

RECEIVED

OCT 11 2011

WATER RESOURCES
WESTERN REGION

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76427

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part I. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Other. Please describe: Existing Easement Agreement for Proposed P/D (Sec 10).

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STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Transfer No. 76427

OCT 11 2011

WATER RESOURCES
WESTERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Todd Hines Phone (509) 750-5167Mailing address 3879 Road 6 NW Ephrata, WA 98823 Email cascadeagro@gmail.com

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

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Todd Hines, Owner

Print Name and Title if applicable

10/3/11

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change Ownership
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. To record the addition of a new well and place the water rights into a common 317.5 acre permissible place of use (PPU).

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	63-32686	0.35 cfs /	Irrigation	03/01 to 11/15	Ground Water & N/A
☐ ☐		78 ac-ft		to	
☒ ☐	63-32690	0.19 cfs /	Irrigation	03/15 to 11/15	Ground Water & N/A
☐ ☐		42 ac-ft		to	
☒ ☐	63-32692	1.41 cfs /	Irrigation	03/15 to 11/15	Ground Water & N/A
☐ ☐		474 ac-ft		to	
☒ ☐	63-32694	0.01 cfs	Stockwater	01/01 to 12/31	Ground Water & N/A
☐ ☐		0.80 cfs /	Irrigation	04/01 to 11/01	
☐ ☐		340 ac-ft		to	

Total authorized under rights 2.75 cfs and/or 934 ac-ft

2. Total amount of water proposed to be transferred or changed 2.75 cubic feet per second and/or 934 acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y		NE	SE	NW	10	02N	03W	Canyon	Ground Water	Big Well
N		SW	NE	NE	14	02N	03W	Canyon	Ground Water	Little Well

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	03W	14	40	40	40	40	40	40	40	37.5									317.5

Total Acres (for irrigation use) 211.9 ac w/in PPU

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: _____

Wells to pipe to pivots. Will install measuring device and lockable controlling works as required.

- b. Who owns the property at the point(s) of diversion? Applicant at existing P/D (Sec 14). Mark Tracy at proposed P/D (Sec 10).

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

Proposed P/D has an existing easement agreement (Attachment 9).

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

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

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

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

No effect. Irrigation is the historical use of ground.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

A subdivision directly east of the place of use (Wild Prairie Estates) uses the existing well in Section 14 for backup/supplemental purposes. Other existing irrigation rights (63-3597N, 63-32330, and 63-32331) associated with the proposed P/D in Section 10, but the well is not used for those rights currently (to my knowledge).

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

Yes No

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

If yes, describe: _____

Decreed Date: 6/30/2010

Current Water Right No.: 63-32690

Basis: Decreed

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.19 CFS	42 AF
	Total Diversion	0.19 CFS	42 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4NE1/4 Sec. 14, Twp 02N, Rge 03W B.M.
CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S14 NENE 14.00

Total Acres: 14

Conditions of Approval:

- Decreed Date: 6/30/2010

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

Current Water Right No.: 63-32692

Current Owner: INTERMOUNTAIN COMMUNITY BANK

Priority Date: 3/22/1967

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.41 CFS	474 AF
	<u>Total Diversion</u>	1.41 CFS	474 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 11,	Twp 02N.	Rge 03W B.M.
CANYON County				
GROUND WATER	SE1/4SW1/4	Sec. 14,	Twp 02N,	Rge 03W B.M.
CANYON County				

Place of Use

IRRIGATION Within CANYON County

T02N R03W S14	NENW	39.00	T02N R03W S14	NWNW	39.00
T02N R03W S14	SWNW	40.00	T02N R03W S14	SENW	40.00
Total Acres: 158					

Conditions of Approval:

1. This right is a split from former right 63-32077 .
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. K06 This right is limited to the irrigation of 105.3 acres within the place of use described above in a single irrigation season.

7 of 11

Decreed Date: 6/30/2010

TRANSFER No. 76427

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

Current Water Right No.: 63-32694

Current Owner: INTERMOUNTAIN COMMUNITY BANK

Priority Date: 10/7/1968

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.8 CFS	340 AF
STOCKWATER	01/01 to 12/31	0.01 CFS	
	<u>Total Diversion</u>	0.8 CFS	340 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4 Sec. 11, Twp 02N, Rge 03W B.M.
CANYON County

Place of Use

IRRIGATION Within CANYON County

T02N R03W S14	NWNE	40.00	T02N R03W S14	SWNE	40.00
T02N R03W S14	SENE	40.00			

Total Acres: 120

Place of Use: STOCKWATER same as IRRIGATION

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
2. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
3. K06 This right is limited to the irrigation of 80 acres within the place of use described above in a single irrigation season.
4. This right is a split from former right 63-7156A.
5. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the

9 of 11

TRANSFER No. 76427

entry of a final unified decree. Section 42-1412(6), Idaho Code.

Decreed Date: 6/30/2010

Total Acres (for irrigation use)



www.titleonecorp.com

2010010339
RECORDED
2010 Mar 8 AM 11:37
WILLIAM H. HURST
CANYON COUNTY RECORDER
By J. Grooms
Requester: Todd and Angie
Type: DCLN
Fee: \$6.00
C:\Users\WHS\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\B7J2J2J2\2010010339.DCLN

Order No.: C1027879 ST/DP

CORPORATION WARRANTY DEED

For Value Received

North Gate Partners, Inc.

A Corporation duly organized and existing under the laws of the State of Washington hereby Grant,
Bargain, Sell and Convey unto

Todd Hines, A Married Man as His Sole & Separate Property

Whose current address is: 3879 Road 6 NW, Ephrata, WA 98823

The following described real estate, to wit:

Parcel I:

The Northeast Quarter of Section 14, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

Parcel II:

The East half of the Northwest Quarter of Section 14, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

Except:

A part of the Northwest Quarter of Section 14, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho, more particularly described as:

Commencing at the Northeast corner of said Section 14 (section corner) monumented with a rebar, 1 1/2 inches diameter; thence
South 62°48'15" West 4,482.39 feet to the Point of Beginning; said point bears
South 63°05'00" East 1,480.17 feet from a found 3/8 inch pipe at the Northwest corner of the Southwest Quarter of the Northwest Quarter, Section 14 (North one-sixteenth corner); thence
North 89°54'30" East 295.32 feet; thence
South 0°05'30" East 295.00 feet; thence
South 89°54'30" West 295.32 feet; thence
North 0°05'30" West 295.00 feet to the Point of Beginning.

Parcel III:

The West Half of the Northwest Quarter of Section 14, Township 2 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

XR 76427 ATTACHMENT 2a (2 pgs)

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed.

Dated: March 4, 2010

North Gate Partners, Inc.

BY: Todd Armstrong
Todd Armstrong, President

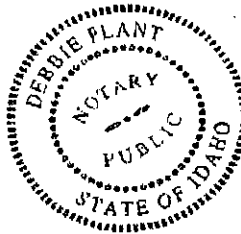
State of Idaho

County of Ada

On this 5th day of March in the year 2010, before me, the undersigned, a notary public in and for said state, personally appeared, Todd Armstrong known to me to be the President of the corporation that executed this instrument and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such 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.

Debbie Plant
Debbie Plant
Residing at:
My Commission Expires On:

COMM. EXPIRES: 11-26-2014
RESIDE: MERIDIAN, ID



Transfer No. 76427 2a2

TRANSFER No. 764:

ATTN: J. T.

David Stubbs 880-5902

7A

Lindsay Manufacturing Co.

2707 North 108th Street
Omaha, NE 68164
800 - 829 - 5300 office

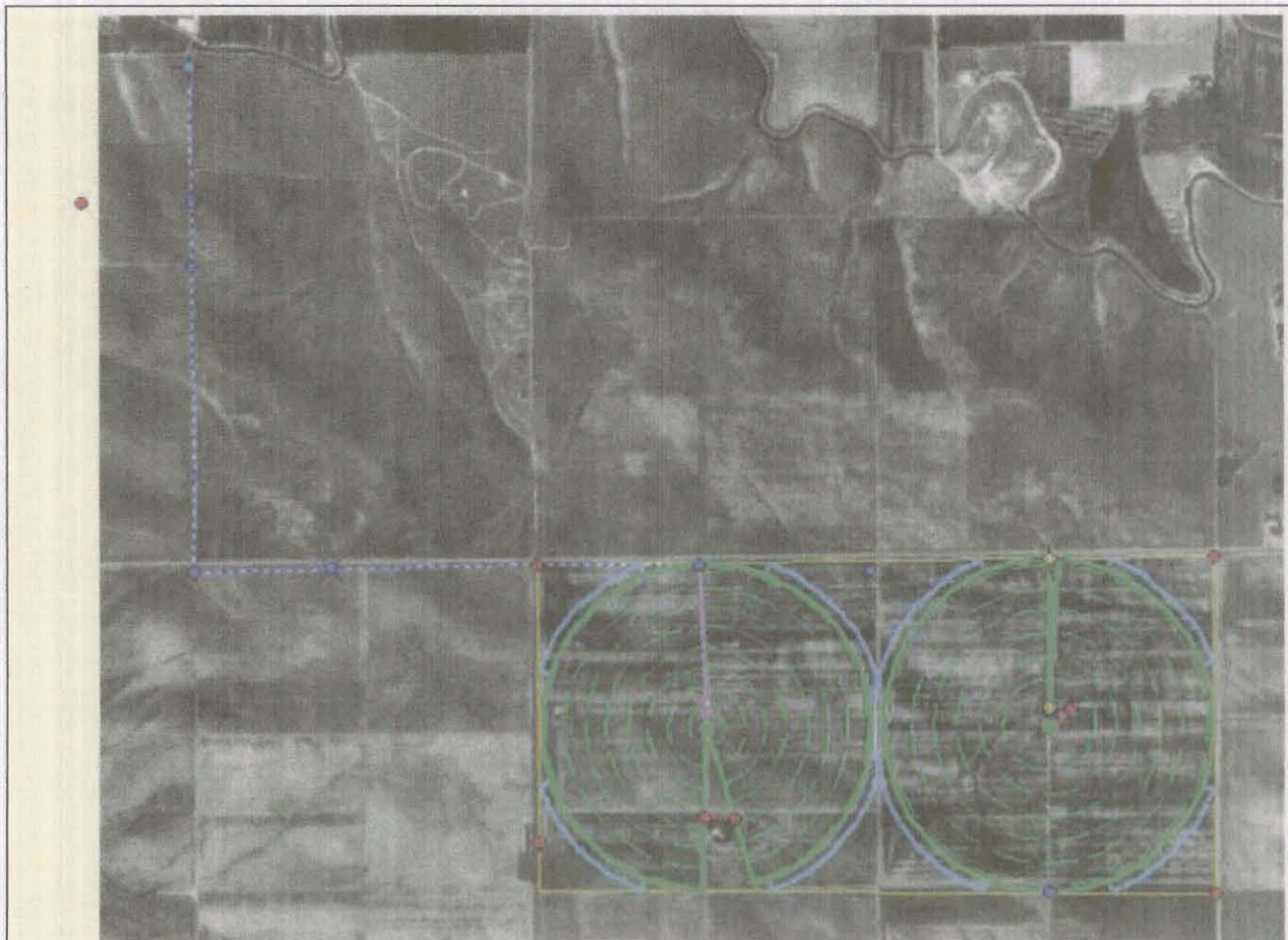
Farm: Columbia River Farms - 255 acres

Grower:

3/23/2010

Systems:	Length	Spans	Total area including endgun
● west pvt	1274.67 ft	8 spans + 11 ft o.h.	123.63 acres
● east pvt	1292.67 ft	7 spans + 33 ft o.h.	131.96 acres

Pipe and Wire:	Length / Size	Description
● Pipe 1	7883.49 ft / 12	
● sub main west pvt	1200.11 ft / 10"	
● Pipe 4	189.67 ft / ??	



SCANNED

FEB 25 2011



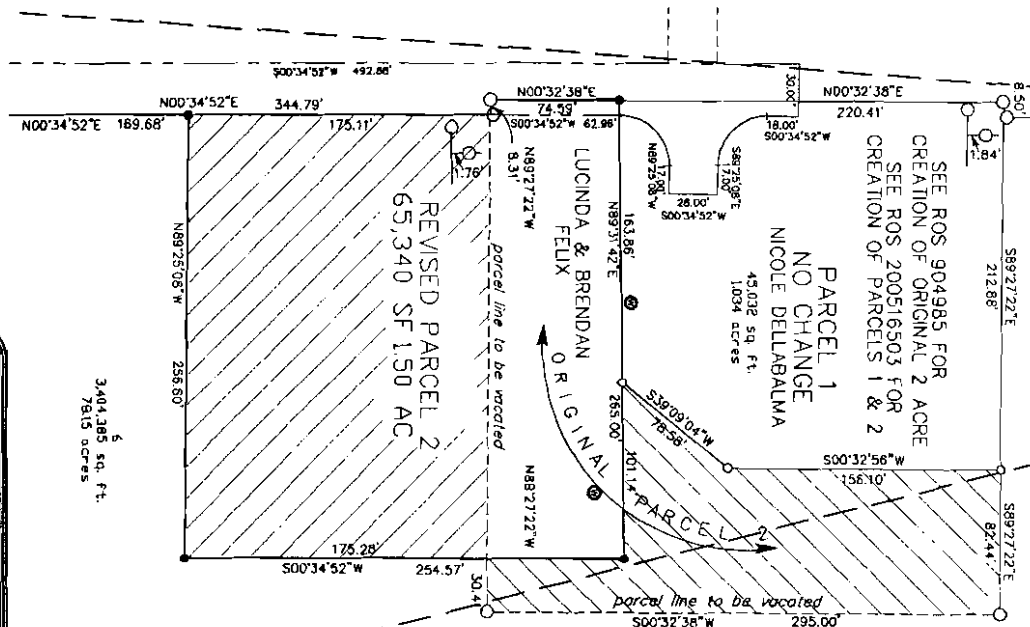
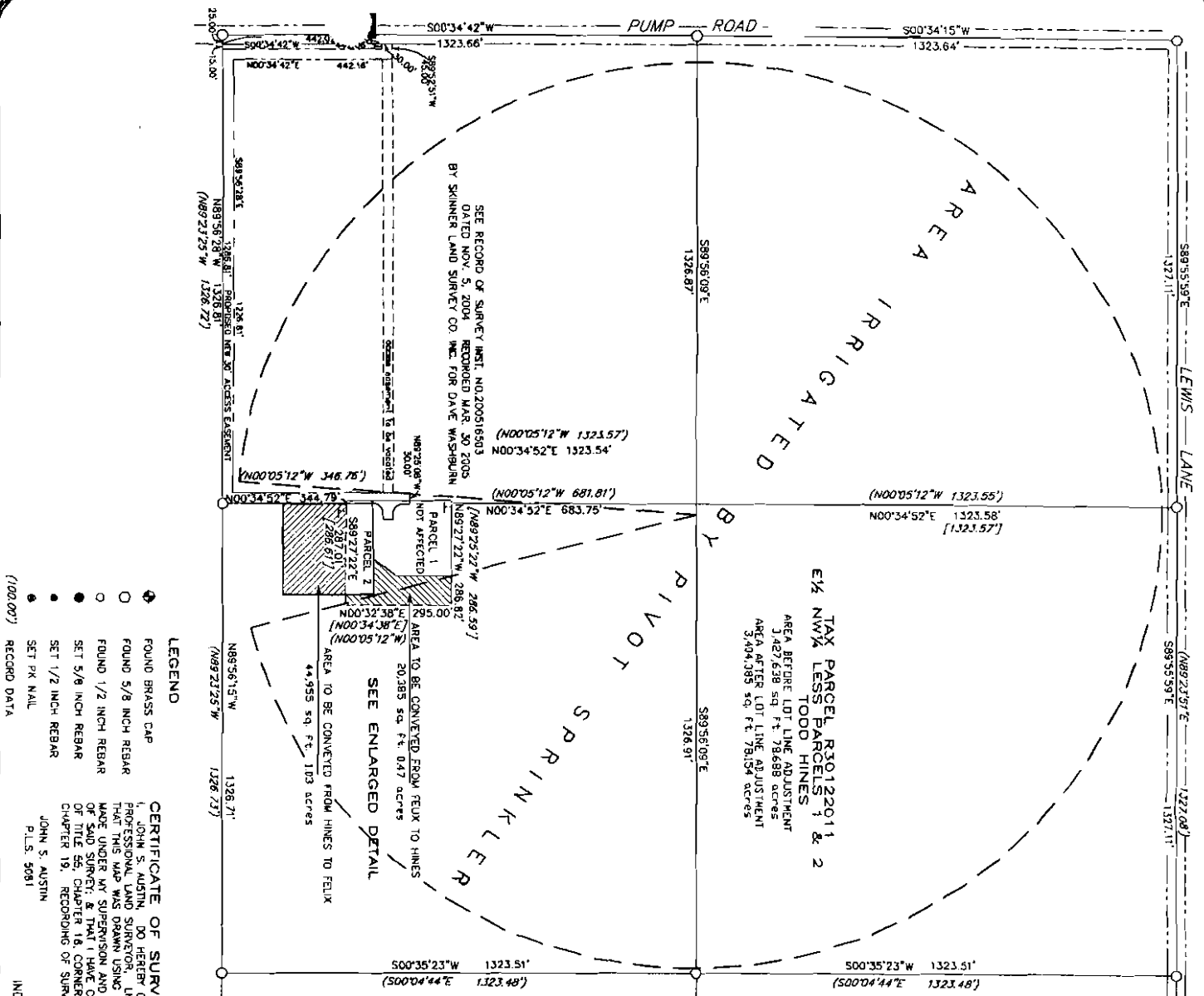
2009 Aerial Photo

0 0.125 0.25 0.5 0.75 1 Miles

Legend

-  PPU
-  Township/Range
-  Sections
-  QQ

Attachment 7b, (2 pgs)



RECORD OF SURVEY
PARCEL LINE ADJUSTMENT
BETWEEN TODD HINES & LUCINDA FELIX
R30122011 & R30122010A
PARCELS OF LAND IN THE
E1/4 NW1/4 OF SECTION 14
T2 N, R3 W, B1M, CANYON CO. IDAHO

JOHN S. AUSTIN
SURVEYING

SCALE: 1" = 200'
DATE: 06/20/2010
10320 CHANBERS ST
BOISE, ID 83713
(208) 372-8003

PN-54353

ATTACHMENT 9

PN-54419

INSTRUMENT NO. 9924656

BRIAN F. McCOLL
WILSON, CARNAHAN & McCOLL
420 W. Washington
P.O. Box 1544
Boise, Idaho 83701
Telephone: 208-345-9100
Attorney for Defendants Montierth

NO. 1
FILED 2:45
AM. P.M.

APR 13 1994

DAVID N. VARRIS, CLERK
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

W. NOLAN VICTOR and RUBY C.)
VICTOR, husband and wife; and)
ROBERT J. MEYERS and KATHI L.)
MEYERS, husband and wife,)

Plaintiffs,)

vs.)

HERBERT R. MONTIERTH and THE)
ESTATE OF GOLDA D. MONTIERTH;)
EDWARD RAY MONTIERTH and SUSAN L.)
MONTIERTH, husband and wife;)
RODNEY KENT MONTIERTH and DOLLIE)
MONTIERTH, husband and wife;)
MONTIERTH ENTERPRISES, a)
Partnership consisting of each of)
the above-named individual)
Defendants; and NORWEST)
AGRICULTURAL CREDIT, INC., a)
foreign corporation authorized to)
do business in the State of Idaho,)

Defendants.)

Case No. 95729

DECREE OF PARTITION BY
STIPULATION AND ORDER

RECITALS

By Pre-Trial Order entered by this Court on February 12, 1993, the trial in this matter was bifurcated with issues pertaining to a partition of the real estate presented at Court Trial on February 19, 1993. At the conclusion of that trial, the Court orally entered its Findings of Fact and Conclusions of Law with respect to the partition of the real estate which Findings and Conclusions have been transcribed.

By agreement between the parties, a 400 acre parcel of the so-called Star Farm was sold to a third party on May 13, 1993; and, by another agreement between the parties, the Montierths Defendants conveyed their interest in the remaining 520 acres of the Star Farm to the Plaintiffs on or about November 12, 1993.

Pursuant to Idaho Code §6-512, the Court entered its Order of Reference on June 9, 1993 wherein W. Roy Brown, Anthony Moreda and Robert W. Smith were appointed referees with directions to determine a proper division of the portion of the real property known as the "Nampa Farm".

Thereafter, the Court entered its Order on Referee's Report on October 4, 1993 directing that the parties conduct a lottery to determine which party would receive which parcels. On October 5, 1993, the parties with their counsel met, the lottery was conducted and with certain modifications to the referee's Report, the parties stipulated to a division of the Nampa Farm.

Attached hereto as Exhibit "A" and by this reference made a part hereof is a schematic map of the real property known to the

parties as the Nampa Farm containing thereon, in addition to the real property, certain ground water wells.

STIPULATION

1. The following real and personal property is awarded to and fee simple title shall be vested in Herbert R. Montierth and the Estate of Golda D. Montierth, Edward Ray Montierth and Susan L. Montierth, husband and wife, Rodney Kent Montierth and Dolly Montierth (hereinafter "Montierths"):

The NW¼ of the NW¼ of Section 13 and the NW¼ of Section 14 of Township 2 North, Range 3 West, Boise Meridian, County of Canyon, excepting therefrom a tract of land commencing at the northeast corner of said Section 14 monumented with a rebar, 5/8" in diameter; thence south 62°48'15" west 4,482.39 feet to the POINT OF BEGINNING; said point bears 63°05'00" east 1,480.17 feet from a found 3/8" pipe at the northwest corner of the southwest corner of the southwest quarter of the northwest quarter, Section 14 (north 1/16 corner); thence north 89°54'30" east 295.32 feet; thence south 0°05'30" east 295.00 feet; thence south 89°54'30" west 295.32 feet; thence north 0°05'30" west 295.00 feet to the POINT OF BEGINNING. (Parcel No. 1)

Together with all right, title and interest in, including well water permits for well No. 1 and well No. 4 as designated in Exhibit "A"; together with that certain easement for the benefit of the referenced Parcel No. 1, which easement is more particularly described on Exhibit "B" attached hereto and by this reference incorporated herein.

2. The following real and personal property is awarded to and fee simple title shall be vested in Robert J. Meyers and Kathi L. Meyers (hereinafter "Meyers"):

The W½ and the SE¼ of Section 15 of Township 2 North, Range 3 West, Boise Meridian, Canyon County.

and

Lots 1 and 2 of Meyers/Montierth/Victor acreages in Section 10, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho. (Parcel No. 2)

Together with all right, title and interest in, including well water permits for wells Nos. 5, 6 and 7 as designated on Exhibit "A".

3. The following real and personal property is award to and fee simple title shall be vested in W. Nolan Victor and Ruby C. Victor (hereinafter "Victors"):

The NE¼ of Section 15 and the S½ of Section 14, Township 2 North, Range 3 West, Boise Meridian, Canyon County, excepting therefrom a tract of land commencing at the northeast corner of said southeast quarter (east quarter corner) monument with an iron pipe 2" diameter; thence south 0°3' east 478.04 feet along the east boundary of said southeast quarter; thence south 89°57' west 25 feet to the POINT OF BEGINNING; thence south 89°57' west 396 feet; thence south 0°3' east 220 feet parallel with the east boundary of said southeast quarter; thence north 89°57' east 396 feet; thence north 0°3' west 220 feet parallel with the east boundary of said southeast quarter to the POINT OF BEGINNING.

and

Lot 5 of Meyers/Montierth/Victor acreages in Section 10, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho. (Parcel No. 3)

Together with all right, title and interest in, including well water permits for wells Nos. 8 and 9 as designated on Exhibit "A".

4. Any and all government allotments used in connection with and appurtenant to all of the above described real property shall be divided and awarded in three equal shares, one each to the Montierths, Victors and Meyers.

5. Parcel No. 1 awarded to the Montierths is currently subject to a first mortgage lien in favor of Farm Credit Bank of Spokane as mortgagee, whose mortgagee's interest was subsequently assigned to W. Nolan Victor and Robert J. Meyers. It is agreed that the Montierths' share of the unpaid balance due, and that therefore the only obligation in reference to this mortgage that encumbers the property shall be the sum of \$68,436.00 as of June 28, 1993, which unpaid principal balance shall be paid by the Montierths together with interest on the unpaid principal balance at the rate of ten percent (10%) per annum by the payment of \$21,474.05 on or before February 1, 1994 and each February 1 thereafter until the principal balance plus accrued interest shall be paid in full. All other terms and conditions of the original Promissory Note and Mortgage, including penalty interest, shall remain in full force and effect. Victor and Meyers acknowledge receipt of the February 1, 1994 payment.

6. The Court appointed referee has submitted his invoice in the sum of \$3,076.00. Each of the Montierths, Victors and Meyers shall be responsible for one-third (1/3) of the invoiced amount. It is acknowledged that this invoice has been paid accordingly.

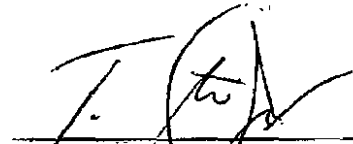
7. The parties reserve all rights and claims with respect to attorney fees incurred herein.

8. With respect to Parcel Nos. 1, 2 and 3, the parties to whom each parcel is not awarded, shall execute Quitclaim Deeds to the party to whom the parcel is awarded; and the Plaintiffs shall execute the original Exhibit "B", all of such acts shall be subject to the requirements and sanctions of Rule 70 I.R.C.P.

9. The Montierths, Meyers and Victors shall each take one-third of all irrigation hand lines, wheel lines and portable aluminum main line sections currently located on the Nampa farm.

DATED this 12th day of April 1994.


 STEPHEN W. BEANE
 Attorney for Victors and Meyers


 T. STEVE JOYCE
 Attorney for the Estate of
 Golda Montierth

WILSON, CARNAHAN & MCCOLL

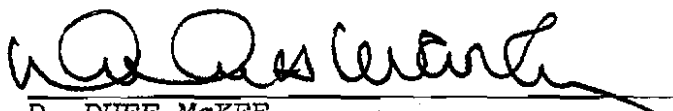
By 
 BRIAN F. MCCOLL
 Attorney for Montierths

ORDER

Upon reading the foregoing Recitals and Stipulation and good cause appearing therefore;

IT IS HEREBY ORDERED that all terms and conditions of the foregoing Stipulation be adjudicated and decreed to be a Final Judgment of this Court.

DATED this 13th day of April, 1994.


D. DUFF MCKEE
District Judge

RULE 54(b) CERTIFICATION

With respect to the issues determined by the above Judgment or Order, it is hereby certified in accordance with Rule 54(b) of the Idaho Rules of Civil Procedure that the Court has determined that there is no just reason for delay of the entry of the final judgment and that the Court has and does hereby direct that the above Judgment or Order shall be a final Judgment upon which execution may issue and appeal may be taken as provided by the Idaho Appellate Rules.

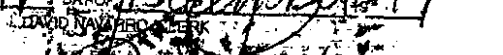
DATED this 13th day of April, 1994.

STATE OF IDAHO
COUNTY OF ADA
SS.

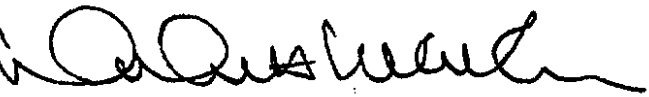
I, J. DAVID NAVARRO, CLERK OF THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 13th DAY OF APRIL, 1994.

J. DAVID NAVARRO, CLERK

BY  DEPUTY

DECREE OF PARTITION BY STIPULATION AND ORDER - 7
s/259


D. DUFF MCKEE
District Judge

Meyers / Montierth / Victor

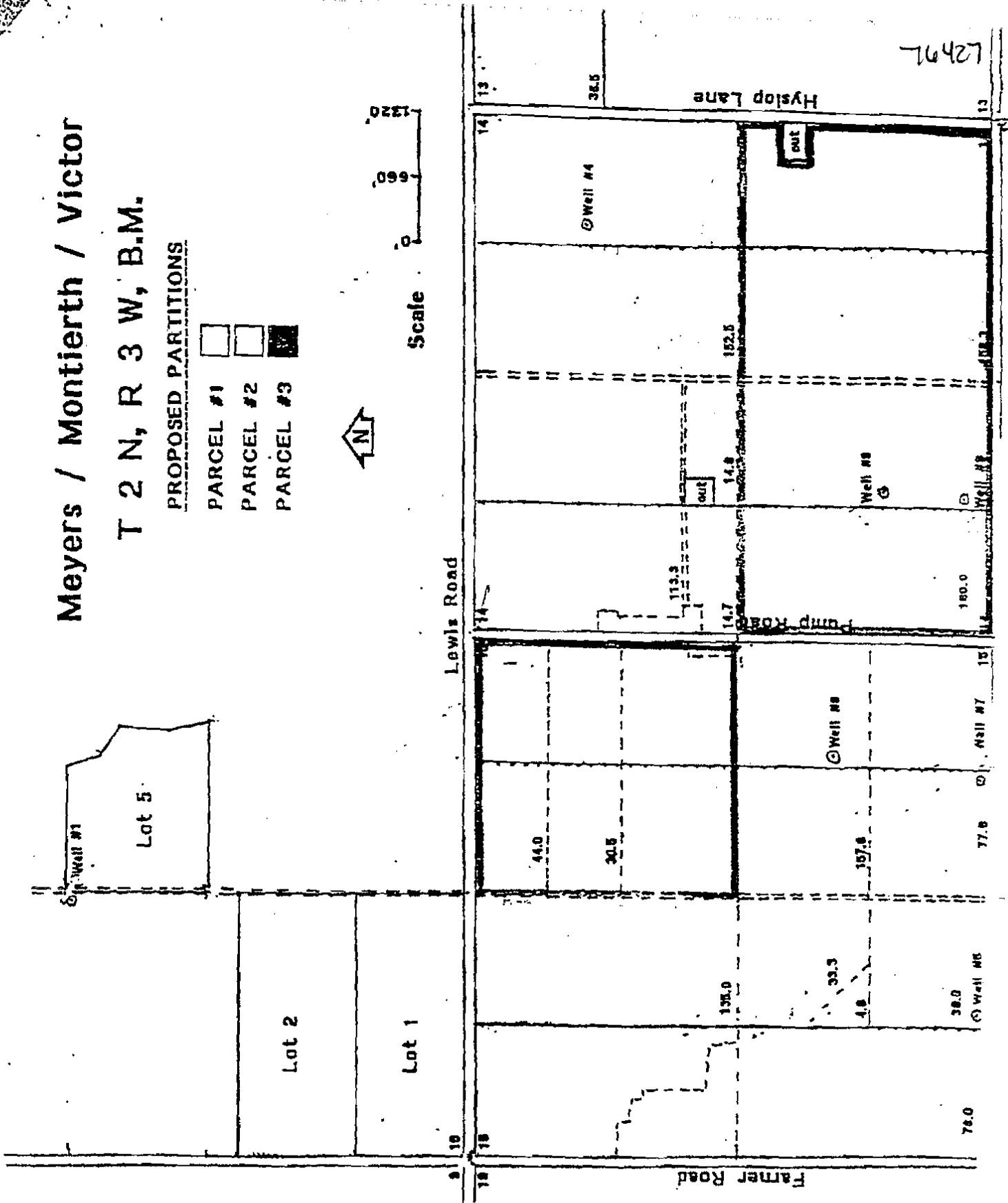
T 2 N, R 3 W, B.M.

PROPOSED PARTITIONS

- PARCEL #1 
- PARCEL #2 
- PARCEL #3 



Scale
0 660 1320



EASEMENT

GRANTOR: Robert J. Meyers and Kathi L. Meyers,
husband and wife and W. Nolan Victor and
Ruby C. Victor, husband and wife

GRANTEE: Herbert R. Montierth and The Estate of Golda
D. Montierth; Edward Ray Montierth and
Susan L. Montierth, husband and wife;
Rodney Kent Montierth and Dollie Montierth,
husband and wife

GRANTEE'S 1601 Poen Road
ADDRESS: Kuna, Idaho 83634

WHEREAS, Grantor Robert J. Meyers and Kathi L. Meyers are the owners in fee simple of the following described real property:

Lots 1 and 2 of Meyers/Montierth/Victor Acreage in Section
10, Township 2 North, Range 3 West, Boise Meridian,
Canyon County, Idaho (hereinafter "Servient Parcel No. 1");
and

WHEREAS, Grantor and W. Nolan Victor and Ruby C. Victor are the owners in fee simple of the following described real property:

The Northeast quarter of Section 15, Township 2 North,
Range 3 West, Boise Meridian, Canyon County, Idaho
(hereinafter "Servient Parcel No. 2");

WHEREAS, Grantor and Grantee have heretofore reserved and/or acquired certain easements for ingress and egress and maintenance for a powerline easement and an underground irrigation line easement, which various easements are reserved and/or acquired in Instrument Nos. 9218571, 9218572, 9222003, 92220181,

EASEMENT - 1
s/264

EXHIBIT B

records Canyon County, Idaho, which easements (hereinafter the "Existing Easements") provide in general for the use of an existing lane and the use and maintenance of an existing underground irrigation line lying on both the east and west sides of the north/south mid-section line of said Section 10.

WHEREAS, Grantee is the owner in fee simple of the following described real property:

The Northwest quarter of the Northwest quarter of Section 13 and the North half of Section 14, Township 2 North, Range 3 West, Boise Meridian, Ada County, Idaho (hereinafter the "Dominant Parcel").

FOR VALUE RECEIVED, the above named Grantor does hereby grant, bargain, sell and convey unto the above described Grantee, its successors and assigns, a perpetual easement for the construction, operation and maintenance of an underground irrigation line along and across a strip of land twenty-five feet (25') in width on the above described Servient Parcel Nos. 1 and 2 for the benefit of the Dominant Parcel, which strip of land is more particularly described as follows:

Commencing at the Northeast corner of the referenced Lot 2 of Meyers/Montierth/Victor Acreage, then running southerly across the easterly twenty-five feet (25') of Servient Parcel No. 1 to the southeast corner of said Lot 1 of Meyers/Montierth/Victor Acreage, thence commencing at the Northwest corner of the Servient Parcel No. 2, thence running easterly across the northerly twenty-five feet (25') of the above described Servient Parcel No. 2 to the northwest corner of the Dominant Parcel.

Further, Grantor does relinquish to Grantee any and all right to use and maintain the existing underground irrigation line on the Existing Easements. It being further understood that the ingress/egress use of the Existing Easements shall be non-exclusive for the benefit of all parties hereto and their successors and assigns.

This easement is subject to the following terms and conditions, to which Grantor and Grantee agree on behalf of themselves and their respective heirs, personal representative, successors and assigns forever:

1. The easement granted hereby shall be appurtenant to the land of Dominant Parcel and shall run with said land forever.
2. All use of the easement granted hereby shall be at the sole risk of the user or users thereof.
3. The Grantee, their successors and assigns shall be responsible for the costs of constructing and maintaining the underground irrigation lines.
4. In the event the Grantee shall subdivide the above described Dominant Parcel in any manner permitted by law, Grantee shall have the right to grant and convey to the owners of each of such subdivided parcels the permit right to use the easement granted herein.

DATED this 4th day of March, 1994.

GRANTOR:

Robert J. Meyers
ROBERT J. MEYERS

Kathi L. Meyers
KATHI L. MEYERS

W. Nolan Victor
W. NOLAN VICTOR

Ruby C. Victor
RUBY C. VICTOR

GRANTEE:

Herbert R. Montierth
HERBERT R. MONTIERTH

Herbert R. Montierth
ESTATE OF GOLDA D. MONTIERTH by
Herbert R. Montierth, Personal
Representative

Edward Ray Montierth
EDWARD RAY MONTIERTH

Susan L. Montierth
SUSAN L. MONTIERTH

Rodney Kent Montierth
RODNEY KENT MONTIERTH

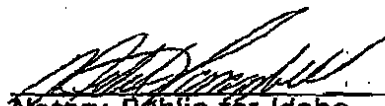
Dollie Montierth
DOLLIE MONTIERTH

STATE OF IDAHO)
County of Twin Falls) ss.

On this 15th day of March, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT J. MEYERS, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)


Notary Public for Idaho
Residing at Twin Falls, Idaho
Commission expires: _____

STATE OF IDAHO)
County of Twin Falls) ss.

On this 4th day of March, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared KATHI L. MEYERS, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(SEAL)


Notary Public for Idaho
Residing at Twin Falls, Idaho
Commission expires: _____

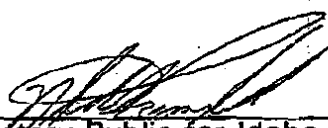
76427

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of March, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared W. NOLAN VICTOR, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)

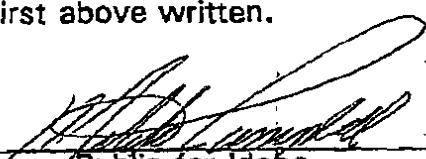

Notary Public for Idaho
Residing at Twin Falls, Idaho
Commission expires: _____

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of March, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared RUBY C. VICTOR, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(SEAL)


Notary Public for Idaho
Residing at Twin Falls, Idaho
Commission expires: _____

STATE OF IDAHO)
) ss.
 County of Ada)

On this 11th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared HERBERT R. MONTIERTH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)

Donald R. Rive
 Notary Public for Idaho
 Residing at Boise, Idaho
 Commission expires: May 7-94

STATE OF IDAHO)
) ss.
 County of Ada)

On this 11th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared HERBERT R. MONTIERTH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as personal representative of the Estate of Golda D. Montierth.

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

(SEAL)

Donald R. Rive
 Notary Public for Idaho
 Residing at Boise, Idaho
 Commission expires: May 7-94

STATE OF IDAHO)
) ss.
 County of Ada)

On this 16th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWARD RAY MONTIERTH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)

Donald Rowe
 Notary Public for Idaho
 Residing at Buna, Idaho
 Commission expires: May 7-94

STATE OF IDAHO)
) ss.
 County of Ada)

On this 16th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared SUSAN L. MONTIERTH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(SEAL)

Donald Rowe
 Notary Public for Idaho
 Residing at Buna, Idaho
 Commission expires: May 7-94

STATE OF IDAHO)
County of Ada) ss.

On this 11th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared RODNEY KENT MONTIERTH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)

Donald Rowe
Notary Public for Idaho
Residing at Idaho, Idaho
Commission expires: May 7 - 94

STATE OF IDAHO)
County of Ada) ss.

On this 11th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared DOLLIE MONTIERTH, known and identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(SEAL)

Donald Rowe
Notary Public for Idaho
Residing at Idaho, Idaho
Commission expires: May 7 - 94

EASEMENT - 8
#1264

REQUEST
TYPE Misc FEB. 5/00
PIONEER - NAMP

CANYON CNTY RECORDER
BY SHAWME

39 JUN 23 PM 4 11

RECORDED

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