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**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

Transfer No. RH #3 69506

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

Name of applicant Lonnie Leavell Phone (208) 934-8543  
Post Office address P.O. Box 54, Gooding, Idaho 83330

**A. PURPOSE OF TRANSFER**

1. ☒ <sup>0.3</sup> Change point of diversion ☐ Add diversion point ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes To split right and move 0.5 acres of irrigation to land west of current place of use.

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

1. Right Number 37-07395 pt Priority 10/30/1974 Amount (cfs/ac-ft) 0.03/1.5 <sup>1.75 CB</sup> Nature of Use Irrigation Period of Use 5/1 to 10/1
2. Total amount of water being transferred 0.03 cubic feet per second and/or 1.5 <sup>1.75</sup> acre-feet per annum. <sub>CB</sub>
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                                                |
|-----|-----|-----|-----|------|------|-----|--------|-------------------------------------------------------------------------|
|     |     | SE  | SW  | 27   | 01S  | 15E | Camas  | Rock House <u>Pond dug in SW</u> <sub>CB</sub><br><u>Northeast well</u> |
|     |     |     |     |      |      |     |        |                                                                         |
|     |     |     |     |      |      |     |        |                                                                         |
|     |     |     |     |      |      |     |        |                                                                         |

## 5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 01S  | 15E  | 27   |        |        |        |        |        |        |        |        |        |        |        | 0.5    |        |        |        |        | 0.5    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

**PART 1**

## 6. General Information:

a. Description of diversion system One well and pump to sprinkler system for trees.

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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:

0.5 acre would no longer be irrigated.

d. Remarks:

New place of use is within the land locally known as the Rock House property.

Due to its small size, 0.03 cfs (13.5 gpm) is needed to physically operate the system.

---

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

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

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

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**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Transfer No. \_\_\_\_\_

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 2

(Attach one copy for each right)

### A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. 37-07395 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 a 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☐ Other \_\_\_\_\_

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

4. Date of priority 10/30/1974

5. Water is used for the following purpose:

*\*Based on current standard of 3.5 cfs*

Amount 9.94/2430 for Irrigation purposes from 5/1 to 10/1  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

6. Total amount of water under right 810.0 cubic feet per second and/or 2430.0 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     | SW  | NW  | 1    | 02S  | 17E | Camas  | Well and pump            |
|     |     | SW  | SE  | 11   | 02S  | 17E | Camas  | Well and pump            |
|     |     |     |     |      |      |     |        |                          |

8. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 02S  | 17E  | 1    |        |        |        |        |        |        | 7      |        |        | 31     | 39     |        |        |        |        |        | 77     |
| 02S  | 17E  | 2    |        |        |        | 2      |        |        |        |        |        |        | 15     | 32     | 33     | 6      | 39     | 40     | 167    |
| 02S  | 17E  | 11   | 40     | 36     | 30     | 32     | 33     |        |        | 16     |        |        |        |        | 19     | 13     | 20     | 37     | 276    |
| 02S  | 17E  | 12   |        |        | 22     |        | 17     | 40     | 40     | 37     | 36     | 40     | 29     | 8      |        | 21     |        |        | 290    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 810

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_

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 0.03/3.5 CB for Irrigation purposes from 5/1 to 10/1  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

#### 2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     | SW  | NW  | 1    | 02S  | 17E | Camas  | Well and pump            |
|     |     | SW  | SE  | 11   | 02S  | 17E | Camas  | Well and pump            |
|     |     |     |     |      |      |     |        |                          |

#### 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec.          | NE 1/4 |        |               |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|------|---------------|--------|--------|---------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |      |               | NE 1/4 | NW 1/4 | SW 1/4        | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 02S  | 17E  | <del>22</del> |        |        | <del>CB</del> |        |        |        |        |        |        |        | 0.5    |        |        |        |        |        | 0.5    |
|      |      | CB            |        |        | CB            |        |        |        |        |        |        |        | CB     |        |        |        |        |        |        |
|      |      |               |        |        |               |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |               |        |        |               |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |               |        |        |               |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

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

Total acres 0.5

1. Amount 9.91/2831.5 for Irrigation purposes from 5/1 to 10/1  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

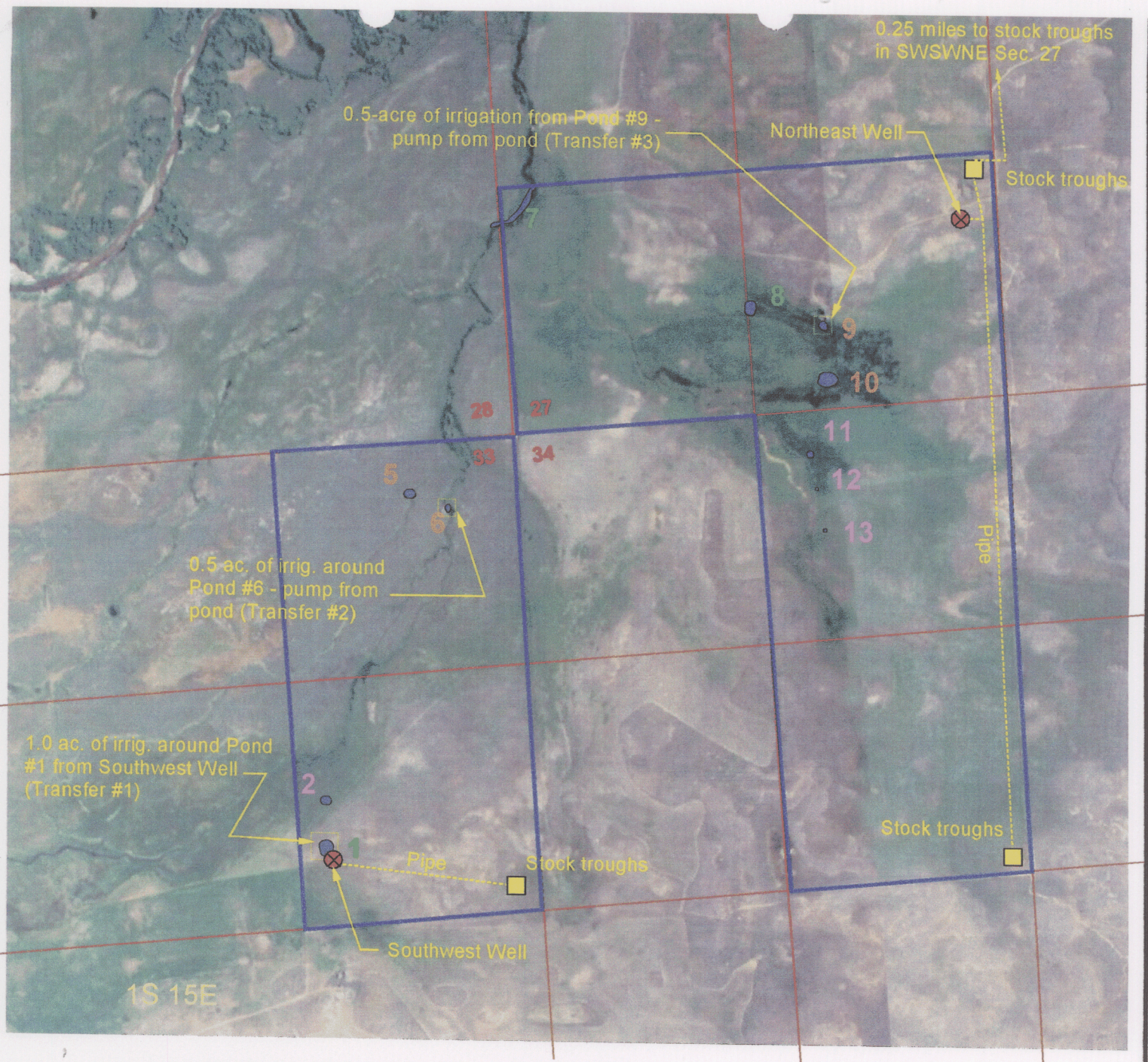
#### 2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge | County | Local name for diversion |
|-----|-----|-----|-----|------|------|-----|--------|--------------------------|
|     |     | SW  | NW  | 1    | 02S  | 17E | Camas  | Well and pump            |
|     |     | SW  | SE  | 11   | 02S  | 17E | Camas  | Well and pump            |
|     |     |     |     |      |      |     |        |                          |

#### 3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |                 |        | NW 1/4 |        |        |        | SW 1/4 |        |                 |        | SE 1/4 |        |        |        | Totals                  |
|------|------|------|--------|--------|-----------------|--------|--------|--------|--------|--------|--------|--------|-----------------|--------|--------|--------|--------|--------|-------------------------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4          | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4          | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |                         |
| 02S  | 17E  | 1    |        |        |                 |        |        |        | 7      |        |        | 31     | 39              |        |        |        |        |        | 77                      |
| 02S  | 17E  | 2    |        |        |                 | 2      |        |        |        |        |        |        |                 |        |        |        |        |        |                         |
| 02S  | 17E  | 11   | 40     | 36     | 30              | 32     | 33     |        |        | 16     |        |        | <del>14.5</del> | 32     | 33     | 6      | 39     | 40     | <del>167</del> 166.5 CB |
| 02S  | 17E  | 12   |        |        | <del>22.5</del> |        | 17     | 40     | 40     | 37     | 36     | 40     | 29              | 8      |        | 21     |        |        | <del>280.5</del> 280 CB |
|      |      |      |        |        |                 |        |        |        |        |        |        |        |                 |        |        |        |        |        |                         |

Total acres 809.5



#### EXPLANATION

Ponds are color-coded according to their hydrologic status:

- New open water Ponds
- Wetland to open conversion ponds
- Pre-existing ponds dug into groundwater

- Ponds
- Property boundary
- Wells

SCALE: 1" = 800' (approx.)



Photo Date: 1999  
Brockway Engineering June 4, 2001

## Permit and Transfer Applications Lonnie Leavell - Rock House Property

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

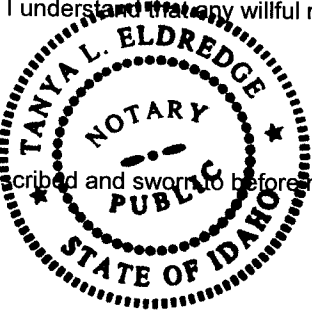
1. 

| <u>New Nature of Use</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Hours/days/year</u> | <u>Period of Use</u> |
|--------------------------|------------------------------|------------------------|----------------------|
| _____                    | _____                        | _____                  | _____ to _____       |
| _____                    | _____                        | _____                  | _____ to _____       |
2. Quantity and quality of return flows and location of discharge:  
 None  
 \_\_\_\_\_  
 \_\_\_\_\_
3. Describe the effects on other water uses resulting from the proposed change:  
 None  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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.

Subscribed and sworn to before me this 12<sup>th</sup> day of June, # 2001


  
Tanya L. Eldredge  
 (Notary Public)

My commission expires 12-18-06

**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by \_\_\_\_\_ Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by \_\_\_\_\_ Fee 5024070 \_\_\_\_\_

Receipted by \_\_\_\_\_ Date 6/26/2001 \_\_\_\_\_

Published in \_\_\_\_\_ 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 \_\_\_\_\_

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Lonnie Leavell, hereby nominate and appoint  
Charles G. Brockway as my attorney-in-fact with full authority to  
act for and on my behalf to undertake any and all acts or matters pertaining to water right  
transfers before the Idaho Department of Water Resources for the following water right  
transactions:

Permit applications for Rock House, Astorquia, Patterson, and Magic Ranch.

Transfers of portions of licenses 37-07395 and 37-02211 to the above properties.

in Camas County, Idaho. Additionally, I hereby ratify and confirm any  
and all such acts on matters as contemplated herein.

My agent is hereby authorizing to sign, seal and deliver, as my act in deed, those said  
instruments of writing that may be necessary or proper to carry into execution and effect the  
applications, and transfers above-mentioned. Further, I hereby declare that each and every  
application, transfer, agreement, receipt, or payment which shall be by my said agent given,  
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had  
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all  
times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning  
the said premises by virtue of these presents. This Limited Power of Attorney will become void  
upon approval, denial or withdrawal of the above referenced applications.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal

Dated this 12 day of June 2001.

Lonnie Leavell  
Signature

State of Idaho )

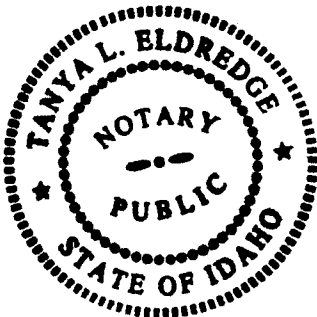
County of Twin Falls )

ss.

On this 12th Day of June, 2001, before me, a Notary Public  
in and for said County and State, personally appeared Lonnie Leavell,  
known or identified to me to be the individual whose name and subscription to the within  
instrument, and acknowledged to me that he 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.

S  
E  
A  
L



Tanya L. Eldredge  
Notary Public  
In and for said State and County

12-18-06  
My Commission Expires

## **WATER RIGHT APPLICATIONS FOR LONNIE LEAVELL ROCK HOUSE PROPERTY**

Brockway Engineering, PLLC  
June 4, 2001

### **1. Permit Applications**

**Application #1** is a permit application for 1000 head of stock and associated pond storage of 1.86 acre-feet on the south portion of the Rock House property. The source is groundwater (ponds dug into shallow water) and also one well in the SENE33. See the attached aerial photo map.

The total pond surface area is 0.36 acres, 0.31 of which is wetland-to-open water conversion which does not result in an increase in consumptive use, according to IDWR policy. The remaining 0.05 acres is "new" open water evaporation.

The peak evaporation (July) for 0.05 acres of ponds is 291 gpd, as determined using the Molnau (1992) procedure for monthly free water surface evaporation in Idaho (see attached spreadsheet). Stockwater volume for 1000 head of cattle at 12 gpd is 12,000 gpd, for a total of 12,291 gpd. This is less than the allowable 13,000 gpd under the Part A exemption for stockwater, so no mitigation is required for this permit application.

Points of diversion:

2 ponds in NENE Sec. 33

2 ponds, 1 well in SENE Sec. 33

**Application #2** is a permit application for 1000 head of stock and associated pond storage of 1.61 acre-feet on the south portion of the Rock House property. The source is groundwater (ponds dug into shallow water) and also one well in the SESW27. See the attached aerial photo map.

The total pond surface area is 0.36 acres, 0.25 of which is wetland-to-open water conversion which does not result in an increase in consumptive use, according to IDWR policy. The remaining 0.11 acres is "new" open water evaporation.

The peak evaporation (July) for 0.11 acres of ponds is 641 gpd, as determined using the Molnau (1992) procedure for monthly free water surface evaporation in Idaho (see attached spreadsheet). Stockwater volume for 1000 head of cattle at 12 gpd is 12,000 gpd, for a total of 12,641 gpd. This is less than the allowable 13,000 gpd under the Part A exemption for stockwater, so no mitigation is required for this permit application.

Points of diversion:

3 ponds, 1 well in SESW Sec. 27

3 very small ponds in NENW Sec. 34

ROCK HOUSE, cont'd

## **2. Transfers for irrigation usage**

2.0 acres of trees will be irrigated on Rock House as follows:

- 1.0 acre in NENE33 (from pond)
- 0.5 acres in SENE33 (from well)
- 0.5 acres in SESW27 (from pond).

Three transfer applications are being filed to move acres from Magic Ranch (groundwater license 37-07395).

Transfer #1 – southwest well in SENE Sec. 33

Transfer #2 – pond in NENE Sec. 33

Transfer #3 – northeast well in SESW Sec. 27

## **3. SRBA claims and decrees for stockwater**

37-10103 is a partial decree for stockwater for 0.02 cfs in SESW27. The decree lists no volume and no cow numbers. This right could cover additional stockwater usage in SESW27.

An irrigation claim A37-10103 for 40 acres in NENE33 and 3 acres in SENE33 asserts a right to water from Camas Creek with a priority date of 1898. Leave this claim as-is, and Lonnie will see about re-activating the headgate and delivering water for irrigation as much as possible.

# Monthly Shallow Pond Evaporation in Idaho for Region 4 Camas Prairie

Prepared by: Ina Sue Miller, Brockway Engineering

ASAE paper PNW 92-111-U of I - ag (1992)

ET data from Allen and Brockway (1983)

Evaporation data from NOAA Evaporation Atlas, Farnsworth et al. (1982),

Pochop et al (1985)

Pochop et al (1988)

| Monthly pond evaporation for each property in ac-ft |     |     |       |       |      |      |      |        |      |     |     |     |       |
|-----------------------------------------------------|-----|-----|-------|-------|------|------|------|--------|------|-----|-----|-----|-------|
|                                                     | Jan | Feb | March | April | May  | June | July | August | Sept | Oct | Nov | Dec | Total |
| Percent                                             | 1.0 | 2.0 | 4.0   | 7.0   | 12.0 | 15.0 | 19.0 | 16.0   | 11.0 | 6.0 | 4.0 | 3.0 | 100.0 |
| FWS Evap in inches                                  | 0.4 | 0.7 | 1.4   | 2.5   | 4.2  | 5.3  | 6.7  | 5.6    | 3.9  | 2.1 | 1.4 | 1.1 | 35.0  |

| Monthly pond evaporation for each property in ac-ft |      |             |       |       |       |       |       |       |        |       |       |       |       |               |
|-----------------------------------------------------|------|-------------|-------|-------|-------|-------|-------|-------|--------|-------|-------|-------|-------|---------------|
| Tot Pond Surface                                    |      | Jan (ac-ft) | Feb   | March | April | May   | June  | July  | August | Sept  | Oct   | Nov   | Dec   | Total (ac-ft) |
| Rock House                                          | 0.16 | 0.005       | 0.009 | 0.019 | 0.033 | 0.056 | 0.070 | 0.089 | 0.075  | 0.051 | 0.028 | 0.019 | 0.014 | 0.467         |
| Patterson                                           | 0.00 | 0.000       | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000  | 0.000 | 0.000 | 0.000 | 0.000 | 0.000         |
| Astorquia                                           | 0.09 | 0.003       | 0.005 | 0.011 | 0.019 | 0.033 | 0.041 | 0.052 | 0.043  | 0.030 | 0.016 | 0.011 | 0.008 | 0.271         |
| Magic                                               | 7.61 | 0.22        | 0.44  | 0.89  | 1.55  | 2.66  | 3.33  | 4.22  | 3.55   | 2.44  | 1.33  | 0.89  | 0.67  | 22.20         |

| Number of range cattle a property may have under Idaho Statue 42-111 part A (13,000 gal/day), accounting for peak pond evaporation |       |                         |  | Number of range cattle allowed (at 12 gpd/hd) |  |                                               |  |
|------------------------------------------------------------------------------------------------------------------------------------|-------|-------------------------|--|-----------------------------------------------|--|-----------------------------------------------|--|
| 4/1-10/1 evap (ac-ft)                                                                                                              |       | July Peak Evap (af/day) |  | July Peak Evap (gpd)                          |  | Number of range cattle allowed (at 12 gpd/hd) |  |
| Rock House                                                                                                                         | 0.37  | 0.0029                  |  | 932                                           |  | 1006                                          |  |
| Patterson                                                                                                                          | 0.00  | 0.0000                  |  | 0                                             |  | 1083                                          |  |
| Astorquia                                                                                                                          | 0.22  | 0.0017                  |  | 542                                           |  | 1038                                          |  |
| Magic                                                                                                                              | 17.76 | 0.1360                  |  | 44327                                         |  |                                               |  |
| Total                                                                                                                              | 18.35 | 0.1406                  |  |                                               |  |                                               |  |

NOTE: Only new ponds on the Magic Ranch property received transferred water from WR 37-7395.

New ponds that are classified as 'wetland to open water conversion' were not used.

Any other acreage for pond surface area not used in calculations are because they were either pre-existing ponds or runoff ponds with little or no water impoundment.

\* Remainder of the year the ponds are dry

RH

Camas County Title, L.L.C.  
905 Shoshone Street North  
Twin Falls, Idaho 83301

## SCHEDULE A

### LOT BOOK GUARANTEE

Order No.: C000031

Guarantee No.: H 338764

Reference: LEAVELL PROPERTY

Date of Guarantee: April 4, 2000 at 8:00 a.m.

Liability: \$275.00

A) Assured: LONNIE LEAVELL

B) Assurances, given without examination of the documents listed or referred to and only to the specifically named documents and no others:

1) Description of the land:

See Attached Exhibit "A"

PROPERTY ADDRESS KNOWN AS: NNA, FAIRFIELD, ID 83327

2) The last recorded instrument in the public records purporting to transfer title to the said land was:

1. A Quitclaim Deed from Charmianne Upshaw Leavell, a married person, to ALONZO B. LEAVELL, a married person, recorded April 7, 1994 as Instrument No. 68438 in Book 29 of Deeds. page 25, as to Parcel 2 & 3.. A Quitclaim Deed from Charmianne Leavell, spouse of grantee to ALONZO B. LEAVELL, a married man, recorded August 10, 1999 in Book 31 of Deeds, page 465, as to Parcel 2 & part of 1.. A Quitclaim Deed from Charmianne Leavell to ALONZO B. Leavell a married man recorded January 11, 2000 in Book 31 of Deeds, page 612 as to part of Parcel 1.. A Second Amended Personal Representative's Deed executed by Kathleen J. Cooper, as Personal Representative of the Estate of Orie S. Leavell, deceased, to ALONZO LEAVELL, recorded September 9, 1996 as Instrument No. 394181, as to Parcel 4.. A Warranty Deed from Alonzo B. Leavell, a married person, dealing in his sole and separate property, to DONNA ROSE, A single woman as to Parcel 5..

3) That there are no mortgages or deeds of trust describing the land that have not been released or reconveyed by an instrument recorded in the public records, other than those shown below under Exceptions.

4) That there are no contracts for sale, contracts for deed, including memorandums giving notice of such contracts, attachments, tax deeds recorded within the last 9 years, which purport to affect the land other than those shown below under Exceptions.

C) Exceptions:

1. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$71.78, Parcel No. RP01S15E276000, Bill No. 2415, No Homeowners Filed)  
Market Value \$7,444 as to Parcel 1

(Continued)

## LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

2. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$97.16, Parcel No. RP01S15E330100, Bill No. 2435, No Homeowners Filed)  
Market Value \$10,079 as to Parcel 1
3. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$90.20, Parcel No. RP01S15E342400, Bill No. 2441, No Homeowners Filed)  
Market Value \$9,354 as to Parcel 1
4. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$101.74, Parcel No. RP01S15E270100, Bill No. 2411, Homeowners Filed)  
Market Value \$10,550 as to Parcel 1
5. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$24.78, Parcel No. RP02S15E240100, Bill No. 2807, No Homeowners Filed)  
Market Value \$2,572 as to Parcel 2
6. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$112.98, Parcel No. RP02S15E132400, Bill No. 2796, No Homeowners Filed)  
Market Value \$11,719 as to Parcel 2
7. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$23.76, Parcel No. RP02S15E140100, Bill No. 2797, No Homeowners Filed)  
Market Value \$2,465 as to Parcel 2
8. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$73.50, Parcel No. RP02S16E181800, Bill No. 2820, No Homeowners Filed)  
Market Value \$7,624 as to Parcel 2
9. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$23.88, Parcel No. RP02S16E192400, Bill No. 2821, No Homeowners Filed)  
Market Value \$2,477 as to Parcel 2
10. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$51.48, Parcel No. RP02S16E164200, Bill No. 2818, No Homeowners Filed)  
Market Value \$5,339 as to Parcel 3
11. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$212.02, Parcel No. RP02S16E170100, Bill No. 2819, No Homeowners Filed)  
Market Value \$21,988 as to Parcel 3

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

12. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$572.98, Parcel No. RP02S170015620, Bill No. 17475, No Homeowners Filed)  
Market Value \$95,212 as to Parcel 4
13. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$192.76, Parcel No. RP02S17E029000, Bill No. 2828, No Homeowners Filed)  
Market Value \$19,991 - as to Parcel 5
14. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$711.98, Parcel No. RP02S17E110101, Bill No. 2831, No Homeowners Filed)  
Market Value \$66,084 - as to parcel 5
15. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$40.50, Parcel No. RP02S17E112400, Bill No. 2832, No Homeowners Filed)  
Market Value \$3,760 - as to parcel 5
16. General Taxes for 1999 are one half paid and one-half due and payable on or before June 20, 2000. (Taxes for 1999 are \$24.12, Parcel No. RP02S17E113601, Bill No. 2834, No Homeowners Filed)  
Market Value \$2,504 - as to parcel 5
17. Personal Property Taxes for 1999 in the amount of \$257.04 are one-half paid and one-half due, Bill No. 2922.
18. General Taxes for 2000 are an accruing lien, not yet due or payable.
19. Real Estate Mortgage dated August 4, 1999 to secure an indebtedness in the principal sum of \$435,165.00, and any other amounts and/or obligations secured thereby.

Recorded: August 9, 1999, Instrument No. 73359

Mortgagor: Alonzo B. Leavell aka A.B. Leavell, a married man dealing  
with his sole and separate property

Mortgagee: Eastern Idaho Agricultural Credit Association

COVERS ADDITIONAL LAND --as to Parcel 1 & 2

20. Real Estate Mortgage dated November 8, 1999 to secure an indebtedness in the principal sum of \$250,000.00, and any other amounts and/or obligations secured thereby.

Recorded: November 15, 1999, Instrument No. 73533

Mortgagor: Donna Rose, an unmarried woman

Mortgagee: Noswal, L.L.C.

as to Parcel 5

(Continued)

LOT BOOK GUARANTEE (CONTINUED)

Order No.: C000031

Guarantee No.: H 338764

21. Real Estate Mortgage dated January 3, 2000 to secure an indebtedness in the principal sum of \$47,100.00, and any other amounts and/or obligations secured thereby.

Recorded: January 11, 2000, Instrument No. 73655

Mortgagor: Alonzo B. Leavell aka A.B. Leavell, a married man dealing  
with his sole and separate property

Mortgagee: Idaho Agricultural Credit Association

COVERS ADDITIONAL LAND ---as to Parcel 1 & 2

**NOTE: We have done a judgment and lien search for matters recorded in the County Records and filed with the Secretary of State pursuant to Chapter 19, Title 45, Idaho Code, against all parties involved in this transaction, and as of the Commitment date, we find: NONE**

**EXHIBIT A**  
**C000031**

**PARCEL 1 – CAMAS COUNTY**

Township 1 South, Range 15 East of the Boise Meridian, Camas County, Idaho

Section 27: The South One-Half of the Southwest Quarter.

TOGETHER WITH an easement for road right of way 10 feet wide over and across the Northeast Quarter of said Section 27. the centerline of said right of way being described as follows:

BEGINNING at a point 5 feet North of the East Quarter corner of said Section 27;  
Thence West and parallel with the South boundary of the Northeast Quarter to a point 5 feet North of the Southwest corner of said Northeast Quarter to the point of termination.

AND TOGETHER WITH an easement for road right of way 8 ¼ feet wide over and across the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter of said Section 27, described as follows:

COMMENCING at a point 8 ¼ feet West of the Northeast corner of the Northwest Quarter of the Southeast Quarter;

Thence South and parallel with the East boundary of the Northwest Quarter of the Southeast Quarter to a point 8 ¼ feet North of the South boundary of the Northwest Quarter of the Southeast Quarter;

Thence West and parallel with the South boundary of the Northwest Quarter of the Southeast Quarter to a point on the center Section line 8 ¼ feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter;

Thence in a Southwesterly direction across the Northeast Quarter of the Southwest Quarter to a point on the South boundary of the Northeast Quarter of the Southwest Quarter 8 ¼ feet West of the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 27 to the point of termination.

Section 27: The Northeast Quarter.

Section 33: The East One-Half of the Northeast Quarter.

Section 34: The East One-Half of the Northwest Quarter.