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T-1588

T-1588

Transferred to

Jerome County

Bettencourt

H₁ 128.4

H₁ 125.3

H₁ 129.3

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H₁ 128.4

H₁ 9.2

H₁ 117.7

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H₁ 10

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

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

RECEIVED
JAN 27 1999
Department of Water Resources
Southern Region

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DEC 2 1999

Department of Water Resources

1. Water Right Number(s) 36-07054, 36-07116B, 36-08081, 36-15275

Adjudication Claim Number(s) AJ5809NP, AJ5809NP, AJ5809NP, AJ5809NP

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

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) F.F. GUNNING AND IRENE GUNNING

P.O. BOX 716, WENDELL, ID 83355

4. New Owner/Claimant(s) LUIS M. BETTENCOURT

Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR

New Mailing Address P.O. BOX 587

City, State and ZIP Code JEROME, ID 83338

New Telephone Number () -

5. Date you acquired the property _____

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.

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.

7. Signature of New Owner/Claimant(s)

LUIS M. BETTENCOURT

Date 4/15/99

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 2 2000

CORPORATE WARRANTY DEED RECEIVED

FOR VALUE RECEIVED,

DEC 2 1999

F.F. GUNNING, INC., an Idaho Corporation

Department of Water Resources

a corporation duly organized and existing under the laws of the State of Idaho, GRANTOR, does hereby grant, bargain, sell and convey unto

LUIS M. BETTENCOURT, a single man

ADDRESS: P.O. BOX 581, Jerome, ID 83538

GRANTEE, the following described real estate, to-wit:

See Attached EXHIBIT A

Together with all water rights appurtenant thereto, including but not limited to Water Right Nos. 36-07054, 36-07116B, 36-08081, 36-15275, and 36-10821A.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Also subject to exceptions shown on EXHIBIT B attached hereto

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said GRANTEE, and the successors and assigns of the GRANTEE forever, except as aforesaid.

IN WITNESS WHEREOF, The GRANTOR, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this 19th day of January, 1999.

178867

BY: F.F. Gunning, President
PRESIDENT

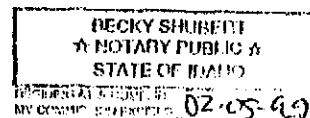
STATE OF IDAHO COLLECTIVE RECORDING
LAND TITLE & ESCROW
Filing record in the request of
51 ... at this 22nd
January 1999 30.00
by Penny Archibald Deputy

ATTEST: Irene Gunning
SECRETARY

STATE OF IDAHO)
COUNTY OF Boadwin) ss.
Jerome

On this 19th day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared F.F. Gunning and Irene Gunning, known or identified to me to be the President and Secretary, respectively, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Becky Shubert
Notary Public
Residing at:
My Commission expires:



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EXHIBIT "A"

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Department of Water Resources

PARCEL NO. 1

TOWNSHIP 7 SOUTH, RANGE 16, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 31: Lot 2 and the West 25 feet of Lots 3 and 4

EXCEPTING THEREFROM the West 25 feet of Lot 2 deeded to the Wendell Highway District by Warranty Deed recorded June 14, 1972 as Instrument Number 40839, Gooding County records.

PARCEL NO. 2

TOWNSHIP 7 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 25: N $\frac{1}{2}$; SE $\frac{1}{4}$;

EXCEPTING THEREFROM the South 25 feet deeded to the Wendell Highway District by Warranty Deed recorded June 14, 1972 as Instrument Number 40839, Gooding County records.

AND EXCEPTING THEREFROM the following described parcel:

Beginning at the Southeast corner of said Section 25, which point shall be known as THE TRUE POINT OF BEGINNING;
Thence North 89°47'25" West along the South boundary of said Section 25, 330.00 feet;
Thence North 0°03'28" West, 330.00 feet;
Thence South 89°47'25" East, 330.00 feet to a point on the East boundary of said Section 25;
Thence South 0°03'28" East, along the East boundary of said Section 25, 330.00 feet to THE TRUE POINT OF BEGINNING;

TOWNSHIP 7 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Part of the NW $\frac{1}{4}$ of Section 30 and
Part of the SW $\frac{1}{4}$ of Section 19 described below

AND

- Continued -

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CONTINUATION

Department of Water Resources

TOWNSHIP 7 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Part of the NE ¼ of Section 25 and
Part of the SE ¼ of Section 24, described as follows:

Beginning at the Southwest corner of said NW ¼, Section 30;
Thence South 0°00'24" East, 207.07 feet to the edge of a circular pivot
irrigation system;
Thence along the edge of said circular pivot irrigation system, 4081.05 feet on
the arc of a curve to the left with a radius of 1708.00 feet, a central angle of
136°54'04" and a chord which bears North 26°23'59" East, 3177.22 feet to
the Northerly boundary of said NW ¼ Section 30;
Thence continuing along the edge of said circular pivot irrigation system 75.81
feet on the arc of a curve to the left with a radius of 1708.00 feet, a central
angle of 2°32'35" and a chord which bears North 43°19'71" West, 75.81 feet;
Thence North 45°24'22" East, 223.19 feet to the center of the Northside Canal
Company "W" Lateral;
Thence along the center of said "W" lateral the following courses and distances:
North 58°33'42" West, 375.84 feet;
Thence North 68°09'35" West, 176.29 feet;
Thence North 83°57'22" West, 1040.50 feet to the Westerly boundary of said
SW ¼ Section 19;
Thence continuing along the center of said "W" lateral, North 83°57'22" West,
304.24 feet;
Thence South 89°26'15" West, 594.48 feet;
Thence South 59°21'51" West, 114.27 feet;
Thence South 29°33'03" West, 622.31 feet to the Southerly boundary of said
SE ¼ Section 24;
Thence continuing along the center of said "W" Lateral South 29°13'03" West,
190.98 feet;
Thence South 29°35'31" West, 2.60 feet;
Thence leaving the center of said "W" Lateral South 0°02'41" West, 1724.05
feet to the edge of a circular pivot irrigation system;
Thence along the edge of said circular pivot irrigation system 1045.98 feet on
the arc of a curve to the left with a radius of 1708.00 feet, a central angle of
35°05'16" and a chord which bears South 43°15'59" East, 1029.71 feet to the
Southerly boundary of said NE ¼ Section 25;
Thence South 89°41'29" East, 688.57 feet to THE POINT OF BEGINNING.

- Continued -

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CONTINUATION

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PARCEL NO. 3

Department of Water Resources

TOWNSHIP 7 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 19: That part of the S½ described as follows:

Section 30: That part of the N½ described as follows:

Beginning at the Southwest corner of Section 30;

Thence North 0°00'24" West 2250.90 feet along the Westerly boundary of Section 30;

Thence North 71°35'54" East 1040.48 feet along an existing powerline;

Thence North 53°17'45" East 150.54 feet along said powerline to the TRUE POINT OF BEGINNING;

Thence North 53°17'50" East 589.71 feet along said powerline;

Thence North 66°39'27" East 1377.20 feet along said powerline;

Thence North 87°54'18" East 1416.21 feet along said powerline;

Thence North 24°32'26" East 1321.72 feet along said powerline;

Thence North 24°17'04" West 1394.67 feet along said powerline to the beginning of a curve left;

Thence 754.25 feet along a curve left having a radius of 608.86 feet and a chord of North 59°46'23" West 706.93 feet to the Southerly bank of the North Side Canal Company "W" Canal;

Thence South 84°44'17" West 128.24 feet to the center of said "W" Canal;

Thence along the center of the "W" Canal the following courses:

South 74°31'08" West 800.26 feet;

South 46°53'21" West 139.96 feet;

South 19°07'45" East 166.90 feet;

South 45°28'38" West 580.39 feet;

South 39°38'16" West 237.06 feet;

South 71°56'55" West 158.48 feet;

North 70°11'10" West 471.28 feet;

Thence departing said canal South 45°23'17" West 224.36 feet to the beginning of a curve Southwesterly;

Thence 3018.66 feet along the curve having a radius of 1708.00 feet and a chord of South 6°01'14" West 2640.84 feet;

Thence South 33°21'07" East 45.51 feet to THE TRUE POINT OF BEGINNING;

TOGETHER WITH the following non-exclusive Easement 20.00 feet in width, for access and utilities created by Deed dated November 5, 1992, recorded April 30, 1993 as Instrument Number 152499, Gooding County records:

- Continued -

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CONTINUATION

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Beginning at the aforesaid TRUE POINT OF BEGINNING;
Thence along the Northerly side of said 20.00 feet in width Easement the following courses:

North 53°17'50" East 589.71 feet;

North 66°39'27" East 1377.20 feet;

Thence along the Southerly side of said 20.00 feet in width Easement the following courses:

North 87°54'18" East 1416.21 feet;

North 24°32'26" East 1321.72 feet to the end of said 20.00 feet in width access and utility Easement.

TOGETHER WITH the following Easement for well and pump access created by Deed dated November 5, 1992, recorded April 30, 1993 as Instrument Number 152499, Gooding County records:

Beginning at the aforesaid TRUE POINT OF BEGINNING;

Thence North 53°17'50" East 589.71 feet;

Thence North 66°39'27" East 1377.20 feet to the beginning of said well Easement;

Thence North 87°54'18" East 50.00 feet;

Thence South 2°05'42" East 50.00 feet;

Thence South 77°16'52" West 79.85 feet;

Thence North 23°20'33" West 50.00 feet;

Thence North 66°39'27" East 50.00 feet to the end of said well Easement.

PARCEL NO. 5

**TOWNSHIP 7 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 24: SE¼SE¼, EXCEPTING THEREFROM that portion of the following described tract lying with Section 24:

Beginning at the Southwest corner of said NW¼, Section 30;

Thence South 0°00'24" East, 207.07 feet to the edge of a circular pivot irrigation system;

Thence along the edge of said circular pivot irrigation system, 4081.05 feet on the arc of a curve to the left with a radius of 1708.00 feet, a central angle of 136°54'04" and a chord which bears North 26°23'59" East, 3177.22 feet to the Northerly boundary of said NW¼ Section 30;

- Continued -

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CONTINUATION

Department of Water Resources

Thence continuing along the edge of said circular pivot irrigation system 75.81 feet on the arc of a curve to the left with a radius of 1708.00 feet, a central angle of $2^{\circ}32'35''$ and a chord which bears North $43^{\circ}19'71''$ West, 75.81 feet; Thence North $45^{\circ}24'22''$ East, 223.19 feet to the center of the Northside Canal Company "W" Lateral; Thence along the center of said "W" lateral the following courses and distances: North $58^{\circ}33'42''$ West, 375.84 feet; Thence North $68^{\circ}09'35''$ West, 176.29 feet; Thence North $83^{\circ}57'22''$ West, 1040.50 feet to the Westerly boundary of said SW $\frac{1}{4}$ Section 19; Thence continuing along the center of said "W" lateral, North $83^{\circ}57'22''$ West, 304.24 feet; Thence South $89^{\circ}26'15''$ West, 594.48 feet; Thence South $59^{\circ}21'51''$ West, 114.27 feet; Thence South $29^{\circ}33'03''$ West, 622.31 feet to the Southerly boundary of said SE $\frac{1}{4}$ Section 24; Thence continuing along the center of said "W" Lateral South $29^{\circ}13'03''$ West, 190.98 feet; Thence South $29^{\circ}35'31''$ West, 2.60 feet; Thence leaving the center of said "W" Lateral South $0^{\circ}02'41''$ West, 1724.05 feet to the edge of a circular pivot irrigation system; Thence along the edge of said circular pivot irrigation system 1045.98 feet on the arc of a curve to the left with a radius of 1708.00 feet, a central angle of $35^{\circ}05'16''$ and a chord which bears South $43^{\circ}15'59''$ East, 1029.71 feet to the Southerly boundary of said NE $\frac{1}{4}$ Section 25; Thence South $89^{\circ}41'29''$ East, 688.57 feet to THE POINT OF BEGINNING.

PARCEL NO. 6

TOWNSHIP 7 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 30: Part of the SW $\frac{1}{4}$, more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter;
Thence South $0^{\circ}00'24''$ East 207.07 feet along the Westerly boundary of said SW $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
Thence South $0^{\circ}00'24''$ East 851.51 feet along said Westerly boundary;

- Continued -

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CONTINUATION

Department of Water Resources

Thence Northeasterly along the edge of a circular pivot irrigation system
1300.61 feet on the arc of a non-tangent curve to the right with a radius of
1330.14 feet, a central angle of $56^{\circ}01'25''$ and a chord which bears North
 $39^{\circ}40'22''$ East 1249.41 feet;

Thence North $22^{\circ}18'57''$ West 12.57 feet to the edge of a second circular pivot
irrigation system;

Thence Westerly along the edge of said second circular pivot irrigation system
809.82 feet on the arc of a non-tangent curve to the right with a radius of
1708.00 feet, a central angle of $27^{\circ}09'56''$ and a chord which bears South
 $81^{\circ}16'03''$ West 802.25 feet to THE TRUE POINT OF BEGINNING.

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EXHIBIT "B"

Department of Water Resources

Taxes subsequent to the year 1998, which are not yet due or payable.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by F. F. Gunning and Irene Gunning, husband and wife, to Idaho Power Company, a corporation, dated April 25, 1969, recorded January 19, 1970 as Instrument Number 30809, Gooding County records, affecting the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, both in Section 25, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, all in Township 7 South, Range 16, East Boise Meridian.(Part of Parcel 2 and 6)

Power Line Easement given by F. F. Gunning and Irene E. Gunning, husband and wife, to Idaho Power Company, a corporation, dated March 26, 1970, recorded May 20, 1970 as Instrument Number 32017, Gooding County records, affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 25, Township 7 South, Range 15, East Boise Meridian (Part of Parcel 2).

Power Line Easement given by F. F. Gunning and Irene E. Gunning, husband and wife, to Idaho Power Company, a corporation, dated March 26, 1970, recorded May 20, 1970 as Instrument Number 32617, Gooding County records, affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 25, Township 7 South, Range 15, East Boise Meridian.(Part of Parcel 2)

Power Line Easement given by F. F. Gunning and Irene E. Gunning, husband and wife, to Idaho Power Company, a corporation, dated September 27, 1971, recorded November 15, 1971 as Instrument Number 37740, Gooding County records, affecting the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 7 South, Range 16, East Boise Meridian.(Parcel 6)

Power Line Easement given by F. F. Gunning and Irene E. Gunning, husband and wife, to Idaho Power Company, a corporation, dated September 27, 1971, recorded January 17, 1972 as Instrument Number 38668, Gooding County records, affecting the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 7 South, Range 16, East Boise Meridian.(Parcel 1)

Power Line Easement given by F. F. Gunning and Irene Gunning, husband and wife, and Clyde Petersen and Nina Petersen, husband and wife, to Idaho Power Company, dated April 12, 1972, recorded October 10, 1972 as Instrument Number 42275, Gooding County records, affecting Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 7 South, Range 16, East Boise Meridian.(Parcel 6)

Power Line Easement given by F. F. Gunning and Irene Gunning, husband and wife, Clyde Petersen and Nina Petersen, husband and wife, to Idaho Power Company, a corporation, dated October 19, 1972, recorded January 29, 1973 as Instrument Number 43789, Gooding County records, affecting the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 7 South, Range 16, East Boise Meridian. (Parcel 1)

Power Line Easement given by F. F. Gunning and Irene E. Gunning, husband and wife, to Idaho Power Company, a corporation, dated March 27, 1973, recorded March 22, 1974 as Instrument Number 49409, Gooding County records, affecting the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 7 South, Range 16, East Boise Meridian. (Parcel 3)

Power Line Easement given by F. F. Gunning and Irene E. Gunning, husband and wife, to Idaho Power Company, a corporation, dated May 5, 1974, recorded December 24, 1975 as Instrument Number 57507, Gooding County records, affecting the NE $\frac{1}{4}$ SE $\frac{1}{4}$ South of the Canal in Section

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19 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 30, all in Township 7 South, Range 16, East Boise Meridian. (Parcel 3)

Power Line Easement given by Hazel B. Churchman, a single person, to Idaho Power Company, a corporation, dated May 5, 1974, recorded January 14, 1976 as Instrument Number 57743, Gooding County records, affecting the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, Township 7 South, Range 16, East Boise Meridian. (Parcel 3)

Power Line Easement given by Clyde C. Petersen and Nina Petersen, husband and wife, to Idaho Power Company, a corporation, dated April 26, 1974, recorded February 18, 1976 as Instrument Number 58253, Gooding County records, affecting the NE $\frac{1}{4}$ SE $\frac{1}{4}$ South of the Canal in Section 19 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 30, all in Township 7 South, Range 16, East Boise Meridian. (Parcel 3)

Underground Power Line Easement given by F. F. Gunning and Irene E. Gunning, husband and wife, to Idaho Power Company, a corporation, dated March 19, 1976, recorded November 15, 1976 as Instrument Number 61955, Gooding County records, affecting Lot 2 of Section 31, Township 7 South, Range 16, East Boise Meridian. (Parcel 1)

Road Easement Agreement by and between Francis F. Gunning and Irene E. Gunning, husband and wife, and F. F. Gunning, Inc., an Idaho Corporation, the first parties, and Gail C. Gunning and Susan E. Gunning, husband and wife, the second parties, dated September 19, 1977, recorded November 2, 1977 as Instrument Number 67208, Gooding County records, wherein the first parties grant unto the second parties an easement 30 feet in width, over and across a portion of Sections 24 and 25, Township 7 South, Range 15, East Boise Meridian, for the purpose of installation, operation and maintenance of a road providing access to the property owned by the second parties located in the S $\frac{1}{2}$ of Section 19, Township 7 South, Range 16, East Boise Meridian. (Part of Parcel 2)

Easement for irrigation canal contained in Warranty Deed given by Ida-Gro, Inc., an Idaho corporation, to Arkoosh & Zidan, Inc., an Idaho corporation, dated January 3, 1981, recorded April 6, 1981 as Instrument Number 88718, Gooding County records. (Parcel 3)

Easement for ingress and egress as set forth in Warranty Deed dated January 3, 1981, recorded April 6, 1981 as Instrument Number 88720, Gooding County records, over a 30.00 feet wide strip of land, across the E $\frac{1}{2}$ of Section 25, lying 15.00 feet on each side of the following described centerline:

(Parcel 2)

Beginning at the Southwest corner of said E $\frac{1}{2}$, Section 25;
Thence South 89°48'02" East, 15.00 feet along the Southerly boundary of said E $\frac{1}{2}$, Section 25 to THE TRUE POINT OF BEGINNING;
Thence North 0°00'23" West, 3620.47 feet parallel with and 15.00 feet Easterly from the Westerly boundary of said E $\frac{1}{2}$, Section 25 to a point 35.00 feet at right angles from the centerline of the "W" Canal;
Thence parallel with and 35.00 feet Southeasterly of the centerline of said "W" Canal the following courses and distances:
North 26°08'31" East, 156.42 feet;
North 65°27'38" East, 107.19 feet;
North 89°25'28" East, 256.86 feet;
North 52°12'20" East, 102.23 feet to a point opposite a wood bridge across said "W" Canal;
Thence North 60°30'40" West, 70.00 feet to a point 35.00 feet Northwesterly at right angles to the centerline of said "W" Canal;
Thence North 29°29'20" East, 1371.87 feet parallel with and 35.00 feet Northwesterly from the centerline of said "W" Canal to a point on the Northerly boundary of said E $\frac{1}{2}$, Section 25 bearing South 89°48'10" East, 1298.71 feet from the Northwest corner of said NE $\frac{1}{4}$.

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Department of Water Resources

Terms and conditions of an existing road and non-exclusive easement for ingress and egress and access easement for pump and well and easement for purpose of farming as disclosed in Paragraph 7 and 8 of an agreement between F. F. Gunning, Inc.; Arkoosh & Zidan, Inc.; and Arkoosh Produce, Inc., dated November 5, 1992, recorded April 30, 1993 as Instrument Number 152498, Gooding County records.(Parcel 3)

Subject to an non-exclusive Easement 20 feet in width for access and utilities and Subject to an easement for well and pump access as described in Non-Merger Warranty Deed given by Arkoosh & Zidan, Inc., an Idaho corporation, and Arkoosh Produce, Inc., an Idaho corporation, to F. F. Gunning, Inc., an Idaho corporation, dated November 5, 1992, recorded April 30, 1993 as Instrument Number 152499, Gooding County records. (Parcel 3)

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MAY 24 2000

WARRANTY DEED

RECEIVED #GJ-27514

DEC 2 1999

Department of Water Resources

For Value Received

F.F GUNNING and IRENE GUNNING, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

LUIS M. BETTENCOURT, a single man
Address: P. O. Box 587, Jerome, ID 83338

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

See attached Exhibit A

TOGETHER WITH all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Also subject to exceptions shown on Exhibit B attached hereto.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 7, 1999

F. F. Gunning
F. F. Gunning

Irene Gunning
Irene Gunning

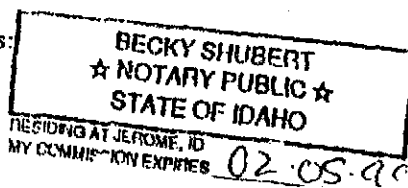
STATE OF IDAHO)
COUNTY OF Gooding) ss.
Jerome)

On this 7th day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared F.F. Gunning and Irene Gunning, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Becky Shubert
Notary Public
Residing at:
My Commission expires:

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MAY 24 2000



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DEC 2 1999

Department of Water Resources

EXHIBIT "A"

PARCEL NO. 4

TOWNSHIP 7 SOUTH, RANGE 16 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 19: The West portion of Lot 3 and the West portion of Lot 4 lying North of the "W" Canal of the North Side Canal Company, Limited.

EXCEPTING THEREFROM that part described as follows:

Beginning at the Northeast corner of said Section 19;
Thence South 0°14'06" East 1320.72 feet to the Northeast corner of said SE¼NE¼ of Section 19, THE TRUE POINT OF BEGINNING;
Thence South 0°14'06" East 1320.72 feet to the Northeast corner of said S½ of Section 19;
Thence South 0°27'06" East 933.56 feet to the center of an irrigation canal;
Thence along the center of said irrigation canal the following courses and distances:
 South 61°51'09" West 539.27 feet;
Thence South 22°32'26" West 139.20 feet to the Northerly boundary of the SE¼SE¼ of Section 19;
Thence leaving said irrigation canal, North 89°50'00" West, 786.95 feet to the Northwest corner of said SE¼SE¼;
Thence South 0°23'09" East 159.27 feet along the Westerly boundary of said SE¼SE¼ to the center of said irrigation canal;
Thence along the center of said irrigation canal the following courses and distances:
 South 74°31'08" West 800.26 feet;
Thence South 46°53'21" West, 139.86 feet;
Thence South 19°07'45" East, 166.90 feet;
Thence South 45°28'38" West, 580.30 feet;
Thence South 39°38'16" West, 237.06 feet;
Thence South 71°56'55" West, 158.48 feet;
Thence North 70°11'10" West, 471.28 feet;
Thence North 58°33'42" West, 375.84 feet;
Thence North 68°09'15" West, 176.29 feet;
Thence North 83°57'22" West, 433.21 feet;

- Continued -

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DEC 2 1999

CONTINUATION

Department of Water Resources

Thence leaving said canal North $0^{\circ}05'33''$ East 2130.25 feet parallel with the Westerly boundary of said $S\frac{1}{2}$ of Section 19 to the Northerly boundary of said $S\frac{1}{2}$ of Section 19;

Thence South $89^{\circ}45'02''$ East 2879.44 feet to the Southwest corner of said $SE\frac{1}{4}NE\frac{1}{4}$ of Section 19;

Thence North $0^{\circ}16'40''$ West 1319.89 feet to the Northwest corner of said $SE\frac{1}{4}NE\frac{1}{4}$;

Thence South $89^{\circ}47'13''$ East 1318.31 feet to THE TRUE POINT OF BEGINNING.

REPROFILMED

APR 4 2000

DEC 2 1999

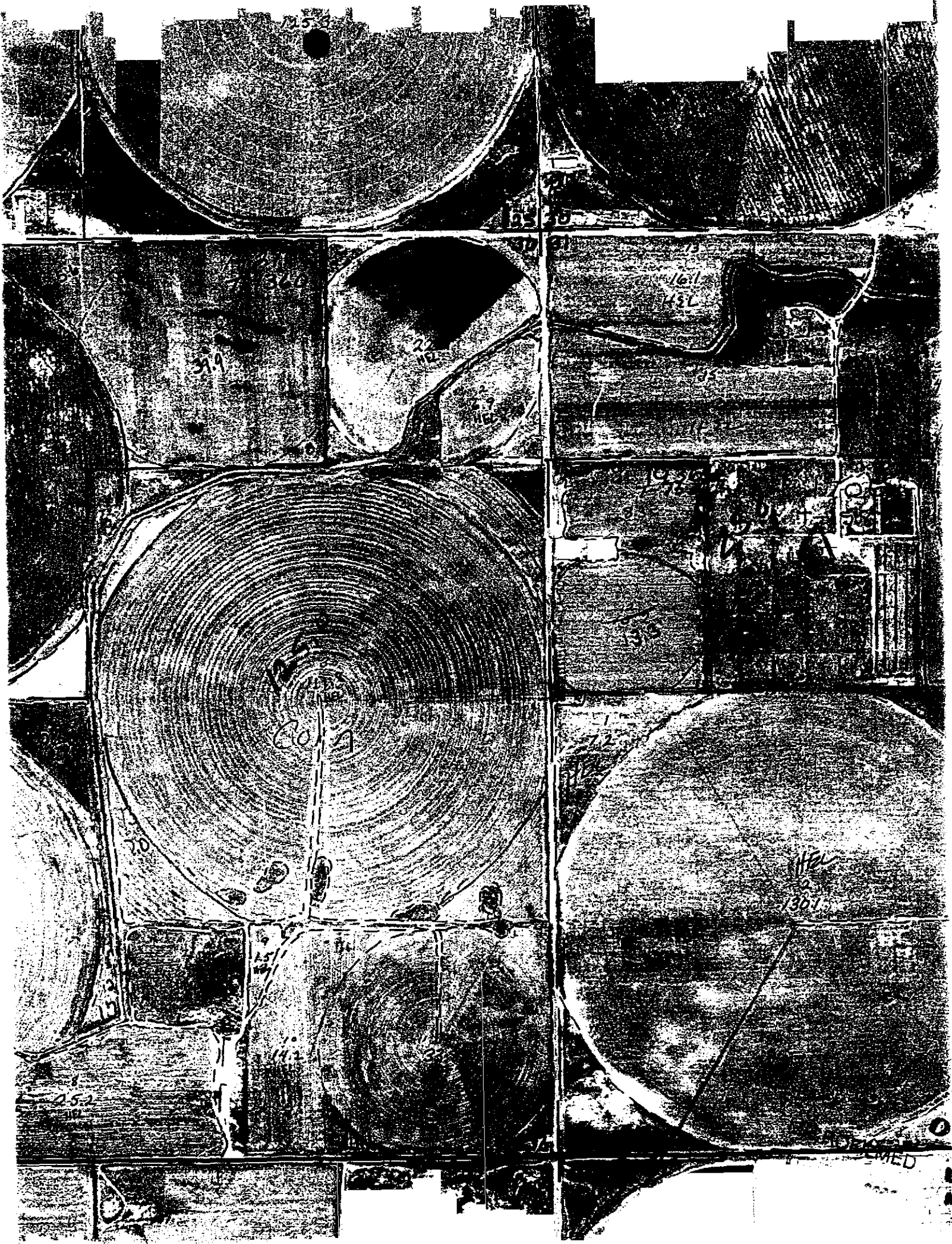
EXHIBIT "B"

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

STATE OF IDAHO COUNTY OF BOONWILL
LAND TITLE & ESCROW
Filed for record at the county of _____
_____ 2002

Filed for record at the court at 4
52 of 1000 1 10:00 P.m. Mda 22nd
of January 1999 12:00
By Penny Archibald Deputy

MICROFILMED
MAY 24 2000



R-15E R-15E

10017-1103

23 24

7-723

1936

HE 290

24 19
25 30

HE 223.17

HE 92

1710
1588

Transferred to

Devonshire County

Bethensworth

490

HE 33

HE 62

10 27

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-15275

1996 DEC 10 PM 2:54
DISTRICT COURT - SRB
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: IRENE GUNNING
F F GUNNING
PO BOX 716
WENDELL ID 83355

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 2,500
GALLONS PER DAY.

PRIORITY DATE: 06/14/1971

POINT OF DIVERSION: T07S R16E S31 LOT 2 (NWSNW)

Within GOODING County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
DOMESTIC POTATO CELLAR

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE: DOMESTIC Within GOODING County
T07S R16E S31 Lot 2 (SWNW)

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: DEC 10 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

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

DATED: DEC 10 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

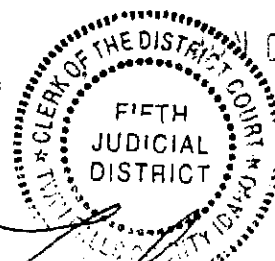
PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-15275

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

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24 2000



PAGE 1
NOV-26-1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

December 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LUIS M BETTENCOURT
PO BOX 587
JEROME ID 83338

RE: Decreed Water Right 36-15275

Dear Mr. Bettencourt:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed 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 the department if you have questions.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

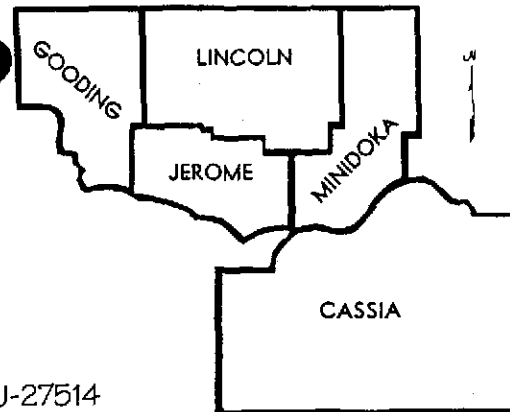
Enclosure

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MAY 24 2000

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



RECEIVED

DEC 2 1999

Department of Water Resources

September 8, 1997

State of Idaho
Department of Water Resources
Southern Region
1341 FILLMORE SUITE 200
Twin Falls, Idaho 83301-3380

REFER TO: GJ-27514
OFFICE: Gooding

RECEIVED
JAN 27 1999
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Gunning to Bettencourt
Cert. Mail #Z 380 159 368

Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 178867 & 178868
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.

Keri Craig

Keri Craig

(208) 934-8477

P.O. Box 473, 546 Main Street

Gooding, Idaho 83330

CC:

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0608 - FAX 438-1189

MICROFILMED

MAY 24 2000