

490

Form 1-222
12-92

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JAN 13 2005

Page 1 of 8STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCESTransfer No. 71772

Proposed Mitigation Plan

Part 1

H. Lavelle Rupp Jr. (Trustee) Christine R. Petersen (Trustee)Name of applicant Veda J. Rupp & Harold L. Rupp Sr. - Trust Phone 208-237-8997Post Office address P.O. Box 5307, Chubbuck, Idaho 83202

A. PURPOSE OF MITIGATION

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Remove P/D 29-13143 in NW 1/4 Sec 35
2. Describe the reason for the proposed changes Farm has been divided among family members and irrigation system has been converted from hand lines to center pivots. Also, transferring water from West side of Interstate 15 to the East side of Interstate 15.

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|-----------------|-------------------|-------------|-------------------|------------------------------|
| <u>29-2292</u> | <u>10-14-1950</u> | <u>4.24</u> | <u>Irrigation</u> | <u>04-01</u> to <u>10-31</u> |
| <u>29-13143</u> | <u>06-02-1953</u> | <u>.56</u> | <u>Irrigation</u> | <u>04-01</u> to <u>10-31</u> |
| <u>29-13144</u> | <u>06-09-1953</u> | <u>1.26</u> | <u>Irrigation</u> | <u>04-01</u> to <u>10-31</u> |
| | | | | to |
2. Total amount of water being transferred 6.06 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ground Water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NE	SE	35	5S	34E	Bannock	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 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	
5S	34E	35				2									5			16	23
						3.3									6			17.6	26.9
5S	34E	36							33	12	12	22	32						111
									34.7	20	15	20.4	30.5	0.5					121.1
6S	34E	1		25	25		35	35	24	35									174
				16.5	18.5		37	37	32	39									180.0
6S	34E	2	24	42		28	43	44											52
			16			21													37.0

61

Total acres 365

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PART 1

6. General Information:

- a. Description of diversion system Well to Main line with Center Pivots
and hand lines.

- b. Are the lands on which you propose to mitigate subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes
 X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land will be dried up because of property division and transfer of water rights.

- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19____

71772

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

Current Water Right No. 29-2292

Priority Date: 10/14/1950

Origin: Adjudication Recommendation

Basis: License

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	4.24 CFS	1,460.0 AFA	
Total Diversion		4.24 CFS	1,460.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENESE 05S 34E 35 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	
05S 34E 35													2.0	2.0	40.0	31.0	75.0
05S 34E 36											33.0						33.0
06S 34E 1						40.0	33.0										73.0
						L 4											
06S 34E 2	30.0	40.0	39.0	30.0	18.0			27.0									184.0
	L 1	L 2			L 3												

Total Acres: 365

Conditions/Remarks:

1. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. USE OF THIS RIGHT WITH RIGHT NO. 29-13144 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1490 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 29-13144 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 365 ACRES IN A SINGLE IRRIGATION SEASON.

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 affect 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?

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Page 1

Transfer No. 71772

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

Receipt No. _____

Current Water Right No. 29-13143

Priority Date: 06/02/1953

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.56 CFS	237.7 AFA	
	Total Diversion	0.56 CFS	237.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SENENW	05S 34E 35	BANNOCK
GROUND WATER	SENESE	05S 34E 35	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	
05S 34E 35			40.0	30.0	26.0			37.0					16.0	23.0			172.0
05S 34E 36							37.0			24.0							61.0

Total Acres: 233

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. USE OF THIS RIGHT WITH RIGHT NO. 29-2914 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 932 AF.
4. USE OF THIS RIGHT WITH RIGHT NO. 29-2914 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 233 ACRES IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 126 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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?

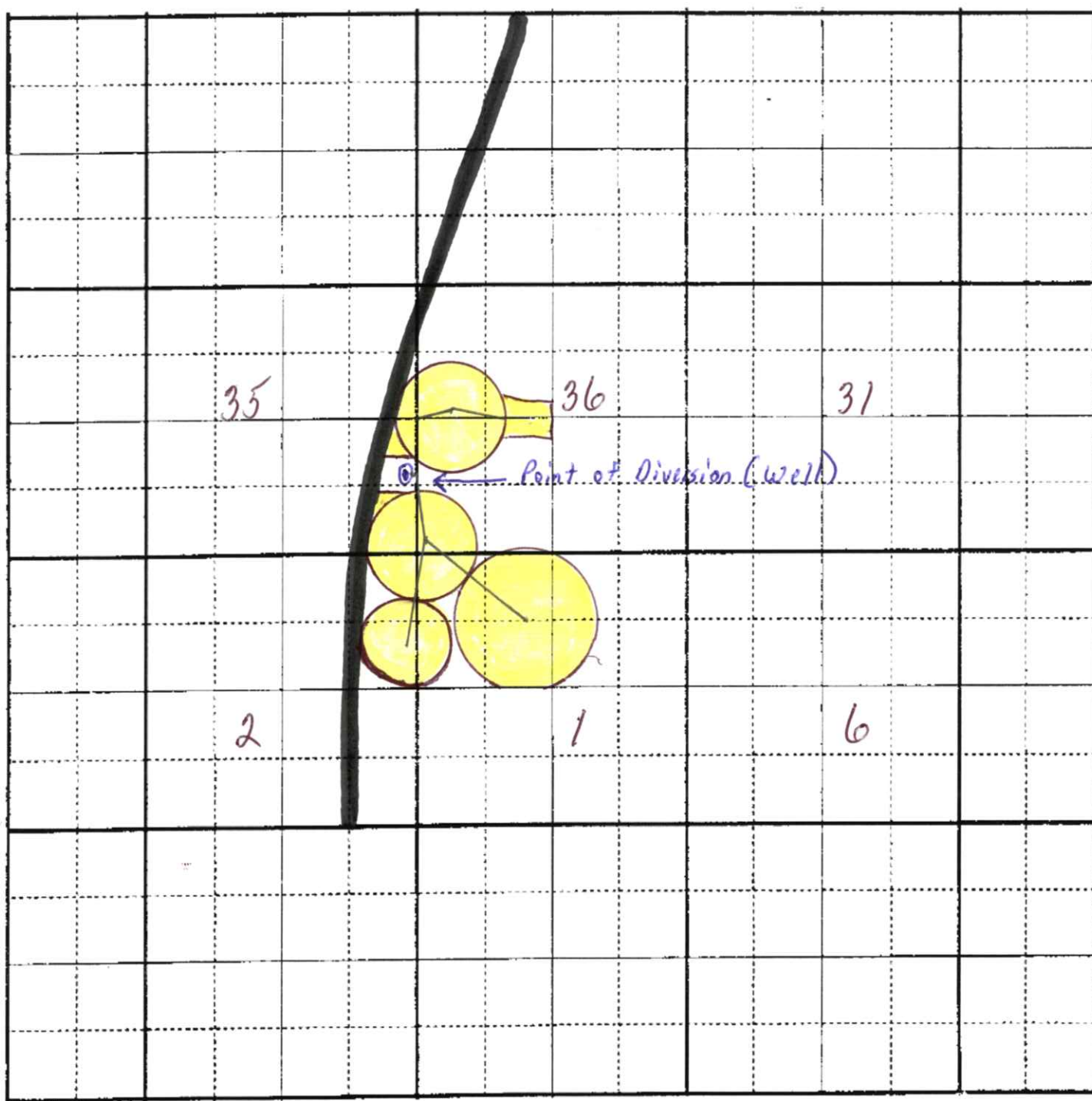
Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

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

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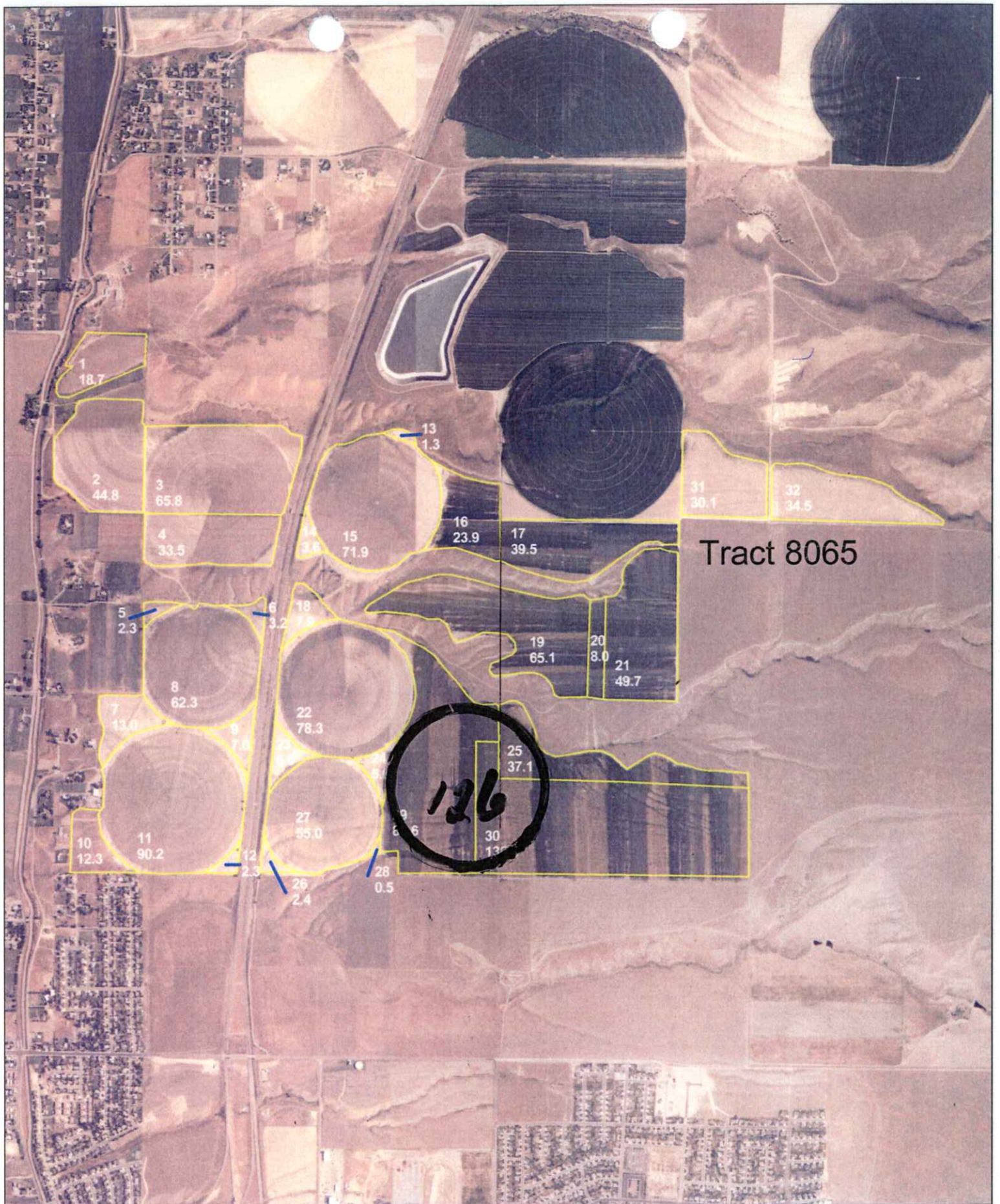
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



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

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Map of Tract 8065

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0.2 0 0.2 0.4 0.6 0.8 Miles



Map Printed: Apr 21, 2004

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Page 1

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

Transfer No. 71772
Receipt No. _____

Current Water Right No. 29-13144

Priority Date: 06/09/1953
Origin: Adjudication Recommendation
Basis: Beneficial Use
Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.26 CFS	534.8 AFA	
	Total Diversion	1.26 CFS	534.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER SENESE 05S 34E 35 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	
05S 34E 35													2.0	2.0	40.0	31.0	75.0
05S 34E 36											33.0						33.0
06S 34E 1						40.0	33.0										73.0
						L 4											
06S 34E 2	30.0	40.0	39.0	30.0	18.0			27.0									184.0
	L 1	L 2			L 3												

Total Acres: 365

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 29-2292 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1490 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 29-2292 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 365 ACRES IN A SINGLE IRRIGATION SEASON.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 283 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 affect 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?

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

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

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

N. Sarah Rupp - Trustee
(Signature of Applicant)
Christine Peterson Trustee
(Signature of Applicant)
Veda J. Rupp
(Signature of Applicant)
(Signature of Applicant)

Subscribed and sworn to before me this 12th day of JANUARY, 19 2005

Jamie Evans
(Notary Public)
My commission expires 12/2006

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 16 attachments

Received by KCW Date 01/13/2005 Protest filed by _____

Prelim. check by KW Fee 490 E030532 _____

Receipted by KCW Date 01/13/2005 _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Lane V. Erickson (ISB No. 5979)
RACINE, OLSON, NYE, BUDGE
& BAILY, CHARTERED
201 East Center
P.O. Box 1391
Pocatello, Idaho 83204
Telephone: 208-232-6101
Fax: 208-232-6109

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JAN 13 2005
Department of Water Resources
Eastern Region

OCT 25 2004

Attorney for Defendants

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

GARY JENSEN, KAYE HALLINAN,
LEROY JENSEN, GORDON JENSEN,
LYLE JENSEN, and TERRY JENSEN,

Plaintiffs,

vs.

VEDA J. RUPP, individually, H. LAVELLE
RUPP, JR., and CHRISTINE PETERSEN,
co-trustees of the Estate of Harold L.
Rupp, LANA C. HANEY, SUSAN D.
KNAPP, HENRY C. RUPP, RODNEY K.
RUPP, H. LAVELLE RUPP, JR., and
CHRISTINE PETERSEN, beneficiaries
of the Estate of Harold L. Rupp,

Defendants.

Case No. CV-2003-2091-OC

ORDER APPROVING SETTLEMENT

THIS COURT having received from the parties and having fully reviewed the Stipulation for Settlement filed by the Plaintiffs and Defendants as designated above and having determined that the terms and conditions of the Stipulation for Settlement are in harmony with the terms and

ORDER APPROVING SETTLEMENT
Page 1 of 3

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ATTACHMENT 1 OF 18

conditions that were placed on the Court's record by the parties at the pre-trial conference held on June 28, 2004, the Court hereby acknowledges that the Parties are in full agreement of the Stipulation for Settlement and the Court hereby approves of the Stipulation for Settlement filed herewith;

IT IS HEREBY ORDERED that the division of the property in this partition action shall be made pursuant to the terms and conditions of the Stipulation for Settlement;

IT IS FURTHER ORDERED that the parties to the Stipulation for Settlement shall immediately execute all such documents, deeds, applications and the like as are necessary to transfer the real and personal property as well as the water rights and to fulfill all other terms, conditions, promises and obligations as are set forth in the Stipulation for Settlement. This Order incorporates the terms and conditions of the Stipulation for Settlement herein as if set forth fully.

Dated this 13 day of October, 2004.



N. RANDY SMITH
District Judge

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14 day of October, 2004, I caused a true and correct copy of the foregoing document to be served by U.S. first-class mail, postage prepaid, upon the following unless a different method of service is indicated:

Lane V. Erickson
RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204

David H. Maguire
MAGUIRE & KRESS
1414 E Center
P.O. Box 4758
Pocatello, Idaho 83205-4758



CLERK OF THE COURT/Deputy Clerk

RECEIVED

JAN 13 2005

Department of Water Resources
Eastern Region

Lane V. Erickson (ISB No. 5979)
RACINE, OLSON, NYE, BUDGE
& BAILY, CHARTERED
201 East Center
P.O. Box 1391
Pocatello, Idaho 83204
Telephone: 208-232-6101
Fax: 208-232-6109

Attorney for Defendants

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

GARY JENSEN, KAYE HALLINAN,
LEROY JENSEN, GORDON JENSEN,
LYLE JENSEN, and TERRY JENSEN,

Plaintiffs,

vs.

VEDA J. RUPP, individually, H. LAVELLE
RUPP, JR., and CHRISTINE PETERSEN,
co-trustees of the Estate of Harold L.
Rupp, LANA C. HANEY, SUSAN D.
KNAPP, HENRY C. RUPP, RODNEY K.
RUPP, H. LAVELLE RUPP, JR., and
CHRISTINE PETERSEN, beneficiaries
of the Estate of Harold L. Rupp,

Defendants.

Case No. CV-2003-2091-OC

STIPULATION FOR SETTLEMENT

COMES NOW the Plaintiffs, GARY JENSEN, KAYE HALLINAN, LEROY JENSEN,
GORDON JENSEN, LYLE JENSEN and TERRY JENSEN (hereafter collectively referred to as

STIPULATION FOR SETTLEMENT
Page 1 of 7

T 71772
ATTACHMENT 4 OF 18

"Plaintiffs" unless specified otherwise), by and through their counsel of record, David H. Maguire, together with VEDA J. RUPP, individually, H. LAVELLE RUPP, JR., and CHRISTINE PETERSEN, co-trustees of the Estate of Harold L. Rupp, LANA C. HANEY, SUSAN D. KNAPP, HENRY C. RUPP, RODNEY K. RUPP, H. LAVELLE RUPP, JR., and CHRISTINE PETERSEN, beneficiaries of the Estate of Harold L. Rupp, (hereafter collectively referred to as "Defendants" unless specified otherwise) by and through their counsel of record, Lane V. Erickson, and hereby jointly stipulate to the settlement of the above captioned case upon those terms and conditions presented to the Court and placed upon the record of the Court on June 28, 2004, at the formal pretrial conference, which specific terms and conditions are as follows:

1. The property that is the subject matter of this Stipulation for Settlement consists of those two parcels located in Bannock county that are divided by Interstate 15 and identified as the east side parcel and the west side parcel respectively as described more fully in the pleadings on file herein and which are more specifically described in those three separate appraisals prepared by Stephen Meeks, Jeff Kelley and Vern Nelson, copies of which are contained in the Court's record;

2. The Parties stipulate, acknowledge and agree that the water from the well from the east side parcel will be appurtenant to and remain with the east side parcel and the water from the well on the west side parcel will be appurtenant to and remain with west side parcel. In other words, there will be no sharing of water between the two parcels after the division of the property as set forth herein. The water rights that are appurtenant to the parcels of property are described specifically in the above mentioned appraisals and as follows:

233 acres of water on the west parcel and 365 acres of water on the east parcel.

3. The Parties stipulate, acknowledge and agree that they each individually, jointly and severally, as necessary, shall execute the appropriate Quit Claim Deeds or other legal documents necessary to transfer the property for the east side parcel and west side parcel, thereby completely divesting themselves of any right, title or interest to the parcel being transferred to the other party pursuant to this Stipulation for Settlement;

4. Likewise, the Parties will each individually, jointly and severally, as necessary, execute all legal documents necessary to transfer all their right, title and interest of any type or kind of the water rights to the parcel to which the water is appurtenant pursuant to the terms and conditions of this Stipulation for Settlement;

5. The Parties stipulate, acknowledge and agree that the division of the properties as set forth herein is and shall forever be considered by the Parties to be: (1) a full, fair and equal division of the properties; (2) a full, fair and complete resolution of all claims, defenses, allegations, and disputes existing between the parties pursuant to this Partition Action; and (3) that no additional transfers of any money, rights or any other type or kind of value is required to be paid or exchanged by either party to the other party;

6. The Parties jointly stipulate, acknowledge and agree that the Plaintiffs' offered to the Defendants the right to choose which parcel it would accept in the division of the property and the Defendants chose to accept the east side parcel with its appurtenant water rights;

7. The Parties stipulate, acknowledge and agree that the Plaintiffs have accepted and will

receive the west side parcel with its appurtenant water rights;

8. The Parties jointly stipulate, acknowledge and agree that additional legal documents shall be prepared and executed by the Parties, jointly and severally, as necessary, in order to accomplish and completely perform the terms and conditions of this Stipulation as set forth above and hereby acknowledge and state that the Parties will immediately and without any delay execute, deliver to the other Party and allow to be filed and/or recorded any and all said documents necessary to fulfill the terms and conditions of this Stipulation;

9. The Parties also jointly stipulate, acknowledge and agree that in addition to the real property, certain personal property that are not fixtures, including but not limited to irrigation equipment, farm equipment and the like, will also be divided equally with each of the parties receiving exactly one-half of all such personal property previously associated with either the east side parcel or the west side parcel. All items designated as fixtures, including but not limited to pumps, pivots, mainlines and the like shall remain attached to the parcel upon which it is fixed and shall, by the terms and conditions of this Stipulation become the property of the party receiving said parcel;

10. Finally, the Parties jointly stipulate, acknowledge and agree that certain expenses and costs may arise with regards to the division of the real property with its appurtenant water rights as set forth herein. All such costs and expenses will be divided equally and be the responsibility of each party to pay exactly one-half of said costs and expenses. However, the Parties shall be solely responsible for their own attorneys fees associated with the above captioned case.

Plaintiffs:

Date: 09-09-04

Gary Jensen
GARY JENSEN

Date: 09-13-2004

Kaye Mallinan
KAYE MALLINAN

Date: 09-13-04

Leroy Jensen
LEROY JENSEN

Date: 13 Sep 04

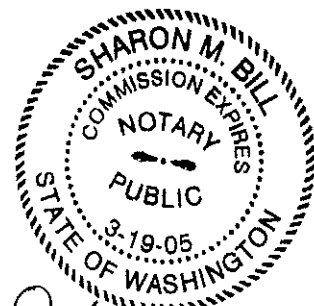
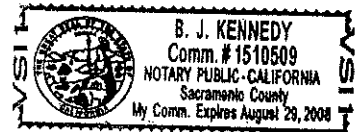
Gordon L. Jensen
GORDON JENSEN

Date: 13 Sept 04

Lyle Jensen
LYLE JENSEN

Date: 9-10-04

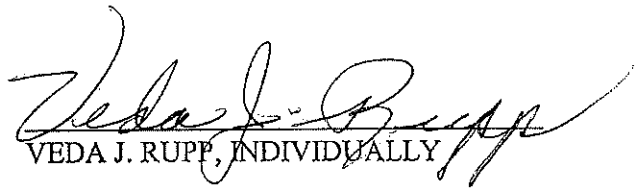
Terry Jensen
TERRY JENSEN



Sharon M. Bill
09-09-04

Defendants:

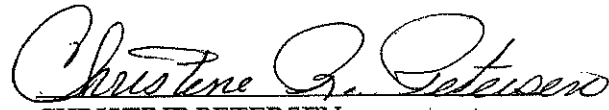
Date: 9-22-04


VEDA J. RUPP, INDIVIDUALLY

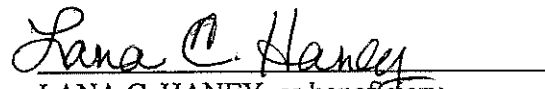
Date: 9-22-04


H. LAVELLE RUPP, JR., as co-trustee
of the Estate of Harold L. Rupp

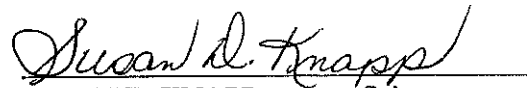
Date: 9-22-04


CHRISTINE PETERSEN, as co-trustee
of the Estate of Harold L. Rupp

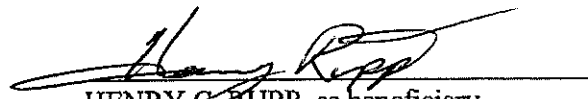
Date: 9-25-04


LANA C. HANEY, as beneficiary
of the Estate of Harold L. Rupp

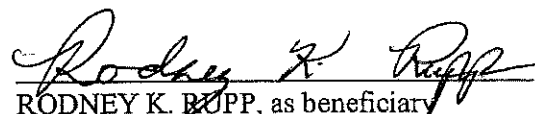
Date: 9-22-04


SUSAN D. KNAPP, as beneficiary
of the Estate of Harold L. Rupp

Date: 9/23/2004


HENRY C. RUPP, as beneficiary
of the Estate of Harold L. Rupp

Date: 9-22-04


RODNEY K. RUPP, as beneficiary
of the Estate of Harold L. Rupp

Date: 9-22-04

H. Lavelle Rupp, Jr.
H. LAVELLE RUPP, JR., as beneficiary
of the Estate of Harold L. Rupp

Date: 9-22-04

Christine G. Petersen
CHRISTINE PETERSEN, as beneficiary
of the Estate of Harold L. Rupp

Read and approved by:

MAGUIRE & KRESS

David H. Maguire

DAVID H. MAGUIRE
Attorney for Plaintiffs GARY JENSEN,
KAYE HALLINAN, LEROY JENSEN,
GORDON JENSEN, LYLE JENSEN, and
TERRY JENSEN

**RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED**

By Lane V. Erickson
LANE V. ERICKSON

Attorney for Defendants VEDA J. RUPP,
individually, H. LAVELLE RUPP, JR., and
CHRISTINE PETERSEN, co-trustees of the
Estate of Harold L. Rupp, LANA C. HANEY,
SUSAN D. KNAPP, HENRY C. RUPP,
RODNEY K. RUPP, H. LAVELLE RUPP, JR.,
and CHRISTINE PETERSEN, beneficiaries of
the Estate of Harold L. Rupp,

8-1
QUIT CLAIM DEED

20427668

FOR VALUABLE CONSIDERATION RECEIVED, TERRY L. JENSEN, the Personal Representative of the ESTATE OF ORA L. JENSEN; GARY L. JENSEN and KAYE L. HALLINAN, Trustees of the MELVILLE W. JENSEN TRUST; GARY L. JENSEN, individually, whose address is Port Hadlock, Washington; KAYE L. HALLINAN, individually, whose address is Pocatello, Idaho; TERRY L. JENSEN, individually, whose address is Sacramento, California; LEROY JENSEN, individually, whose address is Port Hadlock, Washington; JAY LYLE JENSEN, individually, whose address is Quartzite, Arizona; and GORDON L. JENSEN, individually, whose address is Pocatello, Idaho, all of which have and hold an interest in and/or are the beneficiaries of the estate of Ora L. Jensen or are the beneficiaries of the Melville W. Jensen Trust, (hereafter collectively referred to as "Grantors"), which have and hold an interest in the below described real property, do hereby grant, bargain, sell and convey unto VEDA J. RUPP, individually, and the HAROLD L. RUPP SR. TRUST, with CHRISTINE R. PETERSEN and H. LAVELLE RUPP JR., Trustees, (hereafter collectively referred to as "Grantees"), all of their rights, title and interest in and to the following described real property situated in the County of Bannock, State of Idaho to-wit:

The following real properties that are located East of Interstate 15, which is described and recorded July 7, 1958 in book 134 as Instrument No. 333972:

The E1/2SE1/4 (80 acres), SW1/4NW1/4 (approximately 39.66 acres), SW1/4 (160 acres), SE1/4NW1/4 (40 acres), W1/2SE1/4 (80 acres), of Section 36, Township 5 South, Range 34 East Boise Meridian, Bannock County, Idaho.

Also, the SE1/4NW1/4 (39.25 acres), SW1/4NE1/4 (40 acres), Lot 2 (36.63 acres) of Section 31, Township 5 South, Range 35 East Boise Meridian.

Except, A strip of land 50 feet wide, lying 25 feet on each side of the following described centerline; Commencing at the NW corner of Section 31, Township 5 South, Range 35 East Boise Meridian, thence in an Easterly direction along the North line of said Section a distance of 1305.11 feet, more or less, to the West 1/16 corner on the North line of said Section, thence in a Southerly direction along the West 1/16 line of said Section a distance of 1313.0 feet, more or less, to the Northwest 1/16 corner, the point of beginning, thence continuing in a Southerly direction along said West 1/16 line a distance of 1313.66 feet, more or less, to the West 1/16 corner on the Latitudinal Centerline of said Section.

The above-described right of way is a part of the S1/2NW1/4, Section 31, Township 5 South, Range 35 East Boise Meridian.

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Also, the S1/2NW1/4 (80 acres), S1/2NE1/4 (80 acres), and Lots 1, 2, 3 and 4 (158.16 acres), of Section 1, Township 6 South, Range 34 East Boise Meridian.

Also, Lots 4 and 5 (68.38 acres), of Section 6, Township 6 South, Range 35 East Boise Meridian.

Also, the portions of the following properties that lay East of Interstate 15: Lot 1, SE1/4NE1/4 (approximately 61.32 acres), of Section 2, Township 6 South, Range 34 East Boise Meridian.

Also, the portions of the following properties that lay East of Interstate 15: NE1/4SE1/4, SE1/4NE1/4 (approximately 20 acres, plus or minus), of Section 35, Township 5 South, Range 34 East Boise Meridian.

Also, A parcel of land being on the Easterly side of the centerline of Interstate 15 Project No. I-15-2- (I) 72, formerly I-IG-1032 (4), Highway Survey as shown on the plans thereof now on file in the office of the Department of Highways of the State of Idaho, and being a portion of the SE1/4SE1/4 of Section 35, Township 5 South, Range 34 East, Boise Meridian, described as follows to-wit:

Beginning at the Southeast corner of the SE1/4SE1/4 of Section 35, Township 5 South, Range 34 East, Boise Meridian; thence Westerly along the South line of said SE1/4SE1/4 a distance of 635.0 feet, more or less, to a point in a line parallel with and 150.00 feet Easterly from the centerline of said Interstate 15, Project No. I-15-2 (I) 72, formerly I-IG-1032 (4), Highway Survey; thence North 5° 23' East along said parallel line 1140.0 feet, more or less, to a point opposite Station 228+47.70 of said Highway Survey; thence North 17°04'16" East - 153.05 feet to a point in a line parallel with and 180.0 feet Easterly from the centerline and bears South 83°51'19" East from Station 230+00.00 of said Highway Survey; thence Northerly along said last parallel line being a 11,279.16 foot radius curve right 34.0 feet, more or less, to a point in the North line of said SE1/4SE1/4; thence Easterly along said North line 480.0 feet, more or less, to the Northeast corner of said SE1/4SE1/4; thence Southerly along the East line of said SE1/4SE1/4 a distance of 1320.0 feet, more or less, to the Place of Beginning and containing (approximately 17.27 acres).

Also: Water Right No. 29-2292 which has a priority date of 10/14/1950 for 4.24 cfs of water, Water Right No. 29-13144 which has a priority date of 06/09/1953 for 1.26 cfs of water and Water Right No. 29-13143 which has a priority date of 06/02/1953 for .56 cfs of water from a well located in the

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SE1/4NE1/4SE1/4 of Section 35, Township 5 South, Range 34 East Boise Meridian. 20427668

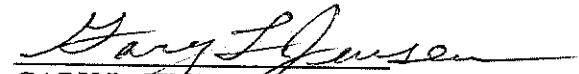
Also: All Water Rights from a spring located in the N1/2NE1/4 of Section 1, Township 6 South, Range 34 East Boise Meridian.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees their heirs and assigns forever, and the said Grantors do hereby covenant to and with the said Grantees, that they are 1/2 owners in fee simple of said premises, that they are free of all encumbrances, except for the lien of taxes and assessments for the year 2004 and subsequent years, which the Grantees hereby assume and agree to pay, and all other matters of public record, and that it will warrant and defend the same from all lawful claims whatsoever.

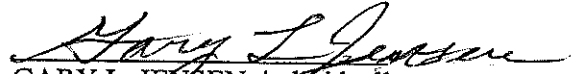
DATED this 30th day of December, 2004

GRANTORS:


TERRY L. JENSEN,
Personal Representative of the
ESTATE OF ORA L. JENSEN

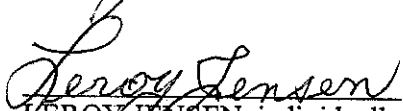

GARY L. JENSEN, Trustee of the
MELVILLE W. JENSEN TRUST

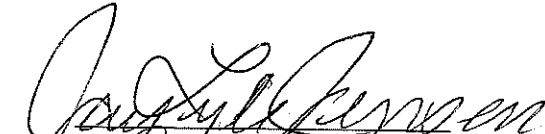
KAYE L. HALLINAN, Trustee of the
MELVILLE W. JENSEN TRUST

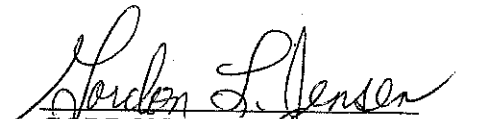

GARY L. JENSEN, individually


TERRY L. JENSEN, individually


KAYE L. HALLINAN, individually


LEROY JENSEN, individually


JAY LYLE JENSEN, individually


GORDON L. JENSEN, individually

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SE1/4NE1/4SE1/4 of Section 35, Township 5 South, Range 34 East Boise Meridian.

Also: All Water Rights from a spring located in the N1/2NE1/4 of Section 1, Township 6 South, Range 34 East Boise Meridian.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees their heirs and assigns forever, and the said Grantors do hereby covenant to and with the said Grantees, that they are ½ owners in fee simple of said premises, that they are free of all encumbrances, except for the lien of taxes and assessments for the year 2004 and subsequent years, which the Grantees hereby assume and agree to pay, and all other matters of public record, and that it will warrant and defend the same from all lawful claims whatsoever.

DATED this _____ day of November, 2004

GRANTORS:

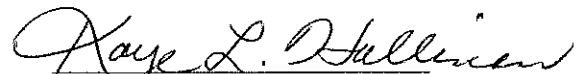
TERRY L. JENSEN,
Personal Representative of the
ESTATE OF ORA L. JENSEN

GARY L. JENSEN, Trustee of the
MELVILLE W. JENSEN TRUST


KAYE L. HALLINAN, Trustee of the
MELVILLE W. JENSEN TRUST

GARY L. JENSEN, individually

TERRY L. JENSEN, individually


KAYE L. HALLINAN, individually

LEROY JENSEN, individually

JAY LYLE JENSEN, individually

GORDON L. JENSEN, individually

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STATE OF California : SS
 County of Sacramento)

On this 20th day of ~~November~~ December, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared TERRY L. JENSEN, known to me to be the person whose name is subscribed to the foregoing both individually and as the PERSONAL REPRESENTATIVE OF THE ESTATE OF ORA L. JENSEN and acknowledged to me that he/she executed the same in such capacities.

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

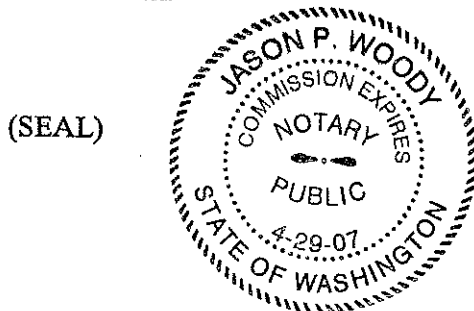


[Signature]
 NOTARY PUBLIC FOR Sacramento, CA
 Residing at: Sacramento, CA
 My Commission expires: Sept 9, 2007

STATE OF Washington : SS
 County of Jefferson)

On this 15 day of ~~November~~ December, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY L. JENSEN, known to me to be the person whose name is subscribed to the foregoing both individually and as the TRUSTEE OF THE MELVILLE W. JENSEN TRUST and acknowledged to me that he/she executed the same in such capacities.

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



[Signature: Jason Woody]
 NOTARY PUBLIC FOR Kitsap Bank
 Residing at: 9863 Commway Ln NW #104
Silverdale WA 98383
 My Commission expires: April 29, 2007

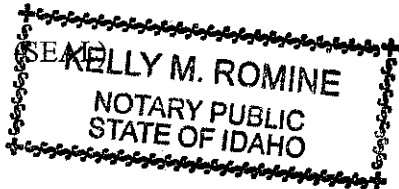
8-6

20427668

STATE OF Idaho)
) : SS
 County of Bannock)

On this 23 day of November, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared KAYE L. HALLINAN, known to me to be the person whose name is subscribed to the foregoing both individually and as the TRUSTEE OF THE MELVILLE W. JENSEN TRUST and acknowledged to me that he/she executed the same in such capacities.

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

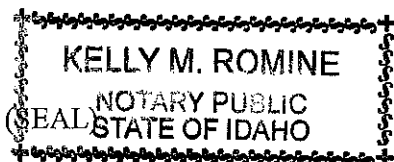


Kelly M. Romine
 NOTARY PUBLIC FOR Idaho
 Residing at: Pocatello, ID
 My Commission expires: Sept. 3, 2005

STATE OF Idaho)
) : SS
 County of Bannock)

On this 2 day of December, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared JAY LYLE JENSEN, known to me to be the person whose name is subscribed to the foregoing individually and acknowledged to me that he/she executed the same.

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



Kelly M. Romine
 NOTARY PUBLIC FOR Idaho
 Residing at: Pocatello, ID
 My Commission expires: Sept. 3, 2005

8-7

20427668

STATE OF _____)
: ss
County of _____)

On this ____ day of November, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared LEROY JENSEN, known to me to be the person whose name is subscribed to the foregoing individually and acknowledged to me that he/she executed the same.

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

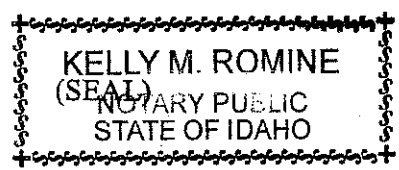
(SEAL)

NOTARY PUBLIC FOR _____
Residing at: _____
My Commission expires: _____

STATE OF Idaho)
: ss
County of Bernade)

On this 11 day of November, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared GORDON L. JENSEN, known to me to be the person whose name is subscribed to the foregoing individually and acknowledged to me that he/she executed the same.

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



Kelly M. Romine
NOTARY PUBLIC FOR Idaho
Residing at: Paradise, Idaho
My Commission expires: Sept. 3, 2005

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Lavelle Rupp

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RECORDED AT REQUEST OF

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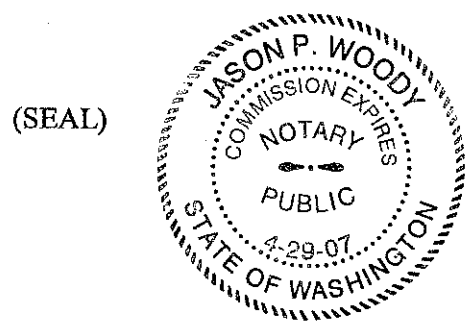
STATE OF Washington)
: ss
County of Jefferson)

2004 DEC 30 PM 3 21

OFFICIAL RECORD BK# 860
LARRY W. CHAN RECORDED
BANKNOCK COUNTY IDAHO

On this 15 day of December, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared LEROY JENSEN, known to me to be the person whose name is subscribed to the foregoing individually and acknowledged to me that he/she executed the same.

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



Jason Woody
NOTARY PUBLIC FOR Kitsap Bank
Residing at: 9803 Cranway LN NW #104
Silverdale WA 98383
My Commission expires: April 29, 2007

STATE OF _____)
: ss
County of _____)

On this ____ day of November, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared GORDON L. JENSEN, known to me to be the person whose name is subscribed to the foregoing individually and acknowledged to me that he/she executed the same.

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

(SEAL)

NOTARY PUBLIC FOR _____
Residing at: _____
My Commission expires: _____