

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72756APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Boulder Irrigation Company, c/o Schenck Remsen Phone (208) 634-3238Post Office address P.O. Box 450, McCall, ID 83638

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 Applicant proposes to modify Boulder Irrigation Company boundaries to correctly show lands owned by shareholder John Carey

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- 65-2308 11/06/1925 24 cfs irrigation 4/15 to 10/15
- 65-2916 9/16/1925 361 ac-ft irr. from stg. 4/15 to 10/15
- 361 ac-ft irr. storage 1/1 to 12/31
2. Total amount of water being transferred 24 cubic feet per second from Boulder Creek and 361 acre-feet per annum from Louie Lake.
3. Source of water Boulder Creek tributary to Cascade Reservoir
Louie Lake tributary to Louie Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
2		SW	NW	30	18N	4E	Valley	Boulder Ditch
		SE	NE	33	18N	4E	Valley	Louie Lake

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	
17N	3E	1	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	
		2	X	X	X	X									X	X	X	X	
		11	X	X	X	X									X	X	X	X	
		12	X	X			X	X	X	X	X	X	X	X		X	X		
		13	X	X		X	X	X	X				X	X					
		14	X	X	X	X									X	X	X	X	
		23	X	X															
		24						X	X			X							
18N	3E	25									X	X	X	X		X			
		26															X	X	
		35	X	X	X	X									X			X	

RECEIVED

Total Acres 1224

NOV 10 2005

WATER RESOURCES
WESTERN REGION

PART 1

6. General Information:

- a. Description of diversion system Louie Lake storage, Boulder Irrigation Company Ditch
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change. The place of use is being modified to accurately show places of use for shareholder John Carey.
- d. Remarks:
The total area irrigated under these rights will not exceed 1224 acres within the Boulder Irrigation Company boundaries in a single irrigation season.. These rights when combined with all other rights shall not exceed 0.02 cfs per acre.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 65-2308 Decreed to Boulder Irrigation Company
in case of SRBA (39576) vs. _____
dated July 23, 2004 in 5th Judicial District Court county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed for John Carey ☒ Other Digital Boundary Map for Boulder Irrigation Company

3. Source of water Boulder Creek tributary to Cascade Reservoir

4. Date or priority November 6, 1925

5. Water is used for the following purposes:

amount 24 cfs for irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 24 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
2		SW	NW	30	18N	4E	Valley	Boulder Ditch

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	2	X	X	X	X									X	X	X	X	
		11	X	X	X	X									X	X	X	X	
		12									X	X	X	X		X	X		
		13	X	X		X	X	X	X				X	X					
		14	X	X	X	X									X	X	X	X	
		23	X	X															
		24						X	X			X							
18N	3E	25									X	X	X	X		X			
		26															X	X	
		35	X	X	X	X									X			X	

9. Describe any other water rights used for the same purpose as described above 65-2916

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. 65-2916 Decreed to Boulder Irrigation Company
in case of SRBA (39576) vs. _____
dated July 23, 2004 in 5th Judicial District Court county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

- ☐ Tax Notice ☒ Warranty Deed for John Carey ☒ Other Digital Boundary Map for Boulder Irrigation Company

3. Source of water Louie Lake tributary to Louie Creek

4. Date or priority September 16, 1925

5. Water is used for the following purposes:

amount 361 ac-ft for irrigation storage purposes from 1/1 to 12/31
(cfs/ac-ft)

amount 361 ac-ft for irrigation from storage purposes from 4/15 to 10/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or 361 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	NE	33	18N	4E	Valley	Louie Lake

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	3E	2	X	X	X	X									X	X	X	X	
		11	X	X	X	X									X	X	X	X	
		12									X	X	X	X		X	X		
		13	X	X		X	X	X	X				X	X					
		14	X	X	X	X									X	X	X	X	
		23	X	X															
		24						X	X			X							
18N	3E	25									X	X	X	X		X			
		26															X	X	
		35	X	X	X	X									X			X	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above 65-2308

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

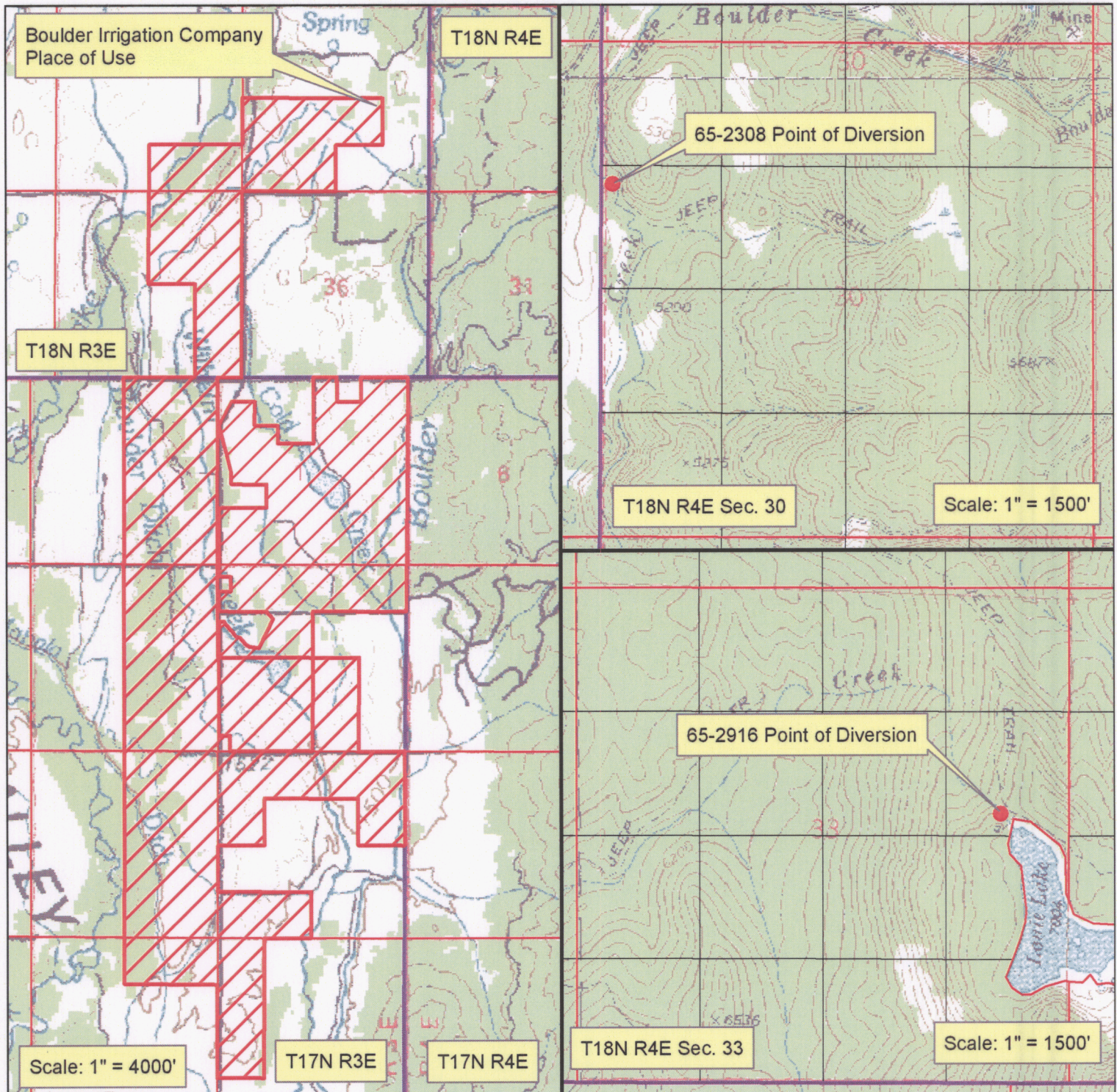
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



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

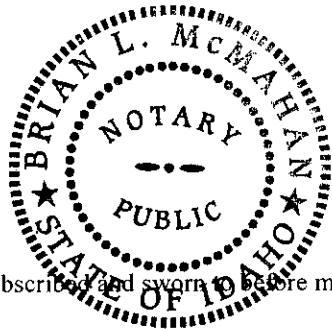
1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

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.

**Boulder Irrigation Company**

By: T.S. Rensen, President
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of August, 20 05.

Brian L. McMahon
(Notary Public)

My commission expires 11-21-07

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments (map of boundary & ownership doc.)

Received by DB Date 11-10-05 Protest filed by _____

Prelim. Check by SC Fee \$410-

Receipted by DB W033592 Date 11-10-05

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

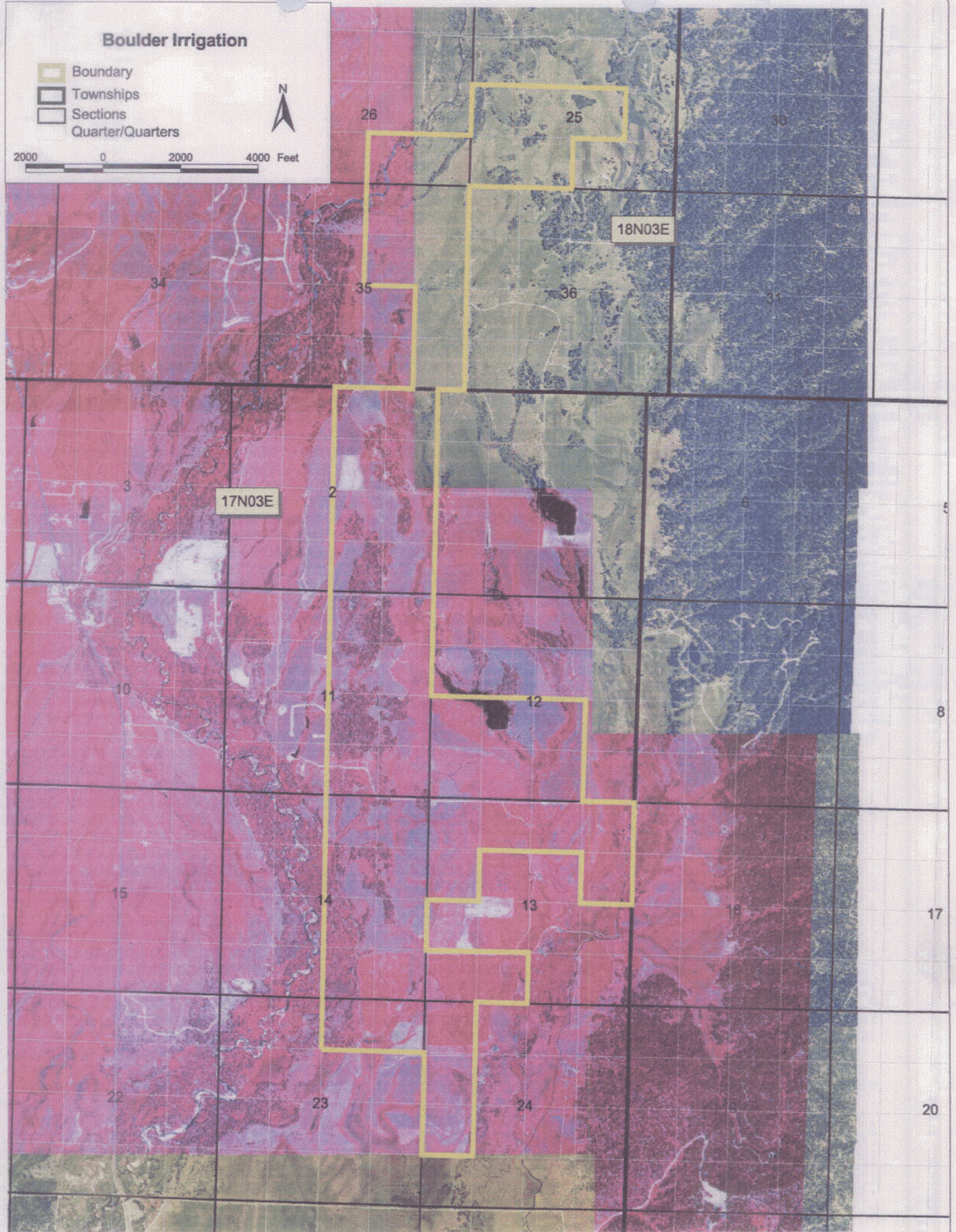
Copy of transfer sent to lien holder _____

Boulder Irrigation

- Boundary
- Townships
- Sections
- Quarter/Quarters



2000 0 2000 4000 Feet



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-02916

2001 JUL 23 AM 8:57
DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: BOULDER IRRIGATION CO
C/O SCHENCK REMSEN
PO BOX 450
MC CALL, ID 83638

SOURCE: LOUIE LAKE TRIBUTARY: LOUIE CREEK

QUANTITY: 361.00 AFY

PRIORITY DATE: 09/16/1925

POINT OF DIVERSION: T18N R04E S33 SENE Within Valley County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation from Storage	04-15 TO 10-15	361.00 AFY
	Irrigation Storage	01-01 TO 12-31	361.00 AFY

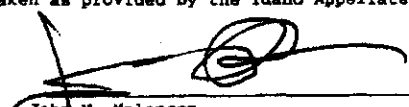
PLACE OF USE:
The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411 (2) (h) (2003). The data comprising the digital boundary are incorporated herein by reference and are stored on a cd-rom disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

ATTACHMENT 3

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2004 JUL 23 AM 10:27

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 65-02308

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: BOULDER IRRIGATION CO
C/O SCHENCK REMSEN
PO BOX 450
MC CALL, ID 83638

SOURCE: BOULDER CREEK TRIBUTARY: CASCADE RESERVOIR

QUANTITY: 24.00 CFS

PRIORITY DATE: 11/06/1925

POINT OF DIVERSION: T18N R04E S30 LOT 2 (SWNW) Within Valley County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-15 24.00 CFS

PLACE OF USE: Irrigation Within ~~Boise~~ Valley County
Same as Irrigation

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1224 ACRES WITHIN
THE BOUNDARIES OF THE BOULDER IRRIGATION COMPANY IN A SINGLE
IRRIGATION SEASON.

The boundary encompassing the place of use for this water right
is described with a digital boundary as defined by I.C. Section
42-202B(2) (2003) and authorized pursuant to I.C. Section 42-1411
(2)(h) (2003). The data comprising the digital boundary are
incorporated herein by reference and are stored on a cd-rom disk
issued in duplicate originals on file with the SRBA District
Court and the Idaho Department of Water Resources. A map
depicting the place of use is attached hereto to illustrate the
place of use described by the digital boundary.

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

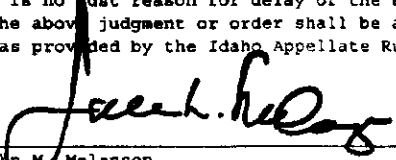
BASIN 65 GENERAL PROVISIONS NO. 3, THE SEPARATE STREAMS
GENERAL PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER
AFTER OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISION NO. 3.
IF THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT
TO IDAHO CODE SECTION 42-222 OR SUCCESSOR STATUTE, NOTHING IN
THIS GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY
FROM DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO
ITS WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN
THE EVENT OF INJURY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

10-287
COMPARED _____
INDEXED DIRECT _____
INDEXED INDIRECT _____

WARRANTY DEED

FOR VALUE RECIEVED, ELSIE MC CONNELL, acting as Personal Representative for the Estate of Frank O. Smith and as Successor Personal Representative for the Estate of Anna Virginia Smith, aka Virginia Smith, whose address is in care of _____, Mayfield Stage, Boise, Idaho, 83706, the Grantor, does hereby grant, bargain, sell and convey unto D. JOHN CAREY and TERESA P. CAREY, husband and wife, whose address is 15320 Peach Hill Road, Saratoga, California, 95070, the Grantees, the following described premises located in Valley County, Idaho, to wit:

Parcel I:

Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Section 1: W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

E. M $\frac{1}{2}$
Beginning at the SW Corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, thence N along the westerly boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 600 feet; thence Seasterly a distance of 618 feet to a point on the S boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, which point lies 150 ft. E. of the point of beginning thence W along said S boundary, 150 feet to the point of beginning.

EXCEPT THEREFROM: Beginning at the W $\frac{1}{2}$ corner of said Section 1; thence S 89 deg. 47'18" E. 1306.16 feet; thence S 00 deg. 09'19" W 334.00 feet; thence S 08 deg. 06'25" E 331.41 feet; thence N 89 deg. 47'18" W 1356.73 feet to a point on the W line of said Section 1; thence N along said W line Section 1, 662.60 feet more or less to the point of Beginning.

Also, EXCEPT THEREFROM: Any portion thereof which lies within the land described in Corrected Warranty Deed to Loren K. Hollenbeak and Diana W. Hollenbeak, husband and wife, recorded 3-30-81 as Instrument No. 111478 and in Corrected Warranty Deed to C. Pay Potter and Ina Potter, husband and wife, recorded 3-30-81 as Instrument No. 111479 records of Valley County, Idaho and any portion which lies within Farr to Market Road.

Parcel II:

Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$, except therefrom any portion which lies within Farm to Market Road.

Parcel III:

Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho

Section 12: N $\frac{1}{2}$ N $\frac{1}{2}$, EXCEPT THEREFROM, ~~any portion which lies within Farm to Market Road~~

~~that portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 12 described as follows:~~

Commencing at the Section corner common to Section 1, 2 and 11, and 12; thence S 5 deg. 19' 30" E, 412.36 feet to a point which is described in Warranty Deed, from Frank O. Smith and A. Virginia Smith, husband and wife, to Linda J. Fordham and Robert L. Hart III, husband and wife, recorded 7-28-81 as Instrument No. 114047 as being on the E. right of way boundary of Farm to Market Road; which point is the True Point of Beginning; thence N 88 deg. 43' 00", E 370 feet; thence S 01 deg. 17' 00" E 353.19 feet; thence S 88 deg. 43' 00" W 370 feet; thence N 01 deg. 17' 00" W 353.19 feet, more or less to the True Point of Beginning.

E. Mc.

Containing: 333.24 acres, more or less

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

DATED this 25th day of September, 1987.

WARRANTY DEED

Elsie Mc Connell
ELSIE MC CONNELL,
Personal Representative for the
Estate of Frank O. Smith and as
Successor Personal Representative
for the Estate of Anna Virginia
Smith, aka Virginia Smith

STATE OF IDAHO)
(ss.
County of Valley)

On this 25th day of September, 1987, before me a Notary Public in and for said State, personally appeared ELSIE MC CONNELL, known to me to be the person whose name is subscribed to the within instrument as the Personal Representative for the Estate of Frank O. Smith and as Successor Personal Representative for the Estate of Anna Virginia Smith, aka Virginia Smith, and acknowledged to me that she executed the same as such Personal Representative for the Estate of Frank O. Smith and as Successor Personal Representative for the Estate of Anna Virginia Smith, aka Virginia Smith.

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

Colleen Z. Pike
NOTARY PUBLIC FOR IDAHO
Residing at: Cascade
Commission Expires: 6/6/93

100-2005
STATE OF IDAHO } ss.
County of Valley }
I hereby certify that this instrument
was duly executed by the person whose name is subscribed to the within instrument
and that the person is a resident of the State of Idaho
and is a legal owner of the premises described in the within instrument
and that the instrument is a true and correct copy of the original as the same appears of record
in my office
this 25th day of September 1987
Colleen Z. Pike
Notary Public for Idaho
My Comm. Expires 6/6/93

#157265
94-87

CORRECTED WARRANTY DEED.

PAGE 1

C O R R E C T E D
W A R R A N T Y D E E D

FOR VALUE RECEIVED, LOREN K. HOLLENBEAK AND DIANA W. HOLLENBEAK, THE GRANTORS, DO HEREBY GRANT, BARGAIN, SELL AND CONVEY UNTO D. JOHN CAREY AND TERESA RAQUEL CAREY, THE GRANTEEES, WHOSE MAILING ADDRESS IS 14751 FRUITVALE AVENUE, SARATOGA, CALIFORNIA 95070, THE FOLLOWING DESCRIBED PREMISES, IN VALLEY COUNTY, IDAHO, TO-WIT:

GOVERNMENT LOTS 4, 5, 6, 7, ALL IN SECTION 6, TOWNSHIP 17 NORTH, RANGE 4 EAST, B.M., VALLEY COUNTY, IDAHO; AND

A TRACT OF LAND LOCATED IN SECTION 1, TOWNSHIP 17 NORTH, RANGE 3 EAST, BOISE MERIDIAN, VALLEY COUNTY, IDAHO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 SECTION CORNER COMMON TO SECTION 1, T.17N., R.3E., B.M., WHICH IS THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 50 MINUTES 10 SECONDS EAST, 697.20 FEET TO A POINT; THENCE SOUTH 1 DEGREE 28 MINUTES 50 SECONDS WEST, 660.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 50 MINUTES 10 SECONDS EAST, 660.00 FEET TO A POINT ON THE EXISTING FENCE LINE; THENCE SOUTH 1 DEGREE 28 MINUTES 50 SECONDS WEST, 3324.13 FEET ALONG THE EXISTING FENCE LINE TO A POINT; THENCE NORTH 89 DEGREES 56 MINUTES 01 SECONDS WEST, 2483.51 FEET ALONG THE EXISTING FENCE LINE TO A POINT; THENCE NORTH 8 DEGREES 43 MINUTES 47 SECONDS WEST, 670.35 FEET ALONG THE EXISTING FENCE LINE TO A POINT; THENCE NORTH 8 DEGREES 08 MINUTES 02 SECONDS WEST, 331.41 FEET TO A POINT; THENCE NORTH 0 DEGREES 08 MINUTES 07 SECONDS EAST, 334.18 FEET TO A POINT; THENCE NORTH 89 DEGREES 48 MINUTES 40 SECONDS WEST, 971.04 FEET TO A POINT; THENCE NORTH 0 DEGREES 02 MINUTES 56 SECONDS WEST, 264.58 FEET TO A POINT; THENCE NORTH 14 DEGREES 57 MINUTES 21 SECONDS WEST, 1127.92 FEET TO A POINT ON THE EAST BOUNDARY OF THE FARM TO MARKET ROAD RIGHT-OF-WAY; THENCE ON A CURVE TO THE RIGHT, WITH A RADIUS OF 542.96 FEET, AN ARC DISTANCE OF 110.64 FEET TO A RIGHT-OF-WAY MONUMENT ON THE EAST BOUNDARY OF SAID FARM TO MARKET ROAD; THENCE NORTH 27 DEGREES 22 MINUTES 00 SECONDS EAST, 551.11 FEET ALONG THE EAST BOUNDARY OF SAID FARM TO MARKET ROAD TO A POINT; THENCE SOUTH 89 DEGREES 59 MINUTES 57 SECONDS

UDELL and ELAM
ATTORNEYS AND COUNSELORS AT LAW
300 LENORA STREET
P.O. BOX 1300A MCALL, IDAHO 83638
PHONE (208) 634-2108 or (208) 634-2100

EAST, 666.12 FEET TO A POINT; THENCE SOUTH 0 DEGREES 19 MINUTES 10 SECONDS WEST, 611.30 FEET TO A POINT; THENCE NORTH 89 DEGREES 44 MINUTES 33 SECONDS EAST, 775.67 FEET TO A POINT; THENCE SOUTH 0 DEGREES 19 MINUTES 10 SECONDS WEST, 500.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49 MINUTES 00 SECONDS EAST, 899.86 FEET TO A POINT; THENCE NORTH 0 DEGREES 19 MINUTES 10 SECONDS EAST, 1820.00 FEET TO THE TRUE POINT OF BEGINNING;

SUBJECT TO THE FOLLOWING EASEMENTS:

1) EASEMENT FROM LOREN K. HOLLENBEAK AND DIANA W. HOLLENBEAK, HUSBAND AND WIFE, TO FREDERIC A. LANG AND DOROTHY L. LANG, HUSBAND AND WIFE, FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF VALLEY COUNTY, IDAHO, ON OCTOBER 13, 1970 IN DRAWER 1 OF MISCELLANEOUS AS INSTRUMENT #72910.

2) EASEMENT FROM LOREN K. HOLLENBEAK AND DIANA W. HOLLENBEAK, HUSBAND AND WIFE, TO ROGER W. ROCKWELL AND SHIRLEY M. ROCKWELL, HUSBAND AND WIFE, AS SET FORTH IN AN ADDENDUM TO REAL ESTATE PURCHASE AGREEMENT AND CORRECTED WARRANTY DEED DATED THE 31ST DAY OF MARCH, 1980 AND CURRENTLY HELD IN ESCROW AT TREASURE VALLEY BANK, MC CALL, IDAHO.

3) EASEMENT FROM LOREN K. HOLLENBEAK AND DIANA W. HOLLENBEAK, HUSBAND AND WIFE, TO DONALD BRUCE VAN CLEAVE AND KRISTIN LEE VAN CLEAVE, HUSBAND AND WIFE, AS SET FORTH IN A REAL ESTATE PURCHASE AGREEMENT AND WARRANTY DEED DATED THE 4TH DAY OF MARCH, 1980, AND HELD IN ESCROW AT TREASURE VALLEY BANK, CASCADE, IDAHO.

4) AN EASEMENT FOR COUNTY ROAD PURPOSES, 25 FEET IN WIDTH, LYING ALONG AND PARALLEL TO THE EXTREME NORTH BOUNDARY OF SAID TRACT WHICH IS THE SAME AS THE DESCRIPTION CALL OF SOUTH 89 DEGREES 50 MINUTES 10 SECONDS EAST, 697.20 FEET.

5) ANY OTHER EASEMENTS OF RECORD OR OF USE AS OF FEBRUARY 20, 1981.

TO HAVE AND TO HOLD THE SAID PREMISES, WITH THEIR APPURTENANCES UNTO THE SAID GRANTEES, THEIR HEIRS AND ASSIGNS FOREVER. AND THE SAID GRANTORS DO HEREBY COVENANT TO AND WITH THE SAID GRANTEES, THAT THEY ARE THE OWNERS IN FEE SIMPLE OF SAID PREMISES; THAT THE SAID PREMISES ARE FREE FROM ALL

UDELL and ELAM
ATTORNEYS AND COUNSELORS AT LAW
300 LENORA STREET
P.O. BOX 1300A MC CALL, IDAHO 83638
PHONE (208) 634-2108 or (208) 634-2100

UDELL and ELAM

PHONE (208) 634-2108 or (208) 634-2100

157255

STATE OF IDAHO, }
County of Valley, }

herby certify that this instrument was filed for record at the request of
MOUNTAIN TITLE & ESCROW

at 32 minutes past 11
o'clock A M. This 9th
day of Sept 1987
in my office and duly recorded in
Dr. 15 of Reeds

By K. H. [Signature]
Ex-Officio Recorder
Leslie Irwin
Deputy

100-6

CORRECTED WARRANTY DEED.

PAGE 3

INCUMBRANCES EXCEPT TAXES FOR THE YEAR 1981, WHICH ARE NOT YET DUE AND PAYABLE AND THAT THEY WILL WARRANT AND DEFEND THE SAME FROM ALL LAWFUL CLAIMS WHATSOEVER.

DATED THIS 15TH DAY OF APRIL, 1981.

Loren K. Hollenbeak
LOREN K. HOLLENBEAK

LOREN K. HOLLENBEAK

DIANA W. HOLLENBEAK

DIANA W. HOLLENBEAK

STATE OF IDAHO,)
COUNTY OF VALLEY. (SS.
)

ON THIS 13th DAY OF APRIL, 1981, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE: PERSONALLY
APPEARED LOREN K. HOLLENBEAK AND DIANA W. HOLLENBEAK, KNOWN TO
ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE
SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE
WRITTEN.

Nancy K Callman
NOTARY PUBLIC FOR IDAHO
RESIDING AT MC CALL, IDAHO

NOTARY PUBLIC FOR IDAHO
RESIDING AT MC CALL, IDAHO

UDELL and ELAM

WARRANTY DEED

FOR VALUE RECEIVED, C. RAY POTTER and INA C. POTTER, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto D. JOHN CAREY, the Grantee, the following described real estate, situated in Valley County, State of Idaho, to-wit:

A tract of land located in Section 1, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho and being more particularly described as follows:

Commencing at the Closing Section Corner common to Section 1, T.17N., R.3E., B.M., and Section 6, T.17N., R.4E., B.M., which is the TRUE POINT OF BEGINNING; Thence South 0°50'28" West, 5296.90 feet to a point; Thence North 89°30'30" West, 1344.84 feet along an existing fence line to a point; Thence North 7°30'42" West, 441.46 feet along an existing fence line to a point; Thence North 0°41'56" East, 419.50 feet along an existing fence line to a point; Thence North 1°09'48" East, 448.85 feet along an existing fence line to a point; Thence North 1°28'50" East, 2984.13 feet along an existing fence line to a point; Thence South 75°10'26" East, 987.41 feet to a point; Thence North 1°28'50" East, 1250.00 feet to a point; Thence South 89°50'10" East, 402.09 feet to the true point of beginning; Comprising 143.90 acres more or less.

And reserving from the above described tract, an easement for county road purposes, 25 feet in width, lying along and parallel to the extreme North boundary of said tract which is the same as the description call above of South 89°50'10" East, 402.09 feet.

Together with 1750 shares of water stock in Boulder Meadows Irrigation, Inc., also seepage water originated on the above described lands, and also all right, title and interest in and to Water License No. 26128 with a priority date of August 23, 1959, for 1.1 c.f.s. under License and Certificate of Water Right issued by the State of Idaho on the 15th day of November, 1962.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

COMPARED _____ ☐
INDEXED - EXHIBIT _____ ☒
INDEXED - RECORD _____ ☒

DATED this 19th day of February, 1981.

C. Ray Potter
C. Ray Potter

Ina C. Potter
Ina C. Potter

STATE OF IDAHO)
County of Valley) ss.

On this 19th day of February, 1981, before me, a Notary Public in and for the State of Idaho, personally appeared C. RAY POTTER and INA C. POTTER, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Frank S. Nichols
Notary Public for Idaho
Residing at Midvale

STATE OF IDAHO, } ss. 1533554
County of Valley, }
I hereby certify that this instrument
was filed for record at the request of
Frances Potter
at 4 minutes past 1
o'clock P.M. this 19th
day of March 1981
in my office and duly recorded in
Book # 5 of Records
By Frances Potter
Ex Officio Recorder
Fee \$4.00

10-25-96
DPC

WARRANTY DEED

For Value Received, EDWARD D. FRISBIE and BARBARA J. FRISBIE
HUSBAND AND WIFE

the Grantors, do hereby grant, bargain, sell and convey unto
D. JOHN CAREY, A MARRIED MAN
whose address is: 15320 PEACH HILL RD SARDIS CA 9502
the Grantee, the following described premises, to-wit:

SEE ATTACHED AS EXHIBIT "A"

SUBJECT TO EASEMENTS OF RECORD OR VISIBLE UPON THE GROUND.

RESERVING UNTO GRANTOR CERTAIN OF THE WATER RIGHTS APPURTENANT TO
THE REAL PROPERTY, WHICH RIGHTS ARE REPRESENTED BY 185 SHARES IN
THE BOULDER CREEK IRRIGATION COMPANY.

TO HAVE AND TO HOLD the premises with their appurtenances unto the
said Grantees, their heirs and assigns forever. And the said
Grantors do hereby covenant to and with the said Grantees, that
they are the owners in fee simple of said premises that said
premises are free from all encumbrances except the 1996 taxes and
assessments and that they will warrant and defend the same from all
lawful claims whatsoever.

Dated: 10/20/96

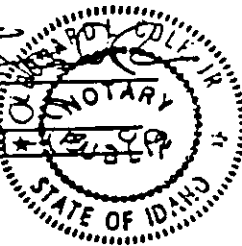
Edward D. Frisbie
EDWARD D. FRISBIE

Barbara J. Frisbie
BARBARA J. FRISBIE

State of Idaho)
County of Teton) ss

On the 25 day of October, 1996 before me, Leonard
L. Cole Jr. a notary public in and for said State,
personally appeared EDWARD D. FRISBIE and BARBARA J. FRISBIE
known to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the
same.

Notary Public
Residing at: CASCADE
Commission Expires: 1999



221731
RECORDED
96 OCT 25 PM 4 10
MOUNTAIN TITLE & RECORDS
BY Shirley
RECORDED
1/RECORDED
Teton County, Idaho
NOTARY PUBLIC

EXHIBIT A

A parcel of land in Valley county, Idaho, more particularly described as follows:

the S1/2 of the NW1/4 and the SW1/4 of Section 12, T. 17 N., R. 3 E., B.M., Valley County, Idaho;

Save and except a portion in the southwest corner of said Section 12, heretofore deeded for burial purposes, which deed is recorded in Book 5 of Deeds at page 574, records of Valley County;

and

Except a parcel of land located in the SW1/4 SW1/4 of Section 12, Township 17 North, Range 3 East, Boise Meridian, Valley County, Idaho and more particularly described as follows:

Beginning at the SW corner of said Section 12;
Thence South 89° 29' 22" East along the South section line of said Section 12, for a distance of 234 feet to a point; said point being the True Point of Beginning;

Thence North 0° 05' 00" East, along an existing fence line for a distance of 436.68 feet to a point;

Thence South 89° 29' 22" East, a distance of 200 feet to a point;

Thence South 0° 05' 00" West, a distance of 436.68 feet to the South line of said Section 12;

Thence North 89° 29' 22" West to the True point of Beginning.
(aka tax #43)

and

Except a tract of land in the SW1/4 of the NW1/4 of said Section 12 commencing at the northwest corner of Section 12; thence S. 0° 14' 36" W. along the West boundary of said Section 12 a distance of 1319.97 feet to the North 1/16 section corner, thence S. 89° 50' 33" E., 58.63 feet to a point on the East right of way boundary of the Farm to Market Road, which is the True Point of Beginning;

Thence continuing S. 89° 50' 33" E., 1010.33 feet,

thence S. 1° 46' 00" W., 47.69 feet,

thence S. 31° 44' 00" E., 266.69 feet,

thence S. 11° 44' 15" W., 774.91 feet,

thence S. 69° 29' 23" W. 134.87 feet,

thence N. 69° 43' 21" W., 342.31 feet,

thence N. 44° 50' 02" W., 102.13 feet,

CONTINUED
legal page 1 of 2

thence N. 26° 14' 22" W., 162.05 feet,
thence N. 42° 03' 54" W., 105.58 feet,
thence N. 66° 46' 49" W., 91.94 feet,
thence N. 61° 16' 35" W., 93.06 feet,
thence N. 45° 19' 38" W., 85.88 feet,
thence N. 29° 14' 15" W., 92.83 feet,
thence N. 16° 26' 26" W., 155.51 feet,
thence N. 11° 40' 49" W., 95.91 feet to a point on the East
right of way boundary of the Farm to Market Road, thence N. 1°
46' 00" E., 203.10 feet along the East boundary of said right
of way to the True Point of Beginning, (tax #42, #133 and #134
combined)

and further save and except:

A parcel of land situate in the NE1/4 of the SE1/4 of the NW1/4 of
Section 12, T. 17 N., R. 3 E., B.M., Valley County, Idaho, more
particularly described as follows:

Commencing at an aluminum cap marking the 1/4 corner common to
Sections 1 and 12, T. 17 N., R. 3 E., B.M., Valley County, Idaho:

thence S. 00° 21' 59" W., 1,321.93 feet to the CN 1/16 corner
of said Section 12, the Real Point of Beginning;
thence continuing S. 00° 21' 59" W., 660 feet along the East
boundary of said NE1/4 SE1/4 NW1/4,
thence N. 89° 50' 44" W., 330.00 feet,
thence N. 00° 21' 59" E., 660.00 feet to the North boundary of
said NE1/4 SE1/4 NW1/4,
thence S. 89° 50' 44" E. 330.00 feet to the Point of
Beginning. (aka tax #135)