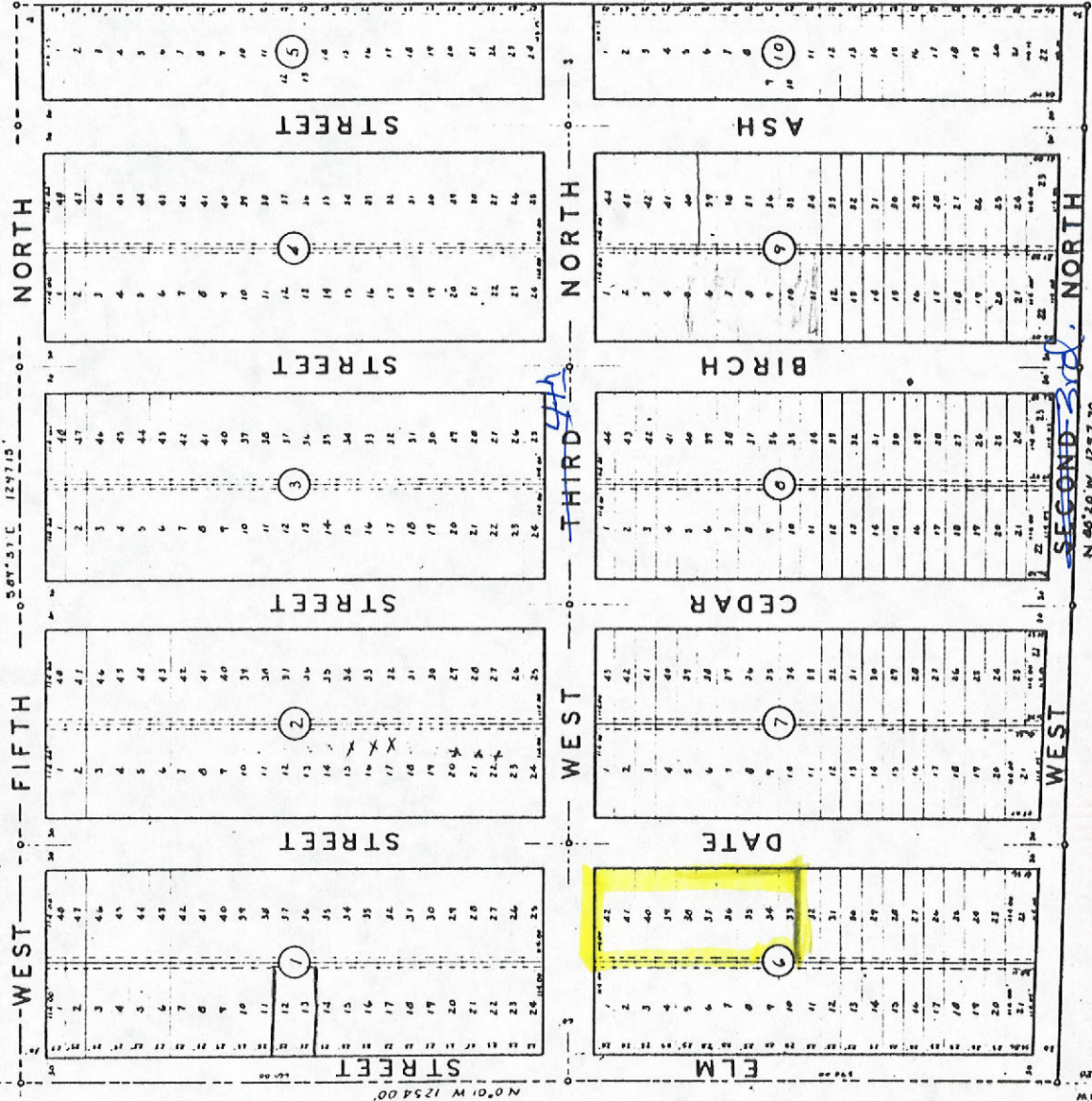


MELLEN SUBDIVISION

NW 1/4 SW 1/4 SEC. 26, T.3S, R.6E, B.M.

MOUNTAIN HOME ELMORE COUNTY IDAHO



P.O. BOX 813 • 240 AMERICAN LEGION BLVD.
MOUNTAIN HOME, IDAHO 83647

208/557-5428
When this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey

AFFIDAVIT OF ENGINEER

STATE OF IDAHO

COUNTY OF ADA

Charles C. Fiske, being duly sworn

deposes that he is a Registered Professional

Engineer and prepared the foregoing map

if this plat, that this is a true and

correct copy of said map, and that

he has not been convicted of any crime

involving dishonesty or fraud.

Subscribed and sworn to before me

this 1st day of May 1992.

Notary Public, recording office, Idaho

MICROFILMED

AUG 11 1992

SURVEY BY HOFFMANN & FISKE
CONSULTING ENGINEERS

GRAPHIC SCALE 1"=100'

0 5/8" bar 30' long
1/2" bars 24' long of all
lot corners

Denotes utility easement
oil & water except
Blacks 5 and 10 are 10'

All lots are 24' by 60' except as shown

GARRETT'S ADDITION

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

RECEIVED**SEP 07 2000****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
61-10139					

No fee
required

Lund

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Dale W. Smith, Victoria G. Smith
Barbara H. Fogleman Roger B. Fogleman
4. New Owner/Claimant(s) Dan Lund
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 330 Date St.
- City, State and ZIP Code MT Home, Idaho 83647
- New Telephone Number (208) 587-0655
5. Date you acquired the property 24 July 2000

MELLEN SUBDIVISION

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

MOUNTAIN HOME ELMORE COUNTY IDAHO

WEST — FIFTH — NORTH

58°57'E 1297.15'

STREET

N 0° 01' W 1254.00'

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
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STREET

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STREET

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STREET

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

STREET

5 0° 01' E 1291.00'

True line

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69
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ELM

584.00'

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CEDAR

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BIRCH

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ASH

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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

STREET

5 0° 01' E 1291.00'

True line

1	2	3	4	5	6	7	8	9	10	11	12	13	14	
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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: **A61-10139**
Date Received: 10/30/1989
Receipt No: M005026
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name:	DALE W SMITH	208-366-2710
Address:	RR 1 BOX 123	
	KING HILL ID	83633
OR		
Name:	VICTORIA G SMITH	208-366-2710
Address:	RR 1 BOX 123	
	KING HILL ID	83633
OR		
Name:	ROGER B FOGLEMAN	208-366-2710
Address:	RR 1 BOX 123	
	KING HILL ID	83633
OR		
Name:	BARARA H FOGLEMAN	208-366-2710
Address:	RR 1 BOX 123	
	KING HILL ID	83633

2. Date of Priority: JAN 1, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	06E	26	SW	NW	SW		ELMORE

5. Description of diverting works:
WELL 525' DEEP, 6" CASING, 1.5HP SUBMERS PUMP SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.140		

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

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 6 HOUSEHOLDS- (3 TRAILERS, 1 HOUSE, 1 DUPLEX)

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	06E	26	NW SW		DOMEST	

11. Place of use in counties: **ELMORE**

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

13. Other Water Rights Used:

NONE

14. Remarks:

THIS RIGHT COVERS LOTS 33 THROUGH 42 OF BLK 6 OF THE MELLON
SUBDIVISION.

A PERMIT WAS FILED FOR THIS WELL IN 1982 - SEE APPLICATION 61-07475. THIS WAS A RESULT OF FILING A DRILLING PERMIT FOR A DEEP WELL AND THERE WAS NO RECORDED WATER RIGHT. THE DEEP WELL WAS DRILLED TO REPLACE 3 SHALLOW WELLS WHICH HAD SUPPLIED WATER TO THE 6 HOMES LOCATED ON THE LOTS DESCRIBED ABOVE. THE DEEP WELL REPLACED THE 3 ORIGINAL SHALLOW WELLS, WHICH HAVE BEEN CAPPED. THERE WAS NO INCREASE IN THE AMOUNT OF WATER USED AT THIS PROPERTY IN 1982 WITH THE CHANGE IN THE SYSTEM FROM 3 WELLS TO 1 WELL. THIS RIGHT HAS EXISTED FOR 6 HOUSEHOLDS SINCE BEFORE 1960, THUS CLAIMING THE PRIORITY DATE OF 1960.

CHANGE OF OWNERSHIP 12/28/1998. SB.

15. Basis of Claim: BENEFICIAL USE

RECEIVED

DEC 18 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

DEC 21 1998

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

1. Water Right No(s).: 61-10139
Adjudication Claim No(s).: _____
 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 attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant Paul Hunt
 4. New Owner/Claimant(s) Dale W. Smith and Victoria G. Smith
Roger B. Fogleman and Barbara H. Fogleman
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address RR 1 Box 123
City, State and ZIP Code King Hill, ID 83633
New Telephone Number (208) 366 2710
 5. Date you acquired the property 5 MAY 1995
 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 you irrigate _____ Number and type of stock _____
Diversion rate in CFS 0.14 Number of homes 6 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 or Claimant(s) Dale W. Smith
- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

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 believes there are water rights for the property but the numbers are unknown, you may wish to contact 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. 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, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (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

FOR VALUE RECEIVED

Paul Hunt, a single person

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Dale W. Smith and Victoria G. Smith, husband and wife and
Roger B. Fogleman and Barbara H. Fogleman, husband and wife

GRANTEE(S), whose current address is: 255 Carrie Dr Mountain Home, Id 83647
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Lots 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42, Block 6, Mellen Subdivision,
Elmore County, Idaho, according to the official plat thereof on file and of
record in the office of the County Recorder of Elmore County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done
by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements,
(if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the
current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all
lawful claims whatsoever. , except those of record.

Dated: May 5, 1995

Paul Hunt

Paul Hunt

STATE OF Idaho, County of Elmore, ss.

On this 5th day of May
in the year of 1995, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Paul Hunt

known or identified to me to be the person whose name
is Paul Hunt subscribed to the within instrument, and
acknowledged to me that he executed the same.

Signature Sheryl A. Reymont

Name: Sheryl A. Reymont
(type or print)

Residing at: Mountain Home
My commission expires: 12/27/99

286701

ELMORE COUNTY, IDAHO ss
Request of
GUARANTY TITLE, INC.

Time 3:59 PM
Date May 5, 1995
Book _____ Page _____

DOLORES ROBISON

Recorder

By Merle R. Sack
Deputy

Fee \$3.00

THIS DEED OF TRUST, Made this 5th day of May, 1995,

BETWEEN

Dale W. Smith and Victoria G. Smith, husband and wife and Roger B.

Fogleman and Barbara H. Fogleman, husband and wife

, herein called GRANTOR,

whose address is

255 Carrie Dr

Mountain Home, Id 83647

GUARANTY TITLE, INC., an Idaho corporation, herein called TRUSTEE, and

Paul Hunt, a single person

, herein called BENEFICIARY,

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of

Elmore

State of Idaho, described as follows, either located within an incorporated city or village at the date hereof, or containing not more than twenty acres:

Lots 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42, Block 6, Mellen Subdivision,
Elmore County, Idaho, according to the official plat thereof on file and of record
in the office of the County Recorder of Elmore County, Idaho.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of FIFTY FIVE THOUSAND DOLLARS AND NO CENTS Dollars, (\$ 55,000.00),

final payment due May 5, 2015

and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building or improvement thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay: at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at the highest lawful rate permissible under Idaho law.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, any purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall applying the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the highest lawful rate permissible under Idaho law; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

Notwithstanding any other provisions hereof or of any other agreement between the parties hereto, under no circumstances shall the amount paid or agreed to be paid to such beneficiary for the use, forbearance or detention of money exceed the highest lawful rate permissible, and if a court of competent jurisdiction shall determine that the performance of any provision hereof or thereof shall result in payment of amount in excess thereof, then such provision hereof or thereof shall result in payment of amount in excess thereof, then such provision shall be deemed appropriately modified to the extent necessary to reduce such amount to that not in excess of such rate, and any excess amount theretofore received shall be deemed applied to the principal amount of the debt.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

10. Due on Sale.

Dale W. Smith

Victoria G. Smith

Dale W. Smith

Victoria G. Smith

Roger B. Fogleman

Barbara H. Fogleman

Roger B. Fogleman

Barbara H. Fogleman

286702

STATE OF IDAHO, COUNTY OF Elmore

On this 5th day of May, 19 95,

before me, a Notary Public in and for said State, personally appeared

Dale W. Smith and Victoria G. Smith,

husband and wife, and Roger B. Fogleman

and Barbara H. Fogleman, husband and w

known to me to be the person whose names are

subscribed to the within instrument, and acknowledged to me that

they executed the same.

Sheryl A. Raymond

Notary Public,

Residing at

Mountain Home

Idaho.

EXPIRES: 12/27/99

STATE OF IDAHO, COUNTY OF Elmore

I Hereby Certify That this instrument was filed for record at the request of

GUARANTY TITLE, INC.

at 0 minutes past 4 o'clock P M., this 5 day of

May, 19 95, in my office, and duly recorded in Book

of Mortgages at page

DOLORES ROBISON

Ex-Officio Recorder.

By

Merla L. Becker

Deputy.

Fees: \$ 6.00

Mail to:

DEED OF TRUST
WITH POWER OF SALE

GRANTOR

GUARANTY TITLE, INC.

TRUSTEE

BENEFICIARY

ated

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: A61-10139
Date Received: 10/30/1989
Receipt No: MOOSE 26
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PAUL HUNT 208-587-4760
Address: 328 ASH STREET
MOUNTAIN HOME, ID 83647

2. Date of Priority: JAN 01, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	06E	26	SW	NW	SW		ELMORE

5. Description of diverting works:
WELL 525' DEEP, 6" CASING, 1.5HP SUBMERS PUMP SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 6 HOUSEHOLDS- (3 TRAILERS, 1 HOUSE, 1 DUPLEX)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	06E	26	NW	SW		DOMEST	

11. Place of use in counties: ELMORE

A61-10139

Page 1

Date: 10/30/89

MICROFILMED

AUG 11 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT COVERS LOTS 33 THROUGH 42 OF BLK 6 OF THE MELLON
SUBDIVISION.

A PERMIT WAS FILED FOR THIS WELL IN 1982 - SEE APPLICATION
61-07475. THIS WAS A RESULT OF FILING A DRILLING PERMIT FOR A
DEEP WELL AND THERE WAS NO RECORDED WATER RIGHT. THE DEEP WELL
WAS DRILLED TO REPLACE 3 SHALLOW WELLS WHICH HAD SUPPLIED WATER
TO THE 6 HOMES LOCATED ON THE LOTS DESCRIBED ABOVE. THE DEEP
WELL REPLACED THE 3 ORIGINAL SHALLOW WELLS, WHICH HAVE BEEN
CAPPED. THERE WAS NO INCREASE IN THE AMOUNT OF WATER USED AT
THIS PROPERTY IN 1982 WITH THE CHANGE IN THE SYSTEM FROM 3 WELLS
TO 1 WELL. THIS RIGHT HAS EXISTED FOR 6 HOUSEHOLDS SINCE BEFORE
1960, THUS CLAIMING THE PRIORITY DATE OF 1960.

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Paul Hunt Date: 10-30-89
Date: _____

State of Idaho)
County of Elmore) SS.

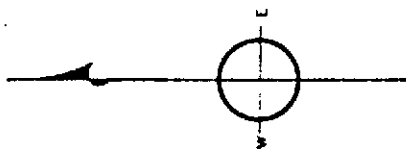
Subscribed and sworn (or affirmed) before me this 20th day
of October 19 89
Notary Public

Seal

Residing at Anna Gaunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

330 Date 5/

MOUNTAIN HOME ELMORE COUNTY IDAHO



GRAPHIC SCALE 1"=100'

[illegible]

Consider ability statement
all 5 wide except
blacks 3 and 4 are 10
All but are 20 by not except as shown

SURVEY BY HOFFMANN & FISKE
CONSULTING ENGINEERS

577 TRINITY TITLE, INC.
P.O. BOX 813 • 240 AMERICAN LEGION BLVD.
MOUNTAIN HOME, IDAHO 83647

When this is a photographic reproduction of the recorded plate, the Company assumes no liability for variations, if any, with a re-survey.

AFFIDAVIT OF ENGINEER

DATE 31.12.1961

County of ADA.
Charles C. Fish, being duly sworn,
says that he is a Registered Professional
Engineer and prepared the final map
this plot, that this survey is an
exact copy of said final map.

UNCLASSIFIED AND DOWN TO BE TOP SECRET
CLASS 5297

Wallace K. Bond
Notary Public residing at _____, Idaho.

WICROFILMED

~~AUG 11 1992~~

09/21/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 61-10139

NAME AND ADDRESS: DON LUND
330 DATE ST
MOUNTAIN HOME, ID 83647

SOURCE: GROUND WATER

QUANTITY: 0.14 CFS
7.2 AFY

PRIORITY DATE: 01/01/1960

POINT OF DIVERSION: T03S R06E S26 SWNWSW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
1-01 12-31

QUANTITY
0.14 CFS
7.2 AFY

PLACE OF USE:

DOMESTIC Within ELMORE County
T03S R06E S26 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING
SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED
SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING
WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER
RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS
WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER
IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. 00087006033A
PROPERTY IS ALSO KNOWN AS LOTS 33-42, BLK 6, MELLON
SUBDIVISION

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

In Re SRBA	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	
_____	)	SUB CASE NO. 61-10139

IDWR has completed the following Administrative proceedings: **CLERICAL ERROR
CORRECTION OF NAME.**

Does the change in "ownership" result in a splitting of the water right claimed? [] Yes [X] No

FROM: Claimant/Seller(s):

Name and address of Claimant/Seller(s):

Dale W Smith
Victoria G Smith
Roger B Fogleman
Barbara G Fogleman
RR 1 Box 123
King Hill ID 83633
Phone: 345-5788

TO: Claimant/Purchaser(s):

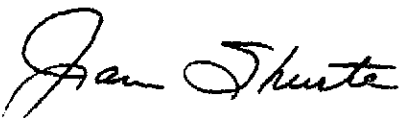
Name and Address of Claimant/Purchaser(s):

Don Lund
330 Date St
Mountain Home ID 83647
Phone: 587-0655

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9-22-00



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on **September 22, 2000** I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

Dale W Smith
Victoria G Smith
RR 1 Box 123
King Hill ID 83633

Roger B Fogleman
Barbara H Fogleman
RR1 Box 123
King Hill ID 83633
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

Don Lund
330 Date St
Mountain Home ID 83647
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of person or attorney mailing the form

09/08/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 61-10139

NAME AND ADDRESS: DON LUND *should be Lund. pg 9/21/00*
330 DATE ST
MOUNTAIN HOME, ID 83647

SOURCE: GROUND WATER

QUANTITY: 0.14 CFS
7.2 AFY

PRIORITY DATE: 01/01/1960

POINT OF DIVERSION: T03S R06E S26 SWNWSW Within ELMORE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
1-01 12-31

QUANTITY
0.14 CFS
7.2 AFY

PLACE OF USE:

DOMESTIC Within ELMORE County
T03S R06E S26 NWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING
SOURCES OF WATER IN BASIN 61 SHALL BE ADMINISTERED
SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 61:
WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING
WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN
BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER
RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS
WITHIN BASIN 61 ARE FROM CONNECTED SOURCES OF WATER
IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. 00087006033A PROPERTY IS ALSO KNOWN AS
LOTS 33-42, BLK 6, MELLON SUBDIVISION

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

In Re SRBA	)	SUBCASE NO. 61-10139
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: September 8, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

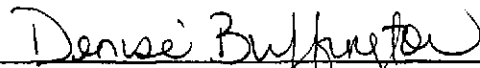
I certify that on September 8, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Dale W Smith
Victoria G Smith
RR 1 Box 123
King Hill ID 83633

Roger B Fogleman
Barbara H Fogleman
RR 1 Box 123
King Hill ID 83633
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Don Lunn
330 Date St
Mountain Home ID 83647
4. One Copy to:
Each party in the subcase or attorney of record:
N / A
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

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

RECEIVED**SEP 07 2000****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
61-10139					

Lund

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. ~~Either of the following~~ (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Dale W. Smith, Victoria G. Smith
Barbara H. Fogleman Roger B. Fogleman
4. New Owner/Claimant(s) Dan Lund
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 330 Date St.
- City, State and ZIP Code MT Home, Idaho 83647
- New Telephone Number (208) 587-0655
5. Date you acquired the property 24 July 2000

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	<u>0.14 CFS</u>	<u>7.2 AFY</u>
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) X Don E. Lund
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

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 the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication 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/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(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. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

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

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

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

WARRANTY DEED

OR VALUE RECEIVED

Dale W. Smith and Victoria G. Smith, husband and wife and Roger B. Fogleman and Barbara H. Fogleman, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Donald E. Lund, a single man

GRANTEE(S), whose current address is: 330 Date Street Mountain Home, Id 83647
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Lots 33, 34, 35, 36, 37, 38, 39, 40, 41 and 42, Block 6, Mellen Subdivision,
Elmore County, Idaho, according to the official plat thereof on file and of
record in the office of the County Recorder of Elmore County, Idaho.

ADDRESS: 330 Date Street
Mountain Home, Id 83647

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said
Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all
encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done
by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements,
(if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the
current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all
lawful claims whatsoever. , except those of record.

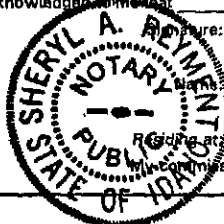
Dated: July 24, 2000

<u>Dale W. Smith</u> Dale W. Smith	<u>Victoria G. Smith</u> Victoria G. Smith
<u>Roger B. Fogleman</u> Roger B. Fogleman	<u>Barbara H. Fogleman</u> Barbara H. Fogleman

STATE OF Idaho, County of Elmore, ss.

On this 24th day of July
in the year of 2000, before me, the undersigned, a Notary
Public in and for said State, personally appeared
Dale W. Smith, Victoria G. Smith, Roger
B. Fogleman, Barbara H. Fogleman

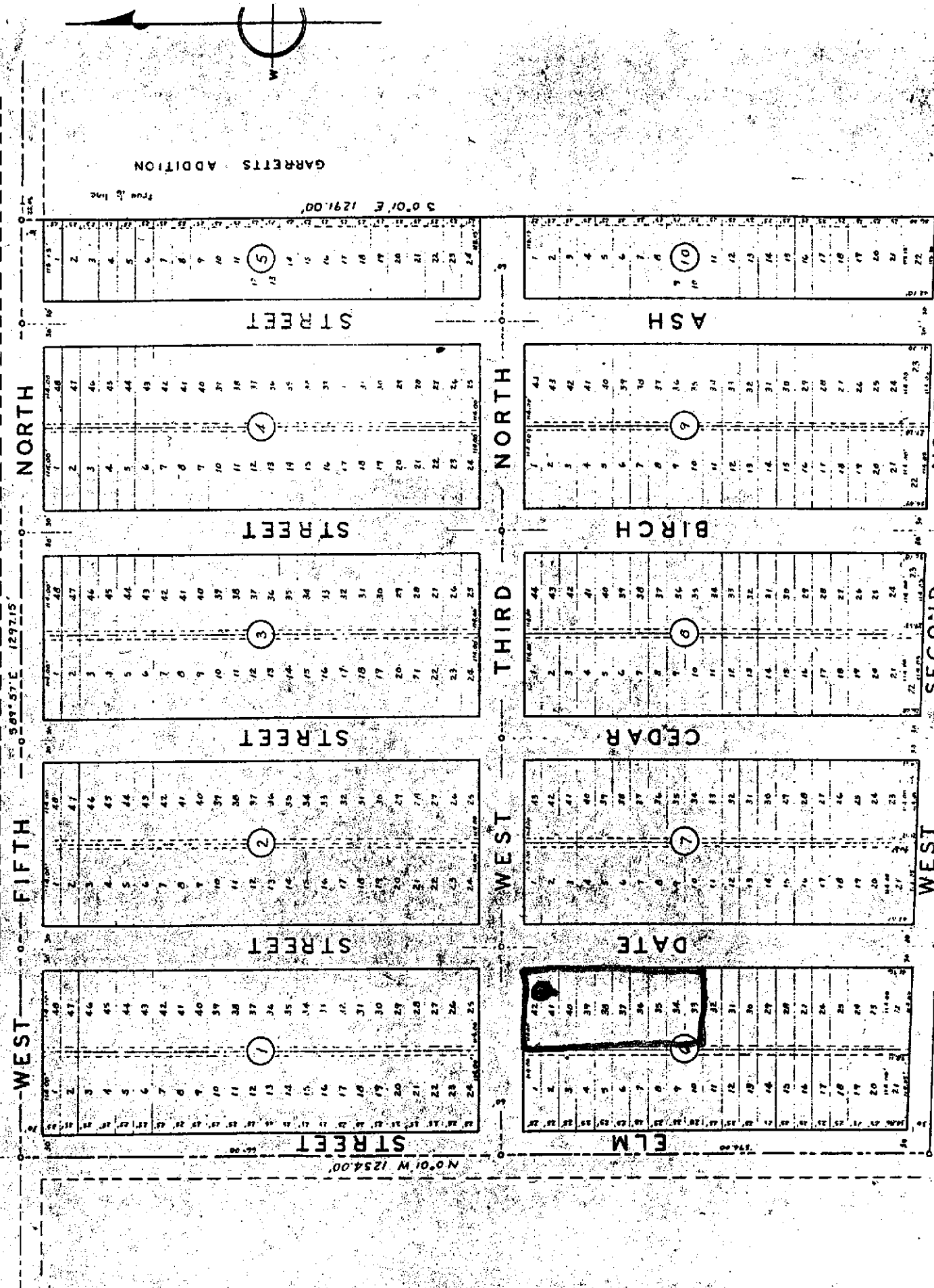
known or identified to me to be the person^s whose name
are _____ subscribed to the within instrument, and
acknowledged _____ they executed the same.



Signature: Sheryl A. Reymont
SHERYL A. REYMENT
(type or print)
Residing at: Mountain Home
My commission expires: 12-27-05

While this is a photographic reproduction of the recorded plot, the Company assumes no liability for variations, if any, with a re-survey.

WEST FIFTH NORTH





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 22, 2000

DON LUND
330 DATE ST
MOUNTAIN HOME 83647

RE: Water Right No. 61-10139

Dear Property Owner:

Per your request, enclosed is a copy of the above referenced water right, which reflects the correction in the spelling of your name. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the correction.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

cc: Dale W and Victoria G Smith
Roger B and Barbara H Fogleman

ADJUDICATION MEMORANDUM

CLAIM NO.: 61-10139

SUBJECT: Name spelling

EMPLOYEE: DB

DATE: 9-21-00

Rec'd call from claimant that his last name was spelled wrong. It's written on O-chg form as LUNN. Deed + signature show Lund.

~~1~~ Second NCAP sent out 9-22-00 to correct.

DB



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 8, 2000

DON LUNN
330 DATE ST
MOUNTAIN HOME ID 83647

RE: Water Right No. 61-10139

Dear Property Owner:

Enclosed is a copy of the above referenced water right which reflects the change in ownership of the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Buffington

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

cc: Dale W and Victoria G Smith
Roger B and Barbara H Fogleman

AJ0749NP
No. R61-10139

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

DATE: 12/28/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DALE W SMITH	01/01/1960	DOMESTIC	01-01 12-31	0.14 CFS	7.20 AFA
C	VICTORIA G SMITH					
C	ROGER B FOGLEMAN					
C	BARBARA H FOGLEMAN					
	RR 1 BOX 123					
	KING HILL ID 83633					
	(208) 366-2710					
				TOTAL DIVERSION:	0.14 CFS	7.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03S R06E S26

SWNWSW

ELMORE County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
03S	06E	26	:																	:
			:																	:

POU County: ELMORE

Non-Irrigation Uses: 6 HOMES

Conditions of Approval:

- C15 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 61:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 61 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN THE SNAKE RIVER BASIN:
 - WATER RIGHT NO. SOURCE
 - NONE NONE
 - ALL WATER RIGHTS WITHIN BASIN 61 ARE FROM CONNECTED SOURCES
 - OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
 - CONJUNCTIVELY.

Remarks: EXP PARCEL NO. 00087006033A
PROPERTY IS ALSO KNOWN AS LOTS 33-42, BLK 6, MELLON
SUBDIVISION.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 04/27/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
THIS RIGHT COVERS LOTS 33 THROUGH 42 OF BLK 6 OF THE MELLOW
SUBDIVISION.

|
A PERMIT WAS FILED FOR THIS WELL IN 1982 - SEE APPLICATION
61-07475. THIS WAS A RESULT OF FILING A DRILLING PERMIT FOR A
DEEP WELL AND THERE WAS NO RECORDED WATER RIGHT. THE DEEP WELL
WAS DRILLED TO REPLACE 3 SHALLOW WELLS WHICH HAD SUPPLIED WATER
TO THE 6 HOMES LOCATED ON THE LOTS DESCRIBED ABOVE. THE DEEP
WELL REPLACED THE 3 ORIGINAL SHALLOW WELLS, WHICH HAVE BEEN
CAPPED. THERE WAS NO INCREASE IN THE AMOUNT OF WATER USED AT
THIS PROPERTY IN 1982 WITH THE CHANGE IN THE SYSTEM FROM 3 WELLS
TO 1 WELL. THIS RIGHT HAS EXISTED FOR 6 HOUSEHOLDS SINCE BEFORE
1960, THUS CLAIMING THE PRIORITY DATE OF 1960.

Date: 02/25/1997 User-ID: MMINICUC Subject: COMM WELL
SEE PERMIT FILE NO. 61-07673 (SUBD COMMUNITY WELL) FOR ADDITIONAL
INFORMATION.

Date: 02/25/1997 User-ID: MMINICUC Subject: REFORMAT
DOM USE REFORMATTED. GEN REMARKS MOVED TO EXP

Date: 11/22/1998 User-ID: AJU10-JS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C15 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 12/28/1998 User-ID: SBOCK Subject: OWNERSHIP CHANGE
AS PER NOTICE OF ERROR

Audit: 12/28/98 SBOCK

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED

DEC 21 1998

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-10139

PAUL HUNT
328 ASH ST
MOUNTAIN HOME ID 83647

Daytime Telephone Number: 208 366 2710
Evening Telephone Number: 208 366 2710

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Disagree with name of Paul Hunt as having the legal rights to water right # 61-10139.

2. Describe the changes you wish to make in the proposed recommendation:

Change owner of water right # 61-10139 from Paul Hunt to: Dale W and Victoria G. Smith and Roger B and Barbara H. Fogleman

3. Give a brief explanation as to why you disagree with these portions:

The new owners purchased the land covered under water right # 61-10139 on 5 MAY 1990

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 17 Dec 98 SIGNATURE:

Please print your name:

Dale W. Smith
Dale W. Smith

AJ0749NP
No. R61-10139

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

DATE: 02/25/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL HUNT 328 ASH ST MOUNTAIN HOME ID 83647 (208) 587-4760	01/01/1960	DOMESTIC	01-01 12-31	0.14 CFS	
TOTAL DIVERSION:					0.14 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03S R06E S26

SWNWSW

ELMORE County

Place of use Legal Description for: DOMESTIC

				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	:			
03S	06E	26	:																													:			
			:																													:			

POU County: ELMORE

Non-Irrigation Uses: 6 HOMES

Other Water Rights with Same Point(s) of Diversion and Source:

A61-07345	A61-10081	A61-10100	A61-10122	A61-10139	A61-10224	A61-10227	A61-10257	A61-10532	A61-10694
A61-10765	A61-10766	A61-10771	A61-10811	A61-10844	A61-11809	A61-11810	R61-07345	R61-10224	R61-10227
R61-10257	R61-10532								

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. 00087006033A
PROPERTY IS ALSO KNOWN AS LOTS 33-42, BLK 6, MELLON
SUBDIVISION.

Dates: Exam Made Date: Verified Date: 02/25/1997 Objection Filed Date:

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

AJ0749NP
No. R61-10139

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

DATE: 02/25/97
PAGE: 2

=====

Comments: Date: 04/27/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
THIS RIGHT COVERS LOTS 33 THROUGH 42 OF BLK 6 OF THE MELLON
SUBDIVISION.

A PERMIT WAS FILED FOR THIS WELL IN 1982 - SEE APPLICATION
61-07475. THIS WAS A RESULT OF FILING A DRILLING PERMIT FOR A
DEEP WELL AND THERE WAS NO RECORDED WATER RIGHT. THE DEEP WELL
WAS DRILLED TO REPLACE 3 SHALLOW WELLS WHICH HAD SUPPLIED WATER
TO THE 6 HOMES LOCATED ON THE LOTS DESCRIBED ABOVE. THE DEEP
WELL REPLACED THE 3 ORIGINAL SHALLOW WELLS, WHICH HAVE BEEN
CAPPED. THERE WAS NO INCREASE IN THE AMOUNT OF WATER USED AT
THIS PROPERTY IN 1982 WITH THE CHANGE IN THE SYSTEM FROM 3 WELLS
TO 1 WELL. THIS RIGHT HAS EXISTED FOR 6 HOUSEHOLDS SINCE BEFORE
1960, THUS CLAIMING THE PRIORITY DATE OF 1960.

Date: 02/25/1997 User-ID: MMINICUC Subject: COMM WELL
SEE PERMIT FILE NO. 61-07673 (SUBD COMMUNITY WELL) FOR ADDITIONAL
INFORMATION.

Date: 02/25/1997 User-ID: MMINICUC Subject: REFORMAT
DOM USE REFORMATTED. GEN REMARKS MOVED TO EXP

Audit: 02/25/97 MMINICUC

AJ5809NP
No. R61-10139

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/97
PAGE: 17

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PAUL HUNT 328 ASH ST MOUNTAIN HOME ID 83647 (208) 587-4760	01/01/1960	DOMESTIC ✓	01-01 12-31	0.14 CFS	
TOTAL DIVERSION:					0.14 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03S R06E S26

SWNWSW ✓

ELMORE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
03S	06E	26	✓					:					:					:					:

POU County: ELMORE

Non-Irrigation Uses: DOMESTIC, 6 HOMES ~~USE PERMIT~~

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A ✓
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 ✓
- GALLONS PER DAY.

Remarks: ^{EXP} GEN PARCEL NO. 00087006033A

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Permit 61-07673 is
for subdivision well.
No Fed overlap

AJ5809NP
No. R61-10139

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/97
PAGE: 18

Comments: Date: 04/27/1992 User-ID: SMITH Subject: COPIED FROM REMARKS
THIS RIGHT COVERS LOTS 33 THROUGH 42 OF BLK 6 OF THE MELLON
SUBDIVISION.

|
A PERMIT WAS FILED FOR THIS WELL IN 1982 - SEE APPLICATION
61-07475. THIS WAS A RESULT OF FILING A DRILLING PERMIT FOR A
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TO THE 6 HOMES LOCATED ON THE LOTS DESCRIBED ABOVE. THE DEEP
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THIS PROPERTY IN 1982 WITH THE CHANGE IN THE SYSTEM FROM 3 WELLS
TO 1 WELL. THIS RIGHT HAS EXISTED FOR 6 HOUSEHOLDS SINCE BEFORE
1960, THUS CLAIMING THE PRIORITY DATE OF 1960.

Audit: 04/27/92 SMITH 03/30/95 POST-STD 01/27/97 D&S-DSHA

OLD (D) NUMBER -

STATE- ID ZIP- 83647

MICROFILMED
JUL 22 1994

WATER RIGHT NUMBER - A61-10139

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.
+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.
+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000
+ - - AUDIT FIELDS - 10/30/89 BAUMHOFF
+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND
+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 10/30/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- M005026	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-	NOTICE OF ERROR FLAG	-

00087006033A

DATA ENTRY

ENTERED 4-27-92 RWSCHECKED 7/5/92 JS

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
OCT 2 1991CERTIFIED
NOV 15 1991
WATER EXAMINERMICROFILMED
JUL 22 1994