

Randall C. Budge (ISB #: 1949)
Carol Tippi Volyn (ISB#: 6371)
RACINE, OLSON, NYE,
BUDGE & BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391
Telephone: (208)232-6101
Fax: (208)232-6109

Attorneys for Plaintiffs

RECEIVED
JUN 10 2014
DEPARTMENT OF
WATER RESOURCES

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

ABERDEEN-SPRINGFIELD CANAL
COMPANY, an Idaho Corporation,
JEFFREY and CHANA DUFFIN,
individually, as stockholders, and as
husband and wife,

Plaintiffs,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES, an executive department
of the State of Idaho,

Defendant.

Case No. CV-2014-165

**CORRECTED AFFIDAVIT
OF JEFFREY DUFFIN**

STATE OF IDAHO)

ss.

County of Bingham)

JEFFREY DUFFIN, being first duly sworn under oath, deposes and states that he is a Plaintiff and stockholder in Aberdeen-Springfield Canal Company (hereafter "ASCC") and he makes this affidavit to the best of his knowledge, information and belief.

1. This affidavit corrects and replaces my affidavit dated June 5th, 2014 filed herein.

AFFIDAVIT OF JEFFREY DUFFIN-

2. My wife Chana and I own and operate farm land located in Power County and Bingham County, Idaho consisting of approximately 2,800 irrigated acres operated to raise potatoes, beets and grain crops. We own 110 shares of water stock in Aberdeen Springfield Canal Company (“ASCC”) per Stock Certificate attached as Exhibit “A”, which are appurtenant to and provide the sole source of irrigation water to 92.2 acres of our farm land which are the subject of this case. The real property which is subject to the dispute over irrigation water as described in the Complaint for Declaratory Judgment consists of 172.8, which in addition to our property includes approximately 80 acres, the E ½ SW ¼ of section 20, which we lease with 80 appurtenant water shares in ASCC from LaVerda Barron and Fae Baker Trusts pursuant to Stock Certificate attaches as Exhibit “B”. This land is all located in NW1/4 of Section 20, and in the SE1/4SE1/4 of Section 19, Township 5 South, Range 31 East, B.M. (the “Subject Property”). All of the Subject Property has been continuously irrigated during the 2013 and 2014 irrigation seasons from water delivered by ASCC based on our 110 shares and the 80 ASCC shares leased from the Laverda Barron and Fae Baker Trusts,
3. The Subject Property is located at the end of ASCC’s ‘J’ lateral where ASCC has historical experienced difficulties delivering the water based on the shares of water stock. Taking our water from ASCC’s recovery well helps alleviate these delivery problems.
4. Prior to the start of the irrigation season in 2013, we made an application to ASCC for approval to change our point of diversion from the canal lateral to a well and to transferred the well to ASCC to operate as a “recovery well” to deliver irrigation water to the Subject Property.
5. ASCC granted our application, took over operation of the well as a “recovery well” under Idaho Code § 42-228 and authorized and directed us to take delivery of all ASCC irrigation

water from the well. ASCC has been providing the irrigation water to the Subject Property through the recovery well since 2013. This has been done pursuant to the ASCC's policy adopted and implemented by its Board of Directors.

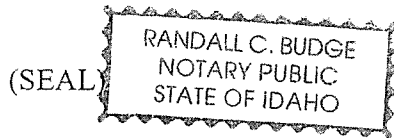
6. Starting on May 1, 2014 Defendant Idaho Department of Water Resources ("IDWR") has issued two separate Notices of Violation to us threatening to curtail our use of the water supplied by the recovery well to irrigate our farming property claiming that we do not own water rights to irrigate the Subject Property. (See Exhibits A and B to the Complaint for Declaratory Relief filed herewith). IDWR has threatened by said Notice of Violation to charge us with \$52,500 in civil fees/penalties and to install locks on Monday, June 9th, 2014 to prevent ASCC from delivering to us the irrigation water we are entitled to receive based on our owned and leased shares in ASCC which we rely upon to raise our crops.
 7. All of the Subject Property was planted in wheat in April of 2014 and has been continuously irrigated by wheel lines since approximately May 15, using water delivered from ASCC's recovery well. If normal irrigation continues the crop will continue to grow, mature and be harvested in late July or early August. If the well is curtailed as threatened by IDWR we will have no ability to irrigate the Subject Property and raise our growing crops which will be lost causing us irreparable harm and damage for which we have no remedy. For this reason we request that the Court issue a restraining order and injunction restraining IDWR from interfering with ASCC's operation of the recover well and the delivery of the irrigation water we are entitled to based on our shares. This is also necessary to maintain the status quo while ASCC litigates with IDWR the right to operate the recovery well.
- FURTHER YOUR AFFIANT SAITH NAUGHT.


Dated this 10th day of June, 2014.



JEFFREY DUFFIN

SUBSCRIBED AND SWORN to before me this 10th day of June, 2014.





NOTARY PUBLIC
Residing at Pocatello, Idaho
Comm. Expires: 10/11/16

CERTIFICATE OF SERVICE

I certify that on this 10th day of June, 2014, the foregoing document was served on the following persons in the manner indicated.

Emily C. Bundy
Signature of person mailing form

Director, Gary Spackman Idaho Department of Water Resources PO Box 83720 Boise, ID 83720-0098 Attn: Deborah Gibson deborah.gibson@idwr.idaho.gov kimi.white@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
James Cefalo Water Master 900 N. Skyline Dr, Ste. A Idaho Falls, Idaho 83402 james.cefalo@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
John Homan Deputy Attorney General P.O. Box 83720 Boise, Idaho 83720-0098 john.homan@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Garrick Baxter Idaho Department of Water Resources P. O. Box 83720 Boise, Idaho 83720-0098 garrick.baxter@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail
Tim Luke Water Compliance Bureau P. O. Box 83720 Boise, Idaho 83720-0098 tim.luke@idwr.idaho.gov	<input type="checkbox"/> U.S. Mail/Postage Prepaid <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail

Chamber's Copy
Honorable Stephen S. Dunn
Bannock County Courthouse
624 E. Center, Room 220
Pocatello, Idaho 83205

- U.S. Mail/Postage Prepaid
- Facsimile
- Overnight Mail
- Hand Delivery
- E-mail

Exhibit “A”

Parcel # 302

51

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO
NO. 5912 SHARES -- 110--

Aberdeen-Springfield Canal Company

CAPITAL STOCK \$75,000.00

75,000 SHARES

PAR VALUE \$1.00

This Certifies That Jeffrey T. and Chana Duffin

of Aberdeen, Idaho is the holder of

--- One Hundred-ten ---

shares of the capital stock of the Aberdeen-Springfield Canal Company and this stock certificate is issued and accepted subject to the following conditions which shall be binding upon the holder, his assigns, or successors in interest:

1. That this certificate represents a water right which is appurtenant to the following described land to wit:

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) in Section Nineteen (19) and the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) in Section Twenty (20) all in Township Five (5) South, Range Thirty-one (31) East, Boise Meridian, in Bingham County, Idaho.

and a proportionate interest in all of the irrigation works of this company.

2. Each share of stock herein represents and is equivalent to and stands for one share of water right as herein defined, and such shares of water right are appurtenant to the above described premises.

3. The ownership of each share of stock represented by this certificate carries with it, as an incident thereto, a right to one vote for each share at all stockholders' meetings of this company: to have water delivered to the holder hereof for the irrigation of the lands to which such shares of water right are appurtenant during the irrigating season of each year hereafter, the share of stock representing a water right which has a carrying capacity sufficient to deliver .625 miners inches per acre in the main canal and in all laterals, not exceeding four acre feet per share in any one year, or a proportionate part of all water available for distribution by this company; and such water may be delivered by a proper system of rotation.

4. Any transfer, whether by gift, grant or operation of law, of any of the lands to which the water rights represented by these shares of stock are appurtenant, shall operate, whether it be so expressed or not, as a transfer to the grantee, or successor in interest, of all rights to the use of the water for the irrigation of such lands, and all other rights incident to the ownership of these shares of stock, and any transfer, or attempted transfer, of any of said shares shall be of no force or effect except in connection with the transfer of the lands herein described and of the water rights which this stock represents, excepting only such transfers as are made pursuant to law in the separation of such water rights from the lands to which the same are now appurtenant.

5. This certificate is transferable only on the books of the Company in person or by attorney, upon the surrender of this certificate properly endorsed.

In Witness Whereof the President and Secretary have hereunto subscribed their names and affixed the Corporate Seal of this Company at Aberdeen, Idaho this 31st day of December 11/11/11 2011.

ABERDEEN-SPRINGFIELD CANAL COMPANY

Attest: [Signature]
Secretary

By [Signature]
President

No. 5912

Certificate

for

-- 110 --

Shares

of the

CAPITAL STOCK

of

Aberdeen-Springfield

Canal Company

Issued to

Jeffrey T. and Chana Duffin

December 31, 2011

Assignment

For Value Received _____ Hereby sell, assign and transfer unto

Shares of capital stock represented by the within certificate, said transfer being in connection with a transfer of the said shares of water right and also the premises described in the within certificate, and I hereby authorize the Aberdeen-Springfield Canal Company to transfer this stock upon the books of said company in connection with transfer of said premises and the shares of water right which this stock represents.

Dated this, the _____ day of _____, 19____

Signed: _____

Witness: _____

<p style="text-align: center;">RECORDING REQUESTED BY: Baker & Harris 266 W Bridge Blackfoot, ID 83221.</p>	<p style="text-align: center;">Instrument # 201885 POWER COUNTY, IDAHO 03-07-2012 06:00:27 PM No. of Pages: 6 Recorded for: BAKER & HARRIS CHRISTINE STEINLICHT Fee: \$26.00 Ex-Officio Recorder Deputy: Carolyn Anderson Electronically Recorded by Simplifile</p> <p style="text-align: center;">space above this line for Recording use only</p>
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GIFT DEED

THIS DEED made effective the 31st day of December, 2011, by and between Richard W. Schelske and Iris Schelske, husband and wife, dba D-7 Farms, the Grantors, and Jeffrey T. Duffin and Chana Duffin, husband and wife, of PO Box 525, Aberdeen, ID 83210, the Grantees.

WITNESSETH:

That the said Grantors, for and in consideration of LOVE and AFFECTION, do by these presents give, convey and confirm unto the said Grantees, their heirs and assigns, forever, Grantors' remaining undivided one-half interest in and to the following-described real and personal property lying and being in the Counties of Bingham and Power, State of Idaho, and described as follows:

LEGAL DESCRIPTIONS

Parcel D1:

Township 7 South, Range 30 E.B.M., Power County, Idaho
 Section 9: NE ¼

Parcel D2:

Township 6 South, Range 30 E.B.M., Power County, Idaho
 Section 34: NE¼

EXCEPTING THEREFROM: A tract of land in the NE¼NE¼ of said section described as follows: Beginning at a point which is W. 25 feet from the NE corner of said Section 34; thence S. 0°01' E. 100 feet; thence S. 89°52' W. 150 feet; thence N. 0°01' W. 100 feet; thence N. 89°52' E. 150 feet to the point of beginning.

Parcel D3:

Township 6 South, Range 30 E.B.M., Bingham County, Idaho
 Section 26: SW¼, Except the West 33 feet for road right-of-way.

Parcel D4:

Township 6 South, Range 30 E.B.M., Bingham County, Idaho
 Section 26: SE¼

Parcel D5:

Township 6 South, Range 30 E.B.M., Bingham County, Idaho
 Section 15: SW¼

Excepting therefrom the following described parcel: A parcel of land in the SW¼ SW¼ of Section 15, Township 6 South, Range 30 E.B.M., Bingham County, Idaho, described as follows: Commencing at the Southwest corner of said Section 15 which is monumented with a 5/8" rebar and aluminum cap stamped for corner and PELS 2341; thence South 89°59'00" East along the South line of said Section 15, a distance of 872.74 feet to the TRUE POINT OF BEGINNING. Thence N 01°57'25" West, a distance of 168.85 feet to a ½" rebar and plastic cap stamped PELS 2341; thence N 89°09'10" East, a distance of 65.26 feet to a ½" rebar and plastic cap stamped PELS 2341; thence N 00°50'00" West, a distance of 42.17 feet to a ½" rebar and plastic cap stamped PELS 2341; thence S 89°59'00" East, a distance of 156.39 feet to a ½" rebar and plastic cap stamped PELS 2341; thence S 00°01'00" West a distance of 211.90 feet to a point on the South line of said Section 15; thence N 89°59'00" West, along said South line, a distance of 215.20 feet to the TRUE POINT OF BEGINNING.

Excepting therefrom the Southerly 30.00 feet of the above described parcel for the county road right-of-way.

Together with an easement for ingress and egress over and across the Easterly 103.00 feet of the following described parcel.

A parcel of land in the SW¼SW¼ of Section 15, Township 6 South, Range 30 E.B.M., Bingham County, Idaho, described as follows: Commencing at the Southwest corner of said Section 15 which is monumented with a 5/8" rebar and aluminum cap stamped for corner and PELS 2341; thence South 89°59'00" East along the South line of said Section 15, a distance of 872.74 feet to the TRUE POINT OF BEGINNING. Thence N 01°57'25" West, a distance of 168.85 feet to a ½" rebar and plastic cap stamped PELS 2341; thence N 89°09'10" East, a distance of 65.26 feet to a ½" rebar and plastic cap stamped PELS 2341; thence N 00°50'00" West, a distance of 42.17 feet to a ½" rebar and plastic cap stamped PELS 2341; thence S 89°59'00" East, a distance of 156.39 feet to a ½" rebar and plastic cap stamped PELS 2341; thence S 00°01'00" West a distance of 211.90 feet to a point on the South line of said Section 15; thence N 89°59'00" West, along said South line, a distance of 215.20 feet to the TRUE POINT OF BEGINNING.

Parcel D6:

Township 6 South, Range 31 E.B.M., Bingham County, Idaho
Section 20: S½S½NE¼; S½SE¼NW¼; Excepting therefrom the following described parcel: A parcel of land in the S½SE¼NE¼ of Section 20, Township 6 South, Range 31 East of the Boise Meridian, Bingham County, Idaho, described as follows: Commencing at the East ¼ corner of said Section 20 which is monumented with a 5/8" rebar and aluminum cap stamped PELS 2341, said point being left of State Highway 39 center line sta. 478+76.41 a distance of 28.97 feet; thence North 89°46'28" West along the latitudinal center line of said Section 20, a distance of 32.50 feet to a point on the Westerly right-of-way line of said State Highway 39 being 61.47 feet left of State Highway 39 center line sta. 478 + 76.41, said point being monumented with a ½" rebar and plastic cap stamped PELS 2341, the TRUE POINT OF BEGINNING; thence North 89°46'28" West, continuing along said latitudinal centerline,

a distance of 323.15 feet to a ½" rebar and plastic cap stamped PELS 2341; thence North 00°02'12" West a distance of 505.00 feet to a ½" rebar and plastic cap stamped PELS 2341; thence South 89°46'28" East, a distance of 323.15 feet to a point on the Westerly right-of-way line of said State Highway 39, said point being left of said State Highway 39 center line sta. 483+71.42 a distance of 60.09 feet and monumented with a ½" rebar and plastic cap stamped PELS 2341; thence South 00°02'12" East along said right-of-way line, a distance of 505.00 feet to the TRUE POINT OF BEGINNING.

Parcel D7:

Township 5 South, Range 31 E.B.M., Bingham County, Idaho
Section 19: SE¼NE¼
Section 20: W¼NW¼

WATER RIGHTS

Together With:

Parcel D1:

Idaho Department of Water Resources License Number 35-07068, Priority Date February 26, 1969, 2.8 cfs.

Parcel D2:

Idaho Department of Water Resources License Number 35-02296, Priority Date January 20, 1953, 2.38 cfs.

Parcel D3:

Idaho Department of Water Resources License Number 35-04022, Priority Date November 20, 1959, 2.22 cfs.

Parcel D4:

Idaho Department of Water Resources License Number 35-02385, Priority Date August 27, 1954, 2.42 cfs.

Parcel D5:

Idaho Department of Water Resources License Number 35-02485, Priority Date November 30, 1956, 2.3 cfs.

Parcel D6:

60 shares of stock, Certificate #5410 or as may be re-issued in Aberdeen-Springfield Canal Company.

Idaho Department of Water Resources License Number 35-7667, Priority Date June 11, 1992, 1.1 cfs.

Idaho Department of Water Resources Permit Number 35-9000, 0.9 cfs.

Parcel D7:

110 shares of stock, Certificate #5409 or as may be re-issued in Aberdeen Springfield Canal Company.

Idaho Department of Water Resources Permit Number 35-8980, 2.2 cfs.

Idaho Department of Water Resources Permit Number 35-9002, 3.66 cfs.

IRRIGATION EQUIPMENT

Together with all fixtures, including but not limited to the following: All pumps, motors, columns, tubes, shafts, bowls, panels and all electrical appurtenances; mainline, laterals, wheel lines, pivot/circle irrigation systems, risers, heads, couplers, end plugs, valves, valve openers, reducers, joints, tees and wyes, as well as all additions and replacements thereof, hereby declared appurtenant thereto and which are more particularly described as follows:

Parcel D1:

1 - 150hp General Electric Motor Serial #FLJ604172
1 - Berkley Turbine Pump Serial #7426074
2640 feet 8" Steel Mainline
6 - ¼ mile Thunderbird Wheel Lines

Parcel D2:

1 - 125hp US Motor Serial #1070092
1 - Layne & Bowler Turbine Pump Serial #26080
2640 feet 8" Buried Steel Mainline
6 - ¼ mile Funk Electric Wheel Lines

Parcel D3:

1 - 125hp US Motor Serial #1171897
1 - Wintroath Turbine Pump Serial #9297
100 feet 8" Buried Steel Mainline
1 - Eight Tower Model 5071 Valley Center Pivot with corner system Serial #24252

Parcel D4:

1 - 100hp A.O. Smith Motor Serial #7010
1 - Layne Turbine Pump Serial #27937
2600 feet 8" Buried Steel Mainline
6 - ¼ mile Thunderbird Wheel Lines

Parcel D5:

1 - 250hp US Motor Serial #629J0
1 - Worthington 14MI6 Pump Serial #Unknown
4600 feet 6" Steel Mainline
10 - ¼ mile Thunderbird Wheel Lines

Parcel D6:

- 1 - 50hp General Electric Motor Serial #JJJ926374
- 1 - Johnson Turbine Pump Serial #Unknown
- 3300 feet 6" Buried Steel Mainline
- 3 - ¼ mile Thunderbird Wheel Lines

Parcel D7:

- 1 - 100hp U.S. Motor Serial #11005788
- 1 - Wintroath Turbine Pump Serial #Unknown
- 2600 feet 8" Buried Transite Mainline
- 7 - ¼ mile Thunderbird Wheel Lines

FIXTURES

Parcel D2

- 2- Potato Cellars

Parcel D5

- 5- Granaries
- 1- Shed
- 2- Shops

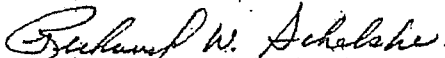
Parcel D7

- House

SUBJECT TO a debt owing to Idaho AgCredit, FLCA, a wholly owned subsidiary of Idaho Agricultural Credit Association, a corporation, existing and operating under the Farm Credit Act of 1971, as amended, having its principal place of business at 188 W Judicial, PO Box 985, Blackfoot, Idaho 83221, one-half of which the Grantees assume and agree to pay.

TO HAVE AND TO HOLD all and singular the said premises together with the appurtenances and privileges thereto belonging unto the said Grantees, their successors and assigns, forever.

WITNESS the hand of the Grantors the day and year first above written.


Richard W. Schelske


Iris Schelske

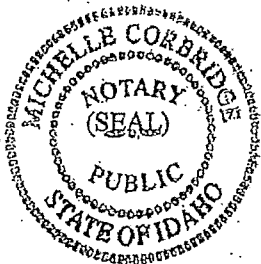
STATE OF IDAHO)

: ss.

County of Bingham)

On this 6th day of March, 2012, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Richard W. Schelske and Iris Schelske, husband and wife, dba D-7 Farms, 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 first above written.



Michelle Corbridge
Notary Public for Idaho
Residing at: Weideman
My Commission Expires: 08/28/2015

SECRETARIAL CERTIFICATE OF WATER STOCK

Idaho AgCredit, FLCA, a wholly owned subsidiary of Idaho Agricultural Credit Association
P.O. Box 300
American Falls, Idaho 83211

THIS IS TO CERTIFY that I have noted on the books of the Aberdeen-Springfield Canal Company that its stock certificate(s) Nos. 5913, and 5912 for 60, and 110 shares issued to JEFFREY T. DUFFIN and CHANA DUFFIN, husband and wife, are held by Lender as collateral security for a loan and that the company will notify Lender before taking steps to acquire or transfer the stock.

Dated 2/11/2013

Aberdeen-Springfield Canal Company

(Corporate Seal)

★ By: [Signature]
Secretary

Are Assessments now in Default? No If Yes, Amount Due: \$ 0

★ THIS IS TO CERTIFY that I have noted on the books of the Aberdeen-Springfield Canal Company that its water stock certificate/s referenced above are to be held by Lender as security collateral for a loan and that the Company will notify Lender before taking steps to acquire or transfer the stock. The Lender will also notify the Company when the security interest on said pledged certificate/s have been honored with an official Release of Notice to the Company at Aberdeen-Springfield Canal Company, PO Box 857, Aberdeen, Idaho 83210 and the return of any water stock certificate/s to the Owners.

THIS IS ALSO TO CERTIFY that the above listed stock certificate/s have not been surrendered to the Lender by the Company, and that to the best of our knowledge, the Owners of said stock certificate have said original certificate/s in their possession or have been surrendered to Lender.

NOTICE OF PLEDGE

Loan No. 231 007 0006573835 5571251-101

TO: Aberdeen-Springfield Canal Company


Please be notified that, in consideration for the making of a loan by Idaho AgCredit, FLCA ("Lender"), a wholly owned subsidiary of Idaho Agricultural Credit Association, to JEFFREY T. DUFFIN and CHANA DUFFIN, husband and wife and to fulfill the requirements made a condition of the said loan, the undersigned have pledged as additional collateral therefor all their right, title and interest in and to 60, and 110 shares of stock of Aberdeen-Springfield Canal Company evidenced by Certificate No.(s) 5913, and 5912 which shall be surrendered to Lender for the purpose of perfecting its security interest.

Further, the referred to shares of stock are described in the deed of trust/mortgage covering certain real property in Bingham and Power County, State of Idaho, given to secure the indebtedness identified on the records of the said Lender by the above loan number. Said shares of stock are also pledged as additional collateral for any supplemental mortgages, additional advances, extensions, or other modifications by Lender on this loan.

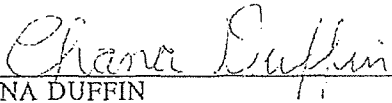
Please file this notice with your records of the above numbered water stock certificate(s) and direct a copy of any notice which might adversely affect the water rights thereunder to Idaho AgCredit, FLCA, a wholly owned subsidiary of Idaho Agricultural Credit Association, P.O. Box 985, Blackfoot, Idaho 83221.

The pledge of the above described shares of stock and stock certificates includes any replacement or re-issue of these shares and certificates, in any form.

Date: December 21, 2012



JEFFREY T. DUFFIN



CHANA DUFFIN

Exhibit “B”

Parcel # 304

80 District

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

E-ktf

NO.

SHARES.....

Aberdeen-Springfield Canal Company

CAPITAL STOCK \$75,000.00

75,000 SHARES

PAR VALUE \$1.00

This Certifies That *Fae R. Baker Revocable Trust, Fae R. Baker Trustee & John H. Baker Trustee & Susan Family Trust,* of Oran, Utah..... *Howard H. Barron and LaVerda R. Barron, Trustees* is the holder of

..... shares of the capital stock of the Aberdeen-Springfield Canal Company and this stock certificate is issued and accepted subject to the following conditions which shall be binding upon the holder, his assigns, or successors in interest

1. That this certificate represents a water right which is appurtenant to the following described land, to wit:

AN UNDIVIDED PART OF THE LAND DESCRIBED IN PARAGRAPH 1 OF THE DEED TO THE LANDS OF THE NORTHWEST QUARTER (20 1/2) SECTION NANCY (20), TOWNSHIP FIVE (5) NORTH, RANGE FIFTY-ONE (51) E. & T. IN BLAINE COUNTY, IDAHO.

and a proportionate interest in all of the irrigation works of this corporation.

2. Each share of stock herein represents and is equivalent to and stands for one share of water right as herein defined, and such shares of water right are appurtenant to the above described premises.

3. The ownership of each share of stock represented by this certificate carries with it, as an incident thereto, a right to one vote for each share at all stockholders' meetings of this corporation; to have water delivered to the holder hereof for the irrigation of the lands to which such shares of water right are appurtenant during the irrigating season of each year hereafter, the share of stock representing a water right which has a carrying capacity sufficient to deliver one-eightieth of one second foot per acre in the main canal and one-fiftieth of one second foot per acre in all laterals, not exceeding two and one-half acre feet in any one year, or a proportionate part of all the water available for distribution by this corporation; and such water may be delivered by a proper system of rotation.

4. Any transfer, whether by gift, grant, or operation of law, of any of the lands to which the water rights represented by these shares of stock are appurtenant, shall operate, whether it be so expressed or not, as a transfer to the grantee, or successor in interest, of all rights to the use of the water for the irrigation of such lands, and all other rights incident to the ownership of these shares of stock, and any transfer, or attempted transfer, of any of said shares shall be of no force or effect except in connection with the transfer of the lands herein described and of the water rights which this stock represents, excepting only such transfers as are made pursuant to law in the separation of such water right from the lands to which the same are now appurtenant.

5. This certificate is transferable only on the books of the Company in person or by attorney, upon the surrender of this certificate properly endorsed.

In Witness Whereof the President and Secretary have hereunto subscribed their names and affixed the Corporate Seal of this Company at Aberdeen, Idaho, this Twenty-fourth day of February... 1992

ABERDEEN-SPRINGFIELD CANAL COMPANY

Attest: *Sam A. [Signature]*
Secretary

By *[Signature]*
President

No. *Handwritten*

Certificate

for

-80-

Shares

of the

CAPITAL STOCK

of

Aberdeen-Springfield

Canal Company

Issued to

Handwritten
To: *Handwritten* Baker Co. 125 Broadway New York City
By: *Handwritten* H. B. Baker, President
Handwritten W. J. Baker, Secretary

Assignment

For Value Received Hereby sell, assign and transfer unto

.....
Shares of capital stock represented by the within certificate, said transfer being in connection with a transfer of the said shares of water right and also the premises described in the within certificate, and I hereby authorize the Aberdeen-Springfield Canal Company to transfer this stock upon the books of said company in connection with transfer of said premises and the shares of water right which this stock represents.

Dated this, the day of, 19.....

Witness:

.....