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: **A22-00517B**
Date Received: 10/ 5/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2200517B

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

2. Date of Priority: JUN 1, 1901

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	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	0.600		

7. Total Quantity Appropriated is:
   0.600 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	Lot	Use	Acres
06N	45E	25	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		80.0

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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, A22-00516, A22-00136, 00130

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
vs
TETON IRR. CANAL CO. ET AL — 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: _____

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	BOYD C & JILL J SMITH TRUST 3201 ASH ST PALO ALTO CA 943062240 (415) 493-5411	06/01/1901	IRRIGATION	04-15	10-15	0.60 CFS TOTAL DIVERSION: 0.60 CFS CONSUMPTIVE USE:	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				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	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, A22-00516, A22-00136, 00130

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,

Jennifer Hoagland

Jennifer Hoagland
Technical Records Specialist

Enclosures

cc: Boyd C. & Jill J. Smith

RECEIVED DELOG
JUN 15 1999 DC 6-22-99
Department of Water Resources
RECEIVED
SEP 16 1996
Department of Water Resources
Eastern Region

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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; 22-00208

[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:

_____

_____

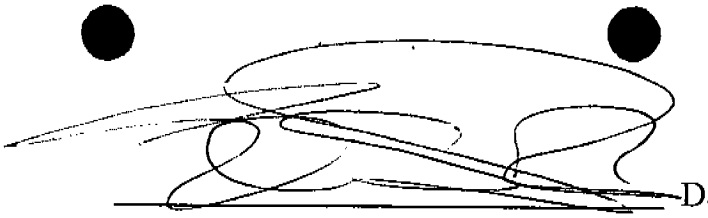
_____

[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) _____ 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

_____ Date 8/30/96
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

Jane Forbes Clark 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

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

Respectfully submitted,

Jo Thompson

for 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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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. A22-00517 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 .6 cfs of the total amount of 1.2 cfs shown on the above referred to claim is being transferred.

Made this 20 day of October, 1992.

Donald C. Harlander

Mary Lou Harlander

STATE OF IDAHO)
)ss.
County of Teton)

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

NOTARY PUBLIC
CHARLES A. HOMER
Residing at Idaho Falls, Idaho
My Commission Expires
December 6, 1992
STATE OF IDAHO

Notary Public
Residing at Idaho Falls
My Commission Expires 12/6/94

CAH/28071(3)/rfs
#5494

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APR 0 8 1994

RECEIVED
OCT 2 2 1992
Department of Water Resources
Eastern District Office

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: A22-00517

[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 .6 cfs of the total amount of 1.2 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 0 8 1994

[X] Signature of Former Owner/Claimant(s): Donald C. Harlander

Donald C. Harlander

Mary Lou Harlander

Mary Lou Harlander

Date: 10/20/92

[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(3)/rfs
#5494

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APR 0 8 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, Tetonia, 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 0 8 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

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APR 0 8 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: A22-00517

[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 .6 cfs of the total amount of 1.2 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

MICROFILMED
APR 0 8 1994

[X] Signature of Former Owner/Claimant(s): Donald C. Harlander

Donald C. Harlander

Mary Lou Harlander

Mary Lou Harlander

Date: 10/20/92

[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(3)/rfs
#5494

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APR 0 8 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, Tetonia, 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.

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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

RECORDED
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

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APR 08 1994

STATE OF IDAHO)
)ss.
County of Bonneville)

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
CHARLES A. HOMER
Residing at Idaho Falls, Idaho
My Commission Expires
November 6, 1992
STATE OF IDAHO
(Seal)

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

CAH/10501/rfs
#5494

RECORDED
APR 08 1994