

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71892APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant Kenneth D Andrus, Jim Andrus Phone 208 776-5380
 Post Office address 6948 East Old Oregon Trail Rd., Lava Hot Springs, Idaho 83246

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 To change place of use of water so it can be used more beneficially

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>29-13401</u>	<u>07/06/1868</u>	<u>0.720 CFS</u>	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
<u>29-13399</u>	<u>05/01/1896</u>	<u>0.560 CFS</u>	<u>Irrigation</u>	<u>04/15</u> to <u>09/15</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.280 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Partnew F River tributary to Snake River

4. Point(s) of Diversion: X

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
E.B.S.C.	NE	SE	SW	12	9S	37E	Bannock	No Name

5. 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	
9S	37E	12					✓						✓					3.1	
9S	37E	13					✓											0.1	
9S	37E	14							✓									2.8	
9S	37E	15											✓					1.7	
9S	37E	16															✓	2.3	
9S	37E	17																3.4	
9S	37E	23																2.0	
9S	37E	23					✓											3.2	
9S	37E	24							✓									3.1	
9S	37E	12													✓			5.5	
9S	37E	13							✓									1.1	
9S	37E	13										✓						2.1	
9S	37E	14	✓															3.7	
9S	37E	14													✓			3.4	
9S	37E	23	✓															3.3	
9S	37E	23 Lot 1				✓												2.2	
9S	37E	23							✓									1.2	

Total Acres 327.4

71892

PART 1

6. General Information:

a. Description of diversion system Water is diverted from Bob Smith Creek into a lateral ditch for approx 1/2 mile which enters into a gravity flow pipeline.

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:
No change at all

d. Remarks:
If transfer is granted it will allow very beneficial use of water to ground that now has a very junior water right

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

page 3 of 8

Page 1

Transfer No. 71892
Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 29-13399

Priority Date: 05/01/1896
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: PORTNEUF RIVER **Tributary to:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15 09/15	0.56 CFS		
	Total Diversion	0.56 CFS		

Source and Point(s) of Diversion:

PORTNEUF RIVER L4 (SWSWNW) 09S 37E 20 BANNOCK

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 37E 19				24.0 L 3													24.0
09S 37E 20							20.0 L 4										20.0

Total Acres: 44

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. USE OF THIS RIGHT WITH RIGHT NO. 29-13401 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.88 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 29-13401 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 28 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

71892

page 4 of 8

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. 71892
Receipt No. _____

Current Water Right No. 29-13399

7. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

71892

page 5 of 8

Page 1

Transfer No. 71892
Receipt No. _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 29-13401

Priority Date: 07/06/1868
Origin: Adjudication Recommendation
Basis: Decreed
Status: Active

Source: PORTNEUF RIVER **Tributary to:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.72 CFS		
	Total Diversion	0.72 CFS		

Source and Point(s) of Diversion:

PORTNEUF RIVER L4 (SWSWNW) 09S 37E 20 BANNOCK

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 37E 19				24.0 L 3													24.0
09S 37E 20							20.0 L 4										20.0

Total Acres: 44

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.
4. USE OF THIS RIGHT WITH RIGHT NO. 29-13399 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.88 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 29-13399 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-12053.

71892

Page 6 of 8

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. 71892
Receipt No. _____

Current Water Right No. 29-13401

8. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

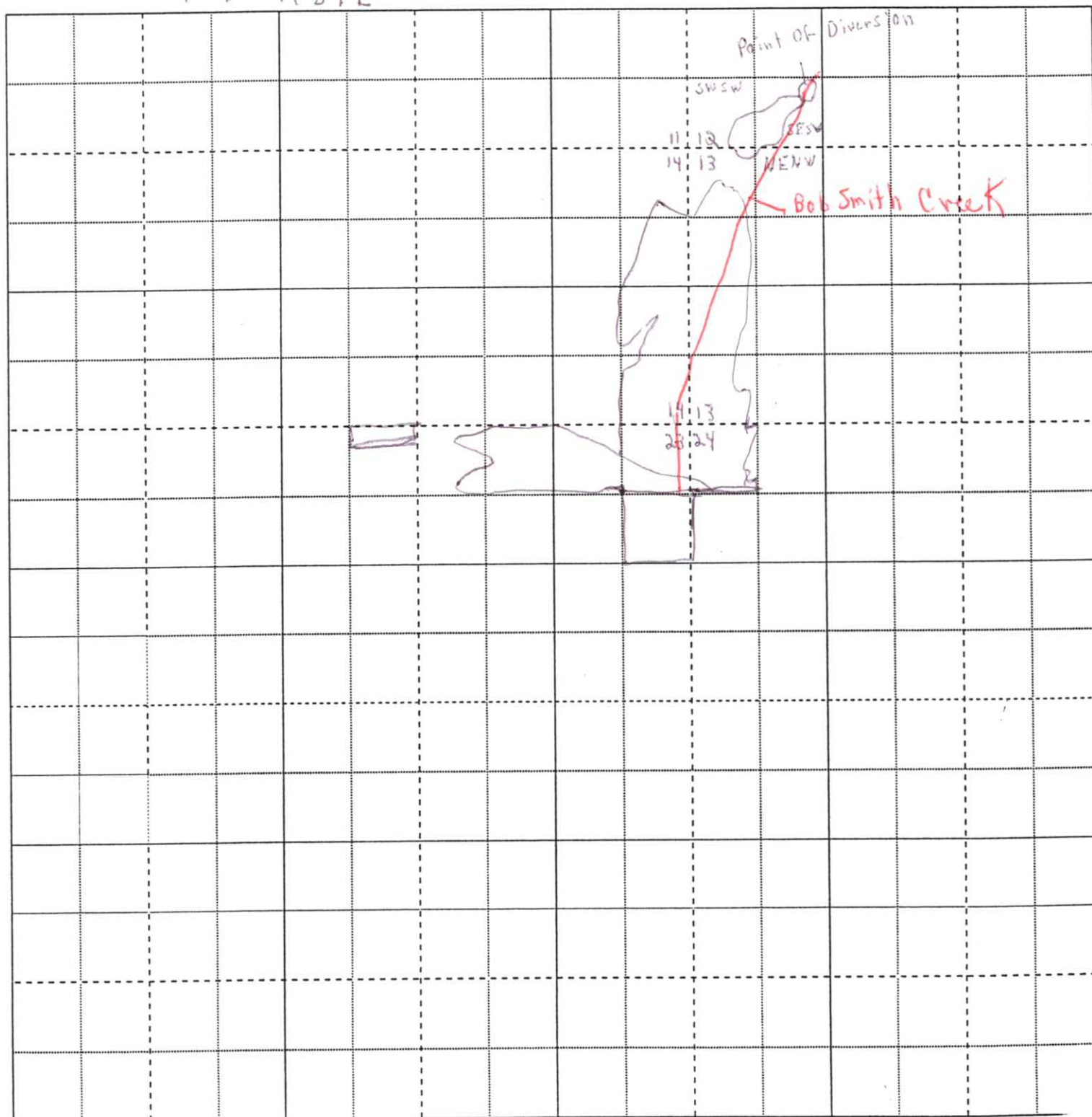
To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

71892

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

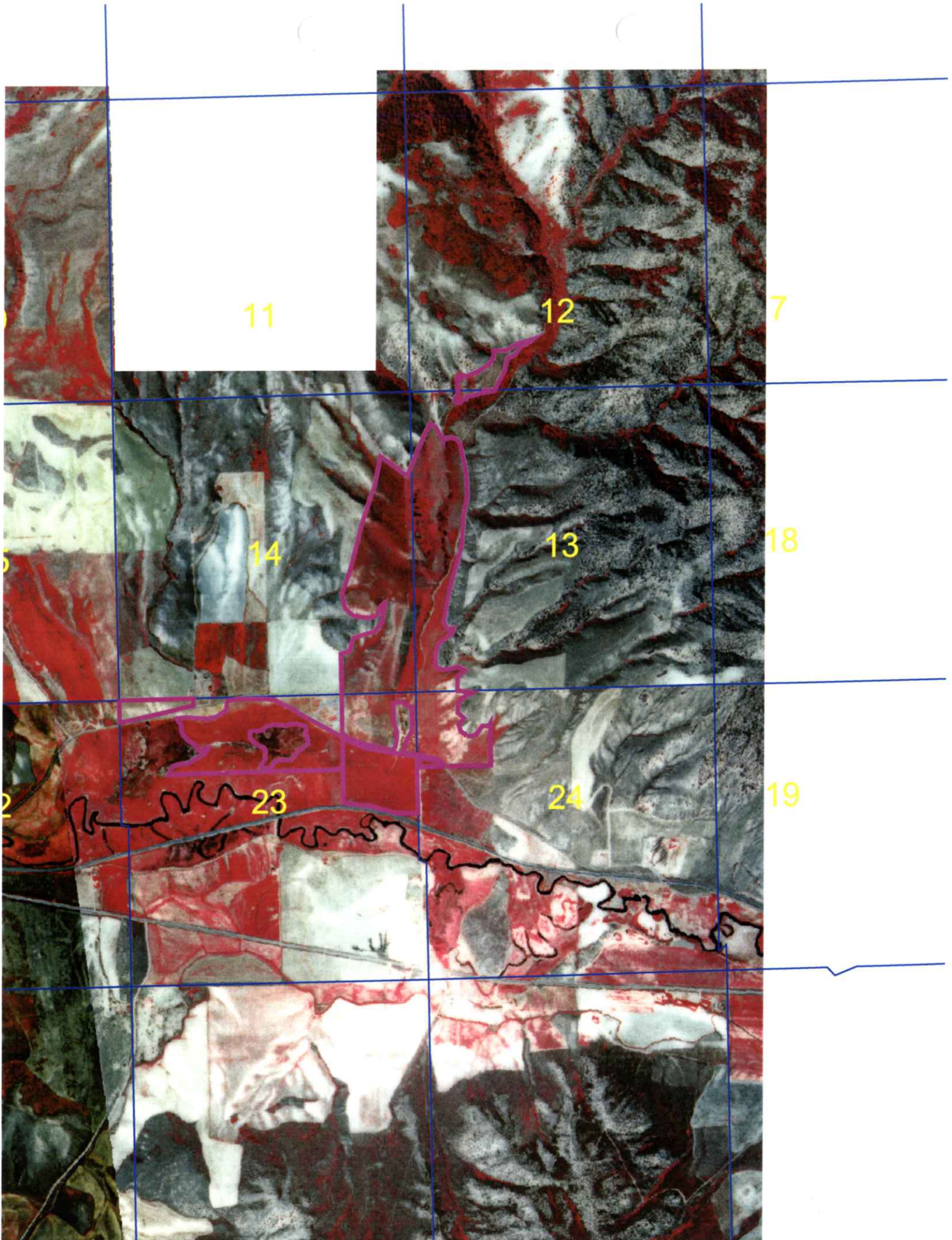
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

T9S R37E



Scale: 2 inches equal 1 mile. Draw plan in ink.

71892



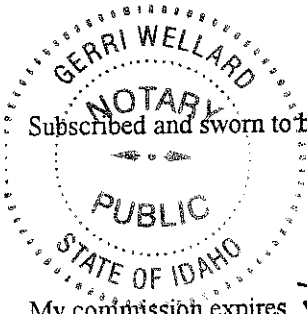
PART 3

E. CHANGES IN NATURE OF USE

- | New Nature of Use | Amount(cfs/af-ft) | Hours/days/year | Period of Use |
|-------------------|-------------------|-------------------|------------------------------|
| <u>Irrigation</u> | <u>0.720</u> | <u>Continuous</u> | <u>04/01</u> to <u>10/31</u> |
| <u>Irrigation</u> | <u>0.560</u> | <u>Continuous</u> | <u>04/15</u> to <u>09/15</u> |
- Quantity and quality of return flows and location of discharge:
Water would be used by by sprinkler irrigation. If there was
any return flow it would come into Bob Smith Creek, Thence to Portneuf River
- Describe effects on other water uses resulting from the proposed change:
Would not adversely any other water uses.
This - There is a claimed adverse affect but claimant is also
proposing a point of diversion change which would nullify any
adverse affect.

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 26th day of January, 2004.

Kim Andrew Jim Andrew Colleen Andrew
 (Signature of Applicant)

Gerri Wellard
 (Notary Public)

My commission expires January 2005

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 7 attachments

Received by KRW Date _____ Protest filed by _____

Prelim. Check by _____ Fee 290.00

Received by KRW Date 3/23/05 EO 30695

Published in Idaho State Journal 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 _____

ATTACHMENT 1

THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING EAST OF THE BOB SMITH CREEK AND ALSO ALL THAT PORTION LYING SOUTH OF U.S. HIGHWAY NO. 30 NORTH.

THE $S\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 12; THE W $\frac{1}{2}$ NW $\frac{1}{4}$, THE SE $\frac{1}{4}$ NW $\frac{1}{4}$, AND THE SW $\frac{1}{4}$ OF SECTION 13; AND THE N $\frac{1}{2}$ SE $\frac{1}{4}$, AND THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 14; THE N $\frac{1}{2}$ NE $\frac{1}{4}$, THE N $\frac{1}{2}$ NW $\frac{1}{4}$, AND LOTS 1, 2, 3 AND 4 OF SECTION 23; ALL IN TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., EXCEPT A TRIANGULAR TRACT OF LAND SITUATE IN LOT 1 OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., IN BANNOCK COUNTY, IDAHO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF THE OREGON SHORT LINE RAILROAD COMPANY, THAT IS 100 FEET DISTANT NORTHEASTERLY FROM THE CENTERLINE OF THE SOUTHERLY MAIN TRACK OF SAID RAILROAD COMPANY AS NOW CONSTRUCTED AND OPERATED, MEASURED ALONG A STRAIGHT LINE DRAWN RADIALLY THERETO FROM A POINT THERE ON THAT IS 349.2 FEET DISTANT WESTERLY FROM THE EAST LINE OF SAID SECTION 23, MEASURED ALONG SAID CENTER LINE OF SOUTHERLY MAIN TRACK; THENCE DUE EAST, A DISTANCE OF 280 FEET; THENCE SOUTH, A DISTANCE OF 125 FEET, MORE OR LESS, TO A POINT 100 FEET DISTANT NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE OF SOUTHERLY MAIN TRACK; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH AND 100 FEET DISTANT NORTHEASTERLY, MEASURED AT RIGHT ANGLES AND/OR RADIALLY FROM SAID CENTER LINE OF SOUTHERLY MAIN TRACK, A DISTANCE OF 310 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM, THE FOLLOWING PARCELS:

TRACT OF LAND CONVEYED BY DAVID A. M. MARTIN AND ELENA M. MARTIN, HIS WIFE, TO OREGON SHORT LINE RAILROAD COMPANY, A CORPORATION, BY DEED DATED OCTOBER 25, 1912, RECORDED NOVEMBER 9, 1912, IN BOOK 23 OF DEEDS, PAGE 30, DESCRIBED AS FOLLOWS, TO-WIT: A STRIP OF LAND 50 FEET WIDE, LYING ADJACENT TO AND ON THE NORTHERLY SIDE OF A LINE WHICH IS 50 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE PRESENT OPERATED MAIN TRACK OF THE OREGON SHORT LINE RAILROAD AS THE SAME IS NOW LOCATED THROUGH LOT 1 OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN, AND EXTENDING FROM THE EAST LINE OF SAID SECTION 23 TO A LINE DRAWN PERPENDICULAR TO SAID CENTER LINE OF TRACK THROUGH A POINT 349.2 FEET WESTERLY MEASURED ALONG SAID CENTER LINE FROM ITS INTERSECTION WITH THE SAID EAST LINE OF SECTION 23.

ALSO, A STRIP OF LAND 50 FEET WIDE, LYING ADJACENT TO AND ON THE NORTHERLY SIDE OF A LINE WHICH IS 50 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE PRESENT OPERATED MAIN TRACK OF THE OREGON SHORT LINE RAILROAD AS THE SAME IS NOW LOCATED THROUGH LOT 4 AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24 OF SAID TOWNSHIP AND RANGE, AND EXTENDING FROM THE WEST LINE OF SAID SECTION 24 TO A LINE DRAWN PERPENDICULAR TO SAID CENTER LINE OF TRACK THROUGH A POINT 950.8 FEET EASTERLY MEASURED ALONG SAID CENTER LINE FROM ITS INTERSECTION WITH THE SAID WEST LINE OF SECTION 24.

TRACT OF LAND CONVEYED BY DAVID A. M. MARTIN AND ELENA MARTIN, HIS WIFE, TO OREGON SHORT LINE RAILROAD COMPANY, A CORPORATION, BY DEED DATED JULY 3, 1913, RECORDED AUGUST 8, 1913, IN BOOK 23 OF DEEDS, PAGE 284, DESCRIBED AS FOLLOWS, TO-WIT: A STRIP OF LAND 35 FEET WIDE, LYING ADJACENT TO AND ON THE NORTHERLY SIDE OF A LINE WHICH IS PARALLEL TO AND 50 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE PRESENT OPERATED MAIN TRACK OF THE OREGON SHORT LINE RAILROAD AS THE SAME IS NOW LOCATED THROUGH LOT 1, SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 EAST OF THE BOISE MERIDIAN, AND EXTENDING BETWEEN TWO LINES

CONTINUED

ATTACHMENT T 71892
1 OF 7

DRAWN PERPENDICULAR TO SAID CENTER LINE OF TRACK THROUGH POINTS THAT ARE 349.2 FEET AND 855.6 FEET DISTANT, WESTERLY, MEASURED ALONG SAID CENTER LINE OF TRACK, FROM ITS INTERSECTION WITH THE EAST LINE OF SAID SECTION 23.

TRACT OF LAND 50 FEET FOR IDAHO PACIFIC HIGHWAY, CONVEYED BY D. A. MARTIN AND ELENA M. MARTIN, WIFE, TO STATE OF IDAHO, BY DEED DATED OCTOBER 12, 1922, RECORDED OCTOBER 14, 1922, IN BOOK 45 OF DEEDS, PAGE 345, DESCRIBED AS FOLLOWS, TO-WIT:

A STRIP OF LAND 50 FEET WIDE, BEING 25 FEET ON EACH SIDE OF THE CENTER LINE OF THE IDAHO PACIFIC HIGHWAY, SAID CENTER LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1105 FEET, MORE OR LESS, SOUTH OF THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M.; THENCE NORTH $80^{\circ} 00'$ WEST, 801 FEET, MORE OR LESS; THENCE ON A 5° CURVE TO THE RIGHT, 418 FEET, MORE OR LESS, THENCE A 65 FOOT STRIP OF LAND LYING 40 FEET NORTH AND 25 FEET SOUTH OF THE CENTER LINE CONTINUING NORTH $59^{\circ} 06'$ WEST, 1254.1 FEET, MORE OR LESS, TO THE BEGINNING OF A $4^{\circ} 30'$ CURVE TO THE LEFT; THENCE A 66 FOOT STRIP OF LAND, LYING 33 FEET ON EACH SIDE OF THE CENTER LINE CONTINUING ON SAID $4^{\circ} 30'$ CURVE TO THE LEFT, 418.6 FEET, MORE OR LESS, TO POINT OF ENDING, ALL LYING AND SITUATED IN NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M.

RIGHT OF WAY FOR PORTNEUF RIVER CHANNEL CHANGE AT TOPAZ, CONVEYED BY F. W. SWIM, ESTATE BY HAZEL D. SWIM, EXECUTRIX, AND HAZEL D. SWIM TO BANNOCK COUNTY, A POLITICAL SUBDIVISION, BY DEED DATED MARCH 14, 1952, RECORDED MARCH 27, 1952, IN BOOK 113 OF DEEDS, PAGE 525, DESCRIBED AS FOLLOWS, TO-WIT: A STRIP OF LAND 40.0 FEET WIDE, LYING 20.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE CLOSING CORNER ON THE MEANDER LINE OF THE PORTNEUF RIVER, BETWEEN SECTION 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., THENCE BEARING NORTH $75^{\circ} 59'$ WEST A DISTANCE OF 136.85 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE CENTERLINE OF THE PRESENT TOPAZ ROAD; THENCE BEARING NORTH $0^{\circ} 01'$ WEST, ALONG SAID CENTERLINE OF TOPAZ ROAD A DISTANCE OF 220.0 FEET TO THE POINT OF BEGINNING; THENCE BEARING NORTH $88^{\circ} 30'$ WEST, A DISTANCE OF 100.0 FEET, MORE OR LESS, TO THE PRESENT NORTHERLY BANK OF THE PORTNEUF RIVER. THE ABOVE DESCRIBED TRACT OF LAND BEING A PART OF LOT NO. 1, SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., BANNOCK COUNTY, IDAHO.

THE $N\frac{1}{2} NW\frac{1}{4}$ OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., EXCEPT THAT PORTION OF THE $NW\frac{1}{4} NW\frac{1}{4}$ THEREOF LYING SOUTH OF THE STATE HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SECTION LINE BETWEEN SECTIONS 23 AND 24, AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF SAID STATE HIGHWAY, THENCE SOUTH ALONG SAID SECTION LINE 172 FEET, MORE OR LESS, TO THE NORTH $1/16$ SECTION CORNER ON THE SAID SECTION LINE, THENCE EASTERLY ALONG SAID NORTH $1/16$ LINE, 397 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF SAID STATE HIGHWAY, THENCE FOLLOWING SAID SOUTH RIGHT OF WAY LINE 440 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING OF THIS EXCEPTION.

ALSO EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF THE $NW\frac{1}{4} NW\frac{1}{4}$ OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., ACCORDING TO THE GOVERNMENT SURVEY THEREOF, THENCE NORTH ALONG THE WESTERLY LINE OF SAID 40 ACRE TRACT, A DISTANCE OF 220 FEET, MORE OR LESS, TO THE NORTHERLY

CONTINUED

T 71892
ATTACHMENT 2 OF 7

RIGHT OF WAY LINE OF THE OLD U. S. HIGHWAY 30 N, FOR THE BEGINNING POINT OF THE LAND HEREBY EXCEPTED; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID OLD U. S. HIGHWAY 30 N., A DISTANCE OF 396 FEET, THENCE IN A NORTHERLY DIRECTION AT RIGHT ANGLES TO SAID LAST DESCRIBED LINE A DISTANCE OF 110 FEET, THENCE AT RIGHT ANGLES TO SAID LAST DESCRIBED LINE, IN A WESTERLY DIRECTION, BUT CONTINUING PARALLEL TO THE NORTHERLY RIGHT OF WAY LINE OF THE OLD U. S. HIGHWAY 30 N., A DISTANCE OF 396 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY SURVEY LINE OF THE 40 ACRE TRACT FIRST ABOVE DESCRIBED, THENCE AT RIGHT ANGLES, SOUTH, FOLLOWING THE WESTERLY SURVEY LINE OF THE SAID 40 ACRE TRACT FIRST ABOVE DESCRIBED A DISTANCE OF 110 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...

ATTACHMENT 2

ALL THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING WEST OF THE EAST BOB SMITH CREEK AND ALSO THAT PORTION LYING NORTH OF U.S. HIGHWAY NO. 30 NORTH.

THE $S\frac{1}{2}SW\frac{1}{4}$ OF SECTION 12; THE $W\frac{1}{2}NW\frac{1}{4}$, THE $SE\frac{1}{4}NW\frac{1}{4}$ AND THE $SW\frac{1}{4}$ OF SECTION 13; THE $NE\frac{1}{4}$, THE $NE\frac{1}{4}NW\frac{1}{4}$, THE $N\frac{1}{2}SE\frac{1}{4}$ AND THE $SE\frac{1}{4}SE\frac{1}{4}$ OF SECTION 14; THE $N\frac{1}{2}NE\frac{1}{4}$ OF SECTION 23, ALL IN TOWNSHIP 9 SOUTH, RANGE 37 E.B.M., BANNOCK COUNTY, IDAHO.

EXCEPT: TRACT OF LAND 50 FEET FOR IDAHO PACIFIC HIGHWAY, CONVEYED BY D. A. MARTIN AND ELENA M. MARTIN, WIFE, TO STATE OF IDAHO, BY DEED DATED OCTOBER 12, 1922, RECORDED OCTOBER 14, 1922, IN BOOK 45 OF DEEDS, PAGE 345, DESCRIBED AS FOLLOWS, TO-WIT:

A STRIP OF LAND 50 FEET WIDE, BEING 25 FEET ON EACH SIDE OF THE CENTER LINE OF THE IDAHO PACIFIC HIGHWAY, SAID CENTER LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1105 FEET, MORE OR LESS, SOUTH OF THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M.; THENCE NORTH $80^{\circ} 00'$ WEST, 801 FEET, MORE OR LESS; THENCE ON A 5° CURVE TO THE RIGHT, 418 FEET, MORE OR LESS, THENCE A 65 FOOT STRIP OF LAND LYING 40 FEET NORTH AND 25 FEET SOUTH OF THE CENTER LINE CONTINUING NORTH $59^{\circ} 06'$ WEST, 1254.1 FEET, MORE OR LESS, TO THE BEGINNING OF A $4^{\circ} 30'$ CURVE TO THE LEFT; THENCE A 66 FOOT STRIP OF LAND, LYING 33 FEET ON EACH SIDE OF THE CENTER LINE CONTINUING ON SAID $4^{\circ} 30'$ CURVE TO THE LEFT, 418.6 FEET, MORE OR LESS, TO POINT OF ENDING, ALL LYING AND SITUATED IN NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M.

EXCEPT: A TRACT OF LAND IN THE NORTHEAST QUARTER, SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E., B. M., BANNOCK COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E., B. M.; THENCE NORTH $89^{\circ} 55'$ EAST ALONG THE NORTH LINE OF SAID SECTION 23 FOR A DISTANCE OF 166.80 FEET TO THE POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF THE OLD OREGON TRAIL HIGHWAY, THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH $89^{\circ} 55'$ EAST ALONG THE NORTH LINE OF SAID SECTION 23 FOR A DISTANCE OF 1655.69 FEET; THENCE SOUTH $00^{\circ} 05'$ EAST, 905.55 FEET, MORE OR LESS, TO A POINT IN THE SAID NORTHERLY RIGHT-OF-WAY LINE OF THE OLD OREGON TRAIL HIGHWAY; THENCE NORTHWESTERLY ALONG THE SAID RIGHT-OF-WAY LINE FOLLOWING A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $19^{\circ} 02'$, RADIUS OF 1,116.00 FEET, TANGENTS OF 187.16 FEET AND A CHORD OF 369.16 FEET, BEARING NORTH $68^{\circ} 36'$ WEST FOR AN ARC DISTANCE OF 370.86 FEET TO A POINT OF TANGENCY; THENCE NORTH $59^{\circ} 05'$ WEST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 1341.20 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE FOLLOWING A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $9^{\circ} 41'$, A RADIUS OF 1,071.80 FEET, TANGENTS OF 90.81 FEET, AND A CHORD OF 180.98 FEET, BEARING NORTH $63^{\circ} 56'$ WEST, FOR AN ARC DISTANCE OF 181.19 FEET TO THE POINT OF BEGINNING...

3-1
QUITCLAIM DEED

93022177

For Value Received JIM ANDRUS, A SINGLE PERSON

do hereby convey, release, remise and forever quit claim unto

KENNETH ANDRUS AND COLLEEN ANDRUS, HUSBAND AND WIFE

whose current address is

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

together with their appurtenances.

Dated: Dec. 28, 1993

Jim Andrus
JIM ANDRUS

STATE OF IDAHO, COUNTY OF Bannock
On this 28th day of December, 1993,
before me, a notary public in and for said State, personally
appeared

JIM ANDRUS

known to me to be the person who's name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

Pamela Krasner
Notary Public
Residing at Lava Hot Spring, Idaho
Comm. Expires 04-06-94

NO 93022177
RECORDED AT REQUEST OF
COLLEEN ANDRUS
'93 DEC 29 AM 1:40

OFFICIAL RECORD BOOK #604
BANNOCK COUNTY IDAHO
LARRY W GHAN RECORDER
FEE \$9.00 DEPUTY NC

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

T 71892
ATTACHMENT 5 OF 7

THAT PORTION OF THE FOLLOWING DESCRIBED LAND LYING EAST OF
THE BOB SMITH CREEK AND ALSO ALL 7 PORTION LYING SOUTH OF U.S.
HIGHWAY NO. 30 NORTH.

9302177

THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 12; THE W $\frac{1}{2}$ NW $\frac{1}{4}$, THE SE $\frac{1}{4}$ NW $\frac{1}{4}$, AND
THE SW $\frac{1}{4}$ OF SECTION 13; AND THE N $\frac{1}{2}$ SE $\frac{1}{4}$, AND THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION
14; THE N $\frac{1}{2}$ NE $\frac{1}{4}$, THE N $\frac{1}{2}$ NW $\frac{1}{4}$, AND LOTS 1, 2, 3 AND 4 OF SECTION
23; ALL IN TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., EXCEPT A TRIANGULAR TRACT
OF LAND SITUATE IN LOT 1 OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B.
M., IN BANNOCK COUNTY, IDAHO, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY RIGHT OF WAY LINE OF THE OREGON
SHORT LINE RAILROAD COMPANY, THAT IS 100 FEET DISTANT NORTHEASTERLY FROM
THE CENTERLINE OF THE SOUTHERLY MAIN TRACK OF SAID RAILROAD COMPANY AS
NOW CONSTRUCTED AND OPERATED, MEASURED ALONG A STRAIGHT LINE DRAWN RAD-
IALLY THERETO FROM A POINT THERE ON THAT IS 349.2 FEET DISTANT WESTERLY
FROM THE EAST LINE OF SAID SECTION 23, MEASURED ALONG SAID CENTER LINE
OF SOUTHERLY MAIN TRACK; THENCE DUE EAST, A DISTANCE OF 280 FEET; THENCE
SOUTH, A DISTANCE OF 125 FEET, MORE OR LESS, TO A POINT 100 FEET DISTANT
NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE OF SOUTHERLY
MAIN TRACK; THENCE NORTHWESTERLY ALONG A LINE PARALLEL WITH AND 100 FEET
DISTANT NORTHEASTERLY, MEASURED AT RIGHT ANGLES AND/OR RADIALLY FROM
SAID CENTER LINE OF SOUTHERLY MAIN TRACK, A DISTANCE OF 310 FEET, MORE
OR LESS, TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM, THE FOLLOWING PARCELS:

TRACT OF LAND CONVEYED BY DAVID A. M. MARTIN AND ELENA M. MARTIN, HIS
WIFE, TO OREGON SHORT LINE RAILROAD COMPANY, A CORPORATION, BY DEED
DATED OCTOBER 25, 1912, RECORDED NOVEMBER 9, 1912, IN BOOK 23 OF DEEDS,
PAGE 30, DESCRIBED AS FOLLOWS, TO-WIT: A STRIP OF LAND 50 FEET WIDE,
LYING ADJACENT TO AND ON THE NORTHERLY SIDE OF A LINE WHICH IS 50 FEET
NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE PRESENT
OPERATED MAIN TRACK OF THE OREGON SHORT LINE RAILROAD AS THE SAME IS
NOW LOCATED THROUGH LOT 1 OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37
EAST OF THE BOISE MERIDIAN, AND EXTENDING FROM THE EAST LINE OF SAID
SECTION 23 TO A LINE DRAWN PERPENDICULAR TO SAID CENTER LINE OF TRACK
THROUGH A POINT 349.2 FEET WESTERLY MEASURED ALONG SAID CENTER LINE
FROM ITS INTERSECTION WITH THE SAID EAST LINE OF SECTION 23.
ALSO, A STRIP OF LAND 50 FEET WIDE, LYING ADJACENT TO AND ON THE NORTH-
ERLY SIDE OF A LINE WHICH IS 50 FEET NORTHERLY, MEASURED AT RIGHT ANGLES,
FROM THE CENTER LINE OF THE PRESENT OPERATED MAIN TRACK OF THE OREGON
SHORT LINE RAILROAD AS THE SAME IS NOW LOCATED THROUGH LOT 4 AND THE
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24 OF SAID TOWNSHIP
AND RANGE, AND EXTENDING FROM THE WEST LINE OF SAID SECTION 24 TO A LINE
DRAWN PERPENDICULAR TO SAID CENTER LINE OF TRACK THROUGH A POINT 950.8
FEET EASTERLY MEASURED ALONG SAID CENTER LINE FROM ITS INTERSECTION
WITH THE SAID WEST LINE OF SECTION 24.

TRACT OF LAND CONVEYED BY DAVID A. M. MARTIN AND ELENA MARTIN, HIS WIFE,
TO OREGON SHORT LINE RAILROAD COMPANY, A CORPORATION, BY DEED DATED
JULY 3, 1913, RECORDED AUGUST 8, 1913, IN BOOK 23 OF DEEDS, PAGE 284,
DESCRIBED AS FOLLOWS, TO-WIT: A STRIP OF LAND 35 FEET WIDE, LYING
ADJACENT TO AND ON THE NORTHERLY SIDE OF A LINE WHICH IS PARALLEL TO AND
50 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF
THE PRESENT OPERATED MAIN TRACK OF THE OREGON SHORT LINE RAILROAD AS
THE SAME IS NOW LOCATED THROUGH LOT 1, SECTION 23, TOWNSHIP 9 SOUTH,
RANGE 37 EAST OF THE BOISE MERIDIAN, AND EXTENDING BETWEEN TWO LINES
DRAWN PERPENDICULAR TO SAID CENTER LINE OF TRACK THROUGH POINTS THAT
ARE 349.2 FEET AND 855.6 FEET DISTANT, WESTERLY, MEASURED ALONG SAID
CENTER LINE OF TRACK, FROM ITS INTERSECTION WITH THE EAST LINE OF SAID
SECTION 23.

TRACT OF LAND 50 FEET FOR IDAHO PACIFIC HIGHWAY, CONVEYED BY D. A.
MARTIN AND ELENA M. MARTIN, WIFE, TO STATE OF IDAHO, BY DEED DATED
OCTOBER 12, 1922, RECORDED OCTOBER 14, 1922, IN BOOK 45 OF DEEDS,
PAGE 345, DESCRIBED AS FOLLOWS, TO-WIT:

A STRIP OF LAND 50 FEET WIDE, BEING 25 FEET ON EACH SIDE OF THE CENTER
LINE OF THE IDAHO PACIFIC HIGHWAY, SAID CENTER LINE DESCRIBED AS
FOLLOWS: BEGINNING AT A POINT 1105 FEET, MORE OR LESS, SOUTH OF THE
NORTHEAST CORNER OF SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M.;
THENCE NORTH 80° 00' WEST, 801 FEET, MORE OR LESS; THENCE ON A 5° CURVE
TO THE RIGHT, 418 FEET, MORE OR LESS, THENCE A 65 FOOT STRIP OF LAND
LYING 40 FEET NORTH AND 25 FEET SOUTH OF THE CENTER LINE CONTINUING
NORTH 59° 06' WEST, 1254.1 FEET, MORE OR LESS, TO THE BEGINNING OF A
4° 30' CURVE TO THE LEFT; THENCE A 66 FOOT STRIP OF LAND, LYING 33
FEET ON EACH SIDE OF THE CENTER LINE CONTINUING ON SAID 4° 30' CURVE
TO THE LEFT, 418.6 FEET, MORE OR LESS, TO POINT OF ENDING, ALL LYING
AND SITUATED IN NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 23,
TOWNSHIP 9 SOUTH, RANGE 37 E. B. M.

END

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ATTACHMENT 6 OF 7

33

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RIGHT OF WAY FOR PORTNEUF RIVER CHANNEL CHANGE AT TOPAZ, CONVEYED BY F. W. SWIM, ESTATE BY HAZEL D. SWIM, EXECUTRIX, AND HAZEL D. SWIM TO BANNOCK COUNTY, A POLITICAL SUBDIVISION, BY DEED DATED MARCH 14, 1952, RECORDED MARCH 27, 1952, IN BOOK 113 OF DEEDS, PAGE 525, DESCRIBED AS FOLLOWS, TO-WIT: A STRIP OF LAND 40.0 FEET WIDE, LYING 20.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: COMMENCING AT THE CLOSING CORNER ON THE MEANDER LINE OF THE PORTNEUF RIVER, BETWEEN SECTION 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., THENCE BEARING NORTH 75° 59' WEST A DISTANCE OF 116.0 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE CENTERLINE OF THE PRESENT TOPAZ ROAD; THENCE BEARING NORTH 0° 01' WEST, ALONG SAID CENTERLINE OF TOPAZ ROAD A DISTANCE OF 220.0 FEET TO THE POINT OF BEGINNING, THENCE BEARING NORTH 86° 30' WEST, A DISTANCE OF 100.0 FEET, MORE OR LESS, TO THE PRESENT NORTHERLY BANK OF THE PORTNEUF RIVER. THE ABOVE DESCRIBED TRACT OF LAND BEING A PART OF LOT NO. 1, SECTION 23, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., BANNOCK COUNTY, IDAHO.

THE $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., EXCEPT THAT PORTION OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ THEREOF LYING SOUTH OF THE STATE HIGHWAY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SECTION LINE BETWEEN SECTIONS 23 AND 24, AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF SAID STATE HIGHWAY, THENCE SOUTH ALONG SAID SECTION LINE 172 FEET, MORE OR LESS, TO THE NORTH 1/16 SECTION CORNER ON THE SAID SECTION LINE, THENCE EASTERLY ALONG SAID NORTH 1/16 LINE, 397 FEET, MORE OR LESS, TO THE SOUTH RIGHT OF WAY LINE OF SAID STATE HIGHWAY, THENCE FOLLOWING SAID SOUTH RIGHT OF WAY LINE 440 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING OF THIS EXCEPTION.

ALSO EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 9 SOUTH, RANGE 37 E. B. M., ACCORDING TO THE GOVERNMENT SURVEY THEREOF, THENCE NORTH ALONG THE WESTERLY LINE OF SAID 40 ACRE TRACT, A DISTANCE OF 220 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT OF WAY LINE OF THE OLD U. S. HIGHWAY 30 N., FOR THE BEGINNING POINT OF THE LAND HEREBY EXCEPTED; THENCE IN AN EASTERLY DIRECTION, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID OLD U. S. HIGHWAY 30 N., A DISTANCE OF 396 FEET, THENCE IN A NORTHERLY DIRECTION AT RIGHT ANGLES TO SAID LAST DESCRIBED LINE A DISTANCE OF 110 FEET, THENCE AT RIGHT ANGLES TO SAID LAST DESCRIBED LINE, IN A WESTERLY DIRECTION, BUT CONTINUING PARALLEL TO THE NORTHERLY RIGHT OF WAY LINE OF THE OLD U. S. HIGHWAY 30 N., A DISTANCE OF 396 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE WESTERLY SURVEY LINE OF THE 40 ACRE TRACT FIRST ABOVE DESCRIBED, THENCE AT RIGHT ANGLES, SOUTH, FOLLOWING THE WESTERLY SURVEY LINE OF THE SAID 40 ACRE TRACT FIRST ABOVE DESCRIBED A DISTANCE OF 110 FEET, MORE OR LESS, TO THE POINT OF BEGINNING...