

Merritt, Allen

From: Tim Tippet [ttippet@amerion.com]
Sent: Saturday, January 31, 2009 4:43 PM
To: Merritt, Allen
Subject: FW: Jolley purchase
Attachments: jolley.pdf; IDWRletter.doc

Allen – The attached letter will go out to you on Monday together with the enclosures mentioned therein. If you have any questions in the meantime, please do not hesitate to let me know. Also attached to this email is information regarding to an additional water split. When you receive it, give me a call at 800-897-2726 to discuss the form to insure that I fill it in correctly. I should have Idaho registration by early next week.

Thanks,

Tim M. Tippet
Vice President

-----Original Message-----

From: Terri McBride - Land Title and Escrow, Inc. [mailto:tmcbride@landtitleandescrow.com]
Sent: Monday, December 22, 2008 1:23 PM
To: ttippet@amerion.com
Subject: Jolley purchase

Enclosed please find the form that needs filled in and signed then sent to the Idaho Department of Water Resources at 1341 Fillmore St. Ste. 200 Twin Falls, ID 83301 with the dollar amount needed to make the split and name change. They will want a copy of the Warranty Deed that I am sending to you. Please call Jim at (208) 736-3033 to discuss the split with him. You will get all of Section 4 water which is the SENE and is about 12 acres. The water right you will be discussing is No. 36-7008 which I have sent you a copy of herein attached. Thank you and please call me if you need anything.

Terri L. McBride
Senior Escrow Officer
LAND TITLE AND ESCROW, INC.
(208) 878-3524 p
(208) 878-4435 f
tmcbride@landtitleandescrow.com

We are excited about our new Twin Falls office!
See us online at www.landtitleandescrow.com

Western Mortgage & Realty Company

6610 W. Court Street, Suite B, P.O. Box 3110, Pasco Washington, 99302-3110

Phone: (800) 897-2726, Fax: (509) 545-4804

January 30, 2009

Mr. Allen Merritt, PE
Southern Regional Manager
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Western Mortgage & Realty Co. properties located in Lincoln, Minidoka and Blaine Counties in Southern Idaho once owned by the Young Family and also known as Mainline, KECO, Rustic Ag and Storm Circle properties

Dear Mr. Merritt:

The closing statement in your letter to me dated December 31, 2008 could not be more true wherein you state that "this can be very confusing". Needless to say, we need to get this process moving forward and in the interest of doing so, and to demonstrate that we want to be cooperative, please find enclosed herewith the packet of information that you emailed to me in late December, 2008. I believe that I have executed all forms and we are also pleased to submit the required payment in the amount of \$5,135.00.

We believe that you have our best interest in mind in order to properly facilitate the required change of ownership process and trust that you will continue to inform us where necessary in the event that an item needs additional attention and/or modification. I do have a couple of questions that pertain to information in your letter, as follows:

1. Some of the properties are located in Blaine County and you make no reference to said county in your reference heading.
2. Regarding Transfer 72135 in the middle of page two, Steve believes that this site is part of R22E rather than R24E. Can you please double check?

You have requested that we acknowledge in writing that the transfer applications for all dairy sites be withdrawn. It is our understanding that any data entry work already done will be preserved electronically, and any fees paid are being credited to the fees currently due. In any event, please be advised that the transfer applications for Transfer No.'s 72186, 72185, 72427, 72094, 72095, 72096 & 72135 are hereby withdrawn by Western Mortgage & Realty Company and that said applications be returned to us.

And finally, you have by now received clarification that all security interests previously held by Key Bank have been assigned to this firm and that said security interests have been released from your records. We have also filed the appropriate applications with the Idaho Secretary of State which allows Western Mortgage & Realty Co. to do business in the state of Idaho. I will search the records and get the documentation to you, hopefully, by the time that you receive this information.

Thanks again, and if you should have any questions, please do not hesitate to contact me by calling 800-897-2726.

Sincerely,

Tim M. Tippet
Vice President

WARRANTY DEED

#45730

For Value Received

Instrument # 500118

MINIDOKA COUNTY, RUPERT, IDAHO
12-19-2008 02:49:00 pm No. of Pages: 2
Recorded for: LAND TITLE AND ESCROW, INC.
DUANE SMITH Fee: \$8.00
Ex-Officio Recorder Deputy: Lilly Haux
Electronically Recorded by Simplifile

LARRY R. JOLLEY and LAURA JOLLEY, husband and wife

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

WESTERN MORTGAGE & REALTY COMPANY, a Washington Corporation
Address: P.O. BOX 3110, PASCO, WA 99302

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

**TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

Section 4: Part of Tract B, more particularly described as follows:

Beginning at Corner No. 3 of Tract B, which shall be the Point of Beginning:

Thence South 89°20'12" East along the North tract line of Tract B for a distance of 513.71 feet to a ½ inch rebar;

Thence South 00°11'54" East for a distance of 1171.98 feet to a ½ inch rebar;

Thence North 89°40'35" West for a distance of 507.41 feet to a ½ inch rebar on the tract line common to Tract B and Tract A;

Thence North 00°30'14" West along said tract line for a distance of 1175.10 feet to the Point of Beginning.

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

SUBJECT TO:

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

Taxes for 2008 and subsequent years, a lien, but not yet due or payable.

Assessments of the A & B Irrigation District and the rights and powers of said District as by law provided.

Assessments levied, or to be levied, by Magic Valley Ground Water District.

Power Line Easement, dated October 26, 1973, executed by Merrill L. Butterfield and May Butterfield, to Idaho Power Company, recorded August 7, 1974 as Document No. 234935, Minidoka County records, granting a right of way and easement for the erection and continued maintenance of electrical transmission lines and other equipment over the herein described real property, together with all rights of ingress and egress.

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

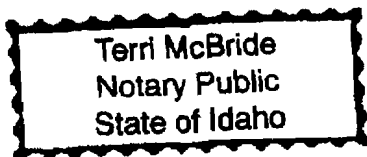
Dated: December 18, 2008

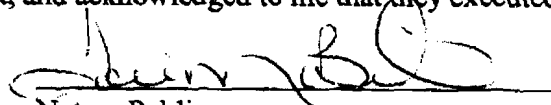

LARRY R. JOLLEY


LAURA JOLLEY

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 18th day of December, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **LARRY R. JOLLEY and LAURA JOLLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Terri McBride
Notary Public
State of Idaho


Notary Public
Residing at: Boise
My Commission expires: 2-5-14

[Close](#)**IDAHO DEPARTMENT OF WATER RESOURCES**
Water Right Report

12/18/2008

WATER RIGHT NO. 36-7008


Owner Type	Name and Address
Current Owner	LARRY JOLLEY RT 1 BOX 1198 PAUL, ID 83347 (208)438-4179
Security Interest	IDAHO AG CREDIT FLCA PO BOX 300 AMERICAN FALLS, ID 83211 (208) 226-5251

Priority Date: 11/01/1967

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume

IRRIGATION	4/01	11/01	2.11 CFS	444 AFA
Total Diversion			2.11 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSWNW	Sec. 03	Township 09S	Range 22E	MINIDOKA County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract
09S	22E	3	3	NENW	39		SWNW	37		SENW
				NESW	2		NWSW	2		
		4		SENE	12					

Total Acres: 111

Conditions of Approval:

1.	THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
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		THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2.	M01	A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
3.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 08/27/2001

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: