

RECEIVED

4

JUL 29 2009

Transfer No. 75810

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name 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 (this transfer) and a proposed well will provide water to six lots in the south half of the subdivision (accompanying transfer). The well listed on right 65-1663 has always served as a back-up well to the primary well listed on right 65-9066, however was partially decreed for one home also known as tax parcel 00297900. Gem County Assessor confirmed that tax parcel 00297900 represents a well lot for Russell Subdivision, not a home lot. Both the primary well listed on right 65-9066 and back-up well listed on right 65-1663 are located on the well lot. This transfer seeks to clarify current IDWR records to add both wells to both rights to reflect a common system.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
65-1663	1/22/1957	0.04/1.2	Domestic	1/1 to 12/31
65-9066 (portion)	7/01/1956	0.24/7.2	Domestic	1/1 to 12/31
				to

2. Total amount of water being transferred 0.28 cubic feet per second and/or 8.4 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	NW	NE	NE	6	6N	1W	Gem	Tax Parcel 002797900, Lt 1, Blk 2, Russell Sub.
1	NW	NE	NE	6	6N	1W	Gem	Tax Parcel 002797900, Lt 1, Blk 2, Russell Sub.

5. 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	
6N	1W	6	X Lt 1																

Total Acres

PART 1

6. General Information:

a. Description of diversion system Two wells, 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 (this transfer) and part for the south half (accompanying transfer). The place of use for water right 65-1663 was decreed to tax lot 002797900, which is located in the north half. Domestic use for water right 65-1663 will remain in the north half.

d. Remarks:
Russell Subdivision consists of twelve property owners. This transfer proposal will serve the six property owners located in the north half of the subdivision, also known as Lots 1, 2, 3 and 4, Block 1 and Lots 1 and 2, 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. As indicated above, domestic use for water right 65-1663 will remain in the north half. This transfer application was filed and signed by the individual owners of the north 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 65-1663)

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 65-9066 _____

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

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

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 _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

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 2**

(Attach one copy for each right)

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

1. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. _____ on file with the Idaho Department of Water Resources.
- h. 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 65-1663 _____

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 _____

E. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED (North 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
1		NE	NE	6	6N	1W	Gem	Existing primary subdivision well located in Lt 1, Blk 2, Russell Sub.

3. Lands irrigated or place of use: North Portion: Lots 1, 2, 3 and 4, Block 1, Lots 1 and 2, 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 _____

F. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) Remaining Right for South 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.

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

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

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	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 ONLYTransfer contains 14 pages and 4 attachments (A-D for total of 34 pages)Received by SB Date 7.29.09 Protest filed by _____Prelim. Check by VVM Fee \$250.00Received by SB / W037744 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.

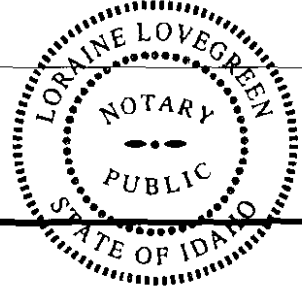
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Dale L. Poole Myrna J Poole
(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.

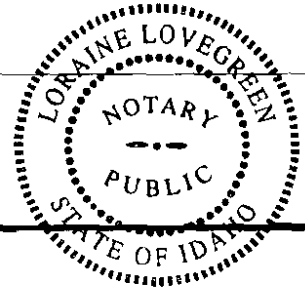
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ronald M. Hawley Loraine Lovegreen
(Signature of Applicant)

Subscribed and sworn to before me this 18th 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.

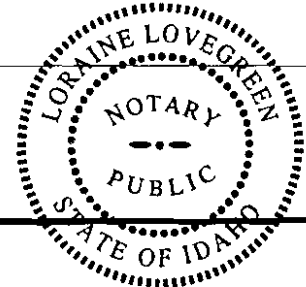
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Stanley Terry Li. Park
(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.

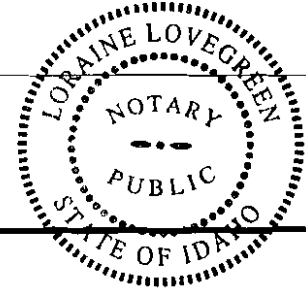
I understand that any willful misrepresentations made in this application may result in voiding its approval.

x G L B _____
(Signature of Applicant)

Subscribed and sworn to before me this 20th 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.

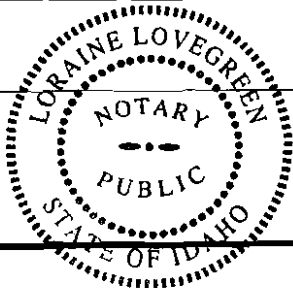
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Betty Rogers
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of June, 20 08

Loraine Lovegren
(Notary Public)

My commission expires March 15, 2010



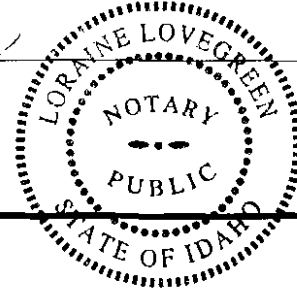
I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this 14th day of July, 20 08

is 14th day of July
Agustin Delacruz
(Notary Public)

My commission expires March 15, 2010



ATTACHMENT A
PARTIAL DECREES

PAGE 1
JUN-26-2002

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
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 PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	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.



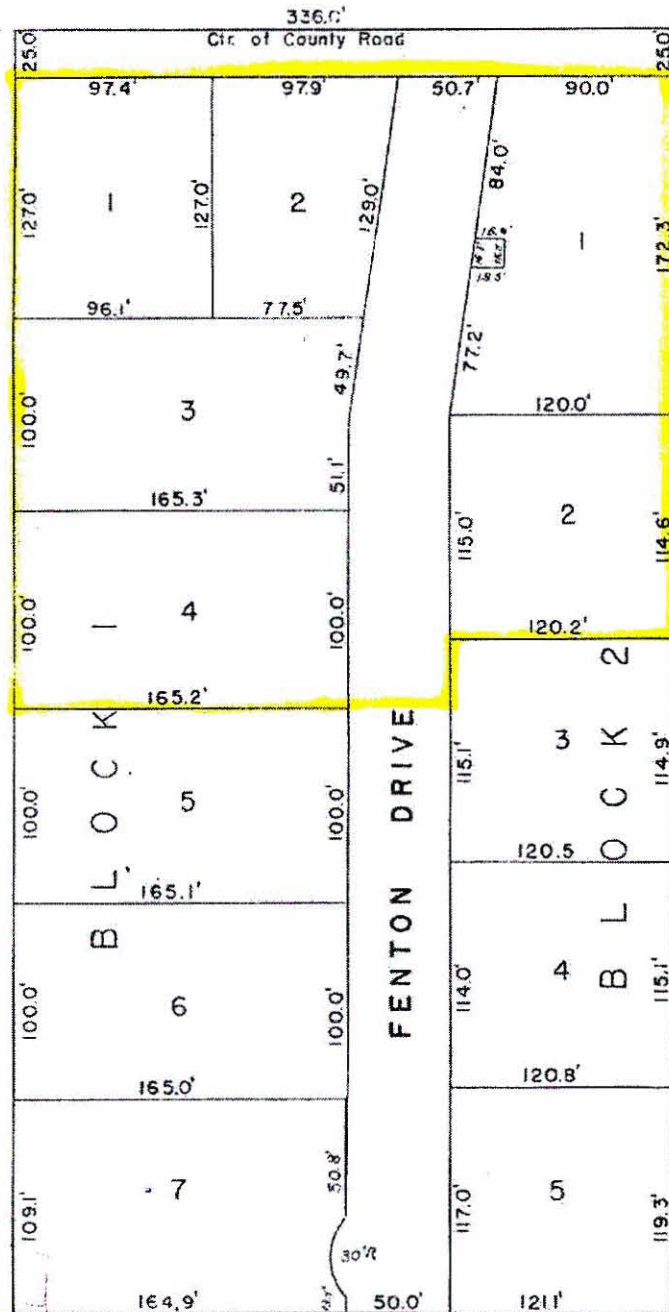
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT B
2006 PHOTO AND PLAT MAP



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.

382'



2

MICROFILMED
SEP 23 1992

2" pipe used on all subdivision corners

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, Douglas E + Nancy L. Middlebrook, owner of
Print Name

Lot 1, 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.

Nancy L. Middlebrook
Signature

1-3-08
Date

481 E Idaho Blvd
Address
Emmett, ID 83617

Instrument # 249939

EMMETT, GEM, IDAHO

2006-03-08

04:22:00 No. of Pages: 1

Recorded for : ALLIANCE TITLE & ESCROW

SUSAN K. HOWARD

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 3.00

Judy Evans

WARRANTY DEED

Order No.: AT-4050607377

FOR VALUE RECEIVED

Joyce K. Jones Thompson, who acquired title as Joyce K. Jones, an unmarried person,
the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Douglas E. Middlebrook and Nancy L. Middlebrook, husband and wife,

whose current address is

481 East Idaho Boulevard, Emmett, Idaho, 83617,

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

Lot 1, Block 1, 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, 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: March 7, 2006

Joyce K. Jones Thompson
Joyce K. Jones Thompson

State of Idaho

}

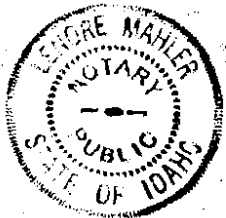
County of Gem

}ss

}

On this 7th day of March 2006, before me, a Notary Public in and for said state, personally appeared Joyce
K. Jones Thompson, 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.



Lenore Mahler

Notary Public for the State of Idaho

Residing at: Emmett, Idaho

Commission Expires: 4/18/06

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

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Ronald R + Doris A Hawley, owner of
Print Name

Lot 2, 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.

Ronald R Hawley
Signature

1-4-08
Date

499 E Idaho Blvd
Address Emmett, ID 83617

Mr. Frank B. Reed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That : DEAN A. POOLE

and GAIL POOLE

, his wife,

of the County of _____, State of Idaho

part 1st of the first part, for and in consideration of the sum of **EIGHTEEN THOUSAND FOUR HUNDRED and 00/100** ----- Dollars (\$ 18,400.00)

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by **RONALD R. HAWLEY** and **DORIS A. HAWLEY**, his wife,
of Emmett, Gem County, Idaho

hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of _____ State of Idaho, to wit:

Lot 2, Block 1, Russell Subdivision, according to the official plat thereof on file in Book 1 of Plats at Page 59, records of the County Recorder of Gem County, Idaho.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to water and ditch rights under the Emmett Irrigation District.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals, and power and transmission lines.

Subject to power line easement dated September 1, 1960, executed by Howard E. Russell and Tola A. Russell, his wife, to Idaho Power Company, recorded November 8, 1960, in Cook 40 of Books, as Instrument No. 81149, records of Cam County, Idaho.

Subject to the effect of the declaration of restrictions on Russell Subdivision, dated November 13, 1963, recorded December 12, 1963, Instrument No. 84912, records of Cam County, Idaho.

Subject to the burdens incident to the inclusion of the land within the boundaries of Emmett Irrigation District.

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

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Chris L & Erika R Christensen, owner of
Print Name

Lot 3, 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.

[Signature]
Signature

1-7-08
Date

1987 Fenton Dr
Address Emmett, ID 83617

556628

INSTRU. NO. <u>243081</u>
PAGES <u>1</u> OF <u>2</u>

Instrument # 243081

EMMETT, GEM, IDAHO

2005-04-29 03:42:00 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE CO

SUSAN K. HOWARD

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 6.00
Judy E. Howard

AFTER RECORDING MAIL TO:

Christopher L. Christensen
1987 Fenton Drive
Emmett, ID 83617

WARRANTY DEED

File No.: 4104-556628 (JT)

Date: April 26, 2005

For Value Received, **Janette I. Petersen, an unmarried person**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Christopher L. Christensen, an unmarried man and Thomas A. Christensen, an unmarried man**, hereinafter referred to as Grantee, whose current address is **1987 Fenton Drive, Emmett, ID 83617**, the following described premises, situated in **Gem County, Idaho**, to wit:

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

APN: RP-00279100

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the 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.

Janette I. Petersen

Janette I. Petersen

APN: RP-00279100

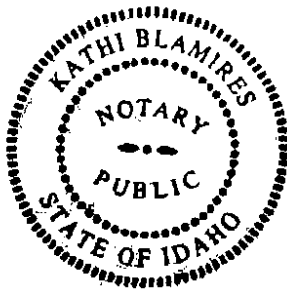
Warranty Deed
- continued

File No.: 4104-556628 (JT)
Date: 04/26/2005

STATE OF Idaho)
COUNTY OF Carm)
SS.

On this 29th day of April, 2005, before me, a Notary Public in and for said State, personally appeared **Janette I. Petersen**, 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 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.



Kathi Blamires
Notary Public for the State of Idaho
Residing at: _____
My Commission Expires: _____

RESIDING AT EMMETT, ID
MY COMM. EXPIRES MAY 4, 2010

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

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

Parr =
Last name

I, David B & Terry F , owner of
Print Name

Lot 4, 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.

Terry L. Parr
Signature

Date

1979 Fenton Dr
Emmett, ID 83617
Address

PL-1042

WARRANTY DEED

For Value Received Robert O. Lucas and Gerla F. Lucas, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto David B. Lucas and Gerla F. Lucas, husband and wife

the grantee, whose current address is 5015 Jackson Drive, Austin, Texas 78747

the following described property, in Lucas County, Idaho, to-wit:

Lot 4 in Block 2 of SUGAR HILLSIDE, according to the official plat thereof, filed in Book 1 of Plats at Page 55, Official Records of said County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and his heirs and assigns forever. And the Grantors do hereby covenant to and with the said Grantee and their heirs and assigns that they, or any one of them, shall not at any time hereafter, in any way, directly or indirectly, claim, demand, or assert any right, title, or interest in or to the said premises, except such as may be shown to be a valid and enforceable claim, demand, or interest in or to the said premises, and that the grantors warrant and defend the same from all lawful claims whatsoever.

Dated: May 5, 1964

Robert O. Lucas
Robert O. Lucas

Gerla F. Lucas
Gerla F. Lucas

STATE OF IDAHO COUNTY OF GEM
I, Clerk of said County, do hereby certify that the foregoing was duly recorded in the records of said County, Idaho, under the name of
First American Title Co.

Robert O. Lucas and Gerla F. Lucas

Notary Public
My Comm. Expires 7/1/64

STATE OF IDAHO COUNTY OF GEM
I hereby certify that the instrument was duly recorded in the records of said County, Idaho, under the name of
First American Title Co.

at 55 (book page) 2 (sheet p. no.)
on 55 GEN dated May 5, 1964
is an office and date recorded under Instr. #180265.

Thelma R. Kolodziej
Clerk of said County

Fee \$3.00
Paid to

First American Title Company of Idaho

190265

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

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Dale L & Myrna J Poole, owner of
Print Name

Lot 1, 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.

Dale L. Poole
Signature

1/07/08
Date

547 E Idaho Blvd
Emmett, ID 83617
Address

Warranty Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

EDWARD E. RUSSELL and **TOLA ANN RUSSELL a/k/a**
TOLA A. RUSSELL, his wife,
of the County of **Gem**, State of **Idaho**,
parties of the first part, for and in consideration of the sum of **SEVENTEEN THOUSAND AND NO/100**
----- Dollars (\$ **17,000.00**),
in lawful money of the United States of America, and other valuable consideration, to them
in hand paid by **DALE L. POOLE** and **MYRNA J. POOLE**,
of **Emmett, Gem County, Idaho**,
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL, and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second
party, all of the following-described property situate, lying and being in the County of **Gem**,
State of Idaho, to wit:

Lot 1, Block 2, Russell Subdivision, according to the official plat
thereof on file in Book 1 of Plats at page 59, records of the County
Recorder,

EXCEPTING THEREFROM the following described tract:
From the Northwest corner of the NE¹/₄NE¹/₄, Section 6, T. 6 N., R. 1 W.,
B.M., run East on section line 382 feet; thence South 25 feet; thence
East parallel to the said section line 246 feet; thence South 9°36'
West 84.0 feet to the point of beginning; thence North 89°26' East
16.4 feet; thence South 0°34' East 16.0 feet; thence South 89°26'
West 19.5 feet; thence North 9°36' East 16.3 feet along road right of
way, to said point of beginning.

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to,
water and ditch rights under Emmett Irrigation District.

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals and power and transmission lines.

Subject to the burdens incident to the inclusion of the land within
the boundaries of the Emmett Irrigation District.

Subject to the power line easement in favor of the Idaho Power Company,
as disclosed by the instrument recorded November 8, 1960, in Book 40 of
Deeds, as Instrument No. 81149, records of Gem County, Idaho.

Subject to the easement in favor of The Mountain States Telephone and
Telegraph Company, as disclosed by the instrument recorded December 22,
1969, as Instrument No. 99005, records of Gem County, Idaho.

Subject to the declaration of restrictions, as disclosed by the
instrument recorded December 12, 1963, as Instrument No. 86912, in
Book 8 of Miscellaneous, page 189, records of Gem County, Idaho.

Subject to the water system Trust Agreement, as disclosed by the
instrument recorded December 12, 1963, as Instrument No. 86913,
records of Gem County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 11th day of August, 1970.

Howard E. Russell [SEAL]
Howard E. Russell (husband)

WITNESSES:

Tola Ann Russell [SEAL]
Tola Ann Russell a/k/a (wife)
Tola A. Russell

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF GEM

On this 11th day of August, 1970, before me, a Notary Public in and for said County and State, personally appeared HOWARD E. RUSSELL and TOLA ANN RUSSELL a/k/a, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.



Howard E. Russell
Notary Public in and for the State of Idaho
Residing at Emmet, Idaho
My commission expires: December 15, 1973

Russell, Howard E. et ux
(Tola Ann)

to
Boole, Dale L. et ux
(Myrna J.)

STATE OF IDAHO
COUNTY OF GEM
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT REQUEST OF Gem County Title Co.
AT 35 MINUTES PAST 1 O'CLOCK P.M. THIS 12th DAY OF AUGUST 1970 IN MY OFFICE AND DULY RECORDED AS A Deed UNDER INSTRUMENT NO. 109262 BY [Signature] EXISTING RECORDER
FEES \$ 2.00

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

Re: Russell Subdivision Transfer Application

To Whom It May Concern:

I, Elden & Betty Rogers, owner of
Print Name

Lot 2, 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.

Betty Rogers
Signature
1982 Fenton Dr
Emmett, ID 83617
Address

1-4-08
Date

FA 7281



INSTRU. NO. 208349
PAGES 1 OF 1

WARRANTY DEED

For Value Received

KELLY L. DOWNS, as his sole and separate property

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

ELDON ROGERS and BETTY ROGERS, husband and wife

hereinafter referred to as Grantee, whose current address is

1982 FENTON, EMMETT, ID 83617

the following described premises, to-wit:

Lot 2 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: October 1, 1999.

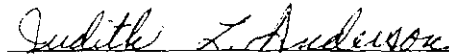

KELLY L. DOWNS

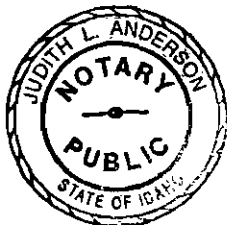
STATE OF IDAHO)

ss.

COUNTY OF GEM)

On This 1st day of October, in the year 1999, before me, a Notary Public in and for said State, personally appeared KELLY L. DOWNS, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.


Notary Public of Idaho
Residing at BOISE
Commission expires: 12/21/2001



First American Title Company of Idaho

208349

Clack County, Idaho) ss
Recorded at request of
First American Title Co.

Time 3:17 PM

Date October 4, 1999

Instru. No. 208349

Recorded as a Deed

Susan K. Howard, Clerk
Ex-officio Recorder

By *Judy Bishop*
Deputy

Fee 3.00

ATTACHMENT D
WELL USE MAINTENANCE AGREEMENT

WELL USE AND MAINTENANCE AGREEMENT FOR
NORTH RUSSELL SUBDIVISION WATER USERS

THIS AGREEMENT, made as of June 16, 2008, 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 1, 2, 3 and 4 of Block 1 and Lots 1 and 2 of Block 2 of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho.

RECITALS

(a) DOUGLAS E. MIDDLEBROOK and NANCY L. MIDDLEBROOK, husband and wife, of 481 E. Idaho Blvd., Emmett, Idaho 83617, own the property in Gem County described as Lot 1 of Block 1 of the Russell Subdivision, hereinafter referred to as Owner #1.

(b) RONALD R. HAWLEY and DORIS A. HAWLEY, husband and wife, of 499 E. Idaho Blvd., Emmett, Idaho 83617, own the property in Gem County described as Lot 2 of Block 1 of the Russell Subdivision, hereinafter referred to as Owner #2.

(c) CHRIS L. CHRISTENSEN and ERIKA R. CHRISTENSEN, husband and wife, of 1987 Fenton Drive, Emmett, Idaho 83617, own the property in Gem County described as Lot 3 of Block 1 of the Russell Subdivision, hereinafter referred to as Owner #3.

(d) DAVID B. PARR and TERRY F. PARR, husband and wife, of 1979 Fenton Drive, Emmett, Idaho 83617, own the property in Gem County described as Lot 4 of Block 1 of the Russell Subdivision, hereinafter referred to as Owner #4.

(e) DALE L. POOLE and MYRNA J. POOLE, husband and wife, of 547 E. Idaho Blvd., Emmett, Idaho 83617, own the property in Gem County described as Lot 1 of Block 2 of the Russell Subdivision, hereinafter referred to as Owner #5.

(f) BETTY ROGERS, individually, and BETTY ROGERS, widow and Successor in Interest to Eldon Rogers, of 1982 Fenton Drive, Emmett, Idaho 83617, owns the property in Gem County described as Lot 2 of Block 2 of the Russell Subdivision, hereinafter referred to as Owner #6.

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

(h) The well and pump provide potable water for the benefit of the property described as Lots 1, 2, 3 and 4 of Block 1 and Lots 1 and 2 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 1, 2, 3 and 4 of Block 1 and Lots 1 and 2 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 1, 2, 3 and 4 of Block 1 and Lots 1 and 2 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 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.

5. 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. Decisions shall be made by unanimous vote.

6. 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.

7. 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.

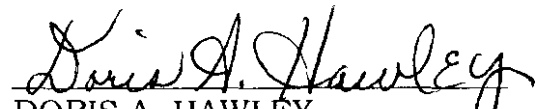
OWNER #1


DOUGLAS E. MIDDLEBROOK


NANCY L. MIDDLEBROOK

OWNER #2


RONALD R. HAWLEY


DORIS A. HAWLEY

OWNER #3


CHRIS L. CHRISTENSEN


ERIKA R. CHRISTENSEN

OWNER #4


DAVID B. PARR


TERRY A. PARR

OWNER #5

Dale L. Poole
DALE L. POOLE

Myrna J. Poole
MYRNA J. POOLE

OWNER #6

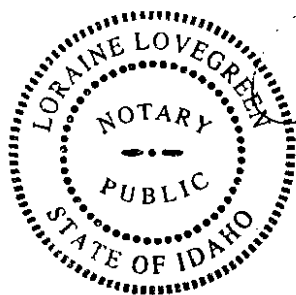
Betty Rogers
BETTY ROGERS, Individually

Betty Rogers
BETTY ROGERS, as Successor
in Interest to Eldon Rogers,
deceased

STATE OF IDAHO)
) ss.
County of Gem)

On this 14th day of July, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared DOUGLAS E. MIDDLEBROOK and NANCY L. MIDDLEBROOK, 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.

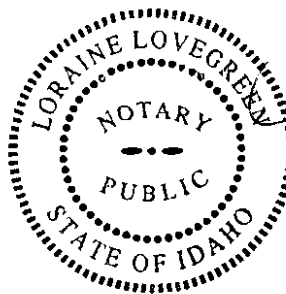


Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 18th day of June, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared RONALD R. HAWLEY and DORIS A. HAWLEY, 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.

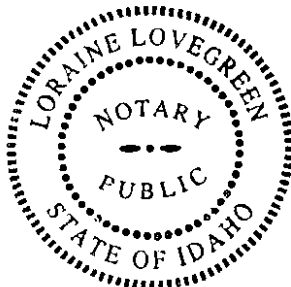


Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 19th day of June, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared CHRIS L. CHRISTENSEN, 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 16th day of June, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared ERIKA R. CHRISTENSEN, 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.

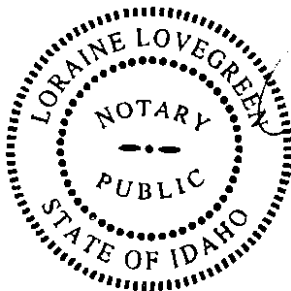


H. Ronald Bjorkman
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires Aug 10, 2011

STATE OF IDAHO)
) ss.
County of Gem)

On this 18th day of June, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared DAVID B. PARR and TERRY F. PARR, 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.

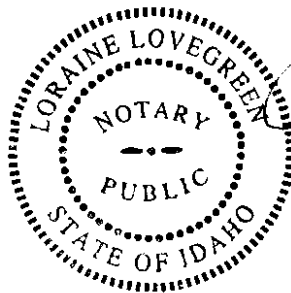


Loraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 18th day of June, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared DALE L. POOLE and MYRNA J. POOLE, 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.

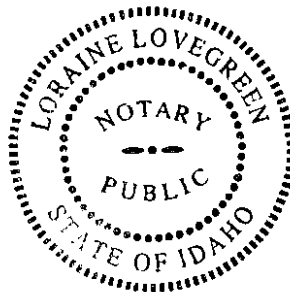


Lorraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 19th day of June, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared BETTY ROGERS, 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.

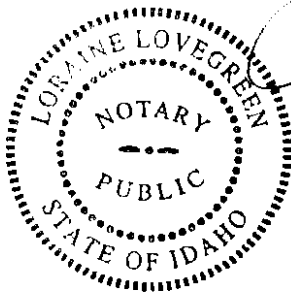


Lorraine Lovegreen
Notary Public for Idaho
Residing at Emmett, Idaho
My Commission Expires March 15, 2010

STATE OF IDAHO)
) ss.
County of Gem)

On this 19th day of June, 2008, before me, the undersigned, a Notary Public for Idaho, personally appeared BETTY ROGERS, Successor in Interest to Eldon Rogers, deceased, 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

Tri County Surveying, Inc.

Job No. 08-028
May 1, 2008

Easement Description

A potable water easement under, over and across a portion of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the southwest corner of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho;
Thence West, 54.00 feet, along the westerly prolongation of the south line of said Russell Subdivision;
Thence South, 20.00 feet;
Thence East, 20.00 feet;
Thence North, 10.00 feet;
Thence East, 370.00 feet, parallel to the south line of said Russell Subdivision, to a point on the southerly prolongation of the east line of said Russell Subdivision;
Thence North, 10.00 feet to the southeast corner of said Russell Subdivision;
Thence West, 336.00 feet, along the south line of said Russell Subdivision, to the point of **Beginning**.

Said tract of land containing therein a calculated area of 4,100 square feet, more or less.



Exhibit A-1

Tri County Surveying, Inc.

Job No. 08-028

May 1, 2008

Easement Description

Together with and subject to a potable water easement under, over and across a portion of Lots 6 and 7 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 10.00 feet east of and adjacent to the follow described line:

Beginning at the southwest corner of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho;
Thence North, 209.10 feet, along the west line of said Russell Subdivision, to the southwest corner of Lot 5 of Block 1 of said Russell Subdivision, being the terminus of this easement.

Also together with and subject to 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 10.00 feet west of and adjacent to the follow described line:

Beginning at the southeast corner of the Russell Subdivision filed in Book 1 of Plats at Page 51, records of Gem County, Idaho;
Thence North, 234.40 feet, along the east line of said Russell Subdivision, to the southeast corner of Lot 3 of Block 2 of said Russell Subdivision, being the terminus of this easement.



Exhibit A-2