

Transfer No. 77033

Receipt No. 5031828

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

1. Applicant Information TED HIGLEY
 PO BOX 57
 MALTA ID 83342
 (208)645-2444
 And

BETTY ANN HIGLEY
 PO BOX 57
 MALTA ID 83342
 (208)645-2444

RECEIVED
MAR 11 2011
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Will this transfer result in an ownership change? _____ Yes X No

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

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-7048	WR/License	0.76			74.0	UNNAMED STREAM
43-13031	WR/Decreed	2.40			113.0	CASSIA CREEK
43-13041	WR/License	1.91	452.0		113.0	GROUND WATER
43-13042	WR/License	0.64	112.0		38.0	GROUND WATER
43-13032	WR/Decreed	0.80			38.0	CASSIA CREEK

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

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-7048	NO	NO	YES	NO	NO	NO
43-13031	NO	NO	YES	NO	NO	NO
43-13041	NO	NO	YES	NO	NO	NO
43-13042	NO	NO	YES	NO	NO	NO
43-13032	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

The transfer proposes to create a permissible place of use

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

N/A

B. Describe the effects on other water uses resulting from the proposed change
N/A

5. Total Amounts Transferred

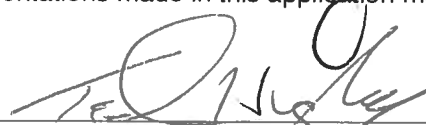
	Rate	Acre Limit	Total Acres	Volume
43-7048	0.76 cfs	74.0	151.0	
43-13031	2.40 cfs	113.0	151.0	
43-13041	1.91 cfs	113.0	151.0	452.0 af
43-13042	0.64 cfs	38.0	151.0	112.0 af
43-13032	0.80 cfs	38.0	151.0	
TOTAL	6.51 cfs	151.0	151.0	564.0 af

Transfer No. 77033

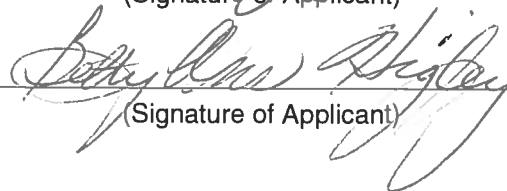
Receipt No. _____

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



(Signature of Applicant)



(Signature of Applicant)

Transfer No. 77033

Receipt No. _____

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

Current Water Right No. 43-7048

Priority Date: December 28, 1973

Origin: Water Right

Basis: Decreed

Status: Active

RECEIVED
MAR 11 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: UNNAMED STREAM**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.76 CFS		
	Total Diversion	0.76 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM SWNENW Sec. 24 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	24																	74.0
			39.0				35.0												

Total Acres: 74

Conditions/Remarks:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13031, 43-13041, AND 43-7048.
- 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.

Page 5

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

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

Transfer proposes to create a PPU

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 77033

Receipt No. _____

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

Current Water Right No. 43-13031

Priority Date: May 29, 1907

Origin: Water Right

Basis: Decreed

Status: Active

RECEIVED
MAR 11 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: CASSIA CREEK**Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.40 CFS		
	Total Diversion	2.40 CFS		

Source and Point(s) of Diversion:

CASSIA CREEK NWSWNE Sec. 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	13											39.0						39.0
13S	26E	24			39.0		35.0												74.0

Total Acres: 113

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13031, 43-13041, AND 43-7048.
2. 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. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-123.

Page 7

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

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

Transfer proposes to create a PPU

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 77033

Receipt No. _____

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

Current Water Right No. 43-13041

Priority Date: February 19, 1960

Origin: Water Right

Basis: Decreed

Status: Active

RECEIVED
MAR 11 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.91 CFS	452.0 AFA	
	Total Diversion	1.91 CFS	452.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 13 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 13												39.0					39.0
13S 26E 24			39.0		35.0												74.0

Total Acres: 113

Conditions/Remarks:

1. 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.
2. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2491.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13031, 43-13041, AND 43-7048.

Page 9

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

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

Transfer proposes to create a PPU

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 77033

Receipt No. _____

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

Current Water Right No. 43-13042

Priority Date: February 19, 1960

Origin: Water Right

Basis: Decreed

Status: Active

RECEIVED
MAR 11 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.64 CFS	112.0 AFA	
	Total Diversion	0.64 CFS	112.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 13 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	13												38.0					38.0

Total Acres: 38

Conditions/Remarks:

1. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2491.
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 38 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13032, AND 43-13042.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Page 11

Documentation of Ownership of the Current Place of Use
Warranty Deed

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

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

Transfer proposes to create a PPU

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

NO

Transfer No. 77033

Receipt No. _____

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

Current Water Right No. 43-13032

Priority Date: May 29, 1907

Origin: Water Right

Basis: Decreed

Status: Active

RECEIVED
MAR 11 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Source: CASSIA CREEK**Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.80 CFS		
	Total Diversion	0.80 CFS		

Source and Point(s) of Diversion:

CASSIA CREEK NWSWNE Sec. 23 Twp 13S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	13												38.0					38.0

Total Acres: 38

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 38 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-13032 AND 43-13042.
2. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-123.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Page 13

Documentation of Ownership of the Current Place of Use
Warranty Deed

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

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

Transfer proposes to create a PPU

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 77033

Receipt No. _____

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

Proposed Water Right No. 43-7048

Priority Date: December 28, 1973

Origin: Water Right

Basis: Decreed

Status: Active

Source: UNNAMED STREAM**Tributary:** SINKS

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.76 CFS		
	Total Diversion	0.76 CFS		

Source and Point(s) of Diversion:

UNNAMED STREAM SWNENW Sec. 24 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	13																	63.0
13S	26E	24			34.0	17.0		37.0											88.0

Total Acres: 151

Transfer No. 77033

Receipt No. _____

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

Proposed Water Right No. 43-13031

Priority Date: May 29, 1907

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK**Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.40 CFS		
	Total Diversion	2.40 CFS		

Source and Point(s) of Diversion:

CASSIA CREEK NWSWNE Sec. 23 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 13												33.0	30.0				63.0
13S 26E 24		34.0	17.0		37.0												88.0

Total Acres: 151

Transfer No. 77033

Receipt No. _____

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

Proposed Water Right No. 43-13041

Priority Date: February 19, 1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.91 CFS	452.0 AFA	
	Total Diversion	1.91 CFS	452.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 13 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 13											33.0	30.0					63.0
13S 26E 24		34.0	17.0		37.0												88.0

Total Acres: 151

Transfer No. 77033

Receipt No. _____

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

Proposed Water Right No. 43-13042

Priority Date: February 19, 1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.64 CFS	112.0 AFA	
	Total Diversion	0.64 CFS	112.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSW Sec. 13 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 26E 13											33.0	30.0					63.0
13S 26E 24		34.0	17.0		37.0												88.0

Total Acres: 151

Transfer No. 77033

Receipt No. _____

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

Proposed Water Right No. 43-13032

Priority Date: May 29, 1907

Origin: Water Right

Basis: Decreed

Status: Active

Source: CASSIA CREEK**Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	0.80 CFS		
	Total Diversion	0.80 CFS		

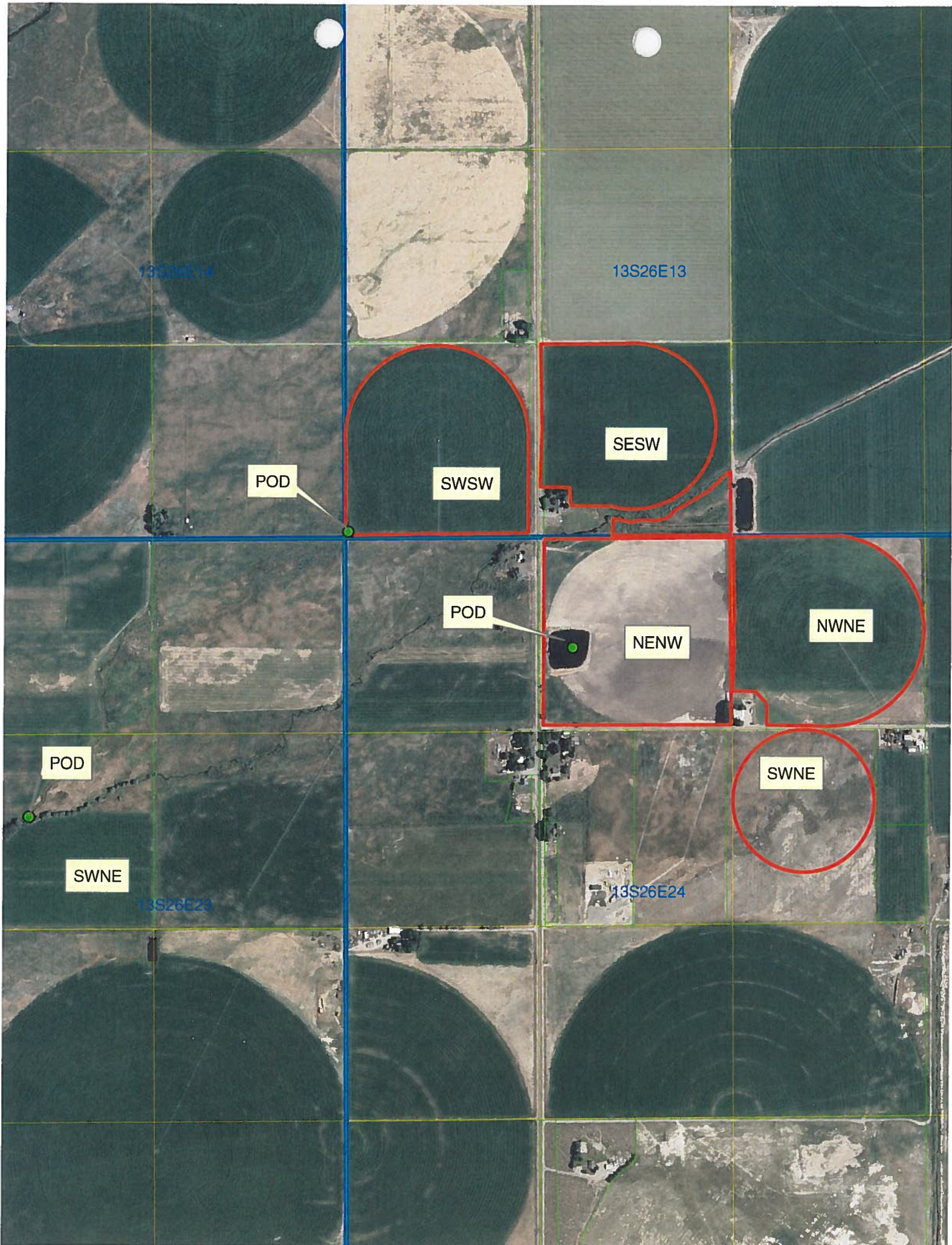
Source and Point(s) of Diversion:

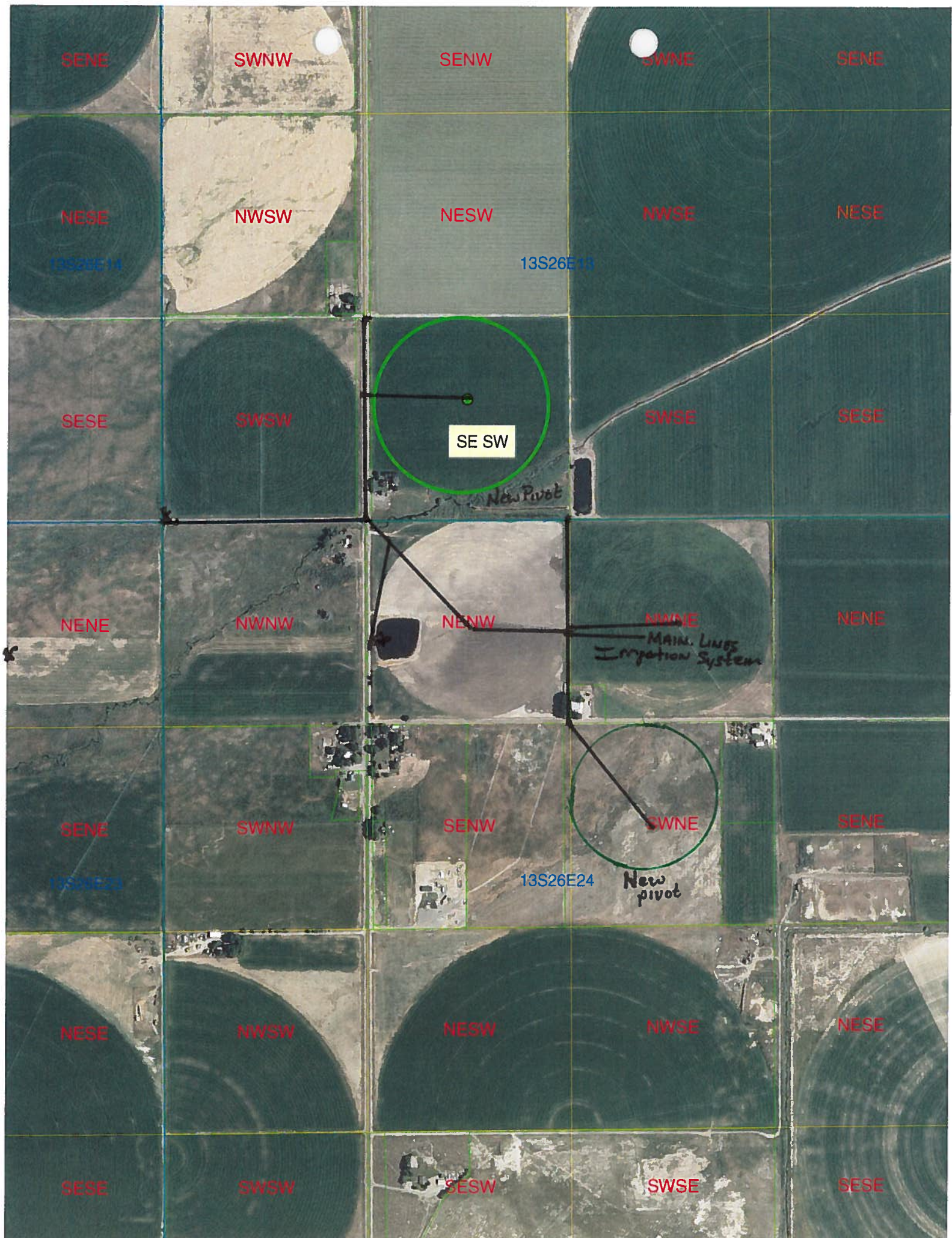
CASSIA CREEK NWSWNE Sec. 23 Twp 13S Rge 26E CASSIA County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	26E	13																	63.0
13S	26E	24		34.0	17.0		37.0												88.0

Total Acres: 151





WARRANTY DEED

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
3:04:10 pm 01-10-2008
2008-000423
NO. PAGES: 2 FEE: \$6.00
LARRY A. NICKELSEN
COUNTY CLERK
DEPUTY: KLMARR

No #

For Value Received

Joseph E. Barrett and Susan B. Barrett, husband and wife

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

Ted Higley and Betty Ann Higley, husband and wife

Address: P. O. Box 57
Malta, Idaho 83342

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

See attached Exhibit "A" for legal description

THIS REAL PROPERTY IS CONVEYED WITHOUT ANY WATER RIGHTS. ANY WATER RIGHTS APPURTENANT TO THE REAL ESTATE DESCRIBED ON EXHIBIT "A" ARE BEING RETAINED BY THE GRANTOR.

SUBJECT TO:

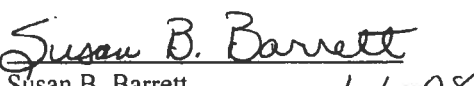
All reservations in patents or deeds in the chain of title.

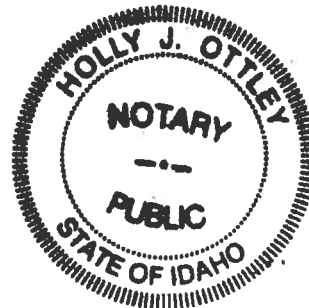
Accruing taxes, levies and assessments; easements and rights of way of record if any.

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

Dated: December 1, 2007

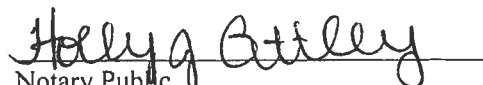

Joseph E. Barrett


Susan B. Barrett 1-6-08



STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 6 day of January, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph E. Barrett and Susan B. Barrett, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at: Deeds
My Commission expires: 9-7-2011

Re-recorded to add legal description

QUITCLAIM DEED

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
1:26:54 pm 07-12-2010
2010-003356
NO. PAGES: 2 FEE: \$6.00
DEE YEAMAN
COUNTY CLERK
DEPUTY: VIKI

No #

For Value Received

Joseph W. Barrett, Trustee of the Joseph and Luana Barrett Family Trust and Joseph W. Barrett and Luana Barrett, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

Ted Higley and Betty Ann Higley, husband and wife
ADDRESS: P. O. Box 57
Malta, Idaho 83342

Hereinafter called the grantee, the following described premises, in Cassia County, Idaho to-wit:

See attached Exhibit "A" for legal description

THIS QUITCLAIM DEED IS EXECUTED AND RECORDED TO REMOVE THE LIFE ESTATE ONLY TO THE PROPERTY DESCRIBED ON EXHIBIT "A" WHICH RESERVATION OF LIFE ESTATE WAS CONTAINED IN THE CORRECTED QUITCLAIM DEED DATED JANUARY 15, 2002 AND RECORDED JUNE 12, 2002 AS INSTRUMENT NO. 282062, RECORDS OF CASSIA COUNTY, IDAHO

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

Dated: July 6, 2010

JOSEPH AND LUANA BARRETT FAMILY TRUST

By: Joseph W. Barrett
Joseph W. Barrett, Trustee

Joseph W. Barrett
Joseph W. Barrett

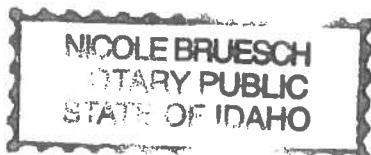
Luana Barrett
Luana Barrett

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
2:52:19 pm 07-19-2010
2010-003478
NO. PAGES: 3 FEE: \$16.00
DEE YEAMAN
COUNTY CLERK
DEPUTY: VIKI

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 8th day of July, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph W. Barrett, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of the Joseph and Luana Barrett Family Trust, and acknowledged to me that she executed the same as such Trustee.

Nicole Bruesch
Notary Public
Residing at: Malta, ID
My Commission expires: 7/4/12



STATE OF IDAHO)

) ss.

COUNTY OF Cassia)

On this 8th day of July, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **Joseph W. Barrett and Luana Barrett**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Nicole Bruesch

Notary Public

Residing at: Maita, ID

My Commission expires: 7-14-12

EXHIBIT "A"

October 23, 2002
JOB # 6393-02B1
JOE BARRETT SURVEY

L E G A L D E S C R I P T I O N

Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24 of Township 13 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24 of T.13 S., R.26 E., B.M., marked by a $\frac{5}{8}$ " rebar which shall be the Point of Beginning:

THENCE North 89 degrees 41 minutes 55 seconds East along the north line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 993.88 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 02 minutes 43 seconds West for a distance of 1319.89 feet to a $\frac{1}{2}$ " rebar on the east-west $\frac{1}{4}$ section line;

THENCE South 89 degrees 32 minutes 56 seconds West along said line for a distance of 1050.50 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 01 minutes 54 seconds East for a distance of 1322.62 feet to a $\frac{1}{2}$ " rebar on the north line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE North 89 degrees 41 minutes 07 seconds East along said line for a distance of 56.91 feet to the Point of Beginning.

Said property contains 31.87 acres more or less and is subject to a county road right of way along the north side and subject to any other easements or right of ways of record or use.

PREPARED BY:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, ID 83318



COPY
Original held in Escrow
until Contract is PAID

WARRANTY DEED

For Value Received

Blaine Wight and Viola June Wight, Husband and Wife,
Box 8, Malta, Idaho,

the grantors, do hereby grant, bargain, sell and convey unto

Ted Higley and Betty Ann Higley, Husband and Wife,
Box 57, Malta, Idaho,

the grantees, the following described premises, to-wit:

Township 13, Range 26 East Boise Meridian, Cassia County,
Idaho,

Section 13: $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}$ of Tax Number
2086, $S\frac{1}{2}$ of Tax Number 2086.

Reserving and excepting to Sellers a life estate in the
resident, garage, cellar and surrounding approximately
two acres located on said property.

Township 13 South Range 26 East Boise Meridian, Cassia
County, Idaho,

Section 13: $SW\frac{1}{4}SW\frac{1}{4}$

Township 12 South, Range 28 East Boise Meridian, Cassia
County, Idaho,

Section 13: $SE\frac{1}{4}NE\frac{1}{4}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ (80 acres)

Township 12 South, Range 29 East Boise Meridian, Cassia
County, Idaho,

Section 18: $S\frac{1}{2}$ $NE\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$, $SW\frac{1}{4}$ $SE\frac{1}{4}$,
 $E\frac{1}{2}$ $SW\frac{1}{4}$, and Lots 3 & 4 of said section
(330.4 acres)

Section 17: $SW\frac{1}{4}$ (160 acres)

Township 14 South, Range 30 East Boise Meridian, located
in Oneida County, State of Idaho.

Section 28: $E\frac{1}{2}$, $SE\frac{1}{4}$ $NW\frac{1}{4}$ (360 acres)

and

Sellers one half (1/2) interest in the Glen Canyon Spring
water right located on land that is controlled by the
United States of America Bureau of Land Management.

Together with all and singular the tenements,
hereditaments, appurtenances and water rights thereto.

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

DATED this 7 day of February, 1992.

Blaine Wight
BLAINE WIGHT

Viola June Wight
VIOLA JUNE WIGHT

STATE OF IDAHO)
 SS
County of Cassia)

On this 7 day of February, 1992, before me, a notary public in and for said State, personally appeared Blaine Wight and Viola June Wight, Husband and 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.

Douglas R. Wight
Notary Public of Idaho
Residing at Burley, Idaho
My Commission Expires: Aug. 1992

WARRANTY DEED

#48022

COPY

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
12:03:27 pm 12-15-2010
2010-005784
NO. PAGES: 3 FEE: \$16.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: THERESA

For Value Received

JERRY R. UDY and DELMA D. UDY, husband and wife

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

TED V. HIGLEY and BETTY ANN HIGLEY, husband and wife as community property with right of survivorship

Mailing Address: P.O. Box 57, Malta, ID 83342

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

See Attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to water right no. 43-13032 and 43-13042.

SUBJECT TO:

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

Taxes subsequent to the year 2010.

Assessments of the Raft River Irrigation District and the rights and powers of said District as by law provided.

Oil And Gas Lease, by and between Leo Wm. Beyler, Lessor and Heber E. Bingham, Lessee, dated March 10, 1950 and recorded April 25, 1950 as Instrument No. 169067, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Blaine Wight, Jerry Udy and Ted Higley, Consumer, dated April 11, 1988 and recorded May 31, 1988 as Instrument No. 195736, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Afton D. Nye and Annie H. Nye, Consumer, dated May 1, 1990 and recorded August 16, 1990 as Instrument No. 209010, records of Cassia County, Idaho.

Effects of Resolution of Cassia County Planning and Zoning Commission Resolution 2007-10-1, dated October 4, 2007 and recorded October 10, 2007 as Instrument No. 2007-318703, records of Cassia County, Idaho.

Agreement For Electrical Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller, and Rodney Hall, Consumer, dated April 3, 2008 and recorded April 11, 2008 as Instrument No. 2008-002355, records of Cassia County, Idaho.

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

Dated: December 14, 2010

Jerry R. Udy
JERRY R. UDY

Delma D. Udy
DELMA D. UDY

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 14th day of December, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **JERRY R. UDY** and **DELMA D. UDY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Tina Hanssen
Notary Public
Residing at: Reupert, ID
My Commission expires: 05/07/15

PARCEL NO. 1

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$, **SAVE AND EXCEPT** the following described parcel:

Beginning at the Southwest Corner of Section 13, said corner marked by a 5/8 inch rebar with 3 inch aluminum cap on top; thence North 89°49'20" East along the south line of Section 13 for a distance of 1361.46 feet to the east right of way of State Highway 81 which shall be the Point of Beginning;

Thence North 00°04'59" West along the east right of way of State Highway 81 for a distance of 311.41 feet to a $\frac{1}{2}$ inch rebar;

Thence South 89°07'31" East for a distance of 171.79 feet to a $\frac{1}{2}$ inch rebar;

Thence South 01°04'23" East for a distance of 106.53 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°14'28" East for a distance of 289.12 feet to a $\frac{1}{2}$ inch rebar;

Thence South 00°50'24" West for a distance of 164.37 feet to a $\frac{1}{2}$ inch rebar;

Thence South 78°48'45" West for a distance of 211.13 feet to the south line of Section 13;

Thence South 89°49'20" West along said line for a distance of 252.89 feet to the Point of Beginning.

PARCEL NO. 2

A Perpetual Easement for buried irrigation mainline and an easement to maintain the buried mainline for the benefit of Parcel No. 1 over under and across the following described property:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: Beginning at the Southwest Corner of Section 13, said corner marked by a 5/8 inch rebar with 3 inch aluminum cap on top; thence North 89°49'20" East along the south line of Section 13 for a distance of 1361.46 feet to the east right of way of State Highway 81 which shall be the Point of Beginning;

Thence North 00°04'59" West along the east right of way of State Highway 81 for a distance of 311.41 feet to a $\frac{1}{2}$ inch rebar;

Thence South 89°07'31" East for a distance of 171.79 feet to a $\frac{1}{2}$ inch rebar;

Thence South 01°04'23" East for a distance of 106.53 feet to a $\frac{1}{2}$ inch rebar;

Thence North 89°14'28" East for a distance of 289.12 feet to a $\frac{1}{2}$ inch rebar;

Thence South 00°50'24" West for a distance of 164.37 feet to a $\frac{1}{2}$ inch rebar;

Thence South 78°48'45" West for a distance of 211.13 feet to the south line of Section 13;

Thence South 89°49'20" West along said line for a distance of 252.89 feet to the Point of Beginning.

GRU BRU

QUITCLAIM DEED

CASSIA COUNTY
RECORDED FOR:
TED HIGLEY
3:52:02 pm 01-29-2010
2010-000489
NO. PAGES: 2 FEE: \$6.00
LARRY A. MICKELSEN
COUNTY CLERK
DEPUTY: VIKI

NO#

For Value Received

TED HIGLEY and BETTY ANN HIGLEY, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

TED HIGLEY and BETTY ANN HIGLEY, husband and wife as community property with right of survivorship

ADDRESS: P.O. Box 57 Malta, ID 83342

Hereinafter called the grantee, the following described premises, in Cassia County, Idaho to-wit:

See Attached Exhibit "A"

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

Dated: 1-28-10

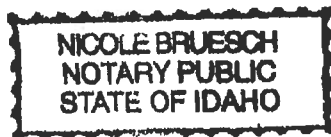
Ted Higley
Ted Higley

Betty Ann Higley
Betty Ann Higley

Last deed

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 28th day of January, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Ted Higley and Betty Ann Higley, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Nicole Bruesch
Notary Public
Residing at: Malta, ID
My Commission expires: 7-14-12

EXHIBIT "A"

TOWNSHIP 16 SOUTH, RANGE 23 EAST, BOISE MERIDIAN

Section 18: SE1/4SE1/4

Section 19: E1/2NE1/4, N1/2SE1/4 .

Section 20: W1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, NW1/4SE1/4,
E1/2NE1/4, SW1/4NE1/4, W1/2SW1/4, S1/2SE1/4, NE1/4SE1/4

Section 21: W1/2WN1/4, W1/2SW1/4

Section 28: NW1/4NW1/4

Section 29: N1/2NE1/4

TOGETHER WITH all water rights arising out of Cottonwood Creek decreed to Seller or that Seller may have any right, title or interest in.

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN

Section 24: NE1/4NW1/4, NW1/4NE1/4

TOGETHER WITH water rights.

255731

WARRANTY DEED

aka VIOLA WIGHT,
For Value Received BLAINE WIGHT and VIOLA JUNE WIGHT, husband and wife,
of the County of Cassia, State of Idaho,

the grantors, do hereby grant, bargain, sell and convey unto TED HIGLEY and BETTY
ANN HIGLEY, husband and wife, of the County of Cassia, State of Idaho,
whose current mailing address is: P. O. Box 57, Malta, Idaho 83342,

the grantees, the following described premises, to-wit:

TOWNSHIP 16 SOUTH, RANGE 23 EAST, BOISE MERIDIAN

Section 18: SE1/4SE1/4

Section 19: E1/2NE1/4, N1/2SE1/4

Section 20: W1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, NW1/4SE1/4,
E1/2NE1/4, SW1/4NE1/4, W1/2SW1/4, S1/2SE1/4, NE1/4SE1/4

Section 21: W1/2NW1/4, W1/2SW1/4

Section 28: NW1/4NW1/4

Section 29: N1/2NE1/4

TOGETHER WITH all water rights arising out of Cottonwood
Creek decreed to Seller or that Seller may have any
right, title or interest in.

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN

Section 24: NE1/4NW1/4, NW1/4NE1/4

TOGETHER WITH water rights.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee^s,
Grantee^s heirs and assigns forever. And the said Grantor^s do hereby covenant to
and with the said Grantee^s, that they are the owners in fee simple of said premises; that
said premises are free from all incumbrances except as above described, and that they will
warrant and defend the same from all lawful claims whatsoever.
Dated: December 12th, 1985.

Blaine Wight
BLAINE WIGHT
Viola June Wight
VIOLA JUNE WIGHT aka VIOLA WIGHT

STATE OF IDAHO, COUNTY OF CASSIA. SS.
On this 12th day of December, 1985, before me, a
notary public in and for said State, personally appeared
aka VIOLA WIGHT
BLAINE WIGHT and VIOLA JUNE WIGHT,
husband and wife,

known to me to be the person^s whose name^s are subscribed to the
within instrument, and acknowledged to me that they executed the same.

Thomas A. Church
Residing at Burley, Idaho. Comm. Expires Jan

CASSIA COUNTY ABSTRACT
FILED
CASSIA COUNTY ABSTRACT
REQUEST OF
299
MAY 26 P 4:12
COUNTY, IDAHO
DEPUTY CLERK
T. ROSKELLEY

255731.

172942

QUITCLAIM DEED

For Value Received THE BLAINE WIGHT FAMILY LIMITED PARTNERSHIP, by and through its general partners, Blaine Wight, Viola Wight and Gale B. Wight,

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto BLAINE WIGHT and VIOLA WIGHT, husband and wife, of Cassia County, State of Idaho, whose address is: P. O. Box 8, Malta, Idaho 83342,

Hereinafter called the grantee, the following described premises, in Cassia County, Idaho to-wit:

See Schedule "A" attached hereto and by this reference made a part hereof as though fully and separately set out herein at length.

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

Dated: 9-19, 1985.

THE BLAINE WIGHT FAMILY LIMITED PARTNERSHIP

By: Blaine Wight
BLAINE WIGHT, General Partner

By: Gale B. Wight
GALE B. WIGHT, General Partner

By: Viola Wight
VIOLA WIGHT, General Partner

STATE OF IDAHO, COUNTY OF Cassia

On this 19th day of September 1985 before me, a Notary Public in and for said State, personally appeared BLAINE WIGHT, VIOLA WIGHT and GALE B. WIGHT, general partners of THE BLAINE WIGHT FAMILY LIMITED PARTNERSHIP, the partnership whose name is subscribed to the foregoing instrument, and

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of said partnership.

J. Thomas H. Williams
Notary Public
Idaho

Instrument No.

*Jed
Higley
under
contract
(unrecorded)*

SCHEDULE "A"

The South Half of the Southwest Quarter (S 1/2 SW 1/4) of Section Thirteen, (13) Township Thirteen (13) South, Range Twenty-six (26) East of the Boise Meridian, and the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twenty-four (24) Township Thirteen (13) South, Range Twenty-six (26) East of the Boise Meridian, together with all water and water rights however evidenced.

Southwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter, Section Eighteen, Township Twelve South, Range Twenty-nine, East Boise Meridian; Southeast Quarter of the Northeast Quarter, Northeast Quarter of the Southeast Quarter, Section Thirteen, Township Twelve South, Range Twenty-eight, East Boise Meridian; South half of the Northeast Quarter, Southwest Quarter, Northwest Quarter of the Southeast Quarter of Section Eighteen, Township Twelve South, Range Twenty-nine, East Boise Meridian. Southwest Quarter, Section Seventeen, Township Twelve South, Range Twenty-nine, East Boise Meridian. Southwest Quarter of Section Eighteen above is intended to include the E 1/2 and Lots 3 and 4 of said SW 1/4 of said Section Eighteen.

All of the Northeast quarter of the Northwest quarter (NE 1/4 NW 1/4), the Northwest quarter of the Northeast quarter (NW 1/4 NE 1/4) and the Northeast quarter of the Northeast quarter NE 1/4 NE 1/4) of Section 13, Twp. 13 South, Range 26 E.B.M. except therefrom all land deeded to the State of Idaho for Highway purposes therein as recorded in Book of Deeds no. 42, of Cassia County, Idaho, at page 561: together with 120 inches of the decreed water of Cassia Creek bearing date of priority 1894 and all ditches and ditch rights pertaining to the land herein described. Also all water developed from that well located in the South portion of said land.

Also the use of 1/2 of the water developed from that Tile stream located in the NW 1/4 NW 1/4 of said section each year from Nov. 1 to April first of the succeeding year. Said water to be used for stock watering purposes on the property herein conveyed and not diverted to other lands.

The Southwest Quarter (SW 1/4), and the West half of the Southeast Quarter (W 1/2 SE 1/4), and the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4), of Section Twenty-four (24), Township Fifteen (15) South, Range Twenty-nine (29) East, Boise Meridian.

The Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4), and the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Twenty-five (25), Township Fifteen (15) South, Range Twenty-nine (29) East, Boise Meridian.

The West Half of the Northwest Quarter (W 1/2 NW 1/4), the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4), the East Half of the Southwest Quarter (E 1/2 SW 1/4), and the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of the Section Twenty (20); the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section Eighteen (18); the East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section Nineteen (19); all in Township Sixteen (16) South, Range Twenty-Three (23) East of the Boise Meridian.

The East Half of the Northeast Quarter (E 1/2 NE 1/4), the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20) and the West Half of the Northwest Quarter (W 1/2 NW 1/4) of Section Twenty-one (21) all in Township Sixteen (16) South, Range Twenty-three (23) East of the Boise Meridian.

The North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section Nineteen (19), the West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section Twenty (20), the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4), the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and the Southwest

SCHEDULE "A" - Continued

Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty-eight (28) all in Township Sixteen (16) South, Range Twenty-three (23) East of the Boise Meridian, the South Half of the Southeast Quarter (S 1/2 SE 1/4), the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section Twenty (20), the West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section Twenty-one (21), the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Twenty-eight (28), and the North half of the Northeast Quarter (N 1/2 NE 1/4) of Section Twenty-nine (29) all in Township Sixteen (16) South, Range Twenty-three (23) East of the Boise Meridian.

Together with all water rights arising out of Cottonwood Creek in which Grantors may have any right, title or interest in.

Less the following described tract of land: Sec. 28-Northeast 1/4, Southwest 1/4 Northwest 1/4 Southeast 1/4. Southeast 1/4 Northwest 1/4 and the Southwest 1/4 Northeast 1/4. Township 16 South, Range 23 East of Boise Meridian, 160 acres.

Situate in Cassia County, State of Idaho.

RECORDED
INDEXED
SEP 24 11 04 AM '95
FILM 175
CASSIA COUNTY, IDAHO
FRANK E. EARNES
REGISTER
13:54 1286
Shubert

172942