

OLSEN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 22 2011
Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
15-4146	Yes ☒	Split from BLM Owned Land	Yes ☒		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Cleo D Schwartz
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Triple R. Development, LLC; Peoa River Valley Ranch Land, LLC;
Name of each new owner as listed on the conveyance document
Creative Center of Los Altos, Inc.
New owner continued ☐ Name connector ☐ and ☐ or ☐ and/or
10410 West Loyola Drive
Mailing address
Los Altos CA 94024
City State ZIP
415-559-7864 vicriches1@yahoo.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 12/15/10

6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: [Signature] Signature of new owner/claimant
Title, if applicable: MANAGER / TRIPLE R Date: 2/14/11
OWNER / PEOA RIVER
Signature: [Signature] Signature of new owner/claimant
Title, if applicable: CREATIVE CENTER Date: 2/14/11

For IDWR Office Use Only:

Received by [Signature] Date 2/24/2011 Receipt No. E036444 Receipt Amt. \$150.-
Approved by _____ Processed by _____ Date _____ \$25.- for this

NTO-55210



BE9200CTRADE-T

GRANTEE'S ADDRESS:

TRIPLE R. DEVELOPMENT LLC

10410 W Loyola Dr.
Los Altos, CA 94024Microfilm No. 14640915 Day December 2010At 3:45 O'clock P MDebra Bott

1900

Northern Title Co.

WARRANTY DEED**DEE'S INC. A UTAH CORPORATION aka DEE'S INC., A UTAH CORP.**

Grantors,

of SALT LAKE, County of SALT LAKE, State of UTAH,
hereby CONVEYS and WARRANTS to~~PEOA RIVER VALLEY RANCH LAND LLC, a Utah Limited Liability Company aka PEOA RIVER VALLEY RANCH, LLC;~~**TRIPLE R DEVELOPMENT LLC; PEOA RIVER VALLEY RANCH LAND, LLC;****CREATIVE CENTER OF LOS ALTOS, INC.**

Grantees,

of LOS ALTOS, County of Santa Clara, State of CALIFORNIA,
for the sum of TEN DOLLARS and other good and valuable consideration,
the following tract of land in ONEIDA County, State of IDAHO, to-wit:

SEE ATTACHED EXHIBIT "A"

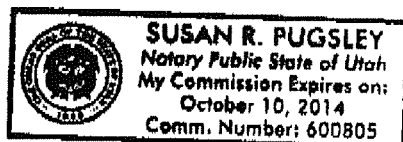
TOGETHER WITH ALL GRANTORS INTEREST IN WATER USER CLAIM NUMBERS: 15-04146,
154987 AND 75% OF ALDREDGE SPRING.Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to
2011 taxes and thereafter.WITNESS the hand of said grantor, this 13th day of December, 2010.**DEE'S INC. A UTAH CORPORATION**Michael W. Olsen

BY: MICHAEL W. OLSEN, PRESIDENT

Todd Olsen

BY: TODD M. OLSEN, VICE-PRESIDENT

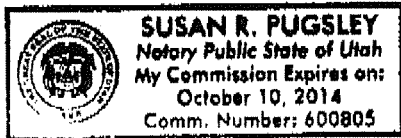
STATE OF UTAH

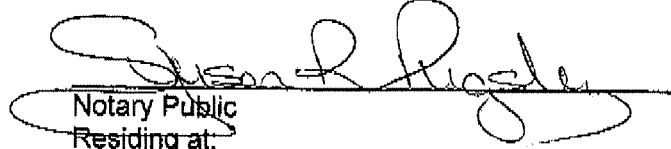
COUNTY OF Box ElderOn the 13th day of December, 2010, personally appeared before me **DEE'S INC. A UTAH CORPORATION**, the
signer(s) of the within instrument, who duly acknowledged to me that they executed the same.
Susan R. Pugsley
 Notary Public

STATE OF Utah
COUNTY OF Box Elder :ss)

146409

On this 9th of December, 2010, personally appeared before me **MICHAEL W. OLSEN** who duly sworn did say that he is the **PRESIDENT** and **TODD M. OLSEN** who by me duly sworn did say that he is the **VICE-PRESIDENT of DEE'S, INC. A UTAH CORPORATION aka DEE'S INC., A UTAH CORP.** the signers of the within instrument who duly acknowledged to me that said Corporation executed the same.




Notary Public
Residing at: _____
My Comm. expires: _____

"EXHIBIT A"**146409****Parcel 1:**

A parcel of land located in Section 27, Township 15 South, Range 35 East, Boise Meridian, Oneida County, Idaho and further described as follows:

Beginning at the North quarter corner of Section 34, Township 15 South, Range 35 East, Boise Meridian, from which the Northwest corner of Section 34 bears North 89° 59' 50" West 2646.57 feet; Thence North 89° 59' 50" West 790.35 feet along the North line of said Section 34 to a 5/8" rebar with cap; Thence North 46° 32' 43" East 1088.75 feet more or less to the meridional center line of said Section 27; Thence South 748.86 feet along said center line to the True Point of Beginning.

Township 15 South, Range 35 East, Boise Meridian

Section 20: Southeast quarter of the Southeast quarter

Section 21: Southwest quarter

Section 28: All

Section 29: North half of the Northeast quarter; South half of the North half; South half

Section 30: East half of the Southeast quarter

Section 32: North half of the Northwest quarter of the Northwest quarter

Township 15 South, Range 35 East, Boise Meridian;

Section 26: Northwest quarter; Northeast quarter.

Parcel 2:

A parcel of land situated in Oneida County, Idaho, described as follows:

Township 15 South, Range 35 East, Boise Meridian;

Section 16: South half of the Southeast quarter; Southeast quarter of the Southwest quarter.

Section 21: East half

Section 22: West half

Section 26: Southwest quarter

Section 27: East half

Section 35: Northeast quarter

A parcel of land located in Section 34, Township 15 South, Range 35 East Boise Meridian, Oneida County, Idaho and further described as follows:

All of the North-half of the North-half of said Section 34 lying North and East of the following described fence line: Beginning at the Northeast corner of said Section 34 from which the North quarter corner of Section 34 bears North 89° 57' 49" West 2651.18 feet; thence South 43.00 feet along the East line of said Section 34 to the intersection of a fence line, the True Point of Beginning; thence along said fence line the following ten courses:

thence South 56° 17' 41" West 1592.50 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735"; South 76° 25' 56" West 451.46 feet to a 5/8" rebar with cap; South 82° 45' 08" West 248.13 feet to a 5/8" rebar with cap; South 89° 16' 53" West 278.55 feet to a 5/8" rebar with cap; North 81° 19' 32" West 677.95 feet to a 5/8" rebar with cap; North 76° 56' 02" West 261.30 feet to a 5/8" rebar with cap; North 77° 12' 37" West 696.81 feet to a 5/8" rebar with cap; North 77° 54' 03" West 843.70 feet to a 5/8" rebar with cap; North 77° 02' 25" West 418.80 feet to a 5/8" rebar with cap; North 12° 00' 44" East 493.73 feet to a 5/8" rebar with cap set on the North line of said Section 34; thence North 89° 59' 50" West 274.82 feet along said North line to the Northwest corner of Section 34.

Subject to a right of way described as follows: Beginning at the point an existing roadway (which runs through the property owned by M.J. Davis Memorial Limited Partnership) intersects the Southerly Section line of Section 27 and the Northerly Section line of Section 34, Township 15 South, Range 35 East, Boise Meridian; thence running in a Southeasterly direction along said existing roadway to the Northeast property line (and an existing fence line) of the above described property; thence following said roadway and existing fence line to the Northeast corner of Section 34, Township 15 South, Range 35 East, Boise Meridian.

Said Easement may be modified by the above parties by mutual agreement.

146409**"EXHIBIT A"**

All that part of the following described tract lying South and West of Samaria Road located in Sections 23, 24 and 25, Township 15 South, Range 35 East of the Boise Meridian, Oneida County, Idaho, and described as follows:
Commencing at the Southwest Corner of the Southeast Quarter of Section 23, above Township and Range; thence North 2640 feet; thence East 6600 feet; thence South 1026 feet; thence North 74°39' West 472.84 feet; thence South 23°00' West 194.24 rods; thence West 708 feet; thence South 12°35' West 2742.5 feet to the South line of the North Half of the Southwest Quarter of said Section 25; thence West 968 feet; thence North 12°45' East 2742.5 feet to the Forty Subdivision line; thence West 611 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of said Section 25; thence North 1320 feet to the Northwest Corner of Section 25; thence West 2640 feet to the Place of Beginning.

Excepting therefrom the following three tracts:

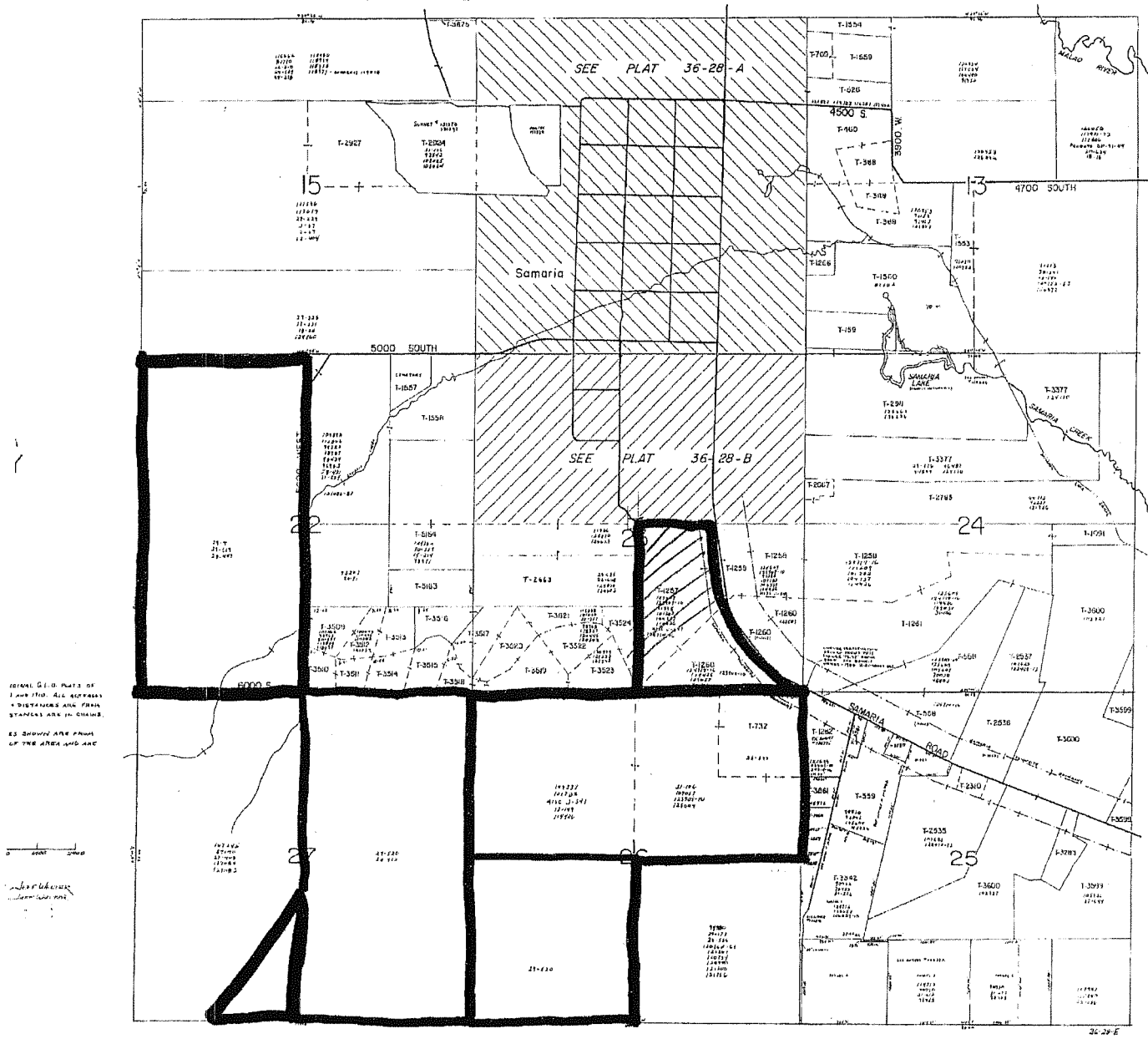
1. Commencing at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 15 South, Range 35 East, Boise Meridian; thence running North 12°45' East 1924.12 feet; thence South 68°26' East 947 feet; thence South 12°35' West 1566.2 feet; thence West 964.14 feet to Point of Beginning.

2. Commencing at the Corner between Sections 23 and 25, Township 15 South, Range 35 East, Boise Meridian; thence running South 68°20'56" East 886.55 feet for the True Point of Beginning; thence running South 63°21'10" East 208 feet; thence South 63°12'49" East 464.57 feet; thence South 64°06'21" East 320.47 feet; thence South 63°33'46" East 615.19 feet; thence South 23°00'00" West 214.17 feet; thence West 740.79 feet; thence South 12°38'26" West 1125.82 feet; thence North 68°26' West 947 feet; thence North 12°45'00" East 777.67 feet; thence North 15°09'25" East 303.06 feet; thence North 15°10'34" East 624.17 feet to the True Point of Beginning.

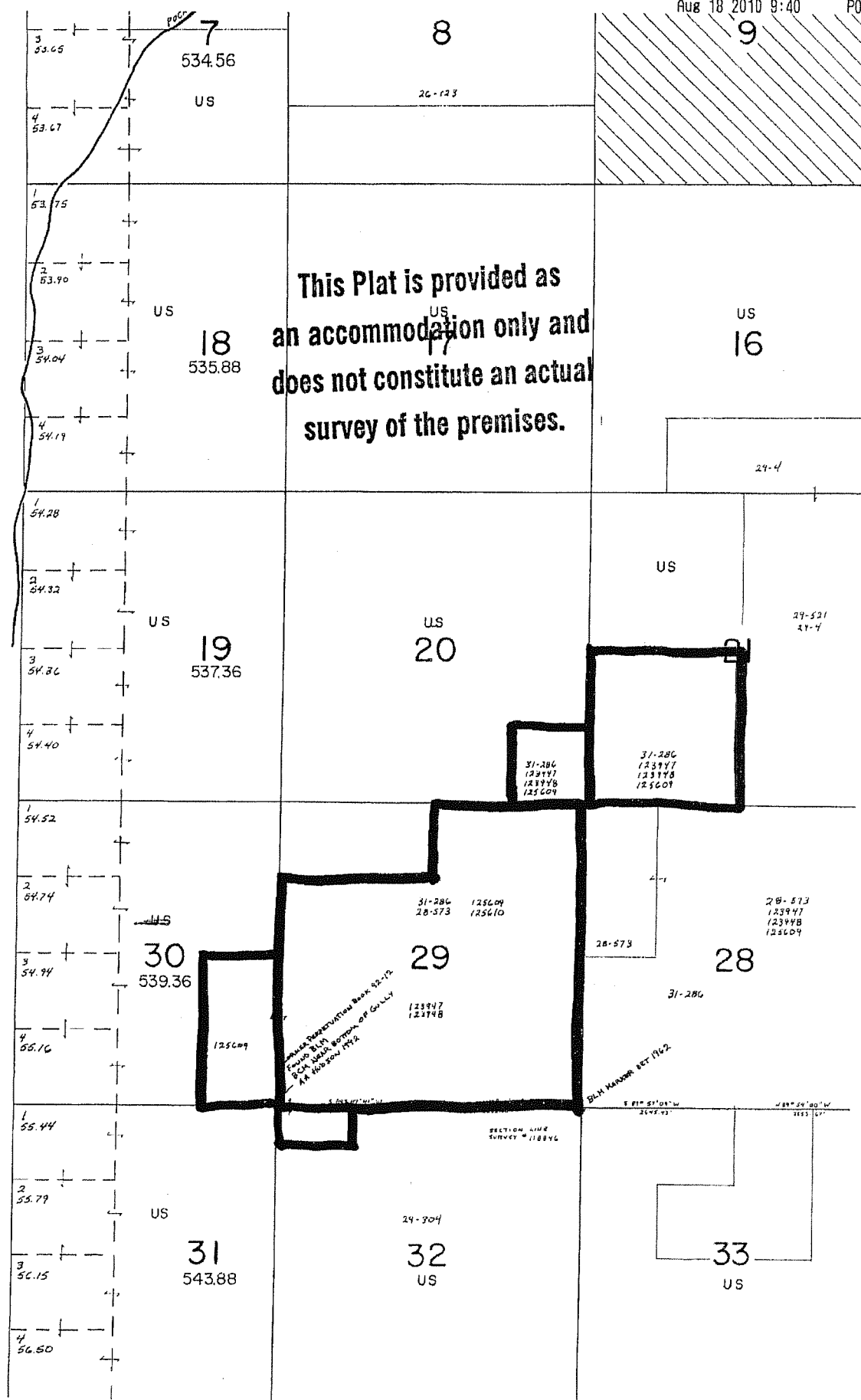
3. Commencing at a point on the Southern Right of Way boundary of Samaria Road (a County Road) which intersects with the Eastern boundary of Section 23, Township 15 South, Range 35 East, Boise Meridian (the Point of Beginning); thence running South along the Eastern boundary of Sections 23 and 26 to the Quarter Corner of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 26; thence East 570 feet; thence North 07°23'55" East 97 feet; thence North 15°09'25" East 303.06 feet; thence North 15°10'34" East 624.17 feet; thence Northwesterly along the Southern Right of Way boundary of Samaria Road to the Point of Beginning.

SECS. 13, 15, 22, S $\frac{1}{2}$ 23, 24-27, T 15 S, R 35 E, B.M.

36-28-E

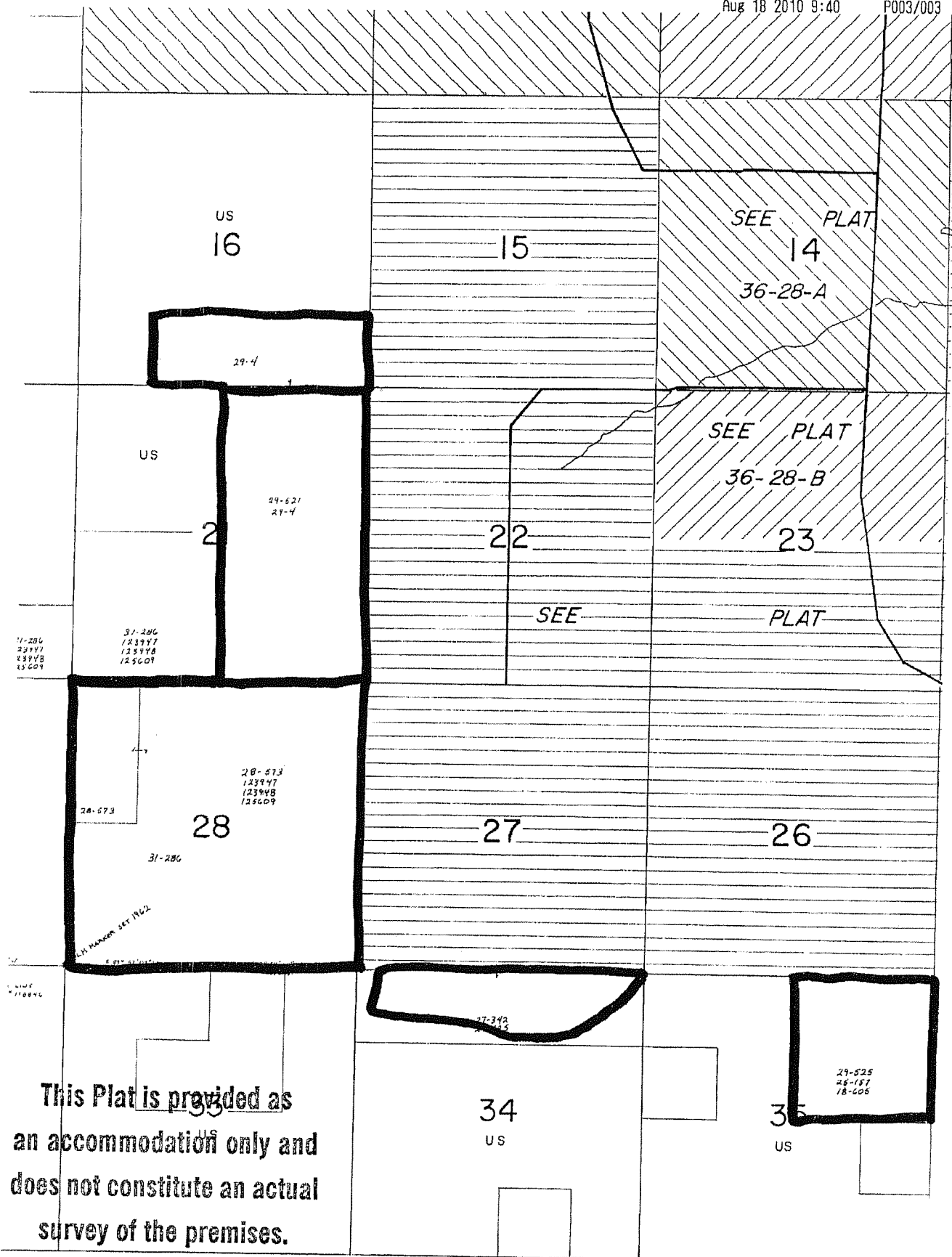


This Plat is provided as
an accommodation only and
does not constitute an actual
survey of the premises.



Aug 18 2010 9:40

P003/003



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/8/2011

WATER RIGHT NO. 15-4146

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLEO D SCHWARTZ
Current Owner	IVAN W SCHWARTZ
Current Owner	DELON SCHWARTZ
	RT 1 BOX 127
	MALAD CITY, ID 83252

Priority Date: 05/02/1928

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
ANDERSON SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	4/15	11/15	0.02 CFS	
DOMESTIC	1/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

ANDERSON SPRING	NWNE	Sec. 32	Township 15S	Range 35E	ONEIDA County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER ONEIDA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	35E	29		NENW SESW SWSE			SESW							

Place of Use Legal Description: DOMESTIC same as STOCKWATER

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

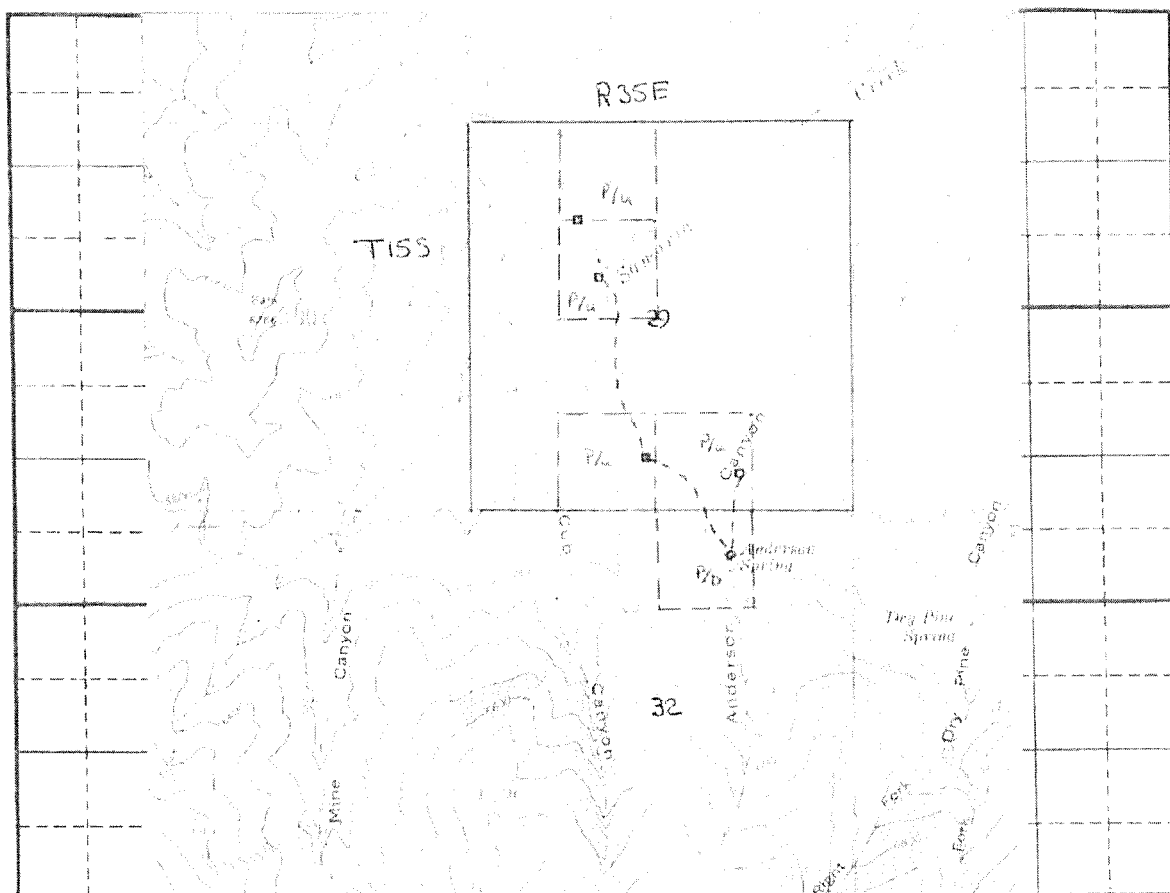
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

8) Remarks The source is also known as Squirrel Town spring.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Benewah) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5th day of May, 1983.

Glen D. Schwartz
(Claimant)

Notary Public
Residing at Idaho Falls, ID

My commission expires 6-15-83

FOR DEPARTMENT USE ONLY

Received by Asst. L. H. W. Date 5-3-83 Exception filed by _____ Date _____
Prelim. check by Kew Date 5-15-83 Forwarded to _____
\$30.00 fee received by HWT Date 5-15-83 claimant by: _____
Published in Idaho Enterprise
Dates 5/19 - 5/26/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Cleo D. or Ivan W. or DeLon Schwartz
(Name of Claimant)
Rt. 1 Box 127 Malad, ID 83252 Telephone No. 766-2743
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 2, 1928

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Anderson Springs tributary to sinks
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
		(Mo., Day)	(Mo., Day)
Quantity <u>0.02 cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity <u>0.02 cfs</u>	Use <u>Stock</u>	Period of Use From <u>4-15</u>	To <u>11-15</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

(4) 0.02 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 NE 1/4, Sec. 32 Twp. 15S Rge. 35E B.M., County of Oneida
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
collection box to pipeline to cabin and water troughs

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	35E	29					X			X				X			X		

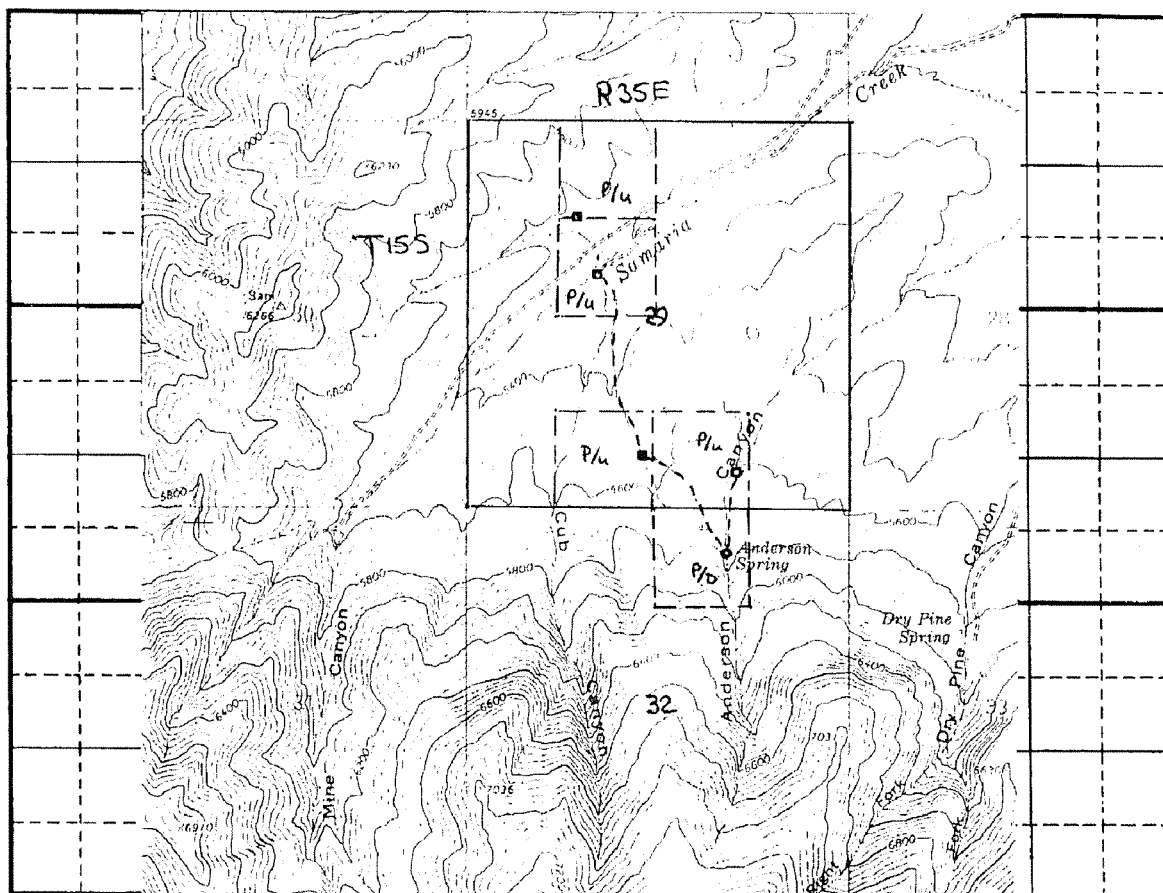
No. of acres _____

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic use for a cabin and stockwater

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JUN 10 1983
IDAHO DEPT. OF WATER RESOURCES

- NOTE: Include here the type and number of stock watered: 75 head of cattle
- (7) You are claiming water as a member of an organization, list name of organization: _____

(8) Remarks The source is also known as Squirrel Town spring.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 5th day of May, 1983.

Glen D. Schwartz
(Claimant)

William May
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by HWJ Date 5-5-83 Exception filed by: _____ Date _____
Prelim. check by Kaw Date 5-10-83
\$30.00 fee received by HWJ Date 5-5-83 # 28147
Published in Idaho Enterprise
Dates 5/19 & 5/26/83

AFFIDAVIT OF PUBLICATION

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STATE OF IDAHO,

ss.

County of Oneida

MAY 21 1983

Department of Water Resources
Eastern District Office

Jessie Daniels

being duly sworn,

deposes and says: That she is the secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period of time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 18, 1983, and ending

with the issue of May 25, 1983

Jessie Daniels

Fee \$ 35.10

Subscribed and sworn to before me this 26th day

May, 1983.

Lois Hawley
Notary Public, Residing at Malad, Idaho

Commission Expires Lifetime, 19

Published: 4-4, 11, 18, 25 T4.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

17-4055

SCHWARTZ, CLEO D. &-or IVAN W.

&-or DELON

RT. 1, BOX 127, MALAD, ID 83252

Source: LOWER IRELAND SPRINGS

trib. to SINKS

Priority Date: 12-01-1918 T 14S R 34E

Diversion Pt: NENE Sec 32 T 14S R 34E

Use: STOCKWATER (0.02 CFS)

In: NENE Sec 32 T 14S R 34E

15-4143

SCHWARTZ, CLEO D. &-or IVAN W.

&-or DELON

RT. 1, BOX 127, MALAD, ID 83252

Source: ANDERSON SPRING trib. to

SINKS

Priority Date: 05-02-1928

Diversion Pt: NENE Sec 32 T 15S R 35E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

In: NENE Sec 32 T 15S R 35E

15-4145

SCHWARTZ, CLEO D. &-or IVAN W.

&-or DELON

RT. 1, BOX 127, MALAD, ID 83252

Source: SPRING trib. to SINKS

Priority Date: 06-01-1920

Diversion Pt: NWNW Sec 17 T 14S R

36E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.03 CFS)

In: SENE Sec 18 T 14S R 36E

15-4144

DANIELS, DALE

178 W. 500 N., MALAD, ID 83253

Source: GROUNDWATER

Priority Date: 04-01-1918

Diversion Pt: NWSW Sec 32 T 14S R 36E

Use: STOCKWATER (0.02 CFS)

DOMESTIC (0.04 CFS)

In: NWSW Sec 32 T 14S R 36E

Exceptions to a claim may be filed

with the Director, Dept. of Water

Resources, 150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402.

KENDUNN, Dir.

Published 5-18 & 5-25-83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 6, 1983

CLEO D. SCHWARTZ
IVAN W. SCHWARTZ
DELON SCHWARTZ
RT. 1, BOX 127
MALAD

ID 83252

RE: Claim No. 15-4146

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

FILED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Keith Carlson

Right Number

15 4146

Applicant

Cleo Ivan Delon
Schwartz

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS
INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO
THE CLAIMANT ALONG WITH THE APPROPRIATE COVER
LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

June 6, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By

Ernest Carlson

Date

June 13, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

RC

Date

6/16/83

RECEIVED

JUN 16 1983

Department of Water Resources

CW

IDENT. NO. 15 4146

ID A H O D E P A R T M E N T O F L A N D A N D W A T E R R E S O U R C E S

WATER 40 ML.
DATA ENDS 196

Initials	Date	Item
BP	5/12/83	Original form entered
		Off Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Amend Verified
		Amendment Approved
		Extension Approved
		Final Proof
		Proof Complete
		Final Exam Received
		Final Exam Accepted and changes entered
		License Signed
		Transfer Approved
		Approved by State Office

15-4146

SCHWARTZ, CLEO D. &/or IVAN W. &/or DELON

RT. 1, BOX 127, MALAD, ID 83252

Source: ANDERSON SPRING trib. to SINKS

Priority Date: 05/02/1928

Diversion Pt: NINE Sec 32 T 15S R 35E

Use: STOCKWATER (0.02 CFS)
DOMESTIC (0.02 CFS)

In: NENW SENW SESW SWSE Sec 29 T 15S R 35E

MICROFILMED

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JUL 27 2011

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

(Dee's Property)

February 24, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Triple R Development LLC
Peoa River Valley Ranch Land LLC
Creative Center of Los Altos, Inc
10410 W Loyola Dr
Los Altos CA 94024

RE: Change in Ownership Water Right No. 15-4146

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Please find attached a copy of the check submitted to our office received on February 22, 2011 and copy of the receipt for the amount of \$150.00, for the change of ownership for 3 water rights, 2 (15-4146 & 15-4087) will not require a split but 1 water right (15-4036) will require a division of the water right.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

***** **Evidence of Water Right Ownership:** A full chain of title. The current owners on the above mentioned water rights according to the departments records is Ivan Schwartz, Delon Schwartz and Cleo Schwartz the deeds submitted with your application are as follows: a Warranty Deed from Dee's Inc to Triple R Development LLC, Peoa River Valley Ranch Land LLC and Creative Center of Los Altos Inc. In order for the department to complete the ownership change a full chain of title will be required. Also please note the department is required to show ownership as listed on the warranty deed.

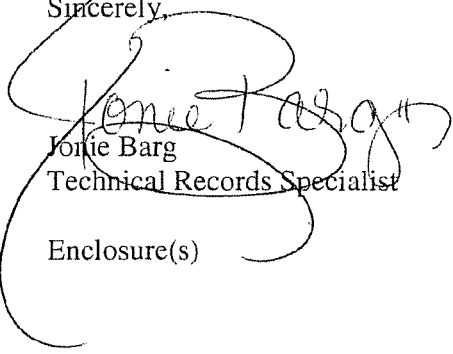
Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions.

Sincerely,



Jonie Barg
Technical Records Specialist

Enclosure(s)

WARRANTY DEED

WITNESSETH, That the said part _____ of the first part, for and in consideration of the sum of
Fifty One Thousand Five Hundred (\$51,500.00)----- DOLLARS,
lawful money of the United States of America, to them _____ in hand paid by the said parties of the second part, the receipt
whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, convey and
confirm unto the said parties of the second part, and to their _____ heirs and assigns forever, all of the following described
real estate, situate in Malad City _____ County of Oneida, State of Idaho, to-wit:

Section 20:
SE $\frac{1}{2}$ SE $\frac{1}{4}$
Section 21:
SW $\frac{1}{4}$
Section 28:
All
Section 29:
N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$
Section 30:
E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 32:
N $\frac{1}{2}$ NW $\frac{1}{4}$ NW

\$56.65 DOCUMENTARY STAMPS ATTACHED AND CANCELLED

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever, and the said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

Signed, Sealed and Delivered in the Presence of

Carl R. Willie (SEAL)

Carol Dawn Willie (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO, }
COUNTY OF Oneida } ss.

On this 3rd day of August in the year 19 65, before me, J. W. Crowther, a Notary Public in and for said State, personally appeared Carl R. Willie and Carol Dawn Willie, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

J. W. Crowther
Notary Public for the State of Idaho, residing at
Malad, Idaho.

STATE OF IDAHO, }
COUNTY OF ONEIDA, } ss.

INDEXED

Filed for record this 6th day of October, A.D. 1965, at 3:05 o'clock P.M.

Colen H. Sweeten, Jr. By Melba Jensen
Ex-Officio Recorder Deputy

QUIT CLAIM DEED

FOR VALUE RECEIVED, CLEO D. SCHWARTZ, as Trustee under the Testamentary Trust of Ivan Schwartz, deceased, does hereby CONVEY, RELEASE, REMISE and FOREVER QUIT CLAIM unto HOLGATE ENTERPRISES, INC., the following described premises, to-wit: **123947**

Township 15 South, Range 35 East, Boise Meridian:

Section 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21: SW $\frac{1}{4}$
Section 28: ALL
Section 29: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{4}$ N $\frac{1}{4}$; S $\frac{1}{4}$
Section 30: E $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32: N $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

Map No. 123947
Date February 15 1997
Notary Public
Boise, Idaho
My S. 53
Subscribed at Request of
Maui J. Holgate

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights used in connection therewith.

DATED this 20th day of May, 1991.

Cleo D. Schwartz
CLEO D. SCHWARTZ

STATE OF IDAHO)
COUNTY OF ONEIDA) ss

On this 20th day of May, 1991, personally appeared before me, the undersigned Notary Public in and for said State, CLEO D. SCHWARTZ, known to me to be the Trustee of the Testamentary Trust of Ivan Schwartz, deceased, whose name is subscribed to the within instrument and acknowledged to me that she executed the same as such Trustee.

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

Joan Williams
Notary Public
Residing at Malad, Idaho
My Commission Expires: 5-6-1997

123947

123948
12 - February - 97
WARRANTY DEED

FOR VALUE RECEIVED, CLEO D. TEW, formerly CLEO D. SCHWARTZ, and CLEO D. SCHWARTZ, Personal Representative of the Estate of Ivan Schwartz, deceased, the Grantors, do by these presents GRANT, BARGAIN, SELL and CONVEY unto HOLGATE ENTERPRISES, INC., of 1832 East Floating Feather Road, Eagle, Idaho, 83616, real property situated in the County of Oneida, State of Idaho, to-wit:

Township 15 South, Range 35 East, Boise Meridian:

Section 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21: SW $\frac{1}{4}$
Section 28: ALL
Section 29: NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$
Section 30: E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 32: NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights used in connection therewith.

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

DATED: May 12, 1991.

CLEO D. TEW, formerly Cleo D. Schwartz

Cleo D. Schwartz, Personal Representative of the Estate of Ivan Schwartz, deceased

123945

STATE OF IDAHO)
 : SS
COUNTY OF ONEIDA)

On this 20th day of May, 1991, personally appeared before me, the undersigned Notary Public in and for said State, CLEO D. TEW, formerly CLEO D. SCHWARTZ, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same; and CLEO D. SCHWARTZ, known to me to be the Personal Representative of the estate of Ivan Schwartz, deceased, whose name is subscribed to the within instrument and acknowledged to me that she executed the same as such Personal Representative.

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


Barbara Williams
Notary Public
Residing at Malad, Idaho
My Commission Expires: 5-6-1997

123945

March 1998

125609

09 March 98

4 15
G. Marlynn Holgate

12 12

WARRANTY DEED

HOLGATE ENTERPRISES, INC., an Idaho corporation, a Grantor, hereby grants, bargains, sells and conveys to DEE'S INC., a Utah corporation, as Grantee, whose current address is c/o Mike Olsen, 777 E. 2100 S. SLC, UT 84106 for value received, the following real property in Oneida County, Idaho, more particularly described on Exhibit A attached hereto and incorporated herein, TOGETHER WITH all gas, oil, mineral and geothermal rights; and TOGETHER WITH all water rights associated with the property, including but not limited to the D.H. Anderson Spring #15-04146; Irrigation Well licensee 33621/15-2072 water claim and notice of change of water right from Rex P. Waldron to Holgate Enterprises, Inc., dated May 15, 1991 for 2.40 cfs; Memorandum of agreement on BLM stock water line on the 1500 acre summer pasture dated November 24, 1945 and Agreement for Easement and Right of Water and Use of Water dated November 24, 1945; Proposed Notice of Use of Reserved Right of Way dated July 25, 1997 between Holgate Enterprises, Inc. and the BLM and proposed Memorandum of Understanding for use of water between BLM and D.H. Anderson Spring; Samaria Grazing Association proposed pipeline for better livestock water distribution as prepared by the BLM; 57.5 shares of Samaria Irrigation Co. Water; and Alldridge Big Canyon #154987 water interest to be determined.

TO HAVE AND TO HOLD the said property, together with their appurtenances, unto the Grantee and the Grantee's successors and assigns forever. Grantor hereby covenants to and with the Grantee that Grantor is the owner in fee simple of said property; that said property is free from all encumbrances except easements and restrictions of record or visible on the premises, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

The officer who signs this Deed hereby certifies this Deed and the transfer represented hereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officer this 9th day of March, 1998.

HOLGATE ENTERPRISES, INC.

By G. Marlynn Holgate (p. 1)
G. Marlynn Holgate, President

WARRANTY DEED - 1

125609

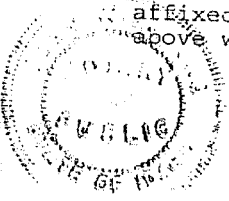
should be
15-4087
typo

125502

STATE OF IDAHO)
County of Oneida) ss.

On this 7th day of March, 1998, before me, the undersigned, a notary public in and for said county and state, personally appeared G. MARLYNN HOLGATE, known or identified to me to be the President of HOLGATE ENTERPRISES, INC., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at Blaine, Idaho
My Commission Expires 5-6-2003

125609

EXHIBIT A

PARCEL 1:

Township 15 South, Range 35 East, Boise Meridian:

Section 11: Commencing at the Northeast Corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section; thence running West 29.2 rods; thence South 34°30' West 16 rods; thence North 73°00' West 16 rods; thence North 8.44 rods to 40-acre line; thence West 19.24 rods; thence South 160 rods; thence East 73 rods; thence North 160 rods to the point of beginning;

EXCEPTING THEREFROM A parcel of land located in Section 11, Township 15 South, Range 35 East, Boise Meridian, Oneida County, Idaho, and further described as follows:

Beginning at the Northeast Corner of said Section 11; thence North 89°14'20" West 1207.72 feet along the North line of said Section 11; thence South 1339.42 feet to a 5/8" rebar with cap labelled "A. A. HUDSON, PLS 4735" set on a fence line, the True Point of Beginning; thence along a fence line through the following courses: North 88°35'59" East 248.00 feet to a 5/8" rebar with cap; South 84°08'49" East 48.42 feet to a 5/8" rebar with cap; thence South 31°03'13" East 138.58 feet to a 5/8" rebar with cap; thence South 61°07'36" East 103.78 feet to a 5/8" rebar with cap; thence South 66°56'40" East 71.61 feet to a 5/8" rebar with cap set on the Westerly right-of-way line of Samaria Road; thence South 38°13'33" West 526.88 feet along said right-of-way line to a 5/8" rebar with cap set on the Northerly right-of-way line of a County Road; thence North 87°23'03" West 170.55 feet along said right-of-way line to a 5/8" rebar with cap set at a fence line; thence North 12°09'57" West 129.12 feet along a fence line to a 5/8" rebar with cap; thence North 01°10'24" West 164.36 feet to a 5/8" rebar with cap set at a fence corner; thence North 00°28'53" East 311.34 feet to the True Point of Beginning.

Section 12: Commencing at the Southwest Corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section; thence running North 142 rods to a point in the center of the Big Malad River at a point 18 rods South of the Northwest Corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 12; thence following the meandering course of said river in a Southeasterly direction to a point 5 rods West of the Southeast Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Sec. 12; thence West 155 rods to the point of beginning.

PARCEL 2:

Township 15 South, Range 35 East, Boise Meridian:

Section 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21: SW $\frac{1}{4}$
Section 28: ALL
Section 29: N $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{4}$ N $\frac{1}{4}$; S $\frac{1}{4}$
Section 30: E $\frac{1}{4}$ SE $\frac{1}{4}$
Section 32: N $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

125609

PARCEL 3:

A PARCEL OF LAND LOCATED IN SECTIONS 23, 24 AND 25, TOWNSHIP 15 SOUTH, RANGE 35 EAST OF THE BOISE MERIDIAN AND DESCRIBED AS FOLLOWS:

Commencing at the Southwest Corner of the SE $\frac{1}{4}$ of Section 23, above Township and Range; thence North 2640 feet; thence East 6600 feet; thence South 1026 feet; thence North 74°39' West 472.84 feet; thence South 23°00' West 194.24 rods; thence West 708 feet; thence South 12°35' West 2742.5 feet to the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25; thence West 968 feet; thence North 12°45' East 2742.5 feet to the Forty subdivision line; thence West 611 feet to the Southwest Corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; thence North 1320 feet to the Northwest Corner of Section 25; thence West 2640 feet to the place of beginning.

EXCEPTING THEREFROM THE FOLLOWING THREE TRACTS:

1. Commencing at the Southwest Corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 15 South, Range 35 East, Boise Meridian; thence running North 12°45' East 1924.12 feet, thence South 68°26' East 947 feet; thence South 12°35' West 1566.2 feet; thence West 964.14 feet to point of beginning.

2. Commencing at the corner between Sections 23 and 25, Township 15 South, Range 35 East, Boise Meridian, thence running South 68°20'56" East 886.55 feet for the TRUE POINT OF BEGINNING; thence running South 63°21'10" East 208 feet; thence South 63°12'49" East 464.57 feet; thence South 64°06'21" East 320.47 feet; thence South 63°33'46" East 615.19 feet; thence South 23°00'00" West 214.17 feet; thence West 740.79 feet; thence South 12°38'26" West 1125.82 feet; thence North 68°26' West 947 feet; thence North 12°45'00" East 777.67 feet; thence North 15°09'25" East 303.06 feet; thence North 15°10'34" East 624.17 feet to the TRUE POINT OF BEGINNING.

3. Commencing at a point on the southern right-of-way boundary of Samaria Road (a county road) which intersects with the eastern boundary of Section 23, Township 15 South, Range 35 East, Boise Meridian (the Point of Beginning); thence running South along the eastern boundary of Sections 23 and 26 to the Quarter Corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26; thence East 570 feet; thence North 07°23'55" East 97 feet; thence North 15°09'25" East 303.06 feet; thence North 15°10'34" East 624.17 feet; thence Northwest along the southern right-of-way boundary of Samaria Road to the Point of Beginning.

Township 15 South, Range 35 East, Boise Meridian:

Section 24: Beginning at the Northeast Corner of the SE $\frac{1}{4}$ of Section 24; thence West 80 rods; thence South 20 rods; thence East 80 rods; thence North 20 rods to the place of beginning.

Section 26: NW $\frac{1}{4}$; NE $\frac{1}{4}$
END OF DESCRIPTION**

125609

NTO-56210



BE9200CTRADE-T

GRANTEE'S ADDRESS:

TRIPLE R. DEVELOPMENT LLC

10410 W Loyola Dr.
Los Altos, CA 94024

Microfilm No. 146409

15 Day December 2010

At 3:45 PM

Pola Bott

1990

Northern Title Co.

WARRANTY DEED

DEE'S INC. A UTAH CORPORATION aka DEE'S INC., A UTAH CORP.

Grantors,

of SALT LAKE, County of SALT LAKE, State of UTAH,
hereby CONVEYS and WARRANTS to

~~PEOA RIVER VALLEY RANCH LAND LLC, a Utah Limited Liability Company aka PEOA RIVER VALLEY RANCH, LLC;~~

TRIPLE R DEVELOPMENT LLC; PEOA RIVER VALLEY RANCH LAND, LLC;
CREATIVE CENTER OF LOS ALTOS, INC.

Grantees,

of LOS ALTOS, County of Santa Clara, State of CALIFORNIA,
for the sum of TEN DOLLARS and other good and valuable consideration,
the following tract of land in ONEIDA County, State of IDAHO, to-wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH ALL GRANTORS INTEREST IN WATER USER CLAIM NUMBERS: 15-04146,
154987 AND 75% OF ALDREDGE SPRING.

Subject to easements, restrictions and rights of way appearing of record and enforceable in law and subject to
2011 taxes and thereafter.

WITNESS the hand of said grantor, this 13th day of December, 2010.

DEE'S INC. A UTAH CORPORATION

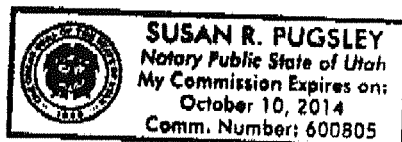
BY: MICHAEL W. OLSEN, PRESIDENT

BY: TODD M. OLSEN, VICE-PRESIDENT

STATE OF UTAH

COUNTY OF Box Elder

On the 13th day of December, 2010, personally appeared before me DEE'S INC. A UTAH CORPORATION, the
signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

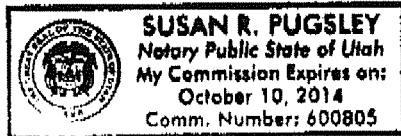


Notary Public

STATE OF Utah
COUNTY OF Box Elder (ss)

146409

On this ^{13th} 9th of December, 2010, personally appeared before me **MICHAEL W. OLSEN** who duly sworn did say that he is the **PRESIDENT** and **TODD M. OLSEN** who by me duly sworn did say that he is the **VICE-PRESIDENT of DEE'S, INC. A UTAH CORPORATION aka DEE'S INC., A UTAH CORP.** the signers of the within instrument who duly acknowledged to me that said Corporation executed the same.




Notary Public
Residing at: _____
My Comm. expires: _____

"EXHIBIT A"**146409****Parcel 1:**

A parcel of land located in Section 27, Township 15 South, Range 35 East, Boise Meridian, Oneida County, Idaho and further described as follows:

Beginning at the North quarter corner of Section 34, Township 15 South, Range 35 East, Boise Meridian, from which the Northwest corner of Section 34 bears North 89° 59' 50" West 2646.57 feet; Thence North 89° 59' 50" West 790.35 feet along the North line of said Section 34 to a 5/8" rebar with cap; Thence North 46° 32' 43" East 1088.75 feet more or less to the meridional center line of said Section 27; Thence South 748.86 feet along said center line to the True Point of Beginning.

Township 15 South, Range 35 East, Boise Meridian
Section 20: Southeast quarter of the Southeast quarter
Section 21: Southwest quarter
Section 28: All

Section 29: North half of the Northeast quarter; South half of the North half; South half
Section 30: East half of the Southeast quarter
Section 32: North half of the Northwest quarter of the Northwest quarter

Township 15 South, Range 35 East, Boise Meridian;
Section 26: Northwest quarter; Northeast quarter.

Parcel 2:

A parcel of land situated in Oneida County, Idaho, described as follows:

Township 15 South, Range 35 East, Boise Meridian;
Section 16: South half of the Southeast quarter; Southeast quarter of the Southwest quarter.
Section 21: East half
Section 22: West half
Section 26: Southwest quarter
Section 27: East half
Section 35: Northeast quarter

A parcel of land located in Section 34, Township 15 South, Range 35 East Boise Meridian, Oneida County, Idaho and further described as follows:

All of the North-half of the North-half of said Section 34 lying North and East of the following described fence line: Beginning at the Northeast corner of said Section 34 from which the North quarter corner of Section 34 bears North 89° 57' 49" West 2651.18 feet; thence South 43.00 feet along the East line of said Section 34 to the intersection of a fence line, the True Point of Beginning; thence along said fence line the following ten courses:

thence South 56° 17' 41" West 1592.50 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735"; South 76° 25' 56" West 451.46 feet to a 5/8" rebar with cap; South 82° 45' 08" West 248.13 feet to a 5/8" rebar with cap; South 89° 16' 53" West 278.55 feet to a 5/8" rebar with cap; North 81° 19' 32" West 677.95 feet to a 5/8" rebar with cap; North 76° 56' 02" West 261.30 feet to a 5/8" rebar with cap; North 77° 12' 37" West 696.81 feet to a 5/8" rebar with cap; North 77° 54' 03" West 843.70 feet to a 5/8" rebar with cap; North 77° 02' 25" West 418.80 feet to a 5/8" rebar with cap; North 12° 00' 44" East 493.73 feet to a 5/8" rebar with cap set on the North line of said Section 34; thence North 89° 59' 50" West 274.82 feet along said North line to the Northwest corner of Section 34.

Subject to a right of way described as follows: Beginning at the point an existing roadway (which runs through the property owned by M.J. Davis Memorial Limited Partnership) intersects the Southerly Section line of Section 27 and the Northerly Section line of Section 34, Township 15 South, Range 35 East, Boise Meridian; thence running in a Southeasterly direction along said existing roadway to the Northeast property line (and an existing fence line) of the above described property; thence following said roadway and existing fence line to the Northeast corner of Section 34, Township 15 South, Range 35 East, Boise Meridian.

Said Easement may be modified by the above parties by mutual agreement.

146409**"EXHIBIT A"**

All that part of the following described tract lying South and West of Samaria Road located in Sections 23, 24 and 25, Township 15 South, Range 35 East of the Boise Meridian, Oneida County, Idaho, and described as follows:
Commencing at the Southwest Corner of the Southeast Quarter of Section 23, above Township and Range; thence North 2640 feet; thence East 6600 feet; thence South 1026 feet; thence North 74°39' West 472.84 feet; thence South 23°00' West 194.24 rods; thence West 708 feet; thence South 12°35' West 2742.5 feet to the South line of the North Half of the Southwest Quarter of said Section 25; thence West 968 feet; thence North 12°45' East 2742.5 feet to the Forty Subdivision line; thence West 611 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of said Section 25; thence North 1320 feet to the Northwest Corner of Section 25; thence West 2640 feet to the Place of Beginning.

Excepting therefrom the following three tracts:

1. Commencing at the Southwest Corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 15 South, Range 35 East, Boise Meridian; thence running North 12°45' East 1924.12 feet; thence South 68°26' East 947 feet; thence South 12°35' West 1566.2 feet; thence West 964.14 feet to Point of Beginning.
2. Commencing at the Corner between Sections 23 and 25, Township 15 South, Range 35 East, Boise Meridian; thence running South 68°20'56" East 886.55 feet for the True Point of Beginning; thence running South 63°21'10" East 208 feet; thence South 63°12'49" East 464.57 feet; thence South 64°06'21" East 320.47 feet; thence South 63°33'46" East 615.19 feet; thence South 23°00'00" West 214.17 feet; thence West 740.79 feet; thence South 12°38'26" West 1125.82 feet; thence North 68°26' West 947 feet; thence North 12°45'00" East 777.67 feet; thence North 15°09'25" East 303.06 feet; thence North 15°10'34" East 624.17 feet to the True Point of Beginning.
3. Commencing at a point on the Southern Right of Way boundary of Samaria Road (a County Road) which intersects with the Eastern boundary of Section 23, Township 15 South, Range 35 East, Boise Meridian (the Point of Beginning); thence running South along the Eastern boundary of Sections 23 and 26 to the Quarter Corner of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 26; thence East 570 feet; thence North 07°23'55" East 97 feet; thence North 15°09'25" East 303.06 feet; thence North 15°10'34" East 624.17 feet; thence Northwesterly along the Southern Right of Way boundary of Samaria Road to the Point of Beginning.