

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 26 2013

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

78849

Name of Applicant(s) Larry & Syndee Kemp Phone 208-237-0224
Mailing address 2600 Stone River Circle, Pocatello, ID 83204 Email larry.kemp@me.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Larry Kemp
Signature of Applicant or Authorized Representative

LARRY KEMP
Print Name and Title if applicable

6 Sept. 2013
Date

Syndee Kemp
Signature of Applicant or Authorized Representative

SYNDEE KEMP
Print Name and Title if applicable

6 Sept. 2013
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other ownership split
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Applicant proposes to split right 29-2462A by ownership change, and to move the split portion, 29-13240, and 29-13241 to a new POD located 50 feet north of the current POD. The transfer would also move 3.2 acres of right no. 29-13241 from the SENW to the NENW of section 21, T7S R35E. The POU for 29-13240 and 29-2462A will not change.

78849

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	29-13240	0.22 cfs	Irrigation	4/1 to 10/31	Portneuf River / Snake River
☒ ☐	29-13241	0.24 cfs	Irrigation	4/1 to 10/31	Portneuf River / Snake River
☐ ☒	29-2462A	0.004 cfs	Irrigation	4/1 to 10/31	Portneuf River / Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.464 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.464 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			SE	NW	21	7S	35E	Bannock	Portneuf River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	35E	21					3.2			8.8									12

POU SHOWN ABOVE PERTAINS TO 29-13241 ONLY.

Total Acres (for irrigation use) 12

27 Sept. 2013

File No. 87103-P-2-7177
C/o Michael Holliday
For Larry KEMP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
New pump in Portneuf River to sprinkler system. Applicant will cooperate with the watermaster in the installation of whatever devices are deemed necessary for proper administration of the water rights.

b. Who owns the property at the point(s) of diversion? Applicants
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: NO

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Will be dry.

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
NO

f. To your knowledge, has any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

NO

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2013

Water Right 29-13240

Owner Type **Name**
Current Owner LARRY KEMP
Current Owner SYNDEE KEMP
Priority Date: 2/26/1869
Basis: Decreed
Status: Active

Source
PORTNEUF RIVER

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.220 CFS	44.0 AF
	Total Diversion		0.220 CFS	44.0 AF

Source and Point(s) of Diversion

PORTNEUF RIVER SESENW Sec. 21, Twp 07S, Rge 35E, BANNOCK County

Place Of Use

IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	21								11.0									11.0

POU Total Acres: 11.0

Conditions of Approval:

1. DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM THE ORIGINAL SOURCE, MINK CREEK.
2. 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.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2013

Water Right 29-13241

Owner Type **Name**
Current Owner LARRY J KEMP FAMILY LP
Priority Date: 2/26/1869
Basis: Decreed
Status: Active

Source **Tributary**
PORTNEUF RIVER SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.240 CFS	48.0 AF
	Total Diversion		0.240 CFS	48.0 AF

Source and Point(s) of Diversion
PORTNEUF RIVER SESENW Sec. 21, Twp 07S, Rge 35E, BANNOCK County

Place Of Use
IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	21								12.0									12.0

POU Total Acres: 12.0

Conditions of Approval:

1. Diversion of water under this right is limited to those times water is available for diversion under this right and priority from the original source, Mink Creek.
2. 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.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2013

Water Right 29-2462A

Owner Type **Name**
Current Owner ROCKE ACREE
Current Owner SUSAN ACREE
Priority Date: 7/2/1962
Basis: Decreed
Status: Active

Source **Tributary**
PORTNEUF RIVER SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.090 CFS	
	Total Diversion		0.090 CFS	

Source and Point(s) of Diversion
PORTNEUF RIVER SESENW Sec. 21, Twp 07S, Rge 35E, BANNOCK County

Place Of Use
IRRIGATION within BANNOCK County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	35E	21									4.0	1.0							5.0

POU Total Acres: 5.0

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. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

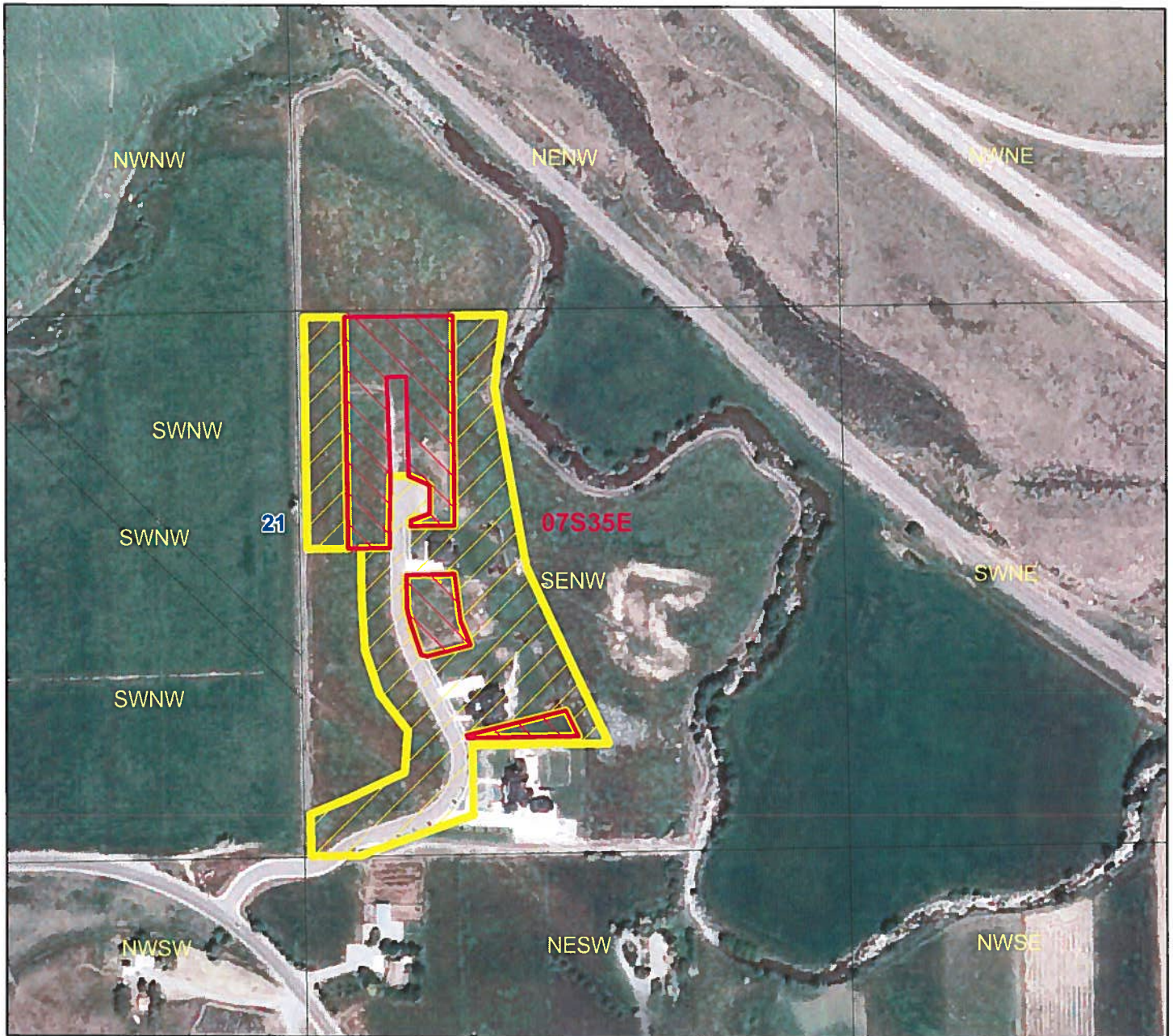
Combined Use Limits
N/A

SubCase:
N/A

Water Supply Bank:
N/A

State of Idaho
Department of Water Resources
Before Transfer

Date: 8/30/2013



Legend

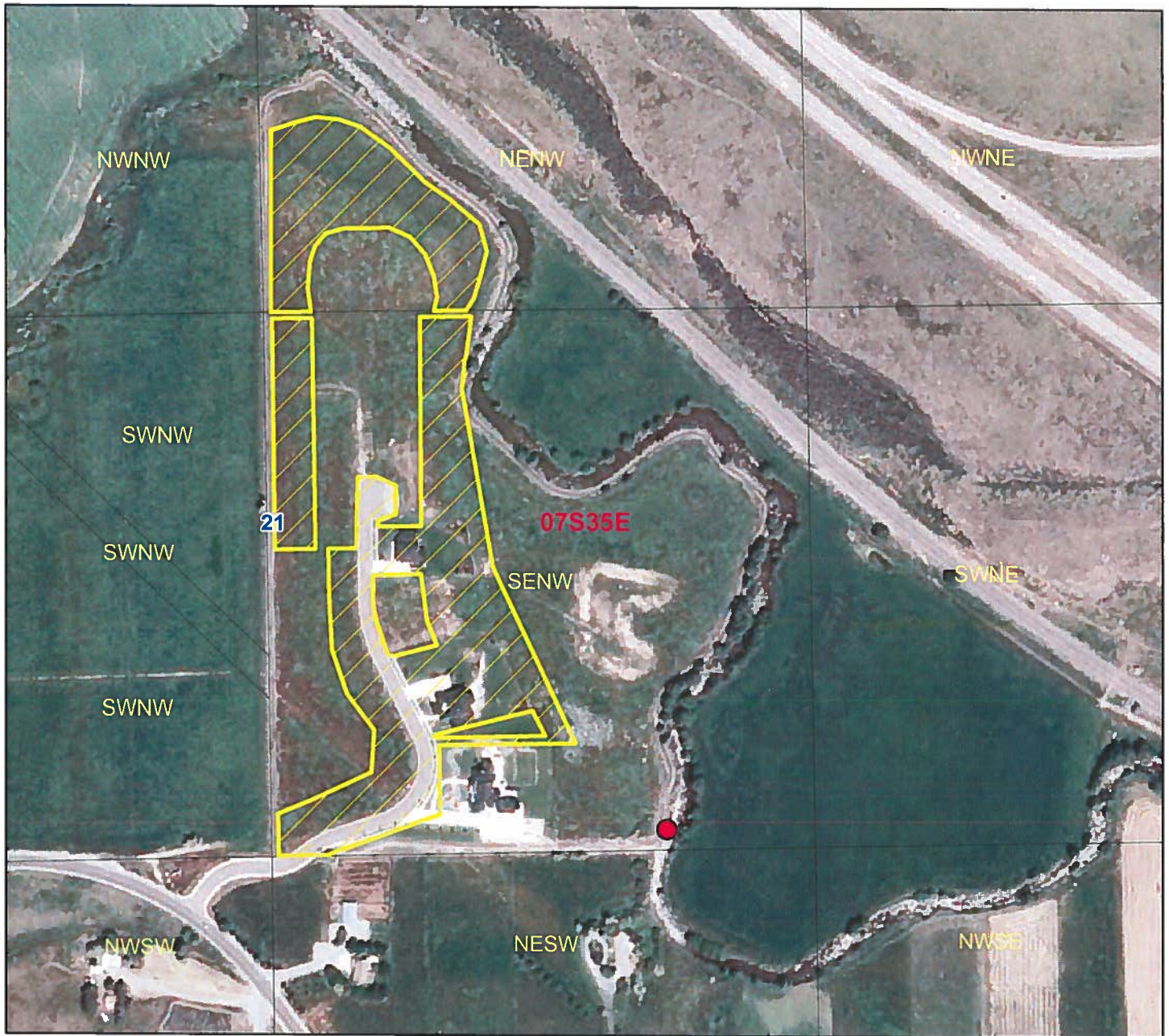
-  Acres to be changed
-  Unchanged acres
-  Township/Range
-  Sections
-  QQ

0 330 660 1,320 Feet

29-13241



State of Idaho
Department of Water Resources
After Transfer
Date: 8/30/2013



Legend

- Transfer POD
- ▨ Transfer POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ

0 330 660 1,320 Feet

29-13241



No. L 2096		Due no later than Dec 31, 2012 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. LARRY KEMP FAMILY LIMITED PARTNERSHIP (THE) LARRY J KEMP 1541 E CLARK POCATELLO ID 83201		LARRY J KEMP 1541 E CLARK ST POCATELLO ID 83201			
				3. <u>New</u> Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
GENERAL PARTNER	LARRY J KEMP	1541 E CLARK ST	POCATELLO	ID	USA	83201	
GENERAL PARTNER	SYNDEE ANN KEMP	1541 E CLARK ST	POCATELLO	ID	USA	83201	
5. Organized Under the Laws of: ID L 2096		6. Annual Report must be signed.* Signature: Larry Kemp Name (type or print): Larry Kemp Date: 10/18/2012 Title: Gen Partner					
Processed 10/18/2012		* Electronically provided signatures are accepted as original signatures.					

78849

No. W 9489	Due no later than Aug 31, 2013 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. STONE RIVER DEVELOPERS, LLC LARRY J KEMP 1541 E CLARK ST POCATELLO ID 83201	LARRY J KEMP 1541 E CLARK ST POCATELLO ID 83201		
		3. <u>New</u> Registered Agent Signature:*		
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.				
Office Held	Name	Street or PO Address	City	State Country Postal Code
MANAGER	LARRY J KEMP	1541 E CLARK ST	POCATELLO	ID USA 83201
MANAGER	SYNDEE A KEMP	2600 STONE RIVER CIR	POCATELLO	ID USA 83204
5. Organized Under the Laws of: ID W 9489	6. Annual Report must be signed.*			
	Signature: Larry J Kemp	Date: 06/13/2013		
	Name (type or print): Larry J Kemp	Title: Manager		
Processed 06/13/2013		* Electronically provided signatures are accepted as original signatures.		

78849

21316950

QUITCLAIM DEED

FOR VALUE RECEIVED, ROCKE ACREE and SUSAN ACREE does hereby convey, release,
remit and forever quit claim unto STONE RIVER DEVELOPERS, LLC whose current address is:
2600 STONE RIVER CIR. POCA TELLO, IDAHO 83204
the following described item :

0.2 ACRES OF WATER RIGHT 29-2462A IN THE AMOUNT OF 0.004 CFS

TO HAVE AND TO HOLD the said item, unto the said grantees, heirs and assigns forever.

Date: 17 September 2013

DIAL RECORD BK# 971
BANNOCK COUNTY IDAHO
BANNOCK

RECORDED AT REQUEST OF
FEE 10 DEPUTY By: [Signature]

ROCKE ACREE

Larry Kemp

2013 SEP 25 P 3:10

Susan Acree SUSAN ACREE

[Grantor's Name]

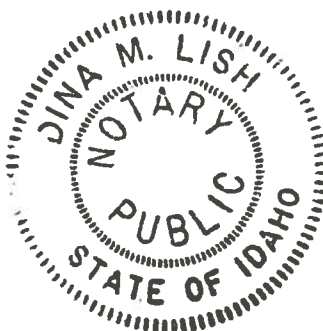
State of Idaho)
) S.S.

County of Bannock

On this 17 day of September, in the year 20 13, before me
Dina M. Lish, personally appeared Rocke & Susan Acree, proved to me on
the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within
instrument, and acknowledged that he(she)(they) executed the same.

[Signature]
Notary Public

My Commission Expires on 10/03/2013



78849

21316949

QUITCLAIM DEED

FOR VALUE RECEIVED, ___GARN W. THEOBALD and DEBBIE THEOBALD___ does hereby convey, release, remise and forever quit claim unto ___STONE RIVER DEVELOPERS, LLC___ whose current address is:

___2600 STONE RIVER CIR. POCA TELLO, IDAHO 83204___

the following described item :

0.25 ACRES OF WATER RIGHT 29-13241 IN THE AMOUNT OF 0.005 CFS

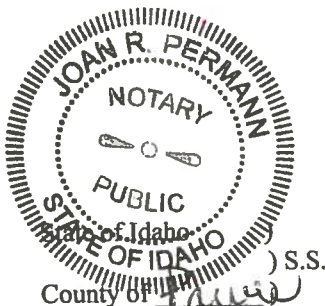
TO HAVE AND TO HOLD the said item, unto the said grantees, heirs and assigns forever.

Date: ___17 September 2013___

By: [Signature] GARN W. THEOBALD

[Signature] DEBBIE THEOBALD

[Grantor's Name]



On this 24 day of September in the year 2013 before me Garn Theobald personally appeared before me, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is(are) subscribed to the within instrument, and acknowledged that he(he)(they) executed the same.

OFFICIAL RECORD BOOK 971
GANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 10 DEPUTY [Signature]

Notary Public

My Commission Expires on 5/30/14

Larry Kemp

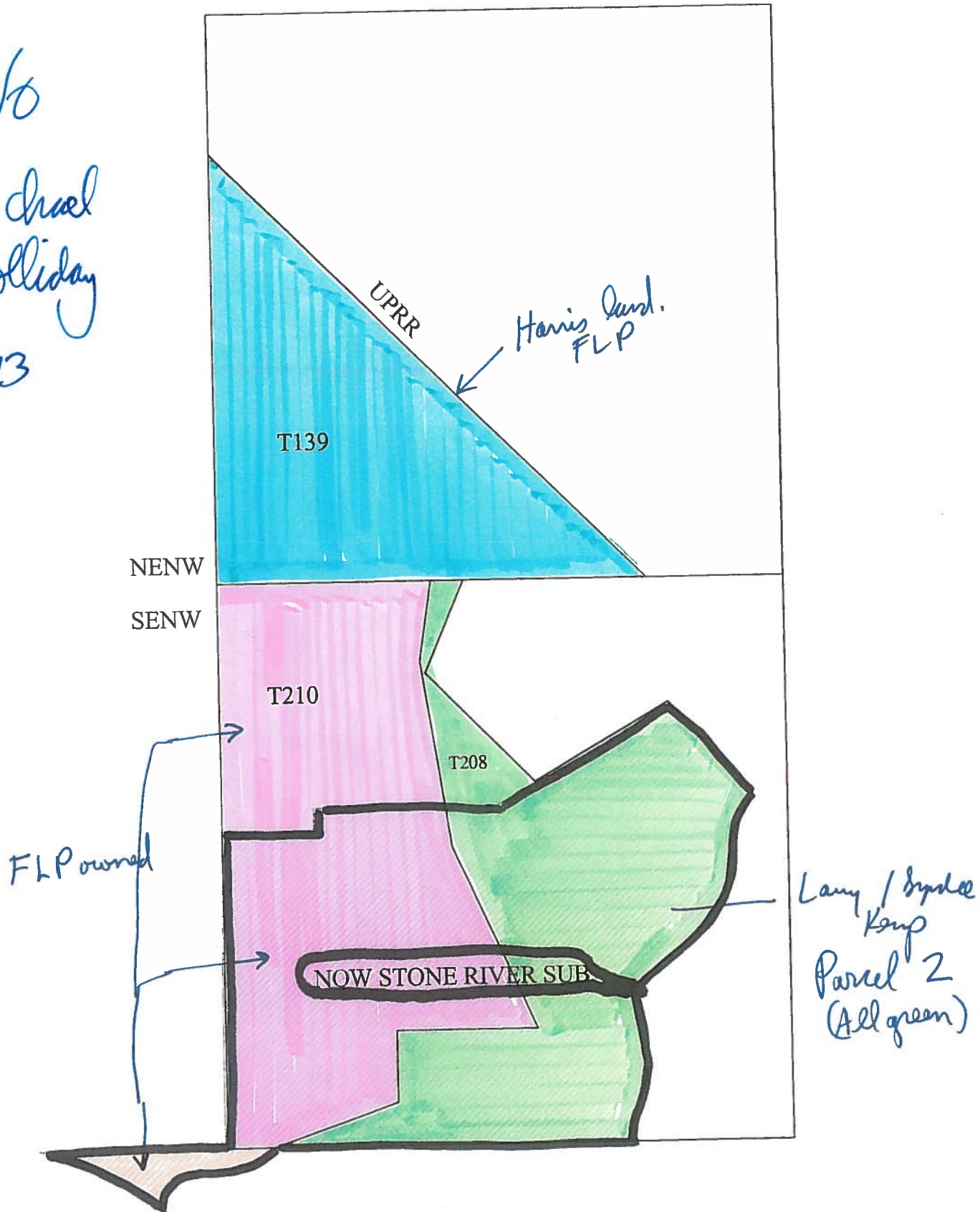
21316949

2013 SEP 25 P 3:10

78849

Section 21, Township 7 South, Range 35 EBM

C/o
Michael
Holliday
9/15/13



Title:

78849

Date: 10-19-2010

WARRANTY DEED

20117102

For Value Received, **Randall Fowler and Keri Fowler**, husband and wife, ("Fowlers"), do hereby grant, bargain, sell and convey unto **Larry Kemp and Syndee Kemp**, ("Kemps"), whose address is:

Larry Kemp and Syndee Kemp
1541 E. Clark
Pocatello, ID 83201

the following described premises in Bannock County, Idaho, to-wit:

See legal description attached as Exhibit A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto Kemps and their heirs and assigns forever. Fowlers do hereby covenant to and with Kemps, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances and that they will forever warrant the title to said premises. This conveyance, however, is subject to the retained easements described in Exhibit A; federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way and easements claimed, established or of record; accruing taxes and assessments for 2001 and subsequent years; encumbrances which are not shown by public records and which were created prior to Fowlers' ownership of the property; 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; and unpatented mining claims. Subject to the foregoing exceptions and limitations, Fowlers covenant that they will forever warrant the title to said premises.

DATED this 31st day of August, 2001.

8-31-2001
Dated


Randall Fowler

8-31-2001
Dated


Keri Fowler

STATE OF IDAHO)
 : ss
County of Bannock)

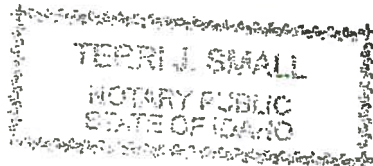
20117102

4.8

On this 31st day of August, 2001, before me, a Notary Public in and for said County and State, personally appeared **Randall Fowler and Keri Fowler**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my official seal the day and year first above written.

(SEAL)



Keri J. Small
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
Commission Expires: 1/28/2005

20117102

NO
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
2001 SEP 4 AM 9 54

BY 792
CLERK OF IDAHO
COUNTY CLERK
12th mn

PARCEL 2:

(Green)

4-3

~~20117102~~

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN; THENCE SOUTH 89°59'22" EAST ALONG THE LATITUDINAL CENTERLINE OF SECTION 21 FOR A DISTANCE OF 1313.04 FEET TO THE CENTER-WEST ONE SIXTEENTH CORNER; THENCE CONTINUING SOUTH 89°59'22" EAST ALONG THE SAID CENTERLINE FOR A DISTANCE OF 115.05 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°59'22" EAST ALONG THE SAID CENTERLINE FOR A DISTANCE OF 821.42 FEET (DISTANCE TO MEANDER LINE DESCRIBED BELOW), MORE OR LESS TO THE PORTNEUF RIVER; THENCE NORTHERLY FOR A DISTANCE OF 2,178 FEET ALONG THE WEST SIDE OF THE PORTNEUF RIVER, SAME BEING THE EASTERLY BOUNDARY OF THE LAND DESCRIBED IN THE DEED RECORDED IN THE RECORDS OF BANNOCK COUNTY AS INSTRUMENT 95002530 TO A POINT ON THE NORTH 1/16TH LINE OF SECTION 21; THENCE WESTERLY ALONG THE SAID 1/16TH LINE FOR A DISTANCE OF 76.46 FEET (DISTANCE FROM MEANDER LINE, DESCRIBED BELOW); THENCE SOUTH 08°32'23" WEST FOR A DISTANCE OF 190.08 FEET; THENCE SOUTH 08°46'51" EAST FOR A DISTANCE OF 438.65 FEET; THENCE SOUTH 24°03'46" EAST FOR A DISTANCE OF 469.68 FEET; THENCE NORTH 89°59'22" WEST FOR A DISTANCE OF 329.46 FEET; THENCE SOUTH 00°00'00" EAST FOR A DISTANCE OF 168.07 FEET; THENCE SOUTH 70°52'07" WEST FOR A DISTANCE OF 307.56 FEET TO THE POINT OF BEGINNING.

EASEMENT RESERVED: AN EASEMENT FOR ACCESS TO AND FROM THE PORTNEUF RIVER FOR NONCOMMERCIAL RECREATIONAL PURPOSES, AND FOR THE INSTALLATION AND USE OF AN IRRIGATION SYSTEM (INCLUDING WITHOUT LIMITATION, PUMPS, PIPE LINES AND ELECTRICITY). THE EASEMENT IS ON LAND DESCRIBED AS EXTENDING ACROSS AND UNDER THE SOUTH 25 FEET OF THE AFORE DESCRIBED TRACT. THE EASEMENT SHALL ONLY BENEFIT AND RUN IN FAVOR OF THE OWNER OF LOT 1, OF THE RIVERVIEW RANCHETTES. GRANTOR AGREES TO REPAIR AND RESTORE ANY DAMAGE TO THE EASEMENT PROPERTY CAUSED BY GRANTOR OR HIS SUCCESSORS IN INTEREST; PROVIDED, HOWEVER, THAT GRANTEE, IN GRANTEE'S DISCRETION, MAY LANDSCAPE ONLY THE NORTH 12.5 FEET OF THE EASEMENT WITH TREES, SHRUBS, ASPHALT, GRASS OR ANY OTHER NATURAL OR ARTIFICIAL MATTER. THE SOUTH 12.5 FEET MAY BE LANDSCAPED ONLY IN GRASS OR LIKE MATTER. GRANTOR SHALL NOT BE RESPONSIBLE FOR DAMAGE GRANTOR CAUSES TO ANY OTHER TYPE OF LANDSCAPING ON THE SOUTH 12.5 FEET.

MEANDER LINE, WEST SIDE OF PORTNEUF RIVER:

COMMENCING AT A POINT ON THE LATITUDINAL CENTERLINE OF SECTION 21,

4-4

20117102

TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN THAT IS 2249.99 FEET
EASTERLY OF THE WEST ONE QUARTER CORNER OF SAID SECTION; THENCE
NORTH 18°41'54" EAST FOR A DISTANCE OF 161.05 FEET; THENCE NORTH 10°22'20"
WEST FOR A DISTANCE OF 205.95 FEET; THENCE NORTH 50°11'22" EAST FOR A
DISTANCE OF 203.36 FEET; THENCE NORTH 35°36'06" EAST FOR A DISTANCE OF
118.72 FEET; THENCE NORTH 06°50'05" EAST FOR A DISTANCE OF 130.63 FEET;
THENCE NORTH 27°37'24" EAST FOR A DISTANCE OF 113.39 FEET; THENCE NORTH
41°43'43" WEST FOR A DISTANCE OF 288.73 FEET; THENCE SOUTH 59°52'39" WEST
FOR A DISTANCE OF 361.91 FEET; THENCE NORTH 44°14' 25" WEST FOR A
DISTANCE OF 359.60 FEET; THENCE NORTH 23°18'42" EAST FOR A DISTANCE OF
234.94 FEET TO A POINT ON THE NORTH 1/16TH LINE OF SAID SECTION 21.

P-33810

6-1

20117103

FROM
LOTS

WARRANTY DEED

For Value Received, **Randall Fowler and Keri Fowler**, husband and wife, ("Fowlers"), do hereby grant, bargain, sell and convey unto **The Larry Kemp Family Limited Partnership** ("Partnership"), whose address is:

The Larry Kemp Family Limited Partnership
C/o Larry Kemp
1541 E. Clark
Pocatello, ID 83201

the following described premises in Bannock County, Idaho, to-wit:

See legal description attached as Exhibit A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto Partnership and their heirs and assigns forever. Fowlers do hereby covenant to and with Partnership, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances and that they will forever warrant the title to said premises. This conveyance, however, is subject to the retained easements described in Exhibit A; federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way and easements claimed, established or of record; accruing taxes and assessments for 2001 and subsequent years; encumbrances which are not shown by public records and which were created prior to Fowlers' ownership of the property; 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; and unpatented mining claims. Subject to the foregoing exceptions and limitations, Fowlers covenant that they will forever warrant the title to said premises.

Notwithstanding the foregoing, the easement that Fowlers by these presents do hereby assign and convey to ~~Fowlers~~ Partnership, which easement is more particularly identified as part of parcel 1 in Exhibit A, is hereby assigned and conveyed without any warranty of any type or nature. Said easement is subject to any encumbrances or claims, known or unknown, except for encumbrances created by Fowlers.

DATED this 31 day of August, 2001.

8-31-2001
Dated

[Signature]
Randall Fowler

8-31-2001
Dated

[Signature]
Keri Fowler

20117103

20117103

NO _____
RECORD & REQUEST OF
FIRST AMERICAN TITLE
2001 SEP 4 AM 9 55

STATE OF IDAHO)
: ss
County of Bannock)

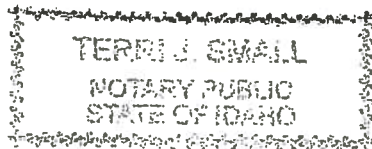
BOOK 792
PAGE 1
NOTARY PUBLIC
STATE OF IDAHO
REC-18 COUNTY MI

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On this 31st day of August, 2001, before me, a Notary Public in and for said County and State, personally appeared **Randall Fowler and Keri Fowler**, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my official seal the day and year first above written.

(SEAL)



Terri J. Small
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
Commission Expires: 4/28/2005

PARCEL 1:

6-3

20117103

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, LYING SOUTH AND WEST OF THE PORTNEUF RIVER.

TOGETHER WITH A 25 FOOT WIDE EASEMENT OF INGRESS, EGRESS, AND AN IRRIGATION DITCH, EXTENDING OVER AND ACROSS A PORTION OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, (WEST $\frac{1}{2}$ OF AL. #8), DESCRIBED AS FOLLOWS: COMMENCING AT THE W $\frac{1}{4}$ CORNER OF SECTION 21 TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN; THENCE NORTH 89°39' EAST ALONG THE LATITUDINAL CENTERLINE OF SAID SECTION 21 FOR A DISTANCE OF 877.94 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF THE PORTNEUF ROAD, THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°39' EAST 435.24 FEET TO THE SOUTHEAST CORNER OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 21; THENCE NORTH ALONG THE WEST 1/16 LINE OF SAID SECTION 21 FOR A DISTANCE OF 25.0 FEET; THENCE SOUTH 89°39' WEST PARALLEL WITH THE SAID LATITUDINAL CENTERLINE 630 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF THE PORTNEUF ROAD; THENCE EASTERLY FOLLOWING THE NORTHERLY RIGHT OF WAY LINE OF THE PORTNEUF ROAD 200 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN; THENCE SOUTH 89°59'22" EAST ALONG THE LATITUDINAL CENTERLINE OF SECTION 21 FOR A DISTANCE OF 1313.04 FEET TO THE CENTER-WEST ONE SIXTEENTH CORNER; THENCE CONTINUING SOUTH 89°59'22" EAST ALONG THE SAID CENTERLINE FOR A DISTANCE OF 115.05 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°59'22" EAST ALONG THE SAID CENTERLINE FOR A DISTANCE OF 821.42 FEET (DISTANCE TO MEANDER LINE DESCRIBED BELOW), MORE OR LESS TO THE PORTNEUF RIVER; THENCE NORTHERLY FOR A DISTANCE OF 2,178 FEET ALONG THE WEST SIDE OF THE PORTNEUF RIVER, SAME BEING THE EASTERLY BOUNDARY OF THE LAND DESCRIBED IN THE DEED RECORDED IN THE RECORDS OF BANNOCK COUNTY AS INSTRUMENT 95002530 TO A POINT ON THE NORTH 1/16TH LINE OF SECTION 21; THENCE WESTERLY ALONG THE SAID 1/16TH LINE FOR A DISTANCE OF 76.46 FEET (DISTANCE FROM MEANDER LINE, DESCRIBED BELOW); THENCE SOUTH 08°32'23" WEST FOR A DISTANCE OF 190.08 FEET; THENCE SOUTH 08°46'51" EAST FOR A DISTANCE OF 438.65 FEET; THENCE SOUTH 24°03'46" EAST FOR A DISTANCE OF

469.68 FEET; THENCE NORTH 89°59'22" WEST FOR A DISTANCE OF 329.46 FEET; THENCE SOUTH 00°00'00" EAST FOR A DISTANCE OF 168.07 FEET; THENCE SOUTH 70°52'07" WEST FOR A DISTANCE OF 307.56 FEET TO THE POINT OF BEGINNING.

MEANDER LINE, WEST SIDE OF PORTNEUF RIVER:

COMMENCING AT A POINT ON THE LATITUDINAL CENTERLINE OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN THAT IS 2249.99 FEET EASTERLY OF THE WEST ONE QUARTER CORNER OF SAID SECTION; THENCE NORTH 18°41'54" EAST FOR A DISTANCE OF 161.05 FEET; THENCE NORTH 10°22'20" WEST FOR A DISTANCE OF 205.95 FEET; THENCE NORTH 50°11'22" EAST FOR A DISTANCE OF 203.36 FEET; THENCE NORTH 35°36'06" EAST FOR A DISTANCE OF 118.72 FEET; THENCE NORTH 06°50'05" EAST FOR A DISTANCE OF 130.63 FEET; THENCE NORTH 27°37'24" EAST FOR A DISTANCE OF 113.39 FEET; THENCE NORTH 41°43'43" WEST FOR A DISTANCE OF 288.73 FEET; THENCE SOUTH 59°52'39" WEST FOR A DISTANCE OF 361.91 FEET; THENCE NORTH 44°14' 25" WEST FOR A DISTANCE OF 359.60 FEET; THENCE NORTH 23°18'42" EAST FOR A DISTANCE OF 234.94 FEET TO A POINT ON THE NORTH 1/16TH LINE OF SAID SECTION 21.

EASEMENT RESERVED: AN EASEMENT FOR ACCESS TO AND FROM THE PORTNEUF RIVER FOR NONCOMMERCIAL RECREATIONAL PURPOSES, AND FOR THE INSTALLATION AND USE OF AN IRRIGATION SYSTEM (INCLUDING WITHOUT LIMITATION, PUMPS, PIPE LINES AND ELECTRICITY). THE EASEMENT IS ON LAND DESCRIBED AS EXTENDING ACROSS AND UNDER THE SOUTH 25 FEET OF THE AFORE DESCRIBED TRACT. THE EASEMENT SHALL ONLY BENEFIT AND RUN IN FAVOR OF THE OWNER OF LOT 1, OF THE RIVERVIEW RANCHETTES. GRANTOR AGREES TO REPAIR AND RESTORE ANY DAMAGE TO THE EASEMENT PROPERTY CAUSED BY GRANTOR OR HIS SUCCESSORS IN INTEREST; PROVIDED, HOWEVER, THAT GRANTEE, IN GRANTEE'S DISCRETION, MAY LANDSCAPE ONLY THE NORTH 12.5 FEET OF THE EASEMENT WITH TREES, SHRUBS, ASPHALT, GRASS OR ANY OTHER NATURAL OR ARTIFICIAL MATTER. THE SOUTH 12.5 FEET MAY BE LANDSCAPED ONLY IN GRASS OR LIKE MATTER. GRANTOR SHALL NOT BE RESPONSIBLE FOR DAMAGE GRANTOR CAUSES TO ANY OTHER TYPE OF LANDSCAPING ON THE SOUTH 12.5 FEET.

PARCEL 3: (orange) front lot 1 Bore 1

A TRACT OF LAND IN THE WEST HALF OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN; THENCE SOUTH 89°59'22" EAST ALONG THE LATITUDINAL CENTERLINE OF SECTION 21 FOR A DISTANCE OF 877.81 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF PORTNEUF ROAD,

THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAID CENTERLINE, SOUTH 89°59'22" EAST FOR A DISTANCE OF 435.23 FEET TO THE CENTER-WEST ONE SIXTEENTH CORNER; THENCE CONTINUING ALONG THE SAID CENTERLINE, SOUTH 89°59'22" EAST FOR A DISTANCE OF 115.05 FEET TO A POINT ON A 150.00 FOOT RADIUS, NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°20'19", AND FOR AN ARC DISTANCE OF 19.21 FEET TO A POINT OF REVERSE CURVATURE, THE CHORD OF THE AFORE DESCRIBED CURVE BEARS SOUTH 51°53'47" WEST A DISTANCE OF 19.20 FEET; THENCE CONTINUING SOUTHWESTERLY FOLLOWING A 150.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, THROUGH A CENTRAL ANGLE OF 41°47'00", AND FOR AN ARC DISTANCE OF 109.39 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89°59'22" EAST FOR A DISTANCE OF 58.06 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A 100.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, THROUGH A CENTRAL ANGLE OF 54°37'24", AND FOR AN ARC DISTANCE OF 95.33 FEET TO A POINT OF TANGENCY; THENCE SOUTH 35°23'17" WEST FOR A DISTANCE OF 23.65 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG A 25.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST, THROUGH A CENTRAL ANGLE OF 86°22'17", AND FOR AN ARC DISTANCE OF 37.69 FEET TO A POINT ON A NON-TANGENT CURVE IN THE NORTHERLY RIGHT OF WAY LINE OF PORTNEUF ROAD, FROM SAID POINT THE RADIAL CENTER OF THE CURVE BEARS SOUTH 39°01'00" WEST; THENCE NORTHWESTERLY ALONG THE SAID RIGHT OF WAY LINE, FOLLOWING A 765.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 24°14'43", AND FOR AN ARC DISTANCE OF 323.72 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A TWENTY (20.0) FOOT WIDE UNDERGROUND UTILITY AND ROADWAY SLOPE EASEMENT. SAID EASEMENT IS SOUTHEASTERLY OF AND ADJACENT TO THE SOUTHEASTERLY BOUNDARY LINES OF THE AFORE DESCRIBED TRACT AND EXTENDS FROM THE NORTHEASTERLY RIGHT OF WAY LINE OF THE PORTNEUF ROAD TO THE LATITUDINAL CENTERLINE OF SECTION 21.

EASEMENT RESERVED: A 20.00 FOOT WIDE UTILITY EASEMENT FOR UTILITIES (WITHOUT LIMITATION, ANY WATER, SEWER, ELECTRICITY, TELEPHONE, TELEVISION, AND/OR GAS LINES) WHICH EASEMENT EXTENDS OVER, UNDER AND ACROSS THE NORTH 20.0 FEET OF THIS PARCEL 3.

EXCEPTING THEREFROM:

A TRACT IN LOT 1, RIVERVIEW RANCHETTES, BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 00°06'

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WEST ALONG THE WEST LINE OF SAID LOT 1, 15 FEET; THENCE NORTHEASTERLY TO A POINT OF THE NORTH LINE OF SAID LOT 1, WHICH IS NORTH $89^{\circ}40'$ EAST 15 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH $89^{\circ}40'$ WEST 15 FEET TO THE POINT OF BEGINNING.

WARRANTY DEED

For Value Received **LINDA M. HARRIS, AN UNMARRIED PERSON****20201142**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LARRY KEMP FAMILY LIMITED PARTNERSHIPwhose address is: 1541 E. Clark St., Pocatello, Idaho 83201

Hereinafter called the Grantee, the following described premises situated in Bannock County, Idaho, to-wit:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 7 SOUTH, RANGE 35 E.B.M. LYING WEST OF THE SOUTHWESTERLY RIGHT OF WAY OF THE UNION PACIFIC RAILROAD, BANNOCK COUNTY, IDAHO.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: January 14, 2002

Linda M. Harris
LINDA M. HARRIS

STATE OF Georgia
COUNTY OF Fulton

On this 15th day of January 2002, before me Karen A. Diehl, personally appeared LINDA M. HARRIS, known or identified to me (or proved to me on the oath of known to me), to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.

Karen A. Diehl
Notary Public of _____
Residing at _____
Commission Expires: _____

NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES
MAY 4, 2002

NO **20201142**
RECORDED AT REQUEST OF
FIRST AMERICAN TITLE
2002 JAN 16 PM 3 54
OFFICIAL DEEDS BOOK NO 805
BANNOCK COUNTY IDAHO
LARRY W. HAN RECORDER
FEE 300 DEPUTY 1