

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 37-21809
Date Received: 9/14/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

BAUSCHER RANCH INC
C/O ALLEN BAUSCHER
PO BOX 333
FAIRFIELD ID USA 83327

Phone: (208)764-2413

2. Date of Priority: 08/19/1975

3. Source: GROUND WATER , GROUND WATER Trib. to: ,

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01S	15E	7	NE	SE	SE	CAMAS	
01S	15E	8	NW	SW	SW	CAMAS	

5. Description of diverting works:

TWO WELLS & PUMPS DELIVERING TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.08	
STOCKWATER	1/01	12/31	0.14	
DOMESTIC	1/01	12/31	0.08	

7. Total Quantity Appropriated is:
0.3 C.F.S. and/or 23.1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01S	15E	7	SE	SE		IRRIGATION	2
			SE	SE		STOCKWATER	
						Section Acres	2
01S	15E	8	SW	SW		STOCKWATER	
			SW	SW		IRRIGATION	2
			SW	SW		DOMESTIC	
						Section Acres	2
						Total Acres	4

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

IN 1977 DURING THE DROUGHT THE SECOND WELL WAS ADDED TO THE PIPELINE NETWORK. THIS WELL SUPPLIES WATER TO THE SAME USES AS LICENSED ORIGINALLY. THE SECOND WELL IS IN NWSWSW SEC. 8.

This right is a split from former right 37-2469 .

15. Basis of Claim: License

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02469
Date Received: 9/14/1989
Receipt No: 5009170
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BAUSCHER RANCH INC. 208-764-2413
Address: P.O. BOX 333
FAIRFIELD, ID 83327

2. Date of Priority: AUG 19, 1975

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	15E	7	NE	SE	SE		CAMAS
		8	NW	SW	SW		CAMAS

5. Description of diverting works:
TWO WELLS & PUMPS DELIVERING TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.080		
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	01/01	12/31	0.140		

7. Total Quantity Appropriated is:
0.300 C.F.S. (and/or) 23.10 A.F.A.

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES, S/650 RANGE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	15E	7	SE		SE		IRR	2.0
			SE		SE		STOCK	
						Section Acres		2.0
		8	SW		SW		IRR	2.0
			SW		SW		STOCK	
			SW		SW		DOMEST	
						Section Acres		2.0
						Total Acres		4.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
SEE A37-04067

14. Remarks:
IN 1977 DURING THE DROUGHT THE SECOND WELL WAS ADDED TO THE PIPELINE NETWORK. THIS WELL SUPPLIES WATER TO THE SAME USES AS LICENSED ORIGINALLY. THE SECOND WELL IS IN NWSWSW SEC. 8.

15. Basis of Claim: LICENSE
Water Right Number: 19797

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not x wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of

Title

Baysched Ranch, Inc., that I have signed the foregoing

Organization

document in the space below as President of

Title

Baysched Ranch, Inc. and that the statements contained in the

Organization

foregoing document are true and correct.

James H. Baysched
Signature of Authorized Agent

Pres. Baysched Ranch, Inc.
Title and Organization

9/14/89
Date

State of Idaho

County of Thur Falls

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 14th day

of Sept. 19 89

James H. Baysched
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/94

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-21809 V1

WATER RIGHT NUMBER: 37-21809 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BAUSCHER RANCH INC C/O RANDY BAUSCHER 111 PELICAN POINT RUPERT, ID 83350 (208)431-0292
Current Owner	SELBY CROSSING LLC PO BOX 364 FAIRFIELD, ID 83327 (208)764-2324

Priority Date: 08/19/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.040 CFS	6.00 AF
	<u>Total Diversion:</u>	0.040 CFS	6.00 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4SE1/4	Sec. 7, Twp 01S, Rge 15E, B.M.
CAMAS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01S	15E	7																	2.0	2.0

Total Acres: 2

Conditions of Approval:

1. C18 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.
2. The domestic and stockwater portions of this water right recommended as 37-4067.

Remarks:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-21809 V1

Comments:

Water Supply Bank:

RECEIVED
JAN 30 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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
37-21809					

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) are 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) BAUSCHER RANCH INC.
P.O. Box 333, FAIRFIELD, ID 83327
4. New Owner/Claimant(s) SELBY CROSSING, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 364
- City, State and ZIP Code FAIRFIELD, ID 83327
- New Telephone Number (208) 764 2324
5. Date you acquired the property MARCH 9, 2004

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

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

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

7. Signature of New Owner(s) or Claimant(s) Selby Crossing, LLC
(include title if applicable) By: William DeJeron, member

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

For Office Use Only

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

50053SM

TitleFact, Inc.

P.O. Box 486

Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED **BAUSCHER RANCH, INC.**, an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto **SELBY CROSSING, LLC, an Idaho Limited Liability Company**, Grantee, whose address is: P.O. Box 364, Fairfield, ID 83327, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

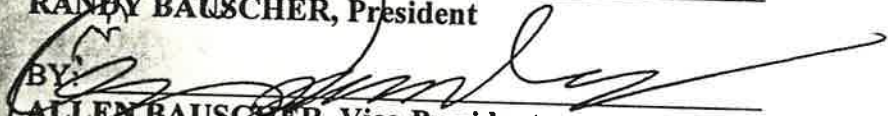
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except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

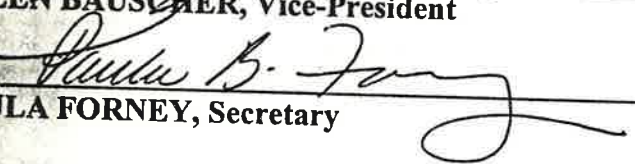
IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: March 9, 2004

BAUSCHER RANCH, INC.

BY: 
RANDY BAUSCHER, President

BY: 
ALLEN BAUSCHER, Vice-President

BY: 
PAULA FORNEY, Secretary

TitleFact, Inc.

P.O. Box 486

Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

CORPORATION WARRANTY DEED

FOR VALUE RECEIVED **BAUSCHER RANCH, INC.**, an Idaho corporation, a corporation duly organized and existing under the laws of the state of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto **SELBY CROSSING, LLC**, an Idaho Limited Liability Company, Grantee, whose address is: P.O. Box 364, Fairfield, ID 83327, the following described real estate, situated in Twin Falls County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

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

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its Secretary.

Dated: March 9, 2004

BAUSCHER RANCH, INC.

BY: [Signature]
RANDY BAUSCHER, President

BY: [Signature]
ALLEN BAUSCHER, Vice-President

BY: [Signature]
PAULA FORNEY, Secretary

* * * * *

STATE OF IDAHO
 County of Twin Falls

On this 9th day of March, 2004, before me, the undersigned, Notary Public in and for said State, personally appeared **RANDY BAUSCHER**, known to me to be the **President**; **ALLEN BAUSCHER** known to me to be the **Vice-President** and **PAULA FORNEY** known to me to be the **Secretary** of the corporation that executed this instrument, or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

[Signature]
 Notary Public for Idaho

Residing at: Twin Falls

My Commission expires: 11-28-2008



Parcel I

Township 1 South, Range 15, East of the Boise Meridian.
Section 5:

Lots 3 and 4, S1/2NW1/4, SW1/4

Parcel II

Township 1 South, Range 15, East of the Boise Meridian.
Section 7:

All of that portion lying north of the Railroad right-of-way, and that portion of the

S1/2SE1/4 lying South of the Railroad right-of-way, except that portion of the Highway right-of-way to the State of Idaho as described in a Deed recorded in Book 15 of Deeds, Page 57, and recorded as Instrument No. 13935, records of Camas County, Idaho.

Also Described as Follows:

A parcel of land located in Section 7, Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho, generally described as that land in the Southeast Quarter of said Section 7 lying South of the land formerly known as the Central Idaho Railroad Right-of-Way, and more particularly described as follows:

Commencing at the Southeast corner of said Section 7, from which the East Quarter corner of said Section 7 bears North 00°21'21" East, 2630.16 feet; thence North 00°21'21" East along the East boundary of said Section 7 for a distance of 40.00 feet to a point on the Northerly Right-of-Way of US Highway 20 as described in Right-of-Way Deed Instrument No: 13935 filed in Camas County Records on March 28, 1931, and being the Point of Beginning; thence North 89°40'04" West along said Northerly Right of Way of US Highway Number 20 for a distance of 2,643.09 feet to a point on the Westerly boundary of the SE1/4 of said Section 7; thence North 00°22'37" East along the Westerly boundary of the SE1/4 of said Section 7 for a distance of 713.80 feet to a point on the Southerly boundary of the land formerly known as the Central Idaho Railroad Right-of-Way as described in Warranty deed between Frances M. Selby, Grantor, to Central Idaho Railroad, Grantee, Book 80, Page 35 of Blaine County Records; thence South 89°32'47" East along said Central Idaho Railroad Right-of-Way for a distance of 2,642.83 feet to the Easterly boundary of the SE1/4 of said Section 7; Thence South 00°21'21" West along the Easterly boundary of the SE1/4 of said Section 7 for a distance of 708.20 feet to the Point of Beginning.

Said Parcel is subject to a county road easement, 30 feet in width along and adjacent to the East boundary of said Section 7.

Also

A parcel of land located in Section 7, Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho, generally described as that land in said Section 7 lying North of the land formerly known as the Central Idaho Railroad Right-of-Way, and more particularly described as follows:

Commencing at the Southeast corner of said Section 7, from which the East Quarter corner of said section 7 bears North 00°21'21" East, 2630.16 feet; thence North 00°21'21" East along the East boundary of said Section 7 for a distance of 40.00 feet to a point on the Northerly Right of Way of US Highway 20 as described in

VALID ONLY IF SCHEDULE B AND
COVER ARE ATTACHED

ALTA Plain Language Commitment
Form No.: 1344-A (1982)
(K27545.PFD/K27545/28)

SCHEDULE A

(Continued)

Order No.: K27545

Right-of-Way Deed, recorded as Instrument No. 13935 filed in Camas County records on March 28, 1931; thence

North 89°40'04" West along said Northerly Right-of-Way boundary of U.S. Highway Number 20 for a distance of 2,643.09 feet to a point on the Westerly boundary of the SE1/4 of said Section 7;

thence

North 00°22'37" East along the Westerly boundary of the SE1/4 of said Section 7 for a distance of 813.79 feet to a point on the Northerly boundary of the land formerly known as the Central Idaho Railroad Right-of-Way as described in Warranty deed between Frances M. Selby, Grantor, to Central Idaho Railroad, Grantee, Book 80, Page 35 of Blaine County Records and in Warranty deed between Bernhard Schweers, Grantor, to Central Idaho Railroad, grantee, Book 77, Page 69 of Blaine County Records, and being The Point of Beginning; thence

North 00°22'37" East along the Westerly boundary of the SE1/4 of said Section 7 for a distance of 25.00 feet to a point on the Northerly boundary of the land formerly known as the Central Idaho Railroad Right-of-Way as described in Warranty deed between Bernhard Schweers, grantor, to Central Idaho Railroad, Grantee, Book 77, Page 71 of Blaine County records; thence

North 89°32'47" West along said Railroad Right-of-Way boundary for a distance of 2,641.97 feet to a point on the Westerly boundary of the SW1/4 of said Section 7; thence North 00°32'07" East along the Westerly boundary of said SW1/4 for a distance of 1,748.87 feet to the West Quarter corner of Said Section 7; thence

North 00°17'27" East along the Westerly boundary of the NW1/4 of said Section 7 for a distance of 2,684.92 feet to the Northwest corner of said section 7, thence

South 89°02'25" East along the Northerly boundary of the NW1/4 of said Section 7 for a distance of 2,641.30 feet to the North Quarter corner of said Section 7; thence

South 89°02'25" East along the Northerly boundary of the NE1/4 of said Section 7 for a distance of 2,641.31 feet to the Northeast corner of said Section 7; thence

South 00°21'21" West along the Easterly boundary of the NE1/4 of said Section 7 for a distance of 2,630.15 feet to the East Quarter corner of said Section 7; thence

South 00°21'21" West along the SE1/4 of said Section 7 for a distance of 1,781.96 feet to a point on the Northerly boundary of said Railroad Right-of-Way; thence

North 89°32'47" West along said Railroad Right-of-Way for a distance of 2,642.79 feet to a point on the Westerly boundary of the SE1/4 of said Section 7 and the Point of Beginning.

Said Parcel is subject to county road easements, 30 feet in width along and adjacent to the East boundary of said Section 7, and 25 feet in width along and adjacent to the West boundaries of said Section 7.

Parcel III

Township 1 South, Range 15, East of the Boise Meridian Camas County, Idaho.
Section 8:

VALID ONLY IF SCHEDULE B AND
COVER ARE ATTACHED

ALTA Plain Language Commitment
Form No.: 1344-A (1982)
(K27545.PFD/K27545/28)

SCHEDULE A

(Continued)

Order No.: K27545

NW1/4, N1/2 of the SW1/4

and that portion of the SW1/4SW1/4 more particularly described as follows:

Being a parcel of land in the SW1/4 of the SW1/4 of Section 8:

Beginning at the Northwest corner of the SW1/4 of the SW1/4, thence

East following the 1/16 section line common to the SW1/4SW1/4 and the NW1/4SW1/4 to the north east corner of the SW1/4SW1/4, thence

South, following the 1/16 section line common the SW1/4SW1/4 and the SE1/4SW1/4 to its intersection with the north line of the O.S.L.R.R. right-of-way a distance of 480.50 feet, thence

West, following this right-of-way line to its intersection with the section line common to Section 7 and 8, Township 1 South Range 15 East, thence

North, following this section line to the NW corner of the SW1/4SW1/4 of section 8, Township 1 South, Range 15 East of the Boise Meridian a distance of 482 feet to the Point of Beginning.

Together with the following parcel of Land more particularly described as follows:

Being a parcel of land in the SE1/4 of the SW1/4 of Section 8:

Beginning at the Northwest corner of the SE1/4SW1/4, thence

East, following the 1/16 section line common to the SE1/4SW1/4 and the NE1/4SW1/4, to the Northeast corner of the SE1/4SW1/4, thence

South, following the North-South 1/4 Section line to its intersection with the north line of the O.S.L.R.R. right-of-way a distance of 479 feet, thence

West following this right-of-way line to its intersection with the 1/16 section line common to the SW1/4SW1/4 and the SE1/4SW1/4, thence

North, following the 1/16 Section line to the Northwest corner of the SE1/4SW1/4 of Section 8, Township 1 South, Range 15 East of the Boise Meridian, a distance of 480.50 feet to the Point of Beginning.

Excepting therefrom the following described parcel:

A parcel of land located in the Southwest Quarter of Section 8, Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho, and more particularly described as follows:

Commencing at the Southwest corner of said Section 8, from which the West Quarter corner of said Section 8 bears North 00°21'21" East, 2,630.16 feet; thence North 00°21'21" East along the west boundary of the SW1/4 of said Section 8 for a distance of 848.20 feet to the Northerly Boundary of the land formerly know as the Union Pacific Railroad right-of-way and the Point of Beginning; thence South 89°32'47" East along said Railroad right-of-way a distance of 911.00 feet; thence North 00°21'21" East and parallel with the West boundary of the SW1/4 of said Section 8 for a distance of 618.72 feet to an existing fence line; thence

**VALID ONLY IF SCHEDULE B AND
COVER ARE ATTACHED**

**ALTA Plain Language Commitment
Form No.: 1344-A (1982)
(K27545.PFD/K27545/28)**

SCHEDULE A

(Continued)

Order No.: K27545

North 88°28'19" West along said fence line for a distance of 911.19 feet to a point on the west boundary of the SW1/4 of said Section 8; thence South 00°21'21" West along the West boundary of the SW1/4 of said Section 8 for a distance of 635.80 feet to the Point of Beginning.

Subject to the rights of a public road which affects the Westerly 30.00 feet thereof.

Parcel IV

Township 1 South, Range 15 East, Boise Meridian in Camas County, Idaho.

Section 18: Lots 1, 2, E1/2NW1/4, NE1/4, Except the Highway right-of-way to the State of Idaho as described in a Deed recorded in Book 15 of Deeds, Page 57, as Instrument No. 13934, records of Camas County, Idaho, and except Highway Right-of-Way to the State of Idaho as described in a Deed recorded in Book 19 of Deeds, Page 235, as Instrument No. 31427, records of Camas County, Idaho, and except Highway right-of-way to the State of Idaho as described in Book 29 of Deeds, Page 123, as Instrument No. 68535, records of Camas County, Idaho.

According to the County Assessor's office, the above described property is commonly known as:
Sections 5, 7, 8 and 18, Township 1 South, Range Camas County Idaho 83327

VALID ONLY IF SCHEDULE B AND
COVER ARE ATTACHED

ALTA Plain Language Commitment
Form No.: 1344-A (1982)
(K27545, PFD/K27545/28)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 30, 2007

SELBY CROSSING LLC
PO BOX 364
FAIRFIELD ID 83327

Re: SRBA Claim #37-21809

Dear Claimant,

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 copy of the computer record of the claim noting the change in claimant. Review this record and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc.

07/21/2006

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

RIGHT NUMBER: 37-21809

NAME AND ADDRESS: BAUSCHER RANCH INC
C/O ALLEN BAUSCHER
PO BOX 333
FAIRFIELD ID 83327

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
6.000 AFY

PRIORITY DATE: 08/19/1975

POINT OF DIVERSION:

T01S R15E S7 NESESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.040 CFS
6.00 AFY

PLACE OF USE: IRRIGATION Within CAMAS County

T01S R15E S07 SESE 2.00

2 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 - License

The domestic and stockwater portions of this water right recommended as 37-4067.



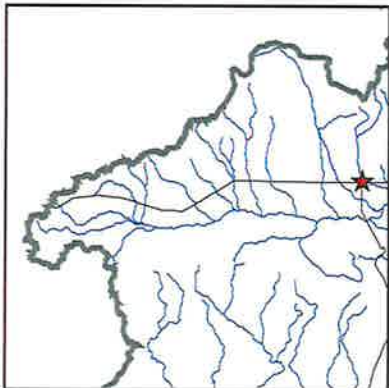
Idaho Department of Water Resources

SRBA Recommendation:

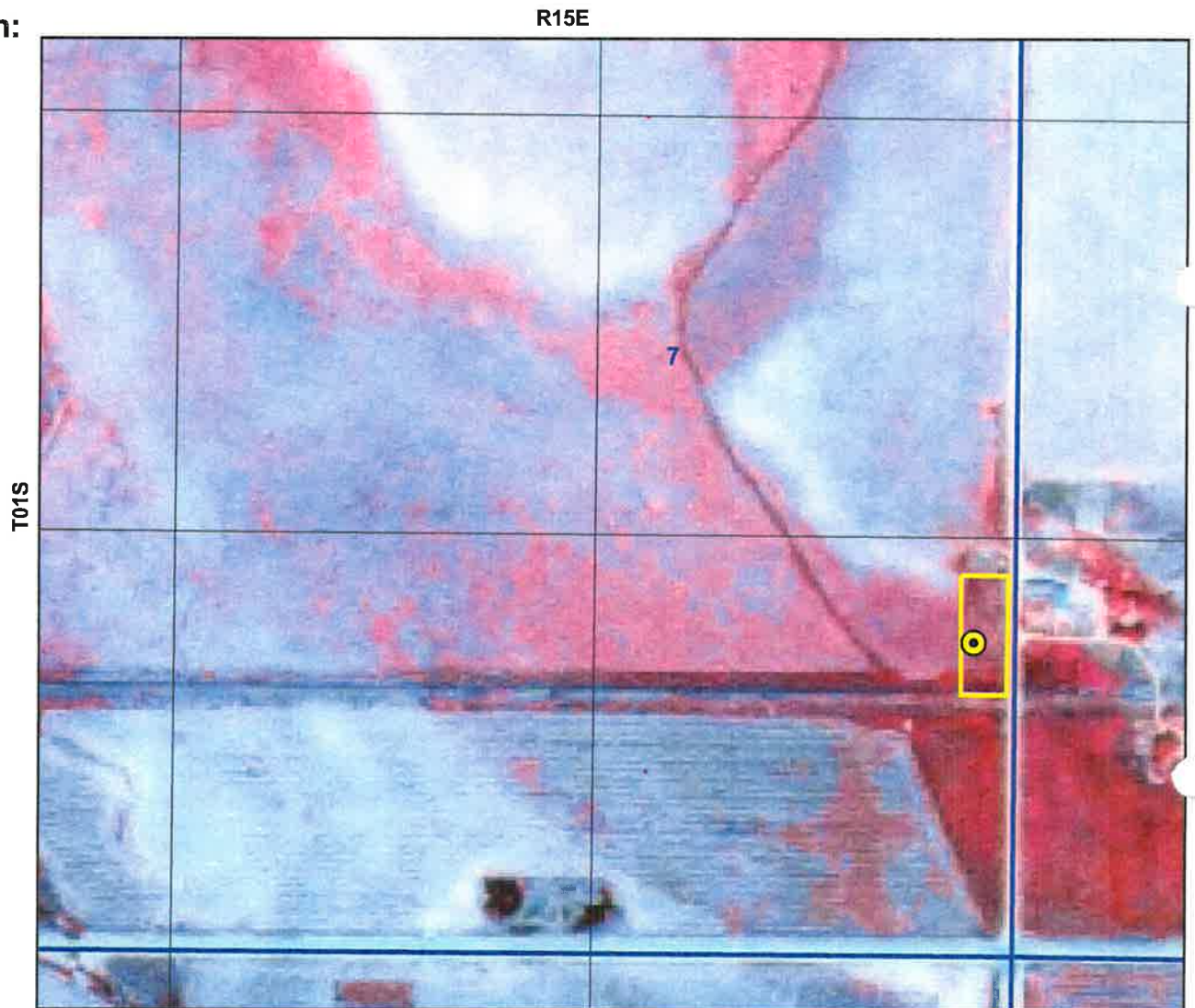
37-21809

Legend

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



Camas County
IDWR Basin 37



0

0.25 Miles



Prepared by M. Anders
On Friday, July 21, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-21809

Background Data

- Source is Groundwater
- 37-2469 is licensed for 0.08 cfs for Irrigation of 4 acres, 0.08 cfs for Domestic, and 0.14 cfs for Stockwater
- Claimed 0.08 cfs for Irrigation of 4 acres, 0.08 cfs for Domestic, and 0.14 cfs for Stockwater

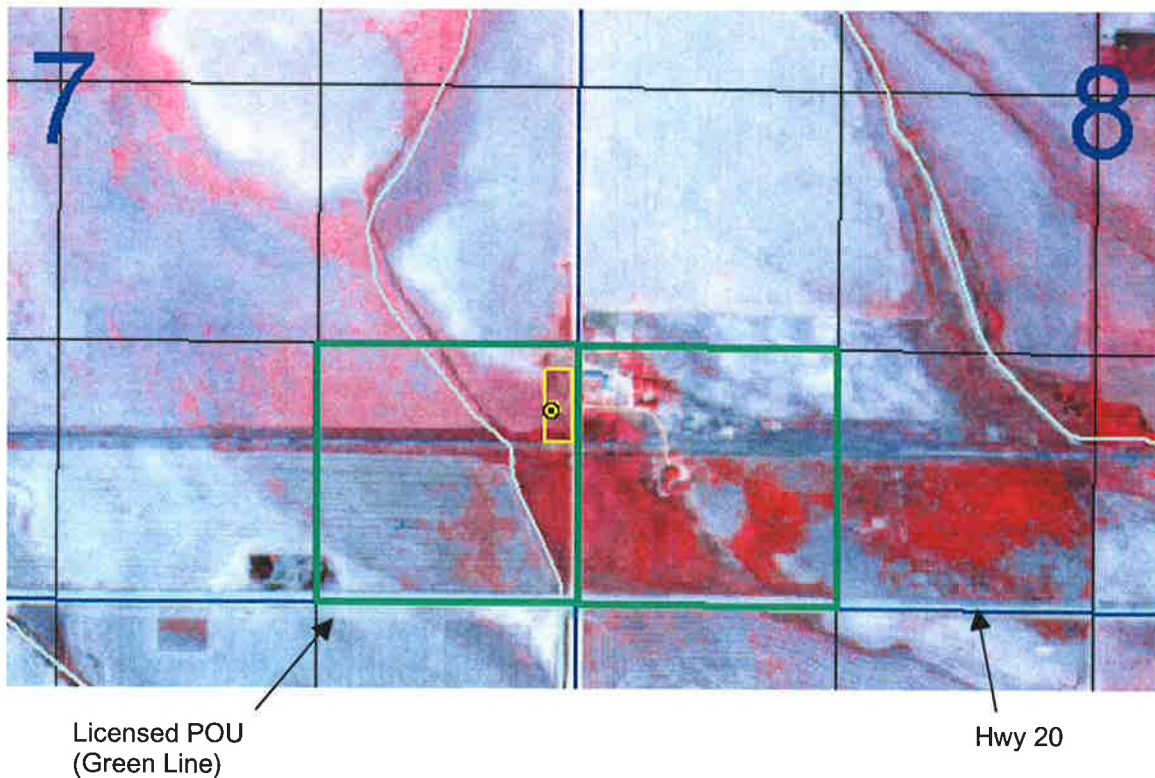
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1S R15E Section 7

- Found 2 acres for Irrigation
- The Domestic and Stockwater portion of claim 37-2469 was decree as 37-4067, so claim 37-4067 was only recommended for Irrigation.
- The property has been sold to two different parties so claim 37-2469 was split into 37-21809 for the Irrigation in Section 7 and 37-21810 for the Irrigation in Section 8.
- Recommendations:
 - 37-21809 – 0.04 cfs and 6 AF for Irrigation of 4 acres
 - 37-21810 – 0.04 cfs and 6 AF for Irrigation of 4 acres
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

Based on Conv. appt
w/ Allen Bauochen at my office
he located the two wells and
the irrig - 4 acres as claimed.
1/12/00
ALL

2 AC
WELL →

→ 2 AC
Well

B

7 8

18 17

37-2469

37-2469

1/12/06
SCC

37-4067 is already partially decreed
for these same uses. D=.08 cfs S=.16 cfs
D/S 0.24 cfs GW

Well in T1S R15E S7 NESESE

this right must be for the second well uses
as described in Remarks.

2ND well: T1S R15E S8 NWSWSW

1/13/06 review w/ Carter -

- may need to split 37-2469 to each
side of the road. Also drop D/S uses
covered in 1910 claim 37-4067.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-2469 (Late proof)
Priority August 19, 1975 Amount 0.30 cfs

THIS IS TO CERTIFY, that ALLEN BAUSCHER
of Fairfield, Idaho, has complied with the terms and conditions of Permit
No. 37-2469 issued pursuant to Application for Permit dated April 11, 1946
and has submitted proof to the Department of Water Resources on February 26, 1976
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.30 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>0.08</u> cfs and	<u>12</u> acre feet
Domestic	from <u>January 1</u> to <u>December 31</u>	at <u>0.08</u> cfs and	<u>2.4</u> acre feet
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.14</u> cfs and	<u>8.7</u> acre feet

(both dates inclusive)

Subject, however, to the condition that no more than 0.30 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
23.1 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 1S,
Rge. 15E, B.M. in the County of Camas

Description and location of place of use:

Twp.	Range	Sec.	Section																Totals	
			NE				NW				SW				SE					
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
1S	15E	7																	2	2
		8																	(Domestic & Stockwater)	2

Total number of acres irrigated 4

Remarks:

Domestic use is for 2 homes and stockwater use for 650 head
range cattle.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29th day of
February, 19 80.

Deputy Director

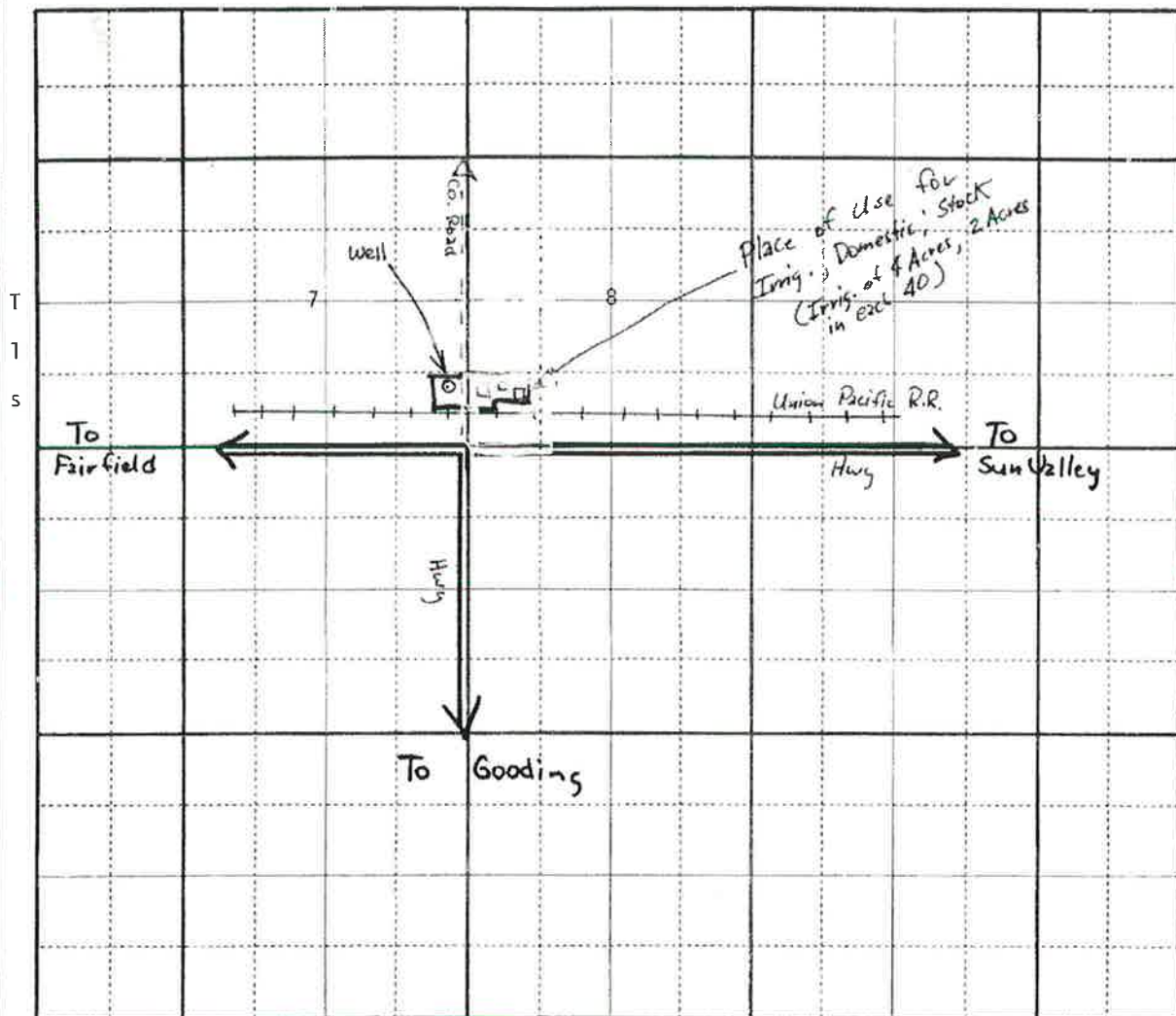
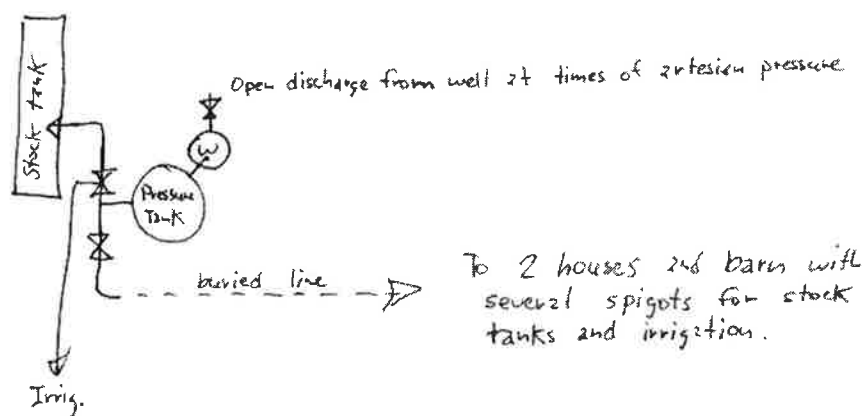


Diagram of System



Bauscher

1-12-06

SCC

Needs to claim developed springs

- may use GPS locations after snow melts
- or may use maps.

printed out proof of 37-4073

- may claim this as developed spring

PARTIAL DECREE

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4067

WATER RIGHT NUMBER: 37-4067

Owner Type

Current Owner

Name and Address

BAUSCHER RANCH INC
C/O ALLEN BAUSCHER
PO BOX 333
FAIRFIELD, ID 83327
(208)764-2413

Priority Date: 12/31/1910

Basis: Decreed

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

STOCKWATER

DOMESTIC

From To

1/01 to 12/31

1/01 to 12/31

Diversion Rate

0.160 CFS

0.080 CFS

Annual VolumeTotal Diversion: 0.240 CFSLocation of Point(s) of Diversion

GROUND WATER

CAMAS County

NE1/4SE1/4SE1/4

Sec. 7, Twp 01S, Rge 15E, B.M.

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	15E	7																X	
01S	15E	8										X							

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	15E	8											X						

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-4067

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. C18 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.
4. PARCEL NOS. 01S15E070100, 01S15E082400 STOCKWATER, 500 RANGE

Remarks:

Comments:

1. DUNN1 10/31/1993 COPIED FROM REMARKS

Comment: THIS WELL WAS ORIGINALLY ARTESIAN FLOWING BUT WHEN PUMPING OF IRRIGATIONS WELLS STARTED IN AREA THE ARTESIAN FLOW WAS LOST AND A PUMP HAD TO BE PUT IN WELL. THE ORIGINAL STATUTORY CLAIM LISTED 3/1/1933 AS PRIORITY WHICH WAS BASED ON WHEN BAUSCHER'S MOVED ON RANCH. ACTUALLY THE WELL HAS EXISTED EVEN BEFORE WHEN THE RAILROAD WAS PUT IN THE EARLY PART OF THE CENTURY.

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2469

WATER RIGHT NUMBER: 37-2469

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALLEN BAUSCHER
	FAIRFIELD, ID 83327
Original Owner	HENRY G BAUSCHER
	SOLDIER, ID

Priority Date: 08/19/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.140 CFS	8.70 AF
IRRIGATION	4/01 to 11/01	0.080 CFS	12.00 AF
DOMESTIC	1/01 to 12/31	0.080 CFS	2.40 AF
	<u>Total Diversion:</u>	0.300 CFS	23.10 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 7, Twp 01S, Rge 15E, B.M.
CAMAS County		

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	15E	8											X						

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	15E	7																2.0	2.0
01S	15E	8											2.0						2.0

Total Acres: 4
DOMESTIC

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-2469

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
01S	15E	8	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

Conditions of Approval:

Remarks:

Comments:

Water Supply Bank: