

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: A22-00516B  
Date Received: 10/ 5/1988  
Receipt No: X777777  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: EDMUND S TWINING III 208-456-2310  
Address: PO BOX 101  
TETONIA ID 83452

2. Date of Priority: JUN 1, 1900

3. Source: NORTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 06N      | 46E   | 30      | NW     | NE     | SE     |     | TETON  |

5. Description of diverting works:  
HEADGATE/DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 0.400 |      |        |

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| 06N           | 45E   | 25      | SW     | SE     |     | IRR | 40.0  |
|               |       |         | SE     | SE     |     | IRR | 40.0  |
| Section Acres |       |         |        |        |     |     | 80.0  |

A2200516B

10. Place of Use: Continued

Total Acres 80.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

A22-00515, A22-00517, A22-00130, A22-00136.

14. Remarks:

WATER IS DIVERTED INTO WEAVER DITCH TO LITTLE DRY CREEK WHICH IS USED AS A NATURAL CARRIER TO THE PLACE OF USE AND DIVERTED BY TEMPORARY DAMS. WATER IS ALSO DIVERTED FROM HEADGATE ON RICKS CANAL IN THE SENESE OF SEC. 25, T6N, R45E.  
PAID #E002913

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO. ET AL

Decree Plaintiff

TETON IRR. CANAL CO. ET AL  
vs Decree Defendant

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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

AJ0749NP  
No. A22-00516B

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

DATE: 06/24/99  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS                                                                         | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE                    | DIVERSION<br>VOLUME    |
|---------------|----------------------------------------------------------------------------------------|------------------|------------|-----------------------|--------------------------------------|------------------------|
| C             | BOYD C & JILL J SMITH TRUST<br>3201 ASH ST<br>PALO ALTO CA 943062240<br>(415) 493-5411 | 06/01/1900       | IRRIGATION | 04-15 10-15           | 0.40 CFS                             |                        |
|               |                                                                                        |                  |            |                       | TOTAL DIVERSION:<br>CONSUMPTIVE USE: | 0.40 CFS<br>240.00 AFA |

Water Source: NORTH LEIGH CREEK

Tributary to: TETON RIVER

Stage: DECREED

Point(s) of Diversion:

T06N R46E S30

NWNESE

TETON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |             |    |     |      |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|----|-----|------|
| T   | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac          | :  | SUM |      |
| 06N | 45E | 25 | : |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |             | :  |     |      |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 40          | 40 | :   | 80.0 |
|     |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | TOTAL ACRES |    | :   | 80.0 |

POU County: TETON

Non-Irrigation Uses: NONE

Other Rights: A22-00515, A22-00517, A22-00130, A22-00136.

Remarks: GEN WATER IS DIVERTED INTO WEAVER DITCH TO LITTLE DRY CREEK WHICH IS  
USED AS A NATURAL CARRIER TO THE PLACE OF USE AND DIVERTED BY  
TEMPORARY DAMS. WATER IS ALSO DIVERTED FROM HEADGATE ON RICKS  
CANAL IN THE SENESE OF SEC. 25, T6N, R45E.  
PAID #E002913  
\*CHANGED OWNERSHIP PER REQUEST/JH/6-24-99\*

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 01

Field Inspection Flag:  
Presumption Flag:



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 24, 1999

TERESA L STURM  
HOPKINS RODEN CROCKETT HANSEN & HOOPES PLLC  
PO BOX 51219  
IDAHO FALLS ID 83405-1219

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR TWINING TO BOYD C. & JILL  
J. SMITH TRUST

Dear Ms. Sturm:

Please refer to the following columns:

|            |           |          |           |
|------------|-----------|----------|-----------|
| A22-00042  | A22-00488 | 22-11544 | A22-00208 |
| A22-00063  | A22-00489 | 22-12134 |           |
| A22-00130B |           | 22-12135 |           |
| A22-00130D |           | 22-12136 |           |
| A22-00136C |           | 22-12137 |           |
| A22-00160  |           |          |           |
| A22-00312  |           |          |           |
| A22-00313  |           |          |           |
| A22-00481A |           |          |           |
| A22-00482A |           |          |           |
| A22-00483A |           |          |           |
| A22-00487C |           |          |           |
| A22-00515B |           |          |           |
| A22-00516B |           |          |           |
| A22-00517B |           |          |           |
| A22-00616  |           |          |           |
| A22-02029  |           |          |           |
| A22-04040  |           |          |           |

The first column represents the claims that have been changed into the name of Boyd C. & Jill J. Smith Trust. Copies of computer print-outs reflecting this change are enclosed.

The claims in the second column were combined together in 1997 to form a new claim, and this claim was renumbered to A22-13016. The name was changed on this claim to Boyd C. & Jill J. Smith Trust. A computer print-out of this change is enclosed.

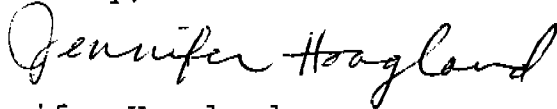
The claims in the third column are all domestic and stock claims, currently before the Snake River Basin Adjudication Court in Twin

Falls. I am required to notify the court of the change in owner and I am in the process of doing this. The owner will be changed to reflect Boyd C. & Jill J. Smith Trust and these claims will be sent to you in another mailing.

Finally, the fourth column reflects the claims that were not changed to reflect your client as the current owner. Claim A22-00208 was split in 1991 into an "A" part and a "B" part. Our records show that neither part was in the name of Twining. Again in 1991 the "B" part was split four more times into a "C" "D" "E" and "F". Again, our records show that none of these parcels of property was in the name of Twining. If the Smith's can prove through legal documents that they own all or some of these parts, then our office will proceed with this change. Otherwise, there is not enough evidence at this time. Copies of computer print-outs for A22-00208 and A22-00208B are enclosed.

If you have further questions regarding these matters, please contact me or Senior Water Agent Dave Carlson.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Hoagland".

Jennifer Hoagland  
Technical Records Specialist

Enclosures

cc: Boyd C. & Jill J. Smith

RECEIVED  
JUN 15 1996

DELIVERED  
DC  
6-22-99

Department of Water Resources  
RECEIVED

NEW PROPERTY OWNER  
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP SEP 16 1996

Department of Water Resources  
Eastern Region

DATE OF CLOSING: September 6, 1996

LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deed

[ ] 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)

[x] Water Rights Number(s)  
Assigned by IDWR:

A22-00487C; A22-00488; A22-00515B; ✓  
A22-00516B; A22-00517B; A22-00616; ✓  
A22-02029; A22-04040; A22-11544; ✓  
A22-12134; A22-12135; A22-12136; ✓  
A22-12137; A22-00042; A22-00043; 63 ✓  
A22-00130B; A22-00130D; A22-00136C; ✓  
A22-00160; A22-00312; A22-00313; ✓  
A22-00481A; A22-00482A; A22-00483A; A22-00488 ✓  
22-00489; 22-0028 208 ✓

[x] Name and Address of Former  
Owner/Claimant(s)(Seller):

Edmund S. Twining, III, a married man dealing  
with his sole and separate property and Edmund  
S. Twining, III and Jane Forbes Clark, II, acting  
not individually but as Trustees of the Trust  
under the Will of Susan Clark Twining for  
Edmund S. Twining, III, also known as the  
Residuary Trust U/W of Susan C. Twining  
Post Office Box 101  
The Plains, Virginia 20198

[x] New Owner/Claimant  
(Purchaser):

Boyd Charles Smith and Jill Johnson Smith, or  
their successors, not individually but as Trustees  
of The Boyd Charles Smith and Jill Johnson  
Smith Trust created by that certain Trust  
Agreement dated Dember 13, 1990

[x] New Mailing Address:

3201 Ash Street  
Palo Alto, California 94306-2240

[x] New Telephone Number: (415) 493-5411

[x] Does the change in ownership result in a splitting of the water right owned/claimed?  
 \_\_\_\_\_ yes                            x       no. If yes, then describe the portion of the  
 water right that is now owned/claimed by the new owner:

[x] Attach proof of ownership,  
describe proof attached: Copy of 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.)

[x] Signature of New  
Owner/Claimant(s)

For Charles Fournier Date 30 Aug 96

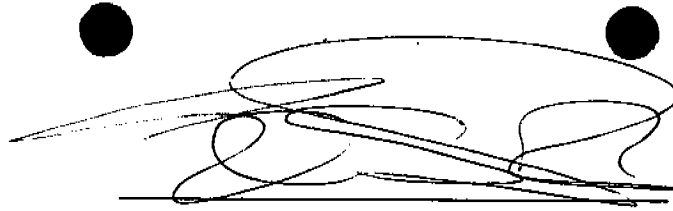
Boyd Charles Smith, and his successors,  
not individually, but as Trustee of The Boyd  
Charles Smith and Jill Johnson Smith Trust  
created by that certain Trust Agreement dated  
December 13, 1990

Jill Johnson Smith Date 8/30/96  
Jill Johnson Smith, and her successors.

Jill Johnson Smith, and her successors,  
not individually, but as Trustee of The Boyd  
Charles Smith and Jill Johnson Smith Trust  
created by that certain Trust Agreement dated  
December 13, 1990

[x] Signature of Former  
Owner/Claimant(s)

  
Date August 20, 1996  
Edmund S. Twining, III, Individually



Date August 20, 1996

Edmund S. Twining, III, not individually  
but as Trustee of the Trust under the Will  
of Susan Clark Twining for Edmund S.  
Twining, III, also known as the Residuary  
Trust U/W of Susan C. Twining



Date 8.22.96

Jane Forbes Clark, II, not individually  
but as Trustee of the Trust under the Will  
of Susan Clark Twining for Edmund S.  
Twining, III, also known as the Residuary  
Trust U/W of Susan C. Twining

(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 Number of Split, if any:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

DECEMBER 16, 1992

CHARLES A HOMER  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 51030  
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A22-00515, 00516, 00517,  
0011098 (RENUMBERED TO 00136) AND 11099 (RENUMBERED TO  
00130 (EDMUND TWINING III)

Dear Mr. Homer:

The request for Change in Ownership concerning your client's Notices of Claim in the above reference has been processed and the Notices modified to reflect your client as the new owner for a portion of the rights.

A22-00136 was split as follows: To Edmund Twining III, A22-00136C, 1.60 cfs on 80 acres; to Donald Harlander, A22-00136B, 0.80 cfs on 40 acres.

A22-00515 was split as follows: To Edmund Twining III, A22-00515B, 0.60 cfs on 80 acres; to Donald Harlander, A22-00515A, 0.30 cfs on 40 acres.

A22-00130 was split as follows: To Edmund Twining III, A22-00130D, 0.80 cfs on 40 acres; to James Bush, A22-00130E, 0.80 cfs on 40 acres.

A22-00517 was split as follows: To Edmund Twining III, A22-00517B, 0.60 cfs on 80 acres; to Donald Harlander, 0.30 cfs on 40 acres.

A22-00516 was split as follows: To Edmund Twining III, A22-00516B, 0.40 cfs on 80 acres; to Donald Harlander, A22-00516A, 0.20 cfs on 40 acres.

Review the enclosed forms and if there are other corrections or questions, feel free to contact this office.

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APR 08 1994

Charles A Homer  
Page - 2 -

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

*for* *Ja Thompson*

Dave Carlson  
Water Right Agent, Adjudications

DC:jt

Enclosure: Copies Twining's Notices

cc: Donald C Harlander/Change Ownership Letter  
Copies of Notices of Claim

File: P

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APR 08 1984

State of Idaho

Department of Water Resources

ASSIGNMENT OF NOTICE OF CLAIM

DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, hereby assign to EDMUND S. TWINING, III, acting both individually and as Personal Representative of the estate of Susan Twining, of P. O. Box 101, Driggs, Idaho 83422:

The following described portion of our right, title, and interest in and to Notice of Claim No. A22-00516 to a Water Right Acquired Under State Law.

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M.

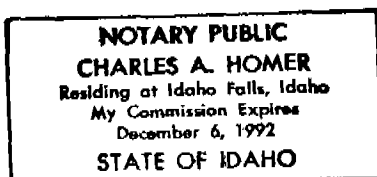
Pursuant to this transfer .4 cfs of the total amount of .8 cfs shown on the above referred to claim is being transferred.

Made this 20 day of October, 1992.

Donald C. Harlander  
Donald C. Harlander  
Mary Lou Harlander  
Mary Lou Harlander

STATE OF IDAHO )  
County of Teton ) ss.  
)

On this 20<sup>th</sup> day of October, 1992, personally appeared before me the signers of the above instrument, who duly acknowledged to me that they executed the same.



CAH/28071(1)/rfs  
#5494

Notary Public Charles A. Homer  
Residing at Idaho Falls  
My Commission Expires 12/6/92

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APR 08 1994

NOTICE CONCERNING WATER RIGHTS FOR PROPERTY  
(to be mailed to the Idaho Department of Water Resources)

DATE OF CLOSING: October 20, 1992.

LEGAL DESCRIPTION OF PROPERTY: See Description on attached Deed.

- [ ] Served Only by a Public Service Water Supply (domestic 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)
- [X] Water Right Number: A22-00516
- [X] Name and Address of Former Owner/Claimant(s): Donald C. & Mary Lou Harlander  
P. O. Box 8  
Driggs, Idaho 83422
- [X] New Mailing Address: Edmund S. Twining, III  
P. O. Box 101  
Tetonia, Idaho 83452
- [X] New Telephone Number: (208) 456-2310
- [X] Does the change in ownership result in a splitting of the water right claimed? X yes \_\_\_\_\_ no

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M. in Teton County, Idaho.

Pursuant to this transfer .4 cfs of the total amount of .8 cfs shown on the above referred to claim is being transferred.

- [X] Signature of New Owner/Claimant:

  
Edmund S. Twining, III, acting both individually and as Personal Representative of the estate of Susan Twining

Date:

10/20/92

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APR 08 1994

[X] Signature of Former  
Owner/Claimant(s):

Donald C. Harlander  
Donald C. Harlander

Mary Lou Harlander  
Mary Lou Harlander

Date:

October 20, 1992

[X] Attach proof of  
ownership, describe  
proof attached:

(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 claimant.

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Dated: By:

Final Review and Data-Entry

Dated: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

CAH/28081(1)/rfs  
#5494

NICH FILMED

APR 08 1994

WARRANTY DEED

THIS INDENTURE is made this 20th day of October, 1992, by DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, the Grantor, and EDMUND S. TWINING, III, a single man, acting individually as to an undivided 50% interest, and Edmund S. Twining III, acting as Personal Representative of the estate of Susan Twining as to an undivided 50% interest, whose mailing address is P. O. Box 101, Teton, Idaho 83452, the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

The South Half of the Southeast Quarter of Section 25, Township 6 North, Range 45 East Boise Meridian, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom, including but not limited to all of the water rights which are appurtenant to such property and which are referred to under the following Claim Numbers which have been filed with the Idaho Department of Water Resources pertaining to the pending Snake River Basin Adjudication: 22-07609, A22-00516, A22-00515, A22-00517, A22-11098 and A22-11099.

SUBJECT TO THE FOLLOWING:

1. All governmental regulations and zoning ordinances affecting such Property.
2. Agreement to purchase power, between Don and Mary Lou Harlander as "Consumer", and Fall River Rural Electric Cooperative, Inc. as "Seller", recorded November 7, 1985, recorder's number 97780, official records of Teton County, Idaho.
3. Also, such property is transferred subject to the following restrictive covenants which shall be for the

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APR 08 1994

benefit of the adjoining South Half of the Southwest Quarter of Section 25, Township 6 North, Range 45 East, Boise Meridian, which is owned by Grantor:

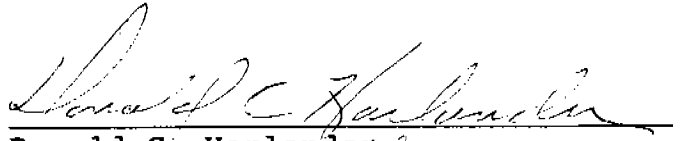
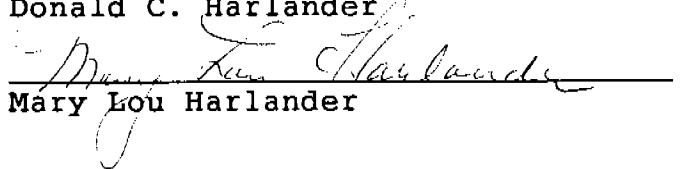
1. The Property may not be subdivided into more than two parcels.
2. Buildings, permanent or temporary, shall be set back a minimum of 450 feet from the South boundary line of the Property. No vehicular parking area or vehicular driveways or roadways shall be permitted within 450 feet from the South boundary line of the Property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

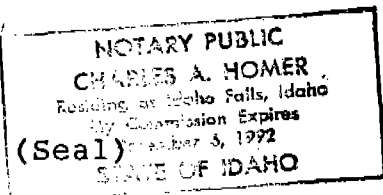
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

  
Donald C. Harlander  
  
Mary Lou Harlander

STATE OF IDAHO                     )  
County of Bonneville         )ss.  
                                        )

On this 20th day of October, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they executed the same.

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



Notary Public for Idaho  
Residing at Idaho Falls Idaho  
My commission expires 12/6/92

CAH/10501/rfs  
#5494

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 APR 08 1994

NOTICE CONCERNING WATER RIGHTS FOR PROPERTY  
(to be mailed to the Idaho Department of Water Resources)

OCT 22 1992

DATE OF CLOSING: October 20, 1992.

Department of Water Resources  
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: See Description on attached Deed.

[ ] Served Only by a Public Service Water Supply (domestic 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)

[X] Water Right Number: A22-00516

[X] Name and Address of Former Owner/Claimant(s): Donald C. & Mary Lou Harlander  
P. O. Box 8  
Driggs, Idaho 83422

[X] New Mailing Address: Edmund S. Twining, III  
P. O. Box 101  
Tetonia, Idaho 83452

[X] New Telephone Number: (208) 456-2310

[X] Does the change in ownership result in a splitting of the water right claimed? X yes \_\_\_\_\_ no

This is a partial transfer and there is only being transferred the water rights which are appurtenant to the following described property:

SW1/4 SE1/4 and SE1/4 SE1/4 of Section 25, Township 6 North, Range 45 E.B.M. in Teton County, Idaho.

Pursuant to this transfer .4 cfs of the total amount of .8 cfs shown on the above referred to claim is being transferred.

[X] Signature of New Owner/Claimant:

  
Edmund S. Twining, III, acting both individually and as Personal Representative of the estate of Susan Twining

Date:

10/20/92

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APR 08 1994

[X] Signature of Former  
Owner/Claimant(s):

Donald C. Harlander  
Donald C. Harlander

Mary Lou Harlander  
Mary Lou Harlander

Date:

October 20, 1992

[X] Attach proof of  
ownership, describe  
proof attached:

(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 claimant.

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Dated:

By:

Final Review and Data-Entry

Dated:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

CAH/28081(1)/rfs  
#5494

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APR 08 1994

WARRANTY DEED

THIS INDENTURE is made this 20th day of October, 1992, by DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, the Grantor, and EDMUND S. TWINING, III, a single man, acting individually as to an undivided 50% interest, and Edmund S. Twining III, acting as Personal Representative of the estate of Susan Twining as to an undivided 50% interest, whose mailing address is P. O. Box 101, Teton, Idaho 83452, the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Teton, State of Idaho, to-wit:

The South Half of the Southeast Quarter of Section 25, Township 6 North, Range 45 East Boise Meridian, together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom, including but not limited to all of the water rights which are appurtenant to such property and which are referred to under the following Claim Numbers which have been filed with the Idaho Department of Water Resources pertaining to the pending Snake River Basin Adjudication: 22-07609, A22-00516, A22-00515, A22-00517, A22-11098 and A22-11099.

SUBJECT TO THE FOLLOWING:

1. All governmental regulations and zoning ordinances affecting such Property.
2. Agreement to purchase power, between Don and Mary Lou Harlander as "Consumer", and Fall River Rural Electric Cooperative, Inc. as "Seller", recorded November 7, 1985, recorder's number 97780, official records of Teton County, Idaho.
3. Also, such property is transferred subject to the following restrictive covenants which shall be for the

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APR 08 1994

benefit of the adjoining South Half of the Southwest Quarter of Section 25, Township 6 North, Range 45 East, Boise Meridian, which is owned by Grantor:

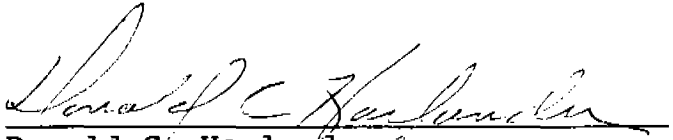
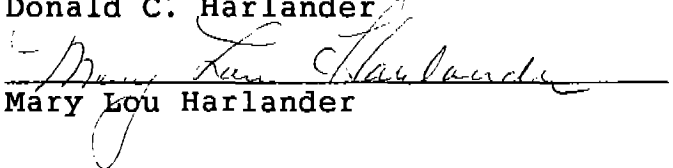
1. The Property may not be subdivided into more than two parcels.
2. Buildings, permanent or temporary, shall be set back a minimum of 450 feet from the South boundary line of the Property. No vehicular parking area or vehicular driveways or roadways shall be permitted within 450 feet from the South boundary line of the Property.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

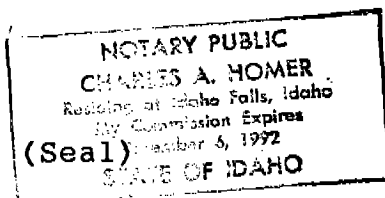
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

  
Donald C. Harlander  
  
Mary Lou Harlander

STATE OF IDAHO                   )  
County of Bonneville         ) ss.

On this 20th day of October, in the year 1992, before me, the undersigned Notary Public in and for said state, personally appeared DONALD C. HARLANDER and MARY LOU HARLANDER, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me they executed the same.

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



Notary Public for Idaho  
Residing at Idaho Falls, Idaho  
My commission expires 12/6/90

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