

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

(208) 251-6850 cell

1. Name of Applicant JT, LLC Phone (208) 747-3953

Mailing address 1990 N. 4000 W. DAYTON, ID 83232

2. Source of water supply GW which is a tributary of \_\_\_\_\_

3. Location of point of diversion is Township 15 S Range 38 E Sec. 11, in the NW  $\frac{1}{4}$ ,  
NW  $\frac{1}{4}$ , \_\_\_\_\_  $\frac{1}{4}$ , Govt. Lot \_\_\_\_\_, B.M., FRANKLIN County;

additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 1.0 for IRIGATION purposes from 4-1 to 10-31 (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)  
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)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.0 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source 40 HP SUB. PUMP  
20' DEEP STATIC WATER

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet

c. Proposed well diameter is 16" inches; proposed depth of well is 300 feet

d. Is ground water with a temperature of greater than 85°F being sought? \_\_\_\_\_

e. If well is already drilled, when? 2003; Drilling firm VOHMER DRILLING;  
Well was drilled for (well owner) BRICE CHECKETTS; Drilling Permit No. D0026889

7. Time required for completion of works and application of water to proposed beneficial use is \_\_\_\_\_ years (minimum 1 year)

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. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. \_\_\_\_\_
- e. Other; describe fully. \_\_\_\_\_

3. 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 | RGE | SEC | NE |       |      |    | NW   |     |     |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|-------|------|----|------|-----|-----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW    | SW   | SE | NE   | NW  | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 155 | 38E | 1   |    | 31.31 |      |    |      |     |     |    |    |    |    |    |    |    |    |    | 73.9   |
|     |     | 11  |    | 25    | 34.2 |    | 39.5 | 9.2 | 4.6 | 36 |    |    |    |    |    |    |    |    | 73.9   |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |       |      |    |      |     |     |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated 73.9

P/O 13-7629

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? JT, LLC

b. Who owns the land to be irrigated or place of use? JT, LLC

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_

12. Remarks: \_\_\_\_\_

Mitigation: Lic 13-2164 and 20 shares in West Cache Irrigation Co.  
see attached Mitigation PLAN

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Ally C Johnson  
 Signature of Applicant (and title, if applicable)

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ 250.00 Received by W. Roper Warner # ED29547 Date 2/20/04  
 Publication prepared by SL Date 12/15/2004 Published in Preston Citizen  
 Publication approved \_\_\_\_\_ Date \_\_\_\_\_

Point of Diversion

9.2

39.5

25.0

4.6

36.0

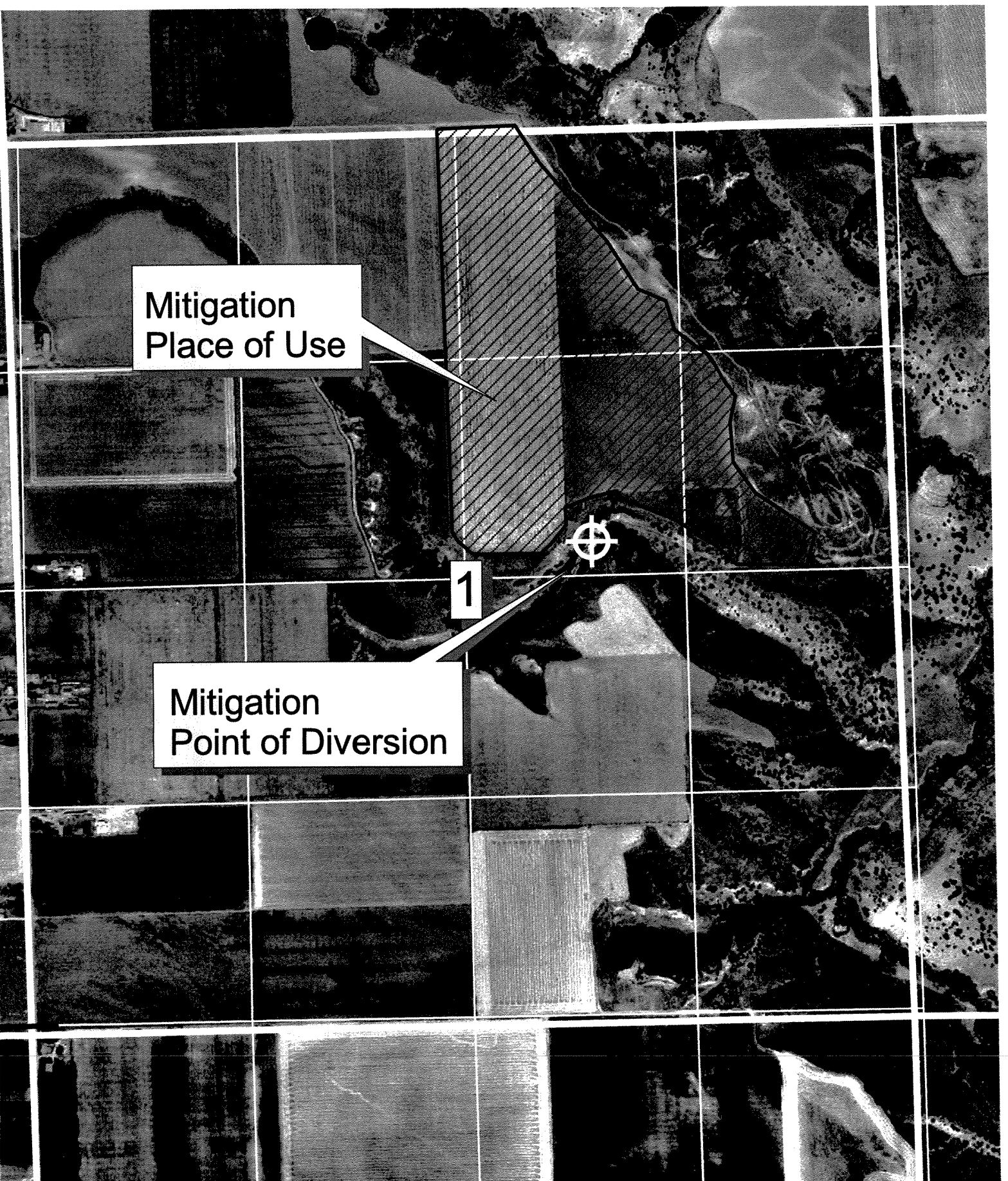
34.2

Place of Use

11

New application P/U & P/D  
13-2164 used as Mitigation

**Sec 11, T15S, R28E**



Mitigation  
Place of Use

1

Mitigation  
Point of Diversion

**T15S, R38E, Sec 1**

**13-2164**

|                                                                                                                                                                                      |                     |                                                                                                                                                                                                              |                                                                                                                    |                                                                                                                                                     |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>No. W 3587</b><br>Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>         RECEIVED BY DUE DATE</b> |                     | <b>Due no later than February 23, 2004<br/>         Annual Report Form</b><br>1. Mailing Address: (Correct in this box. If applicable)<br>J7, LLC<br>JEFFREY C. JOHNSON<br>1990 N 4000 W<br>DAYTON, ID 83232 |                                                                                                                    | 2. Registered Agent and Office <b>NO PO BOX</b><br>JEFFREY C. JOHNSON<br>1990 N 4000 W<br>DAYTON, ID 83232<br><br>3. New Registered Agent Signature |            |
| 4. Limited Liability Companies: Enter Names and Addresses of Managers.                                                                                                               |                     |                                                                                                                                                                                                              |                                                                                                                    |                                                                                                                                                     |            |
| <u>Office held</u>                                                                                                                                                                   | <u>Name</u>         | <u>Street or P.O. Address</u>                                                                                                                                                                                | <u>City</u>                                                                                                        | <u>State</u>                                                                                                                                        | <u>Zip</u> |
| MANAGER                                                                                                                                                                              | JEFF JOHNSON        | 1990 N 4000 W.                                                                                                                                                                                               | DAYTON                                                                                                             | ID                                                                                                                                                  | 83232      |
| MEMBER                                                                                                                                                                               | CLARENCE FUNK TRUST | 5370 BURFORD ST.                                                                                                                                                                                             | SAN DIEGO                                                                                                          | CA                                                                                                                                                  | 92111      |
|                                                                                                                                                                                      | REED FUNK MEM.      | 4 DELWARE DR.                                                                                                                                                                                                | EAST BRUNSWICK                                                                                                     | NJ                                                                                                                                                  | 08816      |
|                                                                                                                                                                                      | DONNA FUNK MEM.     | "                                                                                                                                                                                                            | "                                                                                                                  | "                                                                                                                                                   | "          |
| 5. Organized Under the Laws of:<br>IDAHO<br>W 3587                                                                                                                                   |                     |                                                                                                                                                                                                              | 6. Signature <u>Jeffrey C. Johnson</u> Date <u>12/11/03</u><br>Name <u>JEFFREY C. JOHNSON</u> Title <u>MANAGER</u> |                                                                                                                                                     |            |
| Issued 12/01/2003                                                                                                                                                                    |                     |                                                                                                                                                                                                              | Do Not Tape or Staple                                                                                              |                                                                                                                                                     |            |

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## SETTLEMENT AGREEMENT

This AGREEMENT is made this 6<sup>th</sup> day of February, 2004, by and between J7, L.L.C., an Idaho limited liability company and successor in interest to Grass Valley Enterprises ("J7") and PACIFICORP, an Oregon corporation doing business in Idaho ("PacifiCorp").

WHEREAS, J7 owns 20 shares of stock in West Cache Irrigation Company, a Utah corporation doing business in Idaho ("West Cache");

WHEREAS, J7 diverts up to 1.0 cfs of water from an unnamed spring that is tributary to Deep Creek for the irrigation of 73.9 acres of real property located in Section 1, Township 15S, Range 38E of the Boise Meridian (the "Real Property") pursuant to water rights owned by West Cache under J7's 20 shares of stock;

WHEREAS, J7 seeks to divert up to 1.0 cfs of water from a proposed underground well located in Section 11, Township 15S, Range 38E of the Boise Meridian for the purpose of irrigating the Real Property;

WHEREAS, an Application for Permit No. 13-7546 was filed before the Department of Water Resources of the State of Idaho by Grass Valley Enterprises and Jeffrey C. Johnson as the applicant. The Application proposed to divert up to 1.0 cfs of water from an underground well for the irrigation of the Real Property;

WHEREAS, PacifiCorp filed a protest with the Department of Water Resources, State of Idaho concerning Application for Permit No. 13-7546;

WHEREAS, ground water and surface water in the Bear River Basin may be hydrologically interrelated and new applications to appropriate and consumptively use ground water could, in some years, impair prior appropriated surface rights and result in increased storage water withdrawal from Bear Lake;

WHEREAS, under the Idaho Ground Water Management Plan, new Applications for Permit must present a mitigation plan to insure that the proposed use will not impair any existing water rights.

WHEREAS, on or about December 11, 2003, J7 and West Cache entered into a Settlement Agreement concerning their respective rights and duties and addressing the mitigation plan for the proposed underground well. A copy of the Settlement Agreement is attached as Exhibit A:

WHEREAS, J7 and PacifiCorp wish to resolve their dispute, including the protest to Application for Permit No. 13-7546 without increasing depletions to the Bear River Basin;

NOW THEREFORE, in and for the mutual promises of the parties and other good and valuable consideration, the parties agree as follows:

1. J7 will file a new Application for Permit with the Idaho Department of Water Resources to appropriate 1.0 cfs of water from an underground well for the irrigation of the Real Property. The Real Property shall be identified as the identical 73.9 acres of real property described in the Application for Permit No. 13-7546.

2. As part of the new Application for Permit filed by J7, J7 will submit a mitigation plan which includes the following covenants:

a. J7 will cease diverting water from the present point of diversion from the spring that is tributary to Deep Creek and will not irrigate the Real Property with water from said source,

b. The existing diversion dam will be breached and the water previously diverted from this source and used to irrigate the Real Property will be allowed to flow downstream to Deep Creek and the Bear River.

3. PacifiCorp agrees not to protest the new Application for Permit if it is submitted as set forth herein. PacifiCorp will use its best efforts to persuade other potential protestants to refrain from protesting the new Application for Permit.

4. At such time as the new Application for Permit is approved by the Idaho Department of Water Resources, J7 will withdraw the Application for Permit No. 13-7546.

5. J7 agrees to continue to pay assessments made by West Cache with respect to the 20 shares of stock.

6. J7 agrees to limit the amount of water pumped from the well to a maximum flow of 1.0 cfs. In addition, J7 shall install a totalizing flow meter on the well and keep records of diversion. J7 agrees to limit the total volume of water pumped for the irrigation of the Real Property to a maximum annual volume of 258.65 acre feet.  $\frac{258.65}{73.9} = 3.5 \text{ ac ft}$

7. This Agreement shall be binding on the parties and their respective heirs, legal representatives, agents, successors in interest and assigns and shall inure to the benefit of such persons.

8. Each party agrees to cooperate with the other in preparing and filing the necessary documents, or take other actions, to properly achieve the purposes of this Settlement Agreement.

EXECUTED on the date first above written.

J7, LLC

By: Jeffrey C Johnson  
Jeffrey C. Johnson, Member

PACIFICORP

By: Les Lewis

Its: Executive Vice President

**J7, LLC****1990 N 4000 W****Dayton, Idaho 83232**

22 November 2003

West Cache Canal Company Directors,

Thank you for taking time during your last board meeting to listen to my proposal. Glade's suggestion for me to meet directly with IDWR personnel resulted in a very productive meeting last Thursday (November 20, 2003). Those in attendance were Roger Warner (Water Rights Supervisor- IDWR), Jody Williams (attorney - Pacificorp), Dr. Bob Hill (consultant - Pacificorp), Ray Buttars (West Cache Canal Co. - director) and Jeff Johnson (permit applicant). Together, we came up with a plan to address concerns about my proposal to drill an irrigation well.

1. J7, LLC (Jeff Johnson) will apply for a new permit to drill a well. A mitigation plan will be included with this application for permit. West Cache Canal Co. can not apply for this permit because my property is not located in your "land list".
2. J7, LLC will provide mitigation by no longer diverting water from its current Deep Creek source. The pumping station will be removed and the dam will be breached.
3. The new water right will be based upon the same 73.9 acres.
4. Water from the new well will be measured.
5. J7, LLC will continue to own and pay assessment on 20 shares of West Cache Canal Co. water stock. This water will be considered mitigation water.
6. An agreement will be made which requires J7, LLC and future land owners to own shares of West Cache Canal Co. for the Deep Creek mitigation water. Enclosed you will find a draft agreement for your review.

Please review the enclosed draft agreement. Call me if you have comments or suggestions for improving this document. I prefer to keep this document thorough but simple. If this mitigation plan goes through as outlined, then signing this document is the only involvement West Cache Canal Co. will have. This simplifies it for each of us. Thanks again for your help and support.

Respectfully yours,

Jeffrey C. Johnson

Copy: Reed Funk, Clarence Funk, Jody Williams,  
Ed Cottle, Ray Buttars, Joe Larsen, Shane Munk, Glade Griffin, Brad McKnight.

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November 22, 2003

**SETTLEMENT AGREEMENT**

THIS SETTLEMENT AGREEMENT is made and entered into this day \_\_\_\_\_ day of November 2003 by and between West Cache Irrigation Company, a Utah Corporation doing business in Idaho (West Cache) and J7, LLC, an Idaho Limited Liability Company (J7).

Whereas, West Cache owns water rights in the Bear River and in Deep Creek, a tributary to the Bear River; and

Whereas J7 currently owns twenty shares of stock in West Cache and pursuant to the shares pumps one cfs of water from and unnamed spring that is a tributary to Deep Creek for the purpose of irrigating 73.9 acres of land; and

Whereas J7 filed Application for Permit number 13-07546 to divert one cfs of water from an irrigation well located in Section 11, Township 15 South, Range 38 East of the Boise meridian for the purpose of irrigating 73.9 acres of land; and

NOW THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the Parties agree as follows:

1. J7 will mitigate the impact of the proposed underground well by allowing the water representing it's 20 shares of West Cache, Deep Creek water to flow past the historical point of diversion and into the Bear River.
2. J7 will use the West Cache water for mitigation; therefore, J7 agrees to maintain and pay the normal annual assessment to West Cache.
3. This agreement will be binding upon J7 and future property owners,
4. Both parties agree to cooperate with each other in good faith and prepare and file any necessary document, or take other actions in a timely manner to promptly achieve the purposes of this Settlement Agreement.

WEST CACHE IRRIGATION COMPANY

J7, LLC

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Joe Larsen, President

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Jeffrey C. Johnson, Member

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Ed Cottle, Secretary

## Mitigation Plan

## Mitigation Plan

This mitigation plan submitted by J7, LLC an Idaho Limited Liability Company (J7) is to accompany the application for permit # 13-7649.

Whereas, J7 owns 20 shares of stock in West Cache Irrigation Company, a Utah corporation doing business in Idaho (West Cache);

Whereas, J7 diverts up to one cfs of water from an unnamed spring that is tributary to Deep Creek for the irrigation of 73.9 acres of real property located in Section one, T 15 S, R 38 E of the Boise Meridian (the Real Property) pursuant to water rights owned by West Cache under J7's 20 shares of stock;

Whereas, J7 seeks to divert up to one cfs of water from an underground well located in Section 11, T 11 S, R 38 E, of the Boise Meridian for the purpose of irrigating the Real Property;

Whereas, an Application for Permit No. 13-7546 was filed before the Department of Water Resources of the State of Idaho by Grass Valley Enterprises and Jeffrey C. Johnson as the applicant. The Application proposed to divert up to one cfs of water from an underground well for the irrigation of the Real Property;

Whereas, several groups filed protest with the Department of Water Resources, State of Idaho concerning Application for Permit No. 13-7546;

Whereas, ground water and surface water in the Bear River Basin may be hydrologic ally interrelated and new applications to appropriate and consumptively use ground water could, in some years, impair prior appropriated surface rights and result in increased storage water withdrawal from Bear Lake;

Whereas, under the Idaho Ground Water Management Plan, new Applications for Permit must present a mitigation plan to insure that the proposed use will not impair any existing water rights;

Whereas, J7 and those protesting the Application for Permit No. 13-7546 wish to resolve their dispute without increasing depletions to the Bear River Basin;

Now therefore, in and for the mutual promises of the parties and other good and valuable consideration, the parties agree as follows subject to approval by Idaho Department of Water Resources:

1. This new Application for Permit with the Idaho Department of Water Resources will be filed to appropriate 1.0 cfs of water from an underground well located in Section 11, T 15 S, R 24 E of the Boise Meridian for the irrigation of 73.9 acres described as Real Property.
2. J7 will cease diverting water from the present point of diversion from the spring that is tributary to Deep Creek and will not irrigate the Real Property with water from said source.
3. The existing diversion dam will be breached and the water previously diverted from this source will be allowed to flow downstream to Deep Creek and the Bear River.
4. J7 agrees to continue to pay assessments made by West Cache with respect to the 20 shares of stock.
5. J7 agrees to limit the amount of water pumped from the well to a maximum flow which will not exceed the water rights.
6. This agreement shall be binding on the parties and their respective heirs, legal representatives, agents, successors in interest and assigns and shall inure to the benefit of such persons.

J7, LLC by

-----  
Jeffrey C Johnson

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Holme Roberts & Owen LLP  
*Attorneys at Law*

SALT LAKE CITY

February 16, 2004

BOULDER

J7, L.L.C.  
c/o Jeff Johnson  
19 South State Street  
Preston ID 83263

Re: Settlement of Water Right Protest

COLORADO SPRINGS

Dear Jeff:

DENVER

Enclosed please find a fully executed agreement between J7, L.L.C. and PacifiCorp settling PacifiCorp's protest to your prior application, (Water Right No. 13-7546). You are now ready to file your new application for 1.0 cfs to irrigate 73.9 acres. Upon its approval, you must withdraw the old application and notify PacifiCorp that you have done so. Please notify Idaho Dept. of Water Resources of this settlement and the mitigation plan.

LONDON

By copy of this letter, PacifiCorp is notifying the U.S. Fish and Wildlife Service and the Bear River Water Users Association of its settlement and agreement not to protest the new application. PacifiCorp encourages the Bear River Water Users, Bear Lake Watch and the U.S. Fish and Wildlife Service not to protest your new application so long as it conforms to the principles outlined in the Settlement Agreement.

MUNICH

Thank you for all of your help and cooperation.

Very truly yours,

SAN FRANCISCO

  
Jody L. Williams

cc: Jeff Richards (w/enclosure)  
Roger Rigby (w/one original)  
Connely Baldwin (w/enclosure)  
Cheryl Williss (w/enclosure)  
Brent Rose (w/enclosure)  
Kandy Budge (w/enclosure)  
Dave Cottle (w/enclosure)

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Recorded at the request of  
Jay R. McKenzie

a.m. MAY 02 1995 1:05 p.m.

**WARRANTY DEED****FOR VALUE RECEIVED**V. ELLIOTT LARSEN, RECORDER  
By Shauna Giddens Deputy  
FRANKLIN COUNTY, IDAHO

**VERN O. CURTIS, Trustee of THE VERN O. CURTIS SEPARATE PROPERTY TRUST, by and through his Agent and Attorney in Fact, BOYD GOODRICH, as appointed in the Power of Attorney dated March 9, 1995, and recorded April 26, 1995, as Instrument No. 193306, records of Franklin County, Idaho,**

the grantor, does hereby grant, bargain, sell and convey unto

**GRASS VALLEY ENTERPRISE, an Idaho General Partnership,**

whose current address is: c/o Jeffrey C. Johnson  
1990 North 4000 West  
Dayton, Idaho 83232

the grantee, the following described premises, in Franklin County, Idaho, to-wit:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART  
HEREOF BY REFERENCE**

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

**DATED** this 26th day of April, 1995.

**THE VERN O. CURTIS SEPARATE  
PROPERTY TRUST**

Vern O. Curtis  
**VERN O. CURTIS, Trustee**

By: Boyd Goodrich  
**BOYD GOODRICH, Agent**  
Pursuant to that certain  
Power of Attorney dated 3/9/95  
and Recorded 4/26/95, as  
Instrument No. 193306  
records of Franklin County, Idaho

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## EXHIBIT "A"

Township 15 South, Range 38 East of the Boise Meridian, Franklin County, Idaho

Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , ALSO, Commencing at the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 11, and running thence North 562 feet, more or less, thence East 2428 feet, more or less, to the West line of the Oregon Short Line Railroad right of way, thence South 3024' East 562 feet, more or less, to the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 11, thence West 2466 feet, more or less, to the place of beginning.

ALSO, Commencing at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, and running thence East 2392 feet, more or less, to the West line of the Oregon Short Line Railroad right of way, thence South 3024' East along the West line of said right of way to a point 758 feet due South of the North line of said Section 11, thence West 2428 feet, thence North 758 feet to the place of beginning.

ALSO, Commencing at the Southwest corner of Section 11, and running thence North 1320 feet, thence East 3940 feet, more or less, to the West line of the Oregon Short Line Railroad right of way, thence Southerly along West line of said right of way to the South boundary line of said Section 11, thence West along said section line to a point 5.63 rods West of the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 11, thence North 450.78 feet, thence West 3865.45 feet, thence South 20 feet, thence East 1932.73 feet, thence South 430.78 feet, thence West 1932.73 feet to the point of beginning.

N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPTING THEREFROM: That portion occupied by the Oregon Short Line Railway right of way, and subject to rights conveyed to Oneida Irrigation District by Deed dated October 16, 1917, recorded in Book 18 of Deeds, page 592, records of Franklin County, Idaho.

ALSO, Commencing at the Northeast corner of the SW $\frac{1}{4}$  of Section 11, and running thence South 40 rods, thence West 160 rods, thence North 40 rods, thence East 160 rods to the place of beginning.

ALSO, Commencing at a point 40 rods South of the Northwest corner of the SW $\frac{1}{4}$  of Section 11, and running thence East 3900 feet, more or less, to the West line of the Oregon Short Line Railroad right of way, thence Southeasterly along said right of way 40 rods, more or less, to the South line of the N $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 11; thence West 3940 feet, more or less, to the West line of said Section 11, thence North 40 rods to the place of beginning.

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ALSO, S $\frac{1}{2}$ NW $\frac{1}{4}$ , EXCEPT the West 25 feet thereof.

ALSO, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , EXCEPT that portion lying East of the railroad.

ALSO, Commencing at a point 1932.73 feet East of the Southwest corner of Section 11, and running thence East 1932.72 feet, thence North 450.78 feet, thence West 3865.45 feet, thence South 20 feet, thence East 1932.73 feet, thence South 430.78 feet to the place of beginning.

LESS AND EXCEPTING:

Section 11: Commencing at the Northwest corner of Section 11, designated by a marker dated 1967 and bearing the inscription "Section Y376", which marker is set in the Twin Lakes Canal Company bridge abutment, thence East 52 feet; thence South 340 feet; thence East 158 feet; thence North 340 feet; thence East 788 feet; thence South 2475 feet; thence West 998 feet; thence North 895 feet; thence East 50 feet; thence North 40 feet; thence West 50 feet; thence North 1540 feet, to the point of beginning.

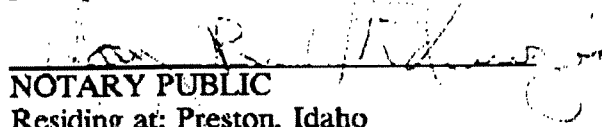
TOGETHER WITH an Easement for the existing irrigation mainline running along the West side of the real property described immediately above in the "LESS AND EXCEPTING" section. This Easement includes the right to use said mainline, and the right to repair, maintain, and replace the same, together with a right-of-way extending six feet on either side of the mainline for access to the line, and for maintenance, repair, or replacement thereof.

TOGETHER WITH Easements for three existing irrigation mainlines running from the pond in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of the real property described immediately above in the "LESS AND EXCEPTING" section. This easement includes the right to use said mainlines, and the right to repair, maintain, and replace the same, together with a right-of-way extending six feet on either side of the mainlines for access to the line, and for maintenance, repair, or replacement thereof.

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STATE OF IDAHO                    )  
                                          ) ss.  
COUNTY OF FRANKLIN            )

On this 26th day of April, 1995, before me, a Notary Public in and for said State, personally appeared BOYD GOODRICH, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of VERN O. CURTIS, trustee of THE VERN O. CURTIS SEPARATE PROPERTY TRUST, and acknowledged to me that he subscribed the name of VERN O. CURTIS thereto as principal, and his own name as agent and attorney in fact.

  
NOTARY PUBLIC

Residing at: Preston, Idaho

My Commission Expires: 11-16-97

