

RECEIVED

Transfer No. 75809

JUL 29 2009

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant See attached list of six applicants Phone _____

Post Office address _____

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 _____

2. Describe the reason for the proposed changes Russell Subdivision wishes to split their existing ground water domestic system into two separate systems. The existing wells will supply water to six lots in the north half of the subdivision (accompanying transfer) and a proposed well will provide water to six lots in the south half of the subdivision (this transfer).

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

1. Right Number 65-9066 (portion) Priority 7/01/1956 Amount (cfs/ac-ft) 0.24/7.2 Nature of Use Domestic Period of Use 1/1 to 12/31
to _____
to _____

2. Total amount of water being transferred 0.24 cubic feet per second and/or 7.2 acre-feet per annum.

3. Source of water Ground Water tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
1	SW	NE	NE	6	6N	1W	Gem	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	1W	6	X Lt 1																

Total Acres _____

PART 1**6. General Information:**

a. Description of diversion system One well, domestic distribution system

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

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

The place of use will not change. Upon approval of this transfer and the accompanying transfer, water right 65-9066 will continue to serve the entire subdivision as a split right; part for the north half (accompanying transfer) and part for the south half (this transfer).

d. Remarks:

Russell Subdivision consists of twelve property owners. This transfer proposal will serve the six property owners located in the south half of the subdivision, also known as Lots 5, 6 and 7, Block 1 and Lots 3, 4 and 5, Block 2. The owners of these lots are listed as the transfer applicants. All twelve property owners signed an authorization for transfer of rights 65-1663 and 65-9066 to create two separate domestic ground water systems. Right 65-1663 was decreed to a single home and right 65-9066 was decreed to twelve homes. Although the authorization proposes splitting right 65-1663 along with right 65-9066, we understand that the department does not allow a domestic right for a single home to be split. Domestic use for water right 65-1663 will remain in the north half as indicated on the accompanying transfer.

The proposed well will be located on property outside of Russell Subdivision's boundary. An authorization from the owner of the property, where the well is to be drilled, is attached.

This transfer application was filed and signed by the individual owners of the south half properties in Russell Subdivision because a homeowners association does not exist.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED (See Attached Partial Decree 65-9066)

1. Right as evidenced by:

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

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

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above None

PART 2

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

_____ No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (South Portion)

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

1. amount 0.24 cfs/7.2 ac-ft for Domestic purposes from 1/1 to 12/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use: South Portion: Lots 5, 6 and 7, Block 1, Lots 3, 4 and 5, Block 2

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	1W	6	X																

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) Remaining Right for North Portion

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

(See Attached Map)

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

A large grid for drawing a map, consisting of 10 columns and 10 rows of squares. The grid is used for depicting land by section, township, and range number.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
N/A _____ to _____
 _____ to _____

Quantity and quality of return flows and location of discharge: _____

N/A _____

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

N/A _____

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.

 (see attached notarized signatures)

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 20 _____.

 (Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 12 pages and 5 attachments attachments = 44 pages

Received by SB Date 7-29-09 Protest filed by _____

Prelim. Check by VLM Fee \$250.00

Receipted by WD37744 / SB Date 7-29-09

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

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.

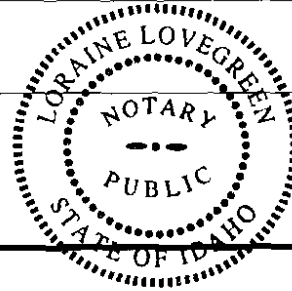
Richard Duhle

(Signature of Applicant)

Subscribed and sworn to before me this 13th day of June, 2008

Loraine Lovegreen
(Notary Public)

My commission expires March 15, 2010



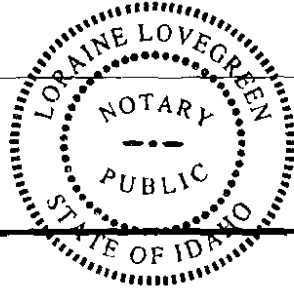
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application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

Raymond D. Sturgeon Jay C Sturgeon
(Signature of Applicant)

Subscribed and sworn to before me this 13th day of June, 20 08

Loraine Lovegreen
(Notary Public)

My commission expires March 15, 2010



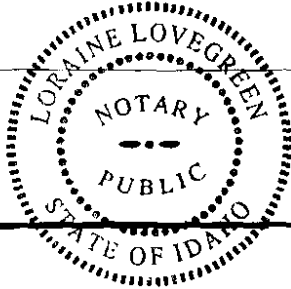
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application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

 Clair E. Evans
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of June, 20 08

 Loraine Lovegreen
(Notary Public)

My commission expires March 15, 2010



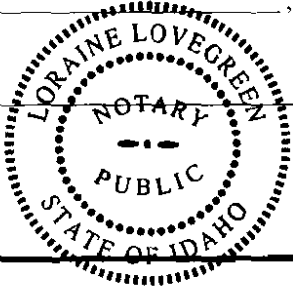
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application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

Norman Chatter Mary Chatterton
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of June, 2008

Loraine Lovegreen
(Notary Public)

My commission expires March 15, 2010



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)

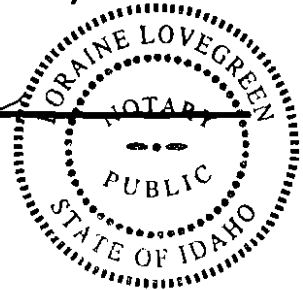
Subscribed and sworn to before me this 20th day of June, 20 08

[Signature]
(Notary Public)

[Signature]
(Signature of Applicant)

My commission expires March 15, 2010

[Signature]
(Notary Public)



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.

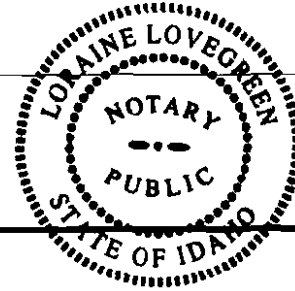
I understand that any willful misrepresentations made in this application may result in voiding its approval.

James L. Hill Clarenda Bunteloff
(Signature of Applicant)

Subscribed and sworn to before me this 9th day of March, 2009

Loraine Lovegreen
(Notary Public)

My commission expires March 15, 2010



ATTACHMENT A
PARTIAL DECREE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-09066

RECEIVED

JUL 19 2002

Department of Water Resources

NAME AND ADDRESS: RUSSELL SUBDIVISION
C/O CLARA MAE BRINKERHOFF
1951 FENTON DR
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 0.48 CFS
14.40 AFY

PRIORITY DATE: 07/01/1956

POINT OF DIVERSION: T06N R01W S06 LOT 1 (NENE) Within Gem County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Domestic	01-01 TO 12-31	0.48 CFS 14.40 AFY

PLACE OF USE: Domestic Within Gem County
T06N R01W S06 LOT 1 (NENE)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a 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 an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT B
2006 PHOTO AND PLAT MAP



PLAT OF RUSSELL SUBDIVISION

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the Company assumes no liability for variation, if any, with another or re-survey.



MICROFILMED

SEP 23 1992

2" pipe used on all subdivision corners

$\frac{3}{4}$ " pipe used on all lot corners

ATTACHMENT C
AUTHORIZATIONS AND WARRANTY DEEDS

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Clois E Evans, owner of
Print Name

Lot 5, Block 1 of Russell Subdivision, owning a share of appurtenant

water rights 65-1663 and 65-9066, agree to adding a point of diversion and splitting the

water rights proportionately into two separate systems as proposed on the accompanying

transfer application.

Clois E. Evans
Signature
1961 Fenton Dr
Erinette ID 83617
Address

Date

INSTR. NO. 218106
PAGES 1 OF 2

AFFIDAVIT
(Notice For Public Record)

STATE IDAHO)
)SS.
)
COUNTY GEM)

Instrument # 218106

EMMETT, GEM, IDAHO

2001-08-27

11:16:00 No. of Pages: 2

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 5.00

Ex-Officio Recorder Deputy

Index to: PROBATE RECORD

I Clois E. Evans being first duly sworn, on oath depose and say:

That I am (X) the surviving spouse () a surviving child () identify: 1 wife of Ralph Evans who died in the County of Gem, State of Idaho, on July 30, 2001, ~~XXX~~, at the age of 77, evidenced by a copy of death certificate (X) attached hereto () recorded under Instrument No. 163070 records of Gem County, Idaho;

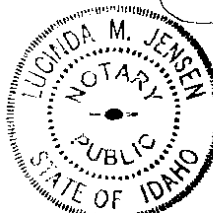
that the decedent is the same Ralph Evans named in the deed recorded under Instrument No. 163070, records of Gem County, Idaho;
Lot 5, Block 1, Russell Subdivision, Gem County, Idaho

- (X) the decedent left no will;
- (X) the affiant is the decedent's surviving spouse and the estate consists solely of community property of the decedent and the surviving spouse;
- () the decedent left a will executed on , 19 , which to the best knowledge of affiant said will was decedent's last will validly executed, and after the exercise of reasonable diligence affiant is unaware of any instrument revoking said will;
- (X) decedent is survived by the following persons (names and addresses of decedent's spouse, children, heirs and devisees, including ages of any who are minors so far know or ascertainable):
Clois E. Evans, wife 1961 Fenton, Emmett, Idaho 83617
Bruce Evans, son
Laura Lingel, daughter

Clois E. Evans

State of Idaho)
)SS.
)
County of Gem)

Subscribed and sworn before me this 24th day of August, ~~XXX~~ 2001.



Lucinda M. Jensen
Notary Public

residing in Emmett, Idaho

My commission expires 6-30-2006.

(add acknowledgment)

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Richard Drabek, owner of
Print Name

Lot 6, Block 1 of Russell Subdivision, owning a share of appurtenant

water rights 65-1663 and 65-9066, agree to adding a point of diversion and splitting the

water rights proportionately into two separate systems as proposed on the accompanying

transfer application.

Richard Drabek
Signature
1955 Fenton Dr
Emmett, ID 83617
Address

1/4/08
Date

WARRANTY DEED

For Value Received

EDWIN HARK FAST, who alone of record as EDWIN H. FAST and JULIE A. FAST, husband and wife

the grantors do hereby grant, bargain, sell and convey unto
 RICHARD TRAND, an unmarried person

the grantee, whose current address is 1955 Foster Drive, Emmett, Idaho 83617

the following described premises in the County of Idaho, to-wit:

Lot 6, Block 1, BLOSSOM SUBDIVISION, according to the Official Plat thereof,
 on file in Book 1 of Plats at Page 29, records of Con. County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
 his heirs and assigns forever. And the said Grantee do hereby covenant to and
 with the said Grantors that they are the owners in fee simple of said premises and they are free
 from all incumbrances except such as are shown, conditions, covenants, restrictions,
 reservations, easements, rights and rights of way, apparent or of record

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated June 16, 1994

Edwin Hark Fast *Julie A. Fast*
 EDWIN H. FAST JULIE A. FAST

STATE OF IDAHO, COUNTY OF CON
 On this 16th day of June, 1994,
 before me, a notary public in and for the said State, personally
 appeared *Edwin H. Fast*
Julie A. Fast

known to me to be the person or persons whose name or names
 are subscribed to the foregoing instrument, and acknowledged to me
 that they executed the same.

Edwin Hark Fast
 Notary Public
 My Comm. Expires 3-14-95

STATE OF IDAHO, COUNTY OF CON
 I hereby certify that this instrument was filed for record in the
 record of Security Title 100.

at \$7.00 per page, to be paid by the grantors.
 this 16th day of June
 I, Notary Public, and duly authorized to do so, do hereby
 certify that the foregoing instrument is a true and correct copy of the original as
 presented to me.

Edwin Hark Fast
 Notary Public
 My Comm. Expires 3-14-95

18877

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, James L. Brinkerhoff, owner of
Print Name

Lot 7, Block 1 of Russell Subdivision, owning a share of appurtenant

water rights 65-1663 and 65-9066, agree to adding a point of diversion and splitting the

water rights proportionately into two separate systems as proposed on the accompanying

transfer application.

James L. Brinkerhoff
Signature
1951 Fenton Dr
Emmett, ID 83617
Address

Date

THIS INDENTURE, Made this 2nd day of December
in the year of our Lord one thousand nine hundred and seventy-one, between
Dale E. Cooper and Azalee G. Cooper, husband and wife; and
Paul A. Baber and Eileen S. Baber, husband and wife,
of Emmett, County of Gem, State of Idaho
the part les of the first part, and
James L. Brinkerhoff and Clara Mae Brinkerhoff, husband and wife,
of Emmett, County of Gem, State of Idaho
the part les of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
One and no/100 (\$1.00) and other valuable consideration-----DOLLARS,
lawful money of the United States of America, to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in the County of Gem, State of Idaho, to-wit:

Lot 7, Block 1, of Russell Sub-division according to the
official plat thereof in Book 1 of plats at Page 59 of
the records of the county recorder of Gem County, Idaho.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances therunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said parties of the first part.

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

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Dale E. Cooper [Seal]
Azalea G. Cooper [Seal]
Paul A. Baber [Seal]
Eileen S. Baber [Seal]

STATE OF IDAHO
County of Gem.
On this 2nd day of December in the year 1971, before me the undersigned, a Notary Public in and for said State, personally appeared Dale E. Cooper and Azalea G. Cooper, and Paul A. Baber and Eileen S. Baber known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



John L. Proctor
Notary Public for the State of Idaho,
Residing at Emmett, Idaho

No. 103392

WARRANTY DEED

Cooper, Dale E. et ux
(Azalea G.)
Baber, Paul A. et ux
(Eileen S.)
Erinverhoff, James L. et ux
(Clara Mae)

Dated December 13, 1971

STATE OF IDAHO
County of Gem.

I hereby certify that this instrument was filed for record at request of 99th County Title Co. at 02 minutes past 11 o'clock A. M. on December 13th 1971 in my office and duly recorded as a Deed under Instrument No. 153392. Filed in Public Records by Emma Anderson Deputy on 12-20-71 by James L. Ervin Clerk on 12-22-71

Emmett, Idaho

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Raymond D Sturgeon, owner of
Print Name

Lot 3, Block 2 of Russell Subdivision, owning a share of appurtenant

water rights 65-1663 and 65-9066, agree to adding a point of diversion and splitting the

water rights proportionately into two separate systems as proposed on the accompanying

transfer application.

Raymond Sturgeon
Signature

01-17-08
Date

1978 Fenton Dr
Emmett, ID 83617
Address



1500 South Washington Avenue, Suite B / Emmett, Idaho
83617 / (208) 365-5343

Instrument # 263797

EMMETT, GEM, IDAHO
2007-12-28 03:07:05 No. of Pages: 1
Recorded for: PIONEER TITLE CO OF GEM COUNTY
SHELLY GANNON Fee: 3.00
Ex-Officio Recorder Deputy *Shelly Gannon*
Index to: WARRANTY DEED

100713

WARRANTY DEED

For Value Received

Leland A. Smith, an unmarried man

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Raymond D. Sturgeon, a single man

hereinafter referred to as Grantee, whose current address is:

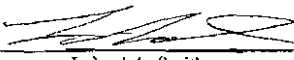
1978 Fenton, Emmett, ID 83617

the following described premises, to-wit:

Lot 3 in Block 2 of Russell Subdivision, according to the Official Plat thereof, filed in Book 1 of
Plats at Page 59, Official Records of Gem County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: December 24, 2007


Leland A. Smith

State of Idaho

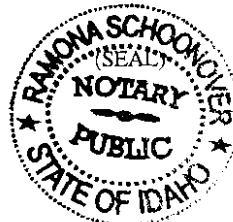
ss.

County of Gem

On this 24th day of December, 2007, before me, the undersigned, a Notary Public, in and for said State, personally appeared Leland A. Smith known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL


Notary Public *
Residing at: *
Commission Expires: * Residing in Caldwell, Idaho
My Commission expires: 12-23-2010



Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Norman + Mary Chatterton, owner of
Print Name

Lot 4, Block 2 of Russell Subdivision, owning a share of appurtenant

water rights 65-1663 and 65-9066, agree to adding a point of diversion and splitting the

water rights proportionately into two separate systems as proposed on the accompanying

transfer application.

Mary Chatterton
Signature
1966 Fenton Dr
Emmich, ID 83617
Address

1/4/08
Date

INSTRU. NO. 240312
PAGES 1 OF 2

Instrument # 240312

EMMETT, GEM, IDAHO

2004-12-02 04:06:00 No. of Pages: 2

Recorded for: ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Judy Evans

WARRANTY DEED

Order No.: AT-405045913

FOR VALUE RECEIVED

Dennis L. Barnes and Stephanie A. Barnes, husband and wife,

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

Norman Chatterton and Mary Chatterton, husband and wife,

whose current address is

1966 Fenton Drive, Emmett, ID, 83617,

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

Lot 4, Block 2, RUSSELL SUBDIVISION according to the Official Plat thereof, filed in Book 1 of Plats at Page 59, records of Gem County, Idaho.

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

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

Dated: December 1, 2004

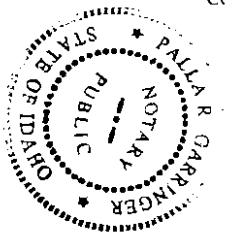
Dennis L. Barnes
Dennis L. Barnes

Stephanie A. Barnes
Stephanie A. Barnes

State of Idaho }
 }ss
County of Gem }

On this 1st day of December 2004, before me, a Notary Public in and for said state, personally appeared Dennis L. Barnes and Stephanie A. Barnes, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed 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.

Palla R. Yarringer
Notary Public for the State of Idaho
Residing at: Ommer
Commission Expires: 11-25-2008



Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

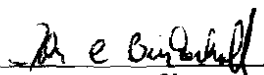
I, John L & Diane W Brinkerhoff, owner of
Print Name

Lot 5, Block 2 of Russell Subdivision, owning a share of appurtenant

water rights 65-1663 and 65-9066, agree to adding a point of diversion and splitting the

water rights proportionately into two separate systems as proposed on the accompanying

transfer application.


Signature
1954 Fenton Dr
Emmett, ID 83617
Address

1-4-08
Date

3-20845

RECORD NO.	190134
PAGES	1 of 2

RECEIVED

92-1

APR 18 1995

WARRANTY DEED

GRANTORS, JACK WATTERLIN and DONNA M. WATTERLIN, husband and wife, of Emmett, County of Gem, State of Idaho, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto JOHN L. BRINKERHOFF and DIANE W. BRINKERHOFF, husband and wife, whose current address is 1954 Fenton Drive, Emmett, County of Gem, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate located in Gem County, Idaho:

Lot 5, Block 2, RUSSELL SUBDIVISION, according to the official Plat thereof on file in Book 1 of Plats, at Page 59, official records of Gem County, Idaho.

Said tract of land including all water and ditch rights appurtenant to or used in connection with the properties conveyed hereby.

Said tract of land subject to rights of way or easements of record or in use.

TOGETHER with all improvements and appurtenances thereto.

Subject to such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Grantor, for itself, its heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its heirs and assigns forever against the lawful claims of all persons.

In construing this deed and where the context so requires, the singular includes the plural and the masculine, feminine and the neuter.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribe its name to this instrument this 14th day of April, 1995.


JACK WATTERLIN


DONNA M. WATTERLIN

STATE OF IDAHO)

) ss.

County of Gem)

On this 14th day of April, 1995, before me, the undersigned, a Notary Public for Idaho, personally appeared JACK WATTERLIN and DONNA M. WATTERLIN, 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.

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



Dawn Ritzler

Notary Public for Idaho

Residing at Emmett, Idaho

My Commission Expires 11-10-99

199724

Gem County, IDAHO) as
Recorded at request of
Alliance Title & Escrow

Time 2:47 PM

Date April 15, 1996

Inst. No. 199724

Recorded as a Deed

Thelma R. Kolodziej, Clerk
Ex-officio Recorder

By: Judy Light
Deputy

Fees \$ 6.00

ATTACHMENT D
NEW WELL AND SYSTEM EASEMENTS

EASEMENT

James L. Brinkerhoff and Clara Mae Brinkerhoff, husband and wife, hereinafter referred to as Grantors, whose address is 1951 Fenton Drive, Emmett, Idaho 83617, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey to Clois E. Evans, whose address is 1961 Fenton Drive, Emmett, Idaho 83617, and who owns Lot 5 in Block 1 of the Russell Subdivision in Gem County, Idaho; Richard Drabek, whose address is 1955 Fenton Drive, Emmett, Idaho 83617, and who owns Lot 6 in Block 1 of the Russell Subdivision in Gem County, Idaho; James L. Brinkerhoff and Clara Mae Brinkerhoff, whose address is 1951 Fenton Drive, Emmett, Idaho 83617, and who own Lot 7 in Block 1 of the Russell Subdivision in Gem County, Idaho; Raymond D. Sturgeon and Joy C. Sturgeon, whose address is 1978 Fenton Drive, Emmett, Idaho 83617, and who own Lot 3 in Block 2 of the Russell Subdivision in Gem County, Idaho; Norman Chatterton and Mary Chatterton, whose address is 1966 Fenton Drive, Emmett, Idaho 83617, and who own Lot 4 in Block 2 of the Russell Subdivision in Gem County, Idaho; and John L. Brinkerhoff and Diane W. Brinkerhoff, whose address is 1954 Fenton Drive, Emmett, Idaho 83617, and who own Lot 5 in Block 2 of the Russell Subdivision in Gem County, Idaho, hereinafter referred to as Grantees, the following:

An easement to install, use, maintain, replace, improve and repair a well, pump and water line. This easement includes ingress, egress, access and working space. The easement is over, through, on and across the property in Gem County, Idaho described in Exhibit A that is attached hereto and incorporated herein by reference as if set out in full.

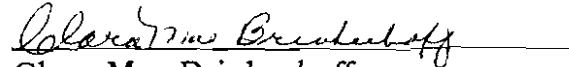
This easement is for the benefit of and appurtenant to that land, or any portion thereof, in the County of Gem, State of Idaho, described as follows: Lots 5, 6 and 7 in Block 1 and Lots 3, 4 and 5 in Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho.

This grant of easement is perpetual and shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors, and assigns.

IN WITNESS WHEREOF, Grantors has signed this easement this 21st
day of May, 2009.

Grantors:

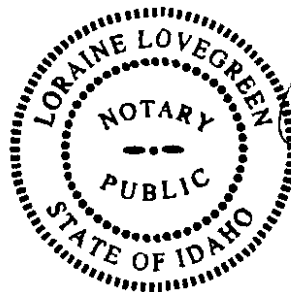

James L. Brinkerhoff

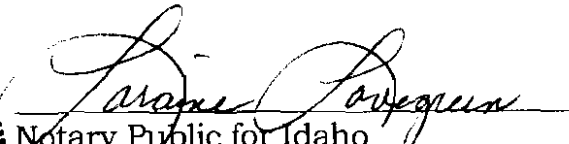

Clara Mae Brinkerhoff

STATE OF IDAHO)
) ss.
County of Gem)

On this 21st day of May, 2009, before me, the undersigned, a
Notary Public for Idaho, personally appeared James L. Brinkerhoff and Clara Mae
Brinkerhoff, known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.

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




Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

Tri County Surveying, Inc.

Job No. 08-028
March 25, 2009

Exhibit "A" Well Easement Description

An easement for water line purposes under, over and across a portion of Government Lot 1 of Section 6, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, lying 10.00 feet west of the following described line:

Commencing at the southeast corner of Lot 5 of Block 2 of Russell Subdivision as shown in Book 1 of Plats at Page 59, records of Gem County, Idaho;
Thence South 89°47'20" East, 2.90 feet, along the easterly prolongation of the south line of said Lot 5, to the **Point of Beginning**;
Thence South 00°23'35" West, 18.68 feet to the northeast corner of Parcel 1 as described in Instrument No. 197869, records of Gem county, Idaho;
Thence continuing South 00°23'35" West, 50.00 feet, along the east line of said Parcel 1, to a point referred to herein after as Point "A" being the terminus of this easement.

Together with an easement for well purposes under, over and across a portion of Government Lot 1 of Section 6, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, lying 20.00 feet west of the following described line:

Beginning at Point "A" described above;
Thence South 00°23'35" West, 20.00 feet, along the east line of said Parcel 1 described above, to the terminus of this easement.

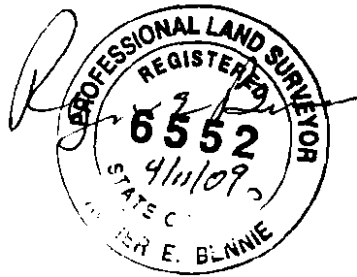


Exhibit A

EASEMENT

Richard Drabek, a single person, herein referred to as Grantor, whose address is 1955 Fenton Drive, Emmett, Idaho 83617, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys unto Clois E. Evans, whose address is 1961 Fenton Drive, Emmett, Idaho 83617, and who owns Lot 5 in Block 1 of the Russell Subdivision in Gem County, Idaho; and James L. Brinkerhoff and Clara Mae Brinkerhoff, whose address is 1951 Fenton Drive, Emmett, Idaho 83617, and who own Lot 7 in Block 1 of the Russell Subdivision in Gem County, Idaho, hereinafter referred to as Grantees, the following:

An easement for the purpose of installing, using, maintaining, replacing, improving and repairing a water line. This easement includes ingress, egress, access and working space. This easement is over, through, on and across the property in Gem County, Idaho, described in Exhibit A that is attached hereto and incorporated herein by reference as if set out in full.

This easement is for the benefit of and appurtenant to that land, or any portion thereof, in the County of Gem, State of Idaho, described as follows: Lots 5 and 7 in Block 1 of Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho.

This grant of easement is perpetual and shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors and assigns.

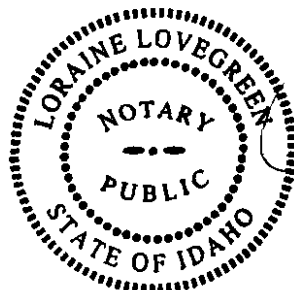
IN WITNESS WHEREOF, Grantor has signed this easement this 3rd
day of June, 2009.
Grantor:


Richard Drabek

STATE OF IDAHO)
) ss.
County of Gem)

On this 3rd day of June, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared Richard Drabek, known 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.



Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

Tri County Surveying, Inc.

Job No. 08-028
April 27, 2009

Easement Description for Lots 5, 6 and 7 of Block 1

Together with and subject to a potable water easement under, over and across a portion of Lots 6 of Block 1 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 6 North, Range 1 West, Boise Meridian lying 5.00 feet west of and adjacent to the follow described line:

Beginning at the southeast corner of Lot 6 of Block 1 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho;
Thence North, 100.0 feet, along the east line of said Lot 6 of the Russell Subdivision, to the northeast corner thereof being the terminus of this easement.

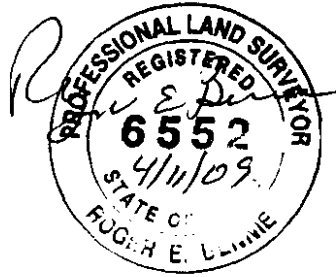


Exhibit A

EASEMENT

John L. Brinkerhoff and Diane W. Brinkerhoff, husband and wife, whose address is 1954 Fenton Drive, Emmett, Idaho 83617, as to the portion of the easement described in Exhibit A that they own and Norman Chatterton and Mary Chatterton, husband and wife, whose address is 1966 Fenton Drive, Emmett, Idaho 83617, as to the portion of the easement described in Exhibit A that that they own, herein referred to as Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey unto Clois E. Evans, whose address is 1961 Fenton Drive, Emmett, Idaho 83617, and who owns Lot 5 in Block 1 of the Russell Subdivision in Gem County, Idaho; Richard Drabeck, whose address is 1955 Fenton Drive, Emmett, Idaho 83617, and who owns Lot 6 in Block 1 of the Russell Subdivision in Gem County, Idaho; James L. Brinkerhoff and Clara Mae Brinkerhoff, whose address is 1951 Fenton Drive, Emmett, Idaho 83617, and who own Lot 7 in Block 1 of the Russell Subdivision in Gem County, Idaho; Norman Chatterton and Mary Chatterton, whose address is 1966 Fenton Drive, Emmett, Idaho 83617, and who own Lot 4 in Block 2 of the Russell Subdivision in Gem County, Idaho, and Raymond D. Sturgeon and Joy C. Sturgeon, whose address is 1978 Fenton Drive, Emmett, Idaho 83617, and who own Lot 3 in Block 2 of the Russell Subdivision in Gem County, Idaho, hereinafter referred to as Grantees, the following:

An easement for the purpose of installing, using, maintaining, replacing, improving and repairing a water line. This easement includes ingress, egress, access and working space. This easement is over, through, on and across the property in Gem County, Idaho, described in Exhibit A that is attached hereto and incorporated herein by reference as if set out in full.

This easement is for the benefit of and appurtenant to that land, or any portion thereof, in the County of Gem, State of Idaho, described as follows: Lots 5, 6 and 7 in Block 1 of the Russell Subdivision and Lots 3 and 4 in Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho.

This grant of easement is perpetual and shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, Grantors have signed this easement this 8th
day of June, 2009.

Grantors:

John L. Brinkerhoff
John L. Brinkerhoff

Diane W. Brinkerhoff
Diane W. Brinkerhoff

Norman Chatterton
Norman Chatterton

Mary Chatterton
Mary Chatterton

STATE OF IDAHO)
) ss.
County of Gem)

On this 12th day of June, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared John L. Brinkerhoff and Diane W. Brinkerhoff, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

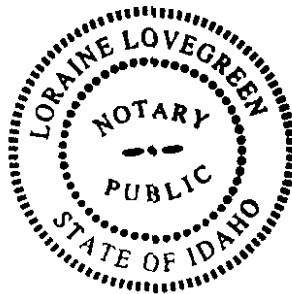


H. Ronald Bjorkman
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires Aug 18, 2011

STATE OF IDAHO)
)
County of Gem) ss.

On this 8th day of June, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared Norman Chatterton and Mary Chatterton, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

ATTACHMENT E
WELL USE AND MAINTENANCE AGREEMENT

WELL USE AND MAINTENANCE AGREEMENT FOR
SOUTH RUSSELL SUBDIVISION WATER USERS

THIS AGREEMENT, made as of June 3, 2009, is made by the Owners described herein for the purpose of establishing a well use and maintenance agreement for the property that is described as Lots 5, 6 and 7 of Block 1 and Lots 3, 4 and 5 of Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho.

RECITALS

(a) CLOIS E. EVANS, a single person, of 1961 Fenton Drive, Emmett, Idaho 83617, owns the property in Gem County described as Lot 5 of Block 1 of the Russell Subdivision, hereinafter referred to as Owner #1.

(b) RICHARD DRABEK, a single person, of 1955 Fenton Drive, Emmett, Idaho 83617, owns the property in Gem County described as Lot 6 of Block 1 of the Russell Subdivision, hereinafter referred to as Owner #2.

(c) JAMES L. BRINKERHOFF and CLARA MAE BRINKERHOFF, husband and wife, of 1951 Fenton Drive, Emmett, Idaho 83617, own the property in Gem County described as Lot 7 of Block 1 of the Russell Subdivision, hereinafter referred to as Owner #3.

(d) RAYMOND D. STURGEON and JOY C. STURGEON, husband and wife, of 1978 Fenton Drive, Emmett, Idaho 83617, owns the property in Gem County described as Lot 3 of Block 2 of the Russell Subdivision, hereinafter referred to as Owner #4.

(e) NORMAN CHATTERTON and MARY CHATTERTON, husband and wife, of 1966 Fenton Drive, Emmett, Idaho 83617, own the property in Gem County described as Lot 4 of Block 2 of the Russell Subdivision, hereinafter referred to as Owner #5.

(f) JOHN L. BRINKERHOFF and DIANE W. BRINKERHOFF, husband and wife, of 1954 Fenton Drive, Emmett, Idaho 83617, own the property in Gem County described as Lot 5 of Block 2 of the Russell Subdivision, hereinafter referred to as Owner #6.

(g) There is or will be a well, pump and waterline located on the property described in Exhibit A-1 that is attached hereto and incorporated herein by reference as if set out in full. There is or will be a waterline located on

the property described in Exhibits A-2 and A-3 that are attached hereto and incorporated herein by reference as if set out in full.

(h) The well, pump and waterlines do or will provide potable water for the benefit of the property described as Lots 5, 6 and 7 of Block 1 and Lots 3, 4 and 5 of Block 2 of the Russell Subdivision.

(i) Owners desire to provide for a use and maintenance agreement for the common domestic water system that serves Lots 5, 6 and 7 of Block 1 and Lots 3, 4 and 5 of Block 2 of the Russell Subdivision.

NOW, THEREFORE, for the purpose of establishing a well use and maintenance agreement in perpetuity that will benefit the Owners of the property described as Lots 5, 6 and 7 of Block 1 and Lots 3, 4 and 5 of Block 2 of the Russell Subdivision, owners declare and establish the following well use and maintenance agreement that shall be binding upon the property and upon the owners of said lots.

1. No owner of the property described herein shall do or allow to be done anything that impairs or interferes with an adequate or continuous supply of potable, domestic water to each parcel served by the well system.

2. Each owner shall maintain and pay for the waterline from the common distribution system to that owner's residence.

3. The owner or owners of each of the described lots shall pay for one-sixth (1/6) of the cost of operating, maintaining, repairing, replacing, and improving the well, pump, casing, waterline and all other improvements associated with the common water system. Operating costs include any property taxes assessed against the land where the well is located and any other expense associated with using and maintaining the water system.

4. The common domestic water system does not now serve the property where the well and pump are located. The owner of the property (well property) where the well and pump are located shall have the right to receive domestic water from the well and pump at any time. When the owner of the well property accesses the well and pump for domestic water, the well property shall be subject to the terms of this water users agreement and the owners shall then each pay one-seventh (1/7) of the cost of operating, maintaining, repairing, replacing and improving the well, pump, casing, waterline and all other improvements associated with the common water system. The owner of the well property shall have no

obligation to share in costs until the well property is benefited by the well and pump.

5. The owners have access to a separate source for irrigation water. Therefore, the water from the well described herein shall be used only for inside domestic purposes and shall not be used for irrigation purposes.

6. The owners shall meet annually in January of each year to determine what maintenance, replacement, improvement or repair shall be done to maintain or improve the common water distribution system. There shall be one vote for each of the six (6) lots for a total of six votes. If, as provided for in Paragraph 4 of this agreement, the well property has benefited by the well and pump, then the owner of the well property shall have a vote and the total number of votes shall be seven (7) votes. Decisions shall be made by unanimous vote.

7. This agreement will benefit and bind the heirs, successors and assigns of the parties and will be recorded in the real estate records of Gem County, Idaho.

8. The agreements and conditions contained herein run with the land, are perpetual and are binding upon all who have or acquire any right, title or interest in the land described herein or any part thereof, and will inure to the benefit of each owner thereof.

IN WITNESS WHEREOF, the Owners have signed this agreement effective the day and year first above written.

OWNER #1



CLOIS E. EVANS

OWNER #2



RICHARD DRABEK

OWNER #3

James L. Brinkerhoff
JAMES L. BRINKERHOFF
OWNER #4

Clara Mae Brinkerhoff
CLARA MAE BRINKERHOFF

Raymond D. Sturgeon
RAYMOND D. STURGEON

Joy Sturgeon
JOY STURGEON

OWNER #5

Norman Chatterton
NORMAN CHATTERTON

Mary Chatterton
MARY CHATTERTON

OWNER #6

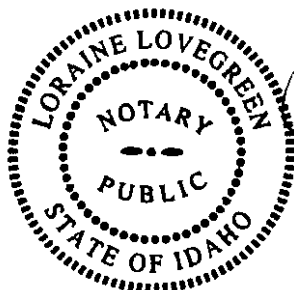
John L. Brinkerhoff
JOHN L. BRINKERHOFF

Diane W. Brinkerhoff
DIANE W. BRINKERHOFF

STATE OF IDAHO)
) ss.
County of Gem)

On this 2nd day of July, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared CLOIS E. EVANS, known 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.

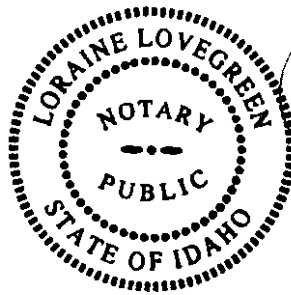


Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 3rd day of June, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared RICHARD DRABEK, known 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.

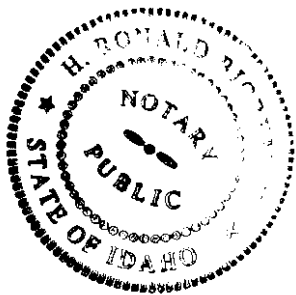


Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 3rd day of July, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared JAMES L. BRINKERHOFF and CLARA MAE BRINKERHOFF, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

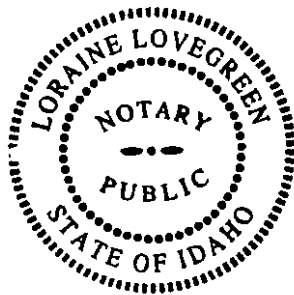


H. Ronald Brinkerhoff
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires Aug 18, 2011

STATE OF IDAHO)
) ss.
County of Gem)

On this 30th day of June, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared RAYMOND D. STURGEON ~~and JOY E. STURGEON~~, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that ^{he} they executed the same.

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

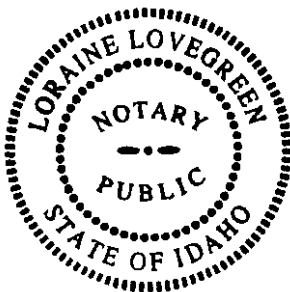


Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 3rd day of June, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared NORMAN CHATTERTON and MARY CHATTERTON, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

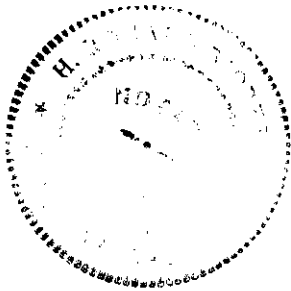


Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 12th day of June, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared JOHN L. BRINKERHOFF and DIANE W. BRINKERHOFF, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

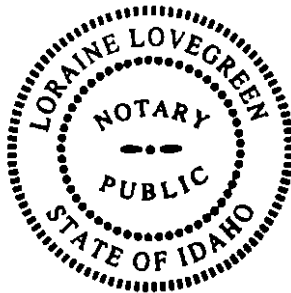


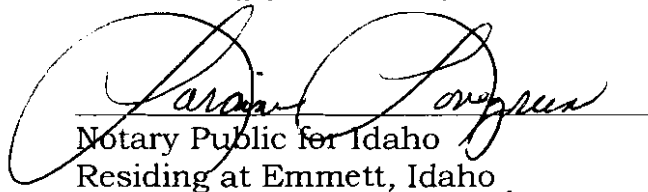
H. Ronald Bjorkman
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires Aug 18, 2011

STATE OF IDAHO)
) ss.
County of Gem)

On this 22nd day of July, 2009, before me, the undersigned, a Notary Public for Idaho, personally appeared JOY C. STURGEON, known 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.




Notary Public for Idaho
Residing at Emmett, Idaho

My Commission Expires March 15, 2010

Tri County Surveying, Inc.

Job No. 08-028
March 25, 2009

Exhibit "A" Well Easement Description

An easement for water line purposes under, over and across a portion of Government Lot 1 of Section 6, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, lying 10.00 feet west of the following described line:

Commencing at the southeast corner of Lot 5 of Block 2 of Russell Subdivision as shown in Book 1 of Plats at Page 59, records of Gem County, Idaho;
Thence South 89°47'20" East, 2.90 feet, along the easterly prolongation of the south line of said Lot 5, to the **Point of Beginning**;
Thence South 00°23'35" West, 18.68 feet to the northeast corner of Parcel 1 as described in Instrument No. 197869, records of Gem county, Idaho;
Thence continuing South 00°23'35" West, 50.00 feet, along the east line of said Parcel 1, to a point referred to herein after as Point "A" being the terminus of this easement.

Together with an easement for well purposes under, over and across a portion of Government Lot 1 of Section 6, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, lying 20.00 feet west of the following described line:

Beginning at Point "A" described above;
Thence South 00°23'35" West, 20.00 feet, along the east line of said Parcel 1 described above, to the terminus of this easement.



Exhibit A-1

Tri County Surveying, Inc.

Job No. 08-028
April 27, 2009

Easement Description for Lots 3, 4 and 5 of Block 2

A potable water easement under, over and across a portion of Lots 4 and 5 of Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 6 North, Range 1 West, Boise Meridian lying 7.00 feet west of and adjacent to the following described line:

Beginning at the southeast corner of Lot 5 of Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho;
Thence North, 119.3 feet, along the east line of said Lot 5, to the northeast corner thereof being the terminus of this easement.

Together with a potable water easement under, over and across a portion of Lots 4 and 5 of Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 6 North, Range 1 West, Boise Meridian lying 5.00 feet south and east of and adjacent to the following described line:

Beginning at the northeast corner of Lot 5 of Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho;
Thence West, 120.8 feet to the northwest corner of said Lot 5;
Thence North, 114.0 feet to the northwest corner of Lot 4 of said Block 2 of the Russell Subdivision and the terminus of this easement.



Exhibit A-2

Tri County Surveying, Inc.

Job No. 08-028
April 27, 2009

Easement Description for Lots 5, 6 and 7 of Block 1

Together with and subject to a potable water easement under, over and across a portion of Lots 6 of Block 1 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 6 North, Range 1 West, Boise Meridian lying 5.00 feet west of and adjacent to the follow described line:

Beginning at the southeast corner of Lot 6 of Block 1 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho;
Thence North, 100.0 feet, along the east line of said Lot 6 of the Russell Subdivision, to the northeast corner thereof being the terminus of this easement.



Exhibit A-3