

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-02181
Date Received: 8/24/1988
Receipt No: E001716
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEO M. SMITH
Address: 2511 WEST 4700 SOUTH
REXBURG, ID

208-356-5143

83440

2. Date of Priority: JUL 19, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	18	NE	NE	SE		MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO TWO CENTER PIVOT & HAND LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.040		

7. Total Quantity Appropriated is:
5.040 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 616.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	18	NE	NE		IRR	38.0
			NW	NE		IRR	37.0
			SW	NE		IRR	40.0

A22-02181

Page 1

Date: 08/24/88



OCT 25 1988

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	40E	18	SE	NE		IRR	38.0
			NE	SE		IRR	38.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
						Section Acres	308.0
						Total Acres	308.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
THIS RIGHT IN COMBINATION WITH A22-11285 SHALL NOT EXCEED 5.04
CFS.

15. Basis of Claim: LICENSE
Water Right Number: 28874

OCT 29 1988

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

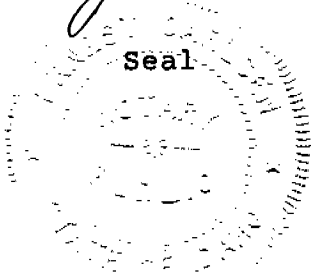
Signature of Claimant(s): *John W. Smith* Date: *8/24/88*
_____ Date: _____

State of Idaho)
County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *24* day

of *Aug* 19 *88*

Ernest Carlson
Notary Public



Residing at *Idaho Falls, ID*

My Commission Expires *14 June 1994*

DATE: 06/12/98
PAGE: 1

Stage: LICENSE

MADISON County

MS

Other Rights: NONE

CFS.

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. A22-02181

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/05/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DUSTY ACRES INC 5060 S 2000 W REXBURG ID 83440 (208) 356-5015	07/19/1960	IRRIGATION	04-01 11-01	5.04 CFS	
				TOTAL DIVERSION:	5.04 CFS	
				CONSUMPTIVE USE:		616.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T05N R40E S18

NESE

MADISON County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: SUM
05N 40E 18	: 38	: 37	: 40	: 38	: 308.0
					TOTAL ACRES
					308.0

POU County: MADISON

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN THIS RIGHT IN COMBINATION WITH A22-11285 SHALL NOT EXCEED 5.04 CFS.
CHANGED OWNERSHIP PER REQUEST. AJ/09-05-1997

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

COPY

R40E



Log for claim 22-02181

Spatial Dynamics LTD

6/26/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n40e	18	NENE	38	39	
05n40e	18	NWNE	37	40	
05n40e	18	SWNE	40	40	
05n40e	18	SENE	38	38	
05n40e	18	NESE	38	39	
05n40e	18	NWSE	40	40	
05n40e	18	SWSE	39	39	
05n40e	18	SESE	38	38	
Totals:			308	313	

State of Idaho
License and Certificate of Water Right

Water License No. G-28874 Amount 5.04 c.f.s.
Water District No. _____ Priority July 19, 1960

THIS IS TO CERTIFY that LEO M. SMITH
of Thornton, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 19, 1960; that Permit No. G-28874
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
5.04 second feet, was issued thereunder on March 12, 1963, showing that said works
were completed on the 7th day of August, 1961; and that on the 7th
day of August, 1961,
LEO M. SMITH

of Thornton, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28874 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7565, on the 12 day of March, 1963;
The right hereby confirmed dates from July 19, 1960;
The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 18, Twp. 5N, R. 40E, B. M. Madison County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 5.04 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	40 E.	18	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	39
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	40
			Total number of acres to be irrigated:		319

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
12th day of March, 1963.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

72 2181

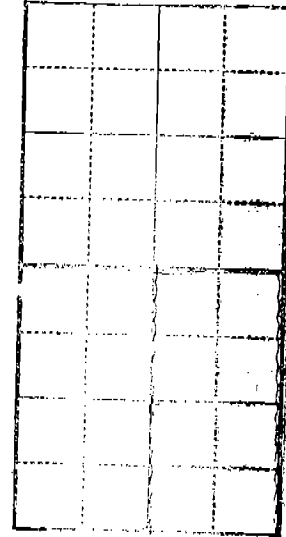
23-2181

APPLICATION FOR PERMIT

To appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36858
Permit No. G- 28874
District No.

1. Name of Applicant: Leo M. Smith
Postoffice address: Thornton County: Madison State: Idaho
2. Quantity of water claimed: 300 miners inches
(a) Rate of withdrawal in cubic feet per second 6.0 or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Deep well
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18
Twp. 5 N , Rge. 40 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well turbine pump, and sprinkler system
8. Estimated cost of works: \$ 40,000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
- (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
- (b) 6.0 (cubic feet per second, inches or gallons per minute) is for new lands.



BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Leo M. Smith *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 1:00 P.M. July 19, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 28874

Recorded in Book 101 Page 28874 Approved July 26, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 26, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 26, 1965

Witness my hand this 26th day of July, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. E. DREYLOW, Acting Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 26th
day of July, 19 60.

Countersigned:

STATE OF IDAHO

(SEAL)
By s/ ARNOLD WILLIAMS

By a/ W. E. DREWLOW,
Acting Governor

Secretary of State.

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	40 E	18	40	40	40	40	Permit No. G-20874 CERTIFICATE OF COMPLETION OF WORKS								40	40	40	40	320
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that LEO M. SMITH, of Thornton, County of Madison, and State of Idaho, the holder of Permit No. G-20874, issued upon Application No. G-36858, bearing date of priority of July 19, 1960, authorizing the diversion of 6.0 second feet of waters of a well, County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5.04 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters NE¼, Sec. 18, T. 5 N., R. 40 E., S. 1 E. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:																			
319 acres in E½, Sec. 18, T. 5 N., R. 40 E., S. 1 E. M.																			
Witness my hand this 12 day of March, A. D. 1963																			
s/ RALPH W. THOMAS Deputy State Reclamation Engineer																			
Proof of Completion of Works Made: August 7, 1961																			
ACREAGE ISSUED FOR 5.04 SEC. FT. page 7565																			

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28874

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant LEO M. SMITH, Thornton, Idaho
2. Source of water supply: a well - subterranean
3. Location of point of diversion: Is in the NE 1/4 of Section 18
T. 5 N. R. 40 E. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same: 200 HP U.S.
Motor # 1223654, Johnston Pump # JR 4841 (1800 GPM @ 380' h)
Peerless Booster Pump # 138566 with a 75 HP GE Motor # RS 175020

5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

1/4, Sec. 18, T. 5 N., R. 40 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?
- Remarks: Indian pipe more present at time of examination

Automatic timer started during measurement. Meter
Measured by taking pressure readings along each lateral.

This examination was made on the 9th day of August, 19 62

(Signed)

Logan Johnson

Examiner.

28874

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 22 1902
Department of Reclamation

356-5143
Leo M. Smith
Thornton, Idaho
Permit No. G-28874
Completion of Works
Examination for and Beneficial Use
County Madison
Sec. 18 T. 5N R. 4OE
Quantity: 6,000 cu ft
Source: N.E.C.
P.D.: 18.00 Sec. 18 T. 5N R. 4OE
Use: Irrigation
Filed: 18.00
Due: 18.00
Extension: _____
Completion of Works: _____
Other Rights: _____

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 22 1962

Department of Reclamation

Leo M. Smith
Thornton, Idaho

Permit No. G-28874

Completion of Works
Examination for Beneficial Use

County Madison

Sec. 18 T. 5N R. 40E

Quantity: 6,000 cfs.

Source: Well

P.D.: 1E SE Sec. 8, T. 5N, R. 40E

Use: Irrigation

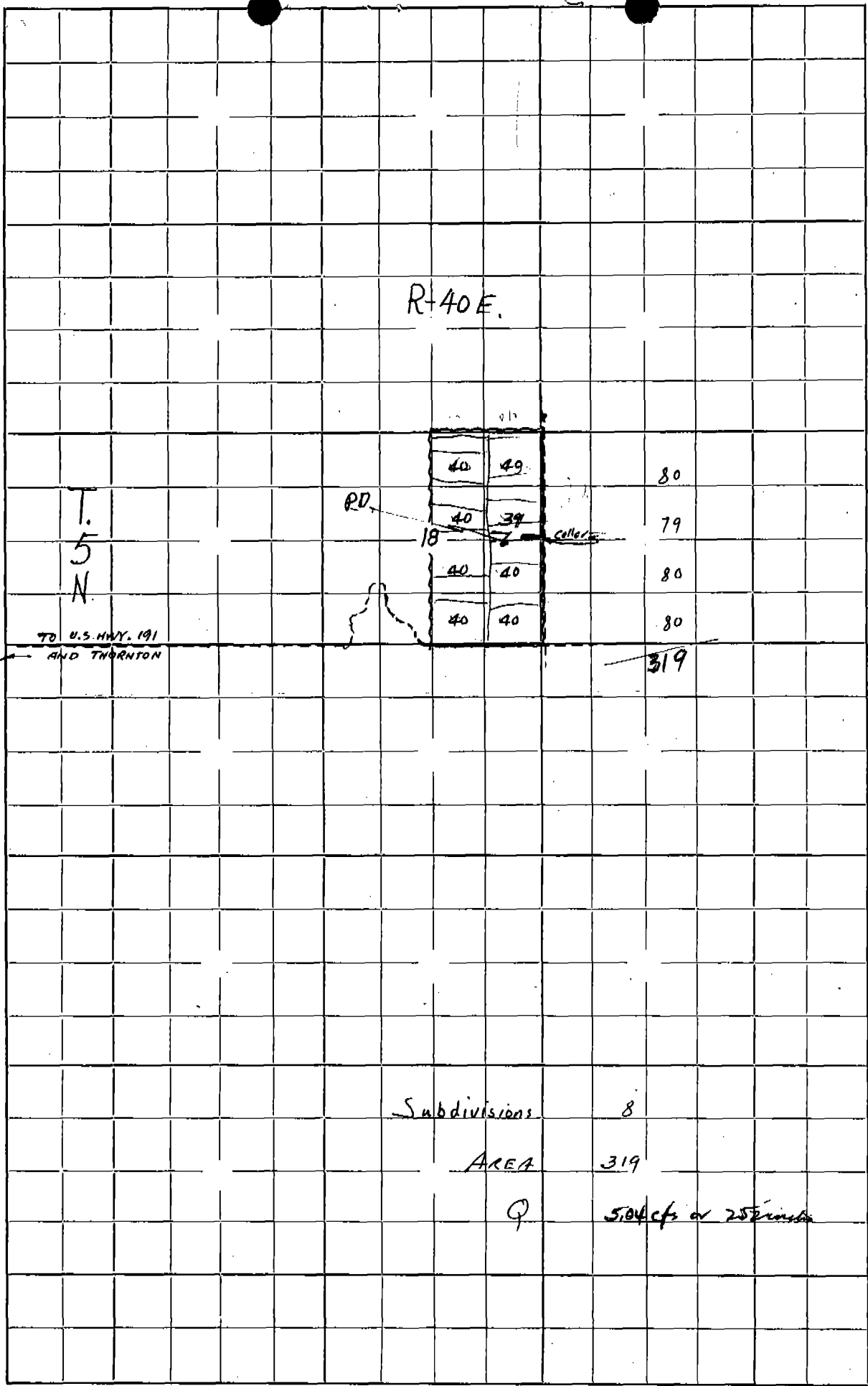
Filed: June 1962

Due: Jan 1963

Extension: _____

Completion of Works: _____

Other Rights: _____



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28874

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28874

Leo M. Smith
Thornton, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

28874



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

June 12, 1998

LANE & KAY LYNNE ARNOLD
2965 S 2000 W
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-02181, A22-11285

Dear Mr. & Mrs. Arnold:

The request for Change in Ownership concerning Notice of Claim A22-02181 has been processed and the Notice modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice of Claim, with your name shown as the current owner. Review the forms and if there are no questions or corrections, please keep this Notice for your records.

Notice of Claim A22-11285 was not modified because it is not appurtenant to the land listed in the warranty deed.

If you have questions or corrections, please feel free to contact our office.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

The deed conveys

TSN
R40E
S18
NE $\frac{1}{4}$ and
SE $\frac{1}{4}$
and A22-02181
and A22-11285
Except 210 ft. in
SWSE

Since A22-02181 includes
39 acres in SWSE
is this a split? NO

and

A22-11285 is mentioned
in the deed but is not
in the NE $\frac{1}{4}$ or the
SE $\frac{1}{4}$. It is in the
SWSW. So is this OK?

(The only claims in name of Dusty Auer are
these two)

Add paragraph to standard
letter stating the name of claimant for
A22-11285
was not changed modified
because it is appurtenant to
land not listed in warranty
deed.

DO NOT FILM

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

DELOG JH 5/26/98
DELOG EC 6/2/98

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

1. Water Right Number(s) _____
Adjudication Claim Number(s) A 22 - 02181, A 22 - 11285 *not appropriate to ground in deed*
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - ☒ C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Dusty Acres
4. New Owner/Claimant(s) Layne + Kay Lynne Arnold
Name connector (check one): [] AND, [] OR, [] AND/OR
New Mailing Address 2965 S 2000 W
City, State and ZIP Code Rexburg ID 83440
☒ New Telephone Number (208) 356-6677
- ☒ 5. Date you acquired the property APRIL 1 - 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ cubic feet per second Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
- ☒ 7. Signature of New Owner/Claimant(s) Layne Arnold Date 5-18-98
Kay Lynne Arnold Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

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 IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

WARRANTY DEED

Dusty Acres, Inc., an Idaho corporation, as GRANTOR, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Lane Arnold and Kay Lynne Arnold, husband and wife, 2965 South 2000 West, Rexburg, Idaho 83440, as GRANTEES, and to GRANTEES' heirs and assigns forever, all of the following described real estate:

See Attached Exhibit A

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

GRANTOR, for itself, its successors and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEES, their heirs and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name to this instrument this 1st day of April, 1998.

GRANTOR:

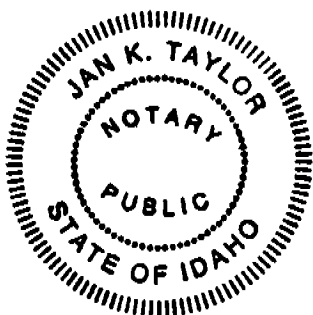
DUSTY ACRES, INC.,
an Idaho corporation

By Todd L. Smith
Todd L. Smith, President

By Elaina Smith
Elaina Smith, Secretary

STATE OF IDAHO)
 : ss
County of Madison)

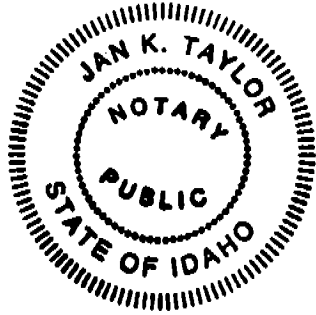
On this ^{10th} ~~1st~~ day of April, in the year 1998, before me, a Notary Public, personally appeared ~~Todd L. Smith and~~ Elaina Smith, known or identified to me (or proved to me on the oath of _____), to be the ~~President and~~ Secretary, respectively, of the corporation that executed this instrument or the persons who executed this instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Jan K. Taylor
Notary Public for Idaho
Residing at: Rexburg, ID
My Commission Expires: 1/31/2003

STATE OF IDAHO)
 : ss
COUNTY OF MADISON)

On This 10th day of April, in the year 1998, before me, a Notary Public in and for said State, personally appeared **TODD L. SMITH**, known or identified to me to be the President of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



Jan K. Taylor

Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires: 1/31/2003

EXHIBIT A

LEGAL DESCRIPTION

The land referred to is situated in the State of Idaho, County of Madison and is described as follows:

The East One-Half of Section 18, Township 5 North, Range 40 East, Boise Meridian, Madison County, State of Idaho.

LESS COUNTY ROAD RIGHT-OF-WAY ALONG EASTERLY BOUNDARY.

TOGETHER WITH A 30 FOOT WIDE PERPETUAL EASEMENT AS GRANTED IN EASEMENT DOCUMENTS RECORDED SEPTEMBER 22, 1997, AS INSTRUMENT NOS. 268320 AND 268321.

Together with any and all water, water rights, ditch, ditch rights, and water shares and/or stock belonging or appurtenant to the foregoing real property, including without limitation water rights pertaining to Adjudication Claim Nos. A2202181 and A2211285.

LESS AND EXCEPTING THEREFROM:

Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Section 18:

Beginning at a point on the Section line that is 170.00 feet South 89°52'00" East of the Southwest corner of the Southeast Quarter of said Section 18, and running thence North 00°00'00" West 210.00 feet; thence South 89°52'00" East 210.00 feet; thence South 00°00'00" East 210.00 feet to the section line; thence North 89°52'00" West 210.00 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the existing County road right-of-way along the Southerly boundary of the above described property.

17.0

1

251

102

NW

11.2

4

156.9

1 NHFL

304
1.0

93.5

3 NHFL

T-1836

60.0

1 NHFL

1549

T-811

NW

19

20



17.0
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251

102

NW

11.2
4

156.9

1 NHEL

7

18



out
100

93.5

3 NHEL

T-1836

60.0

1 NHEL

7

19

20

1549

T-811

NW

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN that DUSTY ACRES, INC., an Idaho corporation, is selling by written Contract of Sale of this same date to LANE ARNOLD and KAY LYNNE ARNOLD, husband and wife, the following described real property:

See Attached Exhibit A

1. The names and addresses of the parties to the Contract of Sale are:

Seller: Dusty Acres, Inc.
5060 South 2000 West
Rexburg, Idaho 83440

Buyer: Lane and Kay Lynne Arnold
2965 South 2000 West
Rexburg, Idaho 83440

2. The Contract of Sale is payable over a period of fifteen (15) years and is payable to First American Administrative Services, Inc., as Escrow Holder. Buyer has possession, but the deed shall not be delivered until the Contract of Sale is fully paid, and Seller retains remedies in the event of default, all of which are fully set forth in the Contract of Sale and the Escrow Agreement and Instructions.

DATED this 1st day of April, 1998.

SELLER

BUYER

DUSTY ACRES, INC.

BY Todd L. Smith
Todd L. Smith, President

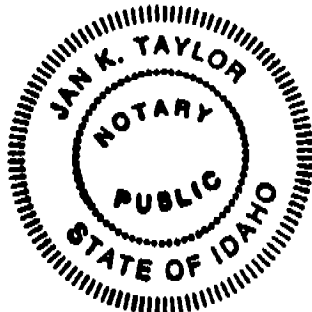
BY Elaina Smith
Elaina Smith, Secretary

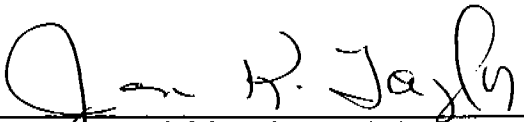
Lane Arnold
Lane Arnold

Kay Lynne Arnold
Kay Lynne Arnold

STATE OF IDAHO)
 :SS
County of Madison)

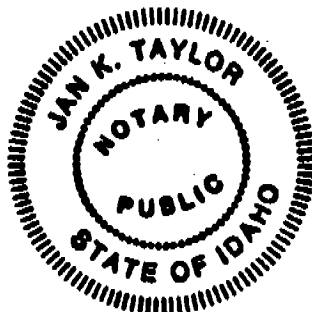
On this 1st day of April, in the year 1998, before me, a Notary Public, personally appeared ~~Teddy Smith and~~ Elaina Smith, known or identified to me (or proved to me on the oath of _____), to be the ~~President and~~ Secretary, ~~respectively~~ of the corporation that executed this instrument or the persons who executed this instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

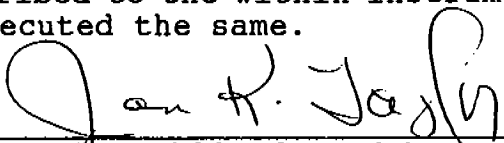



Notary Public for Idaho
Residing at: Rexburg, ID
My Commission Expires: 1/31/2003

STATE OF IDAHO)
 :SS
County of Madison)

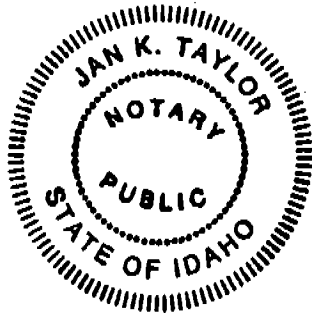
On this ^{10th} ~~1st~~ day of April, in the year of 1998, before me, a Notary Public in and for said State, personally appeared Lane Arnold and Kay Lynne Arnold, husband and wife, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

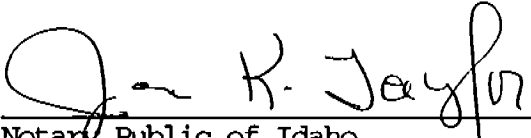



Notary Public for Idaho
Residing at: Rexburg, ID
My Commission Expires: 1/31/2003

STATE OF IDAHO)
 : ss
COUNTY OF MADISON)

On This 10th day of April, in the year 1998, before me, a Notary Public in and for said State, personally appeared **TODD L. SMITH**, known or identified to me to be the President of the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.





Notary Public of Idaho
Residing at Rexburg, Idaho
Commission Expires: 1/31/2003

EXHIBIT A

LEGAL DESCRIPTION

The land referred to is situated in the State of Idaho, County of Madison and is described as follows:

The East One-Half of Section 18, Township 5 North, Range 40 East, Boise Meridian, Madison County, State of Idaho.

LESS COUNTY ROAD RIGHT-OF-WAY ALONG EASTERLY BOUNDARY.

TOGETHER WITH A 30 FOOT WIDE PERPETUAL EASEMENT AS GRANTED IN EASEMENT DOCUMENTS RECORDED SEPTEMBER 22, 1997, AS INSTRUMENT NOS. 268320 AND 268321.

Together with any and all water, water rights, ditch, ditch rights, and water shares and/or stock belonging or appurtenant to the foregoing real property, including without limitation water rights pertaining to Adjudication Claim Nos. A2202181 and A2211285.

LESS AND EXCEPTING THEREFROM:

Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Section 18:

Beginning at a point on the Section line that is 170.00 feet South 89°52'00" East of the Southwest corner of the Southeast Quarter of said Section 18, and running thence North 00°00'00" West 210.00 feet; thence South 89°52'00" East 210.00 feet; thence South 00°00'00" East 210.00 feet to the section line; thence North 89°52'00" West 210.00 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the existing County road right-of-way along the Southerly boundary of the above described property.



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

September 5, 1997

DUSTY ACRES INC
5060 S 2000 W
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-02181 & A22-11285

Dear Sirs,

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Autumn Jones
Records Clerk

Enclosure: Notice(s) of Claim

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

AUG 21 1997

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

1. Water Right Number(s) _____
Adjudication Claim Number(s) A22-2181, A22-11285
2. The following REQUIRED information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Leo M Smith
2511 W. 4700 S.
Rexburg, ID. 83440
4. New Owner/Claimant(s) DUSTY ACRES INC.
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 5060 S. 7000 W.
City, State and ZIP Code Rexburg, ID 83440
New Telephone Number (208) 356-5015
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) DUSTY ACRES INC. By Todd Smith Date 8-20-97

Date _____
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

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 IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

GRANT DEED

FOR VALUE RECEIVED, TODD SMITH and JEFFREY SMITH as general partners of the TODD AND JEFFREY SMITH FARMS, an Idaho Partnership, does hereby grant, bargain, sell, and convey unto DUSTY ACRES, INC. the following described real property in Madison County, State of Idaho, to-wit:

Parcel 1

Commencing at the Northeast corner of Lot 4, Section 18, Township 5 North, Range 40 East, Boise Meridian, in Madison County, Idaho, and running thence South 1320 feet; thence West along the South line of said Section 18, 280 feet to the East line of the County Road; thence along the line of said County Road North 24°27' West 1450 feet to the North line of said Lot 4; thence East 880 feet to the point of beginning.

Parcel 2

The East One-Half of Section 18, Township 5 North, Range 40 East, Boise Meridian, Madison County, State of Idaho.

Together with any and all water, water rights, ditch, ditch rights, water shares and or stock appurtenant thereto.

Subject to all liens and encumbrances of any kind and nature thereon, together with any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

DATED This 29th day of February, 1996.

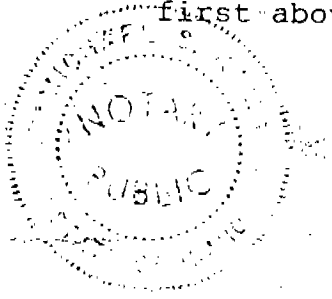
Todd Smith
Todd Smith, general partner

Jeffrey Smith
Jeffrey Smith, general partner

STATE OF IDAHO)
) Ss.
 County of Madison)

On this 29th day of February, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Todd Smith and Jeffrey Smith, known to me to be the persons whose names are subscribed to the within instrument as the partners of TODD AND JEFFREY SMITH FARMS, A GENERAL PARTNERSHIP and acknowledged to me that they executed the same as such partners of said partnership.

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 for Idaho
 Residing at Rexburg, Idaho
 Commission Expires: 6-8-99

MICROFILMED

State of Idaho) SS 260813
 County of Madison)
 I hereby certify that the within instrument was
 filed APR. 11 1996
 19 at 1520 M., and
 recorded on Film 260813 Fee 6.00
 by BETH B. REESE, Recorder
[Signature] Deputy
 At the request of
Rigby, Thataley Chartered

243724

ORIGINAL

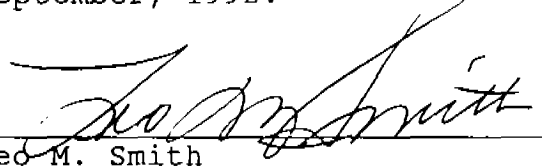
GRANT DEED

FOR VALUE RECEIVED, LEO M. SMITH, individually, of 2511 West 4700 South, Rexburg, Idaho 83440, does hereby grant, bargain, sell and convey unto TODD AND JEFFREY SMITH FARMS, a General Partnership, of 2511 West 4700 South, Rexburg, Idaho 83440, the following described real property in Madison County, State of Idaho, to-wit:

The East One-Half of Section 18, Township 5 North, Range 40 East, Boise Meridian, Madison County, State of Idaho.

Subject to all liens and encumbrances of any kind and nature thereon, together with any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

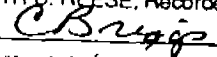
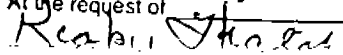
DATED This 16th day of September, 1992.


Leo M. Smith

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 16th day of September, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Leo M. Smith, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

MICROFILMED

State of Idaho)
County of Madison) SS 243724
I hereby certify that the within instrument was
filed SEP. 18 1992
19 15 at 243724
recorded on Film
Fee 6-
by BETH B. REESE, Recorder
 Deputy
At the request of


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



Michael A. Co

Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 6-15-93

ORIGINAL

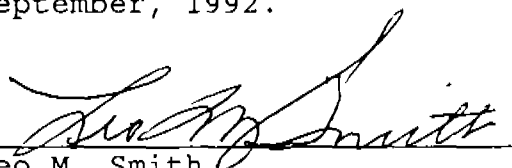
GRANT DEED

FOR VALUE RECEIVED, LEO M. SMITH, individually, of 2511 West 4700 South, Rexburg, Idaho 83440, does hereby grant, bargain, sell, and convey unto TODD AND JEFFREY SMITH FARMS, a General Partnership, of 2511 West 4700 South, Rexburg, Idaho 83440, the following described real property in Madison County, State of Idaho, to-wit:

Commencing at the Northeast corner of Lot 4, Section 18, Township 5 North, Range 40 East, Boise Meridian, in Madison County, Idaho, and running thence South 1320 feet; thence West along the South line of said Section 18, 280 feet to the East line of the County Road; thence along the line of said County Road North 24°27' West 1450 feet to the North line of said Lot 4; thence East 880 feet to the point of beginning.

Subject to all liens and encumbrances of any kind and nature thereon, together with any and all improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

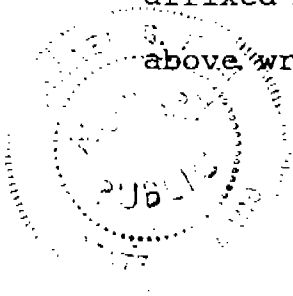
DATED This 16th day of September, 1992.


Leo M. Smith

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 16th day of September, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Leo M. Smith, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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 for Idaho
Residing at Rexburg, Idaho
My Commission Expires:

MICROFILMED

State of Idaho } SS 243725
County of Madison }
I hereby certify that the within instrument was
filed SEP 18 1992
at 1556 and
recorded on Film 243725
Fee 6-
by BETH B. REESE, Recorder
[Signature] Deputy
At the request of *[Signature]*

WARRANTY DEED - 2
Smith-1.WD

SEE E-7

1665
T-188

$\frac{50.0}{2}$

$\frac{17.0}{1}$

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110.2

NW

$\frac{11.2}{4}$

T-1885
NW

156.9

1 NHEL

$\frac{74.6}{5}$

$\frac{2.7}{1}$

out
1.0

18

19

1549
T-811

192

SEE E-7

1665
T-188

$\frac{50.0}{2}$

27
318

$\frac{17.0}{1}$

251

1021

NW

7
18

$\frac{11.2}{4}$

T-1885
NW

156.9

1 NHEL

$\frac{74.6}{5}$

$\frac{2.7}{1}$

18

19

1549
T-811

192

SEE E-7

1665
T-1884

$\frac{50.0}{2}$

$\frac{27}{318}$

$\frac{17.0}{1}$

$\frac{93.5}{3}$

$\frac{11.2}{4}$

T-1885
NW

251

T-1021

NW

156.9

1 NHEL

$\frac{74.6}{5}$

$\frac{12.7}{6}$

18

19

1549
T-811

18

19

MINUTES OF SPECIAL MEETING OF BOARD OF DIRECTORS
OF
DUSTY ACRES, INC.

A special meeting of the Board of Directors and officers of Dusty Acres, Inc., was held on September 19, 1997, at the hour of 9:00 o'clock a.m., in Rexburg, Idaho.

Present at the meeting were Todd Smith, a member and president of the board, and president of the corporation, Jeffrey Smith a member of the board and vice president of the corporation.

Presented was a proposal by Jeffrey Smith to sell to the corporation all right, title and interest in stock owned by him in the corporation to the corporation for the sum of \$55,000.

Upon motion made and unanimously approved by the board of directors and the officers present, it was resolved that the corporation shall purchase the stock of Jeffery Smith in the corporation for the sum of \$55,000 and the officers are directed to execute all documents necessary to put this resolution into affect. It was also resolved that the corporation would accept the resignation of Jeffery Smith as and officer and director of the corporation.

DATED This 19 day of September, 1997.

Todd Smith
Todd Smith, President

I CERTIFY THIS TO BE A
TRUE AND CORRECT COPY.
Jan R. Jaff

MINUTES OF SPECIAL MEETING OF BOARD OF DIRECTORS AND SHAREHOLDERS
OF
DUSTY ACRES, INC.

A special meeting of the Board of Directors Shareholders and officers of Dusty Acres, Inc., was held on September 19, 1997, at the hour of 9:30 o'clock a.m., in Rexburg, Idaho.

Present at the meeting were Todd Smith, a member and president of the board, and president of the corporation.

It was proposed that Elaina Smith be named and appointed as Secretary and Treasurer of the corporation.

It was further proposed that Elaina Smith be named and appointed as a director of the corporation.

Upon motion made and unanimously approved by the board of directors, shareholders and the officers present, it was resolved that the Elaina Smith is appointed to serve at Secretary-Treasurer of the above named corporation and shall further act as a Director.

DATED This 19 day of September, 1997.

Todd Smith
Todd Smith, President

I CERTIFY THIS TO BE A
TRUE AND CORRECT COPY.
J. R. Jay

MINUTES OF SPECIAL MEETING OF BOARD OF DIRECTORS AND SHAREHOLDERS
OF
DUSTY ACRES, INC.

A special meeting of the Board of Directors Shareholders and officers of Dusty Acres, Inc., was held on September 19, 1997, at the hour of 10:00 o'clock a.m., in Rexburg, Idaho.

Present at the meeting were Todd Smith, a member and president of the board, and president of the corporation and Elaina Smith, the Secretary-Treasurer.

Todd Smith reported that the corporation intends to borrow \$570,000 from Traveler's Insurance for the purpose of consolidating prior debts and to purchase the stock of Jeffrey Smith. All real estate, improvements and irrigation equipment shall be used to secure the loan.

Upon motion duly made, the above proposal was unanimously approved and Todd Smith, as President of the Corporation is directed to execute the Mortgage, Promissory Note, Security Agreement, Financing Statement and all other documents related to the loan.

DATED This 19 day of September, 1997.

Todd Smith
Todd Smith, President, Director

Elaina Smith
Elaina Smith, Secretary, Director

I CERTIFY THIS TO BE A
TRUE AND CORRECT COPY
Jan R. Jahn