Form 1-222
12-92 (Internet)

Page 1 of 6

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

Transfer No. 70396

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant CONSOLIDATED FARMS, INC. DBA ELK MOUNTAIN FARMS, INC. Phone 208-267-8569 ED ATKINS

Post Office address HCR 60 BOX 264, BONNERS FERRY, ID 83805

### A. PURPOSE OF TRANSFER

1. XXX Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use XXX Other REMOVE POWER USAGE

2. Describe the reason for the proposed changes REMOVE POWER USAGE AS IT IS NO LONGER USED.
   CHANGE POINT OF DIVERSION PER ATTACHED SURVEY.
   TRANSFER OWNERSHIP PER ENCLOSED DEEDS AND TAX ROLLS.

WITHDRAWN
01-30-2014

### B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use | |
|---|---|---|---|---|---|
| 98-7080 | | 0.030CFS/1.20AF | DOMESTIC | JAN 1 | to DEC 31 |
| | | 0.020CFS/1.40AF | STOCKWATER | JAN 1 | to DEC 31 |
| | | | | | to |
| | | | | | to |

2. Total amount of water being transferred 0.050 cubic feet per second and/or 2.60 acre-feet per annum.
3. Source of water FISHER CREEK tributary to KOOTENAI RIVER
4. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | SE | | | 22 | 64N | 01W | BOUNDARY | FISHER CREEK (NWSE) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 64N | 01W | 23 | | | | | | | | | XX | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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Total acres

COMPLETE DOCUMENT

JAN 14 2013

SCANNED

Transfer No. 70396

## PART 1

6. General Information:

a. Description of diversion system CONCRETE DAM.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XXX No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE-NO CHANGE IN PLACE OF USE.

d. Remarks:
THE POINT OF DIVERSION IS LOCATED ON FOREST SERVICE LAND. ELK MOUNTAIN FARMS IS IN THE PROCESS OF APPLYING FOR PURCHASE OF THE LAND PURSUANT TO THE SMALL TRACT ACT. FOREST SERVICE HAS INDICATED THAT SHOULD SUCH APPLICATION BE DENIED THEY WILL THEN START APPLICATION FOR SPECIAL USE PERMIT, WITH NO FORESEEABLE PROBLEMS IN OBTAINING SUCH

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 13TH day of August, 2002.

Ed Clark

Transfer No. 10396

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:
   a. Decree No. _____ Decreed to _____
      in case of _____ vs. _____
      dated _____ in _____ county of _____
   b. License No. _____ issued by the Idaho Department of Water Resources.
   c. Claim No. 98-7080 on file with the Idaho Department of Water Resources.
   d. Transfer No. _____ which produced this right.
2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:
   ☒ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water FISHER CREEK tributary to KOOTENAI RIVER
4. Date or priority _____
5. Water is used for the following purpose:
   amount 0.030 CFS/1.20AF (cfs/ac-ft) for DOMESTIC purposes from JAN 1 to DEC 31
   amount 0.020CFS/1.40AF (cfs/ac-ft) for STOCKWATER purposes from JAN 1 to DEC 31
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
6. Total amount of water under right 0.050 cubic feet per second and/or 2.60 acre-feet per annum.
7. Point(s) of Diversion: FISHER CREEK

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | SE | | | 22 | 64N | 01W | BOUNDARY | FISHER CREEK (NWSE) |
| | | | | | | | | |
| | | | | | | | | |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 64N | 01W | 23 | | | | | | | | | X | | | | | | | | |
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Total acres _____

9. Describe any other water rights used for the same purpose as described above NONE

## PART 2

Transfer No. 10396

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
YES If yes, describe THE CURRENT POWER USAGE.

### B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount 0.030CFS/1.20AF (cfs/ac-ft) for DOMESTIC purposes from JAN 1 to DEC 31
amount 0.020CFS/1.40AF (cfs/ac-ft) for STOCKWATER purposes from JAN 1 to DEC 31
amount (cfs/ac-ft) for purposes from to

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | SE | | | 22 | 64N | R1W | BOUNDARY | FISHER CREEK (NWSE) |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 64N | 01W | 23 | | | | | | | | | X | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres

### C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount 0.030CFS/1.20AF (cfs/ac-ft) for DOMESTIC purposes from JAN 1 to DEC 31
amount 0.020CFS/1.40AF (cfs/ac-ft) for STOCKWATER purposes from JAN 1 to DEC 31
amount (cfs/ac-ft) for purposes from to

2. Point(s) of Diversion:

| Lot | ¼ | ¼ | ¼ | Sec. | Twp. | Rge. | County | Local name for diversion |
|---|---|---|---|---|---|---|---|---|
| | SE | | | 22 | 64N | 1W | BOUNDARY | FISHER CREEK (NWSE) |
| | | | | | | | | |
| | | | | | | | | |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ | | | | NW ¼ | | | | SW ¼ | | | | SE ¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | |
| 64N | 1W | 23 | | | | | | | | | XX | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total acres

Transfer No. 70396

**STATE OF IDAHO**
**DEPARTMENT OF WATER RESOURCES**

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 3

**A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

SEE ATTACHED USGS MAPS.

**SCALE: 2 inches equal 1 mile. Draw plan in ink.**

Transfer No. 70396

## PART 3

**B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount (cfs/ac-ft) | Hours/days/year | Period of Use |
|---|---|---|---|---|
| | REMOVE POWER USAGE | NONE | NONE | NONE to NONE |
| | | | | to |

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 13TH day of August, ~~19~~ 2002.

(Notary Public)

KIRSTEN MADDEN NOTARY PUBLIC STATE OF IDAHO

My commission expires 3-10-2006

## FOR DEPARTMENT USE ONLY

Transfer contains ____ pages and ____ attachments

Received by DB/RGH Date 8/27/02 Protest filed by ____

Prelim. check by ____ Fee $100.00 ____

Receipted by DB Ref# A01 15242 Date 8/27/02 ____

Published in ____ Copies of protest forwarded by ____

Pub. dates ____ Hearing held by ____ Date ____

Watermaster recommendation requested on ____ Recommended for ☐ approval ☐ denial

____ rec'd. ____ by ____

Copy of transfer sent to lien holder ____

151564

QUITCLAIM DEED

THIS INDENTURE, Made this 5th day of November, 1986, by and between J. R. McFARLAND and GERALDINE McFARLAND, husband and wife, Grantors, and ELK MOUNTAIN FARMS, INC., an assumed business name for Consolidated Farms, Inc., a Delaware corporation registered to dc business in the State of Idaho, Grantee, whose address is One Busch Place, St. Louis, Missouri 63118.

WITNESSETH:

The Grantors, for and in consideration of the sum of One Dollar ($1.00), lawful money of the United States of America, and other good and valuable considerations to them in hand paid by Grantee, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM unto said Grantee, and to its successors and assigns forever, all of their right, title and interest now owned or hereafter acquired in and to that certain lot, piece and parcel of land situate, lying and being in Boundary County, State of Idaho, and being more particularly described as follows:

See Exhibit "A" attached hereto.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, of Grantors.

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

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

J. R. McFARLAND

GERALDINE McFARLAND

STATE OF IDAHO )
) ss.
County of Boundary )

On this 5th day of November, 1986, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared J.R. McFARLAND and GERALDINE McFARLAND, husband and wife, known to me to be the persons whose names are subscribed to the within and 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 Public for the State of Idaho
Residing at Bonners Ferry

County of Boundary ss
0151564
filed for record at the request of
Boundary Abstract
on the 5 day of Nov, 1986 at 4:41
o'clock PM and recorded in Book 60
of Instruments on page 491
Boundary County Recorder
By C. Thornton Deputy
Fee $ 6.00 chg
B.C.

# EXHIBIT "A"

Government Lots 4 and 5 in Section 1, Township 63 North, Range 1 West, of the Boise Meridian, Boundary County, Idaho.

All that part of the of Government Lot 1 and the Southeast Quarter of the Northeast Quarter (SE1/4, NE1/4) of Section 2, Township 63 North, Range 1 West, of the Boise Meridian, Boundary County, Idaho, lying within the boundary of Drainage District 16 as defined by that certain decree dated October 10, 1955, and recorded in Book 8 of Judgements Page 181, Boundary County, Idaho; more particularly described as follows:

Beginning at the Northeast corner of said Section 2; thence S00°10'05"W, along the east line of the section, 2642.83 feet, to the East Quarter corner of said Section 2; thence N89°41'21"W, along the east-west centerline of Section 2 and the south line of Drainage District 16, 500.20 feet; thence, along the boundary of Drainage District 16, N32°03'51"E, 329.41 feet; thence N19°32'57"W, 859.78 feet; thence N65°02'42"W, 450.20 feet; thence N11°27'55"E, 589.61 feet; thence N18°02'56"W, 719.80 feet; thence N37°43'05"W, 127.06 feet, to the north line of Section 2; thence, along said north line, S89°54'30"E, 1212.49 feet, to the TRUE POINT OF BEGINNING.

The Northeast Quarter (NE1/4); the East Half of the Northwest Quarter (E1/2, NW1/4); and all that part of the Southeast Quarter (SE1/4) of Section 35, Township 64 North, Range 1 West, of the Boise Meridian, Boundary County, Idaho lying with the boundary of Drainage District 16 as defined by that certain decree dated October 10, 1955, and recorded in Book 8 of Judgements Page 181, Boundary County, Idaho; more particularly described as follows:

Beginning at the Southeast corner of said Section 35; thence N89°54'30"W, along the south line of said Section 35, 1212.49 feet, to the west boundary of Drainage District 16; thence along the west boundary of the Drainage District, N37°43'05"W, 372.95 feet; thence N10°02'46"W, 1219.52 feet; thence N05°57'43"E, 1142.20 feet, to the east-west centerline of said Section 35; thence, leaving the Drainage District boundary, N89°47'57"E, 1582.98 feet, to the East Quarter corner of Section 35; thence S01°02'48"W, 2639.87 feet, to the TRUE POINT of BEGINNING.

The Northwest Quarter (NW1/4); the Southwest Quarter of the Northeast Quarter (SW1/4, NE1/4); the West Half of the Southwest Quarter (W1/2, SW1/4); the Northeast Quarter of the Southwest Quarter (NE1/4, SW1/4); the Northwest Quarter of the Southeast Quarter (NW1/4, SE1/4); and Government Lots Two (2), Three (3), Four (4), and Five (5); all in Section 36, Township 64 North, Range 1 West, of the Boise Meridian, Boundary County, Idaho.

The South Half (S1/2); the Southwest Quarter of the Northeast Quarter (SW1/4, NE1/4); and Government Lot 3; all in Section 26, Township 64 North, Range 1 West, of the Boise Meridian, Boundary County, Idaho.

The Southwest Quarter of the Southwest Quarter (SW1/4, SW1/4); Government Lots Two (2), Three (3), Six (6), and Seven (7); all in Section 25, Township 64 North, Range 1 West, of the Boise Meridian, Boundary County, Idaho.

156866

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11/4/88

# GENERAL WARRANTY DEED

FOR VALUE RECEIVED, Flying S Ranch, Inc., an Idaho corporation, the grantor does hereby grant, bargain, sell, and convey unto Consolidated Farms, Inc., a Delaware corporation, d/b/a Elk Mountain Farms, Inc. whose current address if P. O. Box 1242, Bonners Ferry, Idaho 83805, the grantee, the following described premises in Boundary County, Idaho, to wit:

Tract I:

Lots Two (2), Three (3), Four (4), Five (5) and Six (6), the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4), the South Half of the Northwest Quarter (S 1/2 NW 1/4), the Southwest Quarter (SW 1/4), and the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4), being all that part of Section Twenty-three (23), lying and being West of the Kootenai River, all in Township Sixty-four (64) North, Range One (1) West, B.M., Boundary County, Idaho.

Tract II:

Lots Three (3), Four (4) and Seven (7) of Section Twenty-four (24), Township Sixty-four (64) North, Range One (1) West, B.M., Boundary County, Idaho.

Excepting therefrom, so much of said Tract which is an island in the Kootenai River, as described as follows:

A tract of land in Government Lots Four (4) and Seven (7) of Section Twenty-four (24), Township Sixty-four (64) North, Range One (1) West of the Boise Meridian, Boundary County, Idaho; more particularly described as follows:

Commencing at the East Quarter corner of said Section 24; thence S 89 54' 49" W, along the east-west centerline of the Section, 2,270.46 feet, to a point on the high bank of the Kootenai River and the TRUE POINT OF BEGINNING; thence along the high bank of the Kootenai River for the following 22 courses:

1. S 09 degrees 39' 59" E, 168.19 feet;
2. S 01 degrees 42' 42" E, 279.28 feet;
3. S 14 degrees 21' 36" W, 241.94 feet;

4. S 16 degrees 58' 02" W, 148.08 feet;
5. S 37 degrees 17' 43" W, 149.20 feet;
6. S 44 degrees 19' 04" W, 198.71 feet;
7. N 38 degrees 56' 14" W, 197.58 feet;
8. N 41 degrees 59' 49" W, 130.59 feet;
9. N 11 degrees 44' 17" W, 58.52 feet;
10. N 63 degrees 49' 01" W, 77.91 feet;
11. N 33 degrees 46' 41" W, 429.94 feet;
12. N 45 degrees 54' 08" W, 126.34 feet;
13. N 30 degrees 19' 46" W, 282.32 feet;
14. N 20 degrees 52' 52" W, 153.36 feet;
15. N 51 degrees 58' 50" W, 278.10 feet;
16. N 33 degrees 17' 00" W, 136.55 feet;
17. N 50 degrees 18' 02" E, 415.90 feet;
18. S 86 degrees 33' 02" E, 292.07 feet;
19. S 81 degrees 21' 21" E, 413.92 feet;
20. S 61 degrees 30' 48" E, 299.40 feet;
21. S 19 degrees 00' 33" E, 331.48 feet;
22. S 09 degrees 39' 52" E, 109.49 feet;

to the TRUE POINT OF BEGINNING; forming an island containing 32.64 acres

Tract III:

Lot Two (2) and the Northwest Quarter (NW 1/4) of Section Twenty-six (26), Township Sixty-four (64) North, Range One (1) West, B.M., Boundary County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee and its heirs and assigns forever. And the said grantor does hereby covenant to and with the said grantee that said grantor owns the premises in fee simple, and that they are free from all encumbrances except those set out on Exhibit A attached hereto, and that said grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the grantor has caused this deed to be executed this ___ day of November, 1988.

By: _____
Its _____

STATE OF IDAHO )
) ss
County of Boundary )

On this 9th day of November in the year 1988, before me Sharlene Delaney, personally appeared Bernice H. Smith known or identified to me to be the president, or vice-president, or secretary or assistant or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same. In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Sharlene Delaney
Notary Public, residing at
Bonners Ferry

My commission expires on: [illegible]

7/27/88

# EXHIBIT A

## FLYING S RANCH
## PERMITTED TITLE EXCEPTIONS

1. Roadway agreement by and between Ralph Kerr and Marie Kerr, his wife, Boundary County, Idaho, and Matt Ripatti, recorded in Book 6 of Miscellaneous, page 12, records of Boundary County, on April 27, 1942, an abstracted copy of which is attached hereto and by reference made a part hereof.

2. Easement between James M. Smith, first party, and Kerr District, second party, for an easement and right-of-way for flood control works over the South Half of the Southwest Quarter (S½ SW 1/4) of Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded May 12, 1967, as Instrument No. 99316, records of Boundary County, Idaho.

3. Easement between James M. Smith, first party, and Kerr Tract, second party, for an easement and right-of-way for flood control works over Government Lots Five (5) and Six (6), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded January 4, 1968, in Book 2 of Instruments at page 541, records of Boundary County, Idaho.

4. Easement between James M. Smith, first party, and Kerr Tract, second party, for an easement and right-of-way for flood control over Government Lots Two (2), Three (3), and Four (4), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the Instrument recorded May 2, 1968, in Book 3 of Instruments at page 372, records of Boundary County, Idaho.

5. Easement between James M. Smith and Berneece H. Smith, husband and wife, first party, and Drainage District #9, Second party, for an easement and right-of-way for flood control works, Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded April 27, 1972, in Book 13 of Instruments at page 95, records of Boundary County, Idaho.

6. Easement and Grazing Permit between James M. Smith and Berneece Smith, husband and wife, grantors, and The Pack River Company, grantee, over existing roads in the Northwest Quarter (NW 1/4) of Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded November 9, 1973, in Book 17 of Instruments at page 335, records of Boundary County, Idaho.

7. Flowage Easement and Release of Claim for Damages between Flying S Ranch, Inc., an Idaho corporation, and United States of America, for parts of Government Lots Two (2) and Three (3), Section Twenty-three (23), Township Sixty-four (64) North, Range One (1) West, as shown by the instrument recorded September 25, 1985, in Book 56 of Instruments at page 364, records of Boundary County, Idaho.

8. Flowage Easement and Release of Claim for Damages between Flying S Ranch, Inc., an Idaho corporation, and the United States of America, for Government Lots Three (3) and Four (4), Section Twenty-four (24), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded February 20, 1986, in Book 58 of Instruments at page 142, records of Boundary County, Idaho.

9. Said premises are within the boundaries of Drainage District No. 16 of Boundary County and are subject to the levies and assessments thereof.

10. Said premises are within the boundaries of Drainage District No. 16 of Boundary County and are subject to rights of way for dikes and drainage ditches thereof.

11. Easement between James M. Smith, first party, and Drainage District No. 16, second party, an easement and right of way for flood control works for the Northwest Quarter (NW 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-six (26), Township Sixty-four (64) North, Range One (1) West, B.M., as shown by the instrument recorded May 12, 1967, as Instrument No. 99315, records of Boundary County, Idaho.

12. Release between Drainage District No. 16, and the United States of America, as shown by the instrument recorded November 10, 1977, in Book 28 of Instruments at page 169, records of Boundary County, Idaho.

13. Any adverse claim based upon the assertion that the location of the Kootenai River has moved.

14. Any claim arising from the difference in the mean high water line of the Kootenai River and the meander line as shown by the Government Survey.

15. Reservations and exceptions in a Patent from the United States of America to N.P.R.R. Co., dated July 27, 1899, in Book 2 of Patents at page 302, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

16. Reservations and exceptions in a Patent from the United States of America to Mattias Ripatti, dated November 12, 1921, in Book 2 of Patents at page 86, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

17. Reservations and exceptions in a Patent from the United States of America to Charles F. Fischer, dated January 6, 1906, in Book 1 of Patents at page 402, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should

the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

18. Rights of the public in and to any portion of the premises covered by the waters of the Kootenai River and Fisher Creek for purposes of including, but not limited to, fishing, boating, recreation, or any other use covered by the public trust doctrine.

19. Reservations and exceptions in a Patent from the United States of America to Hiram K. Harbican, dated May 5, 1916, in Book 2 of Patents at page 335, records of Boundary County, Idaho, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and the rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of court, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted a right of way therein for ditches and canals constructed by authority of the United States of America.

20. Claims or title to water.

STATE OF IDAHO )
County of Boundary ) ss

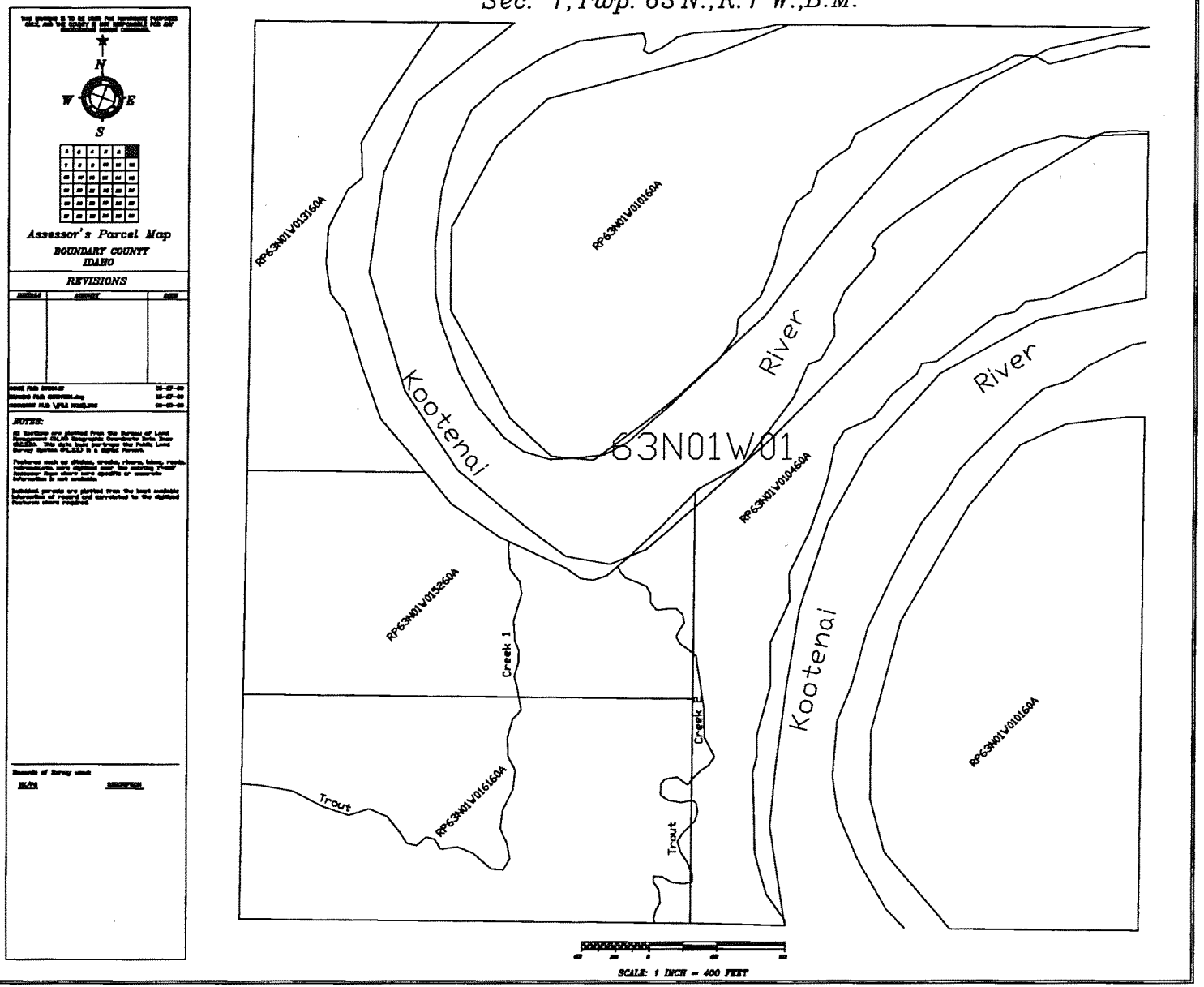
No. 156866

Filed for record at the request of
Peter B. Wilson
9m. Nov. 1988 at 4:17
P. M. in Book 68
Instruments on page 360
Boundary County Recorder
By C. Thornton Deputy
Fee $ 21.00 Chg.
Wilson

## SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.

# Sec. 1, Twp. 63 N., R. 1 W., B.M.



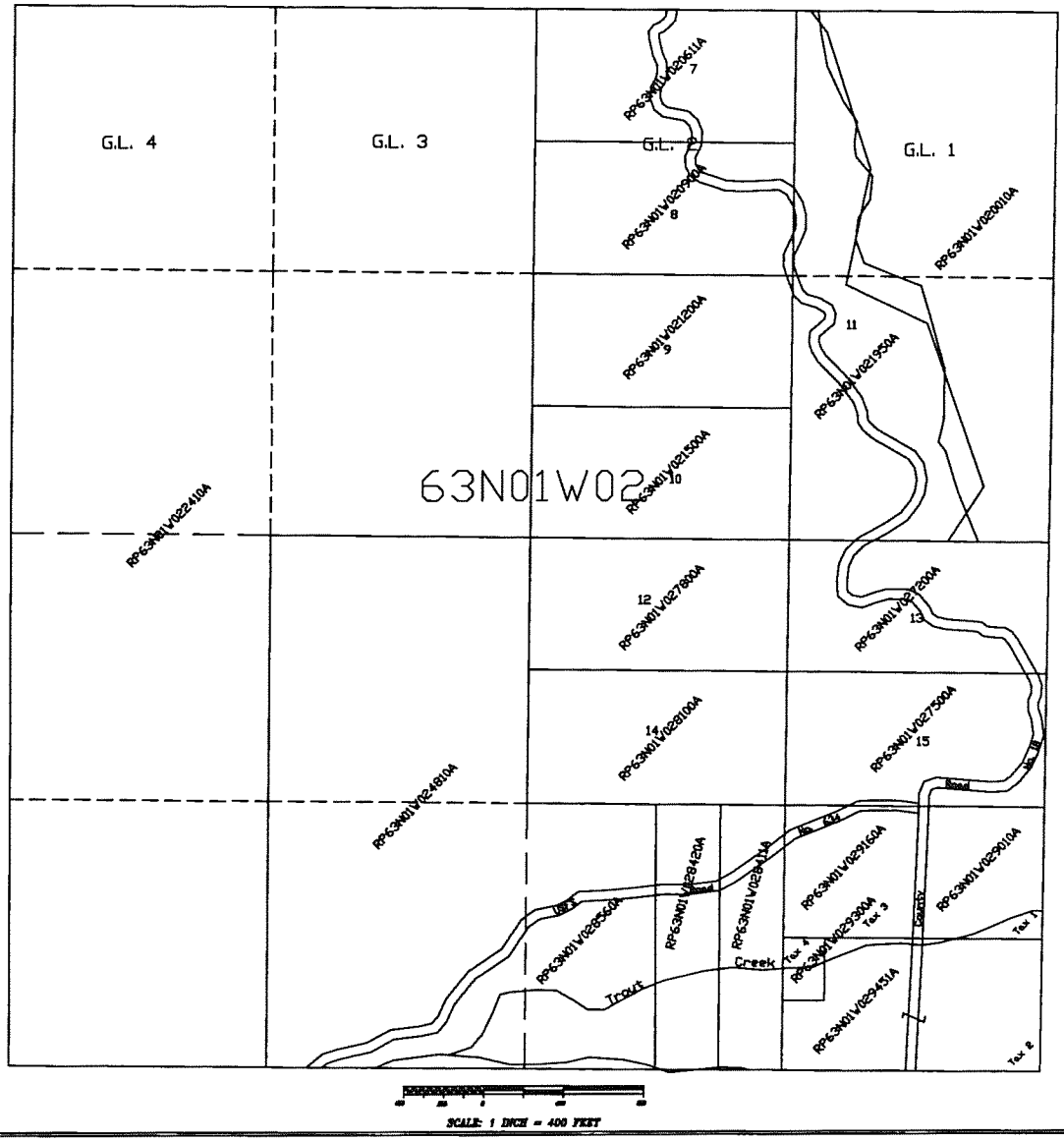

FILENAME: 63N01W01.dwg

Sec. 1, Twp. 63N., R. 1W., B.M.

## SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.

# Sec. 2, Twp. 63 N., R. 1 W., B.M.




Assessor's Parcel Map
BOUNDARY COUNTY
IDAHO

REVISIONS

| NUMBER | AMOUNT | DATE |
|---|---|---|
| | | |

NOTES:

Records of Survey used:

| DATE | DESCRIPTION |
|---|---|

FILENAME 63N01W02.dwg

Sec. 2, Twp. 63 N., R. 1 W., B.M.

## SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.

# Sec.23, Twp. 64 N., R. 1 W., B.M.




SCALE: 1 INCH = 400 FEET

*Assessor's Parcel Map*
BOUNDARY COUNTY
IDAHO

REVISIONS

| NUMBER | AMOUNT | DATE |
|---|---|---|
| | | |

NOTES:

All bearings are derived from the Bureau of Land Management (BLM) Geographic Coordinate Data Base (GCDB). This data base computes the Public Land Survey System (PLSS) in Idaho Zone 3.

Positional shift on digitized property lines, roads, railroads, rivers digitized over the existing PLSS/BLM control base layers cannot be corrected or improved. Information is not conclusive.

Individual parcels are plotted from the best available information of record and correlated to the digitized features shown mapped.

Records of Survey used

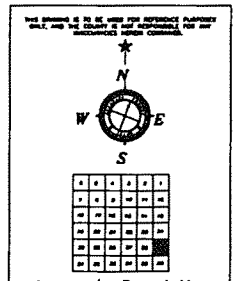
| DATE | DESCRIPTION |
|---|---|

Sec.23, Twp.64N., R.1W., B.M.

FILENAME: 64N01W23.dwg

## SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.




**Assessor's Parcel Map**
**BOUNDARY COUNTY**
**IDAHO**

**REVISIONS**

| INITIALS | ACTIVITY | DATE |
|---|---|---|
| | | |

**NOTES:**

All Sections were plotted from the Bureau of Land Management (BLM) Geographic Coordinate Data Base (GCDB). This data base portrayed the Public Land Survey System (PLSS) in a digital format.

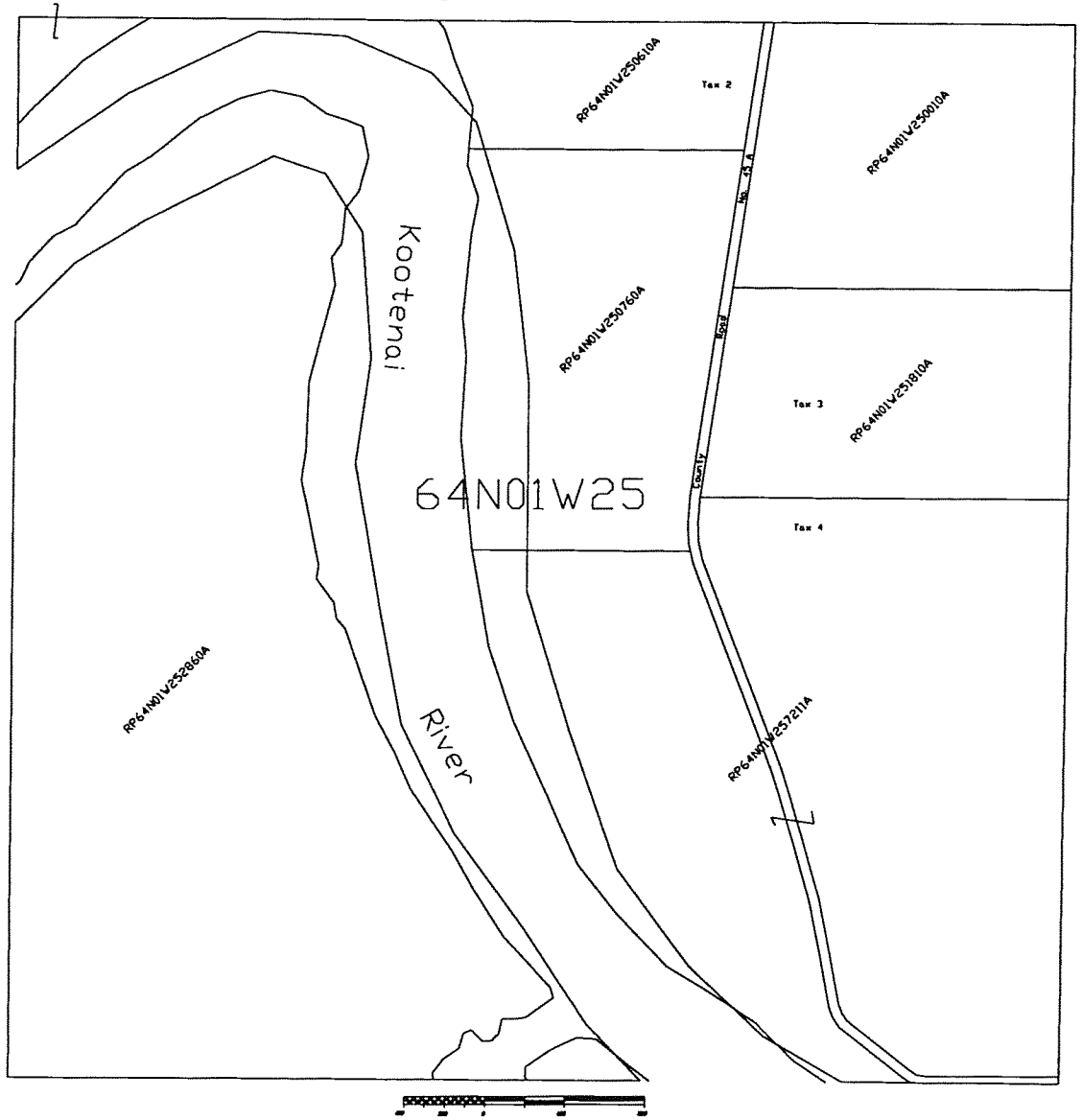
Features such as streams, creeks, rivers, lakes, roads, railroads,etc. were digitized from the existing 1"=800' Assessor Maps where more specific or accurate information is not available.

Individual parcels are plotted from the best available information of record and correlated to the digitized features where possible.

Records of Survey used:

| BK/PG | DESCRIPTION |
|---|---|

## Sec.25, Twp. 64 N., R. 1 E., B.M.

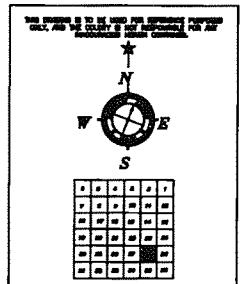



FILENAME: 64N01W25.dwg

Sec.25, Twp.64N., R.1W., B.M.

## SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.




*Assessor's Parcel Map*

*BOUNDARY COUNTY*
*IDAHO*

*REVISIONS*

| | | |
|---|---|---|
| | | |

**NOTES:**

All Sections are plotted from the Bureau of Land Management (BLM) Geographic Coordinate Data Base (GCDB). Data was found to meet the Public Land Survey System (PLSS) in a digital format.

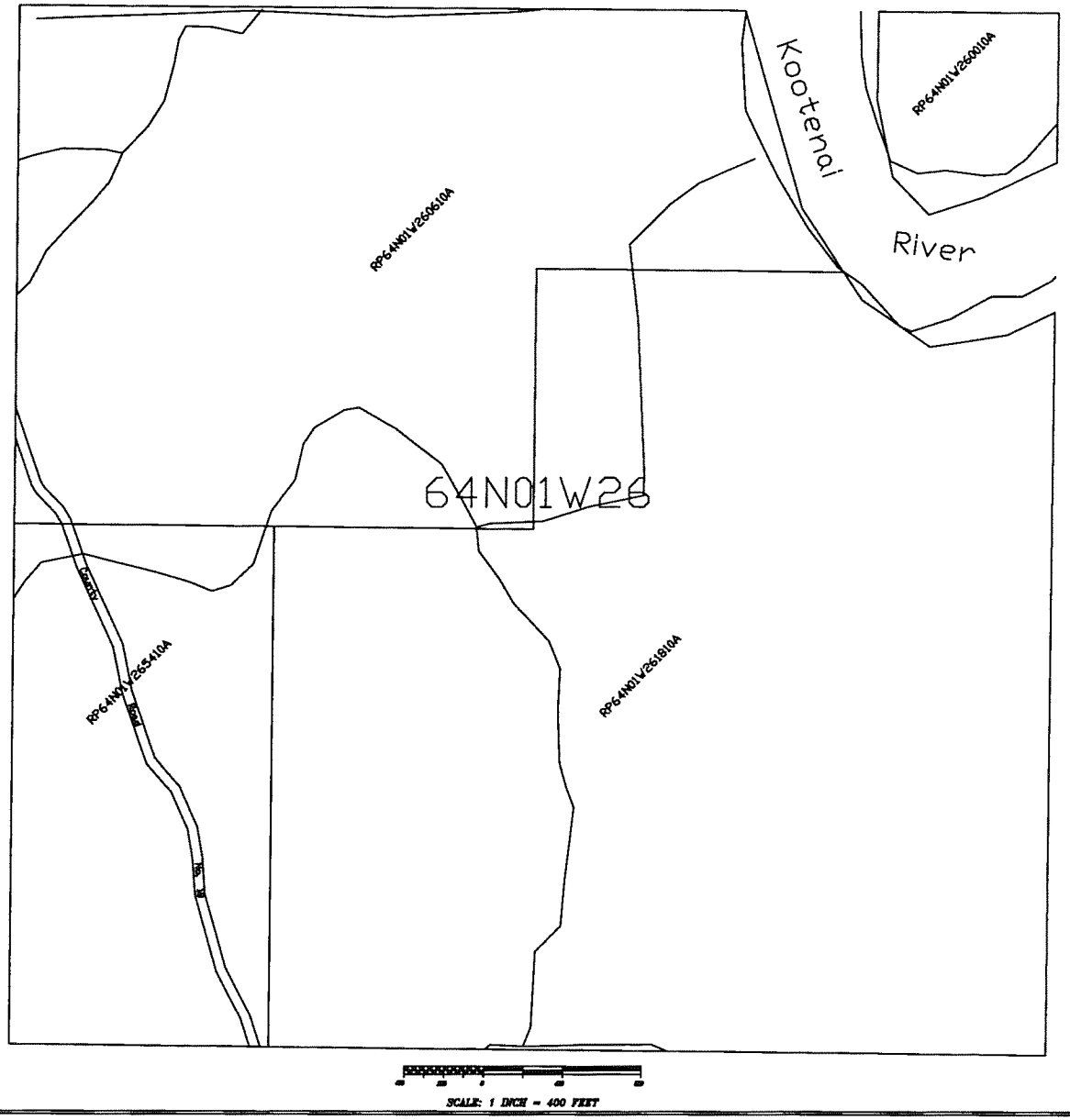
Features such as ditches, creeks, rivers, lakes, roads, railroads, etc. were digitized over the existing Parcel Fabric. Digital layers were compiled as accurately information is available.

Individual parcels are plotted from the best available information of record and correlated to the digitized features where required.

Records of Survey used:

| DATE | DESCRIPTION |
|---|---|

# Sec.26, Twp. 64 N., R. 1 W., B.M.




FILENAME: 64N01W26.dwg

Sec.26, Twp.64N., R.1W., B.M.

## SEGREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.

# Sec.35, Twp. 64 N., R. 1 W., B.M.

N

W E

S

**Assessor's Parcel Map**

BOUNDARY COUNTY
IDAHO

**REVISIONS**

| NUMBER | ACCOUNT | DATE |
|---|---|---|
| | | |

**NOTES:**

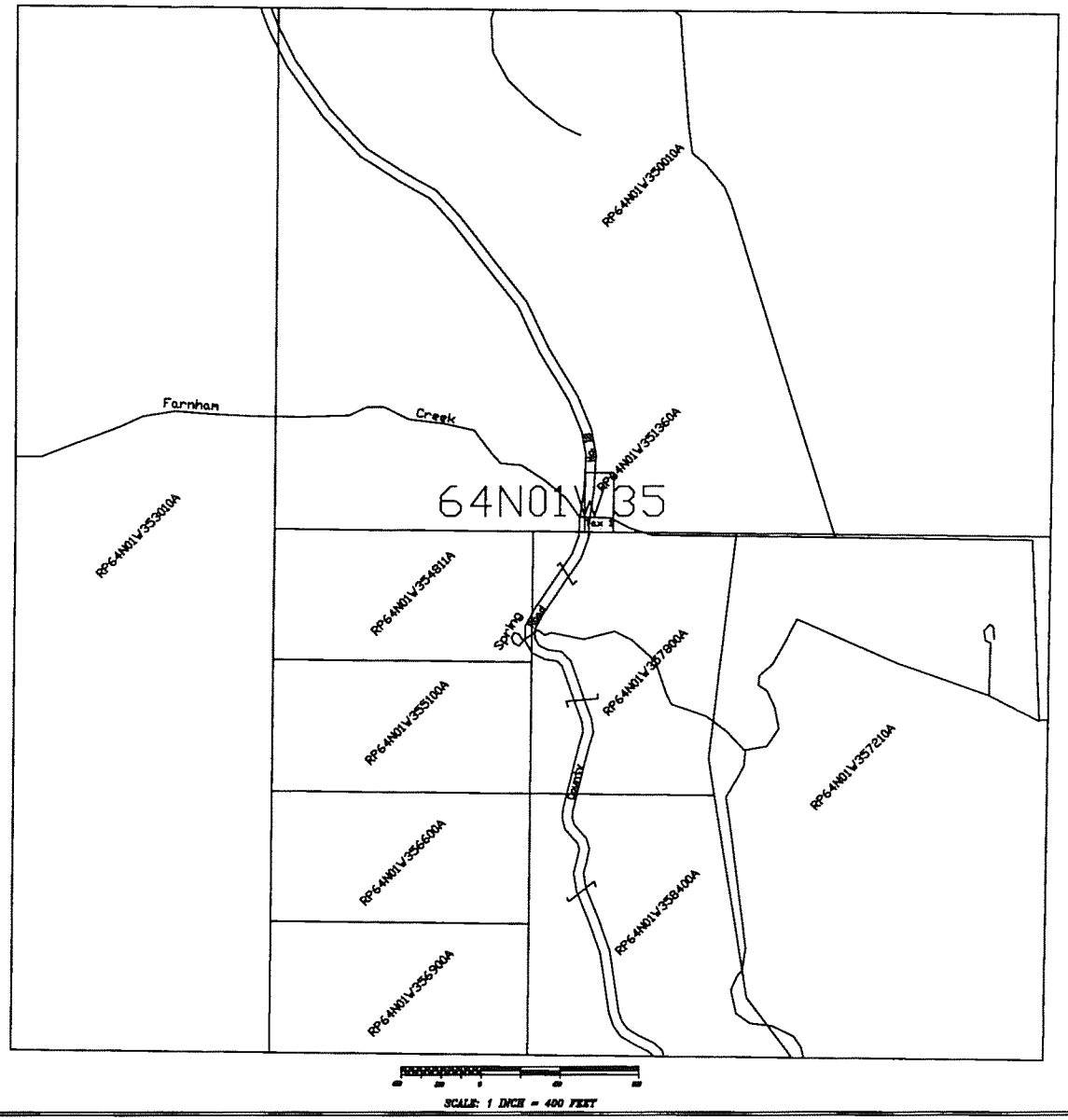
All Sections are plotted from the Bureau of Land Management, GLO Protraction Diagrams, Scale: 1inch=2000ft. Data shown portrays the Public Land Survey System (PLSS) in a digital format.

Platted roads and streams, creeks, rivers, lakes, reservoirs, were digitized from the existing USGS Topographic Maps where more specific or complete information is not available.

Individual parcels are plotted from the best available information of record and normalized to the digitized features where required.

Records of Survey used:

| DATE | DESCRIPTION |
|---|---|




FILENAME: 64N01W35

Sec.35, Twp. 64 N., R. 1 W., B.M.

## SECREGATION REVISIONS

The revision dates below represent the file save dates for the posting of the listed revisions.

Assessor's Parcel Map

BOUNDARY COUNTY
IDAHO

### REVISIONS

| DETAILS | ACTIVITY | DATE |
|---|---|---|
| | | |

NAME PLSS_64N01W36
Alternate PLSS CADFeature.dwg — 05-26-05
Associated PLSS Tagfeat Item2.dwg — 05-26-05

**NOTES:**

All Sections were plotted from the Bureau of Land Management, GLO/LX Geographic Coordinate Data Base (GCDB). This data has been converted into Public Land Survey System (PLSS) in a digital format.

Fea tured Quads (or divisions, streams, rivers, lakes, roads, railroads,etc. were digitized from the existing [Name Unknown] Maps where more specific or accurate information was not available.

Individual parcels were plotted from the most available information of records and annotated to the digitized Features where required.

Records of Survey used:

| BOOK/PG | DESCRIPTION |
|---|---|

Sec.36, Twp. 64 N., R. 1 W., B.M.




FILENAME: 64N01W36.dwg

Sec.36, Twp.64N., R.1W., B.M.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| RP 63N01W013160 A | ELK MOUNTAIN FARMS, INC | | LOTS 4 & 5 | 1 | 43.020 | AC | 31,190 | 2001 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 1 T63N R1W | 5 | 5.000 | AC | 1,865 | 2001 |
| | ONE BUSCH PLACE | | DD #16 32.60 ACRES | 14 | 7.000 | AC | 37,651 | 2000 |
| 5-6 | ST LOUIS | MO 63118 | | 36 | | | 1,699,794 | 2001 |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 55.020 ** | | 1,770,500 *** | |
| TYPE: LOCATION: 3690 CAMA AREA #: | | | | | | | | |
| INSP YR: 2000 | | | | | | | | |
| RP 63N01W020010 A | ELK MOUNTAIN FARMS, INC | | ALL THAT PART E2NE4 INSIDE | 3 | 40.500 | AC | 26,040 | 2001 |
| 004-00 | CORPORATE TAX DEPARTMENT | | DD 16 | 5 | 8.500 | AC | 3,170 | 2001 |
| | ONE BUSCH PLACE | | SEC 2 T63N R1W | | | | | |
| 5-6 | ST LOUIS | MO 63118 | DD #16 42.61 ACRES | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 49.000 ** | | 29,210 *** | |
| INSP YR: 2001 | | | | | | | | |
| RP 64N01W232411 A | ELK MOUNTAIN FARMS, INC | | LOTS 2 THRU 6, W2W2, SE4NW4, | 3 | 249.000 | AC | 160,107 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | E2SW4, NW4SE4 | 7 | 214.190 | AC | 38,340 | 1998 |
| | ONE BUSCH PLACE | | SEC 23 T64N R1W | 10 | 3.000 | AC | 26,715 | 1998 |
| 5-5/4 | ST LOUIS | MO 63118 | | 18 | 1.000 | AC | 1,405 | 1998 |
| 156866/868 | | | | 31 | | | 33,563 | 1998 |
| 123080 | | | | 32 | | | 25,185 | 1998 |
| | PROPERTY ADDRESS: | | | | 467.190 ** | | 285,315 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W243600 A | ELK MOUNTAIN FARMS, INC | | LOT 3 | 12 | 22.300 | AC | 37,977 | 1998 |
| 004-00 RP64N01W244210A | CORPORATE TAX DEPARTMENT | | SEC 24 T64N R1W | | | | | |
| | ONE BUSCH PLACE | | | | | | | |
| 5-5/4 | ST LOUIS | MO 63118 | | | | | | |
| 156866-868 | | | | | | | | |
| 123080 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 22.300 ** | | 37,977 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W252860 A | ELK MOUNTAIN FARMS, INC | | LOTS 2, 3, 6 & 7, SW4SW4, | 1 | 135.000 | AC | 97,875 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | LESS R/W | 3 | 62.000 | AC | 39,866 | 1998 |
| | ONE BUSCH PLACE | | SEC 25 T64N R1W | 5 | 6.920 | AC | 2,581 | 1998 |
| 5-6 | ST LOUIS | MO 63118 | DD #16 136.07 ACRES | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 203.920 ** | | 140,322 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W260610 A | ELK MOUNTAIN FARMS, INC | | LOT 2, NW4, LESS R/W | 1 | 118.760 | AC | 86,101 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 26 T64N R1W | 7 | 72.240 | AC | 12,931 | 1998 |
| | ONE BUSCH PLACE | | DD #16 111.90 ACRES | | | | | |
| 5-6/4 | ST LOUIS | MO 63118 | | | | | | |
| 156866/868 | | | | | | | | |
| 123080 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 191.000 ** | | 99,032 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W261810 A | ELK MOUNTAIN FARMS, INC | | LOT 3, SW4NE4, E2SW4, SE4, | 1 | 227.440 | AC | 164,894 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | LESS R/W | 5 | 10.000 | AC | 3,730 | 1998 |
| | ONE BUSCH PLACE | | SEC 26 T64N R1W | 7 | 75.500 | AC | 13,515 | 1998 |
| 5-6 | ST LOUIS | MO 63118 | DD #16 220.74 ACRES | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 312.940 ** | | 182,139 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W265410 A | ELK MOUNTAIN FARMS, INC | | W2SW4, LESS R/W | 7 | 78.480 | AC | 14,048 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 26 T64N R1W | | | | | |
| | ONE BUSCH PLACE | | | | | | | |
| 5-6 | ST LOUIS | MO 63118 | | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 78.480 ** | | 14,048 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W350010 A | ELK MOUNTAIN FARMS, INC | | NE4, E2NW4, LESS TAX 1 & R/W | 1 | 125.700 | AC | 91,133 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 35 T64N R1W | 5 | 14.000 | AC | 3,136 | 1998 |
| | ONE BUSCH PLACE | | DD #16 113.08 ACRES | 7 | 90.800 | AC | 16,253 | 1998 |
| | ST LOUIS | MO 63118 | | 10 | 1.000 | AC | 8,905 | 1998 |
| 151564 | | | | 18 | 5.000 | AC | 7,025 | 1998 |
| 151563 | | | | 31 | | | 99,126 | 1998 |
| | | | | 32 | | | 4,104 | 1998 |
| | PROPERTY ADDRESS: | | | | 236.500 ** | | 229,682 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W351360 A | ELK MOUNTAIN FARMS, INC | | TAX 1 | 12 | 1.000 | AC | 11,038 | 1998 |
| 004-00 RP64N01W351360T | CORPORATE TAX DEPARTMENT | | SEC 35 T64N R1W | | | | | |
| | ONE BUSCH PLACE | | | | | | | |
| | ST LOUIS | MO 63118 | | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 1.000 ** | | 11,038 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W357210 A | ELK MOUNTAIN FARMS, INC | | PART OF SE4 INSIDE OF DD 16 | 1 | 89.450 | AC | 64,851 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 35 T64N R1W | | | | | |
| | ONE BUSCH PLACE | | DD #16 84.96 ACRES | | | | | |
| 5-6 | ST LOUIS | MO 63118 | | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 89.450 ** | | 64,851 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W360760 A | ELK MOUNTAIN FARMS, INC | | LOTS 2 & 3 | 1 | 74.250 | AC | 53,831 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 36 T64N R1W | | | | | |
| | ONE BUSCH PLACE | | DD #16 59.22 ACRES | | | | | |
| 5-6 | ST LOUIS | MO 63118 | | | | | | |
| 151564 | | | | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 74.250 ** | | 53,831 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W362410 A | ELK MOUNTAIN FARMS, INC | | SW4NE4, NW4, W2SW4, LESS R/W | 1 | 269.480 | AC | 195,373 | 1997 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 36 T64N R1W | 14 | 10.000 | AC | 40,975 | 2000 |
| | ONE BUSCH PLACE | | DD #16 263.74 ACRES | 36 | | | 2,777,206 | 2002 |
| | ST LOUIS | MO 63118 | | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 279.480 ** | | 3,013,554 *** | |
| TYPE: LOCATION: 3690 CAMA AREA #: | | | | | | | | |
| INSP YR: 1997 | | | | | | | | |
| RP 64N01W364810 A | ELK MOUNTAIN FARMS, INC | | NE4SW4 | 1 | 40.000 | AC | 29,000 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | SEC 36 T64N R1W | | | | | |
| | ONE BUSCH PLACE | | DD #16 40.00 ACRES | | | | | |
| 5-6 | ST LOUIS | MO 63118 | | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 40.000 ** | | 29,000 *** | |
| INSP YR: 1998 | | | | | | | | |
| RP 64N01W367210 A | ELK MOUNTAIN FARMS, INC | | LOTS 4 & 5, NW4SE4 | 1 | 105.760 | AC | 76,676 | 1998 |
| 004-00 | CORPORATE TAX DEPARTMENT | | LESS R/W | | | | | |
| | ONE BUSCH PLACE | | SEC 36 T64N R1W | | | | | |
| 5-6 | ST LOUIS | MO 63118 | DD #16 92.70 ACRES | | | | | |
| 151564 | | | | | | | | |
| 151563 | | | | | | | | |
| | PROPERTY ADDRESS: | | | | 105.760 ** | | 76,676 *** | |
| INSP YR: 1998 | | | | | | | | |