

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

*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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	AOS 22-7032				

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

RECEIVED

DEC 31 2009

- 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**.  
Department of Water Resources Eastern Region
- 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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Guy & KIETH GILSON  
873 W 2000 S  
REXBURG ID 83440

4. New Owner/Claimant(s)

RICHARD SMITH FARMS  
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address

PO Box 8

City, State and ZIP Code

REXBURG ID 83440

New Telephone Number

(208) ~~898~~  
356-4912

Email: \_\_\_\_\_

5. Date you acquired the property

APRIL 6, 2009

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
<b>Water Right and/or Adjudication Claim Number</b>		
Irrigation		
Stock		
Domestic		
Other		
<b>Totals</b>		
<b>Water Right and/or Adjudication Claim Number</b>		
Irrigation		
Stock		
Domestic		
Other		
<b>Totals</b>		
<b>Water Right and/or Adjudication Claim Number</b>		
Irrigation		
Stock		
Domestic		
Other		
<b>Totals</b>		

*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.*

7. Signature(s) of New Owner(s) or Claimant(s)

By Brad Nielsen

MNGR  
(title if applicable)

(title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

**For IDWR Office Use Only:**

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



First American Title Company, Inc.  
 PO Box 307 ~ 535 First American Circle  
 Rexburg, ID 83440  
 (208)356-3653 Fax (208)356-3669

**FAX TRANSMITTAL SHEET**

No of pages including cover sheet: 18

Date: 12/31/09 Time: \_\_\_\_\_

PLEASE DELIVER TO: Bobby  
 COMPANY: Dept of Water  
 FROM: Scott Stears

FAX NUMBER: 525-7177

REGARDING: \_\_\_\_\_

MESSAGE: \_\_\_\_\_

**CONFIDENTIALITY NOTE:** This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you!

ALLIANCE TITLE & ESCROW  
P.O. BOX 733  
REXBURG, ID 83440

**WARRANTY DEED**

Order No.: 3040616627HB

FOR VALUE RECEIVED

Guy A. Erikson and Leola W. Erikson, Husband and Wife; Keith R. Erikson and Cora Ley A. Erikson, Husband and Wife; and Stanley Erikson and Jamie Erikson, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Rave Construction, Inc. a Utah Corporation

whose current address is

1716 North 900 East North Ogden, UT 84414

**Instrument # 336471**

REXBURG, MADISON, IDAHO  
2007-04-18 04:05:01 No. of Pages: 3  
Recorded for: ALLIANCE TITLE AND ESCROW  
MARILYN R. RASMUSSEN Fee: 8.00  
Ex-Officio Recorder Deputy

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

**TRACT 1: STAN'S HOUSE: (Tax 593)**

Commencing at a point North 0°23'59" East 804 feet from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence West 467 feet; thence North 0°23'59" East 516 feet; thence East 467 feet, more or less to the Section line; thence South 0°23'59" West along the Section line 516 feet, more or less to the point of beginning.

Less the following: (Ricks - Tax 6): Beginning at a point North 874 feet along the Section line from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence North 81°08'12" West 271 feet; thence North 135.36 feet; thence North 87°14'42" East 268.07 feet, the section line; thence South along said section line 190 feet to the point of beginning.

Also Less: (Klingler - Tax 7): Commencing at a point North 0°23'59" East 1064 feet from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 87°14'42" West 417 feet; thence North 0°43'49" East 276.07 feet; thence East 413 feet, more or less; thence South 256 feet, more or less to the point of beginning.

**TRACT 2: ACREAGE:**

South Half Southeast Quarter of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho.

Less the following 3 Tracts of land:

Less:

**STAN'S HOUSE: (Tax 593)**

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**TRACT 3: ADDITIONAL ACREAGE:**

Lot 1 of Section 02-05-39 and All of Lot 4 & Lot 3 W of RRW Less Parcel #4502; NW4 SW 4; Tax 8  
Less Tax 81; 01-05-39, described as follows:

Commencing at the Northwest corner of Section 1 Township 5 North Range 39 East of the Boise Meridian in Madison County, Idaho and running thence west 80 rods to the Northwest corner of Lot 1 of Section 2, said township and range; thence south 80 rods; thence East 80 rods to the NW corner of the Northwest Quarter of the Southwest Quarter of section 1, township and range aforesaid; thence South 80 rods to the Southwest corner of said Northwest Quarter of the Southwest Quarter of said Section 1; thence East 66.5 rods, more or less, to the West line of the Union Pacific Railroad right-of-way thence North 30° 15' East along said right-of-way a distance of 27.5 rods, more or less, to the East line of said Northwest Quarter of the Southwest Quarter of section 1, aforesaid; thence North 57 rods, more or less, to the Southwest corner of lot 3 of said section 1, Township and Range aforesaid; thence East 33.6 rods, more or less, to the West line of said railroad right-of-way, thence North 30° 15' East along the West line of said right-of-way a distance of 91.65 rods, more or less, to the Northeast corner of lot 3, section 1, Township and Range aforesaid, thence West 160 rods to the point of beginning; excepting therefrom the County road which is 4 rods wide and runs North and South through said Lot 3.

Less the following: (Palisades Properties, LLC)

Parcel 1: Beginning at the Northwest corner of the Northeast Quarter Southwest Quarter of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, and running thence North 89°55'02" East 90.0 feet, more or less, along the South line of Government Lot No. 3 to a point in a line parallel with and 40.0 feet Northwesterly from the center line of the said Frontage Road No. 2 Survey as shown on the plans of said U.S. Highway No. 191 and 20 Project No. F-647(41) Highway Survey; thence Southwesterly along said parallel line being a 20,022.05 foot radius curve right 210.0 feet, more or less, to a point 190.0 feet South of the Northwest corner of the Northeast Quarter Southwest Quarter of said Section; thence North 190.0 feet to the point of beginning.

Parcel 2: Commencing at a point which is North 89°56'31" East 261.50 feet and South 0°02'54" West 615 feet from the Northwest corner of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 0°02'54" West 715.37 feet; thence South 89°55'02" West 261.50 feet to the West boundary of the said Section; thence South 0°02'54" West 1331.33 feet along the West boundary of Section (recorded 1320.0 feet); thence North 89°55'09" East 738.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Center Line of Frontage Road No. 2 Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways of U.S. Highway Nos. 191 and 20, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 1296.0 feet, more or less to a point on the East line of the Northwest Quarter Southwest Quarter of said Section 1; thence North 0°01'52" East 190.0 feet, more or less; thence North 89°55'02" East 90.0 feet, more or less, along the South line of Government Lot No. 3 to a point in a line parallel with and 40.00 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 684.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 676.20 foot radius curve 94.0 feet, more or less; thence South 89°55'00" West 1485.38 feet to the point of beginning.

Also less the following (4502)(Fall River Rural Electric Coop., Inc.: Beginning at a point that is North 89°53'15" East 23.00 feet from the Southwest corner of Section 36, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho; and running thence North 38.00 feet, thence North 89°44'25" East 265.77 feet to the West right of way of U.S. Highway 191.20, thence South 20°57'12" West 41.45 feet along the West right of way, thence continuing along said right of way in Section 1, Township 5 north, Range 39 East, Boise Meridian, Southwesterly following at 20,102.05 foot radius curve right 660.0 feet, more or less, thence North 614.16 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: \_\_\_\_\_

Guy A. Erikson  
Guy A. Erikson

Leta W. Erikson  
Leta W. Erikson

Keith R. Erikson  
Keith R. Erikson

Cora Ley A. Erikson  
Cora Ley A. Erikson

Stanley Erikson  
Stanley Erikson

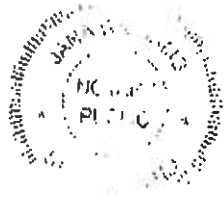
Jamie Erikson  
Jamie Erikson

State of Idaho }  
County of Madison }ss.

On this 18 day of April, in the year 2007 before me, a Notary Public in and for said state, personally appeared Guy A. Erikson and Leta W. Erikson and Keith R. Erikson and Cora Ley A. Erikson and Stanley Erikson and Jamie Erikson known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

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

Jana Williams  
Notary Public for the State of Idaho  
Residing at:  
Commission Expires:



for the State of Idaho  
Teton County  
Expires 05-21-2011

ALLIANCE TITLE & ESCROW  
P.O. BOX 732  
REXBURG, ID 83440

Instrument # 336472  
REXBURG, MADISON, IDAHO  
2007-04-16 04:06:00 No. of Pages: 3  
Recorded for: ALLIANCE TITLE AND ESCROW  
MARLYN R. RAMBUSSEN Fee: 9.80  
Ex-Officio Recorder Deputy

**CORPORATION DEED**

Order No. 3040717030HB

For Value Received, as part of a Tax Deferred Exchange under IRSC 1031

Rave Construction, Inc. a Utah Corporation

a corporation duly organized and existing under the laws of the State of Idaho, Grantor,  
does hereby Grant, Bargain, Sell and convey unto

Smith-Fosac, L.L.C, an Idaho Limited Liability Company

whose current address is: ~~XXXXXXXXXXXXXXXXXXXX~~ P.O. Box 8  
~~XXXXXXXXXXXXXXXXXXXX~~ Rexburg, ID 83440  
~~XXXXXXXXXXXXXXXXXXXX~~

the following described real estate, to-wit:

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Less the following: (Palisades Properties, LLC)

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AFTER RECORDING MAIL TO:

Richard Smith  
P.O. Box 8  
Rexburg, ID 83440

**Instrument # 350682**  
REXBURG, MADISON, IDAHO  
12-18-2008 04:23:00 No. of Pages: 0  
Recorded for : FIRST AMERICAN TITLE  
MARILYN R. RASMUSSEN Fee: 12.00  
Ex-Officio Recorder Deputy

5

**WARRANTY DEED**

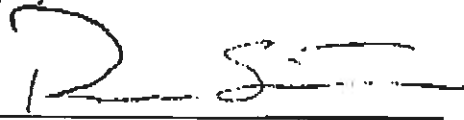
Date: December 18, 2008

For Value Received, **Smith-Hosac, LLC, an Idaho limited liability company**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Richard F. Smith and Jill D. Smith, Husband and Wife**, hereinafter referred to as Grantee, whose current address is **P.O. Box 8, Rexburg, ID 83440**, the following described premises, situated in **Madison County, Idaho**, to wit:

**Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Smith-Hosac, LLC, an Idaho limited liability company



By: Richard Smith, Member



## "EXHIBIT A"

## TRACT 1: ACREAGE:

South Half Southeast Quarter of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho. Less the following 3 Tracts of land:

Less: STAN'S HOUSE: (Tax 593)

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Also Less: (Kluppger - Tax 7): Commencing at a point North  $0^{\circ}23'59''$  East 1064 feet from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South  $87^{\circ}14'42''$  West 417 feet; thence North  $0^{\circ}43'49''$  East 276.07 feet; thence East 413 feet, more or less; thence South 256 feet, more or less to the point of beginning.

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Lot 1 of Section 02-05-39 and All of Lot 4 & Lot 3 W of RRW Less Parcel #4502; NW4 SW 4; Tax 8 Less Tax 81; 01-05-39, described as follows: Commencing at the Northwest corner of Section 1 Township 5 North Range 39 East of the Boise Meridian in Madison County, Idaho and running thence west 80 rods to the Northwest corner of Lot 1 of Section 2, said township and range; thence south 80 rods; thence East 80 rods to the NW corner of the Northwest Quarter of the Southwest Quarter of section 1, township and range aforesaid; thence South 80 rods to the Southwest corner of said Northwest Quarter of the Southwest Quarter of said Section 1; thence East 66.5 rods, more or less, to the West line of the Union Pacific Railroad right-of-way thence North  $30^{\circ}15'$  East along said right-of-way a distance of 27.5 rods, more or less, to the East line of said Northwest Quarter of the Southwest Quarter of section 1, aforesaid; thence North 57 rods, more or less, to the Southwest corner of lot 3 of said section 1, Township and Range aforesaid; thence East 33.6 rods, more or less, to the West line of said railroad right-of-way, thence North  $30^{\circ}15'$  East along the West line of said right-of-way a distance of 91.65 rods, more or less, to the Northeast corner of lot 3, section 1, Township and Range aforesaid, thence West 160 rods to the point of beginning; excepting therefrom the County road which is 4 rods wide and runs North and South through said Lot 3.

Less the following: (Palsades Properties, LLC)

Parcel 1: Beginning at the Northwest corner of the Northeast Quarter Southwest Quarter of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, and running thence North  $89^{\circ}55'02''$  East 90.0 feet, more or less, along the South line of Government Lot No. 3 to a point in a line parallel with and 40.0 feet Northwesterly from the center line of the said Frontage Road No. 2 Survey as shown on the plans of said U.S. Highway No. 191 and 20 Project No. F-647(41) Highway Survey; thence Southwesterly along said parallel line being a 20,022.05 foot radius curve right 210.0 feet, more or less, to a point 190.0 feet South of the Northwest corner of the Northeast Quarter Southwest Quarter of said Section; thence North 190.0 feet to the point of beginning.

Parcel 2: Commencing at a point which is North  $89^{\circ}56'31''$  East 261.50 feet and South  $0^{\circ}02'54''$  West 615 feet from the Northwest corner of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South  $0^{\circ}02'54''$  West 715.37 feet; thence South  $89^{\circ}55'02''$  West 261.50 feet to the West boundary of the said Section; thence South  $0^{\circ}02'54''$  West 1331.33 feet along the West boundary of Section (recorded 1320.0 feet); thence North  $89^{\circ}55'09''$  East 738.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Center Line of Frontage Road No. 2 Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways of U.S. Highway Nos. 191 and 20, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 1296.0 feet, more or less to a point on the East line of the Northwest Quarter Southwest Quarter of said Section 1; thence North  $0^{\circ}01'52''$  East 190.0 feet, more or less; thence North  $89^{\circ}55'02''$  East 90.0 feet, more or less, along the South line of Government Lot No. 3 to a point in a line parallel with and 40.00 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 684.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 676.20 foot radius curve 94.0 feet, more or less; thence South  $89^{\circ}55'00''$  West 1485.38 feet to the point of beginning.

Also less the following (4502)(Fall River Rural Electric Coop., Inc.): Beginning at a point that is North  $89^{\circ}53'15''$  East 23.00 feet from the Southwest corner of Section 36, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho; and running thence North 38.00 feet, thence North  $89^{\circ}44'25''$  East 265.77 feet to the West right of way of U.S. Highway 191.20, thence South  $20^{\circ}57'12''$  West 41.45 feet along the West right of way, thence continuing along said right of way in Section 1, Township 5 north, Range 39 East, Boise Meridian, Southwesterly following at 20,102.05 foot radius curve right 660.0 feet, more or less, thence North 614.16 feet to the point of beginning.

AFTER RECORDING MAIL TO:

Richard Smith Farms  
P.O. Box 8  
Rexburg, ID 83440

**Instrument # 363259**  
REXBURG, MADISON, IDAHO  
4-15-2009 11:42:48 No. of Pages: 4  
Recorded for : RICHARD SMITH FARMS  
MARILYN R. RASMUSSEN A Fee: 12.00  
Ex-Officio Recorder Deputy

**QUITCLAIM DEED**

Date: December 18, 2008

For Value Received, Smith-Hosac, LLC an Idaho limited liability company, do(es) hereby convey, release, remise, and forever quit claim unto Richard Smith Farms Profit Sharing Plan, whose address is P.O. Box 8, Rexburg, ID 83440, herein after called the Grantee, the following described premises situated in Madison County, Idaho, to-wit:

(See Attached Exhibit A)

together with its appurtenances.

Dated: April 6, 2009

Smith-Hosac, LLC

  
Robert Hosac, Member



**"EXHIBIT A"****TRACT 1: ACREAGE:**

South Half Southeast Quarter of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho. Less the following 3 Tracts of land:

Less: STAN'S HOUSE; (Tax 593)

Commencing at a point North  $0^{\circ}23'59''$  East 804 feet from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence West 461 feet; thence North  $0^{\circ}23'59''$  East 516 feet; thence East 461 feet, more or less to the Section line; thence South  $0^{\circ}23'59''$  West along the Section line 516 feet, more or less to the point of beginning.

Less the following: (Ricks - Tax 6): Beginning at a point North 874 feet along the Section line from the Southwest corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence North  $21^{\circ}48'17''$  West 271 feet; thence North  $135.36$  feet; thence North  $87^{\circ}14'42''$  East 368.87 feet, the Section line; thence South along said section line 180 feet to the point of beginning.

Also Less: (Kingsler - Tax 7): Commencing at a point North  $0^{\circ}23'59''$  East 1864 feet from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South  $87^{\circ}14'42''$  West 417 feet; thence North  $0^{\circ}43'49''$  East 276.87 feet; thence East 413 feet, more or less; thence South 256 feet, more or less to the point of beginning.

**TRACT 2: ADDITIONAL ACREAGE:**

Lot 1 of Section 02-05-39 and All of Lot 4 & Lot 3 W of RRW Less Parcel #4502; NW4 SW 4; Tax & Less Tax 81; 01-05-39, described as follows: Commencing at the Northwest corner of Section 1 Township 5 North Range 39 East of the Boise Meridian in Madison County, Idaho and running thence west 80 rods to the Northwest corner of Lot 1 of Section 2, said township and range; thence south 88 rods; thence East 80 rods to the NW corner of the Northwest Quarter of the Southwest Quarter of section 1, township and range aforesaid; thence South 80 rods to the Southwest corner of said Northwest Quarter of the Southwest Quarter of said Section 1; thence East 68.5 rods, more or less, to the West line of the Union Pacific Railroad right-of-way thence North  $30^{\circ}15'$  East along said right-of-way a distance of 27.5 rods, more or less, to the East line of said Northwest Quarter of the Southwest Quarter of section 1, aforesaid; thence North 57 rods, more or less, to the Southwest corner of lot 3 of said section 1, Township and Range aforesaid; thence East 33.5 rods, more or less, to the West line of said railroad right-of-way, thence North  $30^{\circ}15'$  East along the West line of said right-of-way a distance of 91.66 rods, more or less, to the Northeast corner of lot 3, section 1, Township and Range aforesaid, thence West 168 rods to the point of beginning, excepting therefrom the County road which is 4 rods wide and runs North and South through said Lot 3.

Less the following: (Palmodes Properties, LLC)


Parcel 1: Beginning at the Northwest corner of the Northeast Quarter Southwest Quarter of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, and running thence North  $89^{\circ}55'02''$  East 98.0 feet, more or less, along the South line of Government Lot No. 3 to a point in a line parallel with and 40.0 feet Northwesterly from the center line of the said Frontage Road No. 2 Survey as shown on the plans of said U.S. Highway No. 191 and 28 Project No. P-647(41) Highway Survey; thence Southwesterly along said parallel line being a 20,072.05 foot radius curve right 210.0 feet, more or less, to a point 190.0 feet South of the Northwest corner of the Northeast Quarter Southwest Quarter of said Section; thence North 190.0 feet to the point of beginning.

Parcel 2: Commencing at a point which is North  $89^{\circ}56'31''$  East 261.50 feet and South  $0^{\circ}02'54''$  West 61.5 feet from the Northwest corner of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South  $0^{\circ}03'54''$  West 715.37 feet; thence South  $89^{\circ}45'02''$  West 261.50 feet to the West boundary of the said Section; thence South  $0^{\circ}02'54''$  West 1338.33 feet along the West boundary of Section (recorded 1328.8 feet); thence North  $89^{\circ}55'09''$  East 738.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Center Line of Frontage Road No. 2 Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways of U.S. Highway Nos. 191 and 20, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 1296.0 feet, more or less to a point on the East line of the Northwest Quarter Southwest Quarter of said Section 1; thence North  $0^{\circ}01'52''$  East 190.0 feet, more or less; thence North  $89^{\circ}55'02''$  East 98.0 feet, more or less, along the South line of Government Lot No. 2 to a point in a line parallel with and 40.00 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 684.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 676.28 foot radius curve 54.0 feet, more or less; thence South  $89^{\circ}55'00''$  West 1485.38 feet to the point of beginning.

Also see the following (4502)Yan River Rural Electric Coop., Inc.: Beginning at a point that is North  $89^{\circ}53'15''$  East 23.00 feet from the Southwest corner of Section 36, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho; and running thence North 30.00 feet, thence North  $89^{\circ}44'25''$  East 266.77 feet to the West right of way of U.S. Highway 191.20, thence South  $89^{\circ}57'12''$  West 41.45 feet along the West right of way, thence southeasterly along said right of way in Section 1, Township 5 North, Range 39 East, Boise Meridian, southeasterly following a 20,102.05 foot radius curve right 660.0 feet, more or less, thence North 614.36 feet to the point of beginning.

AFTER RECORDING MAIL TO:

Richard Smith Farms  
P.O. Box 8  
Rexburg, ID 83440

**Instrument # 353259**  
REXBURG, MADISON, IDAHO  
4-15-2009 11:42:48 No. of Pages: 4  
Recorded for : RICHARD SMITH FARMS  
MARILYN R. RASMUSSEN Fee: 12.00  
Ex-Officio Recorder Deputy 

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**QUITCLAIM DEED**

Date: December 18, 2008

For Value Received, **Smith-Hosac, LLC** an Idaho limited liability company, do(es) hereby convey, release, remise, and forever quit claim unto **Richard Smith Farms Profit Sharing Plan**, whose address is **P.O. Box 8, Rexburg, ID 83440**, herein after called the Grantee, the following described premises situated in **Madison County, Idaho**, to-wit:

(See Attached Exhibit A)

together with its appurtenances.

Dated: April 6, 2009

Smith-Hosac, LLC

  
Robert Hosac, Member



"EXHIBIT A"

TRACT 1: ACREAGE:

South Half Southeast Quarter of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho. Less the following 3 Tracts of land:

Less: STAN'S HOUSE: (Tax 593)

Commencing at a point North  $0^{\circ}23'59''$  East 804 feet from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence West 467 feet; thence North  $0^{\circ}23'59''$  East 516 feet; thence East 461 feet, more or less to the Section line; thence South  $0^{\circ}23'59''$  West along the Section line 516 feet, more or less to the point of beginning.

Less the following: (Ricks - Tax 6): Beginning at a point North 874 feet along the Section line from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence North  $81^{\circ}08'12''$  West 271 feet; thence North 135.36 feet; thence North  $87^{\circ}14'42''$  East 268.07 feet, the section line; thence South along said section line 190 feet to the point of beginning.

Also Less: (Klingler - Tax 7): Commencing at a point North  $0^{\circ}23'59''$  East 1064 feet from the Southeast corner of Section 35, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South  $87^{\circ}14'42''$  West 417 feet; thence North  $0^{\circ}43'49''$  East 276.07 feet; thence East 413 feet, more or less; thence South 256 feet, more or less to the point of beginning.

TRACT 2: ADDITIONAL ACREAGE:

Lot 1 of Section 02-05-39 and All of Lot 4 & Lot 3 W of RRW Less Parcel #4502; NW4 SW 4; Tax 8 Less Tax 81; 01-05-39, described as follows: Commencing at the Northwest corner of Section 1 Township 5 North Range 39 East of the Boise Meridian in Madison County, Idaho and running thence west 80 rods to the Northwest corner of Lot 1 of Section 2, said township and range; thence south 80 rods; thence East 80 rods to the NW corner of the Northwest Quarter of the Southwest Quarter of section 1, township and range aforesaid; thence South 80 rods to the Southwest corner of said Northwest Quarter of the Southwest Quarter of said Section 1; thence East 66.3 rods, more or less, to the West line of the Union Pacific Railroad right-of-way thence North  $30^{\circ}15'$  East along said right-of-way a distance of 27.5 rods, more or less, to the East line of said Northwest Quarter of the Southwest Quarter of section 1, aforesaid; thence North 57 rods, more or less, to the Southwest corner of lot 3 of said section 1, Township and Range aforesaid; thence East 33.6 rods, more or less, to the West line of said railroad right-of-way, thence North  $30^{\circ}15'$  East along the West line of said right-of-way a distance of 91.65 rods, more or less, to the Northeast corner of lot 3, section 1, Township and Range aforesaid, thence West 160 rods to the point of beginning; excepting therefrom the County road which is 4 rods wide and runs North and South through said Lot 3.

Less the following: (Palisades Properties, LLC)

Parcel 1: Beginning at the Northwest corner of the Northeast Quarter Southwest Quarter of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, and running thence North  $89^{\circ}55'02''$  East 90.0 feet, more or less, along the South line of Government Lot No. 3 to a point in a line parallel with and 40.8 feet Northwesterly from the center line of the said Frontage Road No. 2 Survey as shown on the plans of said U.S. Highway No. 191 and 20 Project No. P-647(41) Highway Survey; thence Southwesterly along said parallel line being a 20,022.05 foot radius curve right 210.0 feet, more or less, to a point 190.0 feet South of the Northwest corner of the Northeast Quarter Southwest Quarter of said Section; thence North 190.0 feet to the point of beginning.

Parcel 2: Commencing at a point which is North  $89^{\circ}56'31''$  East 261.50 feet and South  $0^{\circ}02'54''$  West 615 feet from the Northwest corner of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South  $0^{\circ}02'54''$  West 715.37 feet; thence South  $89^{\circ}55'02''$  West 261.50 feet to the West boundary of the said Section; thence South  $0^{\circ}02'54''$  West 1131.33 feet along the West boundary of Section (recorded 1329.0 feet); thence North  $89^{\circ}55'09''$  East 738.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Center Line of Frontage Road No. 2 Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways of U.S. Highway Nos. 191 and 20, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 1296.8 feet, more or less to a point on the East line of the Northwest Quarter Southwest Quarter of said Section 1; thence North  $0^{\circ}01'52''$  East 190.0 feet, more or less; thence North  $89^{\circ}55'02''$  East 96.8 feet, more or less, along the South line of Government Lot No. 3 to a point in a line parallel with and 40.00 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 20,022.05 foot radius curve, left 684.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northwesterly from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeasterly along said parallel line being a 676.28 foot radius curve 54.0 feet, more or less; thence South  $89^{\circ}55'00''$  West 1485.38 feet to the point of beginning.

Also less the following (4502) Fall River Rural Electric Coop., Inc.: Beginning at a point that is North  $89^{\circ}53'15''$  East 23.00 feet from the Southwest corner of Section 36, Township 6 North, Range 39 East, Boise Meridian, Madison County, Idaho; and running thence North 38.00 feet, thence North  $89^{\circ}44'25''$  East 265.77 feet to the West right of way of U.S. Highway 191.20, thence South  $10^{\circ}57'12''$  West 41.45 feet along the West right of way, thence continuing along said right of way in Section 1, Township 5 North, Range 39 East, Boise Meridian, Southwesterly following at 20,102.05 foot radius curve right 660.0 feet, more or less, thence North 614.76 feet to the point of beginning.

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
535 First American Circle  
Rexburg, ID 83440

**First American Title Company**

Microfile No. **348404**  
28 DAY AUG 2008  
At 04 O'Clock 48 M  
MARILYN RASMUSSEN  
MADISON CO RECORDER  
Fee \$9.00  
SHill Deputy  
Recorded at Request of  
FIRST AMERICAN TITLE - RE

*Not the same legal*

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: **266974-RX (ns)**

Date: **August 28, 2008**

For Value Received, **Smith-Hosac, LLC, an Idaho limited liability company**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Robert Smith and Sally Smith, husband and wife**, hereinafter called the Grantee, whose current address is **512 S. Mill Hollow, Rexburg, ID 83440**, the following described premises, situated in **Madison County, Idaho**, to-wit:

**Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: 08/28/2008

Warranty Deed  
- continued

File No.: 266974-RX (ns)

Smith-Hosac, LLC, an Idaho limited liability  
company




By: Richard Smith, Member

STATE OF Idaho )  
ss.  
COUNTY OF Madison )

On this **28th day of August, 2008**, before me, a Notary Public In and for said State, personally appeared **Richard Smith**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Smith-Hosac, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.

NICKI L. STEARS  
STATE OF IDAHO  
NOTARY PUBLIC

  
Notary Public of Idaho  
Residing at: Idaho Falls, Idaho  
Commission Expires: 1-3-2012

Date: 08/28/2008

Warranty Deed  
- continued

File No.: 266974-RX (ns)

**EXHIBIT A**

**COMMENCING AT A POINT NORTH 0°23'59" EAST 804 FEET FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE WEST 467 FEET;  
THENCE NORTH 0°23'59" EAST 516 FEET;  
THENCE EAST 467 FEET, MORE OR LESS TO THE SECTION LINE;  
THENCE SOUTH 0°23'59" WEST ALONG THE SECTION LINE 516 FEET, MORE OR LESS TO THE POINT OF BEGINNING.**

**LESS THE FOLLOWING: BEGINNING AT A POINT NORTH 874 FEET ALONG THE SECTION LINE FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE NORTH 81°08'12" WEST 271 FEET;  
THENCE NORTH 135.36 FEET;  
THENCE NORTH 87°14'42" EAST 268.07 FEET TO THE SECTION LINE;  
THENCE SOUTH ALONG SAID SECTION LINE 190 FEET TO THE POINT OF BEGINNING.**

**ALSO LESS: COMMENCING AT A POINT NORTH 0°23'59" EAST 1064 FEET FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 6 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE SOUTH 87°14'42" WEST 417 FEET;  
THENCE NORTH 0°43'49" EAST 276.07 FEET;  
THENCE EAST 413 FEET, MORE OR LESS;  
THENCE SOUTH 256 FEET, MORE OR LESS TO THE POINT OF BEGINNING.**