

66Form 1-222  
12-92STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESAMENDEDAMENDED

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

1. Name of Applicant William & Ronda Brennan Phone (801) 582-0522Mailing Address 2429 Michigan Avenue, Salt Lake City, UT 84108c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc.  
482 Constitution, Ste 303 (208) 524-2353  
Idaho Falls, ID 83402 Fax (208) 524-1795

## 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: Sale of property

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

| 1. Right Number | Priority   | Amount   | Nature of Use | Period of Use  |
|-----------------|------------|----------|---------------|----------------|
| 29-2422         | 01/29/1960 | 0.35 cfs | Irrigation    | 04/01 to 10/31 |

2. Total amount of water being transferred 0.35 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water Groundwater tributary to \_\_\_\_\_

4. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local Name for Diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | SW  | SE  | 21   | 8S   | 38E  | BANNOCK |                          |
|     |     |     |     |      |      |      |         |                          |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4    |           |           |           | NW 1/4    |           |           |           | SW 1/4    |           |           |           | SE 1/4    |           |           |           | Totals |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|     |     |     | NE<br>1/4 | NW<br>1/4 | SW<br>1/4 | SE<br>1/4 | NE<br>1/4 | NW<br>1/4 | SW<br>1/4 | SE<br>1/4 | NE<br>1/4 | NW<br>1/4 | SW<br>1/4 | SE<br>1/4 | NE<br>1/4 | NW<br>1/4 | SW<br>1/4 | SE<br>1/4 |        |
| 8S  | 38E | 21  |           |           |           |           |           |           |           |           |           |           |           |           |           |           | 17.7      | 2.3       | 20.0   |
|     |     |     |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |        |
|     |     |     |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |        |
|     |     |     |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |        |
|     |     |     |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |        |

Total Acres 20.0

**PART 1**

**8. General Information:**

- a. Description of diversion system: Well mainline to sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☐ Yes ☒ 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: Eight acres in the SENE Sec 21, T08N, R38E, will no longer be irrigated.
- d. Remarks: This is an amendment of Transfer #72950 in the name of Brett Carlson. See attached assignment of Application for Transfer #72950 from Brett Carlson to Don Hansen and Don Hansen to William &/or Ronda Brennan.

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**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Right No. \_\_\_\_\_  
 And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

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Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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for the Director



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**

PART 2

**A. DESCRIPTION OF RIGHT AS RECORDED**

WATER RIGHT NO. 29-2422                      Water Right Report                      08/23/2007

Current Owner EAST BANNOCK AGRICULTURAL PROPERTY TRUST  
C/O PAUL FRANDBSEN  
4361 N GARTON LN  
POCATELLO, ID 83201  
(208)233-9545

Priority Date: 01/29/1960

Basis: Decreed

Status: Active

Source            Tributary  
GROUND WATER

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 10/31     | 1.48 CFS              | 840 AFA       |
| Total Diversion       |             |           | 1.48 CFS              |               |

Location of Point(s) of Diversion:

GROUND WATER NESESE Sec. 21 Township 08S Range 38E BANNOCK County

Place of Use Legal Description: IRRIGATION BANNOCK County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 08S             | 38E          | 21             |            | SWNE 4       |              |            | SENE 23      |              |            |              |              |            |              |              |
|                 |              |                |            | NESE 22      |              |            | NWSE 10      |              |            | SWSE 18      |              |            | SESE 8       |              |

Total Acres: 85

**Conditions of Approval:**

- THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE
1. C18 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.
  2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 03/22/2004



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 0.35 cfs for Irrigation purposed from 04/01 to 10/31

2. Points of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local Name for Diversion |
|-----|----|----|----|------|------|------|---------|--------------------------|
|     | NE | SE | SE | 21   | 8S   | 28E  | BANNOCK |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼    |         |         |         | NW ¼    |         |         |         | SW ¼    |         |         |         | SE ¼    |         |         |         | Totals |
|-----|-----|-----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--------|
|     |     |     | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |        |
| 8S  | 38E | 21  |         |         |         | 8.0     |         |         |         |         |         |         |         |         |         |         | 10.7    | 1.3     | 20.0   |

Total Acres 20.0

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

1. Amount 1.13 cfs for Irrigation purposed from 04/01 to 10/31

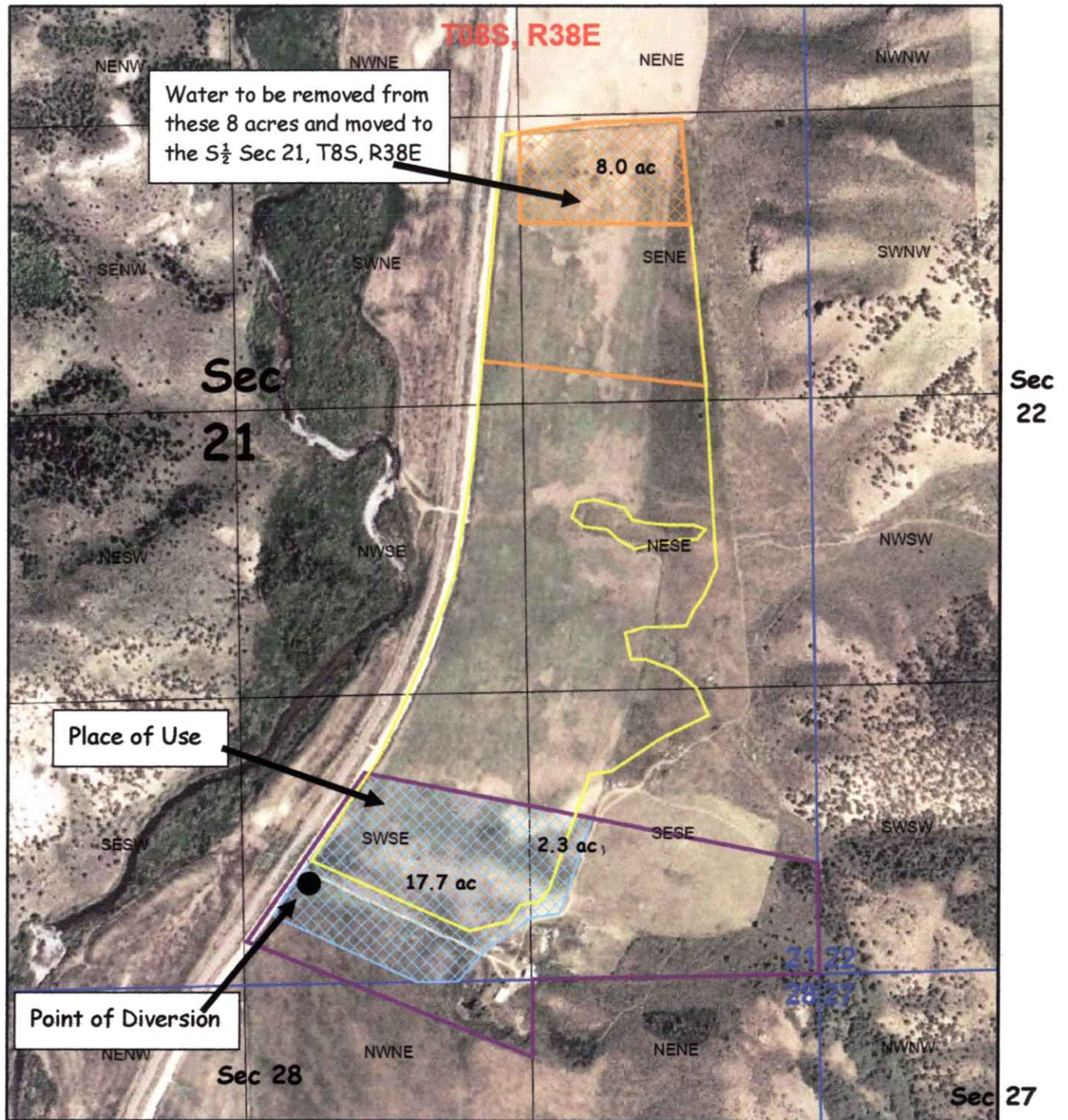
2. Point(s) of Diversion:

| Lot | ¼  | ¼  | ¼  | Sec. | Twp. | Rge. | County  | Local Name for Diversion |
|-----|----|----|----|------|------|------|---------|--------------------------|
|     | NE | SE | SE | 21   | 8S   | 28E  | BANNOCK |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼    |         |         |         | NW ¼    |         |         |         | SW ¼    |         |         |         | SE ¼    |         |         |         | Totals |
|-----|-----|-----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--------|
|     |     |     | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |        |
| 8S  | 38E | 21  |         |         | 4       | 15      |         |         |         |         |         |         |         |         | 22      | 10      | 7.3     | 6.7     | 65.0   |

Total Acres 65.0



Rocky Mountain  
**ENVIRONMENTAL**  
ASSOCIATES, INC.

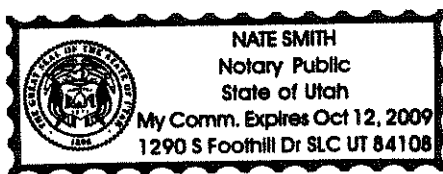
0 0.125 0.25 Miles

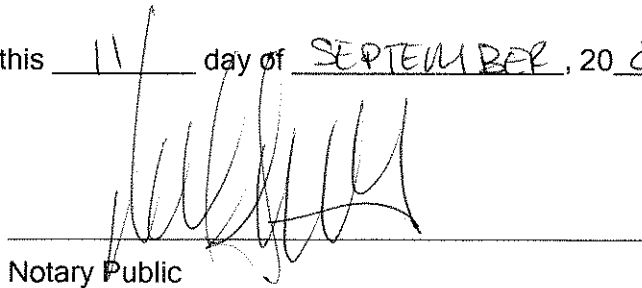
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information in this application is true to the best of my knowledge.

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

  
(Signature of Applicant)

Subscribed and sworn to before me this 11 day of SEPTEMBER, 20 07.



  
Notary Public

My Commission expires: OCT 12 2009

PART 3

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FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and \_\_\_\_\_ attachments  
Received by MWH Date 04/21/2006 Protest filed by \_\_\_\_\_  
Prelim check by MWH Fee \$250 \_\_\_\_\_  
Received by MWH E032088 Date 07/21/2006 \_\_\_\_\_  
Published in Taaho State Journal Copies of protest forwarded by \_\_\_\_\_  
Pub. Dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial  
\_\_\_\_\_ rec'd \_\_\_\_\_ By \_\_\_\_\_  
Copy of transfer sent to lien holder \_\_\_\_\_



To Whom It May Concern:

I, Brett Carlson, do hereby gift my State of Idaho Department of Water Quality transfer application #72950 in the name of Brett Carlson 75 Ridgeview Drive Bountiful, Utah 84010 to Don Hansen 10815 North 55<sup>th</sup> Drive Glendale, Arizona 85304.

Brett Carlson

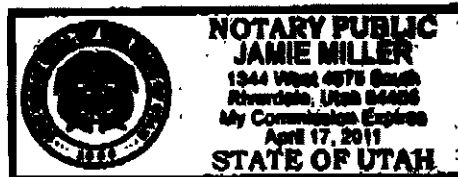
Brett Carlson

8-14-07

Date

In the County of DAVIS, State of Utah, on  
this 14 day of Aug, 2007 a notary public,  
personally appeared Brett R Carlson,  
proved on the basis of satisfactory evidence to be  
the person(s) whose name(s) (is/are) subscribed to  
this instrument, and acknowledged (he/she/they)  
executed the same.

Jamie Miller  
Notary Signature and seal



ATTN: LONNIE M.

To Whom it may concern :

I, Don Hansen, do hereby gift my State of Idaho  
Department of Water Quality transfer  
application #72950, in the name of Don Hansen,  
10815 North 55<sup>th</sup> Drive, Glendale Arizona  
85304, to William and / or Ronda Brennan 2429  
Michigan Ave , Salt Lake City, Utah 84108

Don Hansen  
Don Hansen

8/31/07  
Date

STATE OF ARIZONA  
COUNTY OF MARICOPA

This instrument was acknowledged before me this 31<sup>st</sup> day of  
August, 20 07, by Don Hansen  
in witness whereof I herewith set my hand and official seal.  
Frannie Stroblas NOTARY PUBLIC



## WARRANTY DEED

20721258

Order No.: 3010714146ER

FOR VALUE RECEIVED

Don Hansen & Patricia Hansen, husband and wife  
OFFICIAL RECORD BK# 818  
BANNOCK COUNTY IDAHORECORDED AT REQUEST OF  
FEE 3 DEPUTY DE

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

ALLIANCE TITLE &amp; ESCROW

William Brennan and Ronda Brennan, Husband and Wife

20721258

2007 AUG 31 A 10:17

whose current address is

1429 Michigan Avenue Salt Lake City, UT 84108

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

That part of the South ¼ Southeast ¼ of Section 21 and the Northwest ¼ Northeast ¼ of Section 28, Township 8 South, Range 38 East, Bannock County, Idaho, being part of that tract of record in the office of the Recorder of Bannock County as Instrument No. 90016536, described as follows:

BEGINNING at the Southeast corner said Section 21;

Thence South 89°10'02" West, 1335.10 feet, along the South line of said Section 21 to the Northeast corner of said Northwest ¼ Northeast ¼;

Thence South 00°05'02" East, 315.40 feet, along the East line of said Northwest ¼ Northeast ¼ to a point;

Thence North 64°45'52" West, 1393.92 feet, to a point on the Easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;

Thence North 35°17'28" East, 862.60 feet, along said right-of-way line to a point;

Thence South 77°53'01" East, 2144.26 feet, to a point on the East line of said Section 21;

Thence South 00°03'34" East, 513.48 feet, along said East line to the CORNER OF BEGINNING.

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: 8/28/2007

Don Hansen

Don Hansen

Patricia Hansen

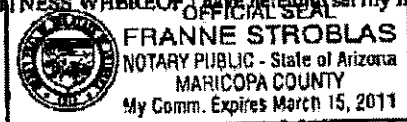
Patricia Hansen

State of Arizona

County of Maricopa

On this 29<sup>th</sup> day of August, in the year 2007 before me, a Notary Public in and for said state, personally appeared Don Hansen & Patricia Hansen known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

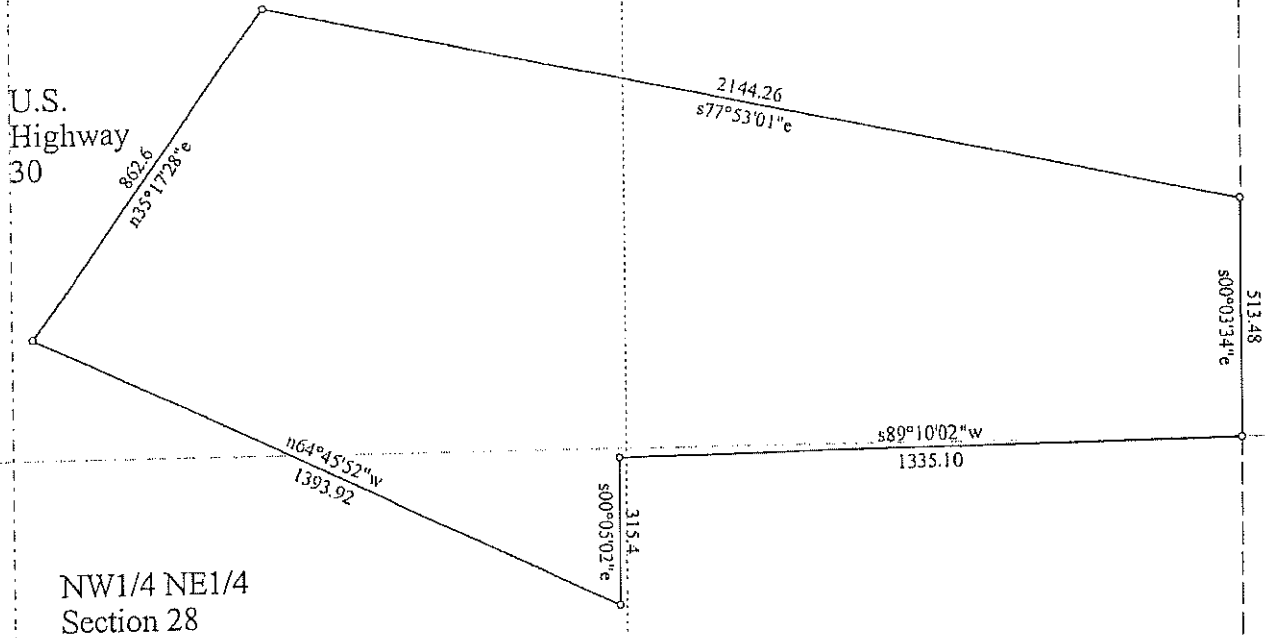
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Franne Stroblas  
Notary Public for the State of Arizona  
Residing at: AZ  
Commission Expires: 15 MAR 2011

SE1/4 Section 21  
Township 8 South, Range 38 EBM

U.S.  
Highway  
30



NW1/4 NE1/4  
Section 28

*Hansen ?*

Title: Christensen Property

Date: 09-20-2005

Scale: 1 inch = 400 feet

File: 3010511268.dcs

Tract 1: 43.929 Acres: 1913548 Sq Feet: Closure = s76.5529e 0.01 Feet: Precision = 1/723464: Perimeter = 6565 Feet

001=/se,se,se,21,8s,38e

004=n64.4552w 1393.92

007=s00.0334e 513.48

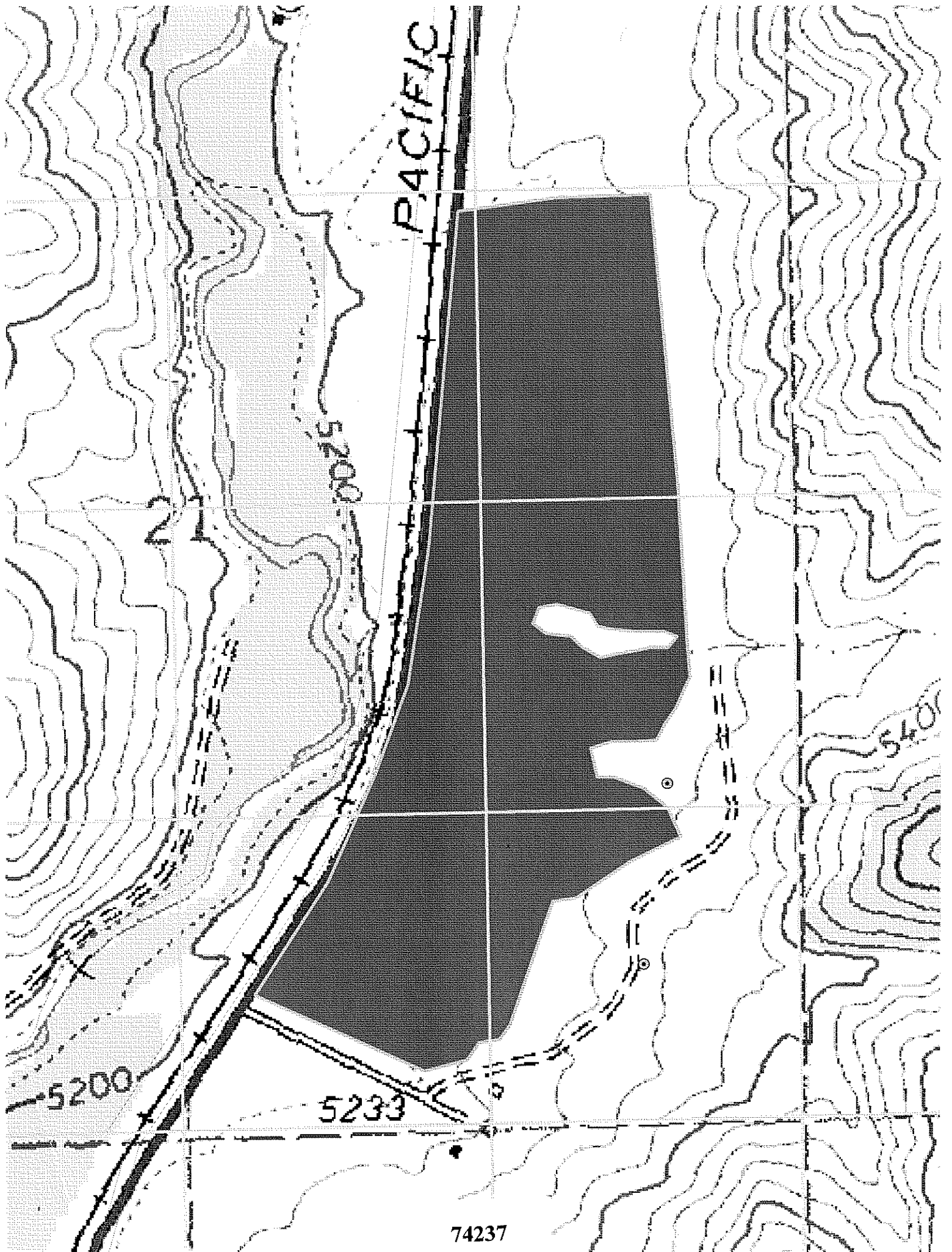
002=s89.1002w 1335.10

005=n35.1728e 862.6

003=s00.0502e 315.4

006=s77.5301e 2144.26

WHILE THIS IS A REPRESENTATION  
OF THE PROPERTY DESCRIBED HEREIN,  
THIS COMPANY ASSUMES NO LIABILITY  
FOR VARIATIONS, IF ANY, WITH A SURVEY.



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transf

74237

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant BRETT CARLSON Phone 801-419-4407  
Post Office address 75 S. RIDGEVIEW DR, BOUNTIFUL, UT 84010

## 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 WATER RIGHT IS BEING SPLIT BY OWNERSHIP AND NEW WELL IS TO BE DRILLED TO SERVE PROPERTY. PORTION OF POW/WR IS BEING CHANGED TO REFLECT SHARES OF WATER ~~AS~~ AS DESCRIBED IN DEED.

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

1. Right Number 29-2422 Priority 1/29/1960 Amount (cfs/ac-ft) 0.35CFS/198AF Nature of Use IRRIGATION Period of Use 4/1 to 10/31  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_

2. Total amount of water being transferred 0.35 cubic feet per second and/or 198 acre-feet per annum.

3. Source of water GROUNDWATER tributary to \_\_\_\_\_

4. Point(s) of Diversion: \_\_\_\_\_

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County  | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|---------|--------------------------|
|     |     | NW  | NE  | 28  | 8S  | 38E | BANNOCK |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |     |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |     | Totals |
|-----|-----|-----|--------|-----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|-----|--------|
|     |     |     | NE     | NW  | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE  |        |
| 8S  | 38E | 28  |        | 0.5 |    |    |        |    |    |    |        |    |    |    |        |    |    |     | 0.5    |
| 8S  | 38E | 21  |        |     |    |    |        |    |    |    |        |    |    |    |        |    | 18 | 1.5 | 19.5   |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |     |        |

Total Acres 20

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74237

Page 1

07/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2422

WATER RIGHT NUMBER: 29-2422

|                   |                                                                                                                           |
|-------------------|---------------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                   |
| Current Owner     | EAST BANNOCK AGRICULTURAL PROPERTY TRUST<br>C/O PAUL FRANDSEN<br>4361 N GARTON LN<br>POCATELLO, ID 83201<br>(208)233-9545 |

Priority Date: 01/29/1960

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            | 04/01 to 10/31          | 1.480 CFS             | 840.00 AF            |
|                       | <u>Total Diversion:</u> | 1.480 CFS             | 840.00 AF            |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | NE1/4SE1/4SE1/4 | Sec. 21, Twp 08S, Rge 38E, B.M. |
| BANNOCK County |                 |                                 |

Place of Use

IRRIGATION

|     |     |     |    |    |     |      |    |    |    |    |    |    |    |    |      |      |      |     |        |
|-----|-----|-----|----|----|-----|------|----|----|----|----|----|----|----|----|------|------|------|-----|--------|
| Twp | Rge | Sec | NE |    |     |      | NW |    |    |    | SW |    |    |    | SE   |      |      |     | Totals |
| 08S | 38E | 21  | NE | NW | SW  | SE   | NE | NW | SW | SE | NE | NW | SW | SE | NE   | NW   | SW   | SE  |        |
|     |     |     |    |    | 4.0 | 23.0 |    |    |    |    |    |    |    |    | 22.0 | 10.0 | 18.0 | 8.0 | 85.0   |

Total Acres: 85

Conditions of Approval:

1. 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

Comments:

74237

## 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?

\_\_\_\_\_ 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 0.35 cfs / 198 AF for IRRIGATION purposes from 4/1 to 10/31  
 (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 | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County  | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|---------|--------------------------|
|     | NE  | SE  | SE  | 21  | 8S  | 38E | BANNOCK |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |     |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |      |     | Totals |
|-----|-----|-----|--------|----|-----|----|--------|----|----|----|--------|----|----|----|--------|----|------|-----|--------|
|     |     |     | NE     | NW | SW  | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW   | SE  |        |
| 8S  | 38E | 21  |        |    | 2.7 |    |        |    |    |    |        |    |    |    |        | 3  | 12.8 | 1.5 | 20     |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |      |     |        |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |      |     |        |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |      |     |        |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |      |     |        |

Total Acres \_\_\_\_\_

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

1. amount 1.13 cfs / 642 AF for IRRIGATION purposes from 4/1 to 10/31  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

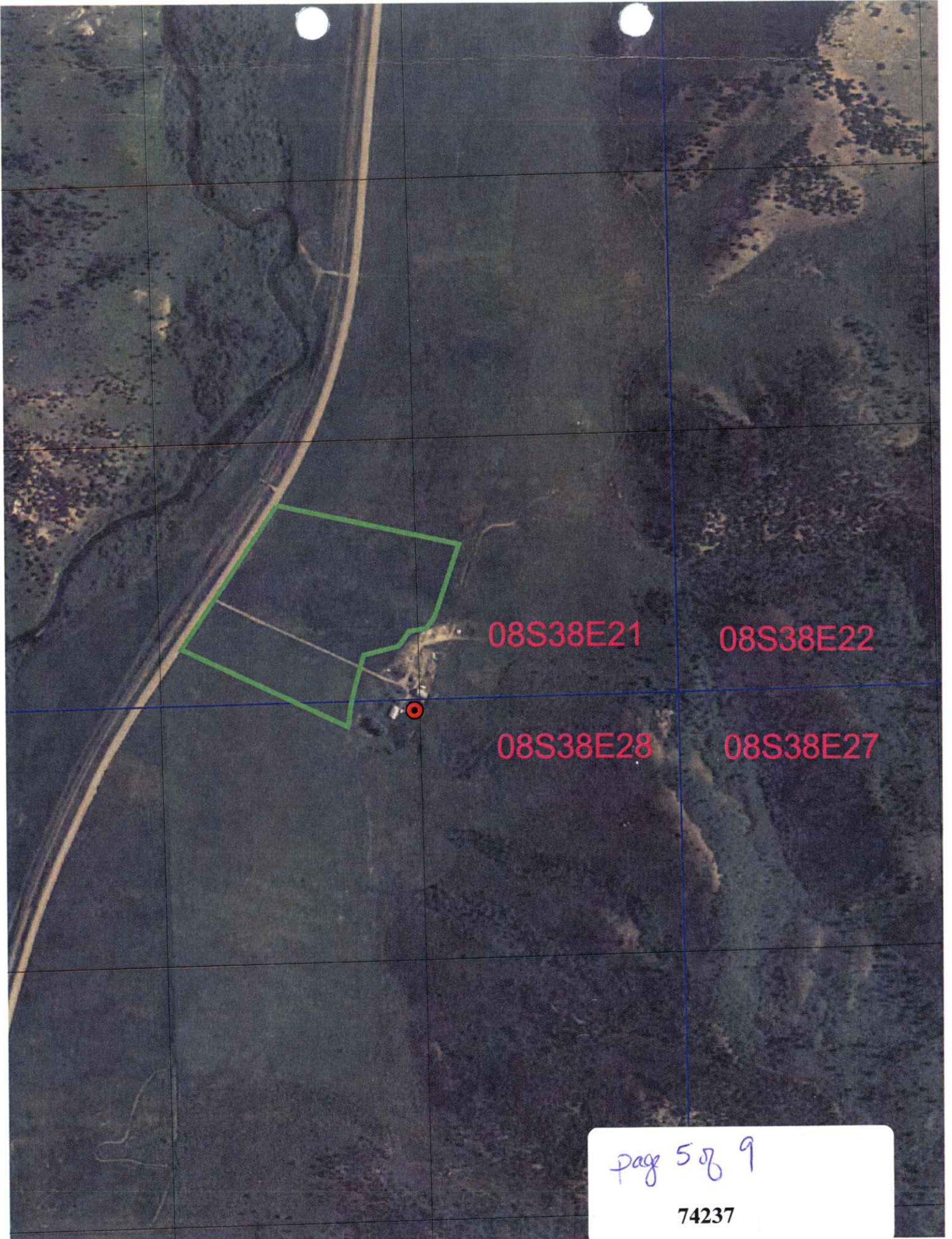
2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County  | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|---------|--------------------------|
|     | NE  | SE  | SE  | 21  | 8S  | 38E | BANNOCK |                          |
|     |     |     |     |     |     |     |         |                          |
|     |     |     |     |     |     |     |         |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |     |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |     |     | Totals |
|-----|-----|-----|--------|----|-----|----|--------|----|----|----|--------|----|----|----|--------|----|-----|-----|--------|
|     |     |     | NE     | NW | SW  | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW  | SE  |        |
| 8S  | 38E | 21  |        |    | 1.3 | 23 |        |    |    |    |        |    |    |    | 22     | 7  | 5.2 | 6.5 | 65     |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |     |     |        |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |     |     |        |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |     |     |        |
|     |     |     |        |    |     |    |        |    |    |    |        |    |    |    |        |    |     |     |        |

Total Acres 65



08S38E21

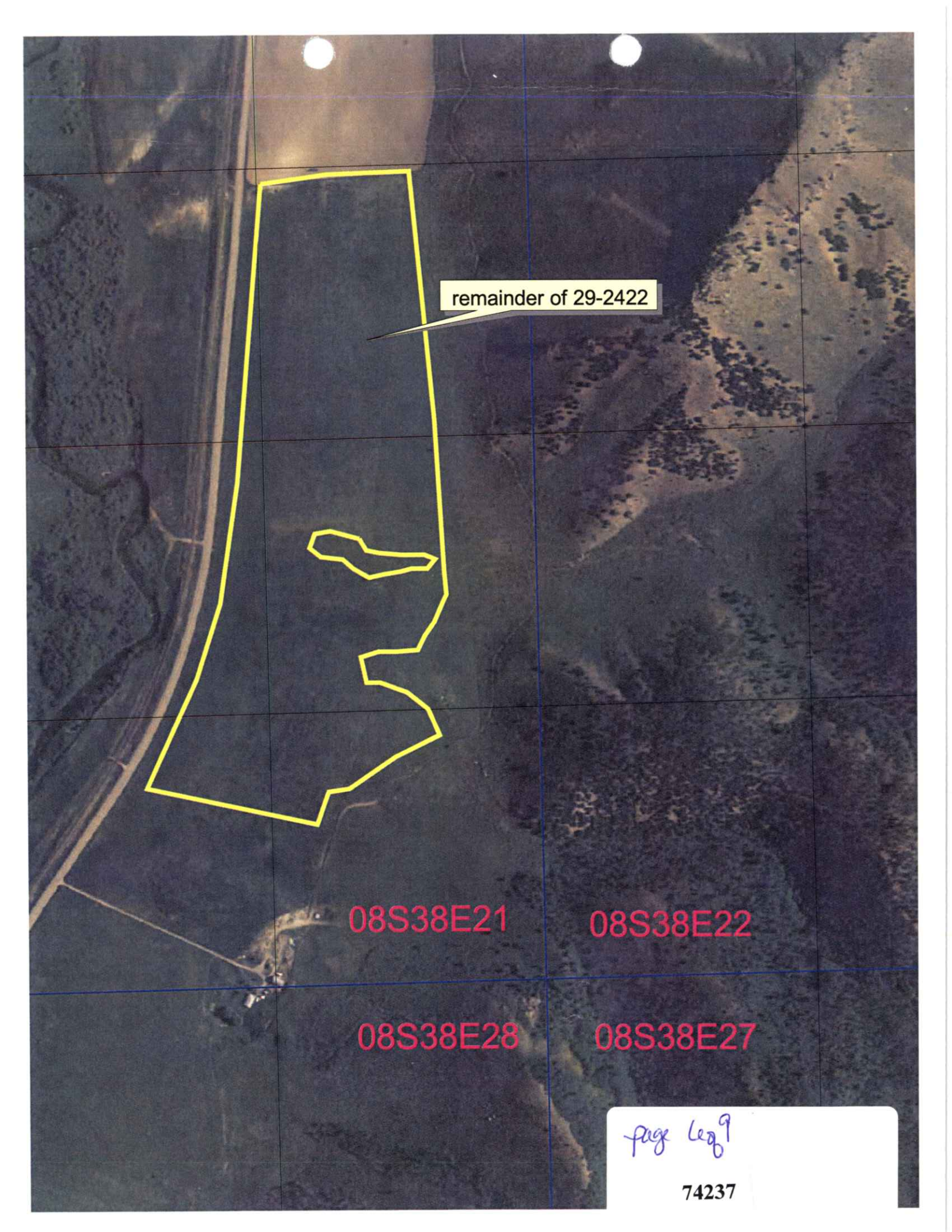
08S38E22

08S38E28

08S38E27

page 5 of 9

74237



remainder of 29-2422

An aerial photograph of a coastal area, possibly a marsh or wetland, with a yellow boundary line. The boundary line starts near the top left, goes down, then right, then down again, and finally right to the bottom. There is a small, irregularly shaped area within the boundary. The background is a dark, textured surface, likely water or wetland. A grid of blue lines is overlaid on the image. Two white circular marks are visible at the top. A yellow callout box points to the boundary line with the text 'remainder of 29-2422'. In the bottom right corner, there is a white box containing the text 'page 1 of 9' and '74237'. The bottom of the image is divided into four quadrants by a horizontal and vertical blue line, each labeled with a red text code: '08S38E21' (top left), '08S38E22' (top right), '08S38E28' (bottom left), and '08S38E27' (bottom right).

08S38E21

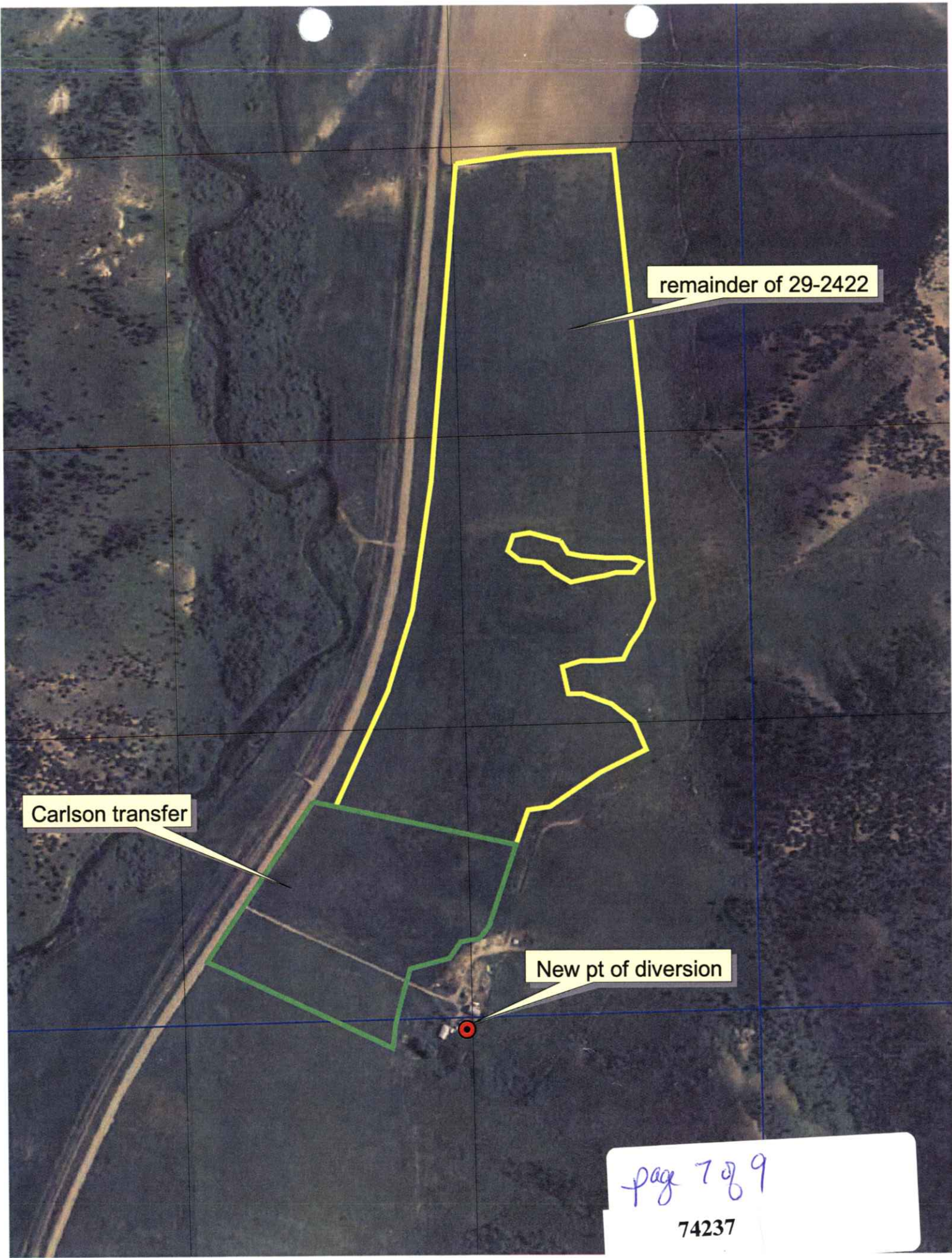
08S38E22

08S38E28

08S38E27

page 1 of 9

74237



remainder of 29-2422

Carlson transfer

New pt of diversion

# Idaho Department of Water Resources



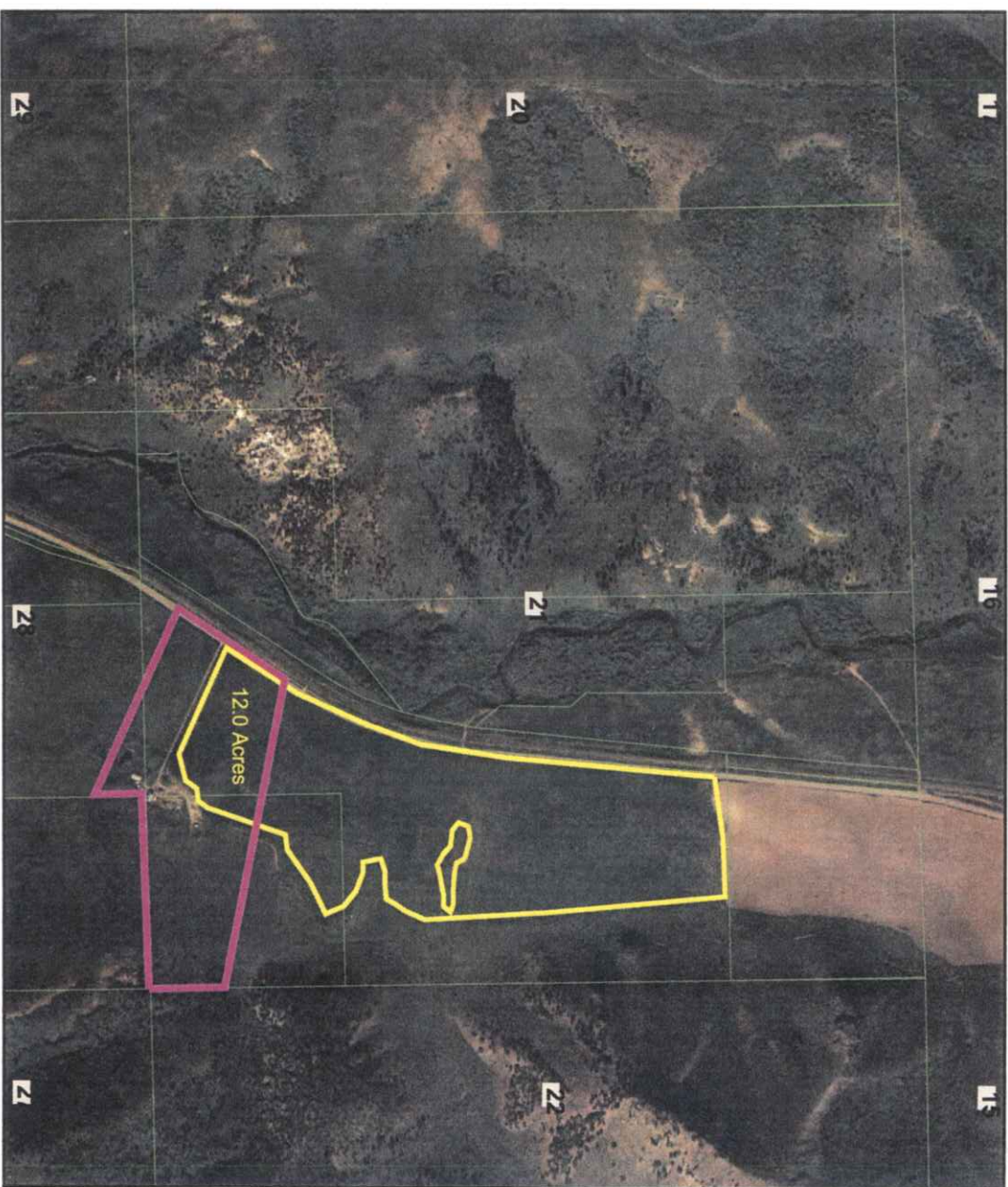
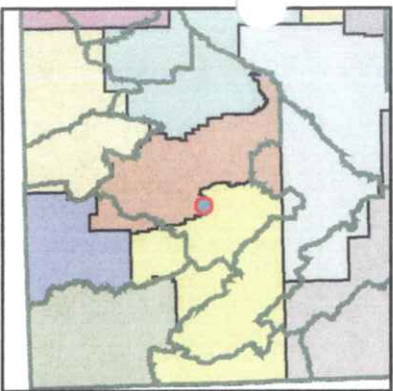
T08S R38E

Water Right Number:

**29-2422**

## Legend

- Brett Carlson Parcel
- Place of Use for Right 29-2422 (65 Acres)
- Barnack taxlots



Prepared by S. Keen  
On Tuesday, February 7, 2006  
2004 NAIP Aerial Photography

**PART 3**

**B. CHANGES IN NATURE OF USE**

- |    | <u>New Nature of Use</u>                                                       | <u>Amount(cfs/af-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------------------------------------------------------------|--------------------------|------------------------|----------------------|
| 1. | _____                                                                          | _____                    | _____                  | _____ to _____       |
|    | _____                                                                          | _____                    | _____                  | _____ to _____       |
| 2. | Quantity and quality of return flows and location of discharge: _____          |                          |                        |                      |
|    | _____                                                                          |                          |                        |                      |
|    | _____                                                                          |                          |                        |                      |
| 3. | Describe effects on other water uses resulting from the proposed change: _____ |                          |                        |                      |
|    | _____                                                                          |                          |                        |                      |
|    | _____                                                                          |                          |                        |                      |
|    | _____                                                                          |                          |                        |                      |

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.

Brett Carlson

(Signature of Applicant)

Subscribed and sworn to before me this 31 day of July, 2006

Mary L Cox

(Notary Public)

My commission expires 07/01/09



**FOR DEPARTMENT USE ONLY**

Transfer contains 9 pages and 19 attachments

Received by MWH Date 7/21/2006 Protest filed by \_\_\_\_\_

Prelim. Check by MWH Fee \$250

Received by MWH E032088 Date 7/21/2006

Published in Desch State Journal Copies of protest forwarded by \_\_\_\_\_

Pub. Dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ received \_\_\_\_\_ by RECEIVED

Copy of transfer sent to lien holder \_\_\_\_\_

# ALLIANCE

TITLE & ESCROW CORP.

312 W. Center, Pocatello, ID 83204 Phone (208) 232-6163 Fax (208) 233-8947

To: **Brett Carlson**  
**75 S. Ridgeview**  
**Bountiful, UT 84010**

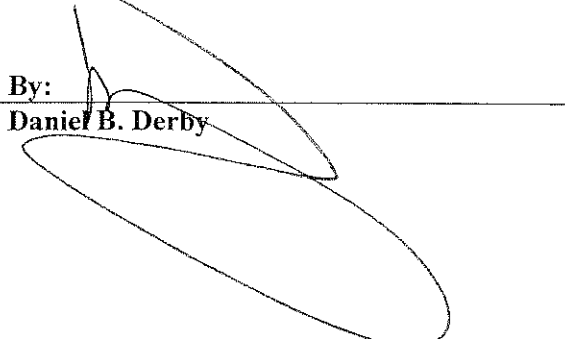
Order No.: **3010511268ER**  
Date: **October 24, 2005**  
Reference:

In connection with the above transaction, we enclose:

- X Policy of Title Insurance No.: 72106-1217636
- X Warranty Deed recorded: 10/07/2005 as Instrument No.: 20521712

Thank you for giving us the opportunity of serving you!

Alliance Title & Escrow

By:   
Daniel B. Derby

74237

ATTACHMENT 1 OF 19

AMERICAN LAND TITLE ASSOCIATION  
OWNER'S POLICY  
(10-17-92)

Policy No. 72106- 1217636

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*In Witness Whereof*, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

Alliance Title & Escrow Corp.  
312 West Center Street  
Pocatello, ID 83204  
(208) 232-6163

CHICAGO TITLE INSURANCE COMPANY

By:

*[Signature]*

President

ATTEST:

*[Signature]*

Secretary



74237

ATTACHMENT 2 OF 19

## OWNER'S POLICY

### SCHEDULE A

| Order Number | Policy Number | Date of Policy                | Amount of Insurance | Premium Amount |
|--------------|---------------|-------------------------------|---------------------|----------------|
| 3010511268ER | 72106-1217636 | October 7, 2005<br>At 11:38AM | \$198,550.00        | \$902.00       |

1. Name of Insured:

**Brett Carlson**

2. The estate or interest in the land which is covered by this policy is:

**Fee Simple**

3. Title to the estate or interest in the land is vested in:

**Brett Carlson, a married person**

4. The land referred to in this policy is described as follows:

**That part of the S½ SE¼ of Section 21 and the NW¼ NE¼ of Section 28, T8S, R38E, Bannock County, Idaho, being part of that tract of record in the office of the Recorder of Bannock County as Instrument 90016536, described as follows:**

**Beginning at the Southeast corner said Section 21;**

**thence South 89°10'02" West, 1335.10 feet, along the South line of said Section 21 to the Northeast corner of said NW¼ NE¼;**

**thence South 00°05'02" East, 315.40 feet, along the East line of said NW¼ NE¼ to a point;**

**thence North 64°45'52" West, 1393.92 feet, to a point on the Easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;**

**thence North 35°17'28" East, 862.60 feet, along said right-of-way line to a point;**

**thence South 77°53'01" East, 2144.26 feet, to a point on the East line of said Section 21;**

**thence South 00°03'34" East, 513.48 feet, along said East line to the CORNER OF BEGINNING.**

END OF SCHEDULE A

74237

ATTACHMENT 3 OF 19

## OWNER'S POLICY

Order No: **3010511268ER**

Policy No: **72106-1217636**

### SCHEDULE B PART I

#### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

##### General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public 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 records of such agency or by the public records.

### SCHEDULE B PART II

##### Special Exceptions:

7. Taxes, including any assessments collected therewith, for the year 2005, which are a lien not yet payable.
8. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted to: Mountain States Telephone and Telegraph Company.  
Purpose: Public Utilities.  
Recorded: August 22, 1916.  
Book: 31.  
Page: 231 of Official Records.
9. An easement for the purpose shown below and rights incidental thereto as set forth in document:  
Granted to: Utah Power and Light Company.  
Purpose: Public Utilities.  
Recorded: February 21, 1946.  
Book: 95.  
Page: 157 of Official Records.

**74237**

ATTACHMENT 4 OF 19

10. An easement for the purpose shown below and rights incidental thereto as set forth in document:

Granted to: Utah Power and Light Company.

Purpose: Public Utilities.

Recorded: February 21, 1946.

Book: 95.

Page: 169 of Official Records.

11. Rights, interests, or claims which may exist or arise by reason of the following fact(s) shown on a survey plat entitled Record of Survey for Paul Frandsen.

Dated: October 31, 2003.

Requested by: Surveyor Scherbel.

Recorded: February 25, 2004.

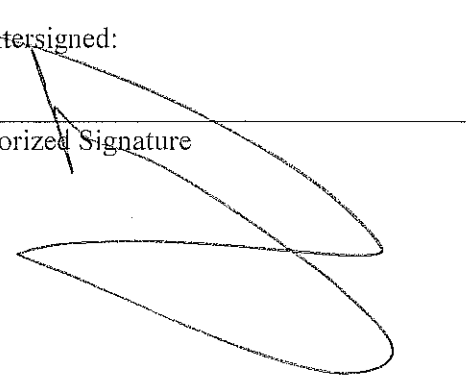
Instrument No.: 20403619.

As Follows: Existing fence within Easterly boundary line.

END OF SCHEDULE B

Countersigned:

Authorized Signature



74237

ATTACHMENT 5 OF 19

SE1/4 Section 21  
Township 8 South, Range 38 EBM

U.S.  
Highway  
30

862.6  
n35°17'28"e

2144.26  
s77°53'01"e

513.48  
s00°03'34"e

n64°45'52"w  
1393.92

s89°10'02"w  
1335.10

315.4  
s00°05'02"e

NW1/4 NE1/4  
Section 28

Title: Christensen Property

Date: 09-20-2005

Scale: 1 inch = 400 feet

File: 3010511268.des

Tract 1: 43.929 Acres: 1913548 Sq Feet: Closure = s76.5529e 0.01 Feet: Precision = 1/723464: Perimeter = 6565 Feet

001=/se,se,se,21,8s,38e

004=n64.4552w 1393.92

007=s00.0334e 513.48

002=s89.1002w 1335.10

005=n35.1728e 862.6

003=s00.0502e 315.4

006=s77.5301e 2144.26

74237

ATTACHMENT 6 OF 19

WHILE THIS IS A REPRESENTATION  
OF THE PROPERTY DESCRIBED HEREIN,  
THIS COMPANY ASSUMES NO LIABILITY  
FOR VARIATIONS, IF ANY, WITH A SURVEY.

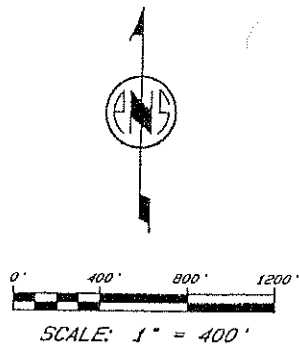
DRAWN BY: KARE E. SCHERBEL  
 DATE: 21 OCTOBER 2003  
 BY: FRANKSON, PAUL  
 FOR: FRANKSON, PAUL  
 PROJECT NO.: 03-12-15, 04-11-12  
 CHECKED BY: FRANKSON, PAUL  
 PROJECT NO.: 03-12-15, 04-11-12



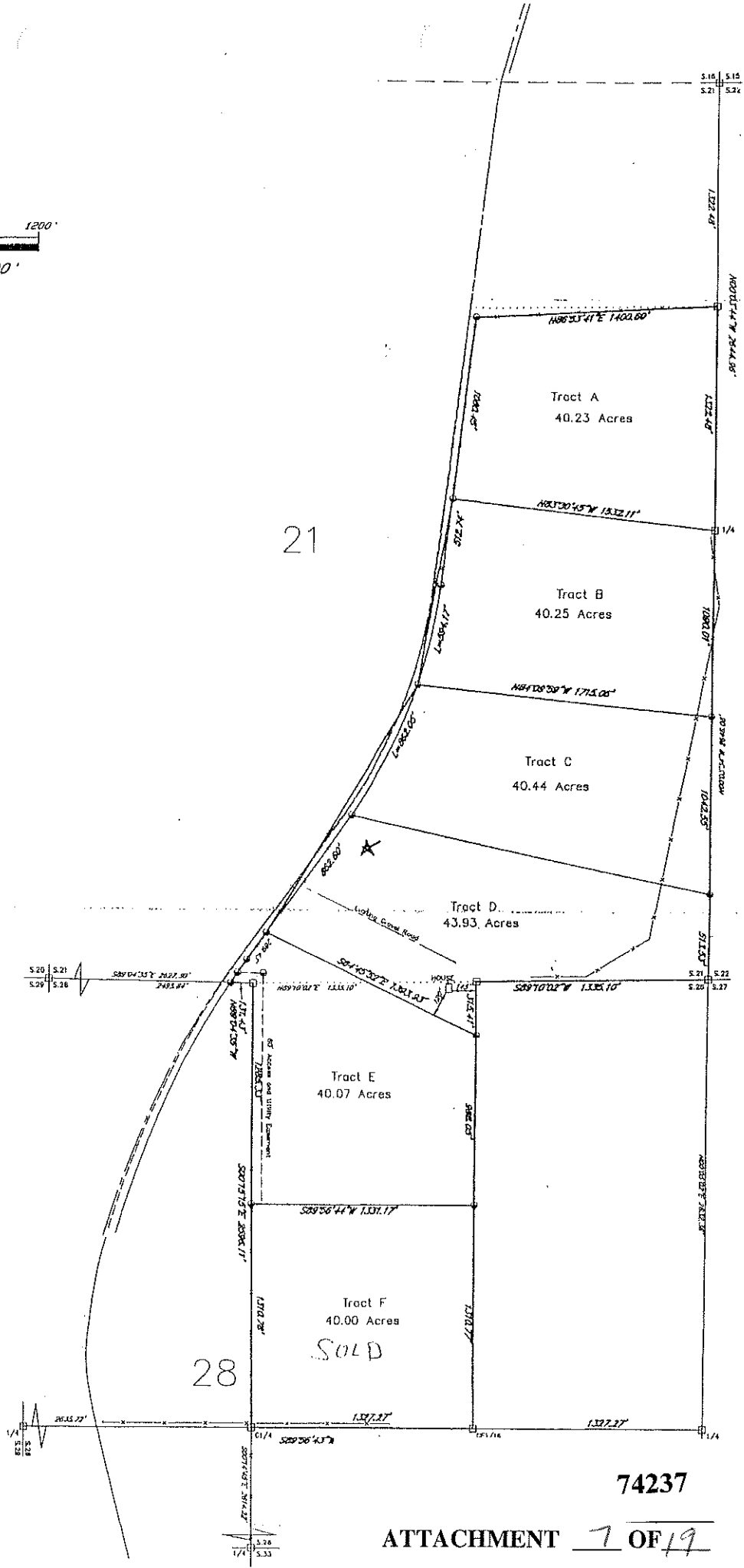
**SURVEYOR SCHERBEL, LTD.**  
 PROFESSIONAL LAND SURVEYORS  
 4256 BIG PINEY -- KAMARILION, UT -- 801-735-5842  
 307-735-5842, 801-735-5842, 801-735-5842, 801-735-5842  
 307-735-5842, 801-735-5842, 801-735-5842, 801-735-5842

INSTRUMENT NO. \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 RECORDED BY: \_\_\_\_\_  
 RECORDED ON SURVEY NO. \_\_\_\_\_

RECORD OF SURVEY  
 FOR  
 PAUL FRANDSEN  
 OF TRACTS WITHIN  
 E1/2 SECTION 21  
 W1/2 NE1/4 SECTION 28  
 T8S R38E  
 BANNOCK COUNTY, IDAHO



WHILE THIS IS A REPRESENTATION  
 OF THE PROPERTY DESCRIBED HEREIN,  
 THE COMPANY ASSUMES NO LIABILITY  
 FOR INACCURACIES, IF ANY, WITH A SURVEY.



RECORD OF SURVEY  
 FOR  
 PAUL FRANDSEN  
 OF TRACTS WITHIN  
 E1/2 SECTION 21  
 W1/2 NE1/4 SECTION 28  
 T8S R38E  
 BANNOCK COUNTY, IDAHO

## WARRANTY DEED

20521712

Order No.:3010511268ER

## FOR VALUE RECEIVED

Jeffrey Christensen and Paulette Christensen, husband and wife, & Ineburg Murata, a Married Person, Sole and Separate Property

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

Brett Carlson, a Married Person

whose current address is

75 S. Ridgeview Bountiful, UT 84010

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

That part of the S½ SE¼ of Section 21 and the NW¼ NE¼ of Section 28, T8S, R38E, Bannock County, Idaho, being part of that tract of record in the office of the Recorder of Bannock County as Instrument 90016536, described as follows:

Beginning at the Southeast corner said Section 21;

(thence South 89°10'02" West, 1335.10 feet, along the South line of said Section 21 to the Northeast corner of said NW¼ NE¼;

thence South 00°05'02" East, 315.40 feet, along the East line of said NW¼ NE¼ to a point;

thence North 64°45'52" West, 1393.92 feet, to a point on the Easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;

thence North 35°17'28" East, 862.60 feet, along said right-of-way line to a point;

thence South 77°53'01" East, 2144.26 feet, to a point on the East line of said Section 21;

thence South 00°03'34" East, 513.48 feet, along said East line to the CORNER OF BEGINNING.

TOGETHER WITH: Twenty (20) Shares of Water, Equal to .34 Cubic Feet/Second Included

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: 9/23/2005

Jeffrey Christensen  
Jeffrey Christensen

Paulette Christensen  
Paulette Christensen

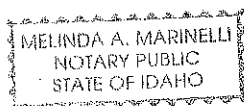
Ineburg Murata  
Ineburg Murata

State of Idaho }  
} ss.  
County of Bannock }

On this 23rd day of September, in the year 2005, before me, a Notary Public in and for said state, personally appeared Jeffrey & Paulette Christensen and Ineburg Murata known or identified to me to be the person whose name is 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.

Melinda A. Marinelli  
Notary Public for the State of Idaho  
Residing at: Pocatello  
Commission Expires: 3/3/2011



20521712  
ALLIANCE TITLE & ESCROW

RECORDED AT REQUEST OF  
FEE 3 DEPUTY BP

74237  
ATTACHMENT 8 OF 19

2005 OCT 7 AM 11:38  
OFFICIAL RECORD BOOK 574  
BANNOCK COUNTY IDAHO

RECEIVED

NOV 17 2005

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split |
|----------------------|-----------------------------|-------|----------------------|-----------------------------|-------|
| 29-2432              |                             |       |                      |                             |       |
|                      |                             |       |                      |                             |       |
|                      |                             |       |                      |                             |       |
|                      |                             |       |                      |                             |       |
|                      |                             |       |                      |                             |       |

2. The following **REQUIRED** information must be submitted with this form: \$100

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) East Bannock Ag. Property Trust
4. New Owner/Claimant(s) Brett Carlson  
Name Connector (Check one): ☐ and ☐ or ☐ and/or
- New Mailing Address 75 So. Ridgeview Drive
- City, State and ZIP Code Bountiful UT 84010
- New Telephone Number (801) 298-1338
5. Date you acquired the property 23 September 2005

Check 201-419-4407

74237

ATTACHMENT 9 OF 19

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| Total                                                                                                                   | _____                                                                      | _____                                                        |

7. ☒ Signature of New Owner(s) or Claimant(s) Brett Carlson  
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

|                            |                     |                            |            |
|----------------------------|---------------------|----------------------------|------------|
| <b>For Office Use Only</b> |                     |                            |            |
| Received by <u>AM</u>      | Date <u>11-7-05</u> | Fee <u>\$100.00/kx</u>     |            |
| Received by _____          | Date _____          | Receipt No <u>CD-79570</u> |            |
| Processed by _____         | Date _____          | WR _____                   | Date _____ |

74237

ATTACHMENT 10 OF 19

# WARRANTY DEED

Order No. 301051126SER

FOR VALUE RECEIVED

Jeffrey Christensen and Paulette Christensen, husband and wife, & Ineburg Murata, a Married Person, Sole and Separate Property

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

Brett Carlson, a Married Person

whose current address is

75 S. Ridgeview Bountiful, UT 84010

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

That part of the SW 1/4 SE 1/4 of Section 21 and the NW 1/4 NE 1/4 of Section 28, T8S, R3SE, Bannock County, Idaho, being part of that tract of record in the office of the Recorder of Bannock County as Instrument 90016536, described as follows:

Beginning at the Southeast corner said Section 21:

thence South 89°10'02" West, 1335.10 feet, along the South line of said Section 21 to the Northeast corner of said NW 1/4 NE 1/4;  
thence South 00°05'02" East, 315.40 feet, along the East line of said NW 1/4 NE 1/4 to a point;  
thence North 64°45'52" West, 1393.92 feet, to a point on the Easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;  
thence North 35°17'25" East, 862.60 feet, along said right-of-way line to a point;  
thence South 77°53'01" East, 2144.26 feet, to a point on the East line of said Section 21;  
thence South 00°03'34" East, 513.48 feet, along said East line to the CORNER OF BEGINNING.

TOGETHER WITH: Twenty (20) Shares of Water, Equal to .34 Cubic Feet Second Included

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: 9/23/2005

Jeffrey Christensen  
Jeffrey Christensen

Paulette Christensen  
Paulette Christensen

Ineburg Murata  
Ineburg Murata

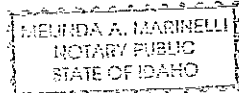
State of Idaho

County of Bannock

On this 23rd day of September, in the year 2005, before me, a Notary Public in and for said state, personally appeared Jeffrey & Paulette Christensen and Ineburg Murata, known or identified to me to be the person whose name is 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.

Melinda A. Marinelli  
Notary Public for the State of Idaho  
Residing at: Pocatello  
Commission Expires: 3/3/2011



74237

Recording TO Add Name TO The Grantee

QUITCLAIM DEED

20332180

ORDER NO.: 3010310854

FOR VALUE RECEIVED,

20407682

Paulette Christensen as Successor Trustee of the East Bannock Agricultural Property Trust

Do(es) hereby convey, release, remise and forever quit claim unto

Inesburg Murata  
Jeffrey Christensen and Paulette Christensen, husband and wife

whose current address is: 4361 N. Garton Rd., Pocatello, Id 83204

the following described premises:

Township 8 South, Range 38 East, Boise Meridian, Bannock County, Idaho:  
Section 21: Southeast  $\frac{1}{4}$  Northeast  $\frac{1}{4}$ , East  $\frac{1}{4}$  Southeast  $\frac{1}{4}$ , and that portion of the Southwest  $\frac{1}{4}$  Northeast  $\frac{1}{4}$ , the West  $\frac{1}{4}$  Southeast  $\frac{1}{4}$ , and the Southeast  $\frac{1}{4}$  Southwest  $\frac{1}{4}$  lying East of the U.S. Highway 30 North.

Section 28: West  $\frac{1}{4}$  Northeast  $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: 12-3-03

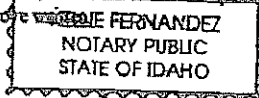
Paulette Christensen  
Paulette Christensen, Successor Trustee

State of Idaho

County of Bannock

On this 3rd day of December 2003, before me, a Notary Public in and for said state, personally appeared Paulette Christensen known or identified to me to be the person whose name is subscribed to the foregoing instrument as Successor trustee of the East Bannock Agricultural Property Trust, and acknowledged to me that He executed the same as Trustee.

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



Valerie Fernandez  
Notary Public for the State of  
Residing at Pocatello  
Commission Expires 01/01/04

20332180

ATTORNEY TITLE & RECORD  
RECORDED AT REQUEST OF

20407682

FEE 3

DEPUTY JP

RECORDED AT REQUEST OF

2003 DEC 3 PM 4 36

FEE 3.00 DEPUTY JP

OFFICIAL RECORD BOOK 847  
LARRY W. GRAY, RECORDER  
BANNOCK COUNTY, IDAHO

APR 15 PM 3 00  
OFFICIAL RECORD BOOK 847

74237

ATTACHMENT 12 OF 19

**DESCRIPTION FOR PAUL FRANDSEN  
OF TRACT A**

**COPY**

To-wit:--

That part of the S1/2NE1/4 of Section 21, T8S, R38E, Bannock County, Idaho, being part of that tract of record in the Office of the Recorder of Bannock County as Instrument 90016536, described as follows:

**BEGINNING** at the northeast corner of said S1/2NE1/4;

thence S00°03'44"E, 1322.48 feet, along the east line of said Section 21 to the southeast corner of said S1/2NE1/4;

thence N83°30'45"W, 1532.11 feet, to a point on the easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;

thence N06°30'01"E, 1080.45 feet, along said right-of-way line to a point of intersection with a fence bearing easterly;

thence N86°53'41"E, 1400.60 feet, generally following said fence line to the **CORNER OF BEGINNING**, noting that the survey line and not the fence line is the property line;

**ENCOMPASSING** an area of 40.23 acres, more or less;

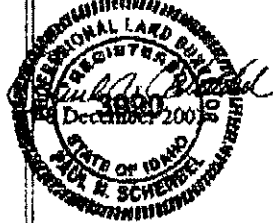
that the above referenced right-of-way line was determined as a "best-fit" position using existing right-of-way fences and record curve data; should said right-of-way line be officially established in a different position than referenced hereon, the westerly boundary of this tract automatically adjusts to that different position by lengthening or shortening the northerly and southerly tract line as necessary;

that the **BASIS OF BEARING** is the east line of the SE1/4 of said Section 21 being S00°03'34"E;

each "corner" marked as described in a Corner Record filed or to be filed in said Office;

each "point" marked by a 5/8" x 24" steel reinforcing rod with a 2" aluminum cap inscribed: "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS8026" with appropriate details;

all in accordance with that Record of Survey plat prepared to be filed in said Office and titled: "RECORD OF SURVEY FOR PAUL FRANDSEN OF TRACTS WITHIN E1/2 AND SE1/4SW1/4 SECTION 21 W1/2NE1/4 SECTION 28 T8S R38E BANNOCK COUNTY, IDAHO" dated 31 October 2001 as revised



Filename:frandsen dex 12.3.03.doc, p.1

**Professional Land Surveyor**

Walter W. Scherbel  
Ida. Registration No. 194  
Ida. Registration No. 2608  
Ida. Registration No. 1970  
Ida. Registration No. 2202

David A. Scherbel  
Ida. Registration No. 1009  
Ida. Registration No. 2026  
Ida. Registration No. 272111

Marion A. Scherbel  
Ida. Registration No. 1772

Donna L. Scherbel, L.S.  
Ida. Registration No. 1772  
Ida. Registration No. 272111  
Ida. Registration No. 272111  
Ida. Registration No. 272111

\*Modification in any way of the foregoing description null

74237

ATTACHMENT 13 OF 19

**DESCRIPTION FOR PAUL FRANDSEN  
OF TRACT B**

**COPY**

To-wit:-

That part of the E1/2NE1/4 and the N1/2SE1/4 of Section 21, T8S, R38E, Bannock County, Idaho, being part of that tract of record in the Office of the Recorder of Bannock County as Instrument 90016536, described as follows:

**BEGINNING** at the northeast corner of said N1/2SE1/4;

thence S00°03'34"E, 1090.26 feet, along the east line of said Section 21 to a point;

thence N84°09'59"W, 1717.47 feet, to a point on a non-tangent curve to the left on the easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;

thence northerly, 594.17 feet, along said right-of-way line along an arc of said curve through a central angle of 11°44'50" having a radius of 2398.00 feet, and a chord bearing N12°22'26"E, 593.13 feet, to the end point of said curve;

thence N06°30'01"E, 512.74 feet, along said right-of-way line to a point;

thence S83°30'45"E, 1532.11 feet, to the **CORNER OF BEGINNING**;

**ENCOMPASSING** an area of 40.28 acres, more or less;

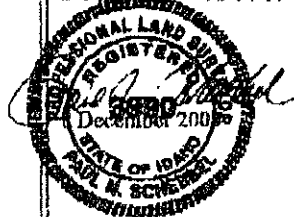
that the above referenced right-of-way line was determined as a "best-fit" position using existing right-of-way fences and record curve data; should said right-of-way line be officially established in a different position than referenced hereon, the westerly boundary of this tract automatically adjusts to that different position by lengthening or shortening the northerly and southerly tract line as necessary;

that the **BASIS OF BEARING** is the east line of the SE1/4 of said Section 21 being S00°03'34"E;

each "corner" marked as described in a Corner Record filed or to be filed in said Office;

each "point" marked by a 5/8" x 24" steel reinforcing rod with a 2" aluminum cap inscribed: "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS8026" with appropriate details;

all in accordance with that Record of Survey plat prepared to be filed in said Office and titled: "RECORD OF SURVEY FOR PAUL FRANDSEN OF TRACTS WITHIN E1/2 AND SE1/4SW1/4 SECTION 21 W1/2NE1/4 SECTION 28 T8S R38E BANNOCK COUNTY, IDAHO" dated 31 October 2001 as revised.



Filename: pfrandsen dra 12.5.03.doc, p.2

**Professional Land Surveyors**

Paul A. Scherbel  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870

Paul A. Scherbel  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870

Paul A. Scherbel  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870

Paul A. Scherbel  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870  
Idaho Registration No. 1870

\*Modification in any way of the foregoing description term

74237

ATTACHMENT 14 OF 19

DESCRIPTION FOR PAUL FRANDSEN  
OF TRACT C

**COPY**

To-wit:-

That part of the SE1/4 of Section 21, T8S, R38E, Bannock County, Idaho, being part of that tract of record in the Office of the Recorder of Bannock County as Instrument 90016536, described as follows:

**BEGINNING** at a point on the east line of said Section 21, N00°03'34"W, 513.48 feet, of the southeast corner of said Section 21;

thence N77°53'01"W, 2144.26 feet, to the beginning point of a non-tangent curve to the left on the easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North;

thence northeasterly, 862.05 feet, along an arc of said curve through a central angle of 17°02'37" having a radius of 2898.00 feet and a chord bearing N26°46'10"E, 858.88 feet, to a point;

thence S84°09'59"E, 1717.47 feet to a point on said east line,

thence S00°03'34"E, 1042.34 feet, along said east line to the **POINT OF BEGINNING**;

**ENCOMPASSING** an area of 40.47 acres, more or less;

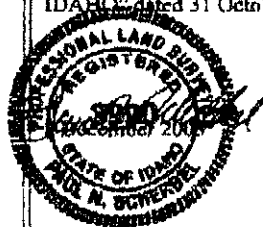
that the above referenced right-of-way line was determined as a "best-fit" position using existing right-of-way fences and record curve data; should said right-of-way line be officially established in a different position than referenced hereon, the westerly boundary of this tract automatically adjusts to that different position by lengthening or shortening the northerly and southerly tract line as necessary;

that the **BASIS OF BEARING** is the east line of the SE¼ of said Section 21 being S00°03'34"E;

each "corner" marked as described in a Corner Record filed or to be filed in said Office;

each "point" marked by a 5/8" x 24" steel reinforcing rod with a 2" aluminum cap inscribed: "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS8026" with appropriate details;

all in accordance with that Record of Survey plat prepared to be filed in said Office and titled: "RECORD OF SURVEY FOR PAUL FRANDSEN OF TRACTS WITHIN E1/2 AND SE1/4SW1/4 SECTION 21 W1/2NE1/4 SECTION 28 T8S R38E BANNOCK COUNTY, IDAHO" dated 31 October 2001 as revised.



Filename: pfrandson dcs 12.5.03.doc, p.3

Professional Land Surveyors

Paul N. Scherbel  
Idaho Registration No. 2004  
License Registration No. 2004  
License Registration No. 2004  
License Registration No. 2004

Scott A. Bernal  
Idaho Registration No. 2004  
License Registration No. 2004  
License Registration No. 2004

Wendy A. Scherbel  
Idaho Registration No. 2004

Surveyor Scherbel, LTD.  
Idaho, Wyoming  
New Mexico, Minnesota  
Louisiana, Missouri  
Illinois, Iowa

\*Modification in any way of the foregoing description term

74237

ATTACHMENT 15 OF 19

Buyer ( X )  
Seller ( X ) 6/23/06

**DESCRIPTION FOR PAUL FRANDSEN  
OF TRACT D**

**COPY**

To-wit:--

That part of the SE1/4 of Section 21 and the NW1/4NE1/4 of Section 26, T8S, R38E, Bannock County, Idaho, being part of that tract of record in the Office of the Recorder of Bannock County as Instrument 90016536, described as follows:

**BEGINNING** at the southeast corner said Section 21;

thence S89°10'02"W, 1335.10 feet, along the south line of said Section 21 to the northeast corner of said NW1/4NE1/4;

thence S00°05'02"E, 315.40 feet, along the east line of said NW1/4NE1/4 to a point;

thence N64°45'52"W, 1393.92 feet, to a point on the easterly right-of-way line of Blazer Highway formerly U.S. Highway 39 North;

thence N35°17'28"E, 862.60 feet, along said right-of-way line to a point;

thence S77°53'01"E, 2144.26 feet, to a point on the east line of said Section 21;

thence S00°03'34"E, 513.48 feet, along said east line to the **CORNER OF BEGINNING**;

**ENCOMPASSING** an area of 43.93 acres, more or less;

that the above referenced right-of-way line was determined as a "best-fit" position using existing right-of-way fences and record curve data; should said right-of-way line be officially established in a different position than referenced hereon, the westerly boundary of this tract automatically adjusts to that different position by lengthening or shortening the northerly and southerly tract line as necessary;

that the **BASIS OF BEARING** is the east line of the SE1/4 of said Section 21 being S00°03'34"E;

each "corner" marked as described in a Corner Record filed or to be filed in said Office;

each "point" marked by a 3/8" x 24" steel reinforcing rod with a 2" aluminum cap inscribed: "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS8026" with appropriate details;

all in accordance with that Record of Survey plat prepared to be filed in said Office and titled: "RECORD OF SURVEY FOR PAUL FRANDSEN OF TRACTS WITHIN E1/2 AND SE1/4SW1/4 SECTION 21 W1/2NE1/4 SECTION 28 T8S R38E BANNOCK COUNTY, IDAHO" dated 31 October 2001 as revised.



Filename: pfrandsen des 12.5.03.doc, p.4

Professional Land Surveyor

Paul R. Scherbel  
Wyo. Registration No. 184  
Idaho Registration No. 2000  
Last Authorization No. 1870  
Residence Registration No. 2000

Steve A. Scherbel  
Wyo. Registration No. 2000  
Idaho Registration No. 2000  
Last Registration No. 2001

Matthew A. Scherbel  
Wyo. Registration No. 2000

Surveyor Scherbel, LLC  
Albia, Wyoming  
Big Pined, Wyoming  
Jackson, Wyoming  
Lone Wolf Springs, New Mexico  
Idaho Falls, Idaho

\*Modification in any way of the foregoing description term

74237

ATTACHMENT 116 OF 19

**DESCRIPTION FOR PAUL FRANDSEN  
OF TRACT E**

**COPY**

To-wit:--

That part of the S1/2SE1/4 and the SE1/4SW1/4 of Section 21 and the NW1/4NE1/4 of Section 28, T8S, R38E, Bannock County, Idaho, being part of that tract of record in the Office of the Recorder of Bannock County as Instrument 90016536, described as follows:

**BEGINNING** at a point on the east line of said NW1/4NE1/4, S00°05'02"E, 315.40 feet, of the northeast corner of said NW1/4NE1/4;

thence S00°05'02"E, 988.05 feet, along said east line to a point;

thence S89°56'44"W, 1331.17 feet, to a point on the west line of said NW1/4NE1/4;

thence N00°15'15"W, 1285.33 feet, along said west line to the northwest corner of said NW1/4NE1/4;

thence N89°04'35"W, 131.43 feet, along the south line of said Section 21 to a point on the easterly right-of-way line of Blazer Highway formerly U.S. Highway 30 North on a non-tangent curve to the right;

thence northeasterly, 165.06 feet, along said right-of-way line and along an arc of said curve through a central angle of 02°04'58" having a radius of 4541.00 feet, and a chord bearing N34°14'59"E, 165.06 feet, to a point;

thence N35°17'28"E, 195.70 feet, along said right-of-way line to a point;

thence S64°45'52"E, 1393.92 feet, to the **POINT OF BEGINNING**;

**ENCOMPASSING** an area of 40.07 acres, more or less;

that the above referenced right-of-way line was determined as a "best-fit" position using existing right-of-way fences and record curve data; should said right-of-way line be officially established in a different position than referenced hereon, the westerly boundary of this tract automatically adjusts to that different position by lengthening or shortening the northerly and southerly tract line as necessary;

**SUBJECT** to an easement for ingress and egress and utilities appurtenant to Tract "F" described as:

A strip of land 60 feet in width being part of the SE1/4SW1/4 and SW1/4SE1/4 of Section 21 and the NW1/4NE1/4 of Section 28, T8S, R38E with the south and west line described as follows:

**BEGINNING** at a point on the north line and said Section 28, N89°07'35"W, 131.43 feet, from the north one-quarter corner of said Section 28;

thence S89°04'35"E, 131.43 feet, along said section line to said one-quarter corner;

thence S00°15'15"E, 1285.33 feet, along the west line of the W1/2NE1/4 of said Section 28 to the southwest point of the above described tract;

that the **BASIS OF BEARING** is the east line of the SE1/4 of said Section 21 being S00°03'34"E;

each "corner" marked as described in a Corner Record filed or to be filed in said Office;

each "point" marked by a 5/8" x 24" steel reinforcing rod with a 2" aluminum cap inscribed: "SURVEYOR SCHERBEL LTD BIG PINEY WY PLS8026" with appropriate details;

\*Modification in any way of the foregoing description terminates

Professional Land Surveyor

Paul H. Scherbel  
Idaho Registration No. 154  
United Registration No. 0999  
Iowa Registration No. 1970  
Nebraska Registration No. 0208

Scott A. Scherbel  
Idaho Registration No. 0999  
Iowa Registration No. 0999  
Nebraska Registration No. 070111

Alphonse A. Scherbel  
Idaho Registration No. 0999

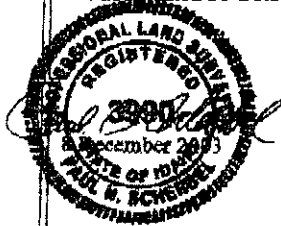
Scherbel Surveying, LTD.  
Albert, Wyoming  
Big Piney, Wyoming  
Jackson, Wyoming  
Laramie, Wyoming  
Natchez, Idaho

74237

ATTACHMENT 17 OF 19

DESCRIPTION FOR PAUL FRANDSEN  
OF TRACT E  
PAGE TWO

all in accordance with that Record of Survey plat prepared to be filed in said Office and titled:  
"RECORD OF SURVEY FOR PAUL FRANDSEN OF TRACTS WITHIN E1/2 AND  
SE1/4SW1/4 SECTION 21 W1/2NE1/4 SECTION 28 T8S R38E BANNOCK COUNTY,  
IDAHO" dated 31 October 2001 as revised.



Filename: pfrandsem.doc 12.5.03.doc, p.5

Professional Land Surveyors

Paul W. Scheraga  
Wyo. Registration No. 194  
Idaho Registration No. 3990  
Utah Registration No. 1470  
Iowa Registration No. 6855

Scott B. Scheraga  
Wyo. Registration No. 3889  
Idaho Registration No. 8238  
Utah Registration No. 8721

Madison R. Scheraga  
Wyo. Registration No. 2225

Scheraga Brothers, LTD.  
2001 Wyoming  
2002 Idaho  
2003 Utah  
2004 Iowa  
2005 Nevada

\*Modification in any way of the foregoing description term

74237

ATTACHMENT 18 OF 19



# FACSIMILE TRANSMITTAL SHEET

TO: Brett C

COMPANY:

FAX #: 801 468-3034

DATE:

7/5/02

SENDER: ESANE McNeill

TOTAL # OF PAGES (INCLUDING COVER)

6

SENDER PHONE #: 241-8847

- |                                         |                                       |
|-----------------------------------------|---------------------------------------|
| <input type="checkbox"/> URGENT         | <input type="checkbox"/> FOR REVIEW   |
| <input type="checkbox"/> PLEASE COMMENT | <input type="checkbox"/> PLEASE REPLY |
| <input type="checkbox"/> PLEASE RECYCLE |                                       |

SENDER FAX #: 478-2300

NOTES:

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