

RECEIVED

NOV 09 1995

Department of Water Resources  
Eastern District Office

Recorded at the request of S. Oscar Arnell Jr.: 3:00 P.M.: Jan. 22, 1957: Book 47 of Deeds  
at page 44.

By Nicky Bolton Deputy

Sam V. Tunks, Recorder.

Fee: \$1.50

No. 72806.

WARRANTY DEED

THIS INDENTURE, Made this 1st day of September, 1950 in the year of our Lord one thousand nine hundred and , between Walter Jones, single, and Lorin P. Jones, single of Malad, Idaho, County of Onda, State of Idaho the parties of the first part, and Ivan K. Rigby and Henry W. Rigby and Kay Rigby, of Pogram, County of Bear Lake, State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$45,000.00 DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the county of Bear Lake, State of Idaho, to-wit:

the South half of the South half of Section 23;  
the Southwest quarter of the Southwest quarter of Section 24;  
the Southwest quarter of the Northwest quarter of Section 25;  
the East half of the Northwest quarter of Section 26, and the East half of Section 26;  
the Northeast quarter of the Northwest quarter, the North half of the Northeast quarter, the Southeast quarter of the Northeast quarter, the Northeast quarter of the Southeast quarter, and all that portion of the Southwest quarter of the Northeast quarter, the Northwest quarter of the Southeast quarter, and the Southeast quarter of the Southeast quarter of Section 35; lying East of the Union Pacific Railroad right of way;

All of the above described property being situated in Township 14 South, of Range 45 East, of the Boise Meridian and subject to the right of way of the Union Pacific Railroad Co containing in all 900 acres, more or less

Together with 6 c.f.c of 1877 and 9 c.f.s. of 1880 to 1883 water rights on Bear River decreed to said land.

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Department of Water Resources  
Eastern District Office

the Southeast quarter of the Southeast quarter of Section 27; the Northeast quarter of the Northwest quarter of Section 34; all in Township 14 South, Range 45 East of the Boise Meridian, excepting therefrom any and all highway rights of way and pole line easements now in use or in anywise affecting said premises; and the Northwest quarter of the Northwest quarter of Section 36, Township 14 South, Range 45 East of the Boise Meridian.

\$49.50 Cancelled Documentary Stamps affixed.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal the day and year first above written.

Walter Jones (Seal)

Lorin P. Jones (Seal)

STATE OF IDAHO, )  
County of Oneida ) ss.

On this 1st day of September in the year 1950 before me T. E. Ray a Notary Public and for said State, personally appeared Walter Jones and Lorin P. Jones known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

T. E. Ray  
Notary Public for the State of Idaho,  
Residing at Maled, Idaho.

Recorded at the request of Ivan K. Rigby; 4:15 P.M.; Jan. 22, 1957; Book 47 of Deeds at page 84.

By Ruby Bolton Deputy  
Fee: \$1.75

Sam V. Tunks, Recorder.

No. 72807

WARRANTY DEED

THIS INDENTURE made this 25th day of July, 1956, by and between RALPH WINDLAY and WILLIAM WINDLAY, his wife, of Bloomington City, Bear Lake County, State of Idaho, Parties of the First Part, and MERLIN GLEED and CARMEN I. GLEED, his wife, of Bellevue, Idaho, Parties of the Second Part.

RTGBY  
Department of Water Resources  
Eastern District Office

Signed, Sealed and Delivered in the Presence of

\_\_\_\_\_ [SEAL]

\_\_\_\_\_ [SEAL]

\_\_\_\_\_ [SEAL]

\_\_\_\_\_ [SEAL]

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NOV 09 1995

STATE OF IDAHO,

COUNTY OF BEAR LAKE

On this

30<sup>th</sup>

day of December, in the year 1970

the undersigned

, a Notary Public

in and for said County and District Office

State, personally appeared IVAN K. RIGBY and JOSEPHINE W. RIGBY, husband and wife,

known to me to be the persons whose names are

subscribed to the within instrument, and acknowledged to me that they executed the same.

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

*[Signature]*  
Notary Public  
Residence *[Signature]*

**WARRANTY DEED**

Ivan K. Rigby and Josephine W. Rigby, husband and wife

TO

Kay Rigby and Joyce Rigby, husband and wife

Dated December 30, 1970

STATE OF IDAHO,  
COUNTY OF BEAR LAKE } ss:

I hereby certify that this instrument was filed for record at the request of

Joyce Rigby

at 20 minutes past 4

o'clock P.M., this 14th day of

June A.D. 1978.

at my office and duly recorded in Book

of Deeds at page

Betty Wallentine

Ex-Officio Recorder

By *[Signature]* Deputy

Fee, \$2.00

262

INDEXED

115632



152194

**SPECIAL WARRANTY DEED**

**RECEIVED**

NOV 09 1995

The Federal

Eastern District Office

The Grantor, Farm Credit Bank of Spokane, successor by merger to the  
Land Bank of Spokane, a corporation, for and in consideration of good and valuable  
consideration in hand paid, transfers and conveys to TRACY L. BAXTER and SHARON  
L. BAXTER, husband and wife, of 577 East 400 North, Preston Idaho, the Grantee, the  
following described real estate, situated in the County of Bear Lake, State of Idaho:

**Township 14 South, Range 45 East, Boise Meridian:**

- Section 23: S1/2 S1/2
- Section 24: SW1/4 SW1/4
- Section 25: NE1/4 NE1/4; SW1/4 NW1/4
- Section 26: E1/2; E1/2 NW1/4
- Section 27: SE1/4 SE1/4
- Section 34: NE1/4; E1/2 NW1/4; SW1/4 NW1/4
- Section 35: N1/2 NE1/4; SE1/4 NE1/4; NE1/4 NW1/4; NE1/4 SE1/4;  
and that part of the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4  
SE1/4 lying East of the Union Pacific Railroad Right of Way.
- Section 36: NW1/4 NW1/4

**Township 14 South, Range 46 East, Boise Meridian:**

- Section 6: Lot 7, SE1/4 SW1/4
- Section 7: Lots 1, 2, 3, 4; W1/2 NE1/4; E1/2 W1/2;  
NW1/4 SE1/4
- Section 18: Lots 1 and 2
- Section 19: Lots 1 and 4; E1/2 W1/2
- Section 30: Lot 2; NE1/4 NW1/4; and  
ALSO: Beginning at the Southwest Corner of Lot 4 of said  
Section 30, and running thence in a Northeasterly direction in  
a straight line to the Northeast Corner of Lot 3 of Said Section  
30; thence West along the North line of Lot 3 to the Northwest  
Corner thereof, thence South along the West line of Section 30  
to the Southwest Corner of Lot 4, the Point of Beginning.  
EXCEPT THEREFROM: That portion thereof lying within  
the boundaries of Highway No. 30 North.

The Grantor warrants against encumbrances suffered or created by the Grantor, free  
and clear of encumbrances except all taxes, assessments, and charges to be paid by the

152194

Grantee and any lien or encumbrance revived or placed on said premises by, through or under the Grantee and any other encumbrance or defect which the Grantee has assumed by reason of the terms and conditions of that certain Sale Agreement & Receipt for Earnest Money dated March 11, 1991.

Grantor hereby expressly grants and conveys unto Grantee, their successors and assigns forever, all water rights, oil, gas, hydrocarbons, coal or other minerals of whatsoever nature lying in or under the above described lands and all royalty interests as to oil, gas, and other minerals produced and saved therefrom which have not been previously reserved and which may be or upon said lands above described or any part thereof.

DATED This 1<sup>st</sup> day of April, 1991.

FARM CREDIT BANK OF SPOKANE

By Stephen D. Revis  
STEPHEN D. REVIS  
Sr. Credit Officer

STATE OF IDAHO           )  
                                  ss  
County of Bonneville    )

On this 1 day of April, 1991, before me, the undersigned Notary <sup>SDR</sup> Public in and for said county and state, personally appeared Stephen D. Revis, known or identified to me to be the Authorized Representative of The Farm Credit Bank of Spokane, the corporation that executed the foregoing instrument, and acknowledged to me that he executed the same on behalf of said corporation.

SPECIAL WARRANTY  
PAGE: 2  
05-06-02.086

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

(SEAL)

Ken Bisk  
NOTARY PUBLIC for Idaho

Residing at: Ord ID

Commission Expires: 12-1-94

'91 APR 1 PM 1 36  
Deirdre #9.22  
DEPUTY FEE

BEAR LAKE COUNTY RECORDER  
JOAN P. EBORN

152194

SPECIAL WARRANTY  
PAGE: 3  
05-06-02.086

**Section 42-243, Idaho Code, authorizes the filing of a claim to a water right established by diversion and application of water to beneficial use for domestic uses as defined in Section 42-111, Idaho Code. The filing of this claim does not confirm the water right claimed.**

Notice is hereby given that Rancho Del Arroyo / Tracy + Sharon Baxter  
(Name of Claimant)  
3000 Pegram Rd, Montpelier 83257 Telephone No: 208 847-2130  
(Mailing Address) (Zip Code)

**claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:**

1. Date of Priority: (When the water was first applied to beneficial use) 1948 Dec. 30  
*A claim is not acceptable on a surface water source with a priority later than May 20, 1971.*

- 2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)**

Spring tributary to Sinks

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|          | (cfs, af)   | (Domestic, Stock, Etc.) | (Both dates inclusive)        |                 |
|----------|-------------|-------------------------|-------------------------------|-----------------|
|          |             |                         | (Mo., Day)                    | (Mo., Day)      |
| Quantity | <u>0.01</u> | Use <u>Stockwater</u>   | Period of Use From <u>1-1</u> | to <u>12-31</u> |
| Quantity | <u>0.01</u> | Use <u>Domestic</u>     | Period of Use From <u>1-1</u> | to <u>12-31</u> |
| Quantity |             | Use                     | Period of Use From            | to              |

4. 0.01 TOTAL QUANTITY USED.  
(cfs, af) y

5. A) Location of point of diversion is <sup>\* NW</sup>~~NE~~ ¼ of NW ¼ of \_\_\_\_\_ ¼, Govt. Lot \_\_\_\_\_ Sec. 36 Township 14 S Range 45 E B.M. Bear Lake County; additional points of diversion if any: \_\_\_\_\_

**B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.** Spring

\* As per TREC with applicant 11-15-95 HWT

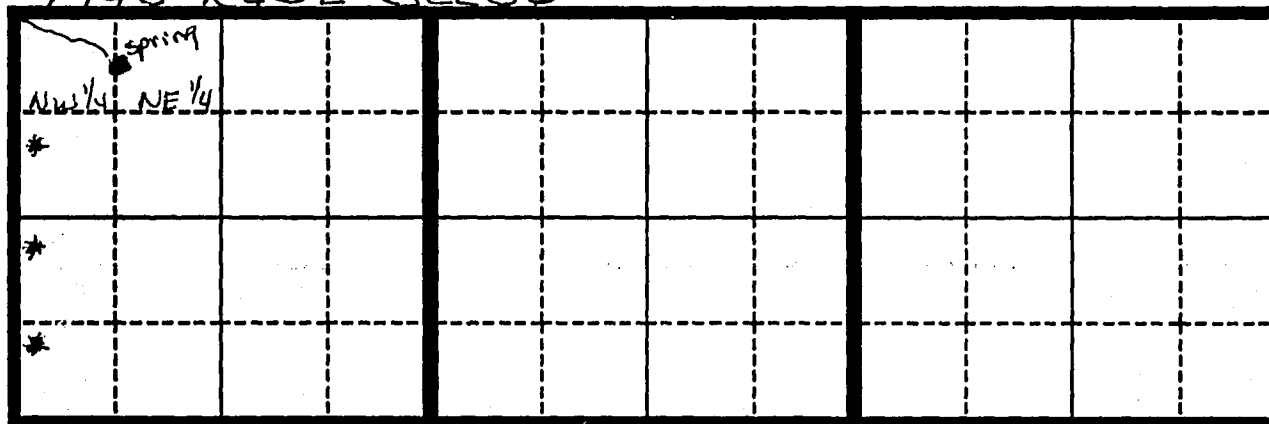
6. **A) Describe place of use within each 40-acre tract in the appropriate box using the following symbols in the appropriate tract. D - domestic, S - stockwater, X - other**

[illegible]

B) Fully describe the use, being as specific as possible: Watering of livestock  
& Domestic Use

NOTE: Include here the type and number of stock watered: Beef Cattle - 20 head

7. Remarks: We believe this is where spring is. We have  
not had land surveyed, we are going by Assessors  
map & what we were told when we purchased  
State land NW 1/4 SW 1/4, SW 1/4 \* See Attachments  
T14S R45E Sec 36



Scale: 2 inches equal 1 mile

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system. Attach an aerial photograph of the place of use if available.

State of Idaho )

County of Bear Lake ) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sharon Bafter  
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 1<sup>st</sup> day of November, 1995.

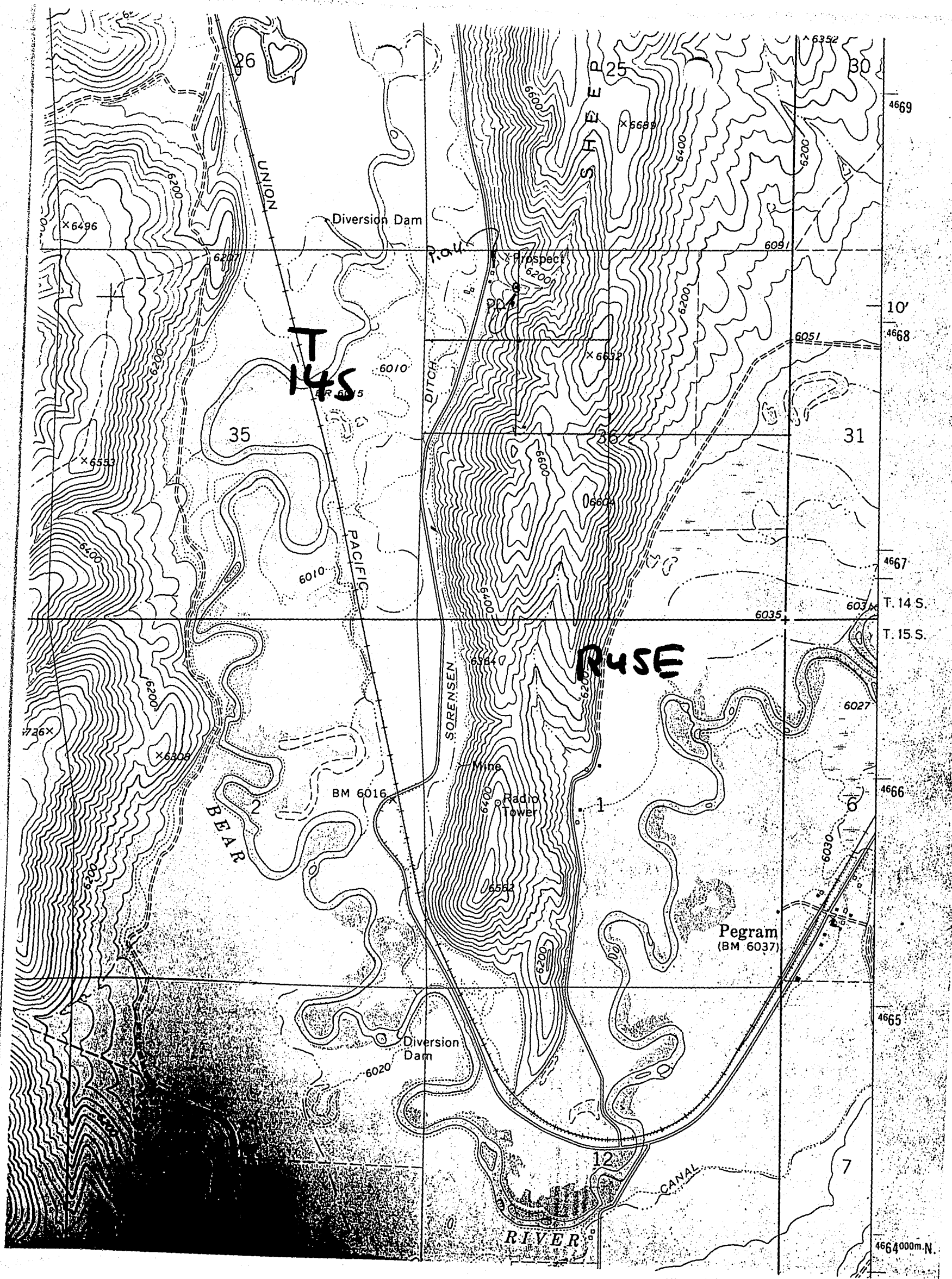
D  
R

Carlene Pennell  
Notary Public  
Residing at: Pegram Idaho

My commission expires: 6-10-99

FOR DEPARTMENT USE ONLY

Received by LK Date 11/9/95 Published in News Examiner  
Prelim. check by \_\_\_\_\_ Date \_\_\_\_\_  
\$100.00 receipted by HJ Date 11-9-95  
Receipt # 5021698  
Exceptions filed by \_\_\_\_\_ Dates 12-7<sup>th</sup> 14-1995



## Public Notices

tive organization will be insisted upon.

Dated August 9, 1995.

JIMMY D. ROSS, P.E.  
Chief Engineer

Legal No. 5027 - Publish, August 16, 23, 1995.

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NOV 09 1995

Department of Water Resources  
Eastern District Office

### NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters or the State of Idaho:

11-07427  
WORLD TRAVEL ASSN  
354 E. TROY WAY  
SALT LAKE CITY, UT 84107

Source: SPRING  
Tributary: SINKS  
Diversion Pt: NE of NW Sec 36 T  
14S R 45E in BEAR LAKE County.  
Use: STOCKWATER (0.020 CFS)  
DOMESTIC (0.040 CFS) Total Di-  
version: (0.040 CFS)  
Date Filed: 7/5/1995  
In: BEAR LAKE COUNTY  
T14S R45E S36 NWNE

The permit(s) will be subject to all prior water rights. Protests must be filed with the applicant and the Director, Dept. of Water Resources, along with a \$25.00 filing fee, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402 on or before AUGUST 21, 1995.

KARL J. DREHER, Director  
Legal No. 5022 - Publish, August, 2, 9, 16, 1995.



November 1, 1995

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Department of Water Resources  
Eastern District Office

Department of Water Resources  
Eastern Region  
150 Shoup Avenue  
Idaho Falls, Idaho 83401

RE: Claim to Water Right  
Bear Lake County  
Township 14S Range 45E Section 36  
NE of NW and NW of NW

Dear Sirs:

We are enclosing our Claim to Water Right and the following:

- 1.) A copy of Warranty Deed to Ivan K. Rigby, Henry W. Rigby and Kay Rigby dated 1st September, 1950, regarding the NW1/4 NW1/4 along with adjacent land. They used the water from a ground seepage to water livestock until it would dry up.
- 2.) A copy of Warranty Deed made 30th December, 1970 to Kay and Joyce Rigby.
- 3.) A copy of a letter from Ivan K. Rigby dated July 5, 1969, to State Land Commission requesting to develop the water. We received this letter from the Idaho Department of Lands, Idaho Falls.
- 4.) A statement from Henry W. Rigby regarding the use of the water during the time period his family owned the land.
- 5.) A map from Bear Lake County Assessors office. We have made a small dot where we believe the spring is.
- 6.) A copy of our Deed. We purchased the property April 1, 1991. We improved the spring and have continued using the spring since our purchase of the ranch.

There was an application for water right made by World Travel Assn, 354 E. Troy Way, Salt Lake City, Ut 84107, #11-07427, July 5, 1995, Diversion Pt: NE of NW. According to the map from the Bear Lake County Assessors office it appears this spring is on our property NW1/4 NW1/4. Nevertheless, we have enclosed a statement from Henry Rigby stating that they did water cattle from this spring since 1948. After improving the spring we average approximately 3 gallons per minute.

Sincerely,

Tracy L. Baxter  
3000 Pegram Road  
Montpelier, Id 83254

encl:

*Note: NE 1/4 NW was sold in 1981 from  
State Land.*

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Department of Water Resources  
Eastern District Office

Regan Ida  
July 5 1969  
St Land Comm.  
Boise Idaho

Dear Sir-

There is a small seepage of water  
in a Hollow a little ways above our  
fence line. I think I might be able  
to develop some water there.

It is on school Section on the N-E 1/4 of  
the N-W 1/4 in sec. 36 T14S - 45E.

Can this be filed on?

What procedure must I take for

Through whom

yourself July

Erin R. Oringby

RTI Montpelier

Idaho 83254

8-11-1992

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Department of Water Resources  
Eastern District Office

This is a statement from Henry W. Rigby.

Ivan K. Rigby is my father. I along with my father Ivan and brother Kay purchased the NW1/4 NW1/4 of Township 14S Range 45E Section 36, in the late 40's along with the adjoining property.

While we owned the property we would water our cattle from the seepage, which this claim is being made. Later this piece of property was deeded to my brother Kay Rigby. He continued to water his livestock as the water would allow. He would also water his lawn with the water that would run through his property. The water runs through a small ditch through the NW1/4 NW1/4 to the county road.

To my knowledge this water source has been used for livestock since 1948.

*Henry W. Rigby*  
Henry W. Rigby

STATE OF IDAHO       )  
                          ) ss.  
County of Bear Lake)

SUBSCRIBED AND SWORN before me this 1<sup>st</sup> day of  
November, 1995.

Name: *Harlene Gamrell*  
Notary Public for Idaho  
Residing at *Peogram*  
My commission expires *6-10-99*



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

**EASTERN REGION**

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

NOVEMBER 29, 1995

THE NEWS-EXAMINER  
P.O. BOX 278  
MONTPELIER, ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 26, 1995.

Yours truly,

Rita Bodell  
Secretary

Encl.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

**EASTERN REGION**

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

December 5, 1995

TRACY &/OR SHARON BAXTER  
3000 PEGRAM RD  
MONTPELIER 83254

RE: Claim to A Water Right No.: 11-04345

Dear Claimant:

The Department of Water Resources acknowledges receipt of your claim application. This office is currently in the process of advertising the application in the News Examiner on December 7 & 14, 1995.

If the exceptions are filed, you will be sent a copy of the exception. The claim will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the claim and will notify you of the outcome of this review. When the claim is approved, you will be sent a copy.

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

Sincerely,

*Harold W. Jones*  
Harold W. Jones  
Water Right Supervisor

HWJ/rb

# E021778

IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE )  
APPLICATION OF TRACY BAXTER, )  
SHARON BAXTER and RANCHO DEL )  
ARROYO, 3000 PEGRAM ROAD, )  
MONTEPLIER, IDAHO 83254 FOR WATER )  
RIGHTS FOR THE USE OF STOCK )  
WATER AND DOMESTIC WATER IN )  
BEAR LAKE COUNTY, IDAHO )  
APPLICATION NO. 11-04345 )

*Exception*  
~~PROTEST~~ OF WORLD TRAVEL  
ASSOCIATION, INC.

RECEIVED  
DEC 1 5 1995

Department of Water Resources  
Eastern District Office

Pursuant to the provisions of Idaho Code, including but not limited to the provisions of § 42-203A, protestor World Travel Association, Inc., a Utah corporation which is duly qualified to do business in the State of Idaho, hereby protest the above-mentioned application to appropriate water and water rights for various reasons, including the following:

1. **Name and address of protestor.** World Travel Association, Inc., a Utah corporation, 354 E. Troy Way, Salt Lake City, Utah 84107.

2. **Reasons supporting objection.** Protestor objects to approval of the application of Tracy Baxter, Sharon Baxter and Rancho Del Arroyo because:

(a) **Water has already been appropriated.** The full flow of said water has already been appropriated by Protestor for domestic uses as defined in Idaho Code § 42-111, cannot be appropriated by Applicants and if such appropriation were allowed it would interfere with Protestor's prior rights. See also Application #11-07427.

(b) **Applicants already have spring water available on their property.** A spring which provides sufficient water for Applicants' domestic needs is located on Applicants' property, located

in the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 14 South, Range 45 East, BM.

Said spring is about the same distance from Applicant's residence as is the spring on Protestor's land from which Applicants now seek to appropriate water. The application is not made in good faith and/or may be for delay or speculative purposes.

(c) **Denial of Applicants' allegations.** Protestor denies all allegations in the Application not specifically admitted, including but not limited allegations with respect to water rights from said spring having been "created by diversion and beneficial use" and/or that they were allegedly "Filed" or appropriated in 1948, thereby putting Applicants on their strict proof as to each of said allegations..

3. **Request for hearing.** Protestor requests a hearing to be conducted in accordance with Idaho Law, including but not limited to Idaho Code § 42-1701A(1) and (2).

Dated December 14, 1995.

WORLD TRAVEL ASSOCIATION, INC., a Utah  
corporation which is qualified to do business in Idaho

By: Floyd E. Benton  
Floyd E. Benton, agent & Chairman of the Board  
of Directors

*Bonneville*

*Signed before me this day 15th  
of December 1995*

*Betty J. Thompson*  
2 *Notary Public*

BETTY J. THOMPSON, NOTARY PUBLIC  
RESIDING AT IDAHO FALLS, IDAHO  
MY COMMISSION EXPIRES: 7-05-2000

## **CERTIFICATE OF MAILING**

I hereby certify that I mailed a copy of the foregoing Protest of World Travel Association, Inc. to the following by first class mail, postage prepaid the 14th day of December, 1995:

Karl J. Dreher, Director  
Department of Water Resources  
Eastern Region  
900 N. Skyline  
Idaho Falls, Idaho 83402

Tracy Baxter  
Sharon Baxter  
Rancho Del Arroyo  
3000 Pegram Road  
Montpelier, Idaho 83254

WORLD TRAVEL ASSOCIATION, INC., a Utah  
corporation which is qualified to do business in Idaho

By: Floyd E. Benton  
Floyd E. Benton, agent & Chairman of the Board  
of Directors

January 24, 1996

TRACY &/OR SHARON BAXTER  
RANCHO DEL ARROYO  
3000 PEGRAM RD  
MONTPELIER ID 83254

Dear Claimant:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

§42-244. Recording of claims by department - Corrections. - At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

*Harold W. Jones rb*  
HAROLD W. JONES  
Water Right Supervisor

HWJ/rb  
enc.

January 24, 1996

WORLD TRAVEL ASSOCIATION  
354 E TROY WAY  
SALT LAKE CITY UT 84107

Dear Affiant:

We have received the exception dated April 24, 1995, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

§42-244. Recording of claims by department - Corrections. - At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fees shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

  
HAROLD W. JONES  
Water Right Supervisor

HWJ/rb  
enc



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

DECEMBER 28, 1995

TRACY BAXTER  
SHARON BAXTER  
RANCHO DEL ARROYO  
3000 PEGRAM RD  
MONTEPLIER, ID 83254

Re: Claim No. 11-04345

Dear Claimants(s):

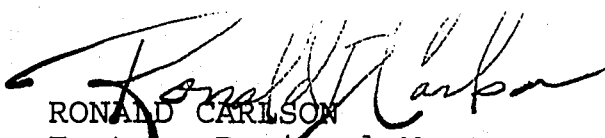
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Please refer to the claim identification number when corresponding with the office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Sincerely,

  
RONALD CARLSON  
Eastern Regional Manager

rb  
Enc

11-04345

BAXTER, TRACY  
BAXTER, SHARON  
RANCHO DEL ARROYO  
3000 PEGRAM RD  
MONTEPLIER, ID 83254

Source: SPRING

Tributary: SINKS

Diversion Pt:

~~NENW~~  
NW

Sec 36 T 14S R 45E in BEAR LAKE County.

Use: STOCKWATER  
DOMESTIC

( 0.010 CFS)  
( 0.010 CFS)

Total Diversion: ( 0.010 CFS)

Date Filed: 12/30/1948

In: BEAR LAKE County  
T14S R45E S36

NWNW

Exceptions to a claim may be filed with the Director, Dept. of Water  
Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402.

Published: 12/ 7/1995 & 12/14/1995  
KARL J. DREHER, Director

No 5096

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa A. Mossman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

December 6, 1995, and ending

with the issue of December 13, 1995.

Rosa A. Mossman

Fees 37.76

Subscribed and sworn to before me this 26<sup>th</sup> day

of December, 1995.

Sheriff Brown

Notary Public, Residing at OVID, Idaho

My Commission Expires August 15, 1997.

## NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water rights created by diversion and beneficial use:

11-04345

BAXTER, TRACY

BAXTER, SHARON

RANCHO DEL ARROYO

3000 PEGRAM RD

MONTPELIER, ID 83254

Source: SPRING

Tributary: SINKS

Diversion Pt: NWNW Sec 36 T 14S 45E in BEAR LAKE County.

Use: STOCKWATER (0.010 CFS)

DOMESTIC (0.010 CFS) Total Di-

version: (0.010 CFS)

Date Filed: 12/30/1948

In: BEAR LAKE County T14S R45E S36 NWNW

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline, Idaho Falls, Idaho 83402.

KARL J. DREHER, Director

Legal No. 5096 - Publish, Dec. 6, 13, 1995.

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

RECEIVED

JUN 26 2003

Department of Water Resources

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

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

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s).  | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|------------------------|------------------------------|-------|
| <u>11-4345</u>        | _____                        | ___   | <u>11-7458</u>         | _____                        | ___   |
| <u>11-4346</u>        | _____                        | ___   | <u>11-7465-EASTERN</u> | _____                        | ___   |
| <u>11-4347</u>        | _____                        | ___   | _____                  | _____                        | ___   |
| <u>11-4348</u>        | _____                        | ___   | _____                  | _____                        | ___   |
| <u>11-7456</u>        | _____                        | ___   | _____                  | _____                        | ___   |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$ 175 -
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).  
**OR**  
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a **USDA Farm Service Agency AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

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

Tracy + Sharon Baxter

4. New Owner/Claimant(s)

North Hills Ltd UR Ranches LLC

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

661 S Lambert Ln

City, State and ZIP Code

KAMAS UT 84036

New Telephone Number

(435) 783 465 208 847 0601

5. Date you acquired the property

5/7/03

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

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

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

7. Signature of New Owner(s) or Claimant(s) North Hill UR Ranches LLC  
(include title if applicable) David Lue

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

|                                |                     |                            |            |
|--------------------------------|---------------------|----------------------------|------------|
| <b>For Office Use Only</b>     |                     |                            |            |
| Received by <u>[Signature]</u> | Date <u>6/30/03</u> | Fee <u>\$175.00</u>        |            |
| Received by <u>[Signature]</u> | Date <u>6/24/03</u> | Receipt No. <u>0069762</u> |            |
| Processed by _____             | AJ Date _____       | WR _____                   | Date _____ |

File #20030218-A

Tax I.D. #5109, 5110, 5114, 5115, 5117, 5118, 5119, 5124, 5138, 5142, 5143, 5167, 5168, 5169, 5199, 5201, 5204 & 5225

# WARRANTY DEED

RECEIVED

JUN 26 2003

Department of Water Resources

RECEIVED  
JUN 05 2003  
Department of Water Resources  
Eastern Region

For Value Received,

**TRACY L. BAXTER and SHARON L. BAXTER, husband and wife,**  
of 3000 PEGRAM ROAD, MONTPELIER, County of Bear Lake, State of ID. 83254,

THE GRANTOR(S),

do(es) hereby, grant, bargain, sell, and convey unto

**NORTH HILLS LIMITED, a Utah Limited Partnership, as to an undivided 32% interest; and**  
**UR RANCHES, LLC, as to an undivided 68% interest,**  
of 661 SOUTH LAMBERT LANE, KAMAS, County of SUMMIT, State of UT. 84036,

THE GRANTEE(S),

For the sum of ten dollars and other good and valuable consideration, the following described tract of land  
in the County of Bear Lake, State of Idaho:

See Attached Exhibit "A"

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and  
assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are  
the owner(s) 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 May 7, 2003.

\_\_\_\_\_

  
TRACY L. BAXTER

\_\_\_\_\_

  
SHARON L. BAXTER

STATE OF IDAHO, COUNTY OF BEAR LAKE

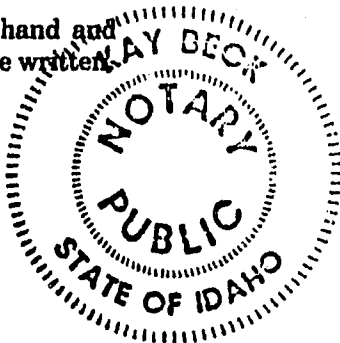
On this 7 day of May, 2003, before me a Notary  
Public in and for the State, personally appeared

**TRACY L. BAXTER and SHARON L. BAXTER,**  
husband and wife

known to me to be the person(s) whose name(s) are  
subscribed to the within instrument, and acknowledged  
to me that they executed the same.

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

  
Notary Public  
Residing at: Over ID  
My Commission Expires: 12-01-2006



2003 MAY 9 AM 10 51  
DEPUTY Cindy Siga FEE \$6.00

BEAR LAKE COUNTY RECORDER  
JOAN P. EBOTH

184972

MAIL TAX NOTICE TO: NORTH HILLS LIMITED and UR RANCHES LLC  
661 SOUTH LAMBERT LANE, KAMAS, UT. 84036

184972

EXHIBIT A

PARCEL NO. 1:

TOWNSHIP 14 SOUTH, RANGE 45 EAST OF THE BOISE MERIDIAN:

Section 23: S $\frac{1}{2}$ S $\frac{1}{2}$ .

Section 24: SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Section 26: E $\frac{1}{2}$ ; E $\frac{1}{2}$ NW $\frac{1}{4}$ .

Section 27: SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Section 34: NE $\frac{1}{4}$ ; E $\frac{1}{2}$ NW $\frac{1}{4}$ ; SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Section 35: N $\frac{1}{2}$ NE $\frac{1}{4}$ ; SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; and that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying East of the Union Pacific Railroad Right of Way.

Section 36: NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

TOWNSHIP 14 SOUTH, RANGE 46 EAST OF THE BOISE MERIDIAN:

Section 6: Lot 7; SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Section 7: Lots 1, 2, 3, 4; W $\frac{1}{2}$ NE $\frac{1}{4}$ ; E $\frac{1}{2}$ W $\frac{1}{2}$ ; NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Section 18: Lots 1 and 2.

Section 19: Lots 1 and 4; E $\frac{1}{2}$ W $\frac{1}{2}$ .

Section 30: Lot 2; NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

ALSO: Beginning at the Southwest Corner of Lot 4 of said Section 30, and running thence in a Northeasterly direction in a straight line to the Northeast Corner of Lot 3 of said Section 30; thence West along the North line of Lot 3 to the Northwest Corner thereof; thence South along the West line of Section 30 to the Southwest Corner on Lot 4, the Point of Beginning.

EXCEPT THEREFROM: That portion thereof lying within the boundaries of Highway No. 30 North.

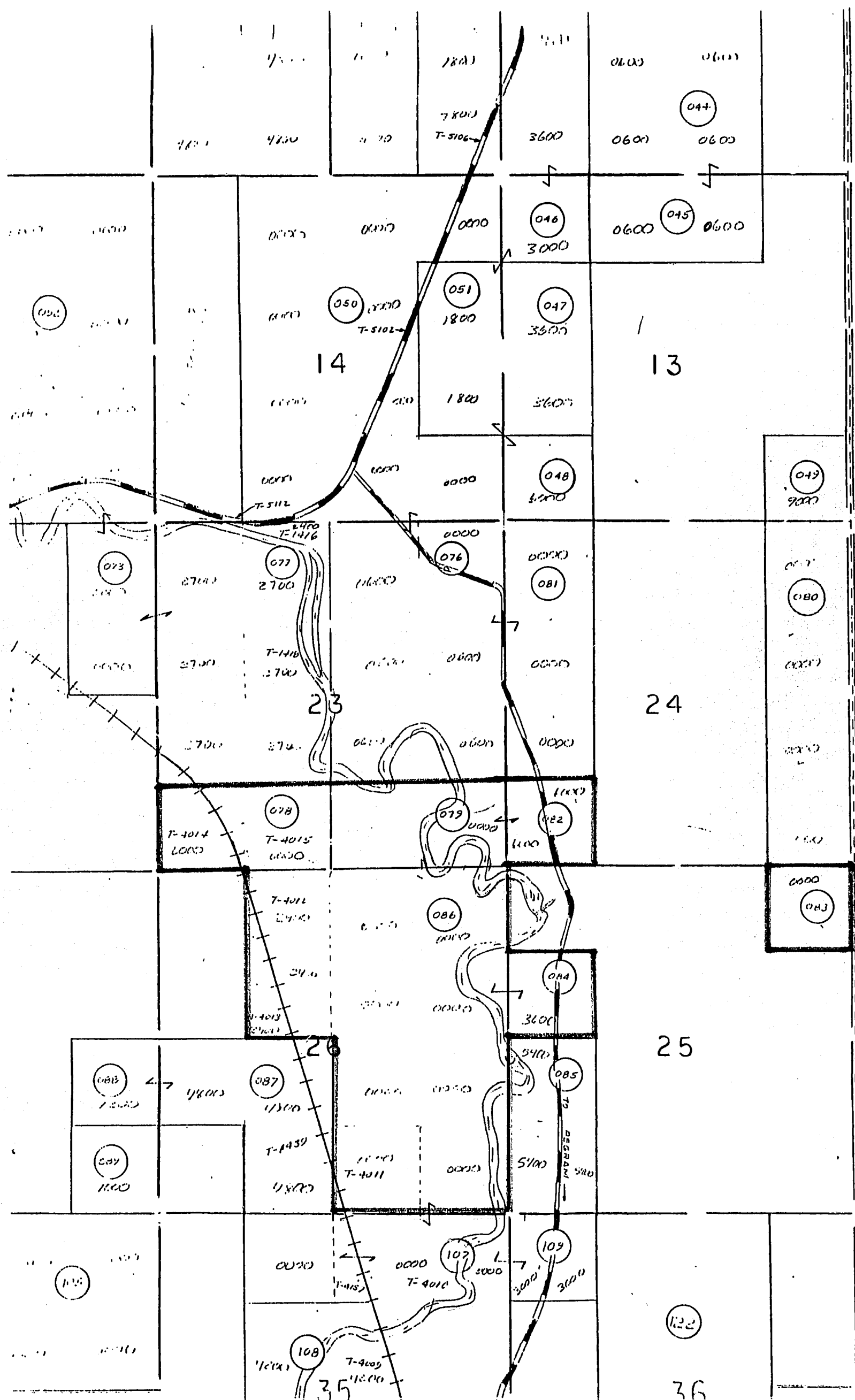
PARCEL NO. 2:

TOWNSHIP 14 SOUTH, RANGE 45 EAST OF THE BOISE MERIDIAN:

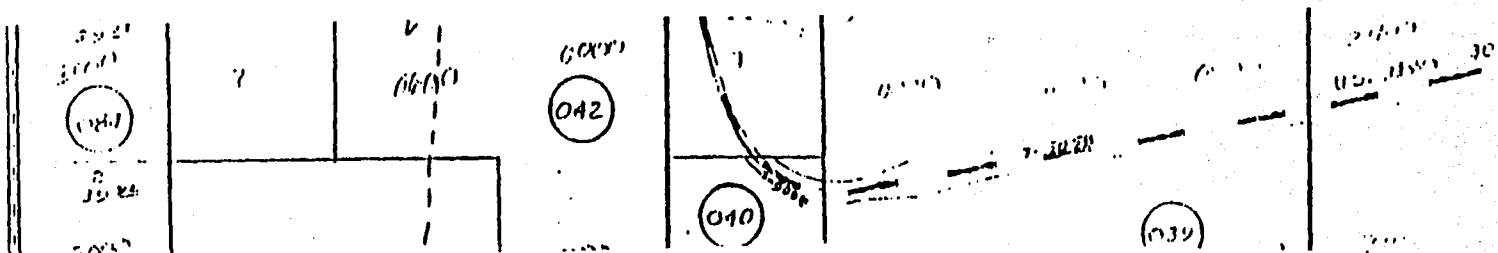
Section 36: SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; W $\frac{1}{2}$ SW $\frac{1}{4}$ .

SUBJECT to State of Idaho Easement No. 2631 to Bear Lake County for a road.

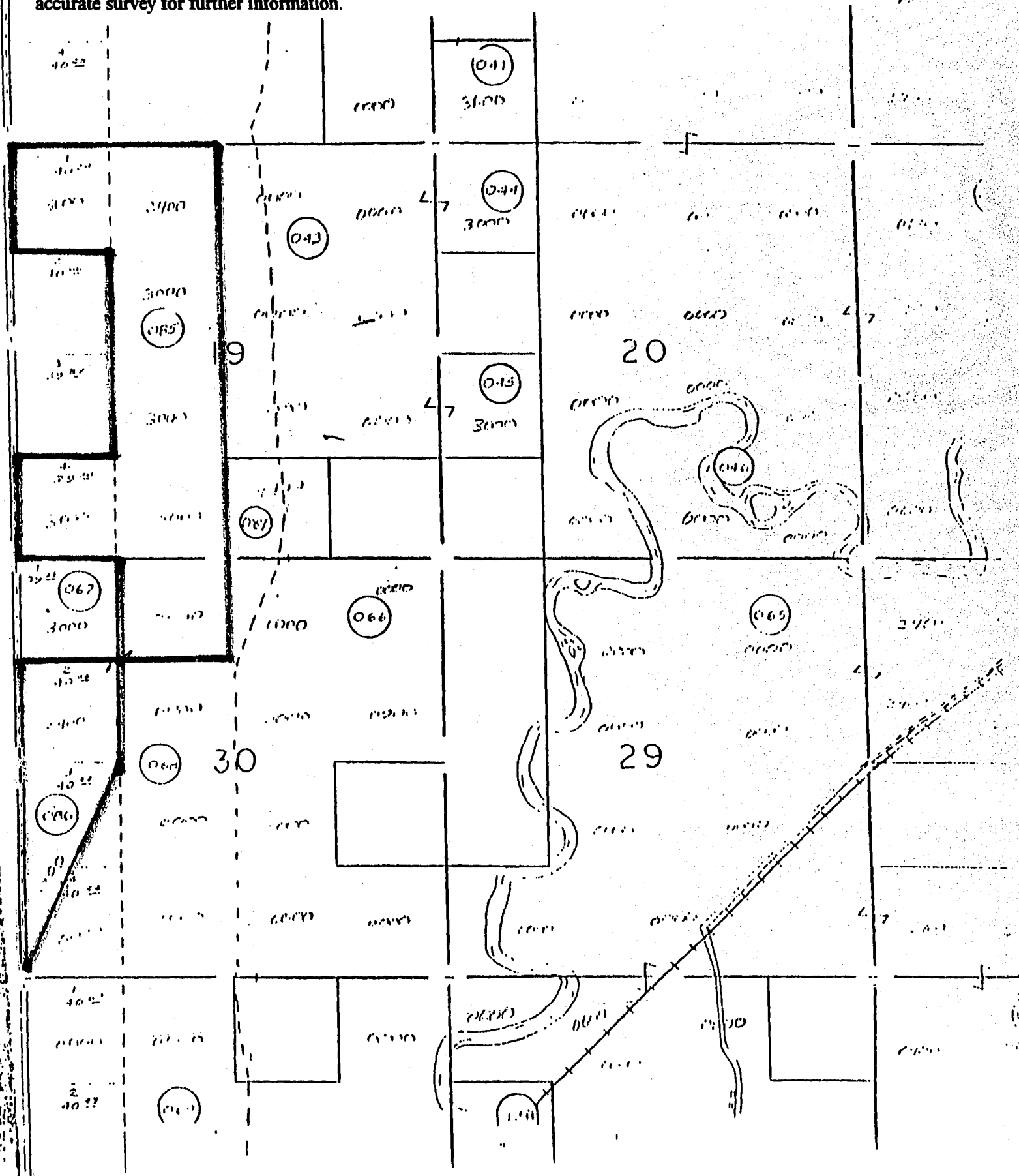








This sketch is provided without charge for your information, it is not intended to show all matters related to the property including, but not limited to area dimensions, easements, encroachments, or location of boundaries. It is not a part of, nor does it modify the commitment or policy to which it is attached. The company assumes NO LIABILITY for any matter related to this sketch. Reference should be made to an accurate survey for further information.





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 9, 2003

RECEIVED

JUN 26 2003

Department of Water Resources

MAXINE MATTHEWS  
FIRST IDAHO TITLE CO  
469 WASHINGTON ST  
MONTPELIER ID 83254

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR BAXTER  
- NORTH HILLS LTD. HAS BEEN RETURNED FOR THE FOLLOWING  
ITEM(S):

☒ FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)

☒ SIGNATURE

☐ COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER  
LEGAL DOCUMENT indicating your ownership of the property and water  
rights in question,

☐ LEGAL DESCRIPTION OF PROPERTY

☒ PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

☐ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO  
with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE  
ENTIRE PACKET TO :

KARI LYNN TOWNSEND  
IDAHO DEPT. OF WATER RESOURCES  
1301 N. ORCHARD  
BOISE, ID 83706



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 27, 2003

NORTH HILLS LTD  
661 S LAMBERT LN  
KAMAS UT 84036

UR RANCHES LLC  
661 S LAMBERT LN  
KAMAS UT 84036

RE: Change of Ownership for Water Rights 11-4345 thru 11-4348, 11-7456, 11-7458

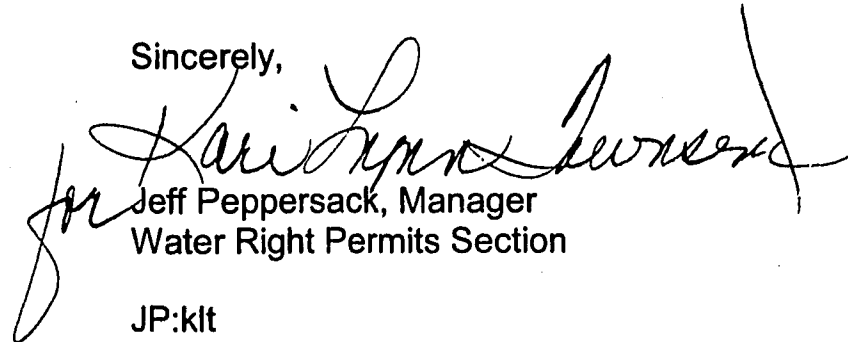
Dear Water Right Holder(s):

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

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

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

Sincerely,

  
Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures