

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Fred W. Hunzeker & Sons Partnership
(Name of Claimant)

Mailing Address: 1041 Bench Rd. Montpelier ID 83254

Telephone No: 208-847-1254 Email: shunzeker@yahoo.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 6-9-1915
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
OVID Creek tributary to Bear River

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>4.33 CFS</u>	Use <u>irrigation</u>	Period of Use From <u>4-15</u> to <u>10-31</u>
Quantity <u>1 CFS</u>	Use <u>STOCK</u>	Period of Use From <u>1-1</u> to <u>12-31</u>
Quantity _____	Use _____	Period of Use From _____ to _____
Quantity _____	Use _____	Period of Use From _____ to _____

4. _____ TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 13 Township 13S Range 43E B.M., Bear Lake County; additional points of diversion, if any: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

There is a concrete structure with a 3 foot culvert with a head gate to divert the water into a ditch.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	44E	18						35 ^S	33 ^S			32 ^S	32 ^S						132
		17											4.5 ^S						4.5
		19						32 ^S	32 ^S			16 ^S							80

TOTAL ACRES 216.5

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. We have 1200 Pairs of beef COWS That need to be watered by STOCK water.

NOTE: Include here the type and number of stock watered: _____

7. Remarks: Stock POU is the same as irrigation.

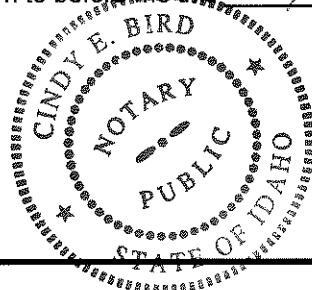
8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
County of Bannock) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Roger G. Hanger
Claimant's Signature (and title if claim is for an organization)
Partner

Sworn to before me this 4th day of January, 2008.



Cindy E. Bird
Notary Public

Residing at: Lava Hot Springs

My commission expires: 6-19-2013

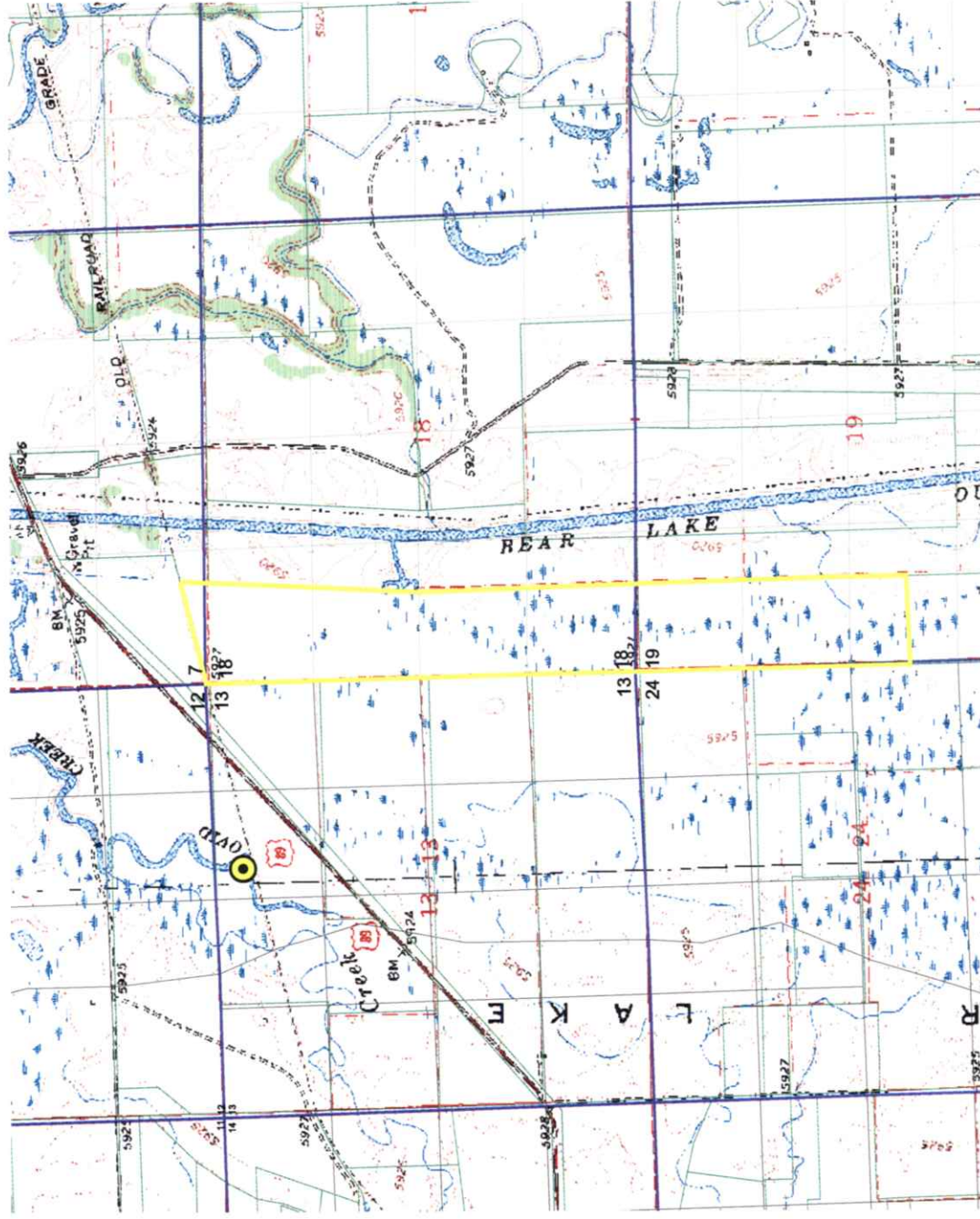
FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee 500 - Receipt # E033692
Receipt prepared by SL Date 1/8/08

Published in New Examiner
Publication dates 2/6 & 2/13/08
Publication checked by _____ Date _____
Exceptions filed by _____

Fred Hunzeker & Sons Partnership

T13S R43E T13S R44E

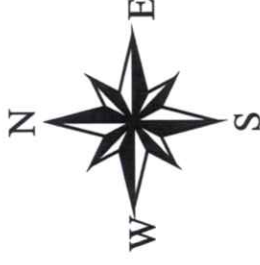
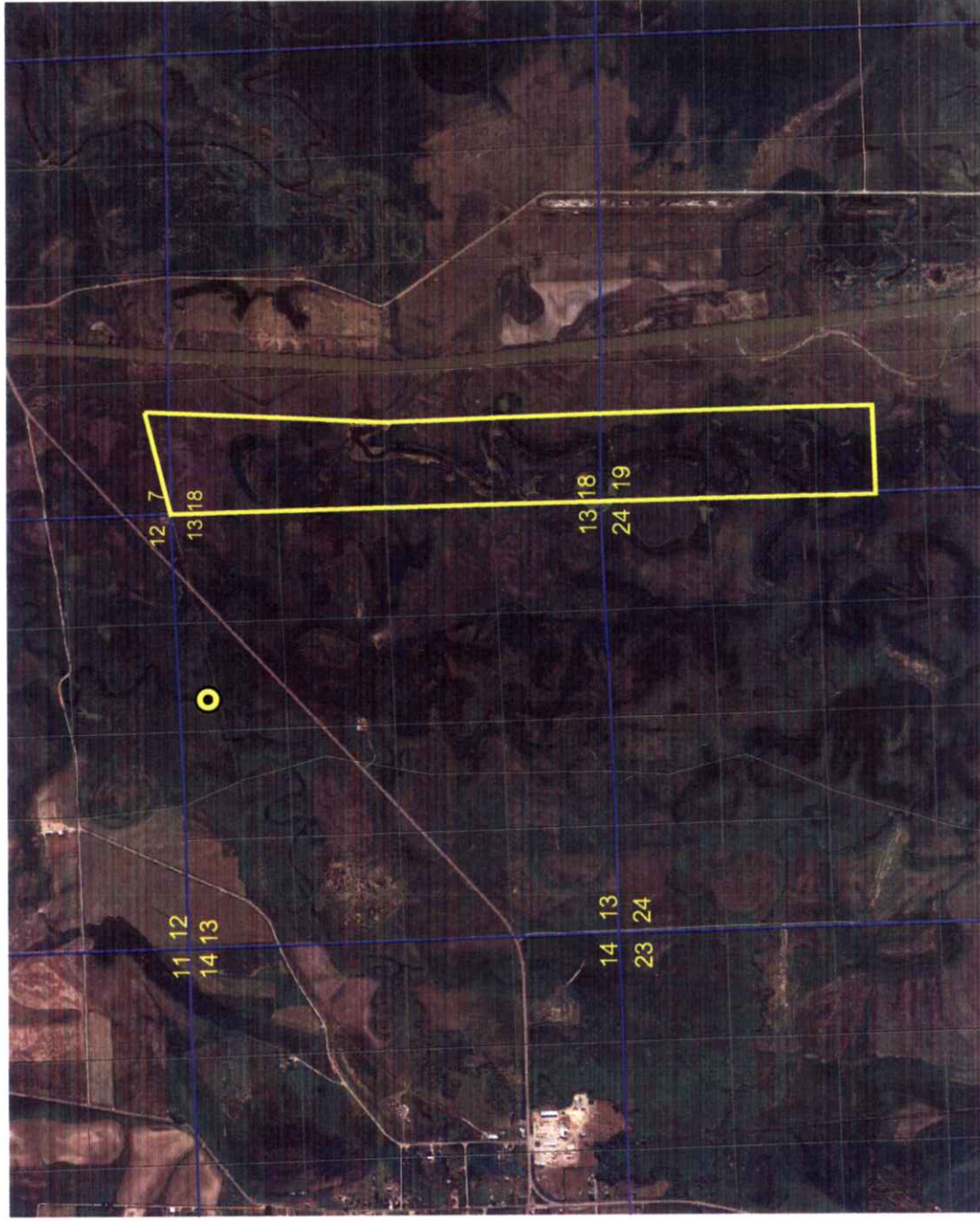


Hunzeker_stat.shp
Sections
T13S R43E

TOPO MAP

0.8 0 0.8 1.6 Miles

Fred Hunzeker & Sons Partnership

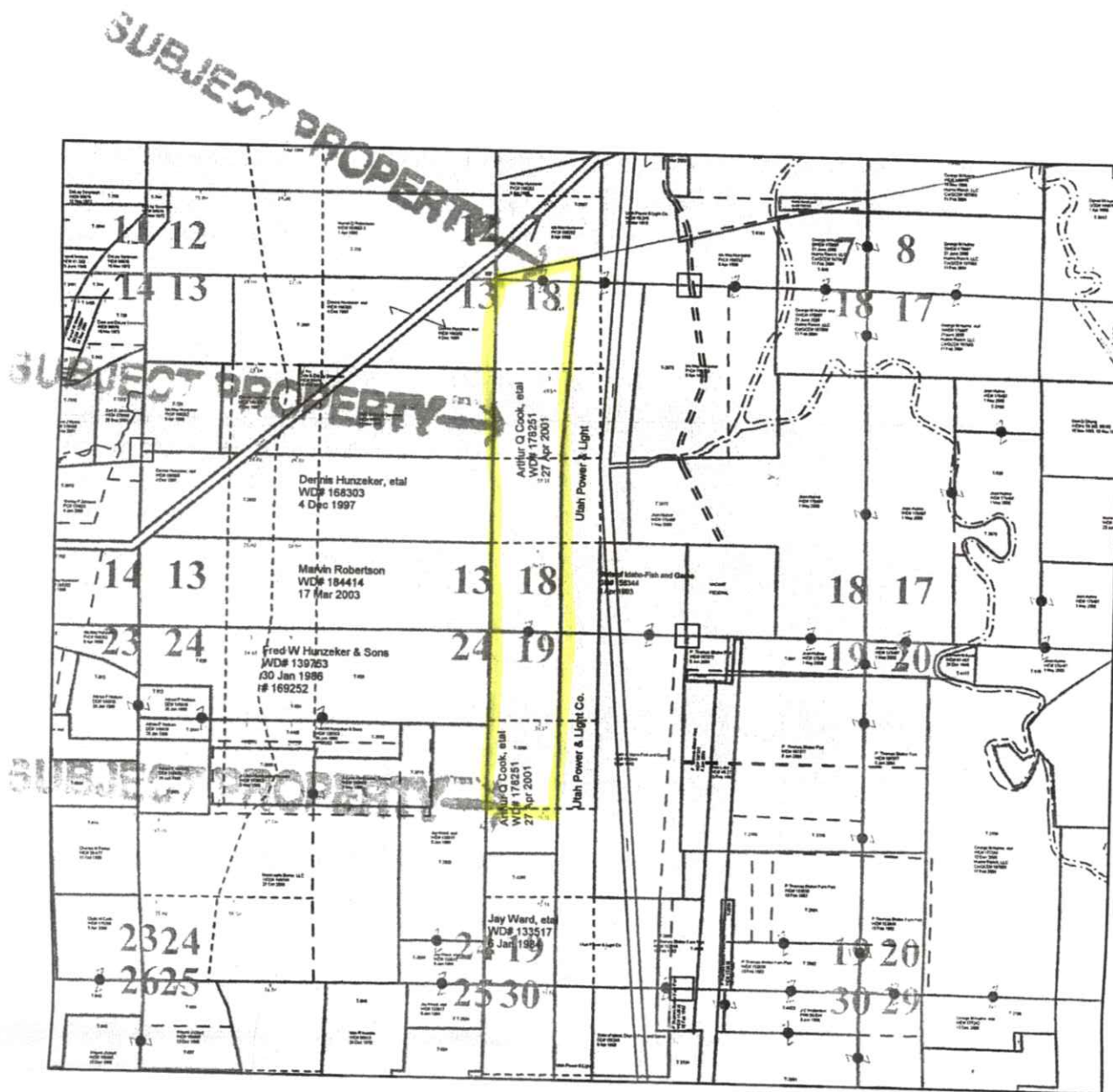


-  Cook place.shp
-  Cook_pod.shp
-  Sections
-  T13S R44E
-  T13S R43E
-  Administrative Basins

2006 Satellite Imagery

0.7 1.4 Miles





This sketch is provided without charge for your information, it is not intended to show all matters related to the property including, but not limited to area dimensions, encroachments, or location of boundaries. It is not a part of, nor does it modify the commitment or policy to which it is attached. The Company assumes NO LIABILITY for any matter related to this sketch. References should be made to an accurate survey for further information.*

FILED EFFECTIVE



STATEMENT OF PARTNERSHIP AUTHORITY

(Instructions on back of application)

The undersigned partnership hereby files a statement of partnership authority, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

1. The name of the partnership is: FRED W HUNZEKER & SONS, PARTNERSHIP
2. The street address of its chief executive office is: 1041 Bench Road, Montpelier, Id 83254
3. The street address of one (1) office in Idaho: 1041 Bench Road, Montpelier, Idaho 83254

4. The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>Dennis H. Hunzeker</u>	<u>338 Washington, Montpelier, Idaho 83254</u>
<u>Roger G. Hunzeker</u>	<u>960 Bench Road, Montpelier, Idaho 83254</u>

OR the name and address of the registered agent in Idaho is:

5. The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

Dennis H. Hunzeker 338 Washington St Montpelier, Idaho 83254

6. Signature of at least 2 partners:

1) [Signature]
Typed Name Dennis H. Hunzeker

2) [Signature]
Typed Name Roger G. Hunzeker

3) _____
Typed Name _____

Secretary of State use only

IDAHO SECRETARY OF STATE
04/13/2004 05:00
CK: 3439 CT: 165934 IN: 730894
1 @ 100.00 = 100.00 PARTN AUT # 2

K 175

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	44E	18						35	33			32	32						132
		17											4.5						4.5
		19						32	32			16							80

TOTAL ACRES 216.5

The Horns dam was built in 1915 when the Bear Lake canal was dug. This dam is vitally important to hold the water from the Crook creek to properly irrigate approximately 216 acres adjacent to this dam. I know and understand its use as stated to be true in every way.

The said 216 acres has been able to produce about one ton per acre of hay because of the necessary use of the said dam. I have seen this land irrigated personally since 1942.

Wayne D Johnson

STATE OF IDAHO)

COUNTY OF BEAR LAKE)

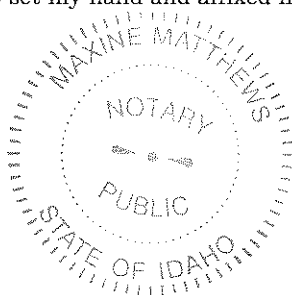
On this 19th day of December, 2007, before me, the undersigned, a notary public in and for said state, personally WAYNE JOHNSON, proven to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such.

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

Maxine Matthews
Notary Public

Residing at: PARIS, ID.

Commission Expires: 11-14-12



WARRANTY DEED

For Value Received,

CLYDE H. COOK and CAROLYN COOK, husband and wife,
of 530 SOUTH 1ST WEST, BERN, County of BEAR LAKE, State of ID. 83220,

THE GRANTOR(S),

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

FRED W. HUNZEKER & SONS PARTNERSHIP,
of 1041 BENCH ROAD, MONTPELIER, County of Bear Lake, State of ID. 83254,

THE GRANTEE(S),

For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of Bear Lake, State of Idaho:

TOWNSHIP 13 SOUTH, RANGE 44 EAST OF THE BOISE MERIDIAN:

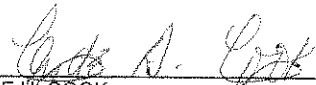
Sections 7, 18 and 19: Beginning at a point 600 feet West and South 1980 feet from the Northeast corner of Lot 2 of said Section 19, and running thence North 5940 feet; thence North 4°46' East 3000 feet, more or less, to the North line of the Oregon Short Line Railroad right of way; thence South 76°15' West along said right of way 1254 feet, more or less, to the West line of said Section 7; thence South 8620 feet, more or less, to a point 1100 feet, more or less, West of the point of beginning; thence East 1100 feet, more or less, to the Point of Beginning.

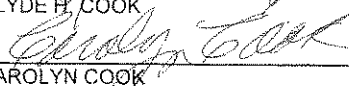
EXCEPT THEREFROM that portion thereof lying within the following described tract, to-wit:

Beginning at a point which is 98.4 feet West of the Northeast Corner of Lot 3 of said Section 18, and running thence West 530 feet; thence North 4°46' East 2649 feet to the North line of Lot 1 of said Section 18; thence East 390 feet along the said North line of Lot 1; thence South 1600 feet; thence South 4°46' West 1050 feet to the Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), its heirs and assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED THIS November 14, 2005.


CLYDE H. COOK


CAROLYN COOK

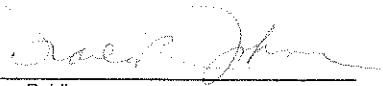
STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 14 day of November, 2005, before me a Notary Public in and for the State, personally appeared

CLYDE H. COOK and CAROLYN COOK,
husband and wife

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public
Residing at: OVID, IDAHO
My Commission Expires: 7-7-2010

Instrument # 193096

BEAR LAKE COUNTY

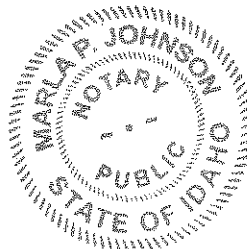
2005-11-15 10:22:44 No. of Pages: 1

Recorded for : FIRST IDAHO TITLE CO.

KERRY HADDOCK

Ex-Officio Recorder Deputy  Fee: 3.00

Index to: WARRANTY DEED



SCHEDULE B - SECTION 1

The following are the requirements to be complied with:

1. Instrument creating the estate or interest to be insured must be executed and filed for record, to-wit:

Warranty Deed from CLYDE H. COOK and CAROLYN COOK, as Joint Tenants with Full Rights of Survivorship (Not as Tenants in Common), to FRED W. HUNZEKER & SONS PARTNERSHIP, conveying the premises described in Schedule A hereof, in fee simple, free and unencumbered.

Real Estate Mortgage from FRED W. HUNZEKER & SONS PARTNERSHIP to CLYDE H. COOK and CAROLYN COOK, as Joint Tenants with Full Rights of Survivorship (Not as Tenants in Common), conveying the premises described in Schedule A hereof to secure the payment of a

2. Pay the full consideration to, or for, the account of, the Grantors or Mortgagors.
3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the company:

1. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
 2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
 3. Discrepancies, conflicts in boundary line, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
 4. Any lien, or right to a lien, imposed by law for service, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
 5. (a) Unpatented mining claim; (b) reservations or exceptions in patents or in acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c), or (d) are shown by the public records.
 6. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the public records of such agency or by the public records.
 7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
 8. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
9. General taxes for the year 2005 in the amount of \$136.76 are due and payable on or before 20 December 2005.
NOTE: Bear Lake County Tax Parcel 4090.01 & 4093.
10. Subject to easements for roads, ditches, power and transmission lines, as the same now exist.
11. Agreement for Canal Construction and Maintenance and Diversion Privileges dated 07 June 1915 and recorded 09 June 1915 in Book Deeds of 21, page 388, as Instrument No. 12078, records of Bear Lake County, Idaho.
Grantor: CHRISTIAN SORENSEN and MATINE SORENSEN, h/w
Grantee: UTAH POWER & LIGHT COMPANY
12. Agreement for the easement and right unto said corporation, its successors and assigns, hereby by us granted, to divert, release and impound, upon from and over said Lots waters now and/or in the future upon or flowing thereto to the full quantities and extent resulting from the maintaining said dykes, and also other dykes and a dam or dams and a gate situate on lands owned by others than us, including said corporation; dated 08 June 1915 and recorded 09 June 1915 in Book 21 of Deeds, page 388, as Instrument No. 12079, records of Bear Lake County, Idaho.
Grantor: JAMES C. OLSON and ELIZA OLSON, h/w
Grantee: UTAH POWER & LIGHT COMPANY

(Continued)

COMMONWEALTH LAND TITLE INSURANCE COMPANY

**SCHEDULE B - SECTION 2
(CONTINUED)**

13. Agreement for the easement and right unto said corporation, its successors and assigns, hereby by us granted, to divert, release and impound upon from and over said Lots waters now and/or in the future upon or flowing thereto, to the full quantities and extent resulting from the maintaining said dykes, and also other dykes and a dam or dams and a gate situate on lands owned by others than us, including said corporation; dated 08 June 1915 and recorded 02 July 1915 in Book 21 of Deeds, page 403, as Instrument No. 12150, records of Bear Lake County, Idaho.
Grantor: GEORGE T. THORNOCK and MARY E. THORNOCK, h/w
Grantee: UTAH POWER & LIGHT COMPANY
14. Right of Way Agreement for the privilege and right to construct, operate and perpetually maintain a canal-way with the water carrying capacity not exceeding thirty second feet, along the route of the center line of such canal-way as now staked on the ground; dated 07 June 1915 and recorded 10 November 1916 in Book 18 of Deeds, page 494, as Instrument No. 13696, records of Bear Lake County, Idaho.
Grantor: CHRISTIAN SORENSEN and MATINE SORENSEN, h/w
Grantee: UTAH POWER & LIGHT COMPANY
15. Lack of public access to and from the land.
NOTE: We are unable to ascertain from the records if the premises herein described have a means of ingress and egress to and from a legally dedicated road or highway.
16. All rights, title or interest in minerals of any kind, oil, gas, coal or other hydrocarbons and the consequences of the right to mine or remove such substances including, but not limited to express or implied easements and rights to enter upon and use the surface of the land for exploration, drilling or extraction related purposes.

This commitment/policy does not purport to disclose documents of record pertaining to the above referenced rights.

Pursuant to the State of Idaho Insurance Regulations, a cancellation fee is to be charged on all cancelled orders. Unless otherwise advised, orders will be considered cancelled six months after the effective date of the commitment. The amount of the fee assessed shall be in accordance with our rate filing with the Idaho Department of Insurance.

NOTE: EXCEPTIONS NO. 1 - 8 WILL NOT APPEAR IN AN ALTA EXTENDED COVERAGE POLICY TO BE ISSUED HEREUNDER.