

10/31/2005

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

RIGHT NUMBER: 22-2250
NAME AND ADDRESS: KEVIN B WEBSTER
4161 E 421 N
RIGBY ID 83442

JANET WEBSTER
4161 E 421
RIGBY ID 83442

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 3.840 CFS
672.000 AFY
PRIORITY DATE: 05/24/1965
POINT OF DIVERSION:

T05N R40E S29 NESENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.840 CFS 672.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R40E S28	SWNW	37.0	T05N R40E S28	NWSW	40.0
T05N R40E S28	SWSW	13.0	T05N R40E S29	NENE	40.0
T05N R40E S29	SENE	39.0	T05N R40E S29	NESE	22.0
T05N R40E S29	SESE	0.6			

191.6 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

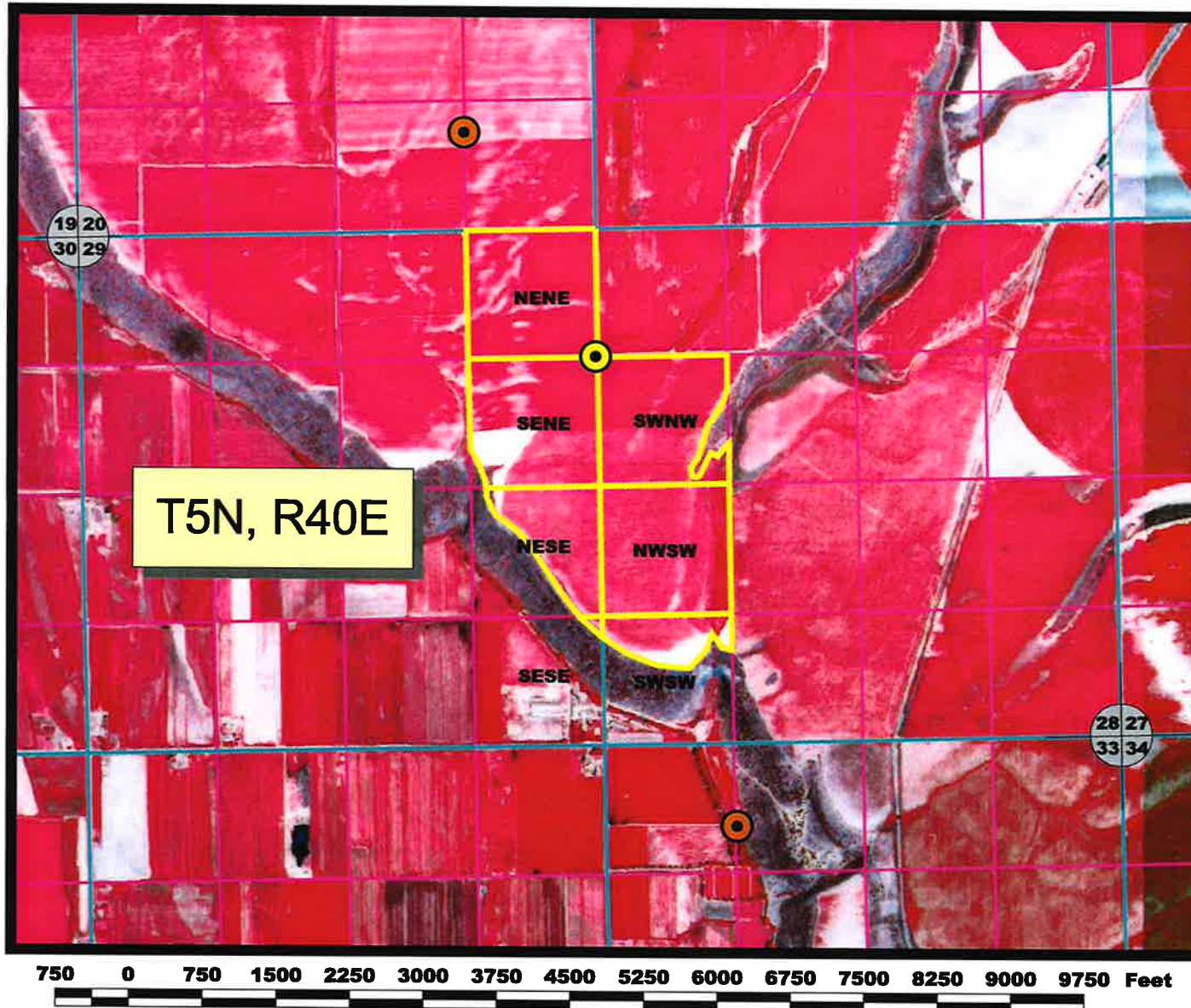
Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-2250

Point(s) of Diversion:
T5N, R40E
Sec. 29 NESENE

Place of Use: (parts of)
T5N, R40E
Sec. 28 SWNW, W2SW,
Sec. 29 E2E2

LEGEND

- Point of Diversion
- SESE Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: October 2005

10/31/2005

NOTICE OF ERROR
REPLY

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:

Water right number: 22-2250

KEVIN B WEBSTER

4161 E 421 N

RIGBY ID 83442

Telephone Number: (208)745-1594

JANET WEBSTER

4161 E 421

RIGBY ID 83442

Telephone Number: (208)745-1594

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 10-18-06

SIGNATURE: Kevin Webster

Please print your name: Kevin Webster

Kau
11/9

Water Right No(s). 22-2250

See Photo Attached

GPS data - 2679958
1395517

GPS file - 22250

GPS DATA:

Tag # A0000289 Location: on pipe next to turnout on
mainline

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: U.S. Motors Model: _____ Hp: 200
SN: Not Legible

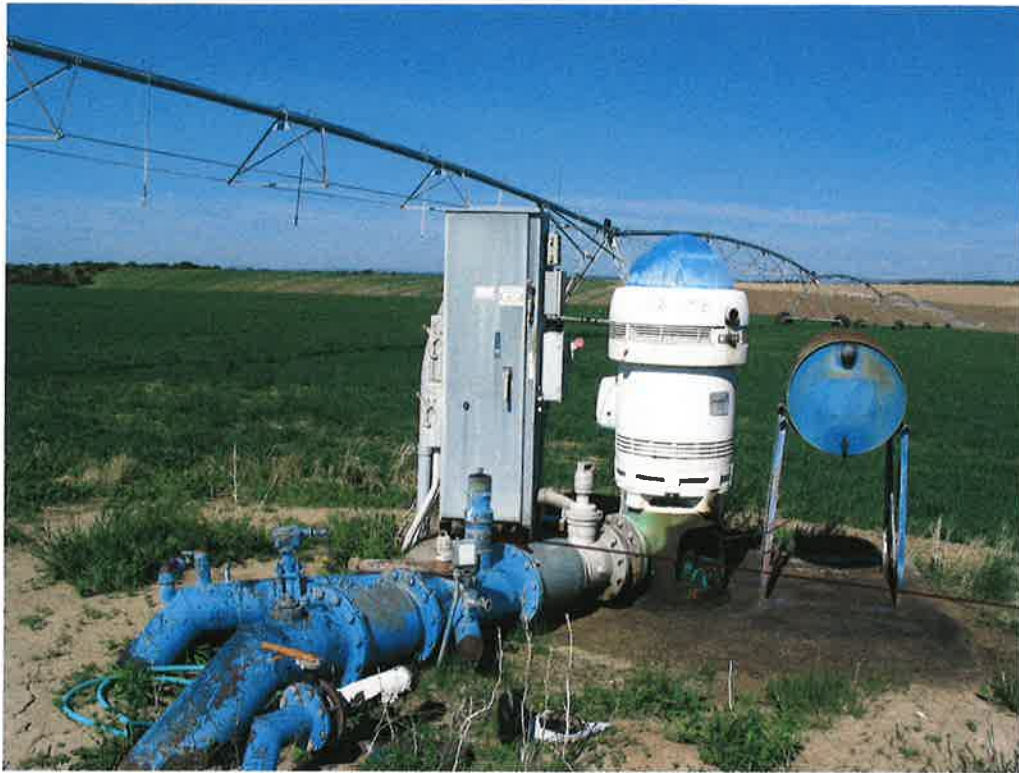
PUMP

Make: Johnston Pump Model: _____ Disch: _____
SN: Not readable

NOTES:

System is well, pump & pivot & sprinklers. P.O.U. shape ok as per
Kevin Webster. See change of ownership to Kevin & Janet Webster.
Kevin Webster cell phone is 313-6825, work phone - 745-6825.

Field Exam Date: 5-31-2005 Agent: J. C. Jones



GPS
tag

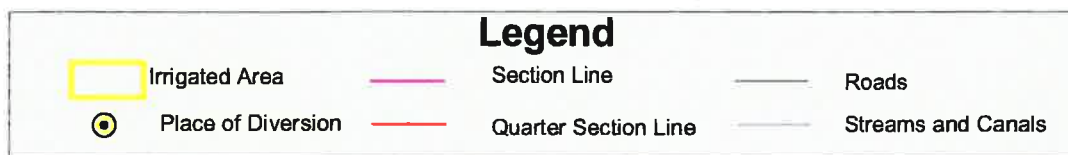
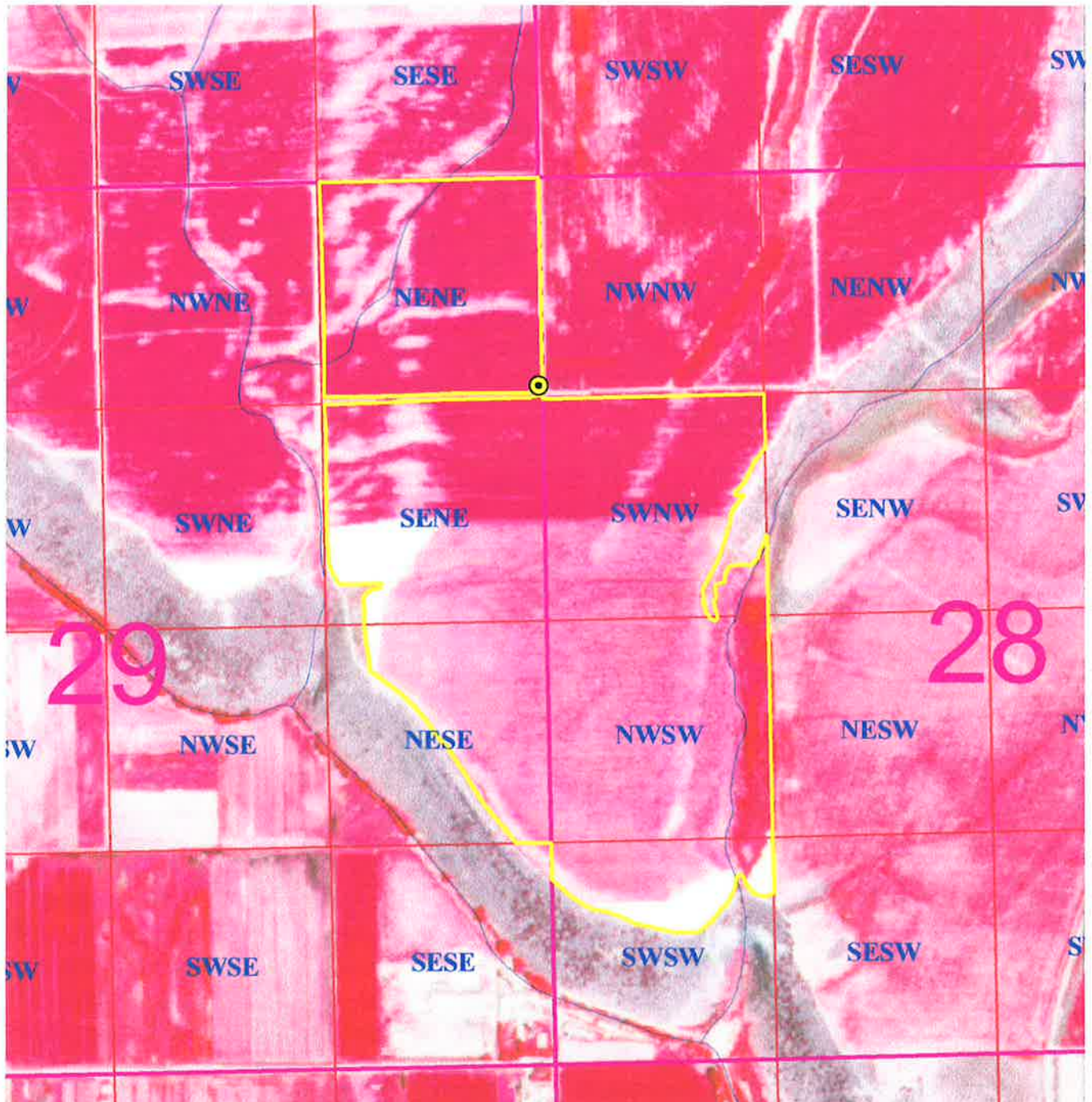
A22-2250, Locking West



• 222250

Water Right Claim Number 22-02250
Township , 5N40E

06/28/2001



600 0 600 1200 Feet



SPATIAL
DYNAMICS

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered**

RECEIVED
JAN 21 2005

Department of Water Resources
Eastern Region

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com

January 20, 2005

Idaho Department of Water Resources
900 North Skyline Drive, Ste. A
Idaho Falls, Idaho 83402-1718

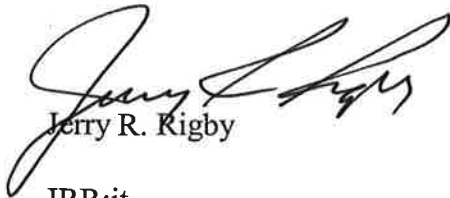
Re: Notice of Change in Water Right Ownership

Dear Sirs:

Attached please find a fully executed "Notice of Change in Water Right Ownership" together with copies of all deeds which evidence chain of title from Don Smith (original owner) to Kevin and Janet Webster, the present owners.

Should you have any questions, please do not hesitate to call me. It is our understanding that there is NO fee required for this filing.

Sincerely yours,



Jerry R. Rigby

JRR:jt

Enclosures

F:\WP6\SB\WEBSTERK.LTR

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

DE LOG
AR
1-21-05
RECEIVED

JAN 21 2005
 Department of Water Resources
 Eastern 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
22-2250	22-2250	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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) Don Smith Gary Smith Blaine Smith
Thornton, Idaho 83440 1292 Meadowview Ave. Rexburg, Idaho 83440 2082 W. 5200 S. Rexburg, Idaho 83440
4. New Owner/Claimant(s) Kevin B. and Janet Webster
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4161 East 421 North
- City, State and ZIP Code Rigby, Idaho 83442
- New Telephone Number (208) 745-1594
5. Date you acquired the property 9/29/1995

Ownership
Change Completed
KMT 9/26/05

6. **If the change in ownership affects the entire 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	_____	_____
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)
(include title if applicable)

Kevin B. Webster and Janet Webster

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 _____

QUITCLAIM DEED

THIS INDENTURE, made this 21st day of December, 1973,
between DON SMITH and JANET SMITH, his wife
of Rexburg, County of Madison, State of Idaho,
the parties of the first part and GARRY SMITH and BLAINE SMITH, tenants in
common of Rexburg
County of Madison, State of Idaho, the parties of the second part,

RECEIVED

JAN 21 2005

Department of Water Resources
Eastern Region

WITNESSETH, that the said party of the first part, for and in consideration of the sum of
Ten and no/100 Dollars
lawful money of the United States of America and other valuable considerations
to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged,
do by these presents remise, release and forever QUITCLAIM, unto the said parties of the second
part, and to their heirs and assigns, forever, all the following described real estate, situated in
the County of Madison, State of Idaho,
to-wit:

---Commencing at the Southeast corner of the Southwest Quarter
of the Southwest Quarter of Section 28, Twp. 5 N., Rge. 40
E.B.M., and running thence West 27.5 rods; thence North-
westerly along the East bank of a canal 57.7 rods, more or
less, to a point 24 rods North of the Southwest corner of said
Sec. 28; thence North 56 rods; thence West 45 rods; thence
Northwesterly 56 rods, more or less, to the West line of
the Northeast Quarter of the Southeast Quarter of Sec. 29,
Twp. and Rge. aforesaid; thence North 116 rods to the
Northwest corner of the Southeast Quarter of the Northeast
Quarter of said Sec. 29; thence East 160 rods; thence South
240 rods to the point of beginning. Being more particularly,
identified as part of the West half of the West half of Sec.
28, and part of the East half of the East half of Sec. 29,
Twp. and Rge. aforesaid.---

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto
the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands
and seals the day and year first above written.

Executed and Delivered in the Presence of

 [SEAL]
 [SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO,

County of Madison

ss.

On this 21st day of December in the year 1973, before me the undersigned, a Notary Public in and for said State, personally appeared DON SMITH and JANET SMITH, his wife known to me to be the persons whose names were 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 in this certificate first above written.

Notary Public for the State of Idaho,
Residing at Rexburg, Idaho.
My commission expires: 12-31-76

No. 151282

QUITCLAIM DEED

Don Smith & Janet Smith
Harry Smith & Sharr Smith

Dated December 21, 1973

STATE OF IDAHO,

County of Madison

ss.

I hereby certify that this instrument was filed for record at request of Sharr Smith at 20 minutes past 11 o'clock A. M., this 21st day of December, 1973, in my office, and duly entered in Book of at page 151282.

By Nellie H. Danner
Ex-Officio Recorder.
Deputy.

Fees, \$2.00

Mail to Sharr Smith
Rexburg

Art Porter Printing - Rexburg

INDEXED

RECEIVED

JAN 21 2005

Department of Water Resources
Eastern Region

First American Title Company

244781

GRANT DEED

THIS INDENTURE is made this 24th day of November, 1992, between BLAINE SMITH and MARSHA SMITH, husband and wife, the "Grantor", and GARRY SMITH and SHARON SMITH, husband and wife, whose mailing address is 1829 Meadowview Avenue, Rexburg, Idaho, 83440, the "Grantee".

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

Township 5 North, Range 40 East of the Boise Meridian. Section 28 and 29: Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 28, Township 5 North, Range 40 East, Boise Meridian, and running thence West 27.5 rods; thence Northwesterly along the East bank of a canal 57.7 rods, more or less, to a point 24 rods North of the Southwest corner of said Section 28; thence North 56 rods; thence West 45 rods; thence Northwesterly 56 rods, more or less, to the West line of the Northeast Quarter of the Southeast Quarter of Section 29, Township and Range aforesaid; thence North 116 rods to the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence East 160 rods; thence South 240 rods to the point of beginning. Being more particularly, identified as part of the West half of the West half of Section 28, and part of the East half of the East half of Section 29, Township and Range aforesaid.

The East half of the Southeast Quarter of the Southwest Quarter of Section 28, Township 5 North, Range 40 East, Boise Meridian.

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line

244781

disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

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

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

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

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

Blaine Smith
Blaine Smith

Marsha Smith
Marsha Smith

STATE OF IDAHO)
) ss.
County of Bonneville)

On the 24th day of November, in the year of 1992, before me, the undersigned, a notary public, in and for said State, personally appeared BLAINE SMITH and MARSHA SMITH, husband and wife, known or identified to me to be the persons whose names are 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 in this certificate first above written.

(seal)

31321/as
#2296.00

2 - GRANT DEED

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/14/98

State of Idaho
County of Blaine

I hereby certify that the within instrument was
filed DEC 09 1992

19 at 10:25 M. and

Book Section Page
244781 Page 6

by for order

Attest my hand and seal this day

5-13495-L
ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

THIS INDENTURE, Made this 29th day of September, 1995, between GARRY SMITH and SHARON SMITH, husband and wife, of 1829 Meadowview Avenue, Rexburg, ID 83440, the parties of the first part, and KEVIN B. WEBSTER and JANET WEBSTER, husband and wife, of 4292 South 1100 East, Rexburg, ID 83440, and SHAWN C. WEBSTER and LISA WEBSTER, husband and wife, of 4025 South 1100 East, Rexburg, ID 83440, the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten and no/100 Dollars, lawful money of the United States of America, and other valuable consideration to her in hand paid by the part of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and by these presents, does grant, bargain, sell and convey and confirm unto the said parties of the second part, and his heirs and assigns, forever, all the following described real estate, situated in Madison County, State of Idaho, to-wit:

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

Section 28 and 29: Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 28, Township 5 North, Range 40 East, Boise Meridian, and running thence West 27.5 rods; thence Northwesterly along the East bank of a canal 57.7 rods, more or less, to a point 24 rods North of the Southwest corner of said Section 28; thence North 56 rods; thence West 45 rods; thence Northwesterly 56 rods, more or less, to the West line of the Northeast Quarter of the Southeast Quarter of Section 29, Township and Range aforesaid; thence North 116 rods to the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence East 160 rods; thence South 240 rods to the point of beginning. Being more

particularly identified as part of the West half of the West half of Section 28, and part of the East half of the East half of Section 29, Township and Range aforesaid.

ALSO: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho

NOTE: Lack of right of access to and from land.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises together with the appurtenances unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Garry Smith
Garry Smith

Sharon Smith
Sharon Smith

STATE OF IDAHO)
 ss.
County of Madison.)

On this 29th day of September, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared GARRY SMITH and SHARON SMITH, known to me to be the persons whose names are 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 in this certificate first above written.

James L. Lyle
Notary Public for Idaho
Residing at: Rexburg
My Commission Expires: 10-1-99

Microfilm No 279696
Day JUL 27 1995
At 905 O'clock m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 900 Deputy
Recorded At Request of
ALLIANCE TITLE & ESCROW

5-13495-L
 ALLIANCE TITLE & ESCROW
 P.O. BOX 732
 REXBURG, ID 83440

GRANT DEED

(Like Kind Exchange)

GRANTORS, SHAWN C. WEBSTER and LISA WEBSTER, husband and wife, of Madison County, Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT and CONVEY unto KEVIN B. WEBSTER and JANET WEBSTER, husband and wife, whose mailing address is Box 321, Rexburg, County of Madison, State of Idaho, as GRANTEEES, and to Grantees' successors and assigns forever, all of the following described real estate located in MADISON County, Idaho:

The Grantors' undivided one-half interest in the property described in EXHIBIT "B" attached hereto and incorporated herein by this reference. This property is being conveyed subject to the purchase obligation still secured against the property. The described property is currently being purchased by Grantors and Grantees under a Contract of Sale dated September 29, 1995, notice of which was filed in Madison County on October 3, 1995, as Instrument No. 258178. This Grant Deed will be placed in escrow with the Warranty Deed now held in escrow under said Contract of Sale, and will be recorded when that Warranty Deed is recorded. The effect of this Grant Deed is to convey the Grantors' interest in the Contract of Sale and the underlying land to Grantees, with Grantees assuming the remaining balance of the purchase obligation still due under the Contract of Sale.

TOGETHER with all improvements, water, water rights, easements, hereditaments, and appurtenances thereto, and SUBJECT to such rights, easements, covenants, restrictions, and zoning regulations as appear of record or based upon the premises.

This Deed is executed pursuant to an exchange agreement and an Assignment and Assumption of Contract of Sale between Grantors and Grantees.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 31st day of MARCH, 1999.

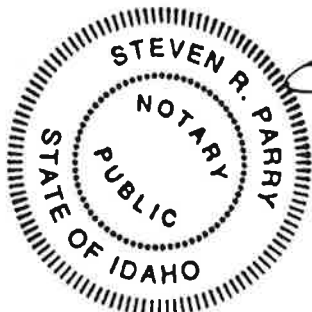
Shawn C. Webster
 SHAWN C. WEBSTER

Lisa Webster
 LISA WEBSTER

STATE OF IDAHO)
) ss.
 County of Bennett

On this 31st day of MARCH, 1999, before me, the undersigned, a Notary Public for the State of Idaho, personally appeared SHAWN C. WEBSTER and LISA WEBSTER, husband and wife, known to me to be the persons whose names are 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.



Steven R. Parry
 Notary Public for the above State

Residing at: Shawna Falls, ID

My Commission Expires: 7/1/2003

L:\SRP4030\SHAWN\W.DED.wpd

EXHIBIT "B"
to GRANT DEED
and to the
PURCHASE AGREEMENT
AND MULTI-PARTY EXCHANGE AGREEMENT
between *Kevin, Shawn, Webster's, Mile High and Beesley*

Legal Description for *Shawn's Smith Property*.

The Grantors, pursuant to the Contract of Sale described below, have an undivided one-half interest in the following described real property situated in Madison County, Idaho:

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

Section 28 and 29: Commencing at the Southeast corner of the Southwest Quarter of the Southwest Quarter of Section 28, Township 5 North, Range 40 East, Boise Meridian, and running thence West 27.5 rods; thence Northwesterly along the East bank of a canal 57.7 rods, more or less, to a point 24 rods North of the Southwest corner of said Section 28; thence North 56 rods; thence West 45 rods; thence Northwesterly 56 rods, more or less, to the West line of the Northeast Quarter of the Southeast Quarter of Section 29, Township and Range aforesaid; thence North 116 rods to the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence East 160 rods; thence South 240 rods to the point of beginning. Being more particularly identified as part of the West half of the West half of Section 28, and part of the East half of the East half of Section 29, Township and Range aforesaid.

ALSO: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 5 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Subject to easements, if any, of record or in existence for roads, streets, ditches, canals, pipelines and utilities.

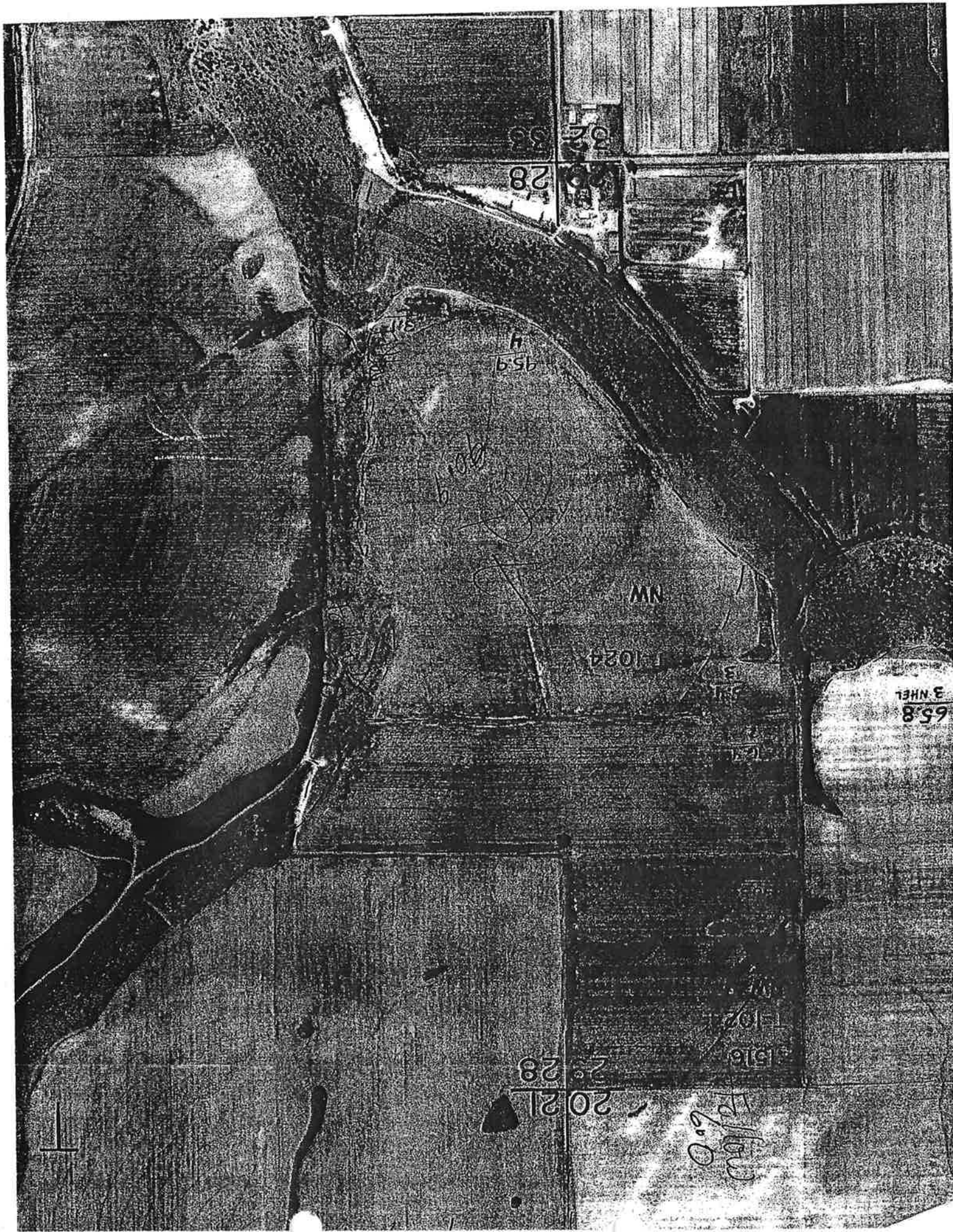
Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

The foregoing property is being purchased under a written Contract of Sale dated September 29, 1995, with a Notice of Contract of Sale of that same date recorded October 3, 1995, in Madison County as Instrument No. 258178.

PURCHASE AGREEMENT AND
MULTI-PARTY EXCHANGE AGREEMENT

Microfilm No. 279697
Day JUL 27 1995
At 907 O'clock m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 600 Deputy
Recorded At Request of
ALLIANCE TITLE & ESCROW

PAGE 15



State of Idaho

License and Certificate of Water Right

Water License No. G-32373 Priority May 24, 1965 Amount 4.3 c. f. s.THIS IS TO CERTIFY that DON SMITH

of Thornton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 24, 19 65; that Permit No. G-32373 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4.3 second feet, was issued thereunder on April 22, 19 68, showing that said works were completed on the 21 day of December, 19 66; and that on the 21 day of December, 19 66 DON SMITH

of Thornton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-32373 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume X of Licenses, at Page, on the 22 day of April, 19 68.

The right hereby confirmed dates from May 24, 19 65.

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 29, Twp. 5 N, R. 40 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.3 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5N	40 E	28	SW 1/4 NW 1/4	35	35
			NW 1/4 SW 1/4	35	35
		29	SW 1/4 SW 1/4	30	30
			NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	35	35
			NE 1/4 SE 1/4	40	40
		29	S E S E		0.6
			Total number of acres irrigated:		215
			$\frac{4.3}{192} = 0.0224 \text{ cfs/ac}$ exceeds status		
			$192 \times 0.02 = 3.84 \text{ cfs}$		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 22 day of April, 19 68.

R. Keith Higgins
State Reclamation Engineer.

32373

00 2050

POD
NBSBNS
C03

500
4/01-19/31

192 ac by 688

230 ac
lost

$\frac{4.3}{215} = 0.02$

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32373

REPORT ON PROOF OF Completion of Works & Beneficial Use

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-32373

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

1. Name of applicant Don Smith

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the NE 1/4 of Section 29

T. 5 N R. 40 E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

200 HP. V.S. HORIZONTAL # 13886708
JOHNSTON VERTICAL PUMP, NO #
10" DISCHARGE THROUGH GATE VALVE
4" 10" UNDERGROUND, 4" STUB FOR
PORTABLE LAT.

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW 1/4, W 1/4, Sec. 28; E 1/4, NE 1/4, Sec. 29, T. 5 N, R. 40 E, B.M.

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

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

$$Q = \frac{(10 \text{ LAT} - 4 \text{ W}) (33 \text{ W} 2) (5.87 \text{ gpm})}{219 \text{ gpm}} = 4.31 \text{ cfs.}$$

This examination was made on the 12 day of Dec, 1967

(Signed) D.R. Examiner.

32373

Plat ✓
DW

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A22-02250
Date Received: 8/08/1988
Receipt No: E001124
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE SMITH 208-356-3510
Address: 2882 WEST 5200 SOUTH
REXBURG, ID 83440

AND/OR

Name: GARRY SMITH 208-356-5240
Address: 1829 SOUTH MEADOW VIEW AVE.
REXBURG, ID 83440

2. Date of Priority: MAY 24, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	40E	29	NE	NE			MADISON

5. Description of diverting works:
WELL & PUMP SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.300		

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

8. Total consumptive use is 537.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A22-02250

Page 1

Date: 08/08/88

A2202250



MICROFILMED

OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	40E	28	SW		NW		IRR	35.0
			NW		SW		IRR	35.0
			SW		SW		IRR	30.0
			Section Acres					100.0
		29	NE		NE		IRR	40.0
			SE		NE		IRR	35.0
			NE		SE		IRR	40.0
			Section Acres					115.0
			Total Acres					215.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 32373

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Blaine Smith Date: 8-8-88

Date: _____

State of Idaho)
County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of August 19 88 Daena Green
Notary Public

Seal

Residing at Ruby
My Commission Expires 4-22-1994