

**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

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2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

September 29, 2005

Mr. Roger Warner  
Idaho Department of Water Resources  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402

Separate  
land owners  
Chandlers

Typo WRF  
35-40 in  
NE, S22,  
4S, 32E

RECEIVED

OCT 03 2005

Department of Water Resources  
Eastern Region

Re: North Fork Energy Co. (Water Rights 35-40  
Crystal Springs Fish Hatchery - Permit Number ID-G-0038

Dear Roger:

This will be a record of the proceedings of North Fork Energy's water rights that were to be split during transfer 5030 (1998). The split of the rights should have been accomplished pursuant a Special Warranty Deed between North Fork Energy and John L. Miller dated 12/23/1998. During this change of ownership North Fork Energy sold all its land south of Edwards Rd, in Township 4S, Range 32E, Sections 23, 24, 25, & 26 to John L. Miller but retained the land north of the road and the portion of the water rights appurtenant to this property. However, it seems as if some of the water right splits were never accomplished.

All of these rights are either used for fish propagation (35-4271, 35-8635, 35-9068, and 35-8782) or for commercial use (35-8679). The fish propagation rights are all non-consumptive and are discharged into Boom Creek and then delivered to the southern portion of the property that was sold to Mr. Miller. In addition, all flows from 35-8679 that are not consumed by North Fork Energy are also discharged into Boom Creek and delivered to the southern portion of property.

Prior to the change of ownership these rights were involved in two separate water right transfers (5030 and 5345) that were approved by IDWR. Transfer 5030 was filed to correct the actual place of use (POU) for water rights 35-4271, 35-8635, and 35-8679, and to add new points of diversion (POD). The new POD's were being added by developing some new artesian wells in order to restore the original discharge rates recorded for these rights. Transfer 5345 was filed in order to change the point of diversion for right 35-8782 so that it would reflect the same place of use as the water rights changed pursuant transfer 5030.

SUPPORT DATA

IN FILE # 35-4271A

A record of each of the rights will be described below:

### 35-4271

- OK
- According to the above described warranty deed and transfer 5030, 35-4271 was to be split according to the place of use that was being sold.
  - The documentation was received by IDWR on 01/13/1999 and this right was split according to the above mentioned deed into 35-4271A and 35-4271B.
  - Both of these rights were partially decreed on 02/25/1999.
  - North Fork Energy retained 35-4271A and John L. Miller retained 35-4271B.
  - Both of these rights are for 50 cfs and have a beneficial use of fish propagation and are non-consumptive.
  - Since this original transaction 35-4271B has undergone many different ownership changes; however 35-4271A has continuously been retained and utilized by North Fork Energy.

### 35-8635

- According to the above described warranty deed and transfer 5030, 35-8635 was to be split according to the place of use that was being sold.
- The documentation was received by IDWR on 01/13/1999 and this right was split according to the above mentioned deed into 35-8635A and 35-8635B.
- North Fork Energy retained 35-8635A and John L. Miller retained 35-8635B.
- Both of these rights were partially decreed on 02/25/1999.
- Both of these rights are for 0.72 cfs and have a beneficial use of fish propagation and are non-consumptive.
- Since this original transaction 35-8635B has undergone many different ownership changes; however 35-8635A has continuously been retained and utilized by North Fork Energy.

### 35-8782

- According to the above described warranty deed and transfer 5345, 35-8782 was to be split according to the place of use that was being sold.
- According to the original water right license made on 10/22/1998, this right is for fish propagation and is for a diversion rate of 4.64 cfs.

- Transfer 5345 changed the POD and POU of this right in order to reflect relatively the same POD's and POU's as water rights 35-4271, 35-8635, and 35-8679.
- The documentation was received by IDWR on 01/13/1999. However, it seems as if 35-8782 was never split according to the above mentioned deed. Since the right is non-consumptive, the right should have been split so that each user has the full use of the water, much like water right 35-4071.
- 
- North Fork Energy has continued the use of this right; however, John L. Miller has since sold the property and all his water rights appurtenant to his land.

**35-8679**

- According to the above described warranty deed and transfer 5030, 35-8679 was to be split according to the place of use that was being sold.
- According to the original water right license made on 02/22/1994, this right is for commercial purposes at the processing plant and is for a diversion rate of 1 cfs.
- In addition, according to the above mentioned deed North Fork Energy can fully consume this water right; however the portion that is not utilized by North Fork Energy then is discharged into Boom Creek and delivered to the southern portion of the property and used for the same purpose.
- The change of ownership documentation was received by IDWR on 01/13/1999. However, it seems as if 35-8679 was never split according to the above mentioned deed. Since the right is non-consumptive the right should be split so that each user has the full use of the water, much like water right 35-4071.
- North Fork Energy has continued the use of this right; however, John L. Miller has since sold the property and all his water rights appurtenant to his land.

**35-9068**

- According to the above described warranty deed and transfer 5030, 35-9068 was to be split according to the place of use that was being sold.
- The change of ownership documentation was received by IDWR on 01/13/1999. However, it seems as if it was never split according to the above mentioned deed. Since the right is non-consumptive the right

should be split so that each user has the full use of the water, much like water right 35-4071.

- 35-9068 is still a permit, but our office has submitted a proof of beneficial use on 04/01/2002, in behalf of North Fork Energy. The field exam for this right still needs to be completed by IDWR.
- North Fork Energy has continued the use of this right; however, John L. Miller has since sold the property and all his water rights appurtenant to his land.
- However, all of the Change of Ownership forms that have been submitted by John L. Miller, for the southern portion of the property, do not include 35-9068. A portion of the right should probably be the property of Sally Hartman and not Miller; whereas the remaining portion should still be the property North Fork Energy.

**History of Change of Ownership Changes for 35-8782, 35-8635, 35-4271, and 35-8679 by John L. Miller**

- John L. Miller sold/donated a portion of the southern property to the Church of Jesus Christ of Latter-day Saints on 11/26/1999 with a portion of its appurtenant water rights. However, it seems as if these rights were not included in this transaction.
- John L. Miller then sold another portion of this southern property to Capital Lending Inc on 08/15/2001 with all of its appurtenant water rights that included portions of 35-8782 and 35-8697 and incorrectly described 35-4271 and 35-8635. Water rights 35-4271 and 35-8635 should have been described as the B portions of these rights.
- The church of Jesus Christ of Latter-day Saints also sold its portion of the said property to Capital Lending, Inc. on 06/28/2001
- John L. Miller then sold the remaining portion of the property to Walter and Sally Hartman on 10/09/2001 with all of its appurtenant water rights that includes the remaining portion of 35-8782.
- Then Capital Lending, Inc also sold the rest of the said property to Walter and Sally Hartman at two separate instances. The first was on 10/05/2001 and then the remaining portion was sold on 12/18/2003.
- During these transactions two separate change of ownership forms have been submitted by John L. Miller. One on 12/12/2001 and one on 03/15/2005. Both of these changes of ownership forms include all of these rights. However, since 35-8679 and 35-8782 were never split they incorrectly were listed on these forms.

Please review the enclosed material and your files in order verify this information as soon as possible. Our client would like to get these water rights straightened out as soon as possible. If you have any questions or concerns regarding these rights or the above information please contact Chuck Brockway Sr. or I.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. T. Nelson', with a long horizontal line extending to the right.

Daren T. Nelson, Hydrologist

Attachments: Warranty Deed between North Fork Energy and John L. Miller  
Transfer 5030 & 5345 Documentation  
Notice of 2001 Change of Ownership Form (John L. Miller)  
Notice of 2005 Change of Ownership Form (John L. Miller)

Enc.

cc: Bish Beymer (w/o attachments)

WHEN RECORDED, MAIL TO:

John L. Miller  
P.O. Box 2260  
Napa, California 94558

## WARRANTY DEED

North Fork Energy, Inc., a corporation organized and existing under the laws of the State of Idaho, with its principal place of business in Bingham County, Idaho, GRANTOR, hereby CONVEYS and WARRANTS to John L. Miller, GRANTEE, of Napa County, California, for the sum of TEN DOLLARS and other good and valuable consideration, the following-described tract of land in Bingham County, Idaho:

Beginning at a point on the South line of a County Road that is South  $0^{\circ}13'14''$  West 2167.35 feet along the Section line and South  $81^{\circ}36'31''$  West 84.90 feet from the Northeast corner of said Section 24 and running thence south  $81^{\circ}36'31''$  West 1192.27 feet along said South line; thence South  $78^{\circ}49'32''$  West 1368.55 feet; thence South  $79^{\circ}16'11''$  West 402.03 feet; thence South  $89^{\circ}24'11''$  West 198.67 feet; thence South  $89^{\circ}59'48''$  West 2075.55 feet along said South line to the West line of said Section 24; thence leaving said County Road South  $0^{\circ}32'53''$  West 2618.34 feet along the Section line to the South West corner of said Section 24; thence North  $89^{\circ}28'36''$  West 1325.23 feet along a fence line; thence South  $1^{\circ}04'04''$  West 1268.04 feet along said fence; thence South  $55^{\circ}28'37''$  West 90.03 feet; thence North  $89^{\circ}46'17''$  West 958.92 feet along said fence line to the east line of a county road; thence South  $5^{\circ}14'03''$  East 199.67 feet along said east line to the Bureau of Reclamation take line; thence along said Bureau of Reclamation take line the following three (3) courses (1) North  $48^{\circ}14'18''$  East 293.73 feet; (2) thence South  $41^{\circ}37'41''$  East 168.00 feet; (3) thence South  $49^{\circ}20'46''$  West 424.73 feet; thence South  $16^{\circ}10'45''$  West 169.69 feet; thence South  $56^{\circ}11'16''$  West 256.70 feet; thence South  $0^{\circ}11'21''$  West 546.83 feet; thence South  $53^{\circ}20'44''$  East 115.52 feet along said east line to the North line of said County Road; thence South  $88^{\circ}50'14''$  East 561.72 feet along said North line; thence South  $87^{\circ}40'11''$  East 149.39 feet; thence North  $89^{\circ}37'03''$  East 1145.42 feet; thence North  $80^{\circ}18'38''$  East 264.58 feet; thence South  $89^{\circ}24'55''$  East 174.18 feet to the Bureau of Reclamation Take Line; thence along said Bureau of Reclamation Take Line the following three (3) courses (1) North  $76^{\circ}17'38''$  East 235.58 feet; (2) thence North  $67^{\circ}19'32''$  East 349.70 feet; (3) thence South  $41^{\circ}00'50''$  West 162.37 feet to the North line of a County Road; thence North  $69^{\circ}59'04''$  East 56.48 feet; thence North  $59^{\circ}36'35''$  East 521.39 feet; thence North  $53^{\circ}39'50''$  East 263.65 feet; thence North  $31^{\circ}17'57''$  East 502.46 feet; thence North  $81^{\circ}43'25''$  East 787.30 feet; thence South  $89^{\circ}36'24''$  East 702.19 feet; thence South  $64^{\circ}24'39''$  East 620.55 feet; thence South

67°30'02" East 233.65 feet; thence South 84°26'23" East 323.64 feet; thence South 74°29'47" East 1219.71 feet; thence South 75°50'39" East 443.76 feet along said North line; thence leaving said County Road North 1°30'06" West 110.13 feet; thence North 1°26'14" West 2304.88 feet along a fence line; thence North 1°42'30" West 3088.94 feet along said fence line to the Point of Beginning.

**EXCEPTING THEREFROM** the following parcel:

Part of the East Half of the Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at a point in an existing North-South fence line that is North 00°15'14" East 1615.08 feet along the Section line and North 89°34'12" West 33.14 feet from the Southeast corner of said Section 24 and running thence North 01°42'30" West 1509.49 feet along said existing fence line to the south line of an existing County Road; thence South 81°36'31" West 714.85 feet along said South line; thence South 02°48'39" West 834.28 feet; thence South 30°55'57" West 426.02 feet; thence South 44°54'25" West 277.78 feet; thence South 89°34'12" East 1208.22 feet to the Point of Beginning.

**TOGETHER WITH:**

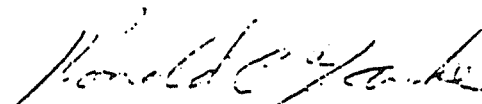
All fixtures and appurtenances located on the described and conveyed real property, including, but not limited to, one trailer home, and all other out buildings located on the property, eight (8) approximately quarter mile long Thunderbird wheeled irrigation lines, two (2) approximately quarter mile long four (4) inch diameter hand irrigation lines, all existing buried main irrigation lines, a 150 horsepower deep well pump and a 100 horsepower centrifugal pump.

**AND SUBJECT TO** all easements and encumbrances of record.

The officers of North Fork Energy, Inc. who sign this Warranty Deed hereby certify that this Warranty Deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of North Fork Energy, Inc. at a lawful meeting properly noticed and duly held, and attended by a quorum.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23 day of December, 1998.

NORTH FORK ENERGY, INC., Grantor

  
Ronald C. Yanke, President

ATTEST:

*Richard D. Heaton*

Richard D. Heaton, Secretary

STATE OF IDAHO )  
: ss.  
COUNTY OF ADA )

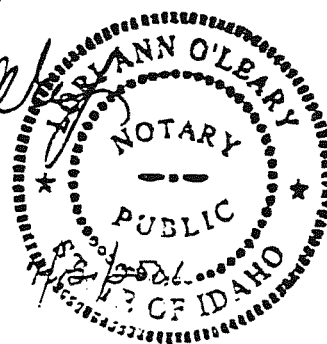
On the 13<sup>th</sup> day of December, 1998, personally appeared before me Ronald C. Yanke, who having first been duly sworn by me, did say that he is the President of North Fork Energy, Inc., that he has authority to sign the foregoing Warranty Deed on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that the foregoing Warranty Deed was signed on behalf of North Fork Energy by him.

*[Signature]*  
NOTARY PUBLIC

Residing in the State of Idaho

SEAL:

*My commission exp. 7/2/2001*



STATE OF IDAHO )  
: ss.  
COUNTY OF ADA )

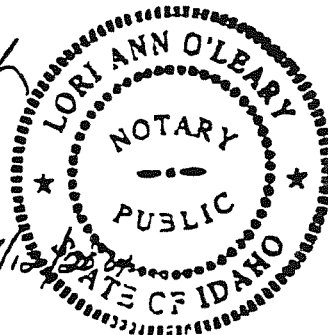
On the 23<sup>rd</sup> day of December, 1998, personally appeared before me Richard D. Heaton, who having first been duly sworn by me, did say that he is the Secretary of North Fork Energy, Inc., that the President of North Fork Energy, Inc., Ronald C. Yanke, has authority to sign the foregoing Warranty Deed on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that he, Richard D. Heaton, as Secretary of North Fork Energy, Inc., has properly, and pursuant to authority duly granted to him by North Fork Energy, Inc., has signed the foregoing Warranty Deed attesting that the foregoing Warranty Deed was properly signed with authority on behalf of North Fork Energy, Inc.

*[Signature]*  
NOTARY PUBLIC

Residing in the State of Idaho

SEAL:

*My commission exp. 7/2/2001*



472680

3-22191-4

WHEN RECORDED, MAIL TO:

John L. Miller  
P.O. Box 2260  
Napa, California 94558

BRINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO

FEE 18.00 PER Q

98 DEC 24 PM 12:51

RECORDED AT THE REQUEST OF

Alliance Title Insurance Corp.

COPY

**SPECIAL WARRANTY WATER RIGHTS DEED,  
WELL DEVELOPMENT AND MAINTENANCE AGREEMENT  
AND  
WELL DEVELOPMENT AND MAINTENANCE EASEMENT**

North Fork Energy, Inc., a corporation organized and existing under the laws of the State of Idaho, with its principal place of business in Bingham County, Idaho, GRANTOR, hereby CONVEYS and WARRANTS to John L. Miller, or nominee, GRANTEE, of Napa County, California, for the sum of TEN DOLLARS and other good and valuable consideration, all right, title and interest in and to the following-described water rights:

Water Right Number ("WRN") 35-07141 for 4.8 cfs for the irrigation of 240 acres, as described in the Water Right License and the Snake River Basin Adjudication Claim Number ("SRBA Claim Number") A35-7141. Grantor believes this right may be reduced through the Snake River Basin General Adjudication to 4.68 cfs for the irrigation of 234 acres. Grantor makes no warranty beyond 4.68 cfs for the irrigation of 234 acres.

Water Right Number ("WRN") 35-07138 for 1.08 cfs for the irrigation of 54 acres, as described in the Water Right License. Grantor believes that SRBA Claim Number A35-07138 may be incorrect. Grantor makes no warranty except as to 1.08 cfs for the irrigation of 54 acres as described in the Water Right License.

WRN 35-00007 for the irrigation of 103 acres, as described in SRBA Claim Number A35-00007. However, Grantor believes the right may be limited to 2.1 cfs in the Snake River Basin General Adjudication. Grantor makes no warranty beyond 2.1 cfs for the irrigation of 103 acres.

WRN 35-00028 for 1.2 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00028.

WRN 35-00029 for .4 cfs for the irrigation of 109 acres, as described in SRBA Claim Number A35-00029.

WRN 35-02016, as described in SRBA Claim Number A35-02016. Grantor believes that the right may be reduced in the Snake River Basin Adjudication to 1.28 cfs for the irrigation of 64 acres. Grantor makes no warranty beyond 1.28 cfs and 64 acres.

WRN 35-02014, as described in the Water Right License for 1.3 cfs for irrigation as described in the Water Right License.

WRN 35-11390 for 20 cfs for fish propagation as described in SRBA Claim Number A35-11390 and as modified by Transfer Number 5055.

WRN 35-11392 for .04 cfs for the domestic use of one home.

WRN 35-11393 for .04 cfs for the domestic use of one home.

WRN 35-00047. Grantor makes no warranty whatsoever regarding WRN 35-0047.

A portion of WRN 35-007142 for the irrigation of 40 acres. Grantor makes no warranty whatsoever regarding WRN 35-007142.

**TOGETHER WITH** an undivided interest in the following water rights, and subject to the limitations described below:

WRN 35-04271 for 50 cfs for fish propagation as described in SRBA Claim Number A35-04271 and as modified by Transfer Number 5030.

WRN 35-08635 for .72 cfs for fish propagation as described by the Water Right License and as modified by Transfer Number 5030. Grantor believes that SRBA Claim Number A35-08635 may be incorrect. Grantor makes no warranty beyond .72 cfs.

WRN 35-08782 for 4.64 cfs as described in the Water Right License and as modified by pending, unapproved Transfer Number 5345.

WRN 35-09068 for 4.79 cfs for fish propagation or 3.79 cfs for fish propagation and 1. cfs for commercial use under WRN 35-08679.

WRN 35-08679 for 1.0 cfs for commercial use, as modified by Transfer Number 5030.

As to Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068, Grantor retains the right to use the described flow for fish propagation purposes only on property retained by the Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East

of the Boise Meridian, Bingham County, Idaho. Grantor's use of the water under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 will be virtually non-consumptive.

As to WRN 35-08679, Grantor retains the right to consumptively use up to 1.0 cfs for commercial purposes, or file a transfer to use the water for irrigation or other consumptive purposes, on property retained by the Grantor located in the Northeast Quarter of Section 24 and the Northeast Quarter of the Southeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho.

All flows available for use by Grantor or Grantee under Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068, and all flows not consumed by Grantor under WRN 35-08679, shall be discharged to Boom Creek by Grantor at the point where Boom Creek intersects the existing Bingham County road in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. All water discharged by Grantor to Boom Creek shall meet all applicable state, federal and local laws, statutes, rules, regulations and ordinances, shall be free from any significant pathogens or disease which might adversely affect fish or wildlife, and shall be fit for the purposes of fish propagation, wildlife, recreation, the natural stream environment and aesthetics.

Grantor hereby conveys to Grantee a partial undivided right in and to Water Right Numbers 35-04271, 35-08635, 35-08782 and 35-09068 and 35-08679 consisting of the right to use the flow discharged by Grantor below the point described for all authorized purposes subject to any required Transfer from the Idaho Department of Water Resources and further subject to the limitations described above.

Neither Grantor nor the Grantee shall file any application for Transfer involving Water Right Numbers 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 which might in any manner diminish the quantity or quality of water available to the other.

Except as expressly stated otherwise above, Grantor warrants that it is conveying good, marketable, unencumbered title to all of the water rights described above. The same acreage may be an approved place of use for more than one water right. As part of the Snake River Basin General Adjudication, approved flows may be reduced because of this stacking of water rights. Reductions in flow as the result of stacking shall not be considered a breach of Grantor's warranties. As part of the Snake River Basin General Adjudication, small adjustments in approved acreage may be made as the result of the capacity for more precise measurements. Small reductions in acreage as the result of better measurement shall not be considered a breach of Grantor's warranties.

Water Right Number 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 and Transfer Numbers 5030, 5055 and pending Transfer Number T5345, approved a total of 10 wells to be drilled

on property retained by Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho. Three of the wells have been completed. Grantor shall continue to develop two (2) additional wells until the total authorized artesian flow from the wells under the described water right numbers and transfer numbers is obtained, or hydro geological data reasonably acceptable to Grantee indicates that additional wells would not result in a net yield from all of the wells of more than 3 cfs. Grantor shall complete the two (2) additional wells on or before August 1, 1999. While Grantor is not obligated to Grantee to develop the full ten (10) wells authorized under the described water rights and transfers, any water developed by Grantor on property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho shall first be used to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above before being used for any other purpose. Grantor shall submit any proof required under the described water rights and transfers and shall timely take all other steps which may be reasonable and necessary to keep the described water rights and transfers in good standing. Grantor shall reasonably operate and maintain the wells in a condition which will maximize the flow to which the Grantor and Grantee have a right under the described water rights and transfers.

If for any reason Grantor fails to diligently and timely complete development of the two additional wells as described above, or alternatively, Grantor fails to maintain any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above, Grantee shall have an easement and a right of ingress and egress across the property belonging to Grantor located in the Northeast Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho for the purpose of developing the two additional wells described above, or maintaining any wells developed by Grantor which are necessary to satisfy the water rights and transfers that Grantor and Grantee have undivided interests in as described above.

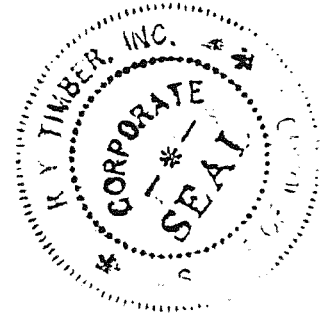
All of Grantor's obligations under this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement shall run with the land and shall bind Grantors successors and assigns.

The officers of North Fork Energy, Inc. who sign this Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement hereby certify that this instrument and the agreements and transfers represented thereby was duly authorized under a resolution duly adopted by the board of directors of North Fork Energy, Inc. at a lawful meeting properly noticed and held, and attended by a quorum.

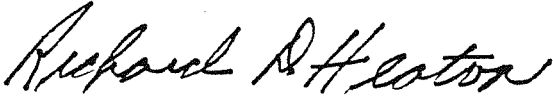
IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this 23 day of December, 1998.

NORTH FORK ENERGY, INC., Grantor

  
Ronald C. Yanke, President



ATTEST:

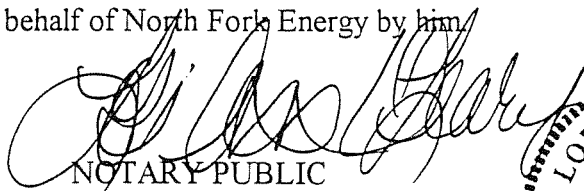
  
Richard D. Heaton, Secretary

STATE OF IDAHO )

: ss.

COUNTY OF ADA )

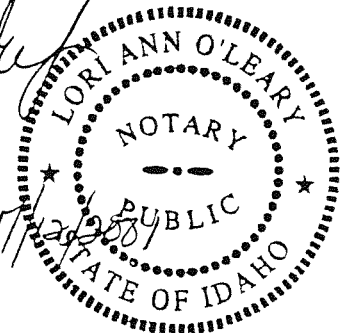
On the 23rd day of December, 1998, personally appeared before me Ronald C. Yanke, who having first been duly sworn by me, did say that he is the President of North Fork Energy, Inc., that he has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted resolution of the board of directors of North Fork Energy, Inc., and that the foregoing instrument was signed on behalf of North Fork Energy by him.

  
NOTARY PUBLIC

Residing in the State of Idaho

SEAL:

*My commission exp.: 7/24/2001*



STATE OF IDAHO )

: ss.

COUNTY OF ADA )

On the 23rd day of December, 1998, personally appeared before me Richard D. Heaton, who having first been duly sworn by me, did say that he is the Secretary of North Fork Energy, Inc., that the President of North Fork Energy, Inc., Ronald C. Yanke, has authority to sign the foregoing Special Warranty Water Rights Deed, Well Development and Maintenance Agreement and Well Development and Maintenance Easement on behalf of North Fork Energy, Inc. by reason of a duly and properly adopted

resolution of the board of directors of North Fork Energy, Inc., and that he, Richard D. Heaton, as Secretary of North Fork Energy, Inc., has properly, and pursuant to authority duly granted to him by North Fork Energy, Inc., signed the foregoing instrument attesting that the foregoing instrument was properly signed with authority on behalf of North Fork Energy, Inc.

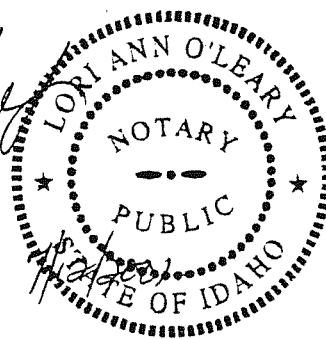


NOTARY PUBLIC

Residing in the State of Idaho

SEAL:

*my commission exp: 1/1/2011*



472630

9

REED L. MARTINEAU  
H. JAMES CLEGG  
DAVID W. SLAGLE  
A. DENNIS NORTON  
ALLAN L. LARSON  
JOHN E. GATES  
R. BRENT STEPHENS  
KIM R. WILSON  
MICHAEL R. CARLSTON  
DAVID G. WILLIAMS  
REX E. MADSEN  
MAX D. WHEELER  
ROBERT H. HENDERSON  
STEPHEN J. HILL  
DAVID W. SLAUGHTER  
STANLEY J. PRESTON  
JOY L. CLEGG  
SHAWN E. DRANEY  
JOHN R. LUND  
RYAN E. TIBBITTS

RODNEY R. PARKER  
RICHARD A. VAN WAGONER  
ROBERT C. KELLER  
ANDREW M. MORSE  
CAMILLE N. JOHNSON  
TERENCE L. ROONEY  
DENNIS V. DAHLE  
KOREY D. RASMUSSEN  
HARRY H. SOUVALL  
SCOTT K. WILSON  
LINDA LUINSTRAL BALDWIN  
DAVID L. PINKSTON  
JULIANNE BLANCH  
BRIAN P. MILLER  
JUDITH D. WOLFERTS  
KEITH A. CALL  
SCOTT H. MARTIN  
HEATHER S. WHITE  
ROBERT R. HARRISON

LAW OFFICES  
**SNOW, CHRISTENSEN & MARTINEAU**  
A PROFESSIONAL CORPORATION  
10 EXCHANGE PLACE, ELEVENTH FLOOR  
POST OFFICE BOX 45000  
SALT LAKE CITY, UTAH 84145-5000  
TELEPHONE (801) 521-9000  
FACSIMILE (801) 363-0400  
HTTP://WWW.SCMLAW.COM

THURMAN & SUTHERLAND 1886  
THURMAN, SUTHERLAND & KING 1888  
THURMAN, WEDGWOOD & IRVINE 1906  
IRVINE, SKEEN & THURMAN 1923  
SKEEN, THURMAN, WORSLEY & SNOW 1952  
WORSLEY, SNOW & CHRISTENSEN 1967

JOHN H. SNOW 1917-1980  
  
OF COUNSEL  
HAROLD G. CHRISTENSEN  
GORDON R. HALL  
JOSEPH NOVAK

WRITER'S DIRECT NUMBER:  
  
(801) 322-9138

January 7, 1999

Idaho Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720-9000

Attn: Adjudication Bureau

Re: Change of Water Right Ownership

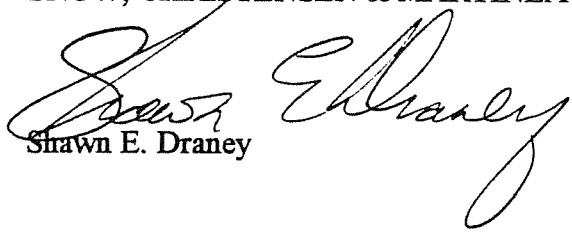
Dear Adjudication Bureau:

My client, John L. Miller, purchased certain water rights from North Fork Energy, Inc., and a partial interest in other North Fork Energy, Inc. rights. Enclosed is a form notifying you of this change.

Please call me if you have questions, comments or concerns.

Very truly yours,

SNOW, CHRISTENSEN & MARTINEAU

  
Shawn E. Draney

SED/dwb  
Enclosure

cc: North Fork Energy, Inc., Former Owner (w/enc.)  
John L. Miller, New Owner (w/enc.)



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

DATE OF CLOSING: December 23, 1998

LEGAL DESCRIPTION OF PROPERTY: Township 45 Range 32E  
Section 24, 25, 26 1/4 of 1/4 of 1/4 Govt. Lot       , BM.  
Lot       , Block       , Subdivision/Townsite       .  
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) 35-07138, 35-00007, 35-00028, 35-00029, 35-02016, 35-02014, 35-11392, 35-11393, 35-11394, 35-00047, 35-007142, 35-04271,  
Assigned by IDWR: 35-08635, 35-11390, 35-08782, 35-09068, and 35-08679

☐ Name and Address of Former Owner/Claimant(s)(Seller): North Fork Energy, Inc., Attn: Greg Lansberg  
4414 S. Gekeler Lane

☐ New Owner/Claimant (Purchaser): Boise, Idaho 83705  
John L. Miller

☐ New Mailing Address: P. O. Box 2260  
Napa, California 94558

☐ New Telephone Number: (707) 224-6444

- ☒ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

WRN's 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 are  
split pursuant to the attached Special Warranty Deed.

- ☒ Attach proof of ownership, describe proof attached: See attached Warranty Deed and Special Warranty Water Rights, Well Development and Maintenance Agreement and Well Development and Maintenance Easement  
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s): John L. Miller Date Dec 28, '98  
John L. Miller Date       

☒ Signature of Former Owner/Claimant(s): NORTH FORK ENERGY, INC. Date         
By:       , Its:        Date       

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:        By:       

Further Action Needed:

Further Action Taken

Date:        By:       

Final Review and Data-Entry

Date:        By:       

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

NORTH FORK ENERGY INC  
ATTN GREG LANSBERRY  
4414 S GEKELER LN  
BOISE ID 83705

RE: Notice of Change of Water Right Ownership (NCO) for  
35-04271, 35-08635 and Notice of Completed  
Administrative Proceeding (NCAP)

Dear Mr. Lansberry:

On January 13, 1999, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland  
Technical Records Specialist

Enclosure

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

Received Time Oct. 14. 9:03AM

REED L. MARTINEAU  
H. JAMES CLEGG  
DAVID W. BLADLE  
A. DENNIS NORTON  
ALLAN L. LARSON  
JOHN E. GATES  
R. BRENT STEPHENS  
KIM R. WILSON  
MICHAEL R. CARLETON  
DAVID G. WILLIAMS  
KEE E. MADSEN  
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TELEPHONE (801) 331-8000  
FACSIMILE (801) 363-0400  
HTTP://WWW.SCMLAW.COM

January 7, 1999

THURMAN & SUTHERLAND 1986  
THURMAN, SUTHERLAND & KING 1988  
THURMAN, WEDDWOOD & IRVINE 1990  
IRVINE, SKEEN & THURMAN 1993  
SKEEN, THURMAN, WORLEY & SNOW 1998  
WORLEY, SNOW & CHRISTENSEN 1997

JOHN H. SNOW 1917-1960

OF COUNSEL  
HAROLD B. CHRISTENSEN  
GORDON R. HALL  
JOSEPH NOVAK

WRITER'S DIRECT NUMBER:

(801) 322-9138

Idaho Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720-9000

Attn: Adjudication Bureau

Re: Change of Water Right Ownership

Dear Adjudication Bureau:

My client, John L. Miller, purchased certain water rights from North Fork Energy, Inc., and a partial interest in other North Fork Energy, Inc. rights. Enclosed is a form notifying you of this change.

Please call me if you have questions, comments or concerns.

Very truly yours,

SNOW, CHRISTENSEN & MARTINEAU

Shawn E. Draney

SED/dwb  
Enclosure

cc: North Fork Energy, Inc., Former Owner (w/enc.)  
John L. Miller, New Owner (w/enc.)

RECEIVED

JAN 13 1999

Department of Water Resources

RECEIVED

JAN 19 1999

Department of Water Resources  
Eastern Region

DELOG DC 1-19-99

RECEIVED

JAN 13 1999

Department of Water Resources

Form 42-1409(7)



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: December 23, 1998

LEGAL DESCRIPTION OF PROPERTY: Township 45 Range 32E  
 Section 24, 25, 26 1/4 of 1/4 of 1/4 Govt. Lot        BM.  
 Lot        Block        Subdivision/Townsite         
 If you have additional legal descriptions, please attach separate sheet.

- [ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)  
 35-07138, 35-00007, 35-00028, 35-00029, 35-02016, 35-02014,
- [X] Water Right Number(s) 35-11392, 35-11393, 35-11394, 35-09047, 35-007142, 35-04271,  
 Assigned by IDWR: 35-08635, 35-11390, 35-08782, 35-09068, and 35-08679 35-07141
- [ ] Name and Address of Former Owner/Claimant(s)(Seller): North Fork Energy, Inc., Attn: Greg Lansberry  
4414 S. Gekeler Lane  
Boise, Idaho 83705
- [ ] New Owner/Claimant (Purchaser): John L. Miller
- [ ] New Mailing Address: P. O. Box 2260  
Napa, California 94558
- [ ] New Telephone Number: (707) 224 - 6444
- [X] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no  
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:  
WRN's 35-04271, 35-08635, 35-08782, 35-09068 and 35-08679 are  
split pursuant to the attached Special Warranty Deed.
- [X] Attach proof of ownership, describe proof attached: See attached Warranty Deed and Special Warranty Water Rights, Well Development and Maintenance Agreement and Well Development and Maintenance Easement  
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [X] Signature of New Owner/Claimant(s): John L. Miller Date Dec 28, '98
- [X] Signature of Former Owner/Claimant(s): NORTH FORK ENERGY, INC. Date
- By:        Title:        Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
 Copies to Former Owner and New Owner

Received Time Oct. 14. 9:03AM

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 5030APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of applicant North Fork Energy Inc. Phone 208-328 2306Post Office address P.O. Box 5405 Boise, ID 83705

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☒ Change place of use  
☒ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes To correct actual place of use and to add existing and new artesian well points of diversion to restore original discharge rates

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

| 1. Right Number | Priority          | Amount (cfs/ac-ft) | Nature of Use                     | Period of Use                |
|-----------------|-------------------|--------------------|-----------------------------------|------------------------------|
| <u>35-04271</u> | <u>06/01/1945</u> | <u>50.0</u>        | <u>Fish Prop. and Rec.</u>        | <u>01-01</u> to <u>12-31</u> |
| <u>35-08679</u> | <u>12/26/1988</u> | <u>1.0</u>         | <u>Comm. fish prop &amp; Rec.</u> | <u>01-01</u> to <u>12-31</u> |
| <u>35-08635</u> | <u>12/17/1986</u> | <u>0.72</u>        | <u>Fish Prop &amp; Rec.</u>       | <u>01-01</u> to <u>12-31</u> |
|                 |                   |                    |                                   | to _____                     |

2. Total amount of water being transferred 51.72 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.
3. Source of water Springs and artesian wells tributary to Boom Creek
4. Point(s) of Diversion:

| Lot | 1/4                  | 1/4                  | 1/4 | Sec. | Twp. | Rge | County  | Local name for diversion           |
|-----|----------------------|----------------------|-----|------|------|-----|---------|------------------------------------|
|     | SE                   | NE                   |     | 24   | 4S   | 32E | BINGHAM | Spring (existing)                  |
|     | SW                   | NE                   |     | 24   | 4S   | 32E | BINGHAM | Hatchery I well (existing)         |
|     | SE                   | NE                   |     | 24   | 4S   | 32E | BINGHAM | Well (Processing Plant) (existing) |
|     | SE<br>NE<br>NW<br>SW | NE<br>NE<br>NE<br>NE |     | 24   | 4S   | 32E | BINGHAM | Wells (up to 8) to be drilled      |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4S   | 32E  | 24   |        |        | HC     | HC     |        |        |        |        |        |        | HR     | HR     |        |        |        |        |        |
| 4S   | 32E  | 25   |        |        |        |        | HR     | HR     |        |        |        |        |        |        |        |        |        |        |        |
| 4S   | 32E  | 26   | HR     |        | HR     | HR     |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

# PART 1

## 6. General Information:

a. Description of diversion system Spring and artesian wells. Flow from wells is or will be piped to the head of raceways or to the processing plant or hatchery. Discharge from raceways flows down Boom Creek to American Falls Reservoir

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

No Yes \_\_\_\_\_

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

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d. Remarks:

Additional points of diversion are necessary to provide flexibility to the water supply system for the fish facility and to restore discharge allowable under existing licenses and claims

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## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

---

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-04271

STAGE: STATUTORY CLAIM

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> |
|-----------------------|----------------------|-----------------------|
| FISH PROPAGATION      | 01/01 to 12/31       | 50.00 CFS             |

| <u>SOURCE</u> | <u>TRIBUTARY OF</u> |
|---------------|---------------------|
| SPRING        | BOOM CREEK          |

Priority: 06/01/1945

LOCATION OF POINT(S) OF DIVERSION:SENE , Sec. 24, Township 04S, Range 32E  
BINGHAM CountyPLACE OF USE: FISH PROPAGATIONTWN RGE SEC

04S 32E 24 SWNE

CONDITIONS/REMARKS:

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-08679

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> | <u>ANNUAL<br/>VOLUME</u> |
|-----------------------|----------------------|---------------------------|--------------------------|
| COMMERCIAL            | 01/01 to 12/31       | 1.00 CFS                  | 420.5 AF                 |

SOURCE

GROUNDWATER

Priority: 12/26/1988

LOCATION OF POINT(S) OF DIVERSION:SENE , Sec. 24, Township 04S, Range 32E  
BINGHAM CountyPLACE OF USE: COMMERCIALTWN RGE SEC

04S 32E 24

SENE

CONDITIONS/REMARKS:

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
4. Commercial use is for a fish processing plant.

## PART 2

## A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 35-08635

STAGE: LICENSE

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION<br/>RATE</u> | <u>ANNUAL<br/>VOLUME</u> |
|-----------------------|----------------------|---------------------------|--------------------------|
| FISH PROPAGATION      | 01/01 to 12/31       | 0.72 CFS                  | 520.3 AF                 |

SOURCE

GROUNDWATER

Priority: 12/17/1986

LOCATION OF POINT(S) OF DIVERSION:SWNE , Sec. 24, Township 04S, Range 32E  
BINGHAM CountyPLACE OF USE: FISH PROPAGATIONTWN RGE SEC

04S 32E 24

SWNE

CONDITIONS/REMARKS:

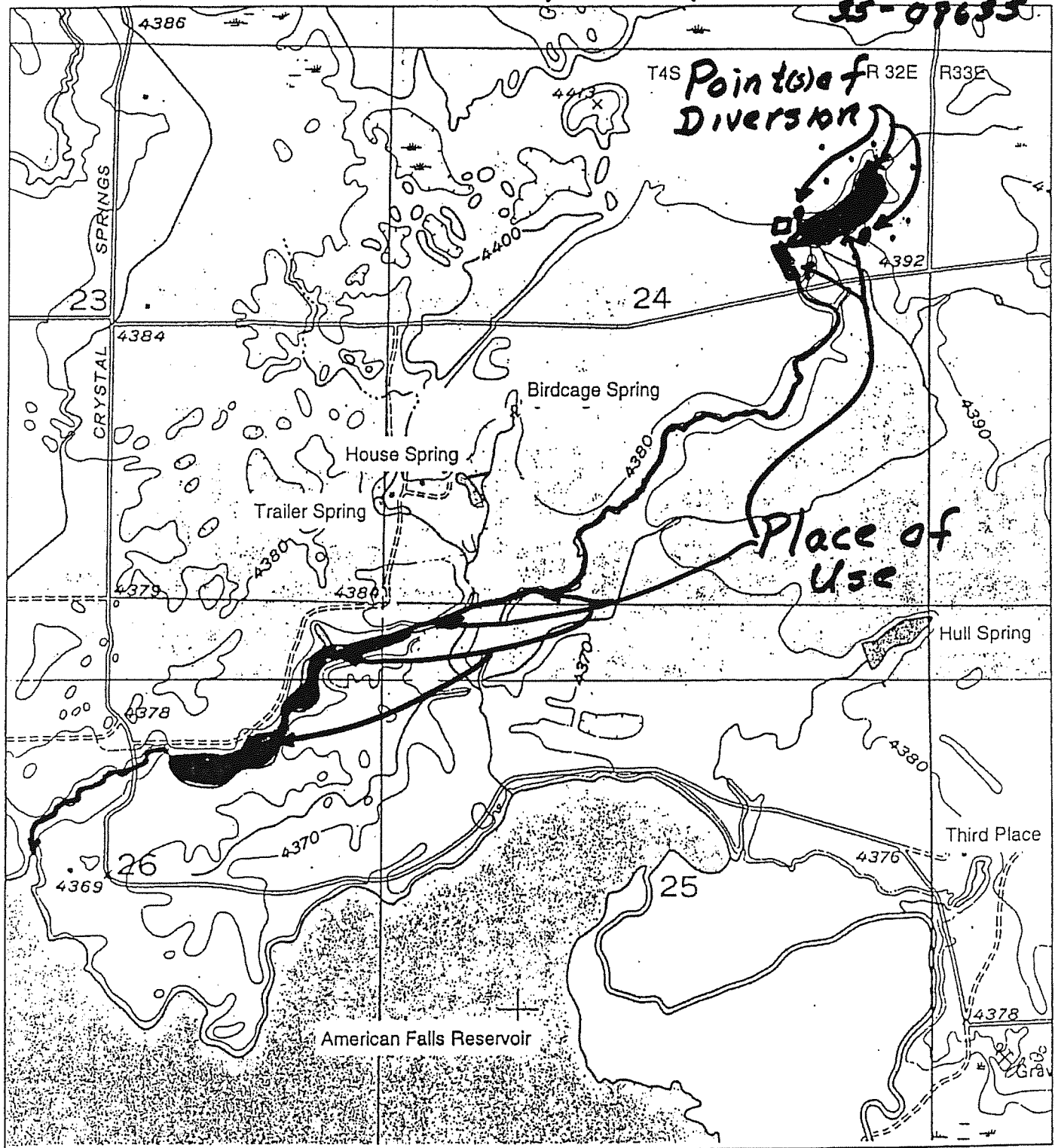
1. Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
2. When water used under this right is discharged into the natural channel, settling ponds must be maintained which are capable of reducing the silt load to such a level that the quality of water will not be impaired for other beneficial uses.
3. Water used under this right when discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.
4. Use of water under this right shall be non-consumptive.
5. Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
6. Place of use is known as Crystal Springs Trout Ranch.

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

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

See attached portion of USGS Quad sheet and survey map by Harper-Leavitt Engineering Inc.

**NORTH FORK ENERGY - CRYSTAL SPRINGS** 35-09271-  
35-08679  
35-09633



## PART 3

## B. CHANGES IN NATURE OF USE

| 1. | New Nature of Use                     | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use  |
|----|---------------------------------------|-----------------------|-----------------|----------------|
|    | Commercial, Fish prop & Rec(35-08635) | 0.72                  | 24              | 01-01 to 12-31 |
|    | Fish Prop & Recreation (35-04271)     | 50.0                  | 24              | 01-01 to 12-31 |
|    | Commercial, Fish prop & Rec(35-08679) | 1.0                   | 24              | 01-01 to 12-31 |

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

Entire flow from springs and wells discharges into Amereican Falls reservoir

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

There are no diversions downstream of this facility and no change in net use will occur

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.

Subscribed and sworn to before me this 2nd day of December, 19 96.

NORTH FORK ENERGY, INC.  
Hugang R. Lanchbury TREASURER  
 (Signature of Applicant)

Lori Ann O'Leary  
 NOTARY PUBLIC  
 STATE OF IDAHO  
 My commission expires 7/12/2001  
 (Notary Public)

## FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and        attachments

Received by Jo Date 12-11-96 Protest filed by       

Prelim. check by        Fee 100.00

Receipted by AJW #E02285 Date 12-11-96

Published in Morning News & statewide Copies of protest forwarded by       

Pub. dates March 27 & April 3, 1997 Hearing held by        Date       

Watermaster recommendation requested on        Recommended for        ! Approval        ! Denial       

       rec'd.        by       

Copy of transfer sent to lien holder

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF THE WATER RIGHT TRANSFERS ) COMMENTS AND  
FOR WATER RIGHT CLAIM 35- 04271 AND A35-1130 ) EVIDENCE OF  
37-07097, 37-07098, 37-08679, AND 37-08635 IN THE ) RICHARD EGGLESTON  
NAME OF NORTH FORK ENERGY INC )

---

COMES NOW, Richard Eggleston, and provides the following comments and evidence in this matter:

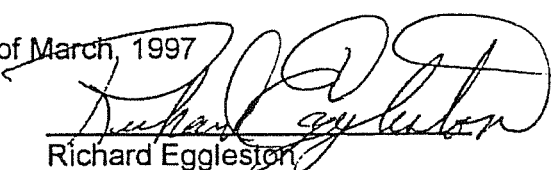
1. During the period 1970 through 1978, I was employed by Clear Springs Trout Company which leased and operated the Crystal Springs Trout Farm. I assisted in the operation of this facility as well as other facilities in eastern Idaho for Clear Springs Trout Company.
- 2 At the main hatchery, the Big Pond was used as the clean water source for the hatchery and raceways. The hatchery was fully utilized and refrigerated water used when necessary. There was adequate water from the main spring and Big Pond to utilize all of the raceways at the main hatchery site. The artesian well at the hatchery was flowing and was utilized in the hatchery.
- 3 The raceways at the main hatchery consisted of 3 sets of concrete raceways about 90 feet wide at the main hatchery. The raceways were 6 feet to 32 feet wide by four feet deep and the water was adequate to run  $\frac{1}{2}$  to  $\frac{3}{4}$  cfs per foot of width which is adequate discharge for the loading used. These raceways were designed to utilize all of the available flow from the Big Pond which was estimated over the boards at 50 cfs.
- 4 Water from the main hatchery complex flowed south and west through the stream channel historically referred to as Boom Creek. This section of channel was cleaned and maintained as a reaeration reach.
- 5 The concrete structure in the SESW Sec 24 was used to sort spawners and the large earthen pond in the stream near the structure was used for raising spawners.
- 5 The ponds in the SWSW Sec 24 and the NWNW Sec 25 were all used for production of 14 to 16 inch trout. Big ponds were seined using 150 ft seines across the ponds. The raceways, well, and earthen ponds in the Bird Cage and Trailer areas as well as at the House ponds were utilized for production. Generally, the raceways were used for fingerlings and the larger ponds for market size fish.
6. The big ponds in the NWNW Sec25 and in the NENE Sec 26 were harvested for production and the structures used for grading of fish from the big ponds. The small hatchery and raceway were used for fingerlings.
- 7 In the SWNE and SENE Sec 26 , the big pond was stocked and screened and utilized for recreational fishing for fee.
- 8 The Third Place spring and three wells were used for production and the hatchery at Third Place with the artesian well was used for fingerling

R. Eggleston

rearing. During the 1970-78 period, the artesian well in the Third Place pond was flowing with sufficient discharge to raise the water level approximately 4 feet above the pond water surface. During a visit to Third Place in 1995, the discharge from the spring and the 3 artesian wells was significantly lower than during the 1970-78 period.

- 10 In 1995 the flow of water at the home place was significantly lower than in 1970-78. Flow appeared to be not more than 50 percent of what it used to be.
- 11 During the 1970-78 period, water temperature in Boom Creek at the County road was consistently 50-55oF. In 1995, at the lower flows, the water temperature at one time reached 78oF. It is apparent that the water in 1995 is of lower quality as evidenced by murky water, more cattails and decrease in gravel substrate in the stream.

DATED this 25<sup>th</sup> day of March, 1997

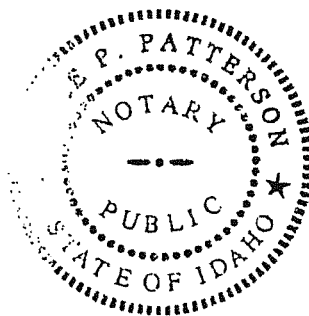
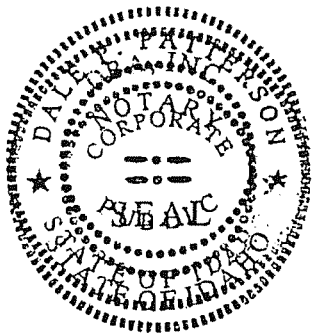
  
Richard Eggleston

SUBSCRIBED and SWORN to before me this 5<sup>th</sup> day of March 1997

  
NOTARY PUBLIC

Residing at: Twin Falls

My Commission Expires: 12/02/99



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

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

\$ 25  
 9  
 \$ 225 + Need  
**RECEIVED**

MAR 15 2005

DEPARTMENT OF  
 WATER RESOURCES

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 35-28                 |                              |       | 35-8679               |                              |       |
| - 29                  |                              |       | - 8782                |                              |       |
| - 2016                |                              |       | 35-11390              |                              |       |
| - 4271 B              |                              |       | 35-13349              |                              |       |
| - 8635 B              |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

John L Miller

4. New Owner/Claimant(s)

NAPA, CA 94558

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

WALTER E. HARTMAN, SALLY J. HARTMAN  
970 CORTE LA CIBOLA  
CAMARILLO, CA 93010

City, State and ZIP Code

New Telephone Number

805 642-0121

5. Date you acquired the property

OCT 9 2001

**SUPPORT DATA**

IN FILE # 35-28

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

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

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

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*W. E. Hartman*  
*Dalley J. Hartman*

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

For Office Use Only

Received by SM  
Receipted by SM  
Processed by \_\_\_\_\_ AJ

Date 5-15-05  
Date 5-15-05  
Date \_\_\_\_\_

Fec \$ 225.00  
Receipt No. CD7747  
WR \_\_\_\_\_ Date \_\_\_\_\_

3020001654-J

SHRIMM COUNTY RECORDER  
BLACKFOOT, IDAHO

When recorded return to--

FEE

DEP

501702

2001 JUN 29 PM 4:26

Property no. 558-2407

RECORDED AT THE REQUEST OF  
Alliance Title & Escrow Corp.

## SPECIAL WARRANTY DEED

For value received CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, the Grantor, does hereby grant, bargain, sell, and convey unto CAPITAL LENDING, INC., a Nevada corporation, the Grantee, whose address is

1475 Terminal Way, the following premises, to wit:  
STE E, Reno, NV 89502

«Detailed Legal» PART OF SECTIONS 24 AND 25, TOWNSHIP 4 SOUTH, RANGE 32 EAST, AND SECTIONS 19 AND 30, TOWNSHIP 4 SOUTH, RANGE 33 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS:

BEGINNING AT A POINT IN THE SOUTHERLY RIGHT OF WAY FENCE OF A COUNTY ROAD, SAID POINT BEING NORTH 00°32'53" EAST 2618.34 FEET ALONG THE SECTION LINE AND NORTH 89°59'48" EAST 1927.55 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 24, AND RUNNING THENCE ALONG SAID RIGHT OF WAY FENCE THE FOLLOWING FIVE (5) COURSES:

- (1) NORTH 89°59'48" EAST 148.00 FEET; THENCE
  - (2) NORTH 89°24'11" EAST 198.67 FEET; THENCE
  - (3) NORTH 79°15'11" EAST 402.03 FEET; THENCE
  - (4) NORTH 78°49'32" EAST 1368.54 FEET; THENCE
  - (5) NORTH 81°36'40" EAST 477.42 FEET; THENCE
- SOUTH 02°48'34" WEST 834.23 FEET; THENCE SOUTH 30°55'57" WEST 426.05 FEET; THENCE SOUTH 44°54'21" WEST 153.28 FEET TO AN EXISTING FENCE LINE; THENCE SOUTH 84°22'19" EAST 980.61 FEET ALONG SAID FENCE; THENCE SOUTH 89°34'22" EAST 144.22 FEET TO AN EXISTING NORTH-SOUTH FENCE LINE; THENCE SOUTH 01°42'30" EAST 1579.45 FEET ALONG SAID FENCE; THENCE SOUTH 01°26'14" EAST 2304.88 FEET ALONG SAID FENCE LINE; THENCE SOUTH 01°30'06" EAST 110.13 FEET ALONG SAID FENCE TO THE NORTHERLY RIGHT OF WAY FENCE OF A COUNTY ROAD; THENCE ALONG SAID RIGHT OF WAY FENCE LINE THE FOLLOWING SEVEN (7) COURSES:
- (1) NORTH 75°50'39" WEST 443.76 FEET; THENCE
  - (2) NORTH 74°29'47" WEST 1219.71 FEET; THENCE
  - (3) NORTH 84°26'23" WEST 323.64 FEET; THENCE
  - (4) NORTH 69°30'02" WEST 233.65 FEET; THENCE
  - (5) NORTH 64°24'30" WEST 620.55 FEET; THENCE
  - (6) NORTH 89°36'24" WEST 702.19 FEET; THENCE
  - (7) SOUTH 81°43'25" WEST 42.49 FEET; THENCE
- NORTH 00°27'58" EAST 4171.35 FEET TO THE POINT OF BEGINNING.

ALSO PART OF THE SW¼ OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 32 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 00°32'53" EAST 210.00 FEET  
ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER OF SAID  
SECTION 24 AND RUNNING THENCE NORTH 00°32'53" EAST 2408.34 FEET  
ALONG SAID SECTION LINE TO AN EXISTING EAST-WEST FENCE LINE;  
THENCE NORTH 89°59'48" EAST 1927.55 FEET ALONG SAID EAST-WEST  
FENCE LINE; THENCE SOUTH 00°27'58" WEST 2404.65 FEET; THENCE  
SOUTH 89°53'17" WEST 1931.02 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances there unto  
belonging or in any wise appertaining, except that Grantor conveys only those water rights expressly  
described in a quitclaim deed delivered at the same time as this deed..

SUBJECT TO all of the following--zoning and building ordinances, easements, rights, rights-of-way,  
reservations, reservations in patents, conditions, restrictions, covenants and taxes and assessments—  
whether of record or enforceable at law or in equity..

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its  
successors and assigns forever.

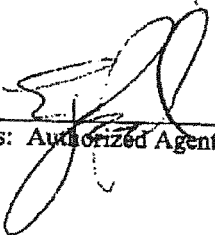
The Grantor reserves and excepts unto itself all minerals, coal, carbons, hydrocarbons, oil, gas, chemical  
elements and compounds whether in solid, liquid or gaseous form, and all steam and other forms of  
thermal energy on, in or under the above-described land (the "Mineral Estate"), provided that Grantor  
does not reserve the right to enter upon or use the surface or any part of the subject lands above a depth of  
500 feet below the surface in connection with the mineral estate reserved by this instrument.

And the said Grantor does hereby covenant unto the said Grantee to defend the title to the within  
described property but only against all claiming by through or under it, and against acts of itself.

DATED: this 28<sup>th</sup> day of June, 2001.



CORPORATION OF THE PRESIDING BISHOP OF  
THE CHURCH OF JESUS CHRIST OF LATTER-DAY  
SAINTS, a Utah corporation sole

By:   
Its: Authorized Agent

STATE OF UTAH                    )  
                                          : ss  
COUNTY OF SALT LAKE        )

On this 28 day of June, 2001, personally appeared before me Edwin  
J. Pond, personally known to me to be the Authorized Agent of the Corporation of the  
Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole, who

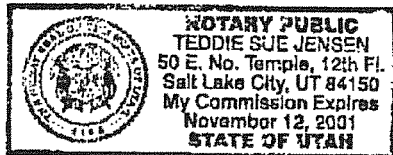
acknowledged to me that he signed the foregoing instrument as Authorized Agent for said Corporation,  
that the seal impressed on the within instrument is the seal of said Corporation, and the said  
Edwin J. Pond acknowledged to me that the said Corporation executed the same.

Teddie Sue Jensen  
Notary Public

My commission expires: 11/12/01

Residing at: Salt Lake County

IDARG SPECIAL WARRANTY DEED TO CAPITAL LENDING\_v1.DOC



501702

*acomodat*  
A.P. No. 0000-01-100-010  
Escrow No. 2001-51094-KK  
R.P.T.T. \$-0-

RECORDED  
BLACK BOOK IDAHO  
CK # 36079  
FEE 6.00 SEP 2

WHEN RECORDED MAIL TO:

Hartman, Walter

1694 Eastman Ave.  
Ventura, CA 93003

504960

2001 OCT -9 PM 4:05

RECORDED AT THE REQUEST OF

Alliance Title & Escrow Corp.

MAIL TAX STATEMENT TO:

Hartman, Walter

1694 Eastman Ave.  
Ventura, CA 93003

THIS INSTRUMENT IS BEING RECORDED AS AN  
ACCOMMODATION ONLY. NO LIABILITY, EXPRESS  
OR IMPLIED, IS ASSUMED AS TO ITS REGULARITY  
OR SUFFICIENCY NOR AS TO ITS AFFECT, IF ANY,  
UPON TITLE TO ANY REAL PROPERTY DESCRIBED THEREIN.  
FIRST AMERICAN TITLE COMPANY OF NEVADA

**GRANT, BARGAIN and SALE DEED**

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Capital Lending, Inc.

do(es) hereby GRANT BARGAIN and SELL to

Walter E. Hartman and Sally J. Hartman, husband and wife as Joint Tenants with rights of survivorship  
and not tenants in common as to an undivided 50% interest and Capital Lending,  
Inc., as to an undivided 50% interest  
the real property situated in ;

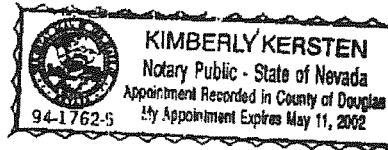
See Exhibit's "A" for legal description

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any,  
thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date 10/5/01

Capital Lending, Inc.

*[Signature]*  
By: Glenn Hartman



State of Nevada  
County of Douglas

This instrument was acknowledged before me on 10/5/01, by

*[Signature]*  
*[Signature]*

Notarial Officer

THIS INSTRUMENT IS BEING RECORDED AS AN  
ACCOMMODATION ONLY. NO LIABILITY, EXPRESS  
OR IMPLIED, IS ASSUMED AS TO ITS REGULARITY  
OR SUFFICIENCY NOR AS TO ITS AFFECT, IF ANY,  
UPON TITLE TO ANY REAL PROPERTY DESCRIBED THEREIN.  
FIRST AMERICAN TITLE COMPANY OF NEVADA

EXHIBIT "A"

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point in the Southerly right of way fence of a County Road, said point being North  $00^{\circ}32'53''$  East 2618.34 feet along the Section line and North  $89^{\circ}59'48''$  East 1927.55 feet from the Southwest corner of said Section 24, and running thence along said right of way fence the following five (5) courses:

- (1) North  $19^{\circ}59'48''$  East 148.00 feet; thence
- (2) North  $19^{\circ}34'11''$  East 198.67 feet; thence
- (3) North  $19^{\circ}15'11''$  East 402.03 feet; thence
- (4) North  $78^{\circ}49'32''$  East 1368.54 feet; thence
- (5) North  $81^{\circ}36'40''$  East 477.41 feet; thence  
South  $02^{\circ}18'34''$  West 834.23 feet; thence South  $30^{\circ}55'57''$  West 426.05 feet; thence South  
 $44^{\circ}54'21''$  West 153.28 feet to an existing fence line; thence South  $84^{\circ}22'19''$  East 980.61 feet along  
said fence; thence South  $89^{\circ}34'22''$  East 144.22 feet to an existing North-South fence line; thence  
South  $01^{\circ}12'30''$  East 1579.45 feet along said fence; thence South  $01^{\circ}26'14''$  East 2304.88 feet along  
said fence line; thence South  $01^{\circ}30'06''$  East 110.13 feet along said fence to the Northerly right of  
way fence of a County Road; thence along said right of way fence line the following seven (7)

courses:

- (1) North  $75^{\circ}50'39''$  West 443.76 feet; thence
- (2) North  $74^{\circ}29'47''$  West 1219.71 feet; thence
- (3) North  $84^{\circ}26'23''$  West 323.64 feet; thence
- (4) North  $69^{\circ}30'02''$  West 233.65 feet; thence
- (5) North  $64^{\circ}24'30''$  West 620.55 feet; thence
- (6) North  $89^{\circ}36'24''$  West 702.19 feet; thence
- (7) South  $81^{\circ}43'25''$  West 42.49 feet; thence  
North  $00^{\circ}27'58''$  East 4171.35 feet to the Point of Beginning.

ALSO part of the SW  $\frac{1}{4}$  of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at a point that is North  $00^{\circ}32'53''$  East 210.00 feet along the Section line from the Southwest corner of said Section 24 and running thence North  $00^{\circ}32'53''$  East 2408.34 feet along said Section line to an existing East-West fence line; thence South  $00^{\circ}27'58''$  West 2404.65 feet; thence South  $89^{\circ}53'17''$  West 1931.01 feet to the Point of Beginning.

504860

539179

FIRST AMERICAN TITLE COMPANY  
INSTRUMENT DEEDBINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO

REC- 9- DEC 2003

For Value Received CAPITAL LENDING, INC.

2004 MAR 30 PM 5:04

do hereby convey, release, remise and forever quit claim unto

HARTMAN RANCH, LLC, a Wyoming Limited Liability Company  
RECORDED AT THE REQUEST OF

whose address is: PO Box 3403, Ventura, CA 93006

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

## Tract 1:

Part of the NE¼NE¼ of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho described as: Commencing at the NE corner of said Section 26 and running thence S. 00°32'53" W. 328.45 feet along section line; thence N. 89°28'36" W. 664.88 feet; thence N. 01°03'58" E. 328.46 feet; thence S. 89°28'36" E. 661.91 feet along the North line of said Section 26 to the Point of Beginning.

## Tract 2:

Part of the NE¼NE¼ of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho described as: Beginning at a point that is N. 89°28'36" W. 661.91 feet along the section line to the True Point of Beginning from the NE corner of Section 26 and running thence S. 01°03'58" W. 328.46 feet; thence N. 89°28'36" W. 663.31 feet; thence N. 01°03'58" E. 328.47 feet; thence S. 89°28'36" E. 663.31 feet along the North line of said Section 26 to the Point of Beginning.

## Tract 3:

Part of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho described as : Beginning at a point that is S. 00°32'53" W. 328.45 feet along the section line to the Point of Beginning from the NE corner of Section 26 and running thence S. 00°32'53" W. 2216.00 feet to the monumented Bureau of Reclamation right-of-way line; thence S. 76°17'38" W. 221.61 feet along said right-of-way line to the Northerly right-of-way fence of a county road; thence N. 89°24'55" W. 174.18 feet along said fence ; thence S. 80°18'38" W. 264.58 feet along said fence to the monumented Bureau of Reclamation right-of-way line; thence S. 89°37'03" W. 1145.42 feet along said right-of-way line to the Northerly right-of-way fence of a county road; thence along said right-of-way fence the following six (6) courses (1) N. 87°40'11" W. 143.39 feet; thence (2) N. 88°50'14" W. 561.72 feet; thence (3) N. 53°20'44" W. 115.52 feet; thence (4) N. 00°11'21" E. 546.83 feet; thence (5) N. 56°11'16" E. 256.70 feet; thence (6) N. 16°10'45" E. 169.69 feet to the monumented Bureau of Reclamation right-of-way line; thence N. 49°20'46" E. 424.73 feet along said right-of-way; thence N. 41°37'41" W. 168.00 feet along said right-of-way line; thence S. 48°14'18" W. 293.73 feet along said right-of-way line to the easterly right-of-way fence of a county road; thence following said right-of-way fence the following four (4) courses (1) N. 05°14'03" W. 199.67 feet; thence (2) S. 89°46'17" E. 958.92 feet; thence (3) N. 55°28'37" E. 90.03 feet; thence (4) N. 01°04'04" E. 939.57 feet; thence S. 89°28'36" E. 1328.20 feet to the point of beginning.

## Tract 4:

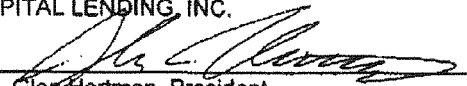
A 50 foot access easement 25 feet each side of the following described centerline: Beginning at a point that is N. 89°28'36" W. 661.91 feet along the section line and S. 01°03'58" W. 78.78 feet to the Point of Beginning from the NE corner of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho, and running thence S. 56°58'39" W. 36.90 feet; thence S. 32°49'50" W. 407.83 feet; thence S. 14°03'53" W. 292.35 feet; thence S. 69°07'37" W. 229.45 feet; thence S. 20°57'19" W. 143.87 feet; thence S. 06°48'15" E. 179.28 feet; thence S. 35°11'34" W. 118.28 feet; thence S. 55°28'37" W. 81.60 feet; thence N. 89°46'17" W. 964.35 feet to a county road right-of-way and the Point of Terminus.

together with its appurtenances.

This conveyance is being recorded to extinguish any rights in the right of first refusal recorded August 20, 2001 as Instrument No. 503377, records of Bingham County, Idaho.

Dated: December 18, 2003

CAPITAL LENDING INC.

By: 

Glen Hartman, President

STATE OF *California* )  
COUNTY OF *Santa Barbara* ) ss.

On this 18 day of December, in the year of 2003 before me, the undersigned, personally appeared GLEN HARTMAN, known or identified to me to be the president of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation and acknowledged to me, that such corporation executed the same.

California Notarial  
Loose Certificate  
Attached

Notary Public of  
Residing at: *1030 State St. Santa Barbara CA 93101*  
Commission Expires: *March 18, 2003*

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Santa Barbara

ss.

On

12-18-03

before me,

Karla Trinh, Notary Public

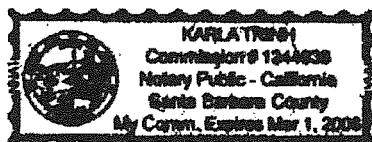
personally appeared

Glenn Hartman

(Name(s) of Signer(s))

☐ personally known to 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 to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Karla Trinh  
Signature of Notary Public

539179

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document:

Quit Claim Deed

Document Date:

12-18-03

Number of Pages:

2 pgs

Signer(s) Other Than Named Above:

### Capacity(ies) Claimed by Signer

Signer's Name:

Glenn Hartman

☐ Individual

☒ Corporate Officer — Title(s):

President

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

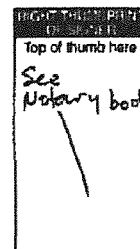
☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer is Representing:

Capital Lending Inc



FIRST AMERICAN TITLE COMPANY  
848566

539180

BINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO

FEE 6 DEP 2

WARRANTY DEED

2004 MAR 30 PM 5:04

For Value Received JOHN L. MILLER AND LINDA S. MILLER, HUSBAND AND WIFE

RECORDED AT THE REQUEST OF

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

FIRST AMERICAN TITLE COMPANY

HARTMAN RANCH LLC, A WYOMING LIMITED LIABILITY CO.

whose address is: PO Box 3403, Ventura, CA 93006

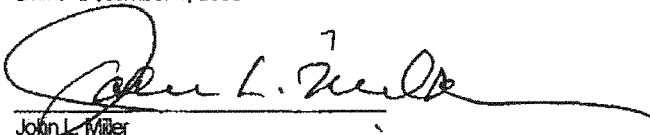
Hereinafter called the Grantee, the following described premises situated in Bingham County, Idaho, to-wit

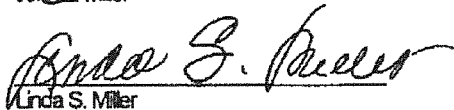
SEE ATTACHED LEGAL DESCRIPTION

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 its 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: December 1, 2003

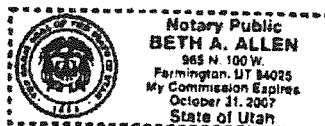
  
John L. Miller

  
Linda S. Miller

STATE OF Utah )  
COUNTY OF Salt Lake ) : ss

On this 18 day of December, 2003, before me, the undersigned Notary Public, personally appeared John L. Miller and Linda S. Miller, known or identified to me to be the persons who subscribed the within instrument and acknowledged to me that they executed the same.

  
Notary Public of  
Residing at 965 N 100W Farmington, UT 84025  
Commission Expires: Oct 31, 2007



Tract 1:

Part of the NE¼NE¼ of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho described as: Commencing at the NE corner of said Section 26 and running thence S. 00°32'53" W. 328.45 feet along section line; thence N. 89°28'36" W. 664.88 feet; thence N. 01°03'58" E. 328.46 feet; thence S. 89°28'36" E. 661.91 feet along the North line of said Section 26 to the Point of Beginning.

Tract 2:

Part of the NE¼NE¼ of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho described as: Beginning at a point that is N. 89°28'36" W. 661.91 feet along the section line to the True Point of Beginning from the NE corner of said Section 26 and running thence S. 01°03'58" W. 328.46 feet; thence N. 89°28'36" W. 663.31 feet; thence N. 01°03'58" E. 328.47 feet; thence S. 89°28'36" E. 663.31 feet along the North line of said Section 26 to the Point of Beginning.

Tract 3:

Part of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho described as : Beginning at a point that is S. 00°32'53" W. 328.45 feet along the section line to the Point of Beginning from the NE corner of Section 26 and running thence S. 00°32'53" W. 2216.00 feet to the monumented Bureau of Reclamation right-of-way line; thence S. 76°17'38" W. 221.61 feet along said right-of-way line to the Northerly right-of-way fence of a county road; thence N. 89°24'55" W. 174.18 feet along said fence ; thence S. 80°18'38" W. 264.58 feet along said fence to the monumented Bureau of Reclamation right-of-way line; thence S. 89°37'03" W. 1145.42 feet along said right-of-way line to the Northerly right-of-way fence of a county road; thence along said right-of-way fence the following six (6) courses (1) N. 87°40'11" W. 143.39 feet; thence (2) N. 88°50'14" W. 561.72 feet; thence (3) N. 53°20'44" W. 115.52 feet; thence (4) N. 00°11'21" E. 546.83 feet; thence (5) N. 56°11'16" E. 256.70 feet; thence (6) N. 16°10'45" E. 169.69 feet to the monumented Bureau of Reclamation right-of-way line; thence N. 49°20'46" E. 424.73 feet along said right-of-way; thence N. 41°37'41" W. 168.00 feet along said right-of-way line; thence S. 48°14'18" W. 293.73 feet along said right-of-way line to the easterly right-of-way fence of a county road; thence following said right-of-way fence the following four (4) courses (1) N. 05°14'03" W. 199.67 feet; thence (2) S. 89°46'17" E. 958.92 feet; thence (3) N. 55°28'37" E. 90.03 feet; thence (4) N. 01°04'04" E. 939.57 feet; thence S. 89°28'36" E. 1328.20 feet to the point of beginng.

Tract 4:

A 50 foot access easement 25 feet each side of the following described centerline: Beginning at a point that is N. 89°28'36" W. 661.91 feet along the section line and S. 01°03'58" W. 78.78 feet to the Point of Beginning from the NE corner of Section 26, Township 4 South, Range 32 E.B.M., Bingham County, Idaho, and running thence S. 56°58'39" W. 36.90 feet; thence S. 32°49'50" W. 407.83 feet; thence S. 14°03'53" W. 292.35 feet; thence S. 69°07'37" W. 229.45 feet; thence S. 20°57'19" W. 143.87 feet; thence S. 06°48'15" E. 179.28 feet; thence S. 35°11'34" W. 118.28 feet; thence S. 55°28'37" W. 81.60 feet; thence N. 89°46'17" W. 964.35 feet to a county road right-of-way and the Point of Terminus.

539180

# Receipt Details for ID E027328

| Status | Adjustment Type | Version |
|--------|-----------------|---------|
|        |                 | 1       |

**General Information:**

| Date Received          | Date Deposited                   | Region  | Total Amount | Payment Type |
|------------------------|----------------------------------|---------|--------------|--------------|
| 12/17/2001 10:32:03 AM | 12/18/2001 3:48:59 PM            | EASTERN | \$50.00      | Check        |
| <b>Payer</b>           | HOLDEN KIDWELL HAHN & CRAPO PLLC |         |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 020312               |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** 35-28, 35-29**Fee Detail:**

| Amount  | Description                          | PCA   | Fund | Fund Detail | Subsidiary | Object |
|---------|--------------------------------------|-------|------|-------------|------------|--------|
| \$50.00 | OWNERSHIP CHANGES/SECURITY INTERESTS | 63140 | 0229 | 21          |            | 1155   |

**Refund(s):**

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

**Water Right Information:**

| Basin Number | Sequence Number | Split Suffix | Amount | Type |
|--------------|-----------------|--------------|--------|------|
|--------------|-----------------|--------------|--------|------|

[Print Report](#)

# Receipt Details for ID C078333

| Status | Adjustment Type | Version |
|--------|-----------------|---------|
|        |                 | 1       |

**General Information:**

| Date Received        | Date Deposited       | Region            | Total Amount | Payment Type |
|----------------------|----------------------|-------------------|--------------|--------------|
| 6/21/2005 2:35:40 PM | 6/21/2005 4:19:18 PM | STATE             | \$100.00     | Check        |
| <b>Payer</b>         |                      | HARTMAN RANCH LLC |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 4075                 |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** OWNERSHIP CHANGE FOR WR#35-28, 35-29, 35-4271B, 35-8635B, 35-8782, & 35-11390

**Fee Detail:**

| Amount   | Description                          | PCA   | Fund | Fund Detail | Subsidiary | Object |
|----------|--------------------------------------|-------|------|-------------|------------|--------|
| \$100.00 | OWNERSHIP CHANGES/SECURITY INTERESTS | 56140 | 0229 | 21          |            | 1155   |

**Refund(s):**

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

**Water Right Information:**

| Basin Number | Sequence Number | Split Suffix | Amount | Type |
|--------------|-----------------|--------------|--------|------|
|--------------|-----------------|--------------|--------|------|

[Print Report](#)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

November 10, 1998

KARL J. DREHER  
DIRECTOR

NORTH FORK ENERGY  
PO BOX 5405  
BOISE ID 83705

RE: Application for Transfer #5345

Dear Applicant:

This office is currently in the process of advertising the application in the Morning News on November 19 and 26, 1998. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones  
Water Right Supervisor

HWJ::sc

Page \_\_\_\_\_ of \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of applicant North Fork Energy Inc Phone 208 328 2306Post Office address P.O. Box 5405 Boise, ID 83705

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Describe the reason for the proposed changes To better utilize water for fish propagation in existing facilities and provide an additional artesian well supply.

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

| 1. Right Number | Priority          | Amount (cfs/ac-ft) | Nature of Use     | Period of Use                |
|-----------------|-------------------|--------------------|-------------------|------------------------------|
| <u>35-08782</u> | <u>05/23/1989</u> | <u>4.64</u>        | <u>Fish Prop.</u> | <u>01-01</u> to <u>12-31</u> |
| _____           | _____             | _____              | _____             | _____ to _____               |
| _____           | _____             | _____              | _____             | _____ to _____               |
| _____           | _____             | _____              | _____             | _____ to _____               |

2. Total amount of water being transferred 4.64 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water Springs and artesian wells tributary to Boom Creek

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|---------|--------------------------|
|     |     |     | NE  | 24   | 4S   | 32E | Bingham | 11 Wells and spring      |
|     | NW  | SE  | NW  | 24   | 4S   | 32E | Bingham | See attached Map         |
|     |     |     |     |      |      |     |         |                          |
|     |     |     |     |      |      |     |         |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4S   | 32E  | 24   |        |        | HR     | HR     |        |        |        |        |        |        | HR     | HR     |        |        |        |        |        |
|      |      | 25   |        |        |        |        | HR     | HR     |        |        |        |        |        |        |        |        |        |        |        |
|      |      | 26   | HR     |        | HR     | HR     |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

## PART 1

6. General Information:

a. Description of diversion system Spring and artesian wells. Flow from the artesian wells will be piped to the head of raceways or the hatchery. Discharge from raceways flows down Boom Creek to American Falls reservoir

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

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:

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d. Remarks:

Transfer of this source to the upstream area of the fish propagation facilities will provide greater efficiency in production and the water supply system.

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### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Transfer No. \_\_\_\_\_

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

**PART 2**

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 35-08782 issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. \_\_\_\_\_ which produced this right.

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.**

☒ Tax notice      ☐ Warranty Deed      ☐ Other \_\_\_\_\_

**3. Source of water** Groundwater tributary to \_\_\_\_\_

**4. Date of priority** 05/23/1989

**5. Water is used for the following purpose:**

Amount 4.64 for Fish Prop. purposes from 01/01 to 12/31  
(cfs/ac-ft)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

**6. Total amount of water under right** 4.64 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

**7. Point(s) of Diversion:**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|---------|--------------------------|
|     |     | SW  | NW  | 30   | 4S   | 33E | Bingham |                          |
|     |     |     |     |      |      |     |         |                          |
|     |     |     |     |      |      |     |         |                          |

**8. Lands irrigated or place of use:**

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 4S   | 33E  | 30   |        |        |        |        |        |        | HR     |        |        | HR     |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

See attached map      Total acres \_\_\_\_\_

**9. Describe any other water rights used for the same purpose as described above** 35-04271, 35-08679, 35-08635

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No \_\_\_\_\_ If yes, describe \_\_\_\_\_

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

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

1. Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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

Total acres \_\_\_\_\_

1. Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

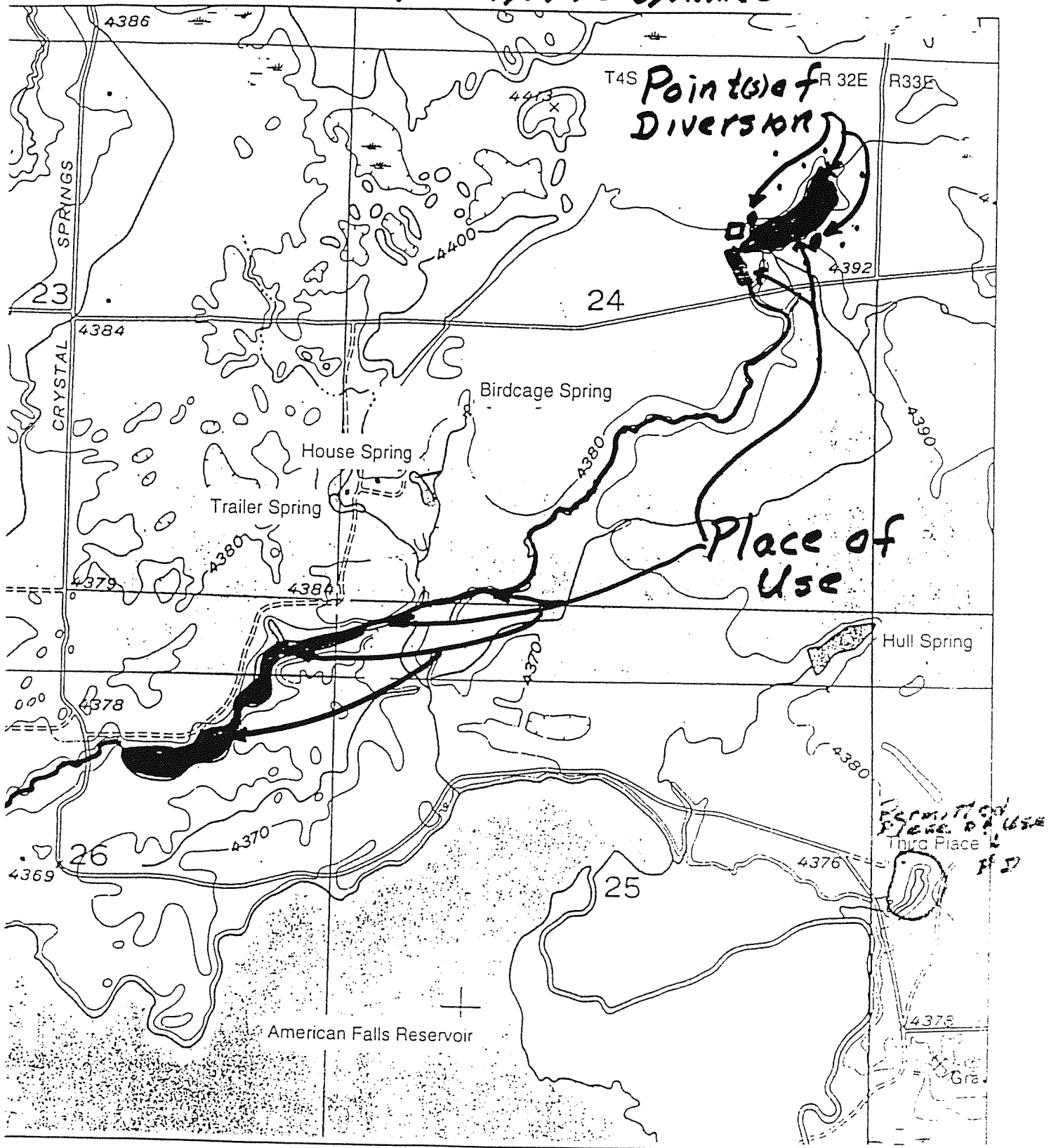
| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |
|     |     |     |     |      |      |     |        |                          |

3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

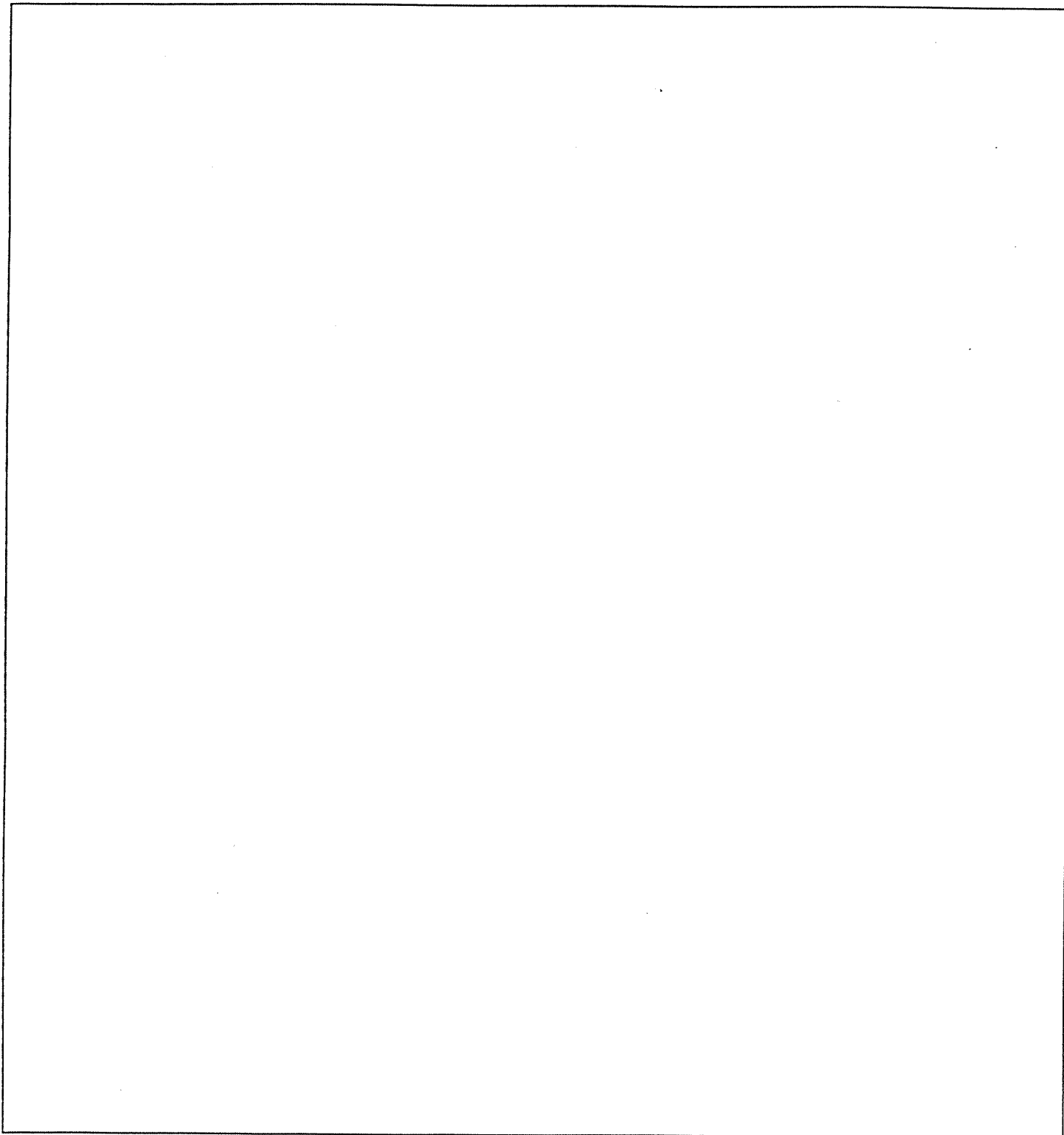
# NORTH FORK ENERGY - CRYSTAL SPRINGS



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

**PART 3**

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



SCALE: 2 inches equals 1 mile. Draw plan in ink.



DEC 21 2001

RECEIVED

DEC 12 2001

1  
OWE \$50-

Department of Water Resources  
**STATE OF IDAHO**  
**IDAHO DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Department of Water Resources  
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

9

| Water Right No(s). | Adjudication Claim No(s). | Split | Water Right No(s). | Adjudication Claim No(s). | Split |
|--------------------|---------------------------|-------|--------------------|---------------------------|-------|
| 35-47              | A35-47 <del>done</del>    | X     | 35-8635            | A35-8635 ✓                | X     |
| 35-7141            | A35-7141 split            | X     | 35-8782            | A35-8782 ✓                | X     |
| fee pd. 35-28      | A35-28 new pd             | X     | 35-11390           | A35-11390 ✓               | X     |
| fee pd. 35-29      | A35-29 new pd             | X     | 35-8679            | A35-8679 ✓ → DONE         |       |
| 35-4271            | A35-4271                  | X ✓   |                    |                           |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)  
**OR**  
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant John L. and Linda S. Miller
4. New Owner/Claimant(s) Capital Lending, Inc.  
Name connector (check one): [ ] and [ ] or, [ ] and/or  
New Mailing Address 3905 State St. Ste. 7148  
City, State and ZIP Code Santa Barbara, CA 93105  
New Telephone Number (208) 683-0303
5. Date you acquired the property 8/15/2001

**SUPPORT DATA**  
IN FILE # 35-28

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

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT                                |                                                                            |                                                               |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| (If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
| Water Right and/or Adjudication Claim Number <u>35-47</u>                 |                                                                            |                                                               |
| Water Use                                                                 | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                | <u>1% of .5 cfs</u>                                                        | <u>3-4 acres</u>                                              |
| Stock                                                                     | <u></u>                                                                    | <u></u>                                                       |
| Domestic                                                                  | <u></u>                                                                    | <u></u>                                                       |
| Other <u></u>                                                             | <u></u>                                                                    | <u></u>                                                       |
| <b>TOTAL</b>                                                              | <u>1% of .5 cfs</u>                                                        |                                                               |

| <b>DESCRIPTION OF YOUR PORTION OF WATER RIGHT</b><br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>35-7141</u>                                                                    |                                                                            |                                                               |
| Water Use                                                                                                                      | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                                     | <u>.68 cfs</u>                                                             | <u>34 acres</u>                                               |
| Stock                                                                                                                          | <u>                    </u>                                                | <u>                    </u>                                   |
| Domestic                                                                                                                       | <u>                    </u>                                                | <u>                    </u>                                   |
| Other <u>                    </u>                                                                                              | <u>                    </u>                                                | <u>                    </u>                                   |
| <b>TOTAL</b>                                                                                                                   | <u>.68 cfs</u>                                                             | <u>                    </u>                                   |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT                                |                                                                            |                                                               |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| (If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
| Water Right and/or Adjudication Claim Number <u>35-4271</u>               |                                                                            |                                                               |
| Water Use                                                                 | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                | _____                                                                      | _____                                                         |
| Stock                                                                     | _____                                                                      | _____                                                         |
| Domestic                                                                  | _____                                                                      | _____                                                         |
| Other <u>fish propagation</u>                                             | <u>Some of the place of use is in parcel 3</u>                             |                                                               |
| <b>TOTAL</b>                                                              | _____                                                                      |                                                               |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT                                |                                                                            |                                                               |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| (If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
| Water Right and/or Adjudication Claim Number <u>35-8635</u>               |                                                                            |                                                               |
| Water Use                                                                 | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                | _____                                                                      | _____                                                         |
| Stock                                                                     | _____                                                                      | _____                                                         |
| Domestic                                                                  | _____                                                                      | _____                                                         |
| Other <u>fish propagation</u>                                             | <u>Some of the place of use is in parcel 3</u>                             |                                                               |
| <b>TOTAL</b>                                                              | _____                                                                      |                                                               |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>35-8782</u>                                                             |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other <u>fish propagation</u> <u>Some of the place of use is in parcel 3</u>                                            |                                                                            |                                                               |
| <b>TOTAL</b> _____                                                                                                      |                                                                            |                                                               |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>35-11390</u>                                                            |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other <u>fish propagation</u> <u>Some of the place of use is in parcel 3</u>                                            |                                                                            |                                                               |
| <b>TOTAL</b> _____                                                                                                      |                                                                            |                                                               |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>35-8679</u>                                                             |                                                                            |                                                               |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc.) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                         |
| Stock                                                                                                                   | _____                                                                      | _____                                                         |
| Domestic                                                                                                                | _____                                                                      | _____                                                         |
| Other <u>Commercial</u> <u>Some of the place of use is in parcel 3</u>                                                  |                                                                            |                                                               |
| <b>TOTAL</b> _____                                                                                                      |                                                                            |                                                               |

7. Signature of New Owner(s) Or Claimant(s) \_\_\_\_\_  
(include title if applicable) President- Capital Lending, Inc.

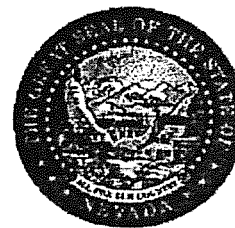
For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

**For Office Use Only**

Received by JC Date 12/17/01 Fee \$100<sup>00</sup> 6078333 6.21.05  
 Received by JC Date 12/17/01 Receipt No. 50 -  
 Processed by \_\_\_\_\_ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_



**Dean Heller**  
**Nevada Secretary of State**  
*Corporate Information*



**Name: CAPITAL LENDING, INC.**

|                                                 |                                           |                           |                                           |
|-------------------------------------------------|-------------------------------------------|---------------------------|-------------------------------------------|
| <b>Type:</b><br>Corporation                     | <b>File Number:</b> C9391-1989            | <b>State:</b><br>NEVADA   | <b>Incorporated On:</b> November 02, 1989 |
| <b>Status:</b> Current list of officers on file |                                           | <b>Corp Type:</b> Regular |                                           |
| <b>Resident Agent:</b>                          | CORPORATE SERVICE CENTER, INC. (Accepted) |                           |                                           |
| <b>Address:</b>                                 | 350 S CENTER STREET                       |                           |                                           |
|                                                 | SUITE 500                                 |                           |                                           |
|                                                 | RENO                                      | NV                        | 89501-2161                                |
| <b>President:</b>                               | G.HARTMAN                                 |                           |                                           |
| <b>Address:</b>                                 | 1475 TERMINAL WAY, SUITE E                |                           |                                           |
|                                                 | RENO                                      | NV                        | 89502                                     |
| <b>Secretary:</b>                               | G.HARTMAN                                 |                           |                                           |
| <b>Address:</b>                                 | 1475 TERMINAL WAY, SUITE E                |                           |                                           |
|                                                 | RENO                                      | NV                        | 89502                                     |
| <b>Treasurer:</b>                               | G.HARTMAN                                 |                           |                                           |
| <b>Address:</b>                                 | 1475 TERMINAL WAY, SUITE E                |                           |                                           |
|                                                 | RENO                                      | NV                        | 89502                                     |

|                            |                                   |
|----------------------------|-----------------------------------|
| Return to search menu      | Search for another Resident Agent |
| Search for another Officer | Search for another Corporation    |

503375

## WARRANTY DEED

BINGHAM COUNTY RECORDER  
BLA C A F O O T , I D A H OFEE 3.00 REF 2

2001 AUG 20 PM 2:21

RECORDED AT THE REQUEST OF

Alliance Title &amp; Escrow Corp.

Order No.: 3020001893-J

FOR VALUE RECEIVED

John L. Miller and Linda S. Miller, husband and wife

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

Capital Lending, Inc.

whose current address is

3905 STATE ST STE. 7148 SANTA BARBARA, CA 93105

the grantee(s), the following described premises, in Bingham County, Idaho, TO WIT:

Part of the Northwest Quarter of Section 25 and part of the Southwest Quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as follows:

Beginning at the Southwest corner of said Section 24, and running thence North 00°32'53" East 210.00 feet along the Section line; thence North 89°53'17" East 1931.02 feet; thence South 00°27'58" West 210.00 feet to the North line of said Section 25; thence continuing South 00°27'58" West 941.42 feet; thence North 89°28'36" West 1932.54 feet to the West line of said Section 25; thence North 00°32'53" East 920.01 feet along said West line to the Point of Beginning.

AND

Part of the NW¼ of Section 25, Township 4 South, Range 32 East, Boise Meridian, Bingham County, Idaho, described as:

Beginning at a point that is South 0°32'53" West 5302.36 feet along the Section line to the Northwest corner of Section 25 and South 0°32'53" West 920.01 feet to the Point of Beginning from the Northwest corner of Section 24 and running thence South 89°28'36" East 1932.54 feet; thence South 0°27'58" West 615.27 feet to the Northerly right-of-way fence of a County Road; thence following said fence the following five (5) courses (1) South 81°43'25" West 744.82 feet; thence (2) South 31°17'57" West 502.46 feet; thence (3) South 53°39'50" West 263.65 feet; thence (4) South 59°36'35" West 521.39 feet; thence (5) South 69°59'04" West 56.48 feet to the monumented Bureau of Reclamation right-of-way line; thence North 41°00'50" East 162.37 feet along said right-of-way line; thence South 67°19'32" West 349.70 feet along said right-of-way; thence South 76°17'38" West 13.97 feet along said right-of-way; thence North 0°32'53" East 1624.44 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated 8/15/2001

John L. Miller

Linda S. Miller

State of California

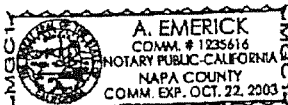
County of Napa

503375

On this 8-16-01, before me, a Notary Public in and for said state, personally appeared John L. Miller and Linda S. Miller

known or identified to me to be the person(s) whose name(s) subscribed to this instrument, and acknowledged to me that he/she/they executed the same.

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



Notary Public for the State of California

Residing at 1700 2nd St., Napa CA

Commission Expires:

10-22-03

**RECORDER'S CERTIFICATE**  
Instrument No. \_\_\_\_\_  
Time of Day \_\_\_\_\_  
Date \_\_\_\_\_  
Recorded in Bingham County, New Mexico

| $10^4$ | CONCENTR. | DISPERSED |
|--------|-----------|-----------|
| 1      | 5.715     | 126.4     |
| 2      | 5.715     | 126.4     |
| 3      | 5.715     | 231.6     |
| 4      | 6.028     | 216.9     |
| 5      | 6.178     | 216.9     |
| 6      | 6.178     | 315.4     |
| 7      | 6.455     | 174.1     |
| 8      | 6.455     | 161.5     |
| 9      | 6.741     | 141.3     |
| 10     | 6.741     | 141.3     |
| 11     | 6.741     | 175.5     |
| 12     | 6.741     | 175.5     |
| 13     | 6.741     | 244.7     |
| 14     | 6.741     | 244.7     |
| 15     | 6.741     | 244.7     |
| 16     | 6.741     | 244.7     |
| 17     | 6.741     | 244.7     |
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| 53     | 6.741     | 244.7     |
| 54     | 6.741     | 244.7     |
| 55     | 6.741     | 244.7     |
| 56     | 6.741     | 244.7     |
| 57     | 6.741     | 244.7     |
| 58     | 6.741     | 244.7     |
| 59     | 6.741     | 244.7     |
| 60     | 6.741     | 244.7     |
| 61     | 6.741     | 244.7     |
| 62     | 6.741     | 244.7     |
| 63     | 6.741     | 244.7     |
| 64     | 6.741     | 244.7     |
| 65     | 6.741     | 244.7     |
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| 73     | 6.741     | 244.7     |
| 74     | 6.741     | 244.7     |
| 75     | 6.741     | 244.7     |
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| 81     | 6.741     | 244.7     |
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| 83     | 6.741     | 244.7     |
| 84     | 6.741     | 244.7     |
| 85     | 6.741     | 244.7     |
| 86     | 6.741     | 244.7     |
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| 88     | 6.741     | 244.7     |
| 89     | 6.741     | 244.7     |
| 90     | 6.741     | 244.7     |
| 91     | 6.741     | 244.7     |
| 92     | 6.741     | 244.7     |
| 93     | 6.741     | 244.7     |
| 94     | 6.741     | 244.7     |
| 95     | 6.741     | 244.7     |
| 96     | 6.741     | 244.7     |
| 97     | 6.741     | 244.7     |
| 98     | 6.741     | 244.7     |
| 99     | 6.741     | 244.7     |
| 100    | 6.741     | 244.7     |

Section corner: control  
Pinned  $1/2" \times 24"$  iron  
rod with cap marked  
P.L.S. 5360

— — — indicates existing fence lines

Found  $1/2" \times 24"$  iron  
rod

Power Pole

Existing walls, approximate location

Building

Overpass Power

(NEW PARCEL NO. 2)

Part of the Southwest Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Blaine County, Idaho described as follows:

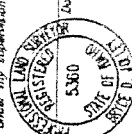
(NEW PARCEL NO. 3)

Part of the Northwest Quarter of Section 23 and part of the Southwest Quarter of Section 24, Township 4 South Range 12 East of the 6th 2nd Meridian, Bingham County, Idaho described as follows:

Beginning at the Southwest corner of said Section 24 and running thence N 00°30'53"E 270.00 feet along the section line thence N 85°37'1"E 19.31 feet thence S 80°27'55"W 270.00 feet to the north line of said Section 25; thence continuing S 00°27'58"E 841.42 feet thence N 26°28'30"W 1932.54 feet to the west line of said Section 25; thence N 00°32'53"E 820.01 feet along said west line to the point of beginning.

**SURVEYOR'S CERTIFICATE**

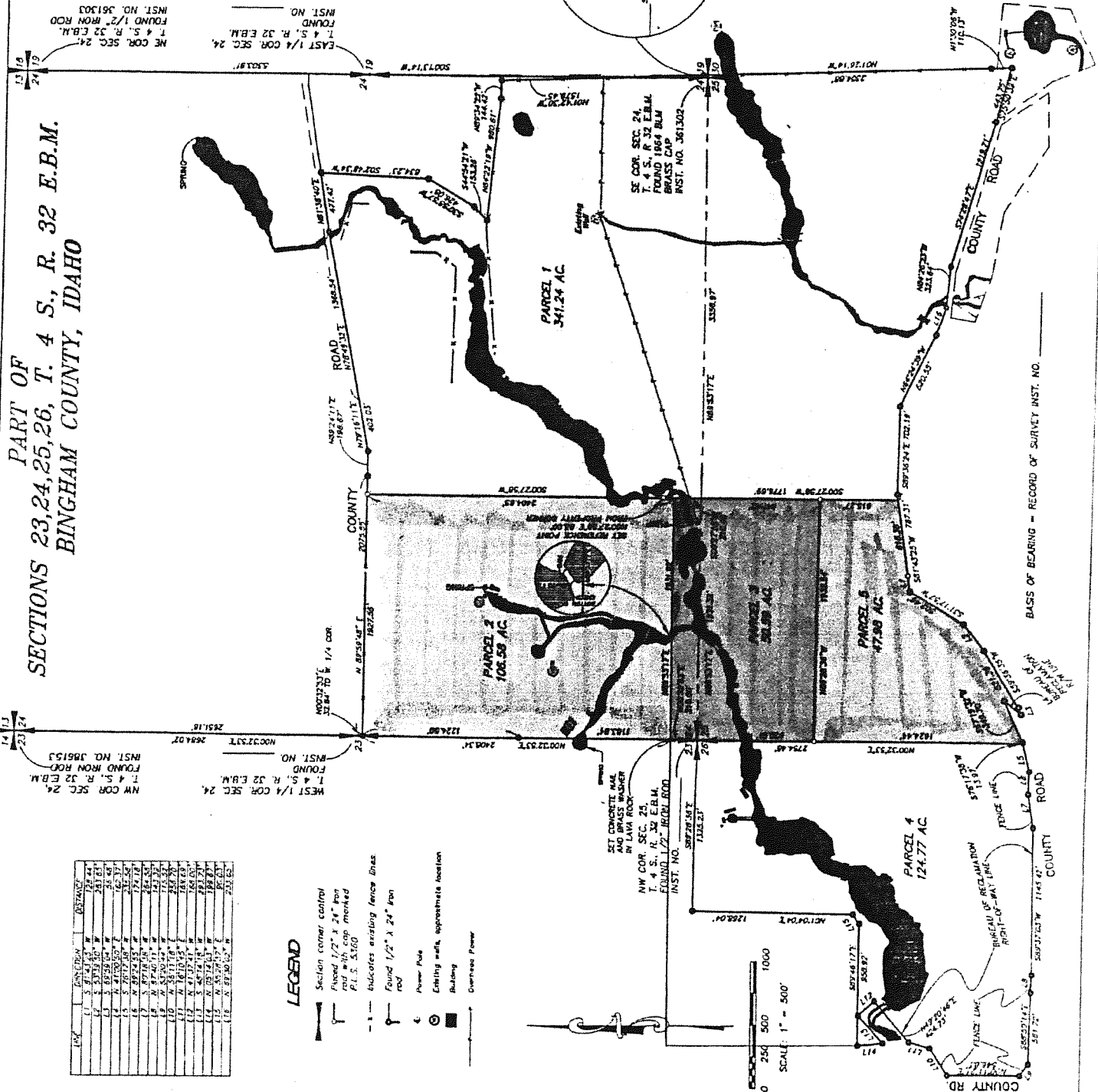
4. Bryce D. Jolley, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that this plat is an accurate representation of the survey completed under my supervision.



Bryce D. Jolley  
License No. 5360

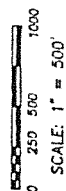
## RECORD OF SURVEY

JOHNNY MILLER  
SEC. 23, 24, 25, 26, 27 & S. R. 32 E.B.M.

[illegible]

FOUND 1/2" IRON  
P-20 INST. #  
J51503

| Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|------|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1950 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |



NOTE.

INFORMATION DETECTED ON THIS MATTER CAME FROM THE BANG DEPARTMENT OF WATER RESOURCE WATER RIGHT INQUIRY DIVISION.

25 MILES  
1 RR 2

**WATER RIGHTS MAP**  
**95-00047 IRRIGATION**

JOHNNY MILLER

SEC. 2324.25.93, T. 4 S., R. 12 E.B.M.,  
#0111193, 1984-1985

| KLEPPER-LEAVITT ENGINEERING, INC.         |          | SHEET |    |
|-------------------------------------------|----------|-------|----|
| FOR GENERAL CONTRACT AND LAND DEVELOPMENT |          | DATE  | BY |
| NO. 1                                     | 10-10-50 | 17    | 17 |
| NO. 2                                     | 10-10-50 | 17    | 17 |
| NO. 3                                     | 10-10-50 | 17    | 17 |
| NO. 4                                     | 10-10-50 | 17    | 17 |
| NO. 5                                     | 10-10-50 | 17    | 17 |
| NO. 6                                     | 10-10-50 | 17    | 17 |
| NO. 7                                     | 10-10-50 | 17    | 17 |
| NO. 8                                     | 10-10-50 | 17    | 17 |
| NO. 9                                     | 10-10-50 | 17    | 17 |
| NO. 10                                    | 10-10-50 | 17    | 17 |
| NO. 11                                    | 10-10-50 | 17    | 17 |
| NO. 12                                    | 10-10-50 | 17    | 17 |
| NO. 13                                    | 10-10-50 | 17    | 17 |
| NO. 14                                    | 10-10-50 | 17    | 17 |
| NO. 15                                    | 10-10-50 | 17    | 17 |
| NO. 16                                    | 10-10-50 | 17    | 17 |
| NO. 17                                    | 10-10-50 | 17    | 17 |
| NO. 18                                    | 10-10-50 | 17    | 17 |
| NO. 19                                    | 10-10-50 | 17    | 17 |
| NO. 20                                    | 10-10-50 | 17    | 17 |
| NO. 21                                    | 10-10-50 | 17    | 17 |
| NO. 22                                    | 10-10-50 | 17    | 17 |
| NO. 23                                    | 10-10-50 | 17    | 17 |
| NO. 24                                    | 10-10-50 | 17    | 17 |
| NO. 25                                    | 10-10-50 | 17    | 17 |
| NO. 26                                    | 10-10-50 | 17    | 17 |
| NO. 27                                    | 10-10-50 | 17    | 17 |
| NO. 28                                    | 10-10-50 | 17    | 17 |
| NO. 29                                    | 10-10-50 | 17    | 17 |
| NO. 30                                    | 10-10-50 | 17    | 17 |
| NO. 31                                    | 10-10-50 | 17    | 17 |
| NO. 32                                    | 10-10-50 | 17    | 17 |
| NO. 33                                    | 10-10-50 | 17    | 17 |
| NO. 34                                    | 10-10-50 | 17    | 17 |
| NO. 35                                    | 10-10-50 | 17    | 17 |
| NO. 36                                    | 10-10-50 | 17    | 17 |
| NO. 37                                    | 10-10-50 | 17    | 17 |
| NO. 38                                    | 10-10-50 | 17    | 17 |
| NO. 39                                    | 10-10-50 | 17    | 17 |
| NO. 40                                    | 10-10-50 | 17    | 17 |
| NO. 41                                    | 10-10-50 | 17    | 17 |
| NO. 42                                    | 10-10-50 | 17    | 17 |
| NO. 43                                    | 10-10-50 | 17    | 17 |
| NO. 44                                    | 10-10-50 | 17    | 17 |
| NO. 45                                    | 10-10-50 | 17    | 17 |
| NO. 46                                    | 10-10-50 | 17    | 17 |
| NO. 47                                    | 10-10-50 | 17    | 17 |
| NO. 48                                    | 10-10-50 | 17    | 17 |
| NO. 49                                    | 10-10-50 | 17    | 17 |
| NO. 50                                    | 10-10-50 | 17    | 17 |
| NO. 51                                    | 10-10-50 | 17    | 17 |
| NO. 52                                    | 10-10-50 | 17    | 17 |
| NO. 53                                    | 10-10-50 | 17    | 17 |
| NO. 54                                    | 10-10-50 | 17    | 17 |
| NO. 55                                    | 10-10-50 | 17    | 17 |
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| NO. 57                                    | 10-10-50 | 17    | 17 |
| NO. 58                                    | 10-10-50 | 17    | 17 |
| NO. 59                                    | 10-10-50 | 17    | 17 |
| NO. 60                                    | 10-10-50 | 17    | 17 |
| NO. 61                                    | 10-10-50 | 17    | 17 |
| NO. 62                                    | 10-10-50 | 17    | 17 |
| NO. 63                                    | 10-10-50 | 17    | 17 |
| NO. 64                                    | 10-10-50 | 17    | 17 |
| NO. 65                                    | 10-10-50 | 17    | 17 |
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| NO. 69                                    | 10-10-50 | 17    | 17 |
| NO. 70                                    | 10-10-50 | 17    | 17 |
| NO. 71                                    | 10-10-50 | 17    | 17 |
| NO. 72                                    | 10-10-50 | 17    | 17 |
| NO. 73                                    | 10-10-50 | 17    | 17 |
| NO. 74                                    | 10-10-50 | 17    | 17 |
| NO. 75                                    | 10-10-50 | 17    | 17 |
| NO. 76                                    | 10-10-50 | 17    | 17 |
| NO. 77                                    | 10-10-50 | 17    | 17 |
| NO. 78                                    | 10-10-50 | 17    | 17 |
| NO. 79                                    | 10-10-50 | 17    | 17 |
| NO. 80                                    | 10-10-50 | 17    | 17 |
| NO. 81                                    | 10-10-50 | 17    | 17 |
| NO. 82                                    | 10-10-50 | 17    | 17 |
| NO. 83                                    | 10-10-50 | 17    | 17 |
| NO. 84                                    | 10-10-50 |       |    |

Property No. 11117  
Afternoon Session - 19th Fl. East  
11th Street, Salt Lake City, UT 84143  
80 East North Temple Street  
Salt Lake City, UT 84143

Property No.  
Afternoon Session to:  
11th Street, Salt Lake City, UT 84143  
80 East North Temple Street  
Salt Lake City, UT 84143

BINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO

FEE 21.00 DEP MP

2000 JUN -5 PM 4:13

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

490762

Miller-LDS  
conveyance  
of water  
rights

11-27-2000

AGREEMENT TO CORRECT DEED, TO CONVEY WATER RIGHT  
AND TO CONVEY PUMP AND WATER PIPELINE EASEMENT

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, (CPB, Grantee) and JOHN L. MILLER and LINDA S. MILLER, husband and wife (Millers, Grantors) of Napa, California, for good and valuable consideration, hereby adopt the following Agreement to Correct Deed (Agreement)

1. BACKGROUND. On or about November 16, 1999, Millers made and delivered to CPB a deed, (the "November Deed"), which was duly recorded in the official records of the county recorder of Bingham County, Idaho, on Nov. 26, 1999, as entry no. 485199. The deed did not identify CPB by its correct name but referred to CPB as The Church of Jesus Christ of Latter-day Saints. The parties desire to correct the November Deed, and to add to it conveyance of certain water rights and a certain pump and water pipeline easement.

2. RESTATED DEED. The parties hereby correct the November Deed by restating it in full as follows:

WARRANTY DEED

For value received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole (per titling in kind), the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the following premises, to wit:

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, B.M., Bingham County, Idaho, described as: Beginning at a point in the Southerly right-of-way fence of a County Road, said point being N. 0°32'53" E. 2618.34 feet along the Section line and N. 89°59'48" E. 1927.55 feet from the SW corner of said Section 24, and running thence along said right-of-way fence the following five (5) courses: (1) N. 89°59'48" E. 148.00 feet; thence (2) N. 89°24'11" E. 198.67 feet; thence (3) N. 79°15'11" E. 402.03 feet; thence (4) N. 78°49'32" E. 1368.54 feet; thence (5) N. 81°36'40" E. 477.42 feet; thence S. 02°48'34" W. 834.23 feet; thence S. 30°55'57" W. 426.05 feet; thence S. 44°54'21" W. 153.28 feet to an existing fence line; thence S. 84°22'19" E. 980.61 feet along said fence; thence S. 89°34'22" E. 144.22 feet to an existing North-South fence line; thence S. 01°42'30" E. 1579.45 feet along said fence; thence S. 01°26'14" E. 2304.88 feet along said fence line; thence S. 01°30'06" E. 110.13 feet along said fence to the Northerly right-of-way fence of a County Road; thence along said right-of-way fence line the following seven (7) courses: (1) N. 75°50'39" W. 443.76 feet; thence (2) N. 74°29'47" W. 1219.71 feet; thence (3) N. 84°26'23" W. 323.64 feet; thence (4) N. 69°30'02" W. 233.65 feet; thence

(5) N. 64°24'30" W. 620.55 feet; thence (6) N. 89°36'24" W. 702.19 feet; thence (7) S. 81°43'25" W. 42.49 feet; thence N. 0°27'58" E. 4171.35 feet to the point of beginning.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances there unto belonging or in any wise appertaining, except that Grantor conveys only those water rights expressly described within this instrument.

GRANTORS RESERVE UNTO THEMSELVES a personal license in any and all hunting and fishing rights on the above-described property until December 31, 2020, together with the right of vehicular (including water craft), equestrian, and pedestrian ingress and egress over and upon above-described property in order to exercise said rights. This license may not be abandoned by non-use. The Grantee understands and agrees that this personal license gives only the grantors and their designees the right to hunt or fish upon the above-described property. This personal license is revocable at any time by the Grantee, which may revoke the license by notice to Grantors and by recording a copy of the notice.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as herein above set forth and that they will warrant and defend the same from all lawful claims whatsoever.

3. TRANSFER OF WATER RIGHTS. Millers have agreed to transfer certain water rights to CPB by quitclaim. Millers desire to retain portions of the water rights, and to express their intent that any water rights they may own not expressly described by this instrument are retained by them. They hereby convey the said water rights by the following instrument:

#### WATER QUITCLAIM

For value received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, individuals residing in Napa, California, hereby quitclaim, without warranty or representation, unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the following interests in the following described water rights in Bingham County, State of Idaho, to wit:

#### GRANTORS HAVE DESCRIBED THE WATER RIGHTS CONVEYED BY THIS INSTRUMENT ON THE ANNEXED EXHIBIT "A"

Grantors do not convey any water rights by this Agreement to Correct Deed other than those expressly described in writing in this Agreement.

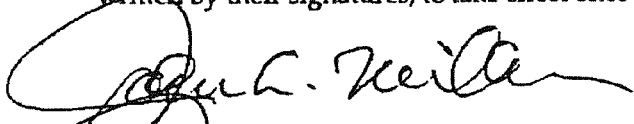
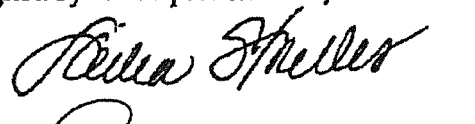
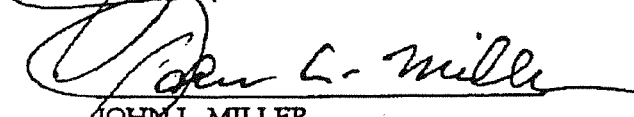
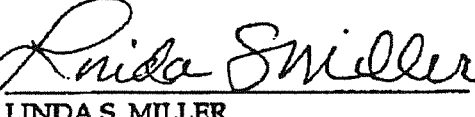
4. CONVEYANCE OF PUMP AND WATER PIPELINE EASEMENT. Millers have agreed to convey to CPB a pump and water pipeline easement. Millers hereby convey the said easement by the following instrument:

PUMP AND WATER PIPELINE EASEMENT QUITCLAIM DEED

For value received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, individuals residing in Napa, California, hereby quitclaim, without warranty or representation, unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the easement over the following described real property in Bingham County, State of Idaho, to wit:

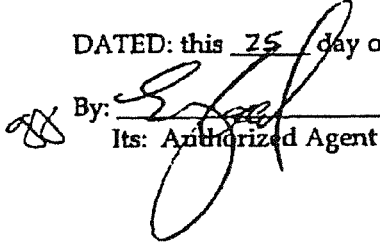
GRANTORS HAVE DESCRIBED THE PUMP AND WATER PIPELINE EASEMENT  
CONVEYED BY THIS INSTRUMENT ON THE ANNEXED EXHIBIT "B"

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS AGREEMENT on the dates  
written by their signatures, to take effect once signed by all the parties.

  
  
  
  
JOHN L. MILLER  
DATED: this 27 day of April, 2000.  
LINDA S. MILLER  
DATED: this 27 day of April, 2000.

CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a Utah corporation sole

DATED: this 25 day of April, 2000.

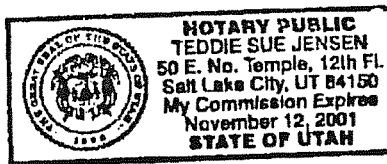
By:   
Its: Authorized Agent



STATE OF UTAH )  
: SS  
COUNTY OF SALT LAKE )

On this 25 day of April, 2000, personally appeared before me  
Edwin J. Pond, personally known to me to be the Authorized Agent of the  
Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah  
Corporation Sole, who acknowledged to me that he signed the foregoing instrument as  
Authorized Agent for said Corporation, that the seal impressed on the within instrument is the  
seal of said Corporation, and the said Edwin J. Pond acknowledged to me  
that the said Corporation executed the same.

Teddie Sue Jensen  
Notary Public



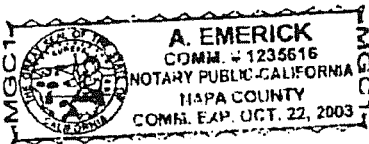
My commission expires: 11/12/01

Residing at: Salt Lake County

STATE OF CALIFORNIA )  
: SS  
COUNTY OF NAPA )

On the 8<sup>th</sup> day of May, 2000, before me, A. Emerick, Notary Public,  
personally appeared JOHN L. MILLER and LINDA S. MILLER, husband and wife, personally  
known to me to be or proved to me on the basis of satisfactory evidence to be the persons  
whose names are subscribed to the within instrument and acknowledged to me that they  
executed the same.

WITNESS my hand and official seal.



[Signature]  
Notary Public  
Residing at Napa County  
Commission Expires: 10-22-03

## Exhibit "A"

### AGREEMENT TO CORRECT DEED, TO CONVEY WATER RIGHTS, AND TO CONVEY PUMP AND WATER PIPELINE EASEMENT

LDS

m.71a

|   | WATER<br>RIGHT<br>NUMBER | DESCRIPTION OF<br>ORIGINAL RIGHT<br>(consult IDWR records for<br>more complete descriptions)                                                                                                                                                                                                                                                                                 | PERCENTAGE<br>OF RIGHT<br>CONVEYED TO<br>GRANTEE                                                                                                                                                                                                                                            | PERCENTAGE<br>OF RIGHT<br>RETAINED BY<br>GRANTORS                                                                                                                                                                                                                                          |
|---|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 35-07141                 | 4.8 cfs and 960 AF/yr. from a well for the irrigation of 240 acres                                                                                                                                                                                                                                                                                                           | 86.092%, or 826.48 AF/yr. for the irrigation of 206.62 acres                                                                                                                                                                                                                                | 13.908%, or 133.52 AF for the irrigation of 33.4 acres                                                                                                                                                                                                                                     |
| 2 | 35-07138                 | 1.08 cfs and 216 AF/yr. from a well for the irrigation of 81 acres. Use of this right is limited to the irrigation of 54 acres in a single irrigation season. Use of this right in combination with Water Right Number 35-00007 is limited to a total combined diversion rate of 2.06 cfs for the irrigation of a combined total of 103 acres in a single irrigation season. | 54.259% for the irrigation of 29.30 acres in a single irrigation season. The portion of this right conveyed to GRANTEE may be used in combination with the portion of 35-00007 conveyed to the GRANTEE for the irrigation of a combined total of 70.83 acres in a single irrigation season. | 45.741% for the irrigation of 24.7 acres in any single irrigation season. The portion of this right retained by GRANTORS may be used in combination with the portion of 35-00007 retained by GRANTORS for the irrigation of a combined total of 32.17 acres in a single irrigation season. |

LDS

miller

|   |          |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                              |
|---|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | 35-00007 | 2.06 cfs from an unnamed stream for the irrigation of 103 acres. Use of this right with Water Right Number 35-00007 is limited to a total combined diversion rate of 2.06 cfs for the irrigation of a combined total of 103 acres in a single irrigation season. | 68.767 % for the irrigation of 70.83 acres. The portion of this right conveyed to GRANTEE may be used in combination with the portion of 35-07138 conveyed to the GRANTEE for the irrigation of a combined total of 70.83 acres in a single irrigation season. | 31.233 % for the irrigation of 32.17 acres. The portion of this right retained by GRANTORS may be used in combination with the portion of 35-07138 retained by GRANTORS for the irrigation of a combined total of 32.17 acres in a single irrigation season. |
| 4 | 35-02014 | 1.3 cfs and 160 AF/yr. from Boone Spring for the irrigation of 80 acres                                                                                                                                                                                          | 100 %                                                                                                                                                                                                                                                          | none                                                                                                                                                                                                                                                         |
| 5 | 35-07142 | GRANTORS' interest in this right is limited to the irrigation of 40 acres from an unnamed stream.                                                                                                                                                                | 100 %                                                                                                                                                                                                                                                          | none                                                                                                                                                                                                                                                         |
| 6 | 35-02016 | 1.48 cfs from Tanner Spring and an unnamed stream for the irrigation of 74 acres                                                                                                                                                                                 | 100 %                                                                                                                                                                                                                                                          | none                                                                                                                                                                                                                                                         |
| 7 | 35-00047 | .5 cfs from springs and waste water from S.W. Gibbs Ranch for the irrigation of 166.5 acres.                                                                                                                                                                     | 97.898 % for the irrigation of 163 acres                                                                                                                                                                                                                       | 2.102 % for the irrigation of 3.5 acres                                                                                                                                                                                                                      |

If the maximum allowable flows under the rights described above (other than Water Right Numbers 35-02014, 35-07142 and 35-02016) were divided in the percentages described, practical use of the rights for irrigation may be impaired. For example, under Water Right Number 35-00047, 2.102 % of .5 cfs would result in only .011 cfs, which may not be enough flow to efficiently operate an irrigation system. Therefore, GRANTORS retain the right at their option to take up to the maximum allowable flow in appropriate turns, such that the annual quantity of water diverted by GRANTORS is consistent with the above described retained portions of the rights.

## **Exhibit "B"**

**AGREEMENT TO CORRECT DEED, TO CONVEY WATER RIGHTS,  
AND TO CONVEY PUMP AND WATER PIPELINE EASEMENT**

### **DESCRIBED SUBJECT PROPERTY**

The Southwest quarter of the Southeast quarter of the Southwest quarter of Section 24,  
Township 4 South, Range 32 East, Boise Meridian.

### **EASEMENT**

The right to use jointly with GRANTOR that existing diversion and pump and all associated pipelines and other associated equipment located in the Southwest quarter of the Southeast quarter of the Southwest quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian, for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007, 35-02014, 35-07142, or 35-00047.

Together with the right to maintain, operate, repair and replace the above facilities and equipment jointly with GRANTOR for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007, 35-02014, 35-07142, or 35-00047.

**490762**

FEE 2 DEP JP

1999 NOV 26 PM 4:24

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

*Account*  
Miller - LDS

11-16-99

, 485199

*Same as  
LDS - Capital deeded  
6-25-01*

### WARRANTY DEED

For Value Received JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (per tithing in kind), the Grantee, whose current address is 50 East North Temple, Salt Lake City, Utah 84150, the following described premises, to wit:

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, B.M., Bingham County, Idaho, described as: Beginning at a point in the Southerly right-of-way fence of a County Road, said point being N. 0°32'53" E. 2618.34 feet along the Section line and N. 89°59'48" E. 1927.55 feet from the SW corner of said Section 24, and running thence along said right-of-way fence the following five (5) courses: (1) N. 89°59'48" E. 148.00 feet; thence (2) N. 89°24'11" E. 198.67 feet; thence (3) N. 79°15'11" E. 402.03 feet; thence (4) N. 78°49'32" E. 1368.54 feet; thence (5) N. 81°36'40" E. 477.42 feet; thence S. 02°48'34" W. 834.23 feet; thence S. 30°55'57" W. 426.05 feet; thence S. 44°54'21" W. 153.28 feet to an existing fence line; thence S. 84°22'19" E. 980.61 feet along said fence; thence S. 89°34'22" E. 144.22 feet to an existing North-South fence line; thence S. 01°42'30" E. 1579.45 feet along said fence; thence S. 01°26'14" E. 2304.88 feet along said fence line; thence S. 01°30'06" E. 110.13 feet along said fence to the Northerly right-of-way fence of a County Road; thence along said right-of-way fence line the following seven (7) courses: (1) N. 75°50'39" W. 443.76 feet; thence (2) N. 74°29'47" W. 1219.71 feet; thence (3) N. 84°26'23" W. 323.64 feet; thence (4) N. 69°30'02" W. 233.65 feet; thence (5) N. 64°24'30" W. 620.55 feet; thence (6) N. 89°36'24" W. 702.19 feet; thence (7) S. 81°43'25" W. 42.49 feet; thence N. 0°27'58" E. 4171.35 feet to the point of beginning.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

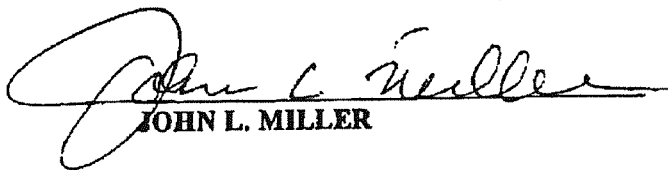
RESERVING EXCLUSIVELY UNTO the Grantors, their heirs, successors, assigns and designees any and all hunting and fishing rights on the above-described property until December 31, 2020, together with the right of vehicular (including water craft), equestrian, and pedestrian ingress and egress over and upon above-described property in order to exercise said rights. This easement may not be abandoned by non-use or revoked for any reason. The Grantee understands and

agrees that this easement gives only the Grantors, their heirs, successors, assigns, and designees the right to hunt or fish upon the above-described property.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

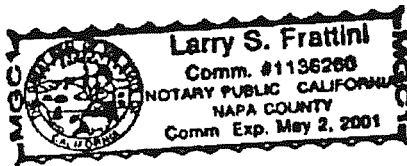
DATED: November 16, 1999

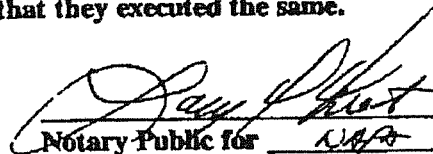
  
JOHN L. MILLER

  
LINDA S. MILLER

STATE OF CA )  
: ss.  
COUNTY OF NAPA )

On this 23 day of November, in the year 1999, before me a Notary Public of said State, personally appeared JOHN L. MILLER and LINDA S. MILLER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



  
Notary Public for NAPA  
Residing at 1720 Second St NAPA  
Commission Expires: 5/02/01

485199

Property No. 558-2407  
After recording, return to:  
LDS Church Real Estate - 12th Fl East  
50 East North Temple Street  
Salt Lake City, UT 84150

499140

WARRANTY DEED

Property No.  
Send Tax Statements to:  
LDS Church Tax Admin. - 22nd Fl  
50 East North Temple Street  
Salt Lake City, UT 84150-3620

#42964

For value received, JOHN L. MILLER and LINDA S. MILLER, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole (per tithing in kind), the Grantee, whose address is 50 East North Temple, Salt Lake City, Utah 84150, the following premises, to wit:

Part of the Southwest Quarter of Section 24, Township 4 South, Range 32 East of the Boise Meridian, Bingham County, Idaho described as follows:

Beginning at a point that is N 00°32'53" E 210.00 feet along the section line from the southwest corner of said Section 24 and running thence N 00°32'53" E 2408.34 feet along said section line to an existing east-west fence line; thence N 89°59'48" E 1927.55 feet along said east-west fence line; thence S 00°27'58" W 2404.65 feet; thence S 89°53'17" W 1931.02 feet to the point of beginning.

The parcel contains 106.579 acres.

RESERVING UNTO the Grantors, their heirs, successors, assigns and designees the right to use, operate, maintain, repair, rehabilitate, improve or replace existing wells and springs on the Property for the purpose of diverting water into the natural stream and conveying the same for use under Water Right Number 35-11390, as that right may in the future be modified by license, permit, diligence or decree, including reasonable ingress and egress. The rights reserved to Grantors shall be exercised in a manner reasonably compatible with Grantee's use of water under Water Right Numbers 35-11392 and 35-11393 from the point of diversion which is currently approved for Water Right Numbers 35-11392 and 35-11393.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances there unto belonging or in any wise appertaining, except that Grantors convey only those water rights expressly described in a separate Water Right Quit-Claim Deed.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with said appurtenances, unto the said Grantee, its successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except as herein above set forth and that they will warrant and defend the same from all lawful claims whatsoever.

Miller -  
LDS

11-27-2000

RECORDED AT THE REQUEST OF  
2001 APR -4 PM 4:13  
FEE fees DEED

FIRST AMERICAN TITLE COMPANY

INGRAM COUNTY RECORDER  
BLACKFOOT, IDAHO

John L. Miller

JOHN L. MILLER

DATED: this 27 day of Nov., 2000.

Linda S. Miller

LINDA S. MILLER

DATED: this 27 day of Nov., 2000.

STATE OF CALIFORNIA )

: ss

COUNTY OF NAPA )

On the 27<sup>th</sup> day of Nov., 2000, before me, B. Roberts  
Notary Public, personally appeared JOHN L. MILLER and LINDA S. MILLER, husband and  
wife, personally known to me to be or proved to me on the basis of satisfactory evidence to be  
the persons whose names are subscribed to the foregoing Warranty Deed and acknowledged to  
me that they executed the same.

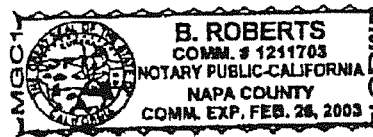
WITNESS my hand and official seal.

B. Roberts

Notary Public

Residing at Napa CA

Commission Expires: 2-26-03



499140

Property No. 558-2407  
After recording, return to:  
LDS Church Real Estate  
50 East North Temple  
Salt Lake City, UT 84

FIRM

8013630408  
BINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO

7-185 P.04/10 F-521

FEE 1.00 DEP DP

490763

2000 JUN -5 PM 4:14

RECORDED AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY

Property No.  
Send Tax Statement  
LDS Church Tax Adm  
50 East North Temple  
Salt Lake City, UT 84

any order

## WELL AND WATER PIPELINE EASEMENT QUIT-CLAIM DEED

For Ten Dollars and other good and valuable consideration, THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah Corporation Sole, with its principal office in Salt Lake County, Utah, GRANTOR, hereby quitclaims, without warranty or representation, to JOHN L. MILLER and LINDA S. MILLER, individuals residing in Napa, California, GRANTEES, the following easement over the following described subject real property located in Bingham County, Idaho:

### DESCRIBED SUBJECT PROPERTY

Part of Sections 24 and 25, Township 4 South, Range 32 East, and Sections 19 and 30, Township 4 South, Range 33 East, B.M., Bingham County, Idaho described as:

Beginning at a point in the southerly right-of-way fence of a county road, said point being N 0° 32' 53" E 2618.34 feet along the section line and N 89° 59' 48" E 1927.55 feet from the southwest corner said Section 24, and running thence along said right-of-way fence the following five (5) courses (1) N 89° 59' 48" E 148.00 feet; thence (2) N 89° 24' 11" E 198.67 feet; thence (3) N 79° 15' 11" E 402.03 feet; thence (4) N 78° 49' 32" E 1368.54 feet; thence (5) N 81° 36' 40" E 477.42 feet; thence S 02° 48' 34" W 834.23 feet; thence S 30° 55' 57" W 426.05 feet; thence S 44° 54' 21" W 153.28 feet to an existing fence line; thence S 84° 22' 19" E 980.61 feet along said fence; thence S 89° 34' 22" E 144.22 feet to an existing north-south fence line; thence S 01° 42' 30" E 1579.45 feet along said fence; thence S 01° 26' 14" E 2304.88 feet along said fence line; thence S 01° 30' 06" E 110.13 feet along said fence to the northerly right-of-way fence of a county road; thence along said right-of-way fence line the following seven (7) courses (1) N 75° 50' 39" W 443.76 feet; thence (2) N 74° 29' 47" W 1219.71 feet; thence (3) N 84° 26' 23" W 323.64 feet; thence (4) N 69° 30' 02" W 233.65 feet; thence (5) N 64° 24' 30" W 620.55 feet; thence (6) N 89° 36' 24" W 702.19 feet; thence (7) S 81° 43' 25" W 42.49 feet; thence N 0° 27' 58" E 4171.35 feet to the point of beginning.

### EASEMENT

The right to use jointly with GRANTOR that existing well, including the existing pump and all associated pipelines and other equipment, located in the Northwest quarter of

the Southeast quarter of the Southeast quarter of Section 24, Township 4 South, Range 32 East, Boise Meridian for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007 or 35-00047;

Together with the right to maintain, operate, repair and replace the above facilities and equipment jointly with GRANTOR for the purposes of diverting water under Water Right Numbers 35-07141, 35-07138, 35-00007 or 35-00047

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name to be affixed by its duly authorized officer this 25 day of April, 2000.

THE CORPORATION OF THE PRESIDING BISHOP  
OF THE CHURCH OF JESUS CHRIST OF LATTER  
DAY SAINTS

By: [Signature]

Its: AUTHORIZED AGENT

STATE OF UTAH )

:ss.

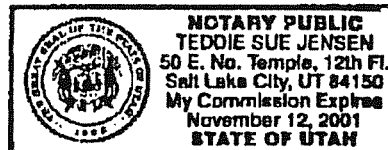
COUNTY OF SALT LAKE )

On the 25 day of April, 2000, personally appeared before me Edwin J. Pond, who first being by me duly sworn, did say that he is the Authorized Agent of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, and that he signed the above Water Rights Quit-Claim Deed on behalf of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS by proper authority.

[Signature]  
NOTARY PUBLIC  
Residing at: Salt Lake County

My Commission Expires:

11/12/01



490763

# QUITCLAIM DEED

483975

FOR VALUE RECEIVED, NORTH FORK ENERGY, INC., an Idaho corporation, the Grantor, does hereby convey, release, remise and forever quitclaim unto JOHN L. MILLER, a single man, the Grantee, whose address is P.O. Box 2260, Napa, California 94558, the following described premises in Bingham County, Idaho, to wit:

Part of the East ½ of Section 24, Township 4 South, Range 32 East, B.M., Bingham County, Idaho described as:

Beginning at a point in an existing east west fence line that is N 0° 13' 14" E 1615.08 feet along the section line and N 89° 34' 12" W 177.66 feet from the southeast corner of said Section 24 and running thence N 89° 34' 12" W 1063.71 feet; thence N 44° 54' W 5" E 124.50 feet to an existing fence line; thence S 84° 22' 19" E 980.51 feet along said fence line to the point of beginning.

Parcel contains 1.08 acres.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto Grantee and his successors or assigns forever.

DATED: October 4, 1999

GRANTOR:

NORTH FORK ENERGY, INC.

By: Ronald C. Yanke  
Ronald C. Yanke, President

ATTEST:

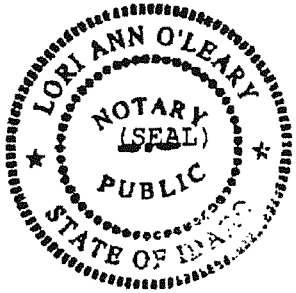
Richard D. Heaton  
Richard D. Heaton, Secretary

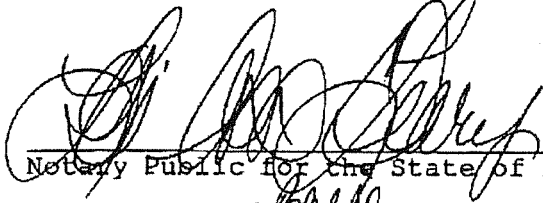
RECORDED AT THE REQUEST OF  
JOHN MILLER  
1999 OCT 13 PM 12:59  
FEE 1.00  
XIP  
BINGHAM COUNTY, IDAHO

STATE OF IDAHO            )  
                                  ) ss  
COUNTY OF ADA            )

On this 14th day of October, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared **RONALD C. YANKE and RICHARD D. HEATON**, President and Secretary, respectively, of **NORTH FORK ENERGY, INC.**, an Idaho corporation, which executed the foregoing document, known to me or identified to me, to be the persons whose names are subscribed to the foregoing, and acknowledged to me that they executed the same for and on behalf of the corporation and in its name.

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



  
\_\_\_\_\_  
Notary Public for the State of Idaho  
Residing at:   
My commission expires: 7/12/2001

483975