

NCAP

06/10/2010

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

RIGHT NUMBER: 22-7032
NAME AND ADDRESS: RICHARD F SMITH
PO BOX 8
REXBURG ID 83440
JILL D SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER ✓
QUANTITY: 1.730 CFS ✓
315.00 AFY ✓
PRIORITY DATE: 03/13/1970 ✓

TRIBUTARY:

POINT OF
DIVERSION:

T05N R39E S1 SWNW Lot 4 Within MADISON County ✓

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION ✓	05/01 10/01 ✓	1.730 CFS ✓ 315.00 AFY ✓
PLACE OF USE: <u>IRRIGATION in MADISON County</u>		
T05N R39E S01 Lot 3 NENW	5.80	T05N R39E S01 Lot 4 SWNW 23.00
T05N R39E S02 Lot 1 NENE	40.00	T06N R39E S35 SWSE 11.00
T06N R39E S35 SESE	10.00	
89.8 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 place of use pursuant to Section 42-1425, Idaho Code.

used w/ Rexburg for share



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 10, 2010

Richard Smith
Jill Smith
PO Box 8
Rexburg ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 22-7032 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been deliberately abandoned or forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jonie Barg
Technical Records Specialist

Enclosure

SCANNED

JUN 10 2010

MEMORANDUM

DATE: June 10, 2010

TO: 22-7032

FROM: Jonie Barg Technical Records Specialist

RE: Change of Ownership for Water Right number 22-7032

On December 31, 2009 our department received a Notice of Change in Water Right Ownership for water right 22-7032 from Guy and Keith Erikson into Richard Smith Farms Profit Sharing Plan.

On December 31, 2009 we received a fax with a full chain of title as follows:

Deed Type	Instrument #	Names
Warranty Deed	336471	Guy & Leola Erikson and Keith and Cora Erikson to Rave Construction Inc
Corporation Deed	336472	Rave Construction to Smith Hosac LLC
Warranty Deed	348404	Smith Hosac LLC to Robert and Sally Smith (Does not apply)
Warranty Deed	350682	Smith Hosac LLC to Richard and Jill Smith
Quitclaim Deed	353259	Smith Hosac LLC to Richard Smith Farms

There were some questions about legal ownership and who the water rights should be vested in. As you can see in the list above there is a whole in the chain. Warranty Deed number 350682 and Quitclaim Deed 353259 both cover the same legal description and are both from the same entity, with 350682 being a Warranty Deed and 353259 being a Quitclaim Deed there was concern about the legal ownership. The taxlot data shows Richard and Jill Smith as the owners.

On January 14, 2010 our department contacted Brad with Richard Smith Farms and advised him that we would need some clarification and/or an additional Deed from Richard and Jill Smith.

March 25, 2010 Brad from Richard Smith Farms contacted our department with concerns about why the ownership change had not been completed.

On March 26, 2010 the department again discussed the issues as mentioned above with Brad. Brad indicated he would follow up on the missing deed. If he could get the missing deed he would contact our department to see what our next step would be.

June 10, 2010 I contacted Scott with First American Title Co. he indicated the missing deed is not part of the chain of title. He indicated Richard Smith's accountant had requested the Quitclaim Deed be submitted. Scott also indicated that Mr. Smith was advised that this would cause a cloud in the chain.

June 10, 2010 I contacted Brad with Richard Smith Farms, he indicated he had contacted the title company also and he was aware of the issue. He said Mr. Richard Smith would like the water rights put into his and his wife's name individually to read the same as Warranty Deed instrument number 350682 with the mailing address as PO Box 8, Rexburg ID 83440.

SCANNED

JUN 10 2010

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)
	<u>A05</u>				
	<u>22-7032</u>				

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**.
- 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 & KATH GILSON
273 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) 896-356-4912

Email: SCANNED

JUN 10 2010

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)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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 NielsonMNGR
(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 _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED**JUN 10 2010**



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:

COMPANY:

FROM:

Bobby
Dept of Water
Scott Stears

FAX NUMBER:

REGARDING:

MESSAGE:

[Empty box for message content]

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!

SCANNED

JUN 10 2010

ALLIANCE TITLE & ESCROW
P.O. BOX 732
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

Have Construction, Inc. a Utah Corporation

whose current address is

1716 North 900 East North Ogden, UT 84414

Instrument # 338471

REXBURG, MADISON, IDAHO

2007-04-18

04:05:00 No. of Pages: 3

Recorded for: ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Fee: 9.00

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)

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 461 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.

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SCANNED

JUN 10 2010

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 a 20,102.05 foot radius curve right 660.0 feet, more or less, thence North 614.16 feet to the point of beginning.

SCANNED

JUN 10 2010

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

Leola W. Erikson
Leola 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

ss.

County of Madison

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 Leola 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.

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



to the State of Idaho
Fremont County
Commission Expires 03-21-2011

SCANNED

JUN 10 2010

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

Instrument # 336472
REXBURG, MADISON, IDAHO
2007-04-18 04:06:00 No. of Pages: 3
Recorded for: ALLIANCE TITLE AND ESCROW
MARILYN R. RASMUSSEN
Ex-Officio Recorder Deputy

CORPORATION DEED

Order No. 3040717030HIB

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-Hosac, LLC, an Idaho Limited Liability Company

whose current address is: XXXXX Emerald XXXX P.O. Box 8
Boise, ID 83704 XXXXX
Rexburg, ID 83440

the following described real estate, 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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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.

SCANNED

JUN 10 2010

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 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 $30^{\circ}15'$ 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 40.0 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.

SCANNED

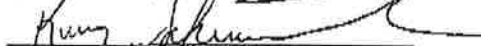
JUN 10 2010

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee(s), that it is the owner 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.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this April 17, 2007.

By:

Rave Construction, Inc.



By: Kerry Schneider, President

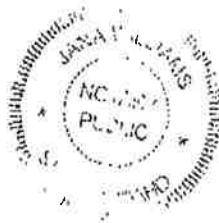
State of Idaho

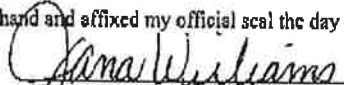
}
} ss.
}

County of Madison

On this 18 day of April, 2007, before me, a Notary Public in and for said state, personally appeared Kerry Schneider known to me to be the President of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he/she executed the foregoing in said Corporation name.

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:

Commission Expires:

Notary Public for the State of Idaho
Blaine County
Commission Expires 12-31-2011

SCANNED

JUN 10 2010

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: 4

Recorded for : FIRST AMERICAN TITLE

MARILYN R. RASMUSSEN

Fee: 12.00

Ex-Officio Recorder Deputy

5

WARRANTY DEED

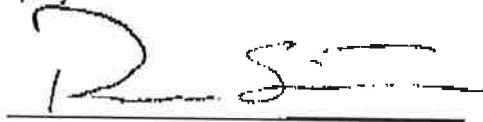
Date: December 18, 2008

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

SCANNED

JUN 10 2010

Warranty Deed
- continued

Date: 12/18/2008

STATE OF Idaho)
COUNTY OF Madison)
SS.

On this 18 day of December, 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.

SCOTT STEARS
STATE OF IDAHO
NOTARY PUBLIC


Notary Public of Idaho
Residing at: Rexburg, Id
Commission Expires: 4-6-2012

SCANNED

JUN 10 2010

"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: (Kilgler - 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 66.5 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.

SCANNED

JUN 10 2010

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 96.0 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.

SCANNED

JUN 10 2010

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

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, remlse, 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

Robert Hosac, Member

SCANNED

JUN 10 2010

Quitclaim Deed - continued

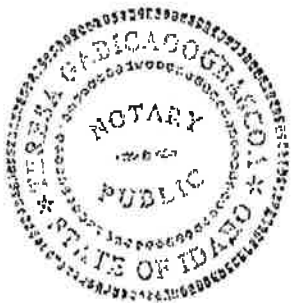
STATE OF Idaho

)
ss.

COUNTY OF ADA

)

On this 6th day of April, 2009, before me, a Notary Public in and for said State, personally appeared **Robert Hosac**, 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.



A handwritten signature of the Notary Public, appearing to be "Kerem Shila".

Notary Public of Idaho

Residing at: Meridian ID

Commission Expires: 9-1-2011

SCANNED

JUN 10 2010

"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 $81^{\circ}48'17''$ West 271 feet; thence North 135.36 feet; thence North $87^{\circ}14'42''$ East 268.87 feet, the section line; thence South along said section line 180 feet to the point of beginning.

Also Less: (Klingler - 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 L. Parcel #4507; 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 4 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 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 Northwest 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: (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 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 20,012.08 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.

SCANNED

JUN 10 2010

Parcel 2: Commencing at a point which is North $89^{\circ}56'31''$ East 261.50 feet and South $89^{\circ}02'54''$ 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 $89^{\circ}55'02''$ West 261.50 feet to the West boundary of the said Section; thence South $0^{\circ}02'54''$ West 1238.33 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 Northwest 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(47) Highway Survey; thence Northeast 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 90.8 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 Northwest from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeast 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 Northwest from the Centerline of said Frontage Road No. 2, Project No. F-6471(41) Highway Survey; thence Northeast along said parallel line being a 676.20 foot radius curve 54.0 feet, more or less; thence South $89^{\circ}55'00''$ West 1435.38 feet to the point of beginning.

Also has the following (4502) Yan River Rural Electric Coop., Inc. Beginning at a point that is North $89^{\circ}53'15''$ East 13.00 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 266.77 feet to the West right of way of U.S. Highway 191.20, thence South $20^{\circ}37'12''$ 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 20,102.85 foot radius curve right 660.0 feet, more or less, thence North 614.36 feet to the point of beginning.

SCANNED

JUN 10 2010

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

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:

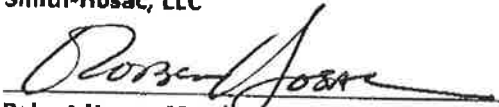
(See Attached Exhibit A)

together with its appurtenances.

Dated:

April 6, 2009

Smith-Hosac, LLC



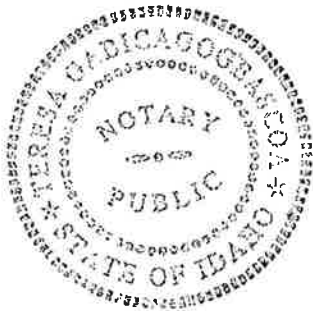
Robert Hosac, Member

SCANNED

JUN 10 2010

STATE OF Idaho)
)
COUNTY OF ADA)
)

On this 14th day of April, 2009, before me, a Notary Public in and for said State, personally appeared **Robert Hosac**, 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.



Theresa Cardinogobasco
Notary Public of Idaho
Residing at: Meridian ID
Commission Expires: 9-1-2011

"EXHIBIT A"

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Less: STAN'S HOUSE: (Tax 593)

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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.

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Less the following: (Palisades Properties, L.L.C.)

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. 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.

SCANNED

JUN 10 2010

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 Northwest 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 Northwest 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 Northwest 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 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 70°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.

SCANNED

JUN 10 2010

RECORDING REQUESTED BY
First American Title Company

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

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

First American Title Company

*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.

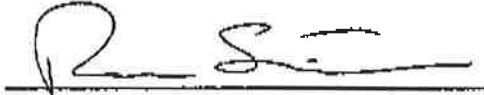
SCANNED 348404

JUN 10 2010

Date: 08/28/2008

Warranty Deed
- continued

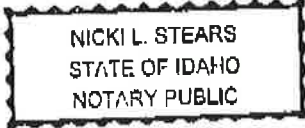
File No.: 266974-RX (ns)

Smith-Hosac, LLC, an Idaho limited liability
company

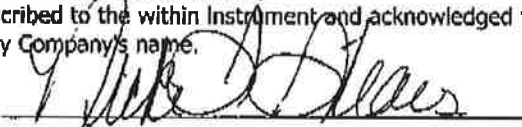
By: Richard Smith, Member

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.

CERTIFICATE OF MAILING

I certify that on June 11, 2010, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Guy Erikson	Keith Erikson
409 W Poleline Rd	873 W 2000 S
Rexburg ID 83440	Rexburg ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

Richard Smith
Jill Smith
Po Box 8
Rexburg ID 83440

4. One copy to:

Each party in the subcase, or attorney of record:

American Falls Reservoir	Fremont Madison Irrigation
Represented by:	Guy Erikson
C Thomas Arkoosh	Keith Erikson
Capitol Law Group PLLC	Rexburg Irrigation Co
301 Main St	Jerry R Rigby
PO Box 32	25 N 2 nd E
Gooding ID 83330	PO Box 250
	Rexburg ID 83440-0250

Milner Irrigation District
Represented by
John Simpson
1010 W Jefferson Ste 102
PO Box 2139
Boise ID 83701-2139

A & B Irrigation District
Burley Irrigation District
Roger D Ling
615 H St
PO Box 396
Rupert ID 83350-0396

4. One copy to:

Each party in the subcase, or attorney of record (Continued from page 2):

Milner Irrigation District
North Side Canal Co LTD
Twin Falls Canal Co.
Represented by
Travis Thompson
113 Main Ave W Ste 303
Po Box 485
Twin Falls ID 83303-0485

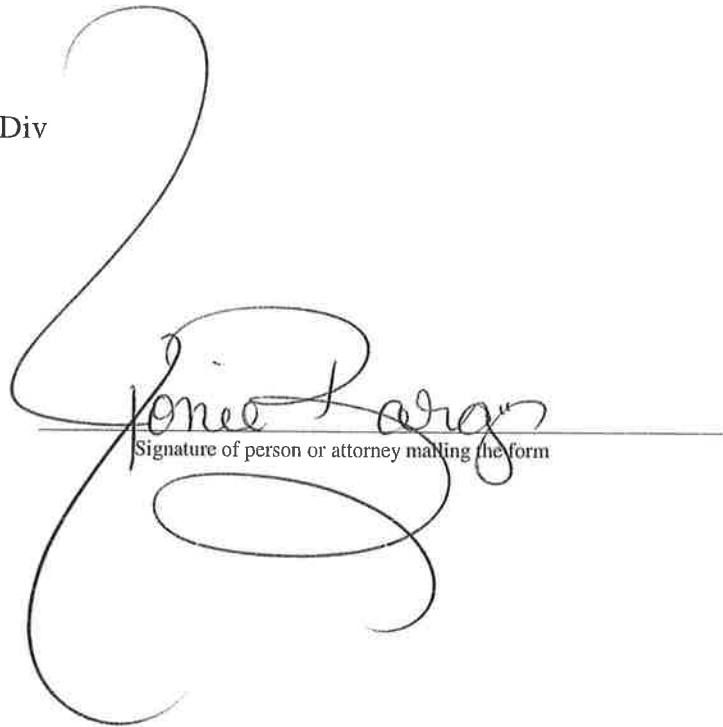
Minidoka Irrigation District
Represented by
W Kent Fletcher
1200 Overland Ave
PO Box 248
Burley ID 83318

5. One copy each 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 making the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 26, 2010

Richard Smith Farms
PO Box 8
Rexburg ID 83440

RE: CHANGE IN OWNERSHIP FOR: 22-7032

Dear Claimant:

It has come to our attention that you may have recently purchased a tract of land in Madison County. The property to which I am referring was most recently owned by Keith Erickson and Guy Erickson. The legal description is as follows:

Township 05 North Section 1, 2 & 35 Range 39 East

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to our office along with the proper fees, a "copy" of your Warranty Deed and legal description of the property you have purchased.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

If you questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

SCANNED

FEB 26 2010

09/23/2005

**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: 22-7032

KEITH ERIKSON
409 W POLELINE RD
REXBURG ID 83440

GUY A ERIKSON
409 W POLELINE RD
REXBURG ID 83440
Telephone Number: (208)356-5251

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: 12-30-05 SIGNATURE: Keith Erikson
Please print your name: Keith Erikson

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

JUL 18 2006

PROFILED

KEITH
9/10/06

Claim No. 22-1032

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

Madison Courthouse 7/13/04

Section 2 Osn 39e 02 1801
Buy A / Keith R. Erickson

Section 35 Osn 39e 35 9003
Guy Erickson et al

c/o Keith Erickson
873 W 2000 S Rexburg 83440

SCANNED

JUL 18 2006

PROFILE

Claim no. A22-07032

Claimant Contact Log

Date _____

Remarks

Agent initials

9/8/04 356-5251 Mrs. Erikson - Kretz cell 317-3522
Guy 351-0295. 8:10 AM

317-3522 8:10 AM msg on machine

9/8/04 Kioth called back. Appointment 1 PM Thursday @ pump. Bae

9/9/04 met w/ Kieth. Correct address 409 W Poteline Rd
Barburg.
100% overlap w/ canal rights

Point of Diversion and Source Data Entry Form

Claim Number: A22-7032Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

5 N 39 E 1 NW NW NW per field
exam. GPS Waypoint 10
2675059 E 1401856 N EDM 83
BAC 9/23/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-7032Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: Co-mingled Canal water from separate pump into common mainline.Document how the POU was verified:

Field inspection confirms accomplished transfer on claim. Claimant affirms this was a pre-1987 change. Recommended per layout, adjusting north boundary to include all licensed acres. Bae 2/23/04

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-7032Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

5/1 - 10/31 1.73 cfs 315 gpa per license. BAC 9/23/04

Reviewer: _____

Date: _____

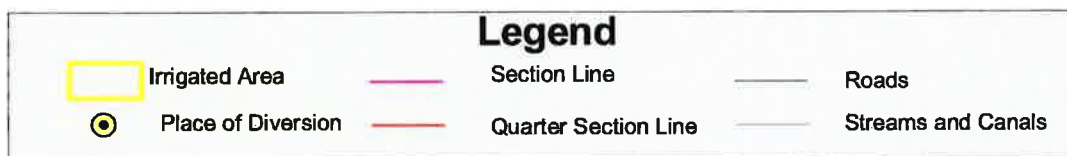
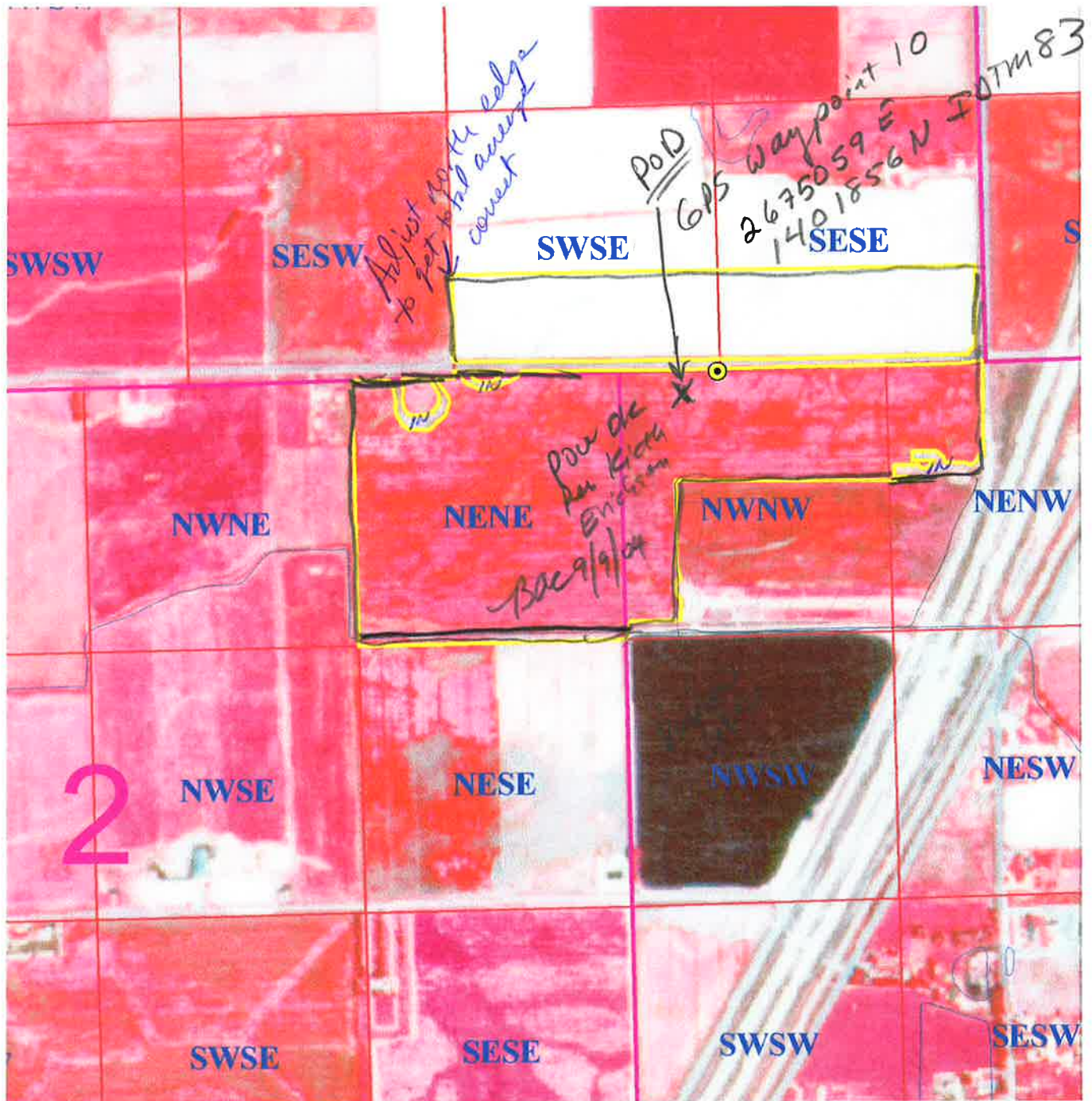


Photo #1, POD looking north east.

Bac 9/25/04

Water Right Claim Number 22-07032
Townships , 6N39E, 5N39E

07/03/2001



SPATIAL
DYNAMICS

Printed By

RECEIVED

SEP 28 2004

Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number (s): A22-7032

[] Old Mailing Address: _____

[X] New Mailing Address: 409 West Poleline Rd

New Telephone Number: (208) 356-5251

[] Signature of Claimant: Neil Erickson

Date: 9-9-04

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

PROFILED

SCANNED

JUL 18 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

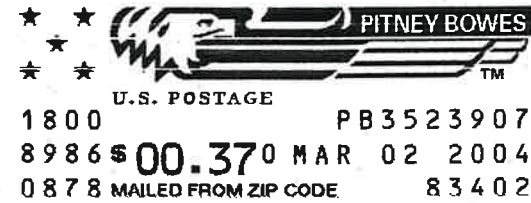
22-11461
22-11467
22-11469
22-2197
22-2291
22-11466
22-7032

KEITH ERIKSON
GUY A ERIKSON
873 W 2000 S
REXBURG ID 83440

ERIK873 834402005 1204 04 03/05/04
RETURN TO SENDER
ERIKSON
409 W POLELINE RD
REXBURG ID 83440-5076
RETURN TO SENDER

8344083838383838/1700

|||||



PROFILED

SCANNED

JUL 18 2006

Log for claim 22-07032

Spatial Dynamics LTD

7/3/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n39e	1	NENW	8	5.3	No SENW qq in GCDB.
05n39e	1	NWNW	22	21	No SWNW qq in GCDB.
05n39e	2	NENE	38	39	No SENE qq in GCDB.
06n39e	35	SWSE	10.9	14	
06n39e	35	SESE	10.9	13	
Totals:			89.8	92.3	

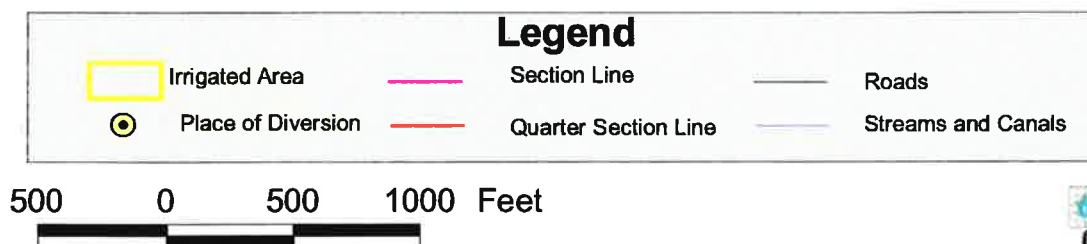
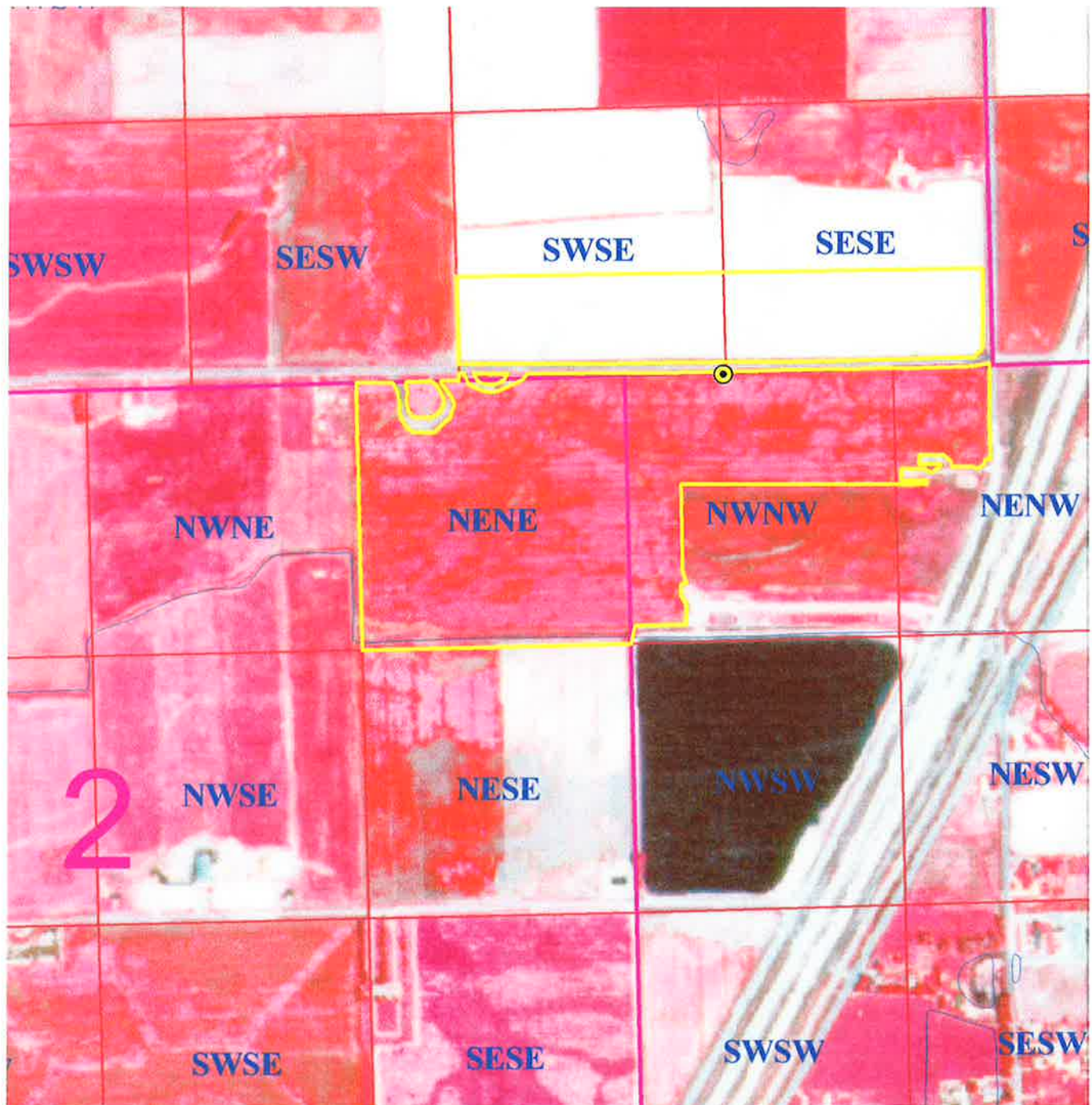
PROVIDED

SCANNED

JUL 18 2006

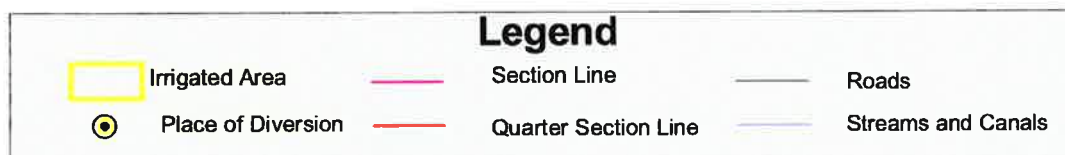
Water Right Claim Number 22-07032
Townships , 6N39E, 5N39E

07/03/2001



Water Right Claim Number 22-07032
Townships , 6N39E, 5N39E

07/03/2001



SPATIAL
DYNAMICS

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7032 Priority March 13, 1970 Amount 1.73 cfs

THIS IS TO CERTIFY, that GUY A. ERIKSON & KEITH ERIKSON
of Rexburg, Idaho, have complied with the terms and conditions of Permit
No. 22-7032 issued pursuant to Application for Permit dated March 13, 1970,
and has submitted proof to the Department of Water Resources on June 23, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.73 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>May 1</u> to <u>Oct. 1</u>	at <u>1.73</u> cfs and	<u>315 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	_____
(both dates inclusive)			

Subject, however, to the condition that no more than 1.73 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
315 acre feet per year, said waters to be diverted within the Lot 4 of Sec. 1,
Twp. 5 N, Rge. 39 E, B. M. in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	39 E	1					L.3 11	L.4 39.8											50.80
		2	L.1 39.07																39.07

Total number of acres irrigated 89.87

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of
September, 19 76.

Director

Identification No. 22-7032
Application No. _____

PERMIT ISSUED FOR 173 SEC. FT.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant Guy A. Erikson and Keith Erikson
post office address Rexburg, Idaho 83440
2. Source of water supply subterranean which is a tributary of _____
3. a. Location of point of diversion is Lot 4 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section One Township 5 N
Range 39 E B.M. Madison County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into springler system at a point in LOT 4 $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section One Township 5 N Range 39 E B.M.
4. Quantity to be appropriated:
a. 2.88 cfs cubic feet per second and/or
b. _____ acre feet per annum will be stored.
5. Water will be used for the following purposes:
irrigation purpose from May 1st to Oct. 1st (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
_____ purpose from _____ to _____ (both dates inclusive)
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, sprinkler system

b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet; materials used in storage dam: _____

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 15,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated 144.37

c. Describe any other water rights used for the same purposes 10 shares capital stock
Rexburg Irrigation Co. and 20 ac. ft. Fremont-Madison storage, however
this is not sufficient. It is a sandy, clay soil. We need additional
water particularly for sub purposes. Noted. Filed

9. a. Who owns the property at the point of diversion Keith Erikson

b. Who owns the land to be irrigated or place of use Keith Erikson

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Guy A. Erikson is acquiring an interest in the property along with Keith Erikson.

10. Remarks _____

11. Map of proposed project:

Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Devin C. Gibson
(Applicant)

22 7002

Received by JE Date 3-16-70 Time 11:00
 Preliminary check by DM Fee \$ 30.00
 Receipted by JE Date 3-16-70
 Publication prepared by JE Date 3-18-70
 Published in Replung Journal
 Publication dates 3-26 + 4-2, 1970
 Publication approved JE Date 4-7-70
 Priority reduced to _____ Reason _____

APPROVED

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DM AP

DJP

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7032, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 19 75.
- c. Other: The permit holder shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works. This permit is supplemental to all prior rights.

2. Denial of said application is for the following reasons: _____

Witness my hand this 6th day of July, 19 70.

P. Keith Higgins
 State Reclamation Engineer

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Guy A. Erikson and Keith Erikson
 Post office address Route 1 Rexburg, ID 83440 Phone 208 372
 Person to contact _____ Phone _____
 2. Source of water supply: Groundwater ☒ Surface water ☐
 Tributary to _____ (name spring, stream, etc.)

JUL 28 1975
 Department of Water Resources
 Eastern District Office

3. Water will be used for the following purposes:

Amount 2.88 c.f.s. for Irrigation
 _____ AF/Annum (nature of use)

Period of Use: from May 1 to Oct. 1
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 22-7032
 Examination for _____
 b/u

4. Total amount to be appropriated:

Max Rate of Diversion 2.88 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 5N N/S, Range 39E E/W, B.M., Section 1, Subdivision Lot 4 1/4 1/4, Madison County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 1/4, _____ County
 Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 1/4, _____ County

Other Points of Diversions: _____

Description of diverting works: 8" pump, 50 hp motor, 16" well, 150' deep

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	39E	1	Lot 3 - 26.30 acres																26.30
5N	39E	1	Lot 4 - 39.97 acres																39.97
5N	39E	1							39.03										39.07
5N	39E	2	Lot 1 - 39.07 acres																39.03

TOTAL ACREAGE 144.37

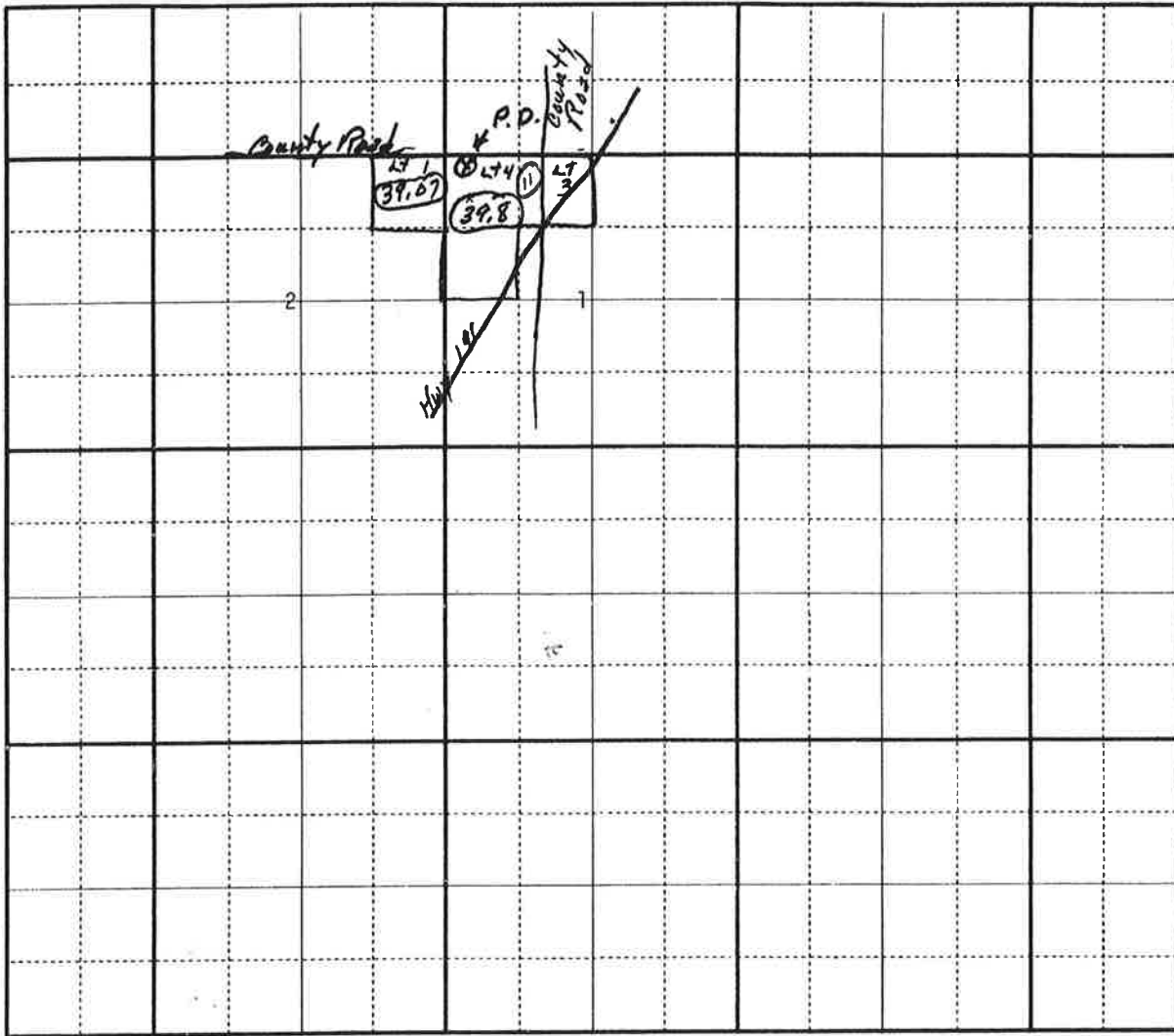
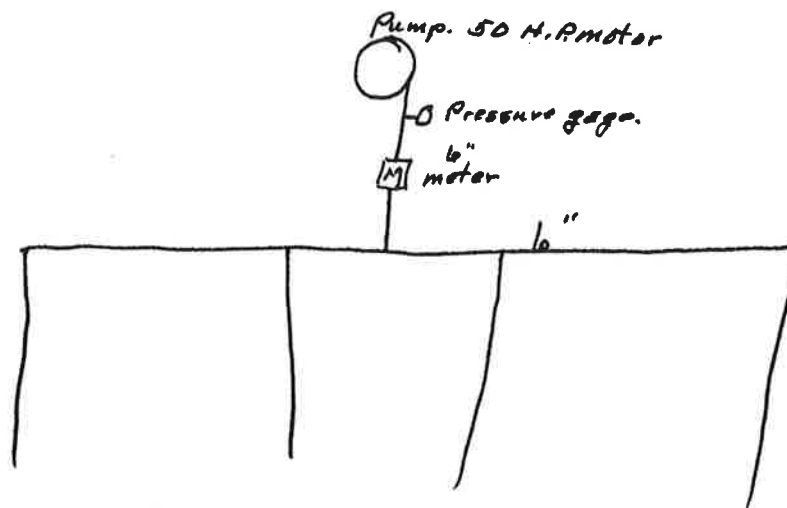
T
5
N

Diagram of System



DATE OF EXAM 7-14-75

ACREAGE
Found 144.37
Recommended 89.87

Irrigation Requirement 80 Ac Ft/Ac

USE
Irrigation Q = 1.73 c.f.s. V = 359.48 AF/Ann. from May 1 to Oct. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: _____
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 1.73 cfs Method of measurement McCrometer

Total Q recommended 1.73 cfs Meter No. 736434 Type In-line Condition New

Total V recommended 359.48 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None None

MEASUREMENT CALCULATION:

$$Q = 770 \text{ gpm} \div 448.8 \text{ gpm/cfs} = 1.73 \text{ cfs}$$

$$V = (89.87 \text{ A} \times 4.0 \text{ AF/Ac}) = 359.48 \text{ AF/Ann}$$

SYSTEM DESCRIPTION:

50 H.P. Helio shaft Motor + Johnston pump, Ser. # R 2021457.
Measuring device is a inline McCrometer, Ser. # 736434
Six inch mainline supplies four handlines carrying 38 nozzles
each @ 53 psig.

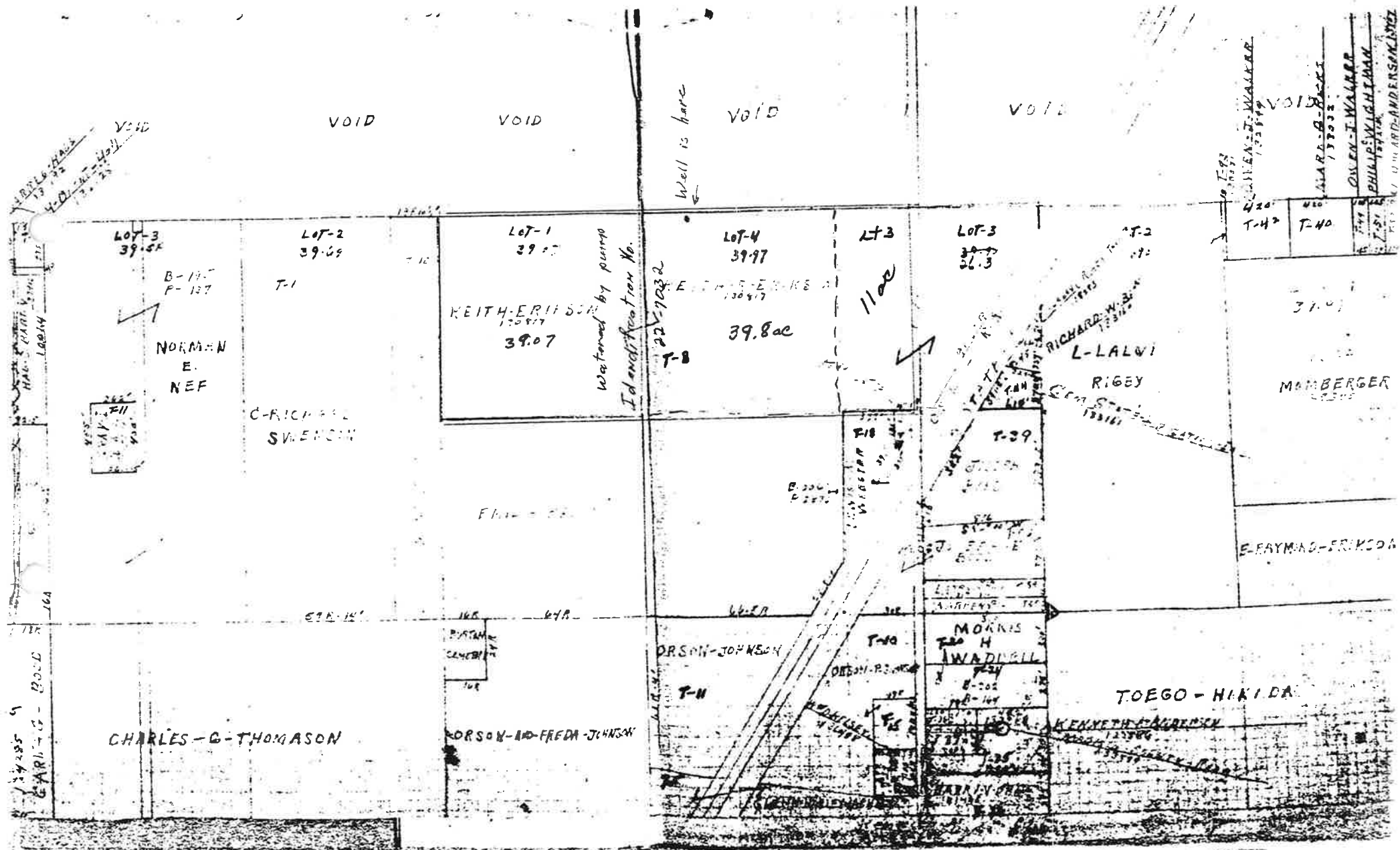
REMARKS:

Mr. Guy Erikson accompanied examiner. Grain's principle crops.
No other water rights exist on this land.

Examiner's Signature Kenneth O. Chavard Date 7-14-75

Checked by Robert O. Halmer Date 5-26-76

Approved by _____ Date _____



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 22-7032

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant JILL D SMITH
RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440
(208)356-4912

Priority Date: 06/10/1883
Basis: Decreed/License
Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	
Teton River	Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/01	1.73 CFS	315 AFA
Total Diversion			1.73 CFS	

Location of Point(s) of Diversion:

GROUND WATER SWNW Lt 4 Sec. 01 Township 05N Range 39E MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05N	39E	1	3	NENW 5.8	4	NWN W	23							
		2	1	NENE 40										
06N		35		SWSE 11			SESE 10							

Total Acres: 89.8

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Rexburg Irrigation Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

2. C18 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.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

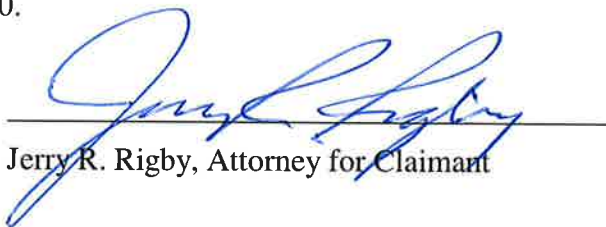
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

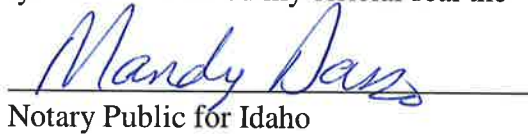
STATE OF IDAHO,)

ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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


Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

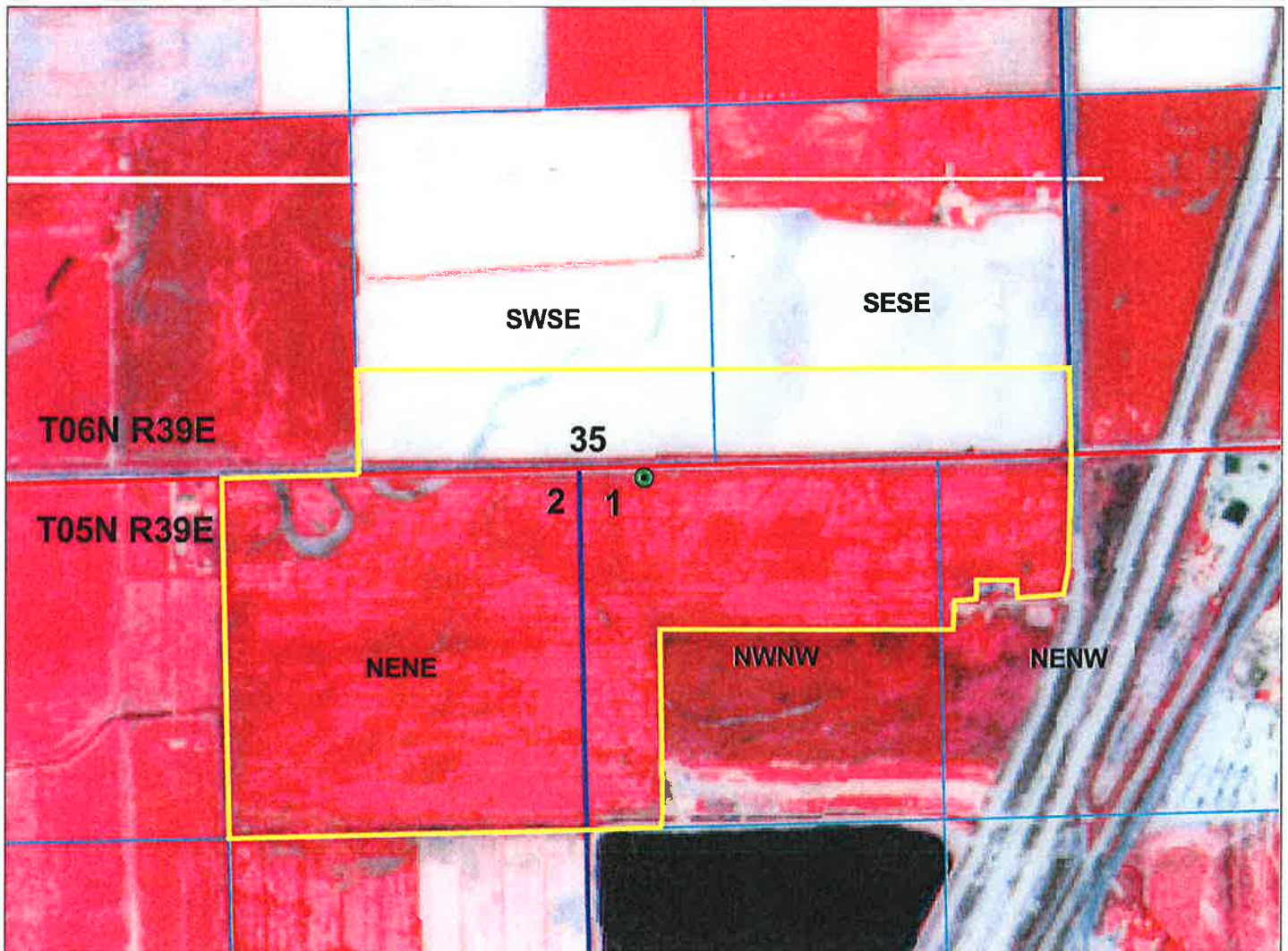


Department of Water Resources

Eastern Region



Claim No.: 22-7032



0 660 1320 1980 2640 Feet

SCANNED

JUL 18 2006

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: September 2005

Reynolds Irrig. Canal Comp
Paid for land under
the claim

\$ 50

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: A22-07032
Date Received: 8/18/1988
Receipt No: E001439
Received By: HCJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GUY A. ERIKSON
Address:

REXBURG, ID 83440

AND/OR

Name: KEITH ERIKSON
Address: 873 W. 2000 S.
REXBURG, ID

208-356-5251

83440

A2207032



2. Date of Priority: MAR 13, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	1	SW	NW		4	MADISON

5. Description of diverting works:
WELL AND PUMP TO SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	1.730		

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

8. Total consumptive use is 224.6 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-07032

Page

1

Date: 08/18/88

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OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
05N	39E	1	SW	NW	4	IRR	22.0	
			SE	NW	3	IRR	8.0	
		Section Acres						30.0
		2	SE	NE	1	IRR	38.0	
Section Acres						38.0		
06N	39E	35	SW	SE		IRR	10.9	
		35	SE	SE		IRR	10.9	
		Section Acres						21.8
		Total Acres						89.8

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:

CANAL SHARES IN REXBURG IRRIGATION

14. Remarks:

AC. IRR.=89.8

15. Basis of Claim: LICENSE

Water Right Number: 227032

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): *Heather E. Korman* Date: *Aug 18, 1988*

Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *18th* day
of *August* 19 *88* *Deena Green*
Notary Public

Seal

Residing at *Rigby*

My Commission Expires *4-22-1994*
3 Date: *08/18/88*

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OCT 29 1992

