

WA
Land Title and Escrow, Inc.
A Full Service Title Company Since 1957

RECEIVED
JUL 29 2010
DEPARTMENT OF
WATER RESOURCES

CL-1047
Jerome

July 27, 2010

Idaho Department Of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE: Water Right #63-15640
Confirmation Of Owner

Dear Idaho Department Of Water Resources.:

Enclosed please find the following in connection with the above referred to transaction:

- Copy of Water Right Report
- Copy of Warranty Deed Instrument #2103243
- Copy of Warranty Deed Instrument #228497

If you have any questions regarding this matter, please do not hesitate to contact this office at 208-324-3357.

Very truly yours,

LAND TITLE AND ESCROW, INC.

Annie Costa

Annie Costa
Escrow Assistant

Serving: Cassia ~ Minidoka ~ Jerome ~ Lincoln ~ Gooding ~ Twin Falls Counties

Box 177 ~ Burley, Idaho 83318
Phone: 878-3524 ~ Fax: 878-4435
lteb@pmt.org

Box 349 ~ Jerome, Idaho 83338
Phone: 324-3357 ~ Fax: 324-8961
ltej@pmt.org

Box 473 ~ Gooding, Idaho 83330
Phone: 934-8477 ~ Fax: 934-5890
lteg@pmt.org

Box 111 ~ Rupert, Idaho 83350
Phone: 436-0606 ~ Fax: 436-1199
lter@pmt.org

Box 5375 ~ Twin Falls, Idaho 83301-5375
Phone: 933-2650 ~ Fax 933-2655
lttf@pmt.org

RECEIVED

JUL 29 2010

DEPARTMENT OF
WATER RESOURCESIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

7/22/2010

WATER RIGHT NO. 63-15640

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BONNY ROSS
Current Owner	DAVID ROSS
	PO BOX 631
	JEROME, ID 83338-0631
	(208)324-4249
Original Owner	TIMOTHY E MOSGROVE
Original Owner	TRACY MOSGROVE
	PO BOX 803
	BOISE, ID 83701
	(208)342-1167

Priority Date: 07/01/1957

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MORES CREEK	BOISE RIVER

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

Location of Point(s) of Diversion:

--	--	--	--	--	--

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

MORES CREEK	SWSE	Sec. 09	Township 06N	Range 06E	BOISE County
-------------	------	---------	--------------	-----------	--------------

Place(s) of use:

Place of Use Legal Description: DOMESTIC BOISE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	06E	9		SWSE										

Conditions of Approval:

1.	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.
2.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4.		PARCEL NO. RP 06N06E098800 PROPERTY ALSO KNOWN AS TAX NO. 21.

Dates:

Licensed Date:

Decreed Date: 12/30/1999

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: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

WARRANTY DEED

RECEIVED

JUL 29 2010

For Value Received DEPARTMENT OF WATER RESOURCES

Instrument # 2103243
JEROME COUNTY, JEROME, IDAHO
7-27-2010 02:49:13 No. of Pages: 2
Recorded for : LAND TITLE AND ESCROW
MICHELLE EMERSON Fee: 13.00
Ex-Officio Recorder Deputy *J. Wilson*

David J. Ross and Bonny J. Ross, husband and wife as to an undivided one-half interest

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

DAAM, INC., an Idaho Corporation
Address: 917 8th Avenue East, Jerome, ID 83338

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

That part of Lot 7 in Block 144, Jerome Townsite, Jerome County, Idaho, and that part of the abandoned Union Pacific Railroad right of way located in Lot 2 of Section 19, Township 8 South, Range 17, East of the Boise Meridian, Jerome County, Idaho, described as follows:

- Beginning at the Southeast corner of said Lot 7;
- Thence running Westerly on the South boundary of said Lot 7, to the Southwest corner thereof;
- Thence continuing Westerly, on said South boundary extended, to the East line of Lincoln Avenue in said Jerome Townsite;
- Thence running Northerly on said East line of Lincoln Avenue a distance of 50 feet;
- Thence running Easterly, parallel with the North boundary of said Lot 7, a distance of 100 feet, more or less, to the East boundary of said Lot 7;
- Thence running Southerly on said East boundary, 50 feet to the Southeast corner of said Lot 7, THE POINT OF BEGINNING.

SUBJECT TO:

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

Taxes for 2010 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments levied or to be levied by the City of Jerome.

Reservations in deed from Oregon Short Line Railroad Co. (Book 129, Page 645) and Deed from Union Pacific Railroad Company (Book 129, Page 657) reserving minerals and mineral rights, with right of access to remove same; with right to remove subjacent support from surface of land, except support of permanent structures thereon.

Easement dated January 12, 1951, filed September 13, 1956 in Book 161 Page 89, Jerome County records; Jerome Highway District to Jerome Water Co., a corp. grant and convey to Water Co. a right of way over, through, across, along, upon and under all streets, roads and highways presently constructed or to be constructed, owned by or under the jurisdiction of the Highway Dist. in Section 19, Township 8 South, Range 17, E.B.M., upon which to lay, operate and maintain water pipes, together with right of ingress and egress.

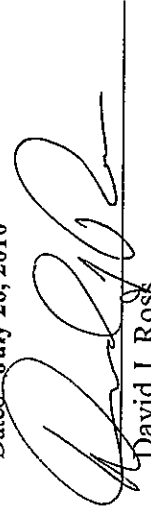
Grant of Easement given by Albert Fallon to Intermountain Gas Company, a corporation, dated December 20, 1966, recorded December 20, 1966 in Book 184 Page 90 as Instrument Number 170359, Jerome County records, affecting Tax No. 4, Section 19, Township 8 South, Range 17, EBM, Tax No. 2, Lot 7 in Block 144.

Agreement of Mutual Responsibility for Fire Wall by and between Albert J. Fallon and Virgie L. Fallon, husband and wife, parties of the first part, and H. Warren Barry, party of the second part, dated December 22, 1966, recorded January 11, 1967 in Book 189 Page 49 as Instrument Number 170574, Jerome County records.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant 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.

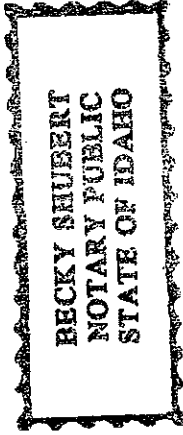
Dated: July 26, 2010

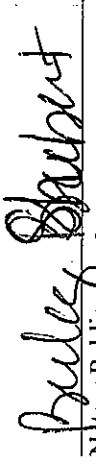

David J. Ross


Bonny J. Ross

STATE OF IDAHO)
) ss.
COUNTY OF Jerome)

On this 26th day of July, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **David J. Ross and Bonny J. Ross**, 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: Jerome ID
My Commission expires 07-23-2011

WARRANTY DEED

RECEIVED

JUL 29 2010

For Value Received

DEPARTMENT OF
WATER RESOURCESInstrument # 228497
IDAHO CITY, BOISE COUNTY, IDAHO
07-27-2010 14:21:44 No. of Pages: 3
Recorded for: LAND TITLE AND ESCROW - J
CONSTANCE SWEARINGEN
EX-Officio Recorder Deputy sgeorge
Index To: DEEDS
Electronically Recorded by Simplifile

Fee: 16.00

Chris Barber and Deanna Barber, who acquired title as Deana Barber, husband and wife

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

David Ross and Bonny Ross, husband and wife as community property with right of survivorship

Address: P. O. Box 631, Jerome, ID 83338

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

SEE EXHIBIT ATTACHED HERETO:

SUBJECT TO:

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

General taxes for the year 2010, which are liens, are not yet due and payable.

Any, right or interest in any mineral, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons.

Provisions and effect of these lands being "Reforestation Lands" in Southern Idaho Protective Timber association as set out in Instrument recorded in Book 9 of Misc. Records at page 61, records of Boise County, Idaho.

An easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes, as disclosed in instrument or by action herein set forth.

Disclosed By: Warranty Deed

Recorded: July 7, 1948

Instrument No.: 55107 in Book 52 of Deeds at Page 357

Subject to all rights of way heretofore granted for highways and forest protection roads; and less road right of way thru said property retained by the parties of the first part, their heirs or assigns.

Effect of acknowledgement and assertion on rights-of-way under the common law, laws of the predecessors to Idaho Territory, Idaho Territory and the State of Idaho, and not pursuant to Federal Law RS 2477 (Formerly 43 US Code 932)

Recorded: January 256, 1999

Instrument No.: 175928

Matters disclosed by Record of Survey

Recorded: October 31, 2005

Instrument No.: 205326

Any question that may arise due to shifting or change in the course of the river or creek herein named, or due to said river or creek having changed its course.

Name of River/Creek: Mores Creek

Right of the State of Idaho in and to the portion of said premises, if any, lying in the bed or the former bed of the Mores Creek

Rights and easements of the public for commerce, navigation, recreation and fisheries.

Mores Creek

Matters disclosed by Record of Survey

Recorded: October 13, 2006

Instrument No.: 210734

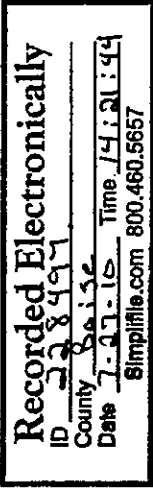
TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Idaho Department of Water Resources no. 63-15640.

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.

JKB

#CL-1047

WARRANTY DEED



For Value Received

Chris Barber and Deanna Barber, who acquired title as Deana Barber, husband and wife

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

David Ross and Bonny Ross, husband and wife as community property with right of survivorship

Address: P. O. Box 631, Jerome, ID 83338

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

SEE EXHIBIT ATTACHED HERETO:

SUBJECT TO:

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

General taxes for the year 2010, which are liens, are not yet due and payable.

Any, right or interest in any mineral, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons.

Provisions and effect of these lands being "Reforestation Lands" in Southern Idaho Protective Timber association as set out in Instrument recorded in Book 9 of Misc. Records at page 61, records of Boise County, Idaho.

An easement affecting the portion of said premises and for the purposes stated herein, and incidental purposes, as disclosed in instrument or by action herein set forth.

Disclosed By: Warranty Deed

Recorded: July 7, 1948

Instrument No.: 55107 in Book 52 of Deeds at Page 357

Subject to all rights of way heretofore granted for highways and forest protection roads; and less road right of way thru said property retained by the parties of the first part, their heirs or assigns.

Effect of acknowledgement and assertion on rights-of-way under the common law, laws of the predecessors to Idaho Territory, Idaho Territory and the State of Idaho, and not pursuant to Federal Law RS 2477 (Formerly 43 US Code 932)

Recorded: January 256, 1999

Instrument No.: 175928

Matters disclosed by Record of Survey

Recorded: October 31, 2005

Instrument No.: 205326

Any question that may arise due to shifting or change in the course of the river or creek herein named, or due to said river or creek having changed its course.

Name of River/Creek: Mores Creek

Right of the State of Idaho in and to the portion of said premises, if any, lying in the bed or the former bed of the Mores Creek

Rights and easements of the public for commerce, navigation, recreation and fisheries.

Mores Creek

Matters disclosed by Record of Survey

Recorded: October 13, 2006

Instrument No.: 210734

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Idaho Department of Water Resources no. 63-15640.

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.

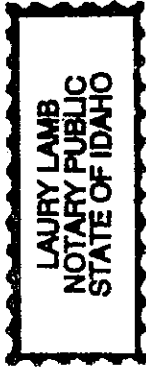
Dated: July 26, 2010

Chris Barber
Chris Barber
Deanna Barber
Deanna Barber

STATE OF IDAHO)
) ss.
COUNTY OF Jerome)

On this 26 day of July, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **Chris Barber and Deanna Barber**, 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.

Laury Lamb
Notary Public
Residing at: Jerome
My Commission expires: 4/3/2016





Pioneer Title Co.

Pioneer Title Co. is an authorized agent for Old Republic National Title Insurance Company.

Order No. 318113

EXHIBIT A

A tract of land situated in the Southwest quarter of the Southeast quarter, Section 9, Township 6 North, Range 6 East, Boise Meridian, Boise County, Idaho, lying East of the state highway between Idaho City and Lowman, being more particularly described as follows:

Beginning at a point on the South line of the Southwest quarter of the Southeast quarter of Section 9, Township 6 North, Range 6 East, where it is intersected by the East right of way line of the State Highway which point is South 89°27' East, 275.2 feet from the quarter corner common to Section 9 and 16 of above mentioned Township and Range;

Thence following the Easterly right of way line of said State Highway and at every point 50 feet distant from the center line of same, along the arc of a curve to the left with a radius of 766.8 feet, 218 feet, more or less, to Highway Station 298 plus 20.7, a concrete monument;

Thence continuing along the East boundary of said State Highway North 19°11' East, 304 feet;

Thence East 50 feet, more or less to the West bank of Mores Creek as the same existed on June 15, 1948, the date of Deed recorded July 7, 1948 as Instrument No. 55107, Book 52 of Deeds at page 657;

Thence continuing East 15 feet, more or less, to the East bank of Mores Creek as the same existed on June 15, 1948, the date of Deed recorded July 7, 1948 as Instrument No. 55107, Book 52 of Deeds at page 657;

Thence continuing East 50 feet to a point, an iron pin;

Thence South 10°00' West, parallel to the course of Mores Creek, 150 feet to a point, an iron pin;

Thence West 50 feet to the East bank of Mores Creek as the same existed on June 15, 1948, the date of Deed recorded July 7, 1948 as Instrument No. 55107, Book 52 of Deeds at page 657;

Thence continuing West 15 feet, more or less, to the West bank of Mores Creek as the same existed on June 15, 1948, the date of Deed recorded July 7, 1948 as Instrument No. 55107, Book 52 of Deeds at page 657;

Thence Southwesterly along the West bank of Mores Creek as the same existed on June 15, 1948, the date of Deed recorded July 7, 1948 as Instrument No. 55107, Book 52 of Deeds at page 657 to a point on the South line of said Southwest quarter of the Southeast quarter of Section 9;

Thence North 89°27' West, 145 feet, more or less, to the PLACE OF BEGINNING.