

RECEIVED

MAR 02 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer or Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. APPLICANT(S) Intermountain West Communications, Inc. Phone 702-642-33332. MAILING ADDRESS 1500 Foremaster Lane City Las VegasState NV Zip 89101 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see *fee schedule*.
- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-2459B, 29-7386, 29-13974, 29-13979, 29-13980

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is .72 cubic feet per second and/or 159.6 acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
07S	35E	7		SE	SW	SE	BANNOCK	GROUND WATER	
07S	35E	18		NW	NE	NE	BANNOCK	GROUND WATER	
07S	35E	18		NW	NE	NE	BANNOCK	GROUND WATER	
07S	35E	18		SW	NE	NE	BANNOCK	GROUND WATER	
07S	35E	18		SW	NE	NE	BANNOCK	GROUND WATER	
07S	35E	18		SE	NE	NE	BANNOCK	GROUND WATER	
07S	35E	18		NE	NW	NE	BANNOCK	GROUND WATER	
07S	35E	18		NE	NW	NE	BANNOCK	GROUND WATER	
07S	35E	18		SE	SE	SE	BANNOCK	GROUND WATER	

6. 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:

Existing wells are not interconnected, applicant wishes to have common points of diversion so any right may be used out of any well, or in the event one well fails there is another available for use.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is 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(s), or

☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicant.aspx> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



Signature of applicant or authorized agent

Thomas J Budge, Attorney for Applicant

Print name and title if applicable

2/24/2012

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov/WaterRightTransfers/Step4 and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by Km

Date 3-02-2012

Fee paid \$625.00 Date 2-2-2012

Received by ED37.334

Receipt # Km

Preliminary review completed by _____

Date _____

AMENDED

RECEIVED

FEB 16 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change

1. **APPLICANT(S)** Intermountain West Communications Properties, Inc. Phone 702-642-3333
2. **MAILING ADDRESS** 1500 Foremaster Lane City Las Vegas
State NV Zip 89101 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see *fee schedule*.
☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 29-7386
29-7386

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.94 cubic feet per second and/or 160.8 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
7S	35E	7		SE	SW	SE	Bannock	Groundwater	
7S	35E	18		NW	NE	NE	Bannock	Groundwater	
7S	35E	18		NW	NE	NE	Bannock	Groundwater	
7S	35E	18		SW	NE	NE	Bannock	Groundwater	
7S	35E	18		SW	NE	NE	Bannock	Groundwater	
7S	35E	18		SE	NE	NE	Bannock	Groundwater	
7S	35E	18		NE	NW	NE	Bannock	Groundwater	
7S	35E	18		NE	NW	NE	Bannock	Groundwater	
7S	35E	18		SE	SE	SE	Bannock	Groundwater	

6. 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:

Existing and new ground water wells are capable of accommodating measuring devices should they be required.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

Thomas J. Budge, Attorney for Applicant
Print name and title if applicable

2-1-2012
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by Km

Date 2-2-2012

Fee paid \$500.00 2/16/2012

Received by Km

Receipt # E037334/E037335

Preliminary review completed by Km

Date 2-2-2012

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FEB 02 2012

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

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- ☒ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 29-2459B, 29-7398, 29-11209, 29-12181, 29-13759
29-13760, 29-13973, 29-13974, 29-13975, 29-13980

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.8 cubic feet per second and/or 159.6 acre-feet per annum.
(diversion rate) (storage volume)5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

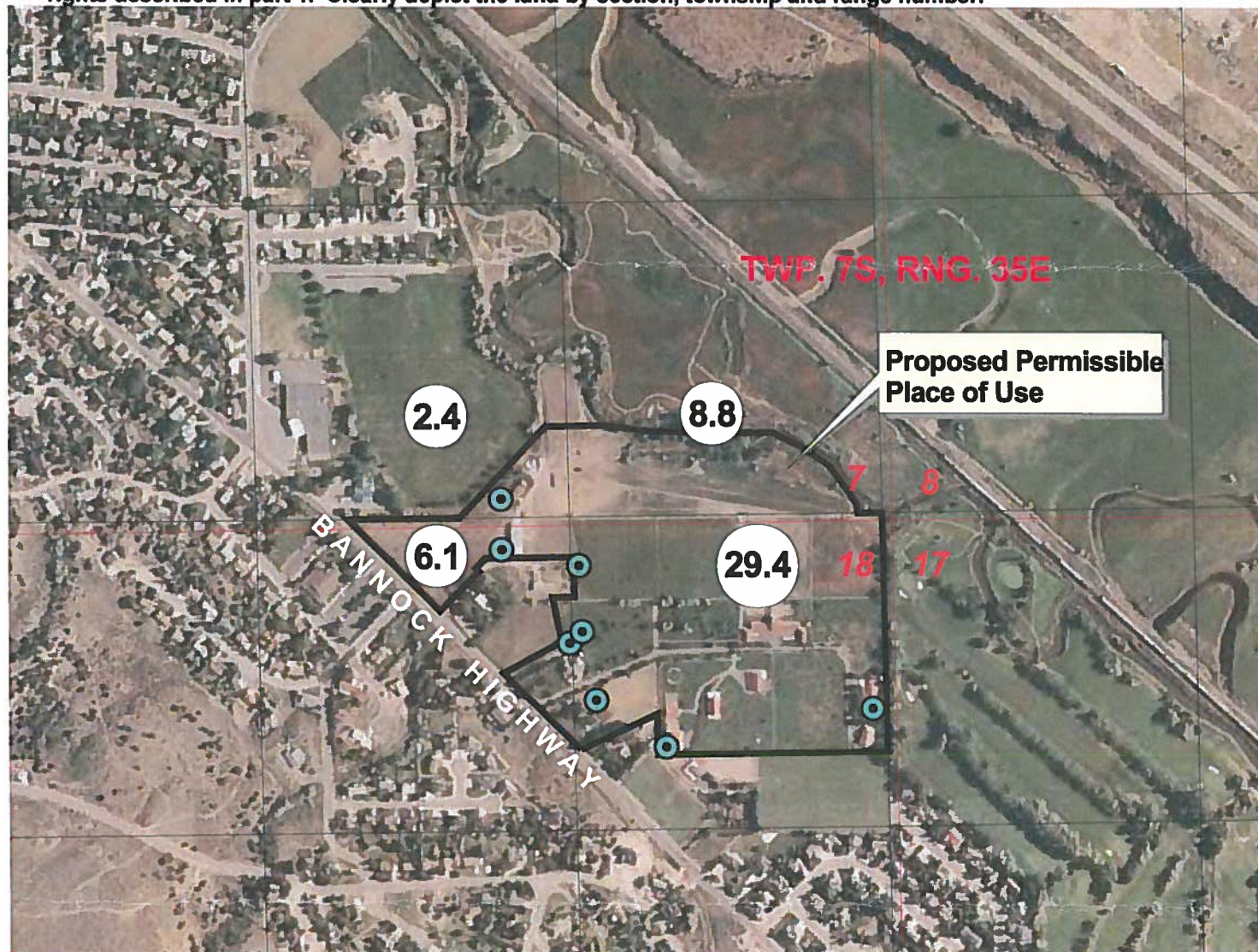
- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
7S	35E	7		SE	SW	SE	Bannock	Groundwater	
7S	35E	18		NW	NE	NE	Bannock	Groundwater	
7S	35E	18		NW	NE	NE	Bannock	Groundwater	
7S	35E	18		SW	NE	NE	Bannock	Groundwater	
7S	35E	18		SW	NE	NE	Bannock	Groundwater	
7S	35E	18		SE	NE	NE	Bannock	Groundwater	
7S	35E	18		NE	NW	NE	Bannock	Groundwater	
7S	35E	18		NE	NW	NE	Bannock	Groundwater	
7S	35E	18		SE	SE	SE	Bannock	Groundwater	

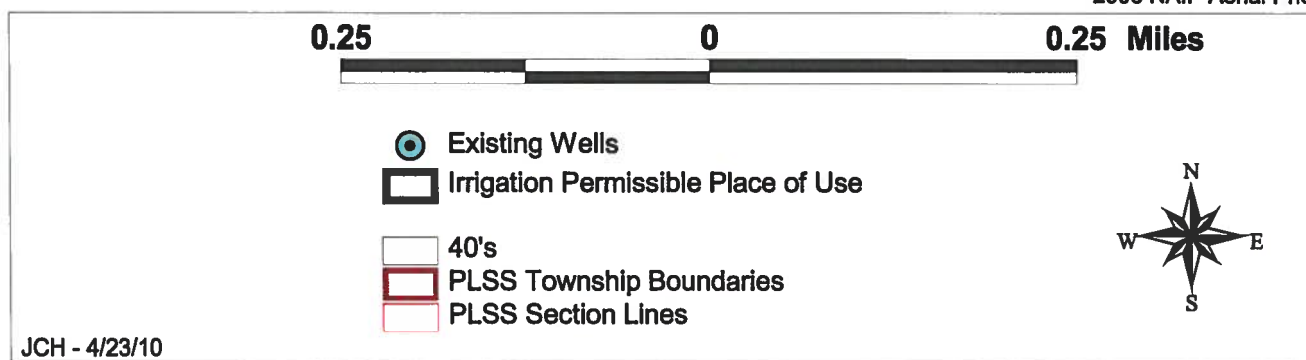
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

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FEB 16 2012
Department of Water Resources
Eastern Region

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



2006 NAIP Aerial Photo



Attachment #7A

77787

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

Current Water Right No.: 29-13979

Current Owner: JAMES E ROGERS
BEVERLY A ROGERS

Priority Date: 10/31/1986

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.08 CFS	21.1 AF
	<u>Total Diversion</u>	0.08 CFS	21.1 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4SW1/4SE1/4	Sec. 7,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S7	SWSE	2.40	T07S R35E S7	SESE	8.80
T07S R35E S18	NENE	29.40	T07S R35E S18	NWNE	6.10

Total Acres: 46.7

Conditions of Approval:

1. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. K02 This right is based upon an enlargement of Right No. 29-13980 pursuant to Section 42-1426, Idaho Code.
3. 004 This right does not grant any right-of-way or easement across the land of another.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. X35 Rights 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.3 cfs, a total annual maximum diversion volume of 80.0 af at the field headgate, and the irrigation of 20.0 acres.
7. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
9. X35 Rights 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 159.6 af at the field headgate, and the irrigation of 41.1 acres.
10. 201 The combination of changes under:
Transfer approval 76778 as described under rights 25-14326 and 25-14327;
Transfer approval 76804 as described under rights 29-13979 and 29-13980;
Transfer approval 76805 as described under rights 35-14046 and 35-14052;
Transfer approval 76806 as described under rights 36-16878 and 36-16879;
Transfer approval 76808 as described under rights 21-13121 and 21-13122;

provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
11. K09 This right is for an enlargement of 5.3 acres within the place of use described for this right.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
13. X35 Rights 29-2106A, 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed the irrigation of 47.1 acres.

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

Current Water Right No.: 29-13980

Current Owner: JAMES E ROGERS
BEVERLY A ROGERS

Priority Date: 1/27/1976

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.3 CFS	58.9 AF
	<u>Total Diversion</u>	0.3 CFS	58.9 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 7,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S7	SWSE	2.40	T07S R35E S7	SESE	8.80
T07S R35E S18	NENE	29.40	T07S R35E S18	NWNE	6.10

Total Acres: 46.7

Conditions of Approval:

1. 201 The combination of changes under:
Transfer approval 76778 as described under rights 25-14326 and 25-14327;
Transfer approval 76804 as described under rights 29-13979 and 29-13980;
Transfer approval 76805 as described under rights 35-14046 and 35-14052;
Transfer approval 76806 as described under rights 36-16878 and 36-16879;
Transfer approval 76808 as described under rights 21-13121 and 21-13122;

provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. X35 Rights 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 159.6 af at the field headgate, and the irrigation of 41.1 acres.
4. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. X27 This right is limited to the irrigation of 14.7 acres within the authorized place of use in a single irrigation season.
6. X35 Rights 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.3 cfs, a total annual maximum diversion volume of 80.0 af at the field headgate, and the irrigation of 20.0 acres.
7. K01 Right No.29-13979 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
9. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. X35 Rights 29-2106A, 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed the irrigation of 47.1 acres.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 004 This right does not grant any right-of-way or easement across the land of another.

Decreed Date: 9/12/2002

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

Current Water Right No.: 29-2459B

Current Owner: OREGON TRAIL BROADCASTING CO

Priority Date: 1/25/1962

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.12 CFS	26.4 AF
	<u>Total Diversion</u>	0.12 CFS	26.4 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 7,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S7	SWSE	2.40	T07S R35E S7	SESE	8.80
T07S R35E S18	NENE	29.40	T07S R35E S18	NWNE	6.10

Total Acres: 46.7

Page _____ of _____

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. X35 Rights 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 159.6 af at the field headgate, and the irrigation of 41.1 acres.
3. X35 Rights 29-2106A, 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed the irrigation of 47.1 acres.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. X27 This right is limited to the irrigation of 6.6 acres within the authorized place of use in a single irrigation season.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

Decreed Date: 3/22/2004

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

Current Water Right No.: 29-7386

Current Owner: OREGON TRAIL BROADCASTING CO INC

Priority Date: 4/7/1977

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.21 CFS	36 AF
	<u>Total Diversion</u>	0.21 CFS	36 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 7,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S7	SWSE	2.40	T07S R35E S7	SESE	8.80
T07S R35E S18	NENE	29.40	T07S R35E S18	NWNE	6.10

Total Acres: 46.7

Page _____ of _____

Conditions of Approval:

1. X35 Rights 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 159.6 af at the field headgate, and the irrigation of 41.1 acres.
2. X35 Rights 29-2106A, 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed the irrigation of 47.1 acres.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. X27 This right is limited to the irrigation of 10.2 acres within the authorized place of use in a single irrigation season.
8. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Decreed Date: 3/22/2004

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

Current Water Right No.: 29-13974

Current Owner: JAMES E ROGERS
BEVERLY A ROGERS
Priority Date: 1/25/1962
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.09 CFS	17.2 AF
	<u>Total Diversion</u>	0.09 CFS	17.2 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SE1/4	Sec. 7,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S7	SWSE	2.40	T07S R35E S7	SESE	8.80
T07S R35E S18	NENE	29.40	T07S R35E S18	NWNE	6.10
Total Acres: 46.7					

Page _____ of _____

Conditions of Approval:

1. X35 Rights 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 159.6 af at the field headgate, and the irrigation of 41.1 acres.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
3. X35 Rights 29-2106A, 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed the irrigation of 47.1 acres.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. X27 This right is limited to the irrigation of 4.3 acres within the authorized place of use in a single irrigation season.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Decreed Date: 3/22/2004

Page _____ of _____

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

Current Water Right No.: 29-13979

Current Owner: JAMES E ROGERS
BEVERLY A ROGERS

Priority Date: 10/31/1986

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.08 CFS	21.1 AF
	<u>Total Diversion</u>	0.08 CFS	21.1 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	NE1/4NW1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4SW1/4SE1/4	Sec. 7,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SW1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				
GROUND WATER	SE1/4NE1/4NE1/4	Sec. 18,	Twp 07S,	Rge 35E B.M.
BANNOCK County				

Place of Use

IRRIGATION Within BANNOCK County

T07S R35E S7	SWSE	2.40	T07S R35E S7	SESE	8.80
T07S R35E S18	NENE	29.40	T07S R35E S18	NWNE	6.10

Total Acres: 46.7

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Conditions of Approval:

1. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. K09 This right is for an enlargement of 5.3 acres within the place of use described for this right.
5. K02 This right is based upon an enlargement of Right No. 29-13980 pursuant to Section 42-1426, Idaho Code.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. 201 The combination of changes under:
 - Transfer approval 76778 as described under rights 25-14326 and 25-14327;
 - Transfer approval 76804 as described under rights 29-13979 and 29-13980;
 - Transfer approval 76805 as described under rights 35-14046 and 35-14052;
 - Transfer approval 76806 as described under rights 36-16878 and 36-16879;
 - Transfer approval 76808 as described under rights 21-13121 and 21-13122;

provide the necessary mitigation for any increased depletion to connected reaches of the Snake River that would result from each individual transfer. These transfer approvals shall not require mutual dependence for ongoing mitigation.

Any future action, including a subsequent transfer of this right or an order rescinding a transfer approval, which would result in a change to the point(s) of diversion under this right may require mitigation for the effects of the change. Such future action to change the point(s) of diversion under this right shall be analyzed for effects to connected reaches of the Snake River based on the priority date, point(s) of diversion and steady-state quantity as authorized for this right.
9. X35 Rights 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.72 cfs, a total annual maximum diversion volume of 159.6 af at the field headgate, and the irrigation of 41.1 acres.
10. X35 Rights 29-13979 and 29-13980 when combined shall not exceed a total diversion rate of 0.3 cfs, a total annual maximum diversion volume of 80.0 af at the field headgate, and the irrigation of 20.0 acres.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
12. X35 Rights 29-2106A, 29-7386, 29-2459B, 29-13974, 29-13979 and 29-13980 when combined shall not exceed the irrigation of 47.1 acres.
13. 004 This right does not grant any right-of-way or easement across the land of another.

Page _____ of _____

Decreed Date: 9/12/2002

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Pioneer Title Pocatello

21201259

2012 Jan 25 PM 12:48:50

Electronically Recorded by Simplifile

This instrument filed for record by Pioneer Title Co, as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

January 25, 2012

CORPORATE DEED

ELECTRONICALLY RECORDED
DO NOT REMOVE THE COUNTY STAMPED
FIRST PAGE AS IT IS NOW INCORPORATED
AS PART OF THE ORIGINAL DOCUMENT.

FOR VALUE RECEIVED,

Oregon Trail Broadcasting Co, a Nevada Corporation

a corporation duly organized and existing under the laws of the State of, grantor, does hereby Grant, Bargain, Sell and Convey unto

Intermountain West Communications Properties, Inc.

whose address is: 1500 Foremaster Lane, Las Vegas, Nevada 89101, grantee, the following described real estate, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions, U.S. patent reservations, easements of record and easements visible upon the said premises.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor pursuant to a resolution of its board of Directors has caused its corporate name to be hereunto subscribed by its officer and its corporate seal to be affixed by its officer this.

Oregon Trail Broadcasting Co

By: [Signature]

STATE OF NEVADA
COUNTY OF CLARK

)
ss.
)

On this 23 day of January, in the year of 2012, before me, the undersigned, a notary public, personally appeared RALPH TODDRE known or identified to me to be the PRESIDENT of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



[Signature]

Notary Public of
Residing at
Commission expires:

77787

This instrument filed for record by Pioneer Title Co. as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

January 23, 2012

CORPORATE DEED

FOR VALUE RECEIVED,

Oregon Trail Broadcasting Co, a Nevada Corporation

a corporation duly organized and existing under the laws of the State of, grantor, does hereby Grant, Bargain, Sell and Convey unto

Intermountain West Communications Properties, Inc.

whose address is: 1500 Foremaster Lane, Las Vegas, Nevada 89101, grantee, the following described real estate, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions, U.S. patent reservations, easements of record and easements visible upon the said premises.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, The Grantor pursuant to a resolution of its board of Directors has caused its corporate name to be hereunto subscribed by its officer and its corporate seal to be affixed by its officer this.

Oregon Trail Broadcasting Co

By: [Signature]

STATE OF NEVADA

COUNTY OF CLARK

)

ss.

)

On this 23 day of January, in the year of 2012, before me, the undersigned, a notary public, personally appeared RALPH TODDRE known or identified to me to be the PRESIDENT of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



[Signature]

Notary Public of
Residing at
Commission expires:

77787

EXHIBIT A

5500 Bannock Highway (14 acres)

A tract of land in the SE1/4 of Section 7, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, a portion of the land described in instrument no. 542515 of the records of Bannock County, Idaho, described as follows:

Commencing at the South quarter corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence South 89°21'33" East along the South line of Section 7 for a distance of 387.32 feet to an intersection with the Northeasterly right of way line Bannock Highway, the true point of beginning;

thence continuing South 89°21'33" East along the said South line for a distance of 2255.99 feet to the Southeast corner of said Section 7; thence North 00°17'55" East along the East line of said Section 7 for a distance of 24.93 feet, more or less, to an intersection with the center of the Portneuf River;

thence Northwesterly following the center of the Portneuf River for a distance of 1897.0 feet, more or less, to an intersection with the East boundary of the Portneuf River flood control levee, described in instrument no. 425621 of the records of Bannock County, from said intersection the South quarter corner of Section 7 bears South 60°06'00" West a distance of 1376.03 feet;

thence Southeasterly along the Easterly boundary of the flood control levee, following 218.24 foot radius, non-tangent curve, through a central angle of 10°30'36" for an arc distance of 40.03 feet to a point of tangency (the chord of the afore described curve bears South 45°56'45" East 39.98 feet);

thence continuing along the said Easterly boundary of the flood levee, South 03°14'00" East for a distance of 380.90 feet to an angle point; thence South 67°15'00" West along the said Easterly boundary for a distance of 153.28 feet to an angle point; thence North 22°49'53" West along the said Easterly boundary for a distance of 68.34 feet to an intersection with the Southeasterly boundary of the land of School District 25;

thence South 60°15'27" West along the Southeasterly boundary of the said school land for a distance of 481.55 feet;
thence North 89°21'33" West along the South boundary of the

EXHIBIT A (cont)

said school land for a distance of 325.01 feet to an intersection with the Northeast right of way line of the Bannock Highway; thence South 47°28'01" East for a distance of 74.88 feet to the point of beginning.

EXCEPTING THEREFROM:

A parcel of land in the SW1/4 SE1/4 of Section 7, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, a portion of the land described in instrument no. 542515 of the records of Bannock County, Idaho, described as follows:

Commencing at the South 1/4 corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence North 00° 24'00" West a distance of 50.0 feet along the meridional centerline of Section 7; thence South 89°59'27" East a distance of 654.95 feet, more or less, to a 1/2-inch iron rod tagged "LS 4430" being 50 feet North of the South line of Section 7 and is the Southeast corner of School District 25 property in deed no.383657, said point being the true point of beginning;

thence North 59°46'00" East a distance of 594.70 feet along the Southeast boundary of deed no. 383657 to a 5/8-inch iron pin; thence South 42°50'27" West a distance of 415.10 feet; thence North 88°45'48" West a distance of 231.55 feet to the true point of beginning.

EXHIBIT A (cont)

Vacant Land (10.25 acres)

A parcel of land located in the Northeast Quarter of Section 18, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of Section 18, a found Bannock County Monument-Instr# 607517, the True Point of Beginning;

Thence North $89^{\circ}25'29''$ West (Rec. West) along the North line of Section 18 a distance of 1,326.55 feet to a point from which the North Quarter of Section 18- Instr# 768900 bears North $89^{\circ}25'29''$ West and is 1,316.42 distant; thence South $12^{\circ}27'55''$ East a distance of 133.57 feet; thence South $0^{\circ}30'31''$ West a distance of 209.93 feet to the South line of Instr# 349148;

Thence South $89^{\circ}25'34''$ East (Rec. East) along the South line of Instr# 349148 a distance of 1,298.49 feet to the East line of Section 18; thence North $0^{\circ}11'04''$ East along the East line of Section 18 a distance of 340.03 feet (Rec. North $0^{\circ}27'$ West 340.0 feet) to the True Point of Beginning.

EXHIBIT A (cont)

Vacant Land (7.47 acres)

A tract of land in the NE1/4 of Section 18, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, described as follows:

Commencing at the Northeast corner of Section 18, Township 7 South, Range 35 East, Boise Meridian; thence South 00° 23'00" East along the East line of Section 18 for a distance of 340.0 feet to the Northeast corner of the land described in instrument no. 802529, the true point of beginning;

thence South 89°55'00" West along the North boundary of the land described in instrument 802529 for a distance of 621.15 feet; thence South 00°23'00" East for a distance of 253.98 feet to a point in the South boundary line of the land described in instrument no. 802529;

thence South 89°28'24" West along the said South boundary line for a distance of 342.40 feet to the Northeast corner of the land described in instrument no. 96003317; thence South 00°03'00" East along the East boundary line of the lands described in instruments no. 96003317 and 792189 for a distance of 394.17 feet; thence North 89°42'54" East along the North boundary line of the land described in instrument no. 778733 for a distance of 475.84 feet to the Southwest corner of the land described in instrument no. 96000187;

thence North 00°23'00" West along the West boundary line of the land described in instrument no. 96000187 for a distance of 446.16 feet; thence North 89°55'00" East along the South boundary line of the land described in instrument no. 802529 for a distance of 490.0 feet to a point on the East line of Section 18; thence North 00°23'00" West for a distance of 202.96 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress, described as follows:

Commencing at the Northeast corner of Section 18, Township 7 South, Range 35 East, Boise Meridian; thence South 00° 23'00" East along the East line of Section 18 for a distance of 340.0 feet to the Northeast corner of the land described in instrument no. 802529; thence South 89°55'00" West along the North boundary of the land described in instrument no. 802529 for a distance of 621.15 feet; thence South 00° 23'00" East for a distance of 202.97 feet to the true point of beginning.

EXHIBIT A (cont)

thence South 89°55'00" West for a distance of 344.33 feet;
thence South 66°27'00" West for a distance of 567.80 feet to
a point in the Northeasterly right of way line of the
Bannock Highway; thence South 45°05'29" East along the said
right of way line for a distance of 53.36 feet to the
Northwest corner of the land described in instrument no.
96003317;

thence North 66°30'06" East for a distance of 528.84 feet to
the Northeast corner of the land described in instrument no.
96003317; thence North 89°28'24" East along the South
boundary line of the land described in instrument no. 802529
for a distance of 342.40 feet; thence North 00°23'00" West
for a distance of 51.01 feet to the point of beginning.

3-1

20419692

WARRANTY DEED

THIS INDENTURE, made this 7th day of September, 2004,
between Mary Francis Okelberry, Individually and as Personal Representative of the Estate of Jay
Peterson Merkley, a/k/a Jay P. Merkley, a/k/a J.P. Merkley, deceased, under Letters
Testamentary, duly certified and attached hereto as Schedule "A", as Grantors and James B.
Rogers and Beverly Rogers, husband and wife, as Grantees, whose address is 1500 Foremaster
Lane, Las Vegas, Nevada 89101.

WITNESSETH: That the Grantors for value received, does, hereby grant, bargain, sell
and convey unto Grantees, their heirs and assigns, all that parcel of real property commonly
known as 5520 Bannock Highway, Pocatello, Idaho and particularly described on Schedule "B"
attached hereto and by reference incorporated herein.

Together with all and singular the tenements, hereditaments,
fixtures and appurtenances thereunto belonging or in anywise
appertaining including the rents, issues and profits thereof and
including the water well situate thereon and Idaho Department of
Water Resources Water License No. 29-12181.

SUBJECT TO: All of the taxes levied and assessed in 2004 and all
such taxes and assessments levied or assessed in subsequent years;

SUBJECT TO: all City, County, State and Federal building and
zoning laws, ordinances and regulations and;

SUBJECT TO: all reservations, rights of way, easements and
restrictions recorded against the property.

To have and to hold all and singular the foregoing Property, together with the
appurtenances and privileges thereunto incident unto the Grantees and their heirs and assigns
forever, and the Grantors warrant the property in the quiet and peaceable possession of the

3-2

20419692

Grantees against all and every person or persons whomsoever.

Mary Francis Okelberry
Mary Francis Okelberry, Individually

Mary Francis Okelberry
Mary Francis Okelberry, Personal Representative of
the Estate of Jay Peterson Merkley, Deceased

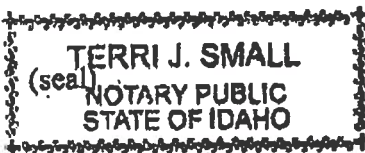
STATE OF IDAHO)

:ss

County of Bannock)

On this 1st day of September, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Mary Francis Okelberry, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she 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.



Terr J. Small
NOTARY PUBLIC FOR IDAHO

Residing at: Boonville, Ind

My Commission Expires: 4/28/2005

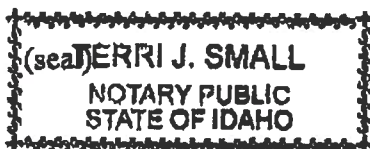
STATE OF IDAHO)

:ss

County of Bannock)

On this 1st day of September, 2004, before me, the undersigned, Notary Public, personally appeared Mary Francis Okelberry, known or identified to me to be the Personal Representative of the Estate of Jay Peterson Merkley, deceased, and acknowledged to me that she executed the same as such Personal Representative.

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



Terr J. Small
NOTARY PUBLIC FOR IDAHO

Residing at: Boonville, Ind

My Commission Expires: 4/28/2005

SCHEDULE "B"

3-3

20419692

A PARCEL OF LAND LOCATED IN THE NE $\frac{1}{4}$ OF SECTION 18 TOWNSHIP 7 SOUTH, RANGE 35 EAST, B.M., BANNOCK COUNTY, IDAHO. IT IS PORTION OF INSTRUMENT NO. 349148 AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NE CORNER OF SECTION 18, A FOUND BANNOCK COUNTY MONUMENT-INSTRUMENT NO. 807517. THENCE N 89°25'29"W (REC. WEST) ALONG THE NORTH LINE OF SECTION 18 A DISTANCE OF 1326.55 FEET TO THE TRUE POINT OF BEGINNING, FROM WHICH THE N $\frac{1}{4}$ OF SECTION 18-INSTRUMENT NO. 768900 BEARS N 89°25'29"W, AND IS 1316.42 DISTANT. THENCE S. 12°27'55" E. A DISTANCE OF 133.57 FEET; THENCE S. 0°30'31" W. A DISTANCE OF 42.74 FEET; THENCE N. 89°29'29" W. A DISTANCE OF 370.70 FEET; THENCE S. 44°19'06" W. A DISTANCE OF 58.31; THENCE S. 44°45'29" E. A DISTANCE OF 19.32 FEET; THENCE S. 45°46'31" W. A DISTANCE OF 234.77 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF BANNOCK HIGHWAY; THENCE N. 44°30'56" W. ALONG SAID RIGHT OF WAY LINE 108.99 FEET AND CONTINUING N 44°54'06" W. 452.79 FEET TO THE NORTH LINE OF SECTION 18; THENCE S. 89°25'29" E. ALONG THE NORTH LINE OF SECTION 18 A DISTANCE OF 933.69 FEET TO THE TRUE POINT OF BEGINNING.

20419692
FIRST AMERICAN TITLE
RECORDED AT REQUEST OF
FEE 9.00 DEPUTY Jo

2004 SEP 10 AM 11:14
OFFICIAL RECORD BK# 855
LIPPIE CHAN RECORDER
BANNOCK COUNTY IDAHO

4-1
WARRANTY DEED

20202588

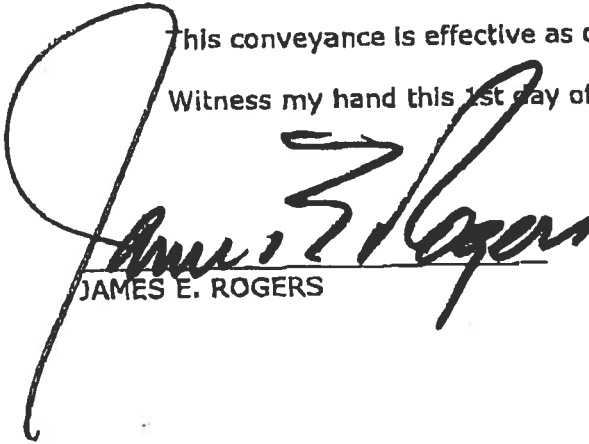
FOR VALUE RECEIVED, James E. Rogers and Beverly Rogers, the Grantors, do hereby grant, bargain, sell and convey unto OREGON TRAIL BROADCASTING, a Nevada Corporation, the Grantees, whose current address is 1500 Foremaster Lane, Las Vegas, Nevada 89101, the following described real property situated in the County of Bannock, State of Idaho, bounded and described as follows:

See Exhibit "A" attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the same premises, with their appurtenances unto the said Grantee and Grantee's successors and assigns forever. The Grantors do hereby covenant and warrant to and with the Grantee that the Grantors are the owners in fee simple of such premises; that such premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject; those set forth in Pioneer Title Company Title of Bannock County, Commitment No. 50505TZ, dated August 28, 1997; those made, suffered, assumed, or created by the Grantee; reservations, restrictions, dedications, covenants, easements of record or use; rights of parties in possession, encroachments, overlaps, boundary-line disputes, or other matters that would be disclosed by an accurate survey or inspection of the property; rights-of-way and agreements, if any, of record; general taxes and assessments (including irrigation and utility assessment's, if any, for the current year) that are not yet due and payable; and that the Grantors will warrant and defend the same from all lawful claims whatsoever.

This conveyance is effective as of February 1, 2002.

Witness my hand this 1st day of February, 2002


JAMES E. ROGERS
BEVERLY ROGERS

ORIGINAL

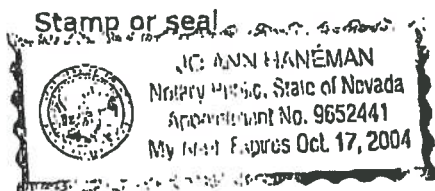
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20202588

State of Nevada)
)
County of Clark) ss.

On this 1st day of February 2002, personally appeared before me, a Notary Public, in and for said County and State, James E. Rogers and Beverly Rogers who executed the foregoing Instrument, who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.



Signature

4-3

EXHIBIT "A"

20202588

A tract of land in the SE1/4 of Section 7, Township 7 South, Range 35 East, Boise Meridian, Bannock County, Idaho, a portion of the land described in instrument no. 542515 of the records of Bannock County, Idaho, described as follows:

Commencing at the South quarter corner of Section 7, Township 7 South, Range 35 East, Boise Meridian; thence South $89^{\circ}21'33''$ East along the South line of Section 7 for a distance of 387.32 feet to an intersection with the Northeasterly right of way line Bannock Highway, the true point of beginning;

thence continuing South $89^{\circ}21'33''$ East along the said South line for a distance of 2255.99 feet to the Southeast corner of said Section 7; thence North $00^{\circ}17'55''$ East along the East line of said Section 7 for a distance of 24.93 feet, more or less, to an intersection with the center of the Portneuf River;

thence Northwesterly following the center of the Portneuf River for a distance of 1897.0 feet, more or less, to an intersection with the East boundary of the Portneuf River flood control levee, described in instrument no. 425621 of the records of Bannock County, from said intersection the South quarter corner of Section 7 bears South $60^{\circ}06'00''$ West a distance of 1376.03 feet;

thence Southeasterly along the Easterly boundary of the flood control levee, following 218.24 foot radius, non-tangent curve, through a central angle of $10^{\circ}30'36''$ for an arc distance of 40.03 feet to a point of tangency (the chord of the afore described curve bears South $45^{\circ}56'45''$ East 39.98 feet);

thence continuing along the said Easterly boundary of the flood levee, South $03^{\circ}14'00''$ East for a distance of 380.90 feet to an angle point; thence South $67^{\circ}15'00''$ West along the said Easterly boundary for a distance of 153.28 feet to an angle point; thence North $22^{\circ}49'53''$ West along the said Easterly boundary for a distance of 68.34 feet to an intersection with the Southeasterly boundary of the land of School District 25;

thence South $60^{\circ}15'27''$ West along the Southeasterly boundary of the said school land for a distance of 481.55 feet; thence North $89^{\circ}21'33''$ West along the South boundary of the said school land for a distance of 325.01 feet to an intersection with the Northeast right of way line of the Bannock Highway; thence South $47^{\circ}28'01''$ East for a distance of 74.88 feet to the point of beginning.