

WARRANTY DEED

FOR VALUE RECEIVED LESLIE W. BIGGERS, also known as Leslie William Biggers, and JOYCE BIGGERS, also known as Joyce A. Biggers, husband and wife, the grantors, hereby grant, bargain, sell and convey unto

MacGREGOR LAND AND LIVESTOCK COMPANY, an Idaho corporation,

the grantee(s), whose current address is:

P.O. Box 5128, Boise, Idaho 83705, the following described premises, situate in Boise County, Idaho, to-wit:

In Twp. 8 N., R. 2 E., B.M., Boise County, Idaho:

NE 1/4 NE 1/4; S 1/2 NE 1/4; and S 1/2; all in Section 8;

NW 1/4; NE 1/4 SW 1/4; NW 1/4 SW 1/4; all in Section 9;

NW 1/4 NE 1/4; NE 1/4 NW 1/4; all in Section 17.

EXCEPTING THEREFROM the following described tract of land:

A tract of land situated in a portion of the SE 1/4 of Sec. 8, Twp. 8 N., R. 2 E., B.M., Boise County, Idaho, described as follows:

Commencing at the section corner common to sections 8, 9, 16, and 17 marked by a found stone; thence N.87°50'18"W., a distance of 970.06 feet to a point on an existing old fence line, THE REAL POINT OF BEGINNING; thence along said fence line the following courses and distances:

N.87°53'45"W., a distance of 366.31 feet;

N.81°04'11"W., a distance of 843.11 feet;

N.11°49'26"E., a distance of 172.52 feet;

N.54°19'15"E., a distance of 618.69 feet;

S.87°18'11"E., a distance of 163.85 feet;

S.34°55'55"E., a distance of 99.41 feet;

S.77°35'49"E., a distance of 230.60 feet;

S.35°06'38"E., a distance of 52.25 feet;

S.05°52'09"E., a distance of 125.47 feet;

S.82°59'46"E., a distance of 41.09 feet;

S.69°24'29"E., a distance of 54.19 feet; thence leaving said fence line

S.13°14'07"E. a distance of 353.05 feet to the point of beginning. Containing 12.100 acres, more or less.

Included in this conveyance is the right and privilege to use as a right of way for ingress and egress, over and across the above-described excepted 12.100 acre tract, an existing road, which is access to a certain gravel pit situated on the premises being conveyed by this deed. This easement is perpetual, and runs with the lands hereby conveyed.

Also including all water and ditch rights appurtenant thereto or used in connection therewith, and including any easements or rights of ways appurtenant to or used for the benefit of, or dedicated to said described premises. Subject to easements, rights of ways, reservations and exceptions, if any.

Said property is conveyed "as is" under existing boundary fences, if any, after reasonable inspection by the grantee and grantor does not make any representations or warranties as to the qualifications or suitability of said land or premises for water or electrical power, or as to said land or improvements meeting any Federal, State or local laws, rules or regulations pertaining to zoning, building, subdividing, platting, surveys, planning and use, health, ecology, drainage, irrigation, water quality, sewage or disposal systems. Grantor makes no warranties as to surveys, boundaries or any matter mentioned in this paragraph. There are no warranties, express or implied, as to merchantability, in a general sense or for a particular purpose, except as herein contained in writing, if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said Grantee, his heirs or 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;

WARRANTY DEED - 1

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SEP 16 2003

RECEIVED

AUG 18 2003

Townsend, KariLynn

Department of Water Resources

From: Joan Krosch [jkrosch@bigskytel.com]

Sent: Sunday, July 13, 2003 10:17 PM

To: slester@idwr.state.id.us

Cc: ktownsen@idwr.state.id.us

Subject: Fw: Transfer of Water Right Ownership / Complaint as to Lack of Action on this Matter IDWR

Re: # 65-13307

----- Original Message -----

From: Joan Krosch

To: pkolbet@aol.com

Sent: Sunday, July 13, 2003 7:47 PM

Subject: Fw: Transfer of Water Right Ownership / Complaint as to Lack of Action on this Matter IDWR

----- Original Message -----

From: Joan Krosch

To: pkolbet@aol.com

Sent: Sunday, July 13, 2003 5:16 PM

Subject: Transfer of Water Right Ownership / Complaint as to Lack of Action on this Matter IDWR

Attention: Seven Lester

*I only adjust my water back on
when I see it off*

BS Steve: This "Complaint" to your attention comes as a follow-up to a telephone conversation between you and myself on the afternoon of Friday, July 11, 2003. As I explained to you at that time this matter of a "lack of" the Water Right Transfer has been cause for a great deal of distress to my husband, myself and my family. This has further been cause for exasperation because of actions by Mr. J. MAC Gregor when he shut our water off and ran it all his direction with the stock water tanks overflowing flooding all over his field. This at a time of very hot weather and no water for our home and/or livestock. This action was just one of many issues that have taken place this summer over this water issue.

During our conversation and as a follow-up to my request on the afternoon of July, 11, 2003 you did some additional research and did find what may be a water right on the existing water right of Pat Kolbet/Joan Krosch reference #65-22732 issued to J. MAC Gregor in 2002. (We find this to be most disturbing when the Pat Kolbet/Joan Krosch transfer of Ownership has not been responded to nor acted on in any manner from (1999-2000 timeperiod.) Steve you also indicated that while the spring that MAC Gregor filed on does appear to be the same one that Pat Kolbet (65-13307) owns existing ownership on/and has attempted to transfer said right to myself (Joan Krosch) the spring referred to in the #65-22732 does not make reference to the (Brownlee Creek Tributary.) It was further discussed that if this is in fact the same spring--it will take second position to the Pat Kolbet/Joan Krosch issues.

*is same spring that sinks (NOT TRIBUTE TO
Brownlee CR) I want my 1/2 of 22732*

Steve in the meantime, I did contact Pat Kolbet and Pat has indicated that she will visit with Kari Lynn Townsend on Monday, July 14, 2003 in an effort to determine what needs to be done to get all her water right transferred to me. It is my understanding from all my earlier dealings with Pat Kolbet and her representations to me and my conversation on Friday evening that it was her intention that the water right (65-13307) would be transferred to me. I also explained to Pat what Kari Lynn had indicated on Friday about the issue of property description not being the same as the description on Pat Kolbets. Pat assured me that if there is something different it would have happened during the sale Transfer and she also will contact Pioneer Title to have them review her purchase contract and my purchase contract and she will seek clarification on all additional issues.

Steve at this time--I need your help in trying to determine if in fact there has been additional water rights issued on a spring that is barley supplying enough domestic water. I also look to you for information on the timely correction of this matter and determine if Pat Kolbey/Joan Krosch would have watermaster protections at this time?

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SEP 16 2003

M L & L needs this

7/14/2003

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13307

Proposed Priority: January 31, 1991 Maximum Diversion Rate: 0.11 CFS

This is to certify, that L. W. BIGGERS

JOYCE BIGGERS

MAC GREGOR LAND & LIVESTOCK LTD.

P.O. BOX 95

SWEET, ID 83670

has applied for a permit to appropriate water from:

SPRING

tributary of BROWNLEE CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.07 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.11 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSEW

Sec. 9, Township 08N, Range 02E

SWSEW

Sec. 9, Township 08N, Range 02E

BOISE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 02E 9

SEW

PLACE OF USE: DOMESTIC

TWN RGE SEC

08N 02E 9

SWSW

CONDITIONS/REMARKS:

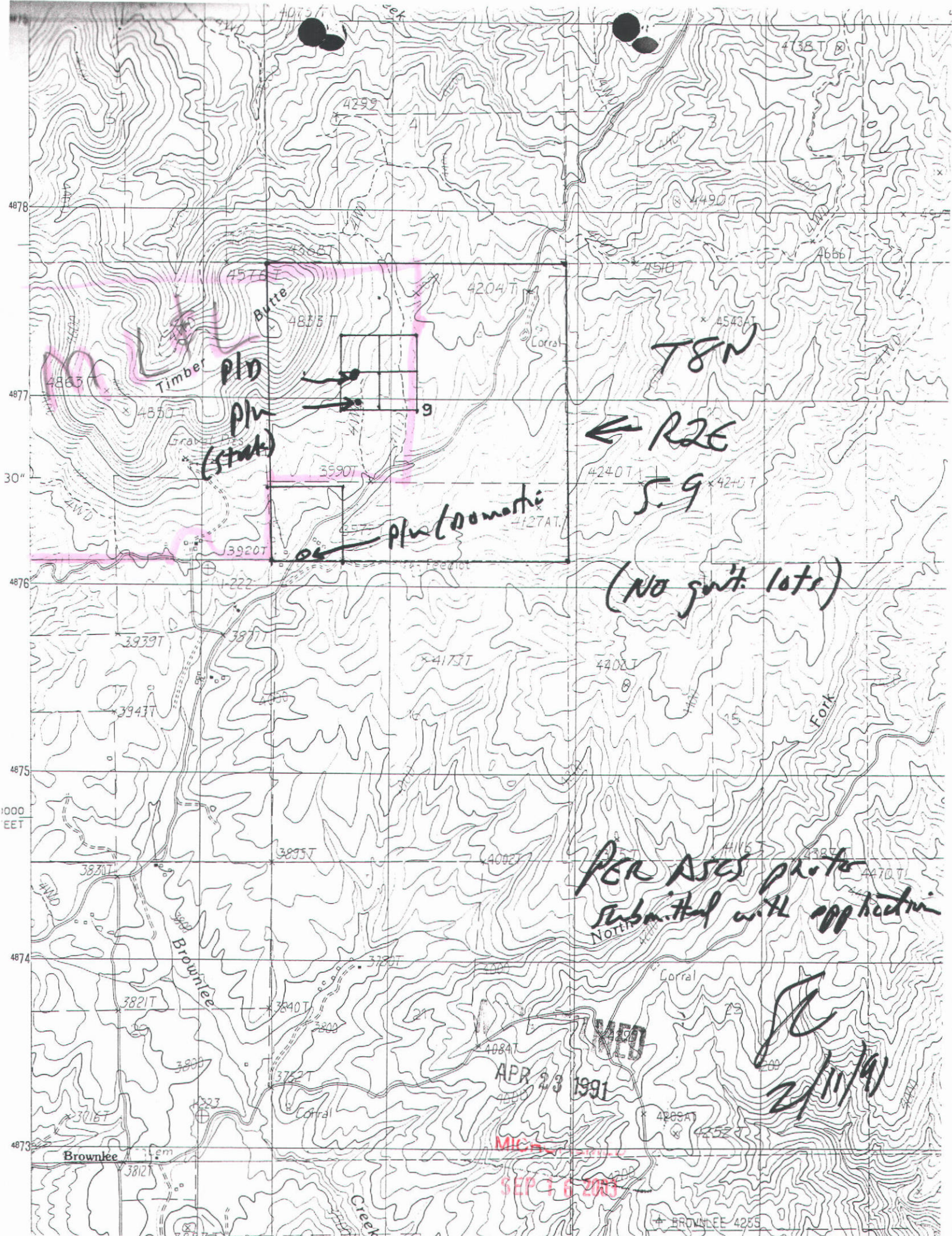
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Single point of diversion located on line of NWSEW and SWSEW, S09, T08N, R02E.
6. Stockwater use is for 300 range cattle.
7. Domestic use is for 1 home.

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APR 23 1991



4878

4877

30"

4876

4875

1000
EET

4874

4873

4075 T

4299

4738 T

4575

4855

4204 T

4865 T

4855 T

Gravel Pits

3990 T

3920 T

4240 T

4240 T

4173 T

4402 T

3939 T

3871 T

3943 T

3895 T

4002 T

3830 T

3821 T

3640 T

3752 T

4084 T

Corral

73

700

4084 T

4252 T

Brownlee

3812 T

3752 T

Corral

Creek

APR 23 1991

MICHAEL

SEP 16 2003

BROWNLEE 4255

T8N

← R2E

S. 9

(No gwt. lots)

PER ASGS photo
submitted with application

MEO

2/11/91

4

329-
Spring

35m

APR 23 1991

MICROFILMED
SEP 16 2003

281

NSW
SIO
10/1/15

4.7

Don't

21.0

29

1.3

9

19

23

...

2.

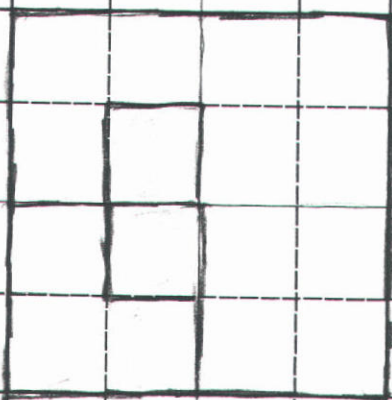
17.

十一

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

SEE ATTACHED

Sec. 9, Twp. 8 N., R. 2 E.



See NES photo &
topo.

JK
2/11/91

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APR 23 1991

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SEP 16 2001

L. V. B.
(Applicant)

Jack D. MacGee

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
65-13307	65-22817 - KROSCHE 65-22817 - MAC GREGOR				

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

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

OR

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

3. Name and Address of Former
Owner/Claimant(s)

4. New Owner/Claimant(s)

MACGREGOR LAND & LIVESTOCK LIMITED PARTNERSHIP
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

PO BOX 107

City, State and ZIP Code

SWEET ID 83670

New Telephone Number

(208) 584-3484

5. Date you acquired the property

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SEP 16 2003

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>65-13307 - MACGREGOR</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	<u>0.06</u>	<u>STOCKWATER</u>
Domestic	_____	_____
Other	_____	_____
Total	<u>0.06</u>	_____

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

7. Signature of New Owner(s) or Claimant(s) SEE PAGES 5 OF AUG. 18, 2003 LETTER FROM
(include title if applicable) JOCK MACGREGOR FOR SIGNATURE

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

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

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SEP 16 2003

AUG 18 2003

Department of Water Resources

Idaho Department of
Water Resources

1301 N Orchard

Boise, Id. 83706-2237

ATTN: Shelley Keen

MacGregor Land and
Livestock Limited Partnership

PO Box 107

Succot Id. 83670

208-584-3484

Dear Sirs:

MacGregor Land & Livestock Limited Partnership (MLL) is writing to Idaho Department of Water Resources (IDWR) hoping that a problem with a water right can be solved. MLL had no representation in all the Transactions and Changes that have occurred to Water Right # 65-13307. A chronology of events, changes of use and other pertinent information is submitted for your consideration. I hope this will be sufficient evidence to restore MLL's name on that Right or to separate the rights to the springs in question.

Chronology of events:

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9-19-83 - MacGregor Land & Livestock Inc purchased the property the spring is on and the

place of stockwater use from
Biggers family

1-3-89 Transferred ownership of property
to MLL (John MacGregor family)

1-28-91 Grant & Confirmation of Easment
(Recorded agreement between LW Bigger
and MLL. Use of water,

IN Boise Co. ON

1-29-91)

easment over property for
pipe line and spring access
for repairs. At this
time the Biggers had a small
yard that they didn't irrigate
often. Their primary use
was household and their
stock water came from another
spring. MLL's use was
to water stock and still is
the same. When the cattle are
gone the water is to a trickle.

1-31-91 Biggers and MLL filed for
the spring water completely with
both our addresses. MICROFILMED

2-28-91 Steve Laster ~~acknowledges~~ acknowledges
MLL ownership in 2
memorandums. SEP 16 2003

4-11-91 Permit to appropriate water

ISSUED with MLL address missing,
Therefore MLL never received it.

2-20/92 Bigger assign their interest
IN 65-13307 to Pat Kolbet
MLL did not.

4-1-92 Proof of Beneficial Use not
submitted. MLL never
received it

5-21-92 Proof of Beneficial Use
submitted with ~~MLL~~ MLL's
name

6-1-94 Application for Amendment sub-
mitted by Kolbet, apparently
to add the stock water
They were already using.
MLL interest was not
represented

6-15-94 Water Right with amendments
was issued To Kolbet
MLL wasn't represented.

5-2-00 Notice of Change of Water
Right Ownership. Kolbet to
Krosh

MLL not Represented

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SEP 16 2003

During the past eight or ten

years the spring has probably lessened in flows but has had increased demands. The Krosch family living in the "Biggers" place now water a large lawn and poplar trees they have planted. They have worked on the spring numerous times without authorization from MLL. Both of these activities are in violation of the Easement agreement dated 1-91.

The Krosch have stated in their communication that MLL wasted water and turned theirs off. I only adjust the system when my water has been turned down or off which happens weekly when I use the water. I have never taken all the water intentionally and am sure it has never been turned completely off to their system.

After seeing the evidence it appears to me that MLL owns 63.6% of the spring for stock water on MLL's property. I would thank you for a timely response.

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SEP 16 2003

The Permit to Appropriate Water
#6522732 is for the same springs.
I filed to find out what their
right were with IDWR. I
have now found out. Please restore
MLL's Rights

Very Truly Yours

John D. MacGregor
Gen Partner
MacGregor Land & Livestock
Limited Partnership

Enclosures

- 1) copies from IDWR Files
- 2) MacGregor Land & Livestock Inc Deed
- 3) MacGregor Land & Livestock Limited Partnership
Deed
- 4) Grant and confirmation Agreement
of Easement

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SEP 16 2003

Copies

- 1) MacGraw L&L INC
Deed
- 2) MacGraw L&L LTD
Deed
- 3) Easement &
WATER USE
Agreement
MacGraw/Bissess

RECEIVED

AUG 18 2003

Department of Water Resources

GRANT AND CONFIRMATION OF EASEMENT

* * * * *

MACGREGOR LAND & LIVESTOCK LIMITED PARTNERSHIP, of Eagle, Idaho, hereinafter designated MacGregor, does hereby grant and confirm an existing water pipeline easement, which pipeline conveys water from a water spring to the existing residence of Leslie W. Biggers and Joyce A. Biggers, husband and wife, of Sweet, Idaho. The spring (which is located North of the Biggers' residence) and about one-half mile of buried pipeline are located on MacGregor property; the 1½" pipeline carries water from its source at the spring South to the Biggers' property and the Biggers' residence.

The said water pipeline and use of spring water for domestic use at the Biggers residence was constructed and continuously used since about 1976; the use of said pipeline and water system by Biggers ever since 1976, has been claimed by Biggers as a matter of right and that easement right, as now exists is hereby confirmed.

It is understood, and this confirmation and grant is accepted by Biggers, that MacGregor also makes use of the spring waters at the source of the Biggers' pipeline, but the uses are in common and do not interfere with each other. MacGregor, by this document is not surrendering or conveying any present use by MacGregor of the said spring, but with the understanding such use does not interfere with the existing Biggers' water source and pipeline as stated.

Repair, maintenance or reconstruction of the water pipeline shall be conducted, when necessary, by Biggers, at Biggers' sole cost, at such time and in such a manner as not to cause unnecessary or unreasonable damage to the crops and lands of MacGregor.

It is further agreed, if the spring and spring source need maintenance, reconstruction or repair, MacGregor and Biggers shall mutually agree on the work to be performed and shall mutually agree, in writing, prior to the work being done, as to fair sharing of such maintenance, reconstruction or repair of the spring and spring source.

It is further agreed Biggers and MacGregor shall mutually cooperate in the use of the spring and protecting the water rights connected therewith. It is agreed existing water rights and water use, as now exists, shall be continued and protected by all parties hereto, in accordance with this agreement, and neither party shall intentionally obstruct or interfere with existing uses and the mutual rights to use the spring water and its source, pursuant to this agreement; the intent being that MacGregor intends to also use the spring water, but such use or intended use in the future, shall not interfere with, obstruct, or diminish the existing use and existing domestic requirements of Biggers.

This easement and covenants are perpetual, run with respective lands and are binding upon the parties hereto, their representatives, heirs, successors, and assigns.

The land of MacGregor where the spring and pipeline are ^{located} is described as follows:

COPY SEP 18 2003

SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9, Twp. 8 N., R. 2 E., B.M., Boise
County, Idaho

The land of Biggers where their residence is located is described as
follows:

S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 9, Twp. 8 N., R. 2 E., B.M., Boise County, Idaho

IN WITNESS WHEREOF, said parties have hereunto set their hands and
seals, the 28th day of January, 1991.

Leslie W. Biggers
Joyce A. Biggers

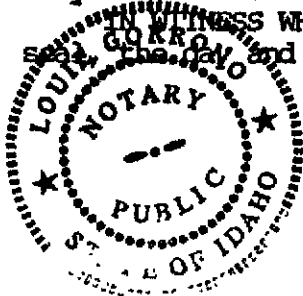
MACGREGOR LAND & LIVESTOCK
LIMITED PARTNERSHIP

By: Jock D. MacGregor

STATE OF IDAHO,)
County of Gen) ss.

On this 28th day of January, 1991, before me, the undersigned, a
Notary Public in and for said state, personally appeared LESLIE W. BIGGERS
and JOYCE A. BIGGERS, husband and wife, 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.

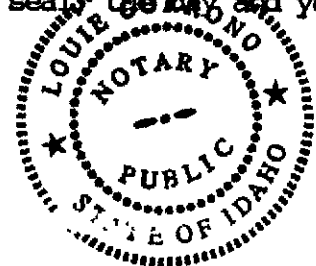


Louie Ferrero
Notary Public for Idaho;
Residing at Emmett, Idaho.

STATE OF IDAHO,)
County of Gen) ss.

On this 28th day of January, 1991, before me, a Notary Public in and
for said State, personally appeared JOCK D. MACGREGOR, known or having been
proven to me to be person who signed the within instrument in behalf
of MACGREGOR LAND & LIVESTOCK LIMITED PARTNERSHIP, as general partner, and
acknowledged to me that such partnership 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.



Louie Ferrero
Notary Public for Idaho;
Residing at Emmett, Idaho

SEP 16 2003

★ ★ ★ ★ ★ ★ ★

County Idaho ss

main

Time 14 51 MT

16/24/91

FD-471

CONCLUSIONS

1877

10

11/11/11

9.00

It is understood, and this confirmation and grant is accepted by Biggers, that MacGregor also makes use of the spring waters at the source of the Biggers' pipeline, but the uses are in common and do not interfere with each other. MacGregor, by this document is not surrendering or conveying any present use by MacGregor of the said spring, but with the understanding such use does not interfere with the existing Biggers' water source and pipeline as stated.

It is further agreed, if the spring and spring source need maintenance, reconstruction or repair, MacGregor and Biggers shall mutually agree on the work to be performed and shall mutually agree, in writing, prior to the work being done, as to fair sharing of such maintenance, reconstruction or repair of the spring and spring source.

This easement and covenants are perpetual, run with respective lands and are binding upon the parties hereto, their representatives, heirs, successors, and assigns.

MICROFILMED

SEP 15 2003

Parcel # 7
Question is,
or exchanged.
M L L LTD

is where the land in
Has NOT been sold
Still is owned by

DEED

THIS INDENTURE, made this 3 day of January, 1989, by
and between JOCK D. MacGREGOR, a single man dealing with his sole
and separate property, a 62.76% interest; ROBIN MacGREGOR NUFFER,
a married person dealing with her sole and separate property, a
9.31% interest; HEATHER MARIA MacGREGOR, a single person dealing
with her sole and separate property, a 9.31% interest; JOCK D.
MacGREGOR II, a single person dealing with his sole and separate
property, a 9.31% interest; and LORI MacGREGOR PHILLIPS, a
married person dealing with her sole and separate property, a
9.31% interest, the "Grantors," and MacGREGOR LAND AND LIVESTOCK
LIMITED PARTNERSHIP, an Idaho limited partnership, with principal
offices at ~~1846 Rush Road, Ada County, Eagle, Idaho,~~ the
"Grantee"; *Street Idaho now*

W I T N E S S E T H:

FOR VALUE RECEIVED, the Grantors have granted, conveyed,
bargained and sold, and do hereby grant, bargain, sell, convey
and confirm to the Grantee its respective successors and assigns,
that certain real property situated in the COUNTIES OF GEM AND
BOISE, STATE OF IDAHO, described on Exhibit "A" attached hereto
and by this reference made a part hereof (the "Subject
Property").

TOGETHER with all and singular the buildings,
structures, improvements, tenements, hereditaments and

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SEP 16 2003

appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

TOGETHER with all water, water rights, water storage rights, ditches, easements, and rights-of-way for ditches appurtenant thereto and used in connection therewith; and all grazing permits, grazing leases and grazing rights appurtenant thereto and used in connection therewith;

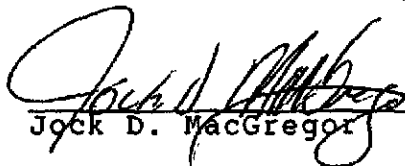
SUBJECT TO the liens and encumbrances described on Exhibit "B" and all covenants, restrictions, reservations, rights of way and easements that are of record and/or that are open and obvious from any inspection of the Subject Property.

TO HAVE AND TO HOLD the Subject Property, with its appurtenances, unto the Grantee, and its respective successors and assigns, forever.

The current address of the Grantee is: MacGregor Land and Livestock Limited Partnership, c/o Jock D. MacGregor, 1846 Rush Road, Eagle, Idaho 83616.

IN WITNESS WHEREOF, this Deed has been duly executed by and on behalf of the Grantors the day and year herein first above written.

GRANTORS:


Jock D. MacGregor

MICROFILMED

SEP 16 2003

Robin MacGregor Nuffer
Robin MacGregor Nuffer

By Jock D. MacGregor
Jock D. MacGregor,
Attorney-in-Fact

Heather Maria MacGregor
Heather Maria MacGregor

By Jock D. MacGregor
Jock D. MacGregor,
Attorney-in-Fact

Jock D. MacGregor II
Jock D. MacGregor II

By Jock D. MacGregor
Jock D. MacGregor,
Attorney-in-Fact

Lori MacGregor Phillips
Lori MacGregor Phillips

By Jock D. MacGregor
Jock D. MacGregor,
Attorney-in-Fact

GRANTEE:

MacGREGOR LAND AND LIVESTOCK
LIMITED PARTNERSHIP

By Jock D. MacGregor
MICRO Jock D. MacGregor
General Partner

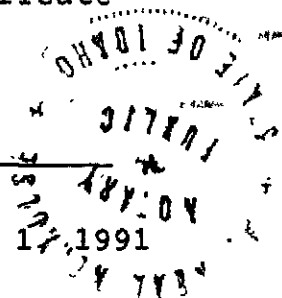
SEP 16 2003

STATE OF IDAHO)
) ss.
County of Ada)

On this 3rd day of January, 1989, before me,
M. Neal Newhouse, the undersigned, a Notary
Public in and for said State, personally appeared JOCK D.
MacGREGOR, known or identified to me to be the person whose name
is subscribed to the foregoing 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.

M. Neal Newhouse
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on August 12, 1991



STATE OF IDAHO)
) ss.
County of Ada)

On this 3rd day of January, 1989, before me,
M. Neal Newhouse, a Notary Public in and for said
state, personally appeared JOCK D. MacGREGOR, known or identified
to me to be the person whose name is subscribed to the within
instrument as Attorney-in-Fact for Robin MacGregor Nuffer, and
acknowledged to me that he executed the same as such
Attorney-in-Fact.

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

M. Neal Newhouse
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on August 12, 1991



MICROFILM

SEP 16 2003

STATE OF IDAHO)
) ss.
County of Ada)

On this 3rd day of January, 1989, before me,
M. NEAL NEWHOUSE, a Notary Public in and for said
state, personally appeared JOCK D. MacGREGOR, known or identified
to me to be the person whose name is subscribed to the within
instrument as Attorney-in-Fact for Heather Maria MacGregor, and
acknowledged to me that he executed the same as such
Attorney-in-Fact.

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

M. Neal Newhouse
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on August 31, 1991



MICROFILMED
SEP 16 2003

CPI

STATE OF IDAHO)
) ss.
County of Ada)

On this 3rd day of January, 1989, before me,
M. NEAL NEWHOUSE, a Notary Public in and for said
state, personally appeared JOCK D. MacGREGOR, known or identified
to me to be the person whose name is subscribed to the within
instrument as Attorney-in-Fact for Jock D. MacGregor II, and
acknowledged to me that he executed the same as such
Attorney-in-Fact.

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

M. Neal Newhouse
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on August 1, 1991

STATE OF IDAHO)
) ss.
County of Ada)

On this 3rd day of January, 1989, before me,
M. NEAL NEWHOUSE, a Notary Public in and for said
state, personally appeared JOCK D. MacGREGOR, known or identified
to me to be the person whose name is subscribed to the within
instrument as Attorney-in-Fact for Lori MacGregor Phillips, and
acknowledged to me that he executed the same as such
Attorney-in-Fact.

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

M. Neal Newhouse
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires on August 1, 1991

MICROFILMED

SEP 16 2003

EXHIBIT "A" TO DEED

Legal Description

Parcel 1:

NW1/4, N1/2 SW1/4, SW 1/4 SW1/4, Section 25; NE1/4 NE1/4, SE1/4, and a strip of land 25 feet wide, constituting the North 25 feet of the NE1/4 NW1/4 of Section 26; NE1/4 NE1/4 Section 35: all in Township 9 North, Range 1E. of the B.M., Gem County, Idaho.

Parcel 2:

Southeast Quarter (SE 1/4) of Section Twenty-Five, Township Ten North, Range One East, of the Boise Meridian, Gem County, Idaho.

Parcel 3:

Lot 4, SW1/4 NW1/4 and NW1/4 SW1/4, Section 2, and Lot 1, SE1/4 NE1/4 and E 1/2 SE1/4 Section 3 Township 8 North, Range 1 East Boise Meridian, and SW1/4, Section 26, and E 1/2 SE 1/4, Section 34, and NW1/4 and W 1/2 SW1/4, Section 35, Township 9 North, Range 1 East, Boise Meridian, in Gem County, State of Idaho.

Parcel 4:

Lots 3 and 4, the S1/2 of the NW1/4, and the N1/2 of the SW1/4 of Section 1, and SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of Section 2, all in Township 8 N., R. 1 E.B.M., Gem County, Idaho.

Parcel 5:

Lots 1, 2 and 3 and SW1/4 NE1/4, SE1/4 NW1/4, W1/2 SE1/4, E1/2 SW1/4, SW1/4 SW1/4, Section 2, and NE1/4 NE1/4 Section 10, and N1/2 NW1/4, W1/2 NE1/4, Section 11, Township 8 North, Range 1 East, Boise Meridian, in Gem County, State of Idaho.

MICROFILMED

SEP 16 2003

COPY

Parcel 6:

Lot 4 and the South Half (S1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) and South Half (S1/2) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), all in Section 7; and the South Half (S1/2) of the Southeast Quarter of Section 8; and the Northeast Quarter (NE1/4) and East Half (E1/2) of the Northwest Quarter (NW1/4) and South Half (S1/2), all in Section 17; and the Northeast Quarter (NE1/4) and East Half (E1/2) of the Northwest Quarter (NW1/4) and Lot 3 and Lot 4 and Lot 1 and the East Half (E1/2) of the Southwest Quarter (SW1/4) and Southeast Quarter (SE1/4), all in Section 18; and the Northeast Quarter (NE1/4) and East Half (E1/2) of the Northwest Quarter (NW1/4) and Lot 1 and Lot 2 and the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) and Southeast Quarter (SE1/4), all in Section 19; and the North Half (N1/2) and Southwest Quarter (SW1/4) and North Half (N1/2) of the Southeast Quarter (SE1/4), all in Section 20; and the North Half (N1/2) and North Half (N1/2) of the Southwest Quarter (SW1/4) and North Half of the Southeast Quarter (SE1/4), all in Section 21; and the West Half (W1/2) of Section 29; and the East Half (E1/2) of Section 30; and the Northeast Quarter (NE1/4) and Southeast Quarter (SE1/4) of the Northwest Quarter (NW1/4) and Lot 1 and Lot 2 and Lot 3 and Lot 4 and the East Half (E1/2) of the Southwest Quarter (SW1/4) and Southeast Quarter, all in Section 31; and the West Half (W1/2) of Section 32; all in Township 9 North, Range 2 East of the Boise Meridian, Boise County, Idaho; and

All of Section 5; and Lot 1 and the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), and the East Half (E1/2) of the Southeast Quarter (SE1/4), all in Section 6; and the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) and the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4), all in Section 8, all being in Township 8 North, Range 2 East of the Boise Meridian.

MICROFILM

SEP 16 2003

COPY

BOTH Springs & Stockwater use
in this plot of land.
still belonging to M.L.L.

Parcel 7:

In Twp. 8 N., R. 2 E., B.M., Boise County,
Idaho:

NE 1/4 NE 1/4; S 1/2 NE 1/4; and S 1/2; all in
Section 8;

NW 1/4; NE 1/4 SW 1/4; NW 1/4 SW 1/4; all in
Section 9;

NW 1/4 NE 1/4; NE 1/4 NW 1/4; all in Section
17.

EXCEPTING THEREFROM the following described
tract of land:

A tract of land situated in a portion of the
SE 1/4 of Sec. 8, Twp. 8 N., R. 2 E., B.M.,
Boise County, Idaho, described as follows:

Commencing at the section corner common to
sections 8, 9, 16 and 17 marked by a found
stone; thence N.87°50'18"W., a distance of
970.06 feet to a point on an existing old
fence line, THE REAL POINT OF BEGINNING;
thence along said fence line the following
courses and distances:

N.87°53'45"W., a distance of 366.31 feet;
N.81°04'11"W., a distance of 843.11 feet;
N.11°49'26"E., a distance of 172.52 feet;
N.54°19'15"E., a distance of 618.69 feet;
S.87°18'11"E., a distance of 163.85 feet;
S.34°55'55"E., a distance of 99.41 feet;
S.77°35'49"E., a distance of 230.60 feet;
S.35°06'38"E., a distance of 52.25 feet;
S.05°52'09"E., a distance of 125.47 feet;
S.82°59'46"E., a distance of 41.09 feet;
S.69°24'29"E., a distance of 54.19 feet; thence
leaving said fence line
S.13°14'07"E. a distance of 353.05 feet to the
point of beginning. Containing 12.100
acres, more or less.

MICROFILM

SEP 16 2003

Copy

EXHIBIT "B" TO DEED

Permitted Encumbrances

1. That certain unrecorded Agreement dated January 2, 1982 between Boyd M. Butler and Myrtle E. Butler, husband and wife, as Sellers, and MacGregor Land & Livestock Co., as Buyer, related to the purchase and sale of a portion of the property described in this Deed. The Agreement and related documents are held in escrow at First SEcurity Bank, Emmett, Idaho. The final payment is due January 2, 1992.

Boise County Idaho ss
Request of

Jack D. MacGregor
Time 13:00 M. T

Date 1/4/89

131274

Arlene C. Kolar

By Dale Yorker
Deputy

Fee \$30.00

MICROFILM

SEP 4 6 2003

2031

FOR VALUE RECEIVED, ESTATE OF RIGGERS, also known as R. A. Riggers, and
JOYCE RIGGERS, also known as Joyce A. Riggers, husband and wife,
the grantors, hereby grant, bargain, sell and convey unto

MacGREGOR LAND AND LIVESTOCK COMPANY, an Idaho corporation,

the grantee(s), whose current address is:

P.O. Box 5128, Boise, Idaho 83705, the following described premises,
situate in Boise County, Idaho, to-wit:

In Twp. 8 N., R. 2 E., B.M., Boise County, Idaho:

NE 1/4 NE 1/4; S 1/2 NE 1/4; and S 1/2; all in Section 8;

NW 1/4; NE 1/4 SW 1/4; NW 1/4 SW 1/4; all in Section 9;

NW 1/4 NE 1/4; NE 1/4 NW 1/4; all in Section 17.

EXCEPTING THEREFROM the following described tract of land:

A tract of land situated in a portion of the SE 1/4 of Sec. 8, Twp. 8
N., R. 2 E., B.M., Boise County, Idaho, described as follows:

Commencing at the section corner common to sections 8, 9, 16, and 17
marked by a found stone; thence N.87°50'18"W., a distance of 970.06
feet to a point on an existing old fence line, THE REAL POINT OF
BEGINNING; thence along said fence line the following courses and
distances:

N.87°53'45"W., a distance of 366.31 feet;

N.81°04'11"W., a distance of 843.11 feet;

N.11°49'26"E., a distance of 172.52 feet;

N.54°19'15"E., a distance of 618.69 feet;

S.87°18'11"E., a distance of 163.85 feet;

S.34°55'55"E., a distance of 99.41 feet;

S.77°35'49"E., a distance of 230.60 feet;

S.35°06'38"E., a distance of 52.25 feet;

S.05°52'09"E., a distance of 125.47 feet;

S.82°59'46"E., a distance of 41.09 feet;

S.69°24'29"E., a distance of 54.19 feet; thence leaving said
fence line

S.13°14'07"E. a distance of 353.05 feet to the point of
beginning. Containing 12.100 acres, more or less.

Included in this conveyance is the right and privilege to use as a
right of way for ingress and egress, over and across the
above-described excepted 12.100 acre tract, an existing road, which is
access to a certain gravel pit situated on the premises being conveyed
by this deed. This easement is perpetual, and runs with the lands
hereby conveyed.

Also including all water and ditch rights appurtenant thereto or used
in connection therewith, and including any easements or rights of ways
appurtenant to or used for the benefit of, or dedicated to said
described premises. Subject to easements, rights of ways,
reservations and exceptions, if any.

Said property is conveyed "as is" under existing boundary fences, if any, after
reasonable inspection by the grantee and grantor does not make any representations
or warranties as to the qualifications or suitability of said land or premises for
water or electrical power, or as to said land or improvements meeting any Federal,
State or local laws, rules or regulations pertaining to zoning, building,
subdividing, platting, surveys, planning and use, health, ecology, drainage,
irrigation, water quality, sewage or disposal systems. Grantor makes no warranties
as to surveys, boundaries or any matter mentioned in this paragraph. There are no
warranties, express or implied, as to merchantability, in a general sense or for a
particular purpose, except as herein contained in writing, if any.

TO HAVE AND TO HOLD, the said premises, with their appurtenances, unto the said
Grantee, his heirs or 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;

WARRANTY DEED - 1

that they are free from all encumbrances, except as may be otherwise stated herein,
and they will warrant and defend the same from all lawful claims whatsoever.

DATED: ^{Sept}~~August~~ 19, 1983

Leslie W. Biggers
Joyce A. Biggers

STATE OF IDAHO,)
) ss.
County of Gem.)

On this 19 day of ^{Sept}~~August~~, 1983, before me, the undersigned, a Notary Public
in and for said state, personally appeared LESLIE W. BIGGERS, also known as Leslie
William Biggers, and JOYCE BIGGERS, also known as Joyce A. Biggers, husband and
wife, 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.

[Signature]
Notary Public for Idaho;
Residing at Emmett, Idaho.
Sweet,

116757

Boise County Idaho ss
Request of

[Signature]
Time 1:05 P.M.

Date Sept 22, 1983

Book 87 [Signature]

Page 1271

Archie C. [Signature]

By [Signature]
E. J. [Signature]

Fee 4.00

Copies From:
IDWR Files
Re 65 13307

highlights & serial
by Jock MacGregor

Townsend, KariLynn

From: Joan Krosch [jkrosch@bigskytel.com]

Sent: Sunday, July 13, 2003 10:17 PM

To: slester@idwr.state.id.us

Cc: ktownsen@idwr.state.id.us

Subject: Fw. Transfer of Water Right Ownership / Complaint as to Lack of Action on this Matter IDWR

Re: # 65-13307

----- Original Message -----

From: Joan Krosch

To: pkolbet@aol.com

Sent: Sunday, July 13, 2003 7:47 PM

Subject: Fw: Transfer of Water Right Ownership / Complaint as to Lack of Action on this Matter IDWR

----- Original Message -----

From: Joan Krosch

To: pkolbet@aol.com

Sent: Sunday, July 13, 2003 5:16 PM

Subject: Transfer of Water Right Ownership / Complaint as to Lack of Action on this Matter IDWR

Attention: Seven Lester

*I only adjust my water back on
when I see it off*

(BS) Steve: This "Complaint" to your attention comes as a follow-up to a telephone conversation between you and myself on the afternoon of Friday, July 11, 2003. As I explained to you at that time this matter of a "lack of" the Water Right Transfer has been cause for a great deal of distress to my husband, myself and my family. This has further been cause for exasperation because of actions by Mr. J. MAC Gregor when he shut our water off and ran it all his direction with the stock water tanks overflowing flooding all over his field. This at a time of very hot weather and no water for our home and/or livestock. This action was just one of many issues that have taken place this summer over this water issue.

During our conversation and as a follow-up to my request on the afternoon of July, 11, 2003 you did some additional research and did find what may be a water right on the existing water right of Pat Kolbet/Joan Krosch reference #65-22732 issued to J. MAC Gregor in 2002 (We find this to be most disturbing when the Pat Kolbet/Joan Krosch transfer of Ownership has not been responded to nor acted on in any manner from (1999-2000 timeperiod.) Steve you also indicated that while the spring that MAC Gregor filed on does appear to be the same one that Pat Kolbet owns existing ownership on/and has attempted to transfer said right to myself (Joan Krosch) the spring referred to in the #65-22732 does not make reference to the (Brownlee Creek Tributary.) It was further discussed that if this is in fact the same spring--it will take second position to the Pat Kolbet/Joan Krosch issues.

*IS SAME SPRING THAT SINKS (NOT TRIBUTE TO
BROWNLEE CR.) I want my 1/2 of 22732*

Steve in the meantime, I did contact Pat Kolbet and Pat has indicated that she will visit with Kari Lynn Townsend on Monday, July 14, 2003 in an effort to determine what needs to be done to get all her water right transferred to me. It is my understanding from all my earlier dealings with Pat Kolbet and her representations to me and my conversation on Friday evening that it was her intention that the water right (65-13307) would be transferred to me. I also explained to Pat what Kari Lynn had indicated on Friday about the issue of property description not being the same as the description on Pat Kolbet's. Pat assured me that if there is something different it would have happened during the sale Transfer and she also will contact Pioneer Title to have them review her purchase contract and my purchase contract and she will seek clarification on all additional issues.

Steve at this time--I need your help in trying to determine if in fact there has been additional water rights issued on a spring that is barely supplying enough domestic water. I also look to you for information on the timely correction of this matter and determine if Pat Kolbet/Joan Krosch would have watermaster protections at this time?

ALL LSC KNOWS THIS

7/14/2003

Thank you so much for your time in the manner. Sincerely, Joan Krosch

MICHELLE L. KROSCH

7/14/2003

7/14/2003

Townsend, KariLynn

To: Lester, Steve
Subject: RE: Ownership Change 65-13307

Steve

I'll talk to you on Monday, July 14th, regarding this customer's dilemma regarding the o/c I don't think it is unsolvable.

Kari Lynn

-----Original Message-----

From: Lester, Steve
Sent: Friday, July 11, 2003 3:59 PM
To: Townsend, KariLynn
Subject: Ownership Change 65-13307

KariLynn:

Joan Krosch called me today about some problems with her water right. She identified 65-13307 and mentioned wr ownership change filed on this. Database lists this in your pending ownership changes. Krosch asked for it to be expedited if possible. I told her I would pass the request on.

I don't need to be notified regarding any progress in the ownership change unless the ownership documentation is faulty. Faulty information in that regard might affect the things we do in responding to a water use complaint she is filing with Western (having problems with a neighbor at the diversion works).

Thanks.

Steve

INDEX

Michael

July 11, 2003

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

MAY 03 2000
WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) 65-13307 **RECEIVED**
Adjudication Claim Number(s) _____

MAY 16 2000

2. The following **REQUIRED** information must be submitted with this form.

Department of Water Resources

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) PATRICIA KALBET NO
PO BOX 20
MORELAND ID 83256-0020 M. L. K.

4. New Owner/Claimant(s) JOAN Annette KROSCA
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address 306 Dry Back Rd.

City, State and ZIP Code Shosh. Id. 83670

New Telephone Number (208) 584-3307

5. Date you acquired the property Nov. 4, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
I acquired all property - JK

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. (I acquired all the right!)

7. Signature of New Owner/Claimant(s) Joan A Kroscia Date 5-2-00
Owner Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney

MAY 16 2000

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-13307

Amended

Priority: February 1, 1991

Maximum Diversion Rate:

0.11 CFS

Maximum Diversion Volume:

5.2 AF

This is to certify, that PATRICIA KOLBET
RT 1 BOX 95

SWEET ID 83670-9803 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated January 31, 1991; and
has submitted Proof of Beneficial Use on April 2, 1992. An examination indicates
that the works have a diversion capacity of .110 cfs of water from:

SPRING

tributary to BROWNLEE CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.07 CFS	4.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.11 CFS	5.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSNW , Sec. 9, Township 08N, Range 02E
SWSWSW , Sec. 9, Township 08N, Range 02E
BOISE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 02E 9

SENE

SWSW

11/2 1/2 property

PLACE OF USE: DOMESTIC

TWN RGE SEC

08N 02E 9

SWSW

Amended from original

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

MICHAEL

NOTED

JUN 30 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

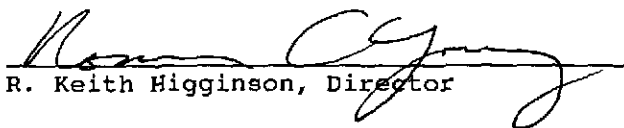
WATER RIGHT NO. 65-13307

CONDITIONS/REMARKS:

6. Stockwater use is for 300 range cattle.
7. Domestic use is for 1 home.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 15TH
day of JUNE, 1994.

Acting for


R. Keith Higginson, Director

MICRO

JUN 15 1994

JUN 30 1994

RECEIVED

JUN 2 1994

Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 65-13307

RECEIVED

JUN 02 1994

APPROVED

Date of Priority: February 1, 1991

Maximum Diversion Rate:

0.11 CFS

Maximum Diversion Volume:

5.2 AF

Comes now

PATRICIA KOLBET

RT 1 BOX 95

SWEET ID 83670-9803

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 65-13307, and requests that the permit be changed as follows:

Source: SPRING

~~tributary to BROWNLEE CREEK~~

SINKS

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

STOCKWATER

01/01 to 12/31

0.07 CFS

4.0 AF

DOMESTIC

01/01 to 12/31

0.04 CFS

1.2 AF

Totals

0.11 CFS

5.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSNW , Sec. 9, Township 08N, Range 02E

SWSWSW , Sec. 9, Township 08N, Range 02E

BOISE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

08N 02E 9

SENE

SWSW

PLACE OF USE: DOMESTIC

TWN RGE SEC

08N 02E 9

SWSW

*ML&L INTEREST
NOT Represented*

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Sweet, ID, this 1 day of June, 1994.

MICHAEL

NOTARIZED

Patricia Kolbet

(Signature)

SEN. 11.001

JUN 20 1994

100

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	65-13307	L W Biggers Joyce Biggers MacGregor Land & Livestock Ltd.	0.11
Full Assignment	65-13307	Pat Kolbet	0.11

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

11 3 1 1932

MICRO...

SECRET

RECEIVED

APR 2 1992

OFFICE USE ONLY

Amt. of Fee \$ FD 02
Date 4-2-92
Receipt No. 0073673
Receipt by WLBSTATE OF IDAHO
Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13307 Telephone No. (208) 338-8661 - work
2. Name(s) of Permit Holder(s): Patricia Kolbet / MacGregor Land & Livestock LTD
3. Mailing Address: 744 Colfax Ave Boise, ID 83709
4. Source of Water: Spring N/O Representation

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic 1 (No. of households) Stockwater 300 Cows (No. and type of stock)Irrigation 0 (No. of acres) Other _____6. Total rate and/or volume for which proof is submitted 0.11 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No _____ Installed? _____ Yes _____ No _____OR
Flow Measurement Port: Required? _____ Yes ☒ No _____ Installed? _____ Yes _____ No _____8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Patricia Kolbet Telephone No. (208) 338-8661 or 338-8603
Address 744 Colfax Ave Boise, ID 83709

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

3-30-91
DatePatricia Kolbet
Signature (and title, if on behalf of a company or organization)

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SEP 13 2003

MAY 21 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 65-13307

IN THE NAME OF PATRICIA KOLBET

)
) ORDER OF
) REINSTATEMENT
)

where is MLL

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before April 1, 1992; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

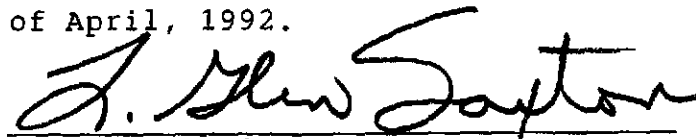
WHEREAS, on April 1, 1992, the permit lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on April 2, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 65-13307 be REINSTATED with an advance in priority to February 1, 1991.

Dated this 8th day of April, 1992.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED

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MAY 21 1992

State of Idaho
Department of Water Resources

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FEB 19 1992

ASSIGNMENT OF PERMIT

Department of Water Resources

I, _____, hereby assign to Pat Kolbet
of Box 95, Sweet, ID 83670
Address

All my right, title, and interest in and to Permit No. 65-13307
to appropriate the public waters of the State of Idaho.

The following described portion of my right, title, and interest in and
to Permit No. 65-13307 to appropriate the public waters of
the State of Idaho. (Describe that portion of the permit being
assigned by listing the acreage within each 40 acre subdivision, the
point of diversion and the amount of water in cubic feet per second for
direct diversion, or acre feet for storage)

Made this 18th day of February, 1992

Laurie W. Biggs
Permit Holder

Joyce D. Biggs
Spouse of Permit Holder

State of Idaho

County of Latah

ss

On this 18th day of February, 1992, personally appeared before
me the signer(s) of the above instrument, who duly acknowledged to me that
he (she) (they) executed the same.

S. Rasmussen Jensen
Notary Public residing at
Sweet, ID

seal

My commission expires:

4/5/93

MAY 21 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13307

Proposed Priority: January 31, 1991 Maximum Diversion Rate: 0.11 CFS

This is to certify, that L. W. BIGGERS
JOYCE BIGGERS
MAC GREGOR LAND & LIVESTOCK LTD.
P.O. BOX 95
SWEET, ID 83670

has applied for a permit to appropriate water from:

SPRING tributary of **BROWNLEE CREEK**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
STOCKWATER	01/01 to 12/31	0.07 CFS
DOMESTIC	01/01 to 12/31	0.04 CFS
	Totals	0.11 CFS

LOCATION OF POINT(S) OF DIVERSION:
NWSENW Sec. 9, Township 08N, Range 02E
SWSENW Sec. 9, Township 08N, Range 02E
BOISE County

PLACE OF USE: STOCKWATER
TWN RGE SEC

08N 02E 9 SENW

PLACE OF USE: DOMESTIC
TWN RGE SEC

08N 02E 9 SWSW Biggers

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
4. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
5. Single point of diversion located on line of NWSENW and SWSESW, S09, T08N, R02E.
6. Stockwater use is for 300 range cattle.
7. Domestic use is for 1 home.

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APR 23 1991

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APR 23 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13307

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

11th day of April, 1991.

for
J. Glen Saxton
R. Keith Higginson, Director

MICH.

65-13307

RECORDED
INDEXED

APR 23 1991

CONVERSATION MEMORANDUM

DATE 2/28/91
FILE 65-13307

NAME OF PARTY Jock Macgregor
EMPLOYEE Steve H Lester

RE: APPL. INFO

Partnership:

Gen. partner	Jock Macgregor
other partners	Lora Macgregor Phillips
	Robin " Nutter
	Heather M. Macgregor
	Jock D. Macgregor II

APR 23 1991

MIL

The Following Applications(s) have been filed to appropriate the public waters of the State of Idaho.
65-13305

The Idaho

P O Box 220, Idaho
208 392

BARKER, CHALMER D.
BARKER, SARAH J.
HC 76 BOX 1122
GARDEN VALLEY, ID 83602
Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER
Diversion Pt: NENW Sec 21 T 09N R 04E
Use: IRRIGATION (.020 CFS)
Total Diversion: (.020 CFS)

Date Filed: 2/8/1991
In: T09N R04E S21 NENW
0.5 ACRES TOTAL

State of Idaho >
>
County of Boise >

65-13307
BIGGERS, L.W.
BIGGERS, JOYCE
MAC GREGOR LAND AND LIVESTOCK LTD. PTNR.
P.O. BOX 95
SWEET, ID 83670
Source: SPRING Tributary: BROWNLEE CREEK
Diversion Pt: NWSENW Sec 9 T 08N R 02E
SWSENW Sec 9T 08N R 02E
Use: STOCKWATER (.070 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.110 CFS)

Date Filed: 1/31/1991
In: T08N R02E S09 SENW SWSW

Wayne Hart, being duly sworn, deposes that he is the manager and principal THE IDAHO WORLD, a weekly newspaper, Idaho City, in the County of Boise and of Idaho; the said paper has been in general circulation in the county and in the vicinity of Idaho City; that advertisement, a copy of which is heretofore attached, was published in said newspaper for two (2) consecutive the entire and regular issue of every said paper during the period and time of publication and was published in the and not a supplement; that said paper established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Feb 20, 1991 and ending with the issue of Feb 27, 1991.

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before MARCH 11, 1991
R. KEITH HIGGINSON, Director

Published In The Idaho World February 20 and 27, 1991

Wayne Hart

State of Idaho >
>
County of Ada >

On this 10th day of March in the year 1991, before me, a notary public, personally appeared WAYNE HART known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Wayne Hart

Notary Public for Idaho

Boise, Idaho

Residing at 910 FILMER
My commission expires 9/10/96

APR 23 1991

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85116222

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

MacGregor, Land & Livestock Limited
Partnership and

1. Name of applicant L. W. and Joyce Biggers Phone 208-584-3334
Post office address Box 95, Sweet Idaho (1840 R45th Rd, Eagle Idaho 83670)

2. Source of water supply Spring which is a tributary of Brownlee Creek

3. Location of point of diversion is NW 1/4 of SE 1/4 1/4 of NW 1/4 1/4, Govt. Lot

Sec. 9 Township 8 N. Range 2 E. B.M. Boise County; additional

points of diversion if any. SWSENW 5.9 T8N R2E

4. Water will be used for the following purposes:

Amount .04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .07 for Livestock purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .11 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works.

a. Description of ditches, flumes, pumps, headgates, etc. pipe

b. Height of storage dam feet, active reservoir capacity acre-feet, total
reservoir capacity acre-feet; period of year when water will be diverted to storage:
 to inclusive.

c. Proposed well diameter is inches; proposed depth of well is feet.

d. Is ground water with a temperature of greater than 90°F being sought?

7. Time required for the completion of the works and application of the water to the proposed beneficial uses
1 years (minimum 1 year).

* per ASCS photo submitted with application 2/11/91 see remarks

APR 23 1991

2/11/91

8. Description of proposed uses (if irrigation only, go to item 9)

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock 300 CATTLE
- c. Municipal; show name of municipality _____
- d. Domestic; show number of households 1
- e. Other; describe fully. _____

9. Description of place of use

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example, D for Domestic) in the corresponding place of use below. See instructions for standard symbols

TWP	RANGE	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	
~~8N~~	~~2E~~	~~9~~			~~S~~						~~S~~								
8N	2E	9								S			D	~~S~~					

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? MacGregor Land & Livestock Limited Partnership
- b. Who owns the land to be irrigated or place of use? L.W. & Joyce Biggers and MacGregor Land & Livestock Limited Partnership
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. There is an easement recorded and the water that Biggers' use is for domestic.

12. Remarks: Single point on diversion on line of NWSENW & SWSESW
S. 9 T8N R2E.

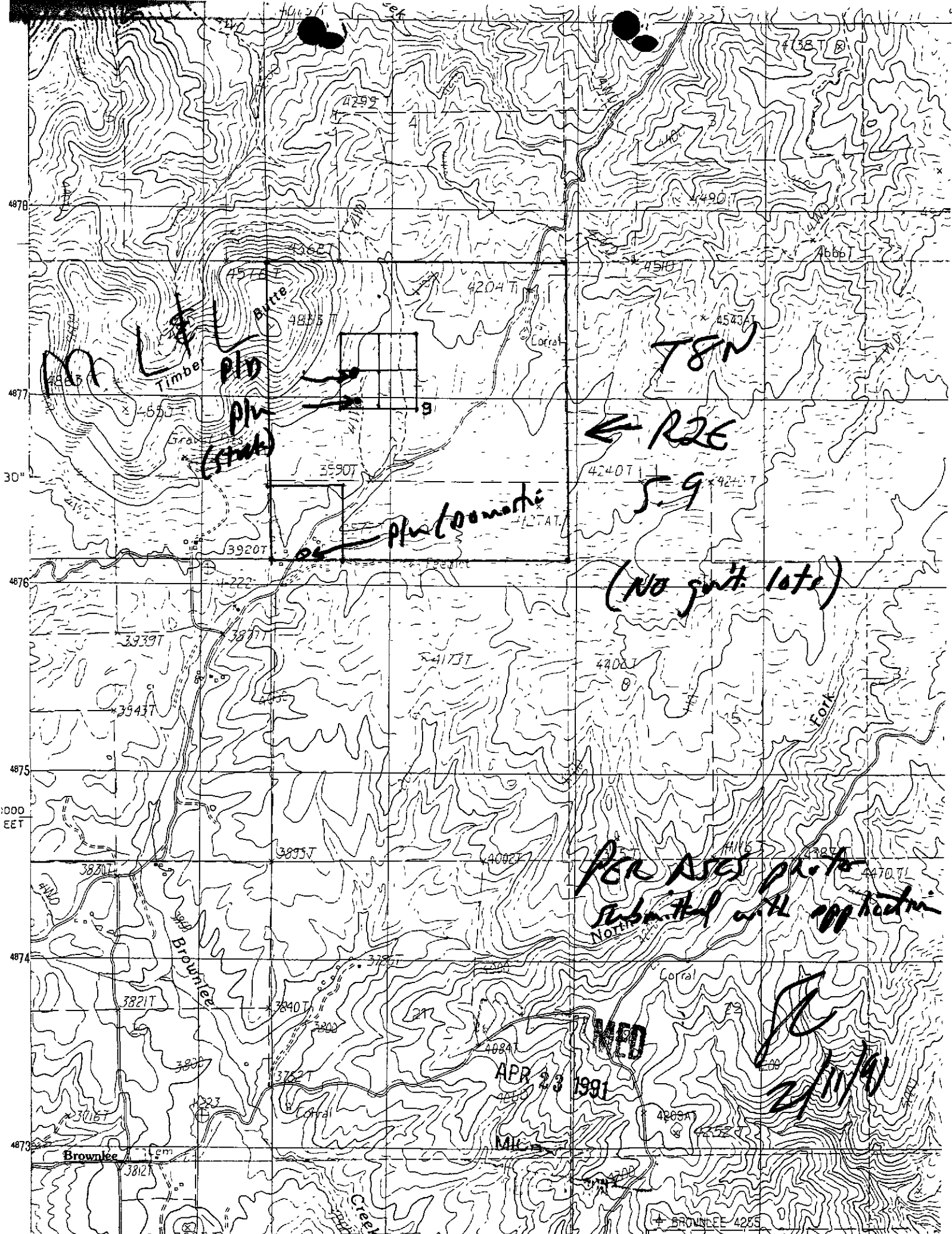
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APR 23 1991

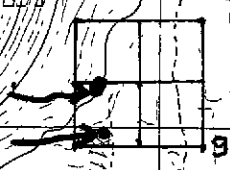
APR 23 1991

*per ASCS photo submitted with application.

SL 2:14



M L
Timber
Burro
photoomotic
TSN
R2E
S. 9
(No gmt. late)



TSN
R2E
S. 9

(No gmt. late)

PER ASES photo
Submitted with application

MED

APR 23 1991

MIC

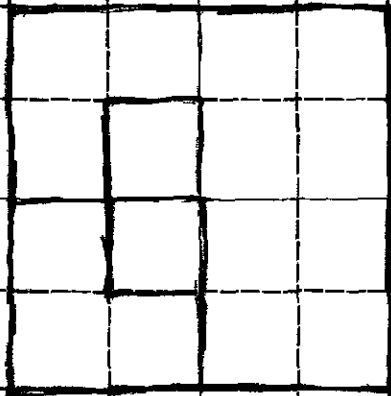
2/11/91

BROWNLEE 4285

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

SEE ATTACHED

Sec. 9, Twp. 8 N., R. 2 E.



See A505 photo &
topo.

JK
2/11/91

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APR 23 1991

Scale, 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth

MICROFILMED

L. V. B. (Applicant)

Jack D. MacGee

Received by SC Date 2/1/91 Time 1:10 pm Preliminary check by SC
Fee \$ 30⁰⁰ Received by SC # CD19552 Date 1/31/91
Publication prepared by GG Date 2-13-91 Published in Idaho World
Publication approved ST Date 3-12-91
2/20 & 2/27/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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SEP 16 2003

APR 23 1991

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22817

WATER RIGHT NUMBER: 65-22817

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOYCE BIGGERS
Original Owner	L W BIGGERS
Original Owner	MAC GREGOR LAND & LIVESTOCK LTD
Current Owner	MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP PO BOX 107 SWEET, ID 83670 (208) 584-3484
Previous Owner	PATRICIA KOLBET RT 1 BOX 95 SWEET, ID 83670-9803 (208) 584-3307

Priority Date: 02/01/1991**Basis: License****Status: Active**

<u>Source</u>	<u>Tributary</u>
SPRING	BROWNLEE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0 060 CFS	3 40 AF
	<u>Total Diversion</u>	0 060 CFS	3 40 AF

Location of Point(s) of Diversion

SPRING	SW1/4SE1/4NW1/4	Sec 9, Twp 08N, Rge 02E, B M
BOISE County		

Place of Use**STOCKWATER Within BOISE County****T08N R02E S09 SENW**Conditions of Approval

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 65.

Comments:

1 skcen 8/22/2003 Ownership Split

Comment: This right was split from 65-13307 by an ownership change.

Dates and Other Information:

Water District Number: 65

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SEP 16 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 25, 2003

MAC GREGOR LAND & LIVESTOCK LTD PARTNERSHIP
PO BOX 107
SWEET ID 83670

RE: Change of Ownership for Water Right 65-22817 (renumbered from 65-13307)

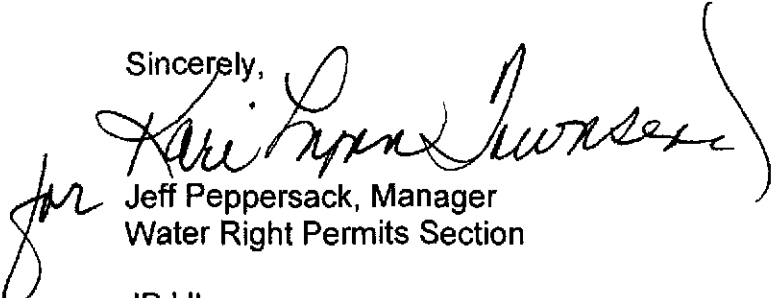
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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