box 394
 City, State and ZIP Code SUN VALLEY, ID, 83353
 New Telephone Number (208) 788-9636

5. Date you acquired the property JUNE 1, 1998

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

Number of acres actually irrigated 18.4 Number and type of stock ~40 HORSES
0-8 HEAD CATTLE

Diversion rate in CFS .81 Number of homes 0 Other uses PASTURE
cubic feet per second

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

7. Signature of New Owner/Claimant(s) Kristine Pigeon Date 6/2/98

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

AJ5809NP
NO. A37-00402

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO DEPT. OF LANDS STATEHOUSE BOISE ID 83720 (208) 334-2933	11/26/1886	IRRIGATION	04-01 11-01	4.00 CFS	
TOTAL DIVERSION:					4.00 CFS	
CONSUMPTIVE USE:						226.50 AFA

Water Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

Stage: DECREED

Point(s) of Diversion: T03N R18E S20

SESWNW

BLAINE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
				NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
...	...	...																		
03N	18E	28																		40.0
03N	18E	29																	05	5.7
03N	18E	33																		44.9
TOTAL ACRES																				90.6

POU County: BLAINE

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN AC. IRRIG. NOT SPECIFIED. FARM = 125 AC.
P/U INCLUDES 5.7 AC. EAST OF RAILROAD TRACK IN SESE S29.
P/D NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 37

Field Inspection Flag:
Presumption Flag:

Audit: 07/02/90 HARRINGT 07/03/90 HARRINGT 01/30/91 FRAZEE

Post-it® Fax Note	7671	Date	# of pages
To Kathy Lynn	From Jim Stanton		3
Co/Dept.	Co. IDWR		
Phone #	Phone #		
Fax #	Fax #		

JAN-04-1999 13:21

2087363037

97%

P.01

WR5809HP
No. 37-00402

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/04/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAROLD LAKES	11/26/1886	IRRIGATION	00/00 00/00	4.000 CFS	
C	ARTHUR LAKES, JR.					
TOTAL DIVERSION:					4.000 CFS	

Water Source: BIG WOOD RIVER

Tributary to: MALAD RIVER

Stage: DECREED

Point(s) of Diversion: T03N R18E S20

SWNW

BLAINE County

Place of Use Legal Description for: IRRIGATION

NE				NW				SW				SE					
T	R	S		NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	NESE	NWSE	SWSE	SESE	SUM	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03N	18E	28	:														
03N	18E	29	:														
03N	18E	33	:														

Pol County: BLAINE

Other Water Rights with Same Point(s) of Diversion with Stage (includes All Sources):

37-00004A	37-00004B	37-00024	37-00028	37-00183	37-00297	37-00298A	37-003340	37-00451	37-00521H
37-00522B	37-00522F	37-00522G	37-00523B	37-00523D	37-00523E	37-00657A	37-00657B	37-00658	37-00659A
37-00896	37-00897	37-00898	37-00899	37-00900	37-00901	37-00902A	37-00902B	37-00903	37-00904
37-00905	37-00906	37-00907	37-00908	37-00909	37-00910	37-00911	37-00912	37-00913	37-00914
37-00915	37-00916	37-00917	37-00918	37-00919	37-00920	37-00921	37-00922	37-00923	37-01193
37-30000B	37-30000E	37-30002	37-30008	37-30019	37-30024C	37-30034	37-30037	37-30039	37-30000B
T37-30000G	T37-30000K	T37-30000M							

Other Water Rights Listing Overlapping Place(s) of use:

37-00521J 37-00522G 37-00523E 37-00912 37-00919

Remarks: GEN AC, IRRIG. NOT SPECIFIED. FARM = 125 AC.
P/U INCLUDES ABOUT 5 AC. EAST OF RAILROAD TRACK IN SESE S29.
P/O NOT GIVEN IN DECREE BUT DETERMINED FROM WATERMASTER.

Dates: App. Received: Priority Date: 11/26/1886
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Audit: 06/18/85 05/28/88 CONVERT

STATE OF IDAHO DEED

Deed No. 13254
(U.S. Bank Land Exchange)

THIS INDENTURE made this 1 day of June, 1998 by and between STATE OF IDAHO, DEPARTMENT OF LANDS, acting by and through the State Board of Land Commissioners, party of the first part, hereinafter referred to as "Grantor", and KRISTINE S. PIGEON, Sagebrush Arena, P.O. Box 394, Sun Valley, Idaho 83353; party of the second part, hereinafter referred to as "Grantee".

WITNESSETH, That the Grantor in accordance with Section 58-138, Idaho Code, does hereby convey and confirm in fee unto the said Grantee and her heirs and assigns forever, all of the following described real property situate in Blaine County, State of Idaho, to-wit:

A tract of land located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 33, Township 3 North, Range 18 East, Boise Meridian, lying west of the former Union Pacific Railroad R/W and being more particularly described as follows:

Commencing at the northwest section corner of said Section 33, thence South 0°39'09" West, 503.96 feet along the west section line of said Section 33 to a point on the west boundary of the former Union Pacific Railroad R/W, said point being the REAL POINT OF BEGINNING; thence continuing South 0°39'09" West a distance of 2,142.53 feet along the west section line of said Section 33; thence South 59°52'38" East, 748.62 to a point on the west boundary of the former Union Pacific Railroad R/W; thence North 18°39'52" West a distance of 2,263.01 feet along said former railroad R/W returning to the real point of beginning, the above described area containing 18.4099 acres, more or less, together with 0.81 cubic feet per second which covers the surface irrigation water rights available from the Big Wood River through the Hiawatha Canal with a priority date of November 26, 1886 (Water Right #A37-00402).

TO HAVE AND TO HOLD the above-described premises and parcel of land and granted real property unto KRISTINE S. PIGEON, and her heirs and assigns forever, subject only to the following:

Rights-of-way thereon reserved to the United States for ditches and canals constructed by the authority of the United States (Act of August 30, 1890; 26 Stat. 39*; U.S.C. 945) on all lands.

These lands are subject to the following lease:

State of Idaho Temporary Permit No. 2113 to Idaho Power.

414922

Deal
TITLE CO. REQUEST
FIRST AMERICAN TITLE CO

*98 JUN 2 PM 3 44

MADE BY: [Signature]

FEES \$ 6

State of Idaho Deed No. 13254
Page 2 of 2

IN WITNESS WHEREOF, I, PHILIP E. BATT, the Governor of the State of Idaho and President of the State Board of Land Commissioners, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed, this 1 day of June, 1998.

Philip E. Batt
Governor of Idaho and President of the
State Board of Land Commissioners

COUNTERSIGNED:

Pete T. Cenarrusa
Secretary of State

Stanley F. Hamilton
Director, Department of Lands

STATE OF IDAHO)
County of Ada) ss.

On this 1 day of June, in the year 1998, before me a Notary Public in and for said State, personally appeared PHILIP E. BATT, known to me to be the Governor of the State of Idaho and President of the State Board of Land Commissioners, and PETE T. CENARRUSA, known to me to be the Secretary of State of the State of Idaho, and STANLEY F. HAMILTON, known to me to be the Director of the Department of Lands of the State of Idaho, who executed the said instrument and acknowledged to me that such State of Idaho executed the same.

Shirley A. Baker
NOTARY PUBLIC
Residing at Mardan, Idaho
My Commission expires: 5/22/2001

10/30/2006

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

RIGHT NUMBER: 37-21246
NAME AND ADDRESS: DAVID B VERST
PO BOX 3703
HAILEY ID 83333

VICKY VERST
PO BOX 3703
HAILEY ID 83333

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER
QUANTITY: 0.140 CFS
PRIORITY DATE: 11/26/1886
POINT OF DIVERSION:

T03N R18E S20 SESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.140 CFS

PLACE OF USE: IRRIGATION Within BLAINE County
T03N R18E S33 SWNW 2.70

2.7 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20933.

PROPERTY IS ALSO KNOWN AS LOT 3, BLK 1, SAGEBRUSH SUBDIVISION.

THIS RIGHT ORIGINALLY WAS A SPLIT FROM FORMER RIGHT 37-402.

Water diverted from Headgate #22 delivered through Hiawatha Canal.



Idaho Department of Water Resources

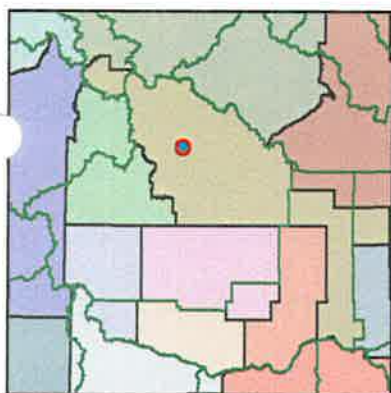
SRBA Recommendation:

37-21246

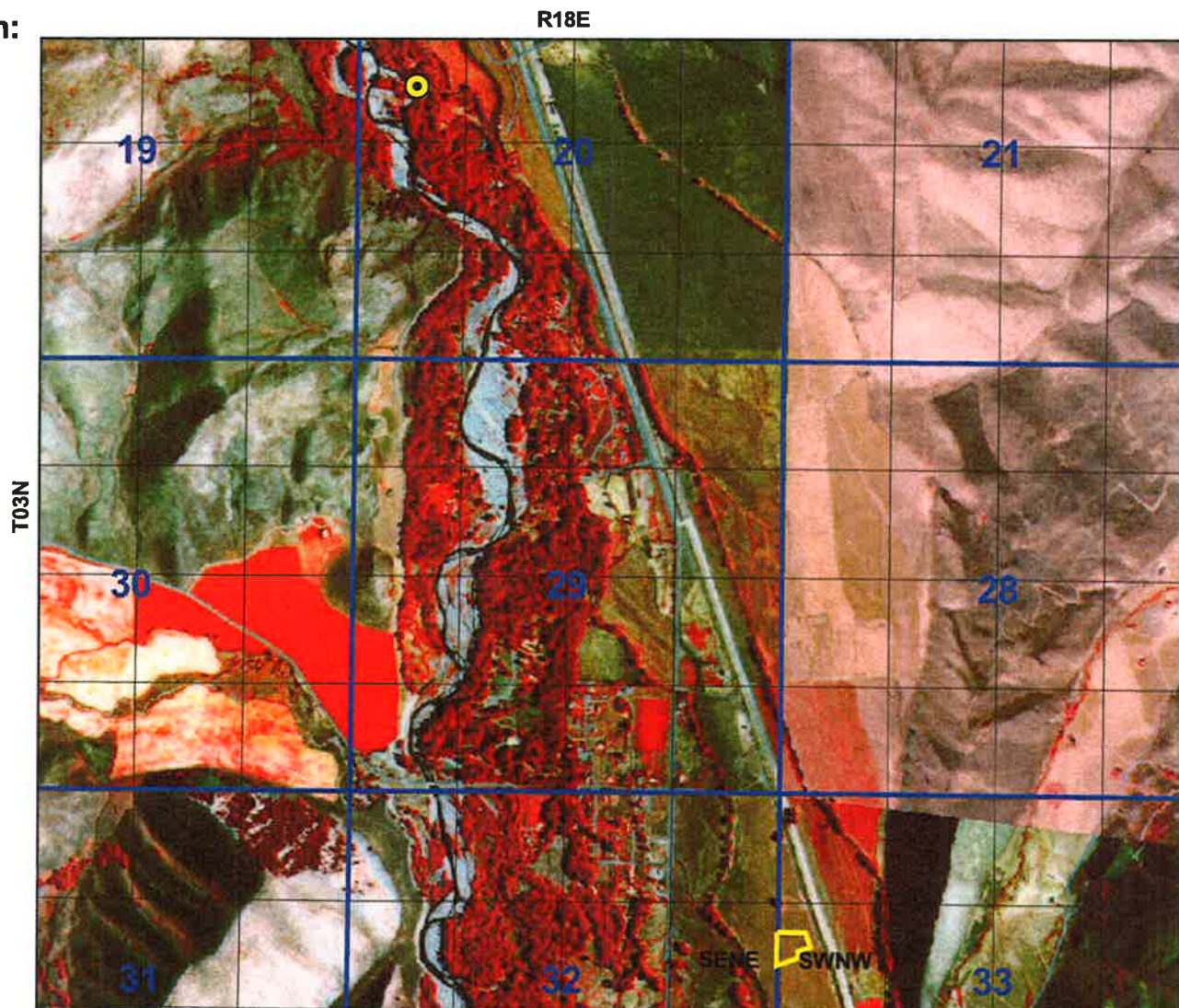
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.9 1.8 Miles



Prepared by E. NORQUES
On Thursday, November 2, 2006
1987/88 Aerial Photography

37-21246





Idaho Department of Water Resources

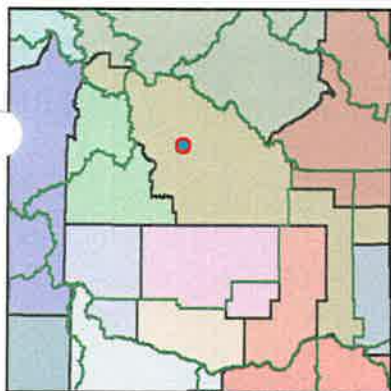
SRBA Recommendation:

37-21246

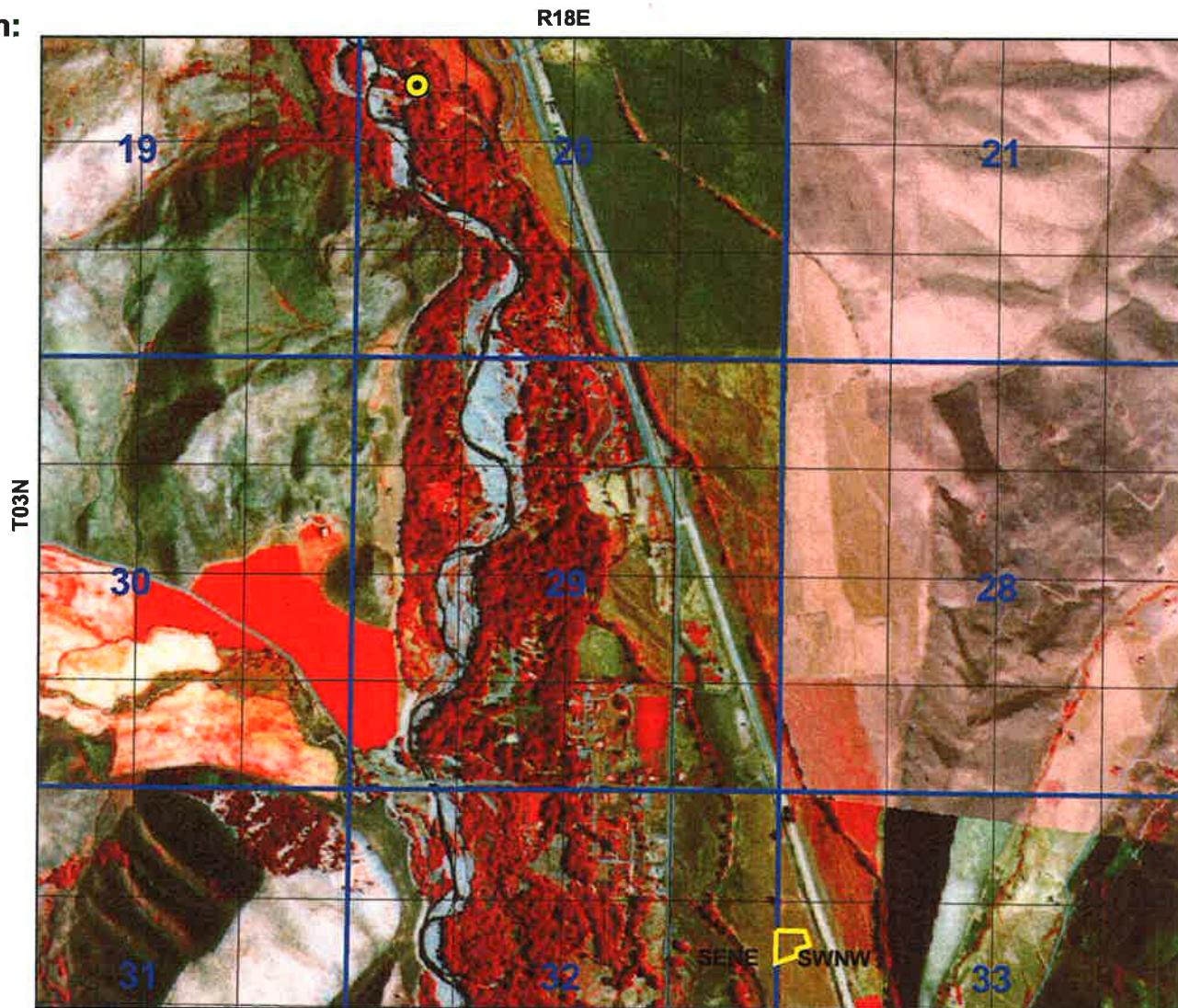
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



0 0.9 1.8 Miles



Prepared by E. NORQUES
On Thursday, November 2, 2006
1987/88 Aerial Photography

37-21246

