

Transfer No. 77513

Receipt No. 5032445

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1**

**1. Applicant Information** DONALD AND BONNIE PICA TRUST  
 3708 VISTA GRANDE DR  
 TWIN FALLS ID 83301  
 (208)734-5259

**RECEIVED**  
**MAR 28 2012**  
 DEPT. OF WATER RESOURCES  
 SOUTHERN REGION

Will this transfer result in an ownership change? \_\_\_\_\_ Yes \_\_\_X\_\_\_ No

**2. Current Water Right****Part 2 Attached for Each Right**

|          | Origin/Basis | Rate | Volume | Acre Limit | Total Acres | Source            |
|----------|--------------|------|--------|------------|-------------|-------------------|
| 36-66A   | WR/Decreed   | 0.24 |        |            | 8.0         | BILLINGSLEY CREEK |
| 36-66B   | WR/Decreed   | 0.61 |        |            | 20.9        | BILLINGSLEY CREEK |
| 36-10169 | WR/Decreed   | 0.11 |        |            | 4.0         | WASTE WATER       |

**3. Purpose of Transfer (Change Proposed)****Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

| Right    | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------|-------|-----|-----|---------|---------------|---------------|
| 36-66A   | NO    | NO  | YES | NO      | NO            | NO            |
| 36-66B   | NO    | NO  | YES | NO      | NO            | NO            |
| 36-10169 | NO    | NO  | YES | NO      | NO            | NO            |

**Describe the reason for the proposed changes**

Creating a permissible place of use for better irrigation practices

**4. FOR CHANGES IN NATURE OF USE ONLY****A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

N/A

**B. Describe the effects on other water uses resulting from the proposed change**

N/A

**5. Total Amounts Transferred**

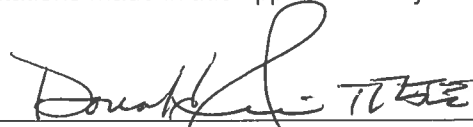
|              | Rate            | Acre Limit  | Total Acres | Volume |
|--------------|-----------------|-------------|-------------|--------|
| 36-66A       | 0.24 cfs        | 8.0         | 28.9        |        |
| 36-66B       | 0.61 cfs        | 20.9        | 28.9        |        |
| 36-10169     | 0.11 cfs        | 4.0         | 28.9        |        |
| <b>TOTAL</b> | <b>0.85 cfs</b> | <b>28.9</b> | <b>28.9</b> |        |

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**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

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)



\_\_\_\_\_  
(Signature of Applicant)

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

**Current Water Right No.** 36-66A

Priority Date: April 01, 1885

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** BILLINGSLEY CREEK

**Tributary:** SNAKE RIVER

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 2/15 11/30      | 0.24 CFS              |               |                    |
|                       | Total Diversion | 0.24 CFS              |               |                    |

Source and Point(s) of Diversion:

BILLINGSLEY CREEK      NWSWNE      Sec. 11 Twp 07S   Rge 13E   GOODING 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 |        |
| 07S | 13E | 14  |    |    |    |    |    |    | 4.0 | 4.0 |    |    |    |    |    |    |    |    | 8.0    |

Total Acres: 8

Conditions/Remarks:

1. WATER IS DELIVERED THROUGH THE SANDS DITCH.

Documentation of Ownership of the Current Place of Use

IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Creating a permissible place of use for better irrigation practices

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

**Current Water Right No.** 36-66B

Priority Date: April 01, 1885

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** BILLINGSLEY CREEK

**Tributary:** SNAKE RIVER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|------------------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 2/15 11/30             | 0.61 CFS              |               |                    |
|                       | <b>Total Diversion</b> | <b>0.61 CFS</b>       |               |                    |

Source and Point(s) of Diversion:

BILLINGSLEY CREEK      NWSWNE      Sec. 11 Twp 07S   Rge 13E   GOODING 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 |        |
| 07S | 13E | 11  |    |    |    |    |      |     |    |    |    |    |    | .5 |    |    |    |    | .5     |
| 07S | 13E | 14  |    |    |    |    | 11.9 | 8.0 | .5 |    |    |    |    |    |    |    |    |    | 20.4   |

Total Acres: 20.9

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-10169 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.61 CFS.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-10169 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 20.9 ACRES IN A SINGLE IRRIGATION SEASON.
3. WATER IS DELIVERED THROUGH THE SANDS DITCH.  
A DIVERSION RATE OF 0.55 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.  
0.06 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.

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Documentation of Ownership of the Current Place of Use

IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Creating a permissible place of use for better irrigation practices

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

**Current Water Right No.** 36-10169

Priority Date: January 01, 1957

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** WASTE WATER

**Tributary:** SINKS

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 2/15 11/30      | 0.11 CFS              |               |                    |
|                       | Total Diversion | 0.11 CFS              |               |                    |

Source and Point(s) of Diversion:

WASTE WATER                      SENWNW                      Sec. 14 Twp 07S   Rge 13E   GOODING 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 |        |
| 07S 13E 14  |    |    |    |    |    | 4.0 |    |    |    |    |    |    |    |    |    |    | 4.0    |

Total Acres: 4

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-00066B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.61 CFS.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-00066B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 20.9 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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. A DIVERSION RATE OF 0.11 CFS AT THE FIELD HEADGATE IS RECOMMENDED FOR THE PLACE OF USE DESCRIBED ABOVE.

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Documentation of Ownership of the Current Place of Use  
IDWR Records

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Creating a permissible place of use for better irrigation practices

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No.** 36-66A

Priority Date:

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** BILLINGSLEY CREEK**Tributary:** SNAKE RIVER

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 02/15 11/30     | 0.24 CFS              |               |                    |
|                       | Total Diversion | 0.24 CFS              |               |                    |

Source and Point(s) of Diversion:

BILLINGSLEY CREEK      NWSWNE      Sec. 11 Twp 07S    Rge 13E    GOODING County

Describe the proposed diversion system

Point of Diversion # 1 GATE IN SANDS DITCH W/GRAVITY &amp; PUMP IRR. FROM THE LATERAL DITCH.

**PLACE OF USE:**    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 |
| 07S | 13E | 14  |    |    |    |    | 16.0 | 8.8 | 2.2 | 1.9 |    |    |    |    |    |    |    |    | 28.9   |

Total Acres: 28.9

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No.** 36-66B

Priority Date: April 01, 1885

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** BILLINGSLEY CREEK

**Tributary:** SNAKE RIVER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|------------------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 02/15 11/30            | 0.61 CFS              |               |                    |
|                       | <b>Total Diversion</b> | <b>0.61 CFS</b>       |               |                    |

Source and Point(s) of Diversion:

BILLINGSLEY CREEK      NWSWNE      Sec. 11 Twp 07S   Rge 13E   GOODING County

Describe the proposed diversion system

Point of Diversion # 1 VIA SANDS DITCH

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           |               |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>Totals</u> |
| 07S | 13E | 14  |           |           |           |           | 16.0      | 8.8       | 2.2       | 1.9       |           |           |           |           |           |           |           |           | 28.9          |

**Total Acres:** 28.9

Transfer No. 77513

Receipt No. \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3A**

**Proposed Water Right No.** 36-10169

Priority Date: January 01, 1957

Origin: Water Right

Basis: Decreed

Status: Active

**Source:** WASTE WATER**Tributary:** SINKS

| <u>Beneficial Use</u> | <u>From To</u>  | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 02/15 11/30     | 0.11 CFS              |               |                    |
|                       | Total Diversion | 0.11 CFS              |               |                    |

Source and Point(s) of Diversion:

WASTE WATER      SENWNW      Sec. 14 Twp 07S   Rge 13E   GOODING County

Describe the proposed diversion system

Point of Diversion # 1 DITCHES.

**PLACE OF USE:**    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 |
| 07S | 13E | 14  |    |    |    |    | 16.0 | 8.8 | 2.2 | 1.9 |    |    |    |    |    |    |    |    | 28.9   |

Total Acres: 28.9

Order No. G050467

## WARRANTY DEED

For Value Received

FRED A. BECKSTEAD, a single man

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

DONALD GEORGE PICA AND BONNIE LEE PICA, TRUSTEES OF THE DONALD  
AND BONNIE PICA TRUST DATED JULY 8, 1992

the grantee(s), whose current address is

3708 GRAND VISTA DRIVE, TWIN FALLS, ID 83301

the following described premises, to-wit:

See Attached Exhibit "A"

Instrument # 215004

GOODING, GOODING, IDAHO

2006-02-10 02:24:28 No. of Pages: 2

Recorded for: GOODING TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Fee: \$5.00

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) 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 he/she/they will warrant and defend the same from all claims whatsoever.

Dated: February 9<sup>th</sup>, 2006

Fred A. Beckstead  
FRED A. BECKSTEAD

STATE OF IDAHO

: ss

COUNTY OF GOODING

On This 9<sup>th</sup> day of February, in the year 2006, before me, a Notary Public in and for said State, personally appeared FRED A. BECKSTEAD, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Susan L. Lavender  
Notary Public of Idaho  
Residing at Hagerman, ID  
Commission Expires: September 18, 2012



**EXHIBIT A**  
**G050467**

Township 7 South, Range 13 East of the Boise Meridian, Gooding County, Idaho.

Section 11: That part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , more particularly described as follows:

BEGINNING at the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
THENCE North on the West boundary line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$  28.0 feet;  
THENCE in an Easterly direction in a straight line to the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
THENCE West along the South boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$  to the TRUE POINT OF BEGINNING.

Section 14: That part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  more particularly described as follows:

BEGINNING at the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
THENCE North along the East boundary line 626.0 feet;  
THENCE South 85°45' West 717.0 feet;  
THENCE South 13°45' West 585.0 feet to the point of intersection with the South boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
THENCE East along the South boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 840.0 feet, more or less, to the TRUE POINT OF BEGINNING.

AND

That portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying West of the Sands Ditch.

TOGETHER WITH an easement for ingress and egress and for maintenance and repair of an existing access road, said easement being 20 feet in width and described as follows:

BEGINNING at the North Quarter corner of Section 14;  
THENCE South 0°00'33" East 570.68 feet along the Easterly boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  to the center of a 20.00 feet in width Non-exclusive Access Easement and being the TRUE POINT OF BEGINNING;  
THENCE North 83°34'56" West 353.88 feet along the center of said 20.00 feet in width Access Easement;  
THENCE North 71°40'07" West 23.89 feet along said centerline to the center of the "Bell Irrigation Ditch";  
THENCE North 74°57'47" West 194.18 feet along said center of Access Easement;  
THENCE North 66°00'39" West 37.63 feet along said centerline of Easement to the center of the "Sands" Irrigation Ditch;  
THENCE North 55°26'05" West 4.88 feet along said center of said Easement to the end of said Access Easement.

# WARRANTY DEED

#GG-08581

For Value Received

**Instrument # 223688**

GOODING, GOODING, IDAHO

2007-10-04

11:10:07

No. of Pages: 2

Recorded for: LAND TITLE

DENISE M. GILL

Fee: 6.00

Ex-Officio Recorder Deputy

**Marlynn Brookbank, an unmarried man**

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

**The Donald and Bonnie Pica Trust**

**Address: 3708 Vista Grande Drive, Twin Falls, ID 83301**

RECEIVED

OCT 11 2007

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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

**TOWNSHIP 7 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO**

**Section 14:** A parcel of land located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ , said parcel being the N $\frac{1}{2}$  of vacated Out-lot A-86, the N $\frac{1}{2}$  of vacated Out-lot A-85, the North 132.0 feet of the S $\frac{1}{2}$  of vacated Out-lot A-85, a portion of vacated West Avenue and a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 14, as shown on the official plat of record of the Hagerman Townsite thereof on file in the office of the County Recorder of Gooding County, Idaho, said parcel being more particularly described as follows:

Commencing at the Northwest corner of said Section 14, which is monumented with a Government brass cap and from which the West One Quarter (W $\frac{1}{4}$ ) corner of said Section 14 bears South 00°40'19" West - 2642.37 feet;

Thence South 00°40'19" West along the West boundary of the NW $\frac{1}{4}$  of said Section 14 for a distance of 1321.19 feet to the Northwest corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$  of said Section 14;

Thence South 88°47'07" East along the North boundary of the S $\frac{1}{2}$ NW $\frac{1}{4}$  of said Section 14 for a distance of 674.53 feet to the Northwest corner of vacated Out-lot A-86 and being the TRUE POINT OF BEGINNING;

Thence continuing South 88°47'07" East along the North boundary of the S $\frac{1}{2}$ NW $\frac{1}{4}$  of said Section 14 for a distance of 583.68 feet to a found stone monumenting the intersection of the centerline of vacated West Avenue and the North boundary of the S $\frac{1}{2}$ NW $\frac{1}{4}$  of said Section 14;

Thence continuing South 88°47'07" East along the North boundary of the S $\frac{1}{2}$ NW $\frac{1}{4}$  of said Section 14 for a distance of 67.41 feet to the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 14 and Northeast corner of vacated Out-lot A-85;

Thence continuing South 88°47'07" East along the North boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14 for a distance of 375.41 feet (record - 376.1 feet) to the Northeast corner of vacated Out-lot A-84;

Thence South 27°06'03" West along the Westerly boundary of vacated Out-lot A-84 for a distance of 658.55 feet to the Southwest corner of vacated Out-lot A-84 and being a point on the North right-of-way boundary of Valley Road;

Thence North 89°12'29" West along the North right-of-way boundary of Valley Road for a distance of 81.03 feet to the Southeast corner of vacated Out-lot A-85;

Thence North 00°33'03" East along the East boundary of vacated Out-lot A-85 for a distance of 164.54 feet;

Thence North 88°59'48" West for a distance of 67.40 feet to a point on the centerline of vacated West Avenue;

Thence North 00°33'03" East along the centerline of vacated West Avenue for a distance of 129.50 feet;

Thence North 88°58'44" West along the extended South boundary and South boundary of the N $\frac{1}{2}$  of vacated Out-lot A-86 for a distance of 584.30 feet to the Southwest corner of the N $\frac{1}{2}$  of vacated Out-lot A-86;

Thence North 00°40'20" East along the West boundary of vacated Out-lot A-86 for a distance of 301.29 feet to the TRUE POINT OF BEGINNING.

**SUBJECT TO an easement for the use and maintenance of the Sands ditch that is located Westerly of the Easterly boundary of the before described parcel.**

**SUBJECT TO an easement for existing ditches and appurtenant water conveyance facilities that are currently being used to convey water to other properties.**

**TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Idaho Department of Water Resources Water Right #36-66A.**

**SUBJECT TO:**

**All reservations in patents or deeds in the chain of title.**

**2007 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20, 2007.**

**Assessments levied or to be levied by any local irrigation district.**

**Power Line Easement given by Ralph H. Jones and Clarice K. Jones to Idaho Power Company, a corporation, dated October 25, 1974, recorded July 15, 1975 as Instrument Number 55551, Gooding County records, affecting North 132 feet of the South half of Tract A85, Hagerman Townsite, Section 14, Township 7 South, Range 13 East, B.M..**

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

**Dated: October 4, 2007**

*Marlynn Brookbank*  
Marlynn Brookbank

STATE OF IDAHO                     )  
                                                  ) ss.  
COUNTY OF Gooding             )

On this 4<sup>th</sup> day of October, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Marlynn Brookbank, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

*Becky Snubor*  
Notary Public  
Residing at: Jerome ID  
My Commission expires: 02-23-2011

