

HOFSTETTER LAW OFFICE

608 West Franklin Street

Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
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April 22, 2009

RECEIVED

APR 23 2009

DEPARTMENT OF
WATER RESOURCES

Via Facsimile and U.S. Mail

Nick Van Dyke
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Applications for Transfer Nos. 73775 and 73776

Dear Mr. Van Dyke:

The Idaho Department of Water Resources ("IDWR") has requested information regarding the above-referenced water right transfers. After consulting with the Applicant, I am providing the following responses to IDWR's information requests::

- Water right 57-7051A has been decreed with a place of use overlapping the proposed permissible place of use. This right is currently under the name of Tracy and Teresa Silver and has not been included in either transfer. It will need to be addressed. Options include processing an ownership change, ownership split depending on how the property was conveyed to the Cantrell's, or a transfer to include some or all of it within the permissible place of use. Note that a portion of 57-7051A is in danger of forfeiture due to non-use.

An ownership change for this water right previously was submitted to IDWR. For your reference, I attach a copy of a March 13, 2002, IDWR letter with relevant enclosure confirming receipt of this ownership change information. I note, however, that the Cantrells' new mailing address is not reflected in this documentation and would request that IDWR records for this water right be updated to reflect the Cantrells' current mailing address, as described on the Transfer Applications.

- The southern edge of the proposed ppu overlaps with active recommendation 2-10201 under the name of Triangle Dairy Inc. When following Cantrell's warranty deed this overlap is eliminated. However the imagery clearly shows the pivots existing over the place of use for recommendation 2-10201. Perhaps there is some sort of agreement with Triangle Dairy Inc. to irrigate this particular ground?

I enclose information that the Applicant obtained from the County Assessor and a title company confirming that the Applicant owns all the property between the two canals. Chris Unruh apparently purchased the Triangle Dairy property that is mostly associated with Water

Right No. 2-10201. Based on the enclosed information about Mr. Unruh's parcel, it appears that Water Right No. 2-10201 should not extend to the Applicant's side of the canal.

- Review has shown that rights 2-202A and 57-7100 have a 7.8 acre overlap in the NW1/4NW1/4 of Section 31 Township 5 South, Range 4 East, B.M. While both records currently have no combined limit, one will be added to them if transfer is processed as is. Presently the rights are additive totaling 113 acres. This will become 105.2 available acres between the two rights. Will this be acceptable to the applicant?

Based on the pending SRBA Recommendation for Water Right No. 2-202A (copy enclosed), the overlap between these two rights appears to be at most about 2 acres.

- The application stated the current delivery system incorporates a pond as a collection point for the different sources of water to then deliver to the pivots. There is concern this may not fall under the Department's "24-hour rule" for determining whether or not a pond needs a storage component. Please submit information on the pond's size and average depth.

The Applicant estimates that the pond is about 435 feet x 22 feet x 8 feet average depth.

- Transfers 73775 and 73776 could have been filed as one transfer. The Department requires that two or more transfers be filed when more than one system is being changed. According to the information currently submitted, rights 2-202A and 57-7100 are considered one system. If the applicant so wishes they can resubmit and file as one transfer. This will likely lower the application fee. Also note that if 57-7051A needs to be transferred, the applicant could file to change the two surface water rights under one transfer and the groundwater right on the second transfer.

We filed two different applications due to the status of the SRBA and the desire not to delay the processing of either transfer application pending the SRBA proceedings. The Applicant does not want to start the process anew by submitting a combined application. However, the Applicant appreciates being informed of the opportunity potentially to save filing fees.

Please let me know if you have any questions or need any additional information. Thank you.

Sincerely,
HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2002

TED CANTRELL
SANDY CANTRELL
HC 85 BOX 189
BRUNEAU ID 83604

RE: Change of Ownership for Water Rights 57-7051A and 57-7100

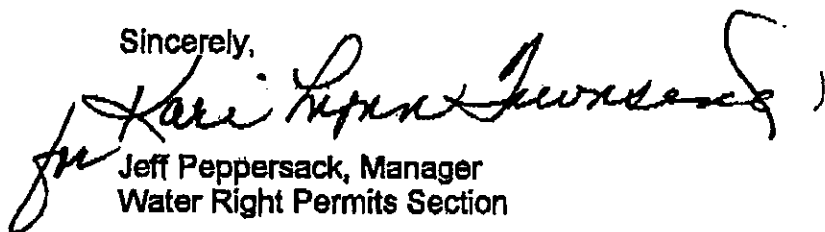
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-7051A

WATER RIGHT NUMBER: 57-7051A

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	PAUL W FREDERICK PO BOX 205 GRAND VIEW, ID 83624
Current Owner	TED CANTRELL HC 85 BOX 189 BRUNEAU, ID 83604 (208) 834-2153
Current Owner	SANDY CANTRELL HC 85 BOX 189 BRUNEAU, ID 83604 (208) 834-2153

Priority Date: 10/23/1987

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.490 CFS	
	<u>Total Diversion:</u>	1.490 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 31, Twp 05S, Rge 04E, B.M.
OWYHEE County		

Place of UseIRRIGATION Within OWYHEE County

T05S R04E S31	SWNE	25.0	T05S R04E S31	NWNW	18.0
T05S R04E S31	SENE	17.0			
Total Acres: 60					

Conditions of Approval:Remarks:

1. Explanatory RIGHT NO. 57-07051B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 57-07100 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.55 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 508.5 AF.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 57-7051A

3. General RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

Dates and Other Information:

Decreed Date: 12/15/1997

4/17/09

PM 00 - PARCEL MASTER INQUIRY

08:42:32

PARCEL: RP 05S04E313010 A

LEGAL DESCRIPTION

TAX 2 LESS THAT PORTION LYING
IN SEC 32, ALSO LESS SENE &
NESE LYING N OF GRAND VIEW
MUTUAL CANAL, ALSO LS TAX 10
31 5S 4E

28294 RIVER RD

BRUNEAU ID 83604

F3=Exit F5=Refresh F12=Cancel

X for parcel comments

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
2 1	2007	27910	AC	7536				
3 1	2007	21400	AC	1284				
5 1	2007	96790	AC	1451				
19 1	2007	1600	AC					
TOTALS		147700		10271				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

4/17/09

P: 100 - PARCEL MASTER INQUIR

08:41:02

PARCEL: RP 05S04E313760 A

LEGAL DESCRIPTION

UNRUH, DAVID C & CATHERINE W

LOTS 2&3 LYING S OF GVM CANAL,
LOT 5 LYING N OF HWY ROW,
SEW&NESW LYING S OF GVM CN,
LOT 4, SESW LESS TAX 9
31 5S 4E

25289 HIPWELL LN

GRAND VIEW ID 83624

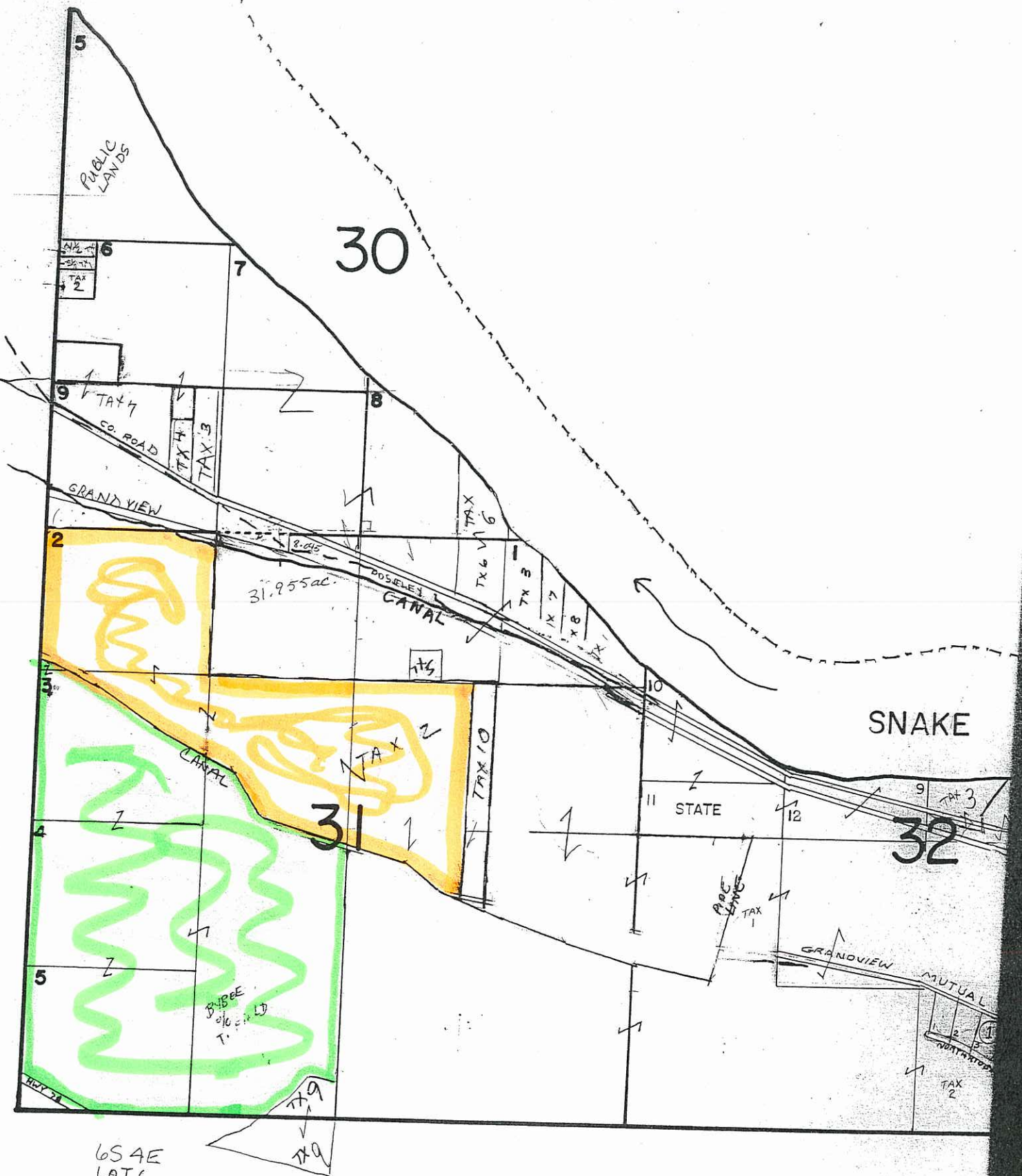
F3=Exit F5=Refresh F12=Cancel

CAT/ST#	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1 1	2007	197834	AC	115871				
1 2	2007	12320	AC	3844				
19 1	2007	5000	AC					

TOTALS 215154 119715

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU



Cantrell
 Unruh

THIS DRAWING IS TO BE USED
 ONLY FOR REFERENCE PURPOSES
 AND THE COUNTY IS NOT RESPONSIBLE
 FOR ANY INACCURACIES
 HEREIN CONTAINED.

Ted Cantrell

From: "Mike Thill" <miket@pioneercanyon.com>
To: <t-cantrell@msn.com>
Sent: Friday, April 17, 2009 4:28 PM
Attach: MikeT_0417162230_001.pdf
Subject: Copy of deeds requested. Sec. 31, T5S R4E.

Copy of the Unruh deeds as well as yours. Also a copy of the assessor's map. Looks like Unruh property in Section 31 all lies South of the Canal to me. Hope this helps,
Mike Thill

MikeT_0417162230_001.pdf
<<MikeT_0417162230_001.pdf>>

4/20/2009

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Triangle Dairy, Inc.

organized and existing under the laws of the State of Idaho, with its principal office at PO Box 7026
 Boise, ID 83707 of County of Ada, State of Idaho
 GRANTOR, hereby GRANT, BARGAIN, SELL and CONVEY unto
 David C. Unruh and Catherine W. Unruh, husband and wife

Grantee(S), whose current address is: 25306 16 Road
 the following described real property in Owyhee
 more particularly described as follows, to wit:
 "See Attached Exhibit A"

Montezuma, KS 67867
 County, State of Idaho,

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this 30th day of November, in the year of 1998

Triangle Dairy, Inc. Corporate Name
 By Kathleen A. Tate President
 Attest William D. Tate Secretary
 Vice Pres.

ACKNOWLEDGEMENT-Corporate

STATE OF Idaho, County of Elmore, ss.

On this 30th day of November

In the year of 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared

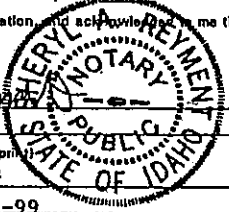
Kathleen A. Tate/William D. Tate

known or identified to me to be the Pres/Vice Pres of the corporation that executed the instrument or the person(s) who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Signature: Sheryl A. Reymont
 Name Sheryl A. Reymont

(Type or print)
 Residing at: Mountain Home

My commission expires: 12-27-99



No warranties of any kind are implied nor representation made by Pioneer Title Company regarding this document or its affect on the land it involves.

10/19/98

Exhibit "A"

Township 5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho

- Section 25: That part of the S1/2SW1/4 lying South of the Grand View Mutual Canal.
Section 36: That part of the NW1/4NW1/4 lying East of the Grand View Mutual Canal.
Section 36: That part of the SW1/4NW1/4 described as follows: BEGINNING at the Quarter Corner common to Sections 35 and 36; thence South 89° 56' East a distance of 660.00 feet to the REAL POINT OF BEGINNING; thence North 00° 17' 14" East a distance of 794.72 feet; thence West 50 feet to the center of the Grand View Mutual Canal; thence North along said center line to the North boundary of said SW1/4NW1/4; thence East along the North boundary line to the NE corner of said SW1/4NW1/4; thence South to the Southeast corner of said SW1/4NW1/4; thence West along the South boundary to the REAL POINT OF BEGINNING.
Section 36: E1/2NW1/4, SW1/4NE1/4
E1/2NE1/4 lying South of the Grand View Mutual Canal.
NW1/4NE1/4 EXCEPT that part lying North of the Grand View Mutual Canal.
S1/2 lying North of the Grand View-Bruneau Highway (now known as State Highway #78) the centerline of which begins at a point which is 221 feet South of the West Quarter corner of said Section 36; thence South 66° 36' East a distance of 5751 feet to a point in the East line of said Section 36, 144 feet North of the Southeast section corner.

Township 5 South, Range 4 East, Boise Meridian, Owyhee County, Idaho

- Section 31: Lot 4 and the SE1/4SW1/4
That portion of Lots 2 and 3 and that portion of the SE1/4NW1/4 and that portion of the NE1/4SW1/4 lying South of the Grand View Mutual Canal.
That portion of Lot 5 lying North of the main Highway from Grand View to Bruneau as reserved in U.S. Patent for a Federal Aid Highway under act of November 9, 1921 (42 Stat. 212).

REQUEST OF
JIM HOFFMAN, JR.
OWYHEE COUNTY, IDAHO
DEPUTY

226767

FILED - RECORDED
58 DEC - 2 PM 4:53
JIM HOFFMAN, JR.
OWYHEE COUNTY, IDAHO
DEPUTY

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nor representation made by Pioneer
Title Company regarding this document
or its affect on the land it involves.

RE-RECORD TO ADD ADDITIONAL LEGAL DESCRIPTION

CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Triangle Dairy, Inc.

organized and existing under the laws of the State of Idaho, with its principal office at PO Box 7026
Boise, ID 83707 of County of Ada, State of Idaho
GRANTOR, hereby GRANT, BARGAIN, SELL and CONVEY unto
David C. Unruh and Catherine W. Unruh, husband and wife

Grantee(S), whose current address is: 25306 16 Road Montezuma, KS 67867
the following described real property in Owyhee County, State of Idaho,
more particularly described as follows, to wit:
"See Attached Exhibit A"

FILED - RECORDED

00 JAN 14 PM 1:46

231091

[Signature]

[Signature]

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the Grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the Grantor has caused its corporate name to be hereunto affixed by its duly authorized officers this 30th day of November, in the year of 1998

Triangle Dairy Inc. Corporate Name
By *[Signature]* President
Attest *[Signature]* Vice Pres.

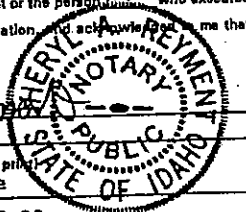
ACKNOWLEDGEMENT-Corporate

STATE OF Idaho, County of Elmore, ss.

On this 30th day of November
In the year of 1998, before me, the undersigned, a Notary Public in
and for said State, personally appeared
Kathleen A. Tate/William D. Tate

known or identified to me to be the Pres/Vice Pres of the
corporation that executed the instrument or the person(s) who executed
the instrument on behalf of said corporation and acknowledged to me that
such corporation executed the same.

Signature: *[Signature]*
Name: Sheryl A Reymont
(type or print)
Residing at: Mountain Home
My commission expires: 12-27-99



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nor representation made by Pioneer
Title Company regarding this document
or its effect on the land it involves.

231091

Exhibit "A"

Township 5 South, Range 3 East, Boise Meridian, Owyhee County, Idaho

- Section 25: That part of the S1/2SW1/4 lying South of the Grand View Mutual Canal.
Section 36: That part of the NW1/4NW1/4 lying East of the Grand View Mutual Canal.
Section 36: That part of the SW1/4NW1/4 described as follows: BEGINNING at the Quarter Corner common to Sections 35 and 36; thence South 89° 56' East a distance of 660.00 feet to the REAL POINT OF BEGINNING; thence North 00° 17' 14" East a distance of 794.72 feet; thence West 50 feet to the center of the Grand View Mutual Canal; thence North along said center line to the North boundary of said SW1/4NW1/4; thence East along the North boundary line to the NE corner of said SW1/4NW1/4; thence South to the Southeast corner of said SW1/4NW1/4; thence West along the South boundary to the REAL POINT OF BEGINNING.
Section 36: E1/2NW1/4, SW1/4NE1/4
E1/2NE1/4 lying South of the Grand View Mutual Canal.
NW1/4NE1/4 EXCEPT that part lying North of the Grand View Mutual Canal.
S1/2 lying North of the Grand View-Bruneau Highway (now known as State Highway #78) the centerline of which begins at a point which is 221 feet South of the West Quarter corner of said Section 36; thence South 66° 36' East a distance of 5751 feet to a point in the East line of said Section 36, 144 feet North of the Southeast section corner.

Township 5 South, Range 4 East, Boise Meridian, Owyhee County, Idaho

- Section 31: Lot 4 and the SE1/4SW1/4
That portion of Lots 2 and 3 and that portion of the SE1/4NW1/4 and that portion of the NE1/4SW1/4 lying South of the Grand View Mutual Canal.
That portion of Lot 5 lying North of the main Highway from Grand View to Bruneau as reserved in U.S. Patent for a Federal Aid Highway under act of November 9, 1921 (42 Stat. 212).

Township 6 South, Range 4 East, Boise Meridian, Owyhee County, Idaho

- Section 6: That portion of Lots 3 and 4 lying North of the Grand View-Bruneau Highway as reserved in U.S. Patent for a Federal Aid Highway under act of November 9, 1921 (42 Stat. 212).

REQUEST OF
JIM HIGHT
OWYHEE COUNTY RECORDER
BY
DEPUTY
226767
FILED - RECORDED
90 DEC - 2 PM 4:53

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Title Company regarding this document
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WARRANTY DEED

TRACY G. SILVER and TERESA L. SILVER, Trustees of THE LOVE RANCH CHARITABLE TRUST FOUNDATION U/T/A dated December 4, 1992, hereinafter collectively known as "Grantors," do hereby convey, grant and warrant to THEODORE CANTRELL and SANDRA CANTRELL, husband and wife, herein collectively referred to as "Grantees," whose address is HC 85, Box 189, Bruneau, Idaho 83604, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

Parcel No. 1:

COMMENCING at the NW corner of Section 31, Township 5 South, Range 4 East, B. M., Owyhee County, Idaho, and running thence South along the West boundary of said Section 31, a distance of 1200 feet to the North boundary of the right of way of the Canal known as the Grand View Mutual Canal; running thence South 77°00' East a distance of 126 feet to a point; thence South 63°30' East a distance of 425 feet to a point; thence South 56°30' East a distance of 685 feet to a point; thence South 63°15' East a distance of 775 feet to a point; thence South 32°00' East a distance of 495 feet to a point; thence South 73°30' East a distance of 735 feet to a point; thence South 74°10' East a distance of 700 feet to a point; thence South 51°25' East a distance of 415 feet to a point; thence South 68°25' East a distance of 620 feet to a point; thence South 70°55' East a distance of 660 feet to a point; thence South 73°10' East a distance of 635 feet to a point; thence South 79°40' East a distance of 700 feet to a point; said point being on the Shoofly pipeline connecting the Grand View Mutual Canal with the old Shoofly Pumping Plant; thence North 14°00' East a distance of 1030 feet along said pipeline to the North boundary line of the NW¼SW¼ of Section 32, Township 5 South, Range 4 East, B. M., Owyhee County, Idaho; thence North 89°53' West a distance of 1020 feet along the said boundary line to the quarter corner common to Sections 31 and 32, Township 5 South, Range 4 East, B.M., Owyhee County, Idaho; thence North 0°12' East a distance of 1180 feet, more or less, to the South boundary line of the right of way of the Grand View Irrigation District Canal; thence North 57°20' West a distance of 325 feet along said right of way line to the North boundary line of the SE¼NE¼ of said Section 31; thence North 89°53' West a distance of

WARRANTY DEED - I

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Instrument # 255556

MURPHY, OWYHEE, IDAHO

2006-03-15

01:11:43 No. of Pages: 6

Recorded for : FIRST AMERICAN SPECIALTY SERVICE

CHARLOTTE SHERBURN

Fee: 18.00

Ex-Officio Recorder Deputy B. Evans

Index to: DEED, QUIT-CLAIM

3700 feet, more or less, along the North boundary line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31 to the SE corner of Lot 2, Section 31; Township 5 South, Range 4 East, B.M. Owyhee County, Idaho; thence North along said boundary line of Lot 2 to the NE corner of said Lot; thence North 89°53' West along the Section line between Sections 31 and 30 to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of the above-described land in Section 32 and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31; and

EXCEPTING THEREFROM a parcel of land lying in portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, all in T.5S., R.4E., B.M., Owyhee County, Idaho, said parcel being more particularly described as follows:

Commencing at the Brass Cap marking the North 1/16 corner common to Sections 31 and 32, T.5S., R.4E., B.M., Owyhee County, Idaho;

Thence, N. 89° 54' 40" W. 1322.46 feet to a Brass Cap marking the NE 1/16 corner of said Section 31 and the *point of beginning*;

Thence along the following courses and distances to iron pins:

S. 00° 10' 20" W. 2071.40 feet along the East 1/16 Line;

Thence, N. 76° 22' 23" W. 234.28 feet;

Thence, N. 00° 10' 20" E. 2016.50 feet to the North 1/16 Line of said Section 31;

Thence, S. 89° 55' 32" E. 227.85 feet to the *point of beginning*, said parcel containing 10.69 acres.

Parcel No. II:

That portion of Lot 9 in Section 30, Township 5 South, Range 4 East, B.M., Owyhee County, Idaho, lying South of the Grand View Irrigation District Canal, County of Owyhee, Idaho.

THE ABOVE DESCRIBED PARCELS I AND II ARE SUBJECT TO two (2) easements more particularly described as follows:

WARRANTY DEED - 2

No warranties of any kind are implied
by the representation made by Pioneer
Title Company regarding this document
or its affect on the land it involves.

No warranties of any kind are implied
nor representation made by Pioneer
Title Company regarding this document
or its affect on the land it involves.

Irrigation Easement

A 10-foot wide irrigation easement running over and across a portion of the NW ¼ SE ¼ of Section 31, T. 5S., R. 4E., B.M., Owyhee County, Idaho, the centerline of said easement being more particularly described as follows:

Commencing at the Brass Cap marking the North 1/16 corner common to Sections 31 and 32, T. 5S., R. 4E., B.M., Owyhee County, Idaho;

Thence, N. 89° 54' 40" W. 1322.46 feet to a Brass Cap marking the NE 1/16 corner of said Section 31;

Thence, S. 00° 10' 20" W. 2071.40 feet along the East 1/16 Line to an iron pin;

Thence, N. 76° 22' 23" W. 234.28 feet to an iron pin;

Thence, N. 00° 10' 20" E. 11.64 feet to the centerline of an existing irrigation ditch, said point being the *point of beginning of centerline*.

Thence, along said centerline of a 10-foot wide irrigation easement the following courses and distances:

N. 68° 17' 03" W. 44.64 feet;

Thence, N. 74° 42' 16" W. 238.19 feet;

Thence, N. 65° 07' 50" W. 57.28 feet;

Thence, N. 59° 22' 53" W. 93.74 feet;

Thence, N. 54° 59' 32" W. 97.80 feet;

Thence, N. 56° 34' 34" W. 52.28 feet to an existing headgate;

Thence, S. 21° 09' 55" W. 38.13 feet to the point of diversion from the Grandview Mutual Canal and the *point of ending of said centerline*.

Well Easement

A well easement running over and across a portion of the SW ¼ NE ¼ of Section 31, T. 5S., R. 4E., B.M., Owyhee County, Idaho, said easement being more particularly described as follows:

Commencing at the Brass Cap marking the North 1/16 corner common to Sections 31 and 32, T. 5S., R. 4E., B.M., Owyhee County, Idaho;

Thence, N. 89° 54' 40" W. 1322.46 feet to a Brass Cap marking the NE 1/16 corner of said Section 31;

Thence, N. 89° 55' 32" W. 227.85 feet along the North 1/16 Line to an iron pin;

Thence, S. 00° 10' 20" W. 941.93 feet to the *point of beginning*;

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Thence, continuing, S. 00° 10' 20" W. 100.00 feet;
Thence, N. 89° 49' 40" W. 60.14 feet to a point of curve;
Thence, along a curve to right 157.08 feet, said curve having a delta of 180° 00' 00", a radius of 50.00 feet and a long chord of 100.00 feet which bears N. 00° 10' 20" E. to a point of tangent;
Thence, S. 89° 49' 40" E. 60.14 feet to the *point of beginning*.

Parcel No. III (Irrigation Easement):

A parcel of land being a 30-foot wide irrigation pipe/ditch easement running over and across a portion of the South ½ of Section 25 and a portion of the NE ¼ NE ¼ of Section 36, all in T.5S., R.3E., B.M., Owyhee County, Idaho, the centerline of said easement being more particularly described as follows:

Commencing at the Brass Cap marking the NW 1/16 corner of Section 31, T.5S., R.4E., B.M., Owyhee County, Idaho; thence, N.89° 55' 50" W. 1570.29 feet to a Brass Cap marking the North 1/16 corner common to said Section 31 and said Section 36; thence, N. 00° 04' 28" W. 595.92 feet along the line common to said Sections 31 and 36 to the *point of beginning of centerline*;

Thence along said centerline of a 30-foot wide irrigation pipe/ditch easement the following courses and distances:

N. 62° 28' 42" W. 579.33 feet;

Thence, N. 57° 51' 18" W. 1046.36 feet;

Thence, N. 61° 43' 04" W. 682.86 feet;

Thence, N. 62° 22' 49" W. 442.61 feet;

Thence, N. 73° 17' 02" W. 286.53 feet;

Thence, N. 71° 35' 13" W. 289.11 feet;

Thence, N. 71° 59' 00" W. 116.11 feet;

Thence, N. 64° 10' 30" W. 250.59 feet;

Thence, N. 70° 50' 00" W. 297.94 feet;

Thence, S. 81° 28' 48" W. 116.59 feet;

Thence, S. 75° 45' 19" W. 86.30 feet;

Thence, S. 60° 42' 22" W. 919.07 feet;

Thence, S. 41° 25' 39" W. 125.24 feet;

Thence, N. 86° 11' 49" W. 55.98 feet to the centerline of Shoofly Creek and the *point of ending of said centerline*.

SUBJECT TO taxes and assessments for the year 2001 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor executed this instrument on this 28th day of December, 2001.

LOVE RANCH CHARITABLE
TRUST FOUNDATION
U/T/A dated December 4, 1992

Theodore Cantrell
Theodore Cantrell

Sandra K Cantrell
Sandra Cantrell

"BUYERS"

By: Tracy G. Silver
Tracy G. Silver, Trustee

By: Teresa L. Silver
Teresa L. Silver, Trustee

"SELLERS"
Tracy G. Silver
Tracy G. Silver
Teresa L. Silver
Teresa L. Silver

"EASEMENT GRANTORS"

WARRANTY DEED - 5

No warranties of any kind are implied
nor representation made by Pioneer
Title Company regarding this document
or its affect on the land it involves.

STATE OF IDAHO)
 Elmore : ss.
County of Canyon)

On this 28th day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Tracy G. Silver and Teresa L. Silver, as Co-Trustees of The Love Ranch Charitable Trust Foundation, U/T/A dated December 4, 1992, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of said trust.

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

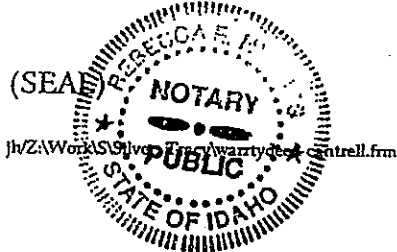


Rebecca E. Hughes
Notary Public for Idaho
Commission expires: 1/30/04

STATE OF IDAHO)
 Elmore : ss.
County of Canyon)

On this 28th day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Theodore and Sandra Cantrell, 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 first above written in this certificate.



Rebecca E. Hughes
Notary Public for Idaho
Commission expires: 1/30/04

WARRANTY DEED - 6

No warranties of any kind are implied nor representation made by Pioneer Title Company regarding this document or its affect on the land it involves.

30

PUBLIC
LANDS

5425
5425
TAX
2

1

CO₂

~~GRANDVIEW~~

12

31.955 ac

3

STATE

41

542E
1/10 11:10
T. 11:10

654E
LOT 6

No warranties of any kind are implied nor representation made by Pioneer Title Company regarding this document or its affect on the land it involves.

OWNERSHIP PARCEL No
LAST THREE DIGITS)
(DIGITS)

12/28/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 2-202A

NAME AND ADDRESS: THEODORE E CANTRELL
28294 RIVER RD
BRUNEAU ID 83604-5106

SANDRA K CANTRELL
28294 RIVER RD
BRUNEAU ID 83604-5106

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 1.100 CFS

PRIORITY DATE: 06/01/1912

POINT OF
DIVERSION: T05S R04E S34 NWSW Lot 10 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 10/31	1.100 CFS

PLACE OF USE: IRRIGATION in OWYHEE County

T05S R04E S31	SWNE	8.00	T05S R04E S31 Lot 2 NWNW	2.00	
T05S R04E S31 Lot 3	SWNW	15.00	T05S R04E S31	SENW	18.00
T05S R04E S31	NESW	3.00	T05S R04E S31	NWSE	14.00

60 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 02-00202.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.