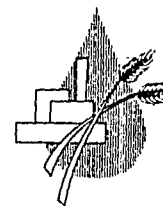


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lyman Ipsen

(Name of Claimant)

Pleasant View, Malad, Idaho 83252

Telephone No. 766-2674

(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 was the water first applied to a beneficial use) April 1, 1900

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

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

Springs tributary to Malad River

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

				(Both dates inclusive)	
	(cfs, af)		(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity	2.05 cfs	Use	Irrigation	Period of Use From 4-1	To 11-1
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 2.05 cfs TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SE ¼ NE ¼ Sec. 14 Twp. 15S Rge. 35E B.M., County of Oneida

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion from spring by a ditch to flood irrigation

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

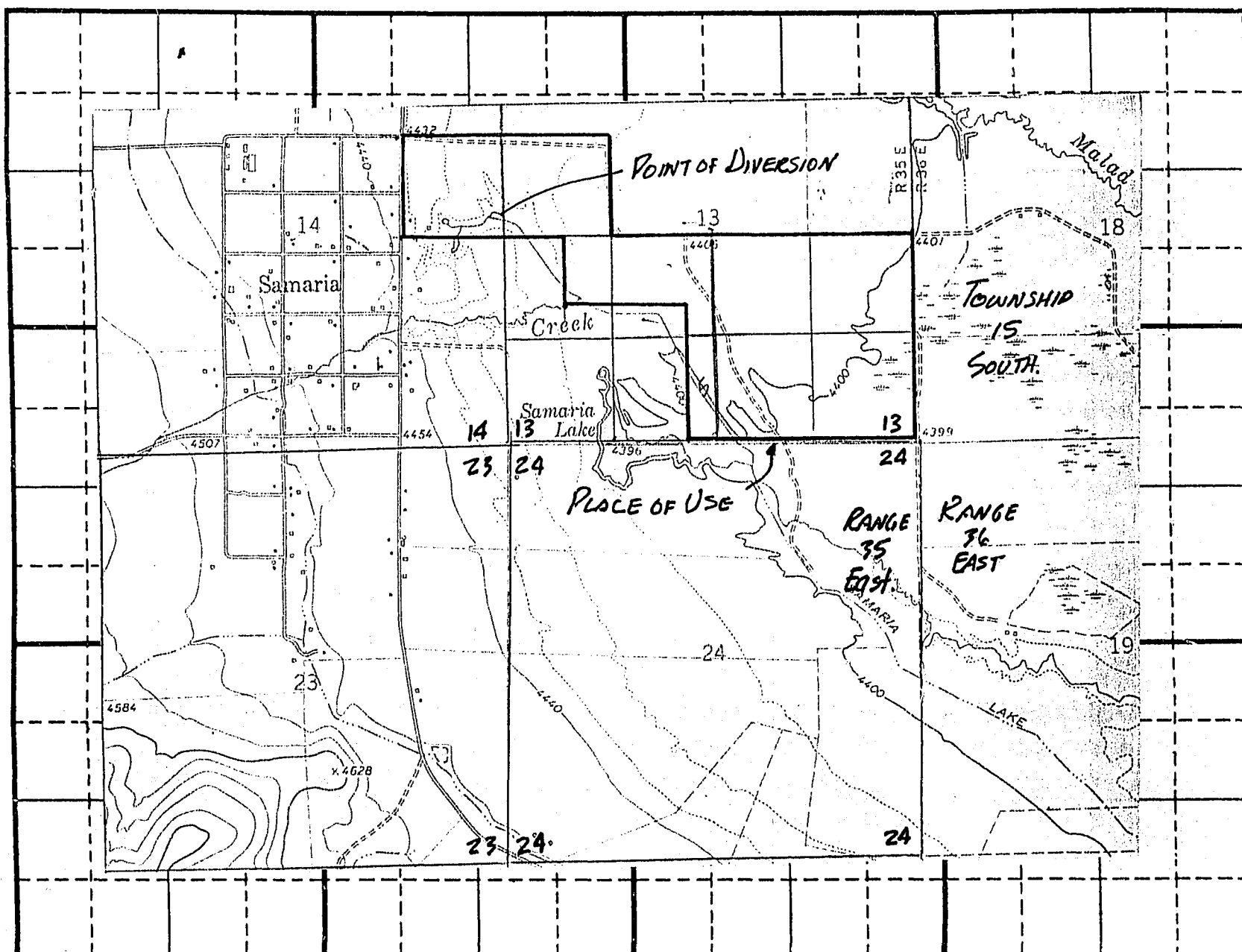
No. of acres 290

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



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.

State of Idaho)

County of Oneida) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing 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.

Sworn to, before me this 16th day of February, 1983.

Symon Symon
(Claimant)
Notary Public
Residing at Malad, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by BP Date 2-16-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by Kew Date 2-22-83 claimant by: _____
\$30.00 fee received by BP Date 2-22-83
Published in Idaho Enterprise # 254/23
Dates 3/10 - 3/17/83

Nº 378

RECEIVED

MAR 13 1983

Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Oneida

Helen Ward

being duly sworn,

deposes and says: That she is the Secretary of THE IDAHO ENTERPRISE, a weekly newspaper published at Malad, in the County of Oneida and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Malad; 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 of 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

March 9, 1983, and ending
with the issue of March 16, 1983

Helen Ward

Fee \$ 28.60

Subscribed and sworn to before me this 17th day

of March, 1983

John K. Hanks
Notary Public, Residing at Malad, Idaho

My Commission Expires May 5, 1985

NOTICE OF CLAIMS TO WATER RIGHTS

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

15-4138

IPSEN, LYMAN
PLEASANT VIEW, MALAD, ID 83252
Source: SPRINGS trib. to MALAD
RIVER

Priority Date: 04-01-1900

Diversion Pt: SENE Sec 14 T 15S R 35E

Use: IRRIGATION (2.05 CFS)

In: SENE Sec 14 T 15S R 35E SWNW
NESW NWSW SESW NESE NWSE
SWSE SESE Sec 13 T 15S R 35E FOR
290 ACRES

15-4137

TOVEY, RALPH

RT. 1, MALAD, ID 83252

Source: FOURMILE CREEK trib. to
DEEP CREEK

Priority Date: 06-01-1887

Diversion Pt: NENW Sec 14 T 15S R 36E

Use: IRRIGATION (5.16 CFS)

In: NESW NWSW SWSW SESW NESE
NWSE SWSE SESE Sec 10 T 15S R 36E
SWSW SESW Sec 11 T 15S R 36E NENW
NWNW Sec 14 T 15S R 36E FOR 258
ACRES

15-4136

IPSEN, LYMAN

PLEASANT VIEW, MALAD, ID 83252

Source: SPRINGS trib. to SINKS

Priority Date: 04-01-1900

Diversion Pt: NENW Sec 05 T 15S R 36E

Use: IRRIGATION (1.60 CFS)

In: NESW NWSW SWSW SESW Sec 05
T 15S R 35E FOR 160 ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 3-9 & 3-16-1983

15-4138

IPSEN, LYMAN

PLEASANT VIEW, MALAD, ID 83252

Source: SPRINGS trib. to MALAD RIVER

Priority Date: 04/01/1900

Diversion Pt: SENE Sec 14 T 155 R 35E

Use: IRRIGATION (2.05 CFS)

In: SENE Sec 14 T 155 R 35E SWNW NESW NWSW SESW NESE NWSE SWSE SESE
Sec 13 T 155 R 35E FOR 290 ACRES

NOTICE OF CLAIMS TO WATER RIGHTS

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

Exceptions to a claim may be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 3/10 & 3/17/83.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 2, 1983

The Idaho Enterprise
P. O. Box 205
Malad City, Idaho 83252

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 MARCH 28, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number

15 4138

Applicant

Lyman Spoen

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

March 28, 1983

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By

Ernest Carlson

Date

April 1, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

KW

Date

4/11/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 28, 1983

LYMAN IPSEN
PLEASANT VIEW
MALAD

ID 83252

RE: Claim No. 15-4138

Dear Claimant:

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 that information or evidence added at any time. Please refer to the claim identification number when corresponding with this 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.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
APR 11 1983

Department of Water Resources

Scott's Land Title Co.
44 Main Street
P. O. Box 145
Malad City, Idaho 83252
Telephone (208) 766-4000

RECEIVED

OCT 24 1994

Department of Water Resources

October 20, 1994

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

Gentlemen:

Enclosed is a Change of Water Right Ownership, a copy of the
Warranty Deed, and two copies of a Notice of Pledge.

Would you please sign the two copies of Notice of Pledge and
return one copy to me. If you have any questions, please
contact me.

Very truly yours,

SCOTT'S LAND TITLE CO.



BY: Joan Williams

jw

Enclosure

NOTICE OF PLEDGE

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, Idaho 83720-0098

Loan No. 249010-2

Attention: State Engineer

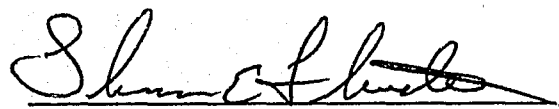
Please be notified that the undersigned have this date executed a Real Estate Mortgage in favor of the Western Farm Credit Bank, covering certain land in Onieda County, Idaho, together with all of the Mortgagor's right to use the following:

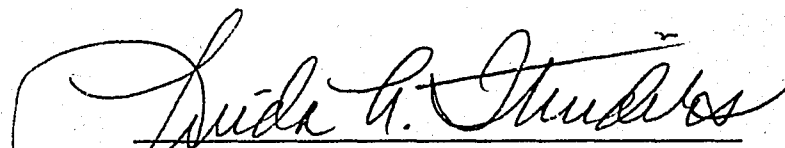
<u>WATER USER NO.</u>	<u>PURPOSE OF WATER USE</u>
15-04138	1.5 c.f.s for irrigation purposes

The said Mortgage, given to secure a promissory note of even date, was recorded October 14, 1994, in the office of the County Recorder of the above referenced County, as Instrument No. 120943.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Western Farm Credit Bank, P.O. Box 13106, Sacramento, California 95813.

Dated this 11th day of October, 1994.


Thomas E. Flinders


Linda A. Flinders

ACKNOWLEDGEMENT FROM STATE DEPARTMENT OF WATER RESOURCES

Receipt of the Notice of Pledge, of which this is a duplicate original, is acknowledged. One original of this notice will be filed with the records of the subject water rights in this Office.

Date

Signature of authorized person representing
the Department of Water Resources

Title

NOTICE OF PLEDGE

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, Idaho 83720-0098

Loan No. 249010-2

Attention: State Engineer

Please be notified that the undersigned have this date executed a Real Estate Mortgage in favor of the Western Farm Credit Bank, covering certain land in Onieda County, Idaho, together with all of the Mortgagor's right to use the following:

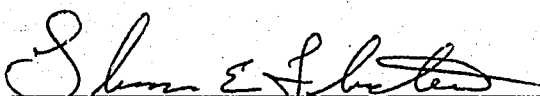
WATER USER NO. PURPOSE OF WATER USE

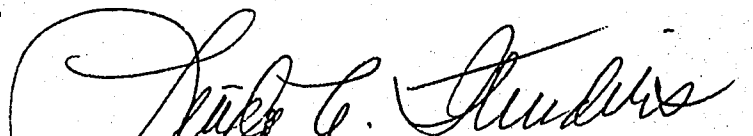
15-04138 1.5 c.f.s for irrigation purposes

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October 14, 1994, in the office of the County Recorder of the above referenced
County, as Instrument No. 120943.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Western Farm Credit Bank, P.O. Box 13106, Sacramento, California 95813.

Dated this 11th day of October, 1994.


Thomas E. Flinders


Linda A. Flinders

ACKNOWLEDGEMENT FROM STATE DEPARTMENT OF WATER RESOURCES

Receipt of the Notice of Pledge, of which this is a duplicate original, is acknowledged. One original of this notice will be filed with the records of the subject water rights in this Office.

Date

Signature of authorized person representing
the Department of Water Resources

Title

120953

RECEIVED

WARRANTY DEED

OCT 24 1994

For Value Received LYMAN JUNIOR IPSEN as Personal Representative of the Estate of Ruth A. Ipsen, Deceased; and LYMAN IPSEN, JR., also known as Lyman Junior Ipsen and also known as Lyman J. Ipsen

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

THOMAS E. FLINDERS and LINDA A. FLINDERS, as joint tenants with full rights of survivorship and not as tenants in common whose current address is

5850 N. Old Ranch Road, Park City, UT, 84060

the grantee s , the following described premises, in Oneida County Idaho, to wit:

SEE SCHEDULE "A" ATTACHED HERETO

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 do es hereby covenant to and with the said Grantees , that he is the owner in fee simple of said premises; that they are free from all incumbrances and that he will warrant and defend the same from all lawful claims.

Dated: October 14, 1994.

X Lyman Junior Ipsen
Personal Representative

X Lyman Ipsen Jr.
LYMAN IPSEN, JR.

STATE OF IDAHO, COUNTY OF ONEIDA
On this 14th day of October, 1994,
before me, a notary public in and for said State, personally appeared LYMAN JUNIOR IPSEN, known to me to be the Personal Representative of the Estate of Ruth A. Ipsen, Deceased and Lyman Ipsen, Jr. aka Lyman Junior Ipsen and Lyman J. Ipsen, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, individually and as said Personal Rep.

Don Williams
Notary Public
Residing at Malad City, Idaho
Comm. Expires 5-6-97

Microfilm No. 120953
19 Day October 1994
At 2:35 PM
Patricia H. Hargis
Oneida Co. Recorder
Fee \$ 6.00 Deputy
Recorded at Request of
E. J. Smith

SCHEDULE "A" TO WARRANTY DEED

PARCEL 1:

Township 15 South, Range 35 East, Boise Meridian:

Section 13: SE $\frac{1}{4}$; ALSO, Beginning at a point 30 rods North of the Southwest Corner of the SE $\frac{1}{4}$ of said Section 13; thence North 26°00' West 37 rods; thence North 73°00' West 8 rods; thence North 1°00' East 95 rods 7 feet; thence East 20 rods; thence South 130 rods to the point of beginning. T-1553

PARCEL 2:

Township 15 South, Range 35 East, Boise Meridian:

Section 13: SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$, ALSO

T-368, 369, 459 and 460: The following described real estate located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14, Township 15 South, Range 35 East, Boise Meridian:

Commencing at a point situated 13 rods 1 foot North of the Southwest Corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the Northeast Corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 14; thence running North 68 rods 15.5 feet; thence South 88° East 160 rods; thence South 78 rods to quarter Section Corner; thence East 60 rods to a point 20 rods West of the center of Section 13, Township 15 South, Range 35 East, Boise Meridian; thence South 60 rods; thence North 87°15' West 140 rods; thence North 54 rods; more or less, to the Quarter Section Corner between said Sections 13 and 14; thence West 59 rods 11.5 feet; thence North 13 rods 1 foot; thence West 20 rods and 5 feet to the place of beginning. ALSO, Beginning at a point on the East and West center line of said Section 13; a distance of 76 rods West from the center of said Section; thence West 4 rods, more or less to the Southwest Corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 13; thence North 37 rods along the West line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 13; thence South 10 $\frac{1}{2}$ ° East 37 rods, more or less, to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND IDENTIFIED AS T-3288:

Commencing at a point situated 13 rods 1 foot North of the Southwest Corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the Northeast Corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 15 South, Range 35 East, Boise Meridian; thence running North 350 feet; thence East 750 feet; thence South 500 feet; thence West 415 feet; thence North 150 feet; thence West 335 feet to the point of beginning.

TOGETHER WITH all water and water rights, to include Idaho Department Water Resources water rights 15-04138 for 2.050 cfs and 18 of 21 days out of Thorpe Spring, and to include all artesian well rights and filings.

TOGETHER WITH Seller's interest in all gas, oil, mineral and geothermal rights.

TOGETHER WITH Seller's interest in grazing permits with the United States of America, Department of Interior, Bureau of Land Management, Permit No. 6004

G. H.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 24 1994

DATE OF CLOSING: 10-14-94

SEE DEED ATTACHED

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
 Assigned by IDWR: 15-04138

☐ Name and Address of Former Owner/Claimant(s)(Seller): LYMAN J. IPSEN aka LYMAN IPSEN, JR.
555 Grandview Dr.

☐ New Owner/Claimant (Purchaser): Malad City, ID 83252
THOMAS E. FLINDERS and LINDA A. FLINDERS

☐ New Mailing Address: 5850 N. Old Ranch Rd.
Park City, UT 84060

☐ New Telephone Number: (801) 649 - 7910

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) [Signature] Date 10-14-94

☐ Signature of Former Owner/Claimant(s): [Signature] Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
 Date: _____ By: _____

Further Action Needed:

Further Action Taken
 Date: _____ By: _____

Final Review and Data-Entry
 Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

RECEIVED

NOV 1 1990

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Section 42-1409(7), Idaho Code. This statute provides that new property owners notify the Department of Water Resources (IDWR) of any change in ownership of a water right during an adjudication of water rights, and if a claim for the water right has not been filed to file the needed claim(s).

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures or if you have questions about completing this form please contact your nearest office of IDWR or you may call 1-800-451-4129 (toll-free).

The first line of the form asks for the date of closing so IDWR will have a record of the effective date of the property transfer.

The second line of information requires the legal description of the property being transferred. This information is **ESSENTIAL** and should be available from the documents that will be present at the time of closing. The first two lines of the legal description **MUST** be completed. IDWR's records are based upon legal descriptions using township, range, section and fractions of a section descriptions, and this information must be included on the form. If you also have available a legal description based upon a townsite or subdivision and lot and block number, please also include this additional information. A lot and block legal description is **NOT** a substitute for the township, range, section and fraction of a section description.

After completing the legal description, if all water is supplied by a public service water supply you may check the first box; complete the name, address and telephone information for yourself, the new owner; sign the form in the space provided and return the form to the IDWR office nearest you.

If there are water rights associated with the property, the seller should be able to provide you with the water right number(s). The water right number(s) for the property are to be put in the space provided at the second box on the form. If you or the seller believe there are water rights for the property but the numbers are unknown, then you may wish to call or come into an office of IDWR for assistance in identifying the water rights for the property involved. If claims for the property have not been filed you will be so advised by IDWR.

After the water right number(s) for the property has been entered on the form, complete the name and address information for **BOTH** the former owner/seller and for yourself, the new owner, in the spaces provided. Please also include your telephone number. If the property you have purchased is only part of the property owned by the former owner/seller, you may be purchasing only part of the total water right held by the seller. This means the water right held by the seller must be split so you get your proportionate share of the water right. Be sure to include a description of the portion of the water right you have purchased. The seller should be able to help you describe the portion of the water right for the property you have purchased.

If the former owner/seller will sign the form and the seller is shown as the claimant of the water right in IDWR's records, then you do not need to attach proof of ownership of the land or the water right. The seller should know if the original claim was filed by him, or if the seller has filed a change in ownership so the seller is shown as the claimant of the water right in IDWR's records. If the seller is not going to sign the form then you must attach some proof of ownership of the property described at the top of the form or proof of ownership referencing the specific water right(s) for the property.

The new owner must sign the form in the space provided. If the former owner/seller is available to sign the form please do so in the space provided.

When complete, the new owner and the former owner/seller should each retain one of the copies and return the original of the form to IDWR. You may return the form to the IDWR office nearest you or to: Idaho Department of Water Resources, Statehouse Mail, Boise, ID 83720-9000, Attention: Adjudication Bureau.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

November 10, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

THOMAS E FLINDERS
LINDA A FLINDERS
5850 N OLD RANCH RD
PARK CITY UT 84060

RE: Water Right No. 15-04138

Dear Mr. & Mrs. Flinders:

I recently received a 'New Property Owner Notice of Change of Water Right Ownership' form and attached warranty deed on the above referenced statutorily claimed water right.

In Idaho, claimed water rights are considered real property; therefore, proof of owning the land is proof of owning the water right unless extenuating circumstances exist. Water right statute does not provide a means for changing owner of record for statutorily claimed water rights; although, I have placed your correspondence in the water right file.

If you have any questions, please contact me directly at (208) 327-7944.

Sincerely,

Cindy Zimmerman
Cindy Zimmerman
Water Resource Agent

NOTICE OF PLEDGE

IDAHO DEPARTMENT OF WATER RESOURCES
P.O. Box 83720
Boise, Idaho 83720-0098

Loan No. 249010-2

Attention: State Engineer

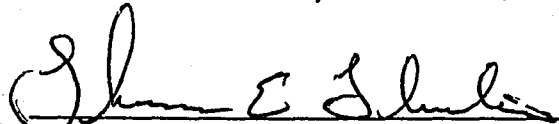
Please be notified that the undersigned have this date executed a Real Estate Mortgage in favor of the Western Farm Credit Bank, covering certain land in Onieda County, Idaho, together with all of the Mortgagor's right to use the following:

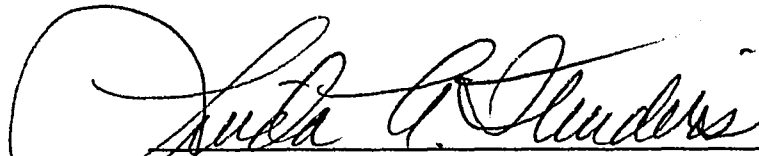
<u>WATER USER NO.</u>	<u>PURPOSE OF WATER USE</u>
15-04138	1.5 c.f.s for irrigation purposes

The said Mortgage, given to secure a promissory note of even date, was recorded Oct. 14, 1994, in the office of the County Recorder of the above referenced County, as Instrument No. 120943.

Please file this notice with your records of the above referenced and direct notice of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said rights to the Western Farm Credit Bank, P.O. Box 13106, Sacramento, California 95813.

Dated this 11th day of October, 1994.


Thomas E. Flinders


Linda A. Flinders

ACKNOWLEDGEMENT FROM STATE DEPARTMENT OF WATER RESOURCES

Receipt of the Notice of Pledge, of which this is a duplicate original, is acknowledged. One original of this notice will be filed with the records of the subject water rights in this Office.

Date

Signature of authorized person representing
the Department of Water Resources

Title



**Federal Land Bank Association of Utah
Utah Production Credit Association**

406 W. South Jordan Parkway (10600 South)
Suite 500
P.O. Box 870
Riverton, Utah 84065-0870
1-800/824-9198 or (801) 571-9200
Fax (801) 576-0600

December 28, 1994

Idaho Department of Water Resources
Box 83720
Boise, Idaho 83720-0098

RECEIVED

JAN 03 1995

Department of Water Resources

RE: FLBA Loan No. 249029-3 and 249010-2
Thomas E. Flinders

Enclosed please find two Notice of Pledge on the above listed borrowers. These notices serve three purposes as follows:

1. Verifies that our borrowers are the true listed owners of the water on your records.
2. Notice is to be sent to us of any intended change of the place of use or other change which materially affects the beneficiary's security interest in the said water rights.
3. Upon notification of unpaid fees, Western Farm Credit Bank will pay the fees so the water is not sold to another party, rendering our security worthless without the water right to irrigate.

Scott's Land Title Company informed us that the last set of Notice of Pledge that was forwarded to your office was either destroyed or lost. Scott's Land Title was told by your office that your office will not acknowledge our pledge because the water records of Onieda County were not in order and impossible to verify.

Our bank uses the Notice of Pledge to make sure the security pledged on the loan is in place. Therefore I will need a letter from your department, explaining why you cannot acknowledge our pledge. The bank needs to know that I have made every attempt to meet their guide lines on verifying security.

If you should have any questions, please contact me.

Sincerely,

Debbie Maxedon

Debbie Maxedon
Escrow Secretary

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

January 4, 1995

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DEBBIE MAXEDON
FEDERAL LAND BANK ASSN OF UTAH
PO BOX 870
RIVERTON UT 84065-0870

RE: Water Right Nos. 15-04037, 15-04038, 15-04138

Dear Ms. Maxedon:

I recently received your 'Notice of Pledge' forms on
on the above referenced statutorily claimed water rights.

In Idaho, decreed, licensed, and claimed water rights are
considered real property; therefore, proof of owning the land is
proof of owning the water rights unless extenuating circumstances
exist. Water right statute does not provide a means for changing
owner of record or adding lien holder for claimed water rights;
although, I have placed your correspondence in each of the water
right files.

If you have any questions, please feel free to contact me
directly at 327-7944.

Sincerely,

Cindy Zimmerman
Water Resource Agent