

09/05/2006

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

RIGHT NUMBER: 22-7054A

NAME AND ADDRESS: JOHN H SMITH & SONS INC
PO BOX 375
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.580 CFS
543.00 AFY

Right Nos. 22-7054A and 22-7054B are limited to a total combined diversion rate of 5.25 cfs and to a total combined annual diversion volume of 1103 AF.

PRIORITY DATE: 03/31/1972

POINT OF DIVERSION:
T06N R40E S28 NWSWNE 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	2.580 CFS 543.00 AFY
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	T06N R40E S28	NENE 40.00	T06N R40E S28 NWNE 40.00
	T06N R40E S28	SWNE 40.00	T06N R40E S28 SENE 35.00
	155 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 No. 22-7054B is also diverted through point of diversion described above.



Department of Water Resources

Eastern Region

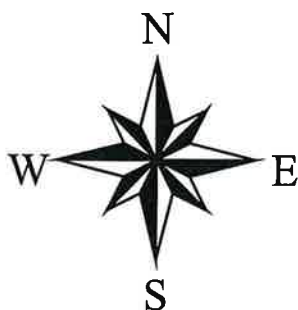


Claim No.: 22-7054A



0 660 1320 1980 2640 Feet

- Point of Diversion
- 22-7054a.shp
- Township/Range
- Sections
- QQ



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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 2, 2008

D S & S, Inc.
1500 S 3000 E
Sugar City, ID 83448

RE: Notice of Change of Water Right Ownership (NCO) for 22-7054A 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.

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

Respectfully,

Bobby Kern
Office Specialist II

Enclosure

SCANNED
SEP 10 2008

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

In Re SRBA

Water Rights: 22-7054A

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

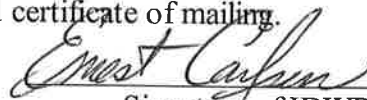
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party SMITH – D S & S INC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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

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

DATED: 9-4-2008



Signature of IDWR Representative

SCANNED

SEP 10 2008

CERTIFICATE OF MAILING

I certify that on September 5, 2008, 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:

John H. Smith & Sons, Inc.
PO Box 375, Rexburg, ID 83440

3. One copy to:

D S & S, Inc.
1500 S 3000 E, Sugar City, ID 83448

4. One copy to:

Gary L. Meikle
Holden, Kidwell, Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405

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 mailing the form

SCANNED

SEP 10 2008



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

gmeikle@holdenlegal.com

July 9, 2008

Idaho Department of Water Resources
900 N. Skyline, Suite A
Idaho Falls, Idaho 83402

Attn: Jonie

Re: D S & S, Inc.

Dear Jonie:

I am sending you the \$25 fee with respect to Water Right 22-2156. Thank you for your patience on this matter.

Very truly yours,



Gary L. Meikle

Enclosure

G:\WPDATA\GLM\9343\idwr.070908.ltr.wpd:

RECEIVED

JUL 10 2008

Department of Water Resources
Western Region

SCANNED

SEP 10 2008

Established in 1896



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

gmeikle@holdenlegal.com

May 29, 2008

Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: D S & S, Inc.

Gentlemen:

D S & S, Inc. has purchased real property from John H. Smith & Sons, Inc. I am sending you the Notice of Change of Water Right Ownership. I also am attaching two deeds to this document. The first is the deed from John H. Smith to the corporation. At the time this deed was recorded, nothing was done to show a transfer of the water rights. The second deed is the deed from the corporation to D S & S, Inc.

Please contact me if additional information is required.

Very truly yours,



Gary L. Meikle

Enclosures

c: D S & S, Inc.

G:\WPDATA\GLM\9343\idwr.051908.ltr.wpd:

SCANNED
SEP 10 2008

RECEIVED
MAY 31 2008

Department of Water Resources
Eastern Region

Established in 1896

DEV ✓

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
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
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

22-7054	Adj. Needs NCAP				
22-2156	PD				

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 rights(s) or claims(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 your water rights(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 John H. Smith and Sons, Inc.
P.O. Box 375, Rexburg Idaho 83440
4. New Owner/Claimant(s) D S & S, Inc.
Name connector (check one): ☐ and ☐ or, ☐ and/or
New Mailing Address 1500 S. 3000 E.
City, State and ZIP Code Sugar City, Idaho 83448
New Telephone Number 356-3465
5. Date you acquired the property May 13, 2008

SCANNED

SEP 10 2008

RECEIVED

MAY 31 2008

Department of Water Resources
Boise, Idaho

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
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 attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

7. Signature of New Owner(s) Or Claimant(s) D S & S, Inc.
(include title if applicable)

Danny Summers, President

For IDWR Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. E034229
 Processed by _____ Date _____ WR _____ Date _____

SCANNED
SEP 10 2008

5-11777-N
ALLIANCE
TITLE & ESTATE GROUP

**CORRECTION WARRANTY DEED
CORRECTING WARRANTY DEED INSTRUMENT NO. 201886**

For Value Received JOHN H. SMITH and JUNE SMITH, husband and wife

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

JOHN H. SMITH AND SONS INC., an Idaho Corporation

whose current address is

PO BOX 375
Rexburg, Idaho 83440

the grantee(s), the following described premises, in Madison County Idaho, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do 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: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

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

Dated:

John H. Smith
John H. Smith

June Smith
June Smith

STATE OF Idaho, COUNTY OF Madison
On this 1 day of April, 1997
before me, a Notary Public in and for said State, personally
appeared

John H. Smith
June Smith

known to me to be the person(s) whose name(s)
subscribed to the within instruments and acknowledged to
me that they executed the same.

NOTARY PUBLIC
Residing at Rexburg, Idaho
Comm. Expires 12/1/97

State of Idaho } SS 266427
County of Madison }
I hereby certify that the within instrument was
filed MAY 14 1997
by SEYMOUR BEESE, Notary Public
at the request of
ALLIANCE TITLE & ESTATE GROUP

NE 1/4 AND T.
MERIDIAN, N

ALSO

NORTHEAST
MERIDIAN, N

EXCEPTING
COMMENCING
THE NE 1/4 A
OF 400 FEET.
FEET TO THE

ALSO EXCEPTING
A PARTIAL C
THE NW COR
WOODMAN'S
DITCH IN A
WITH THE C
THEN SOUTH

SCANNED
SEP 10 2008

MAY 31 2015

Department of Water Resources
Boise, Idaho

"EXHIBIT A"

266427

NE1/4 AND THE SE1/4 OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO

ALSO

NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO.

EXCEPTING THEREFROM, A PARTIAL OF PROPERTY DESCRIBED AS FOLLOWS;
COMMENCING AT A POINT WHERE THE COUNTY ROAD INTERSECTS THE LINE BETWEEN
THE NE1/4 AND THE NW1/4 OF SECTION 21 AND PROCEEDING THENCE EAST A DISTANCE
OF 400 FEET, THENCE SOUTH 250 FEET; THENCE WEST 400 FEET; THENCE NORTH 250
FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARTIAL OF LAND COMMENCING AT A POINT 660 FEET SOUTH AND 265 FEET EAST OF
THE NW CORNER OF THE NE1/4 OF SECTION 21, AND PROCEEDING THENCE EAST TO THE
WOODMANSEE/JOHNSON IRRIGATION DITCH, THENCE FOLLOWING THE IRRIGATION
DITCH IN A NORTHEASTERLY DIRECTION UNTIL SAID IRRIGATION DITCH INTERSECTS
WITH THE COUNTY ROAD, THENCE FOLLOWING THE COUNTY ROAD IN A WEST AND
THEN SOUTHWESTERLY DIRECTION BACK TO THE POINT OF BEGINNING.

This notice is
December 16,

THIS

Moore, Chie

Service, De

21st Street,

WITI

of Robert Cl

property we

Officer in ti

Revenue C

Internal Re

than thirty

Trust as no

WH

Chapple Ir

Revenue C

Building, 5

for the su

being the

Sue Tuller

SCANNED
SEP 10 2008

Instrument # 345848

REXBURG, MADISON, IDAHO

5-13-2008

04:53:00 No. of Pages: 4

Recorded for: ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Fee: 12.00

Ex-Officio Recorder Deputy

TITLE & ESCROW

BOX 732

RG, ID 83440

F

304 0818157 TV

WARRANTY DEED

THIS INDENTURE is made this 13 day of May, 2008, by John H. Smith & Sons, Inc., an Idaho corporation, referred to as the Grantor, and D S & S, Inc., an Idaho corporation, referred to as the Grantee, whose mailing address is 1500 South 3000 East, Sugar City, Idaho, 83448.

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

Tract 1:

East Half of Section 21, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho, lying South and East of the Woodmansee-Johnston Rexburg Mill Ditch.

Less: Northeast Quarter Southeast Quarter of said Section 21.

Together with an easement for right of way purposes to Tract 3 described as follows, to wit: Commencing at a point 790 feet, more or less, South of the Northwest Corner of the Northeast Quarter of said Section 21, Township and Range aforesaid, which point is the point of intersection of the West line of said Northeast Quarter and the South line of the county road; thence running in a Southerly direction along the said quarter section line, a distance of approximately 570 feet, to a point on the Southerly Bank of the Woodmansee-Johnston Rexburg Mill Ditch; thence in a Northeasterly direction along said South bank of said ditch to a point 25 feet east of the West line of said Northeast Quarter of said Section 21; thence Northerly on a line parallel with the West line of said Northeast Quarter of said Section 21 approximately 570 feet, to a point on the South line of said County Road; thence in a Southwesterly direction along said county road right of way line approximately 25 feet to the point of beginning.

SCANNED

SEP 10 2008

Tract 2:

Northeast Quarter Southeast Quarter of Section 21, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Tract 3:

Northeast Quarter of Section 28, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho.

SUBJECT TO:

- (1) Easements, or claims of easements, not shown by the public records.**
- (2) (i) unpatented mining claims; or (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, whether or not the matters excepted are shown by the public records.**
- (3) Levies and assessments of the Fremont-Madison Irrigation District, and the rights, powers and easements of said district as by law provided.**
- (4) Right, title and interest of the Public in those portions of above described property falling within the bounds of roads and highways.**
- (5) Any questions of location, boundary or area related to the Woodmansee-Johnston Rexburg Mill Ditch, including, but not limited to, any past or future changes in it.**
- (6) All easements of record**
- (7) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the Property.**
- (8) A Financing Statement recorded in the Office of the County Recorder of Madison County, Idaho on September 20, 2001 as Instrument No. 291466 and Continuation of such Financing Statement recorded on July 25, 2006 as Instrument No. 329775.**

SCANNED

SEP 10 2008

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

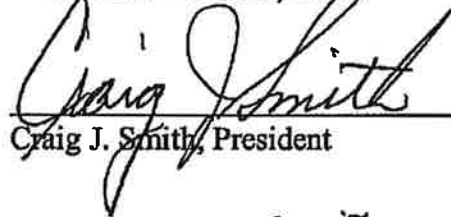
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

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

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

JOHN H. SMITH & SONS, INC.

By:


Craig J. Smith, President

By:


Jay Fred Smith, Secretary

STATE OF IDAHO)

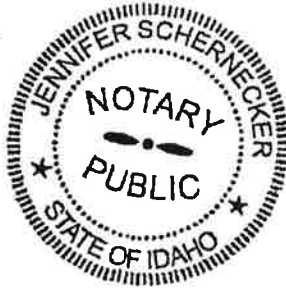
)ss.

County of Madison)

On the 13 day of May, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Craig J. Smith, known or identified to me to be the president of John H. Smith & Sons, Inc, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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)

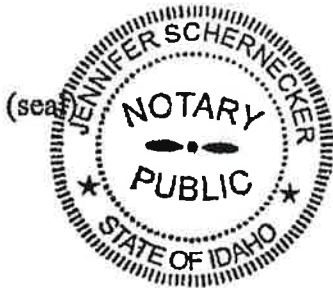


Jay Sel
Notary Public for Idaho
Residing at: _____ Residing in Rigby, Idaho
My Commission Expires: _____ Commission Expires: 07-15-2009

STATE OF IDAHO)
)ss.
County of Madison)

On the 13 day of May, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Jay Fred Smith, known or identified to me to be the secretary of John H. Smith & Sons, Inc, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Jay Sel
Notary Public for Idaho
Residing at: _____ Residing in Rigby, Idaho
My Commission Expires: _____ Commission Expires: 07-15-2009

RECEIVED
10/04/2005

11 8 2006

Department of Water Resources
Eastern Region

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: 22-7054A

JOHN H SMITH

PO BOX 805

REXBURG ID 83440

Telephone Number: (208)356-3935

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

Water right is in name of John H. Smith & Sons, Inc.
Does not include 22-2156 and 22-7509.

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: 10-9-06

SIGNATURE:

Please print your name:

Craig J. Smith, President John H. Smith & Sons, Inc.

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

Kurt
10/12/06

OKJC
9-1-06

**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 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
no fee — 22-2156					
no fee — 22-7054A					
\$25 — 22-7509					

sent copy to Boise

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- 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) John H. Smith and/or Josephine H. Smith
P.O. Box 805, Rexburg, Idaho 83440
4. New Owner/Claimant(s) John H. Smith & Sons, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 375
- City, State and ZIP Code Rexburg, Idaho 83440
- New Telephone Number (208) 356-9009
5. Date you acquired the property December 23, 1983

RECEIVED

APR 20 2006

Department of Water Resources
Eastern Region

RECEIVED

JUN 19 2006

Department of Water Resources
Eastern Region

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

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

John H. Smith & Sons, Inc.
By *Craig J. Smith*
Craig J. Smith, President

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 \$25-
 Received by gc Date 6-19-06 Receipt No. E032005
 Processed by _____ AJ Date _____ WR _____ Date _____

Claim no. A22-7054A

Claimant Contact Log

Date	Remarks	Agent initials
11/3/04	356-3935 7:32 AM MS9 on machine	
11/17/04	356-3935 8:12 AM Farm sold to Summers?	
	Craig Smith 356-9009 would know	
	356-9009 11/17/04 8:15 AM Danny Summers in Rexburg	
	is new owner.	
11/20/04	Field exam w/ Danny Summers.	
11/27/04	Please see notes to A22-2156. Smith is still	
	owner of record, lease/sale agreement will change ownership	
	to Summers in 2007. BAC	

Contacts Data Entry FormClaim Number: A22-7054A

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

please see ownership / combined use discussion / maps in
A22-2156.

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: A22-7054A

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See copy of license in file A22-7054B. Priority shown is 31 March 1972.
Doc 27 Nov 04

Reviewer: _____

Date: _____

Water Right No(s).

A22-7054A



GPS DATA:

Tag # A0013629 Location: Motor panel

Diversion Data:

Source: GW Trib to: _____

MOTOR

Make: US Model: _____ Hp: 350
SN: 7226-WD-MBR-DU

PUMP

Make: No tag Model: _____ Disch: _____
SN: _____

NOTES:

POD shared w/ A22-7054B. Connected to common
mainline w/ POD of A22-2156. Water from combined system
overlaps POD of A22-4192, post AJ licenses 22-7507 & 22-7519
and mini pivots in GN40B 20 & GN40B 29.

Field Exam Date: 11/20/04 Agent: Bac

Point of Diversion and Source Data Entry Form

Claim Number: A22-7054 AWater 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? A22-7054 B, common mainline w/ other POD
 Transfers Pending or approved: other rights.

Document how the POD and Source were verified:

GPS waypoint 38, 2681148E 1404727N IDTM 83
puts POD in 6N 40E 28 NW SW NE. This is consistent
w/ claim & license. Bac 27 Nov 04.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-7054AClaimed 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: _____

Document how the POU was verified:

Claim is consistent w/ license & w/ Danny Summers'
map of current system. Please see photo & discussion
in A22-2156. Spatial Dynamics layout is reasonable.
CBAC 27 Nov 04

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-7054AWater 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:

Licensed Season = April 1 - Nov 1. Licensed Q 5.25 cfs
 1103 a/a for 315 acres. Proportionate share
 for this split should be 2.58 cfs, 543 a/a. Dec 27 Nov 04

Reviewer: _____

Date: _____

Log for claim 22-07054A

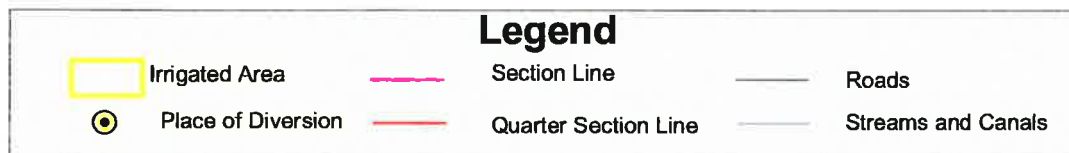
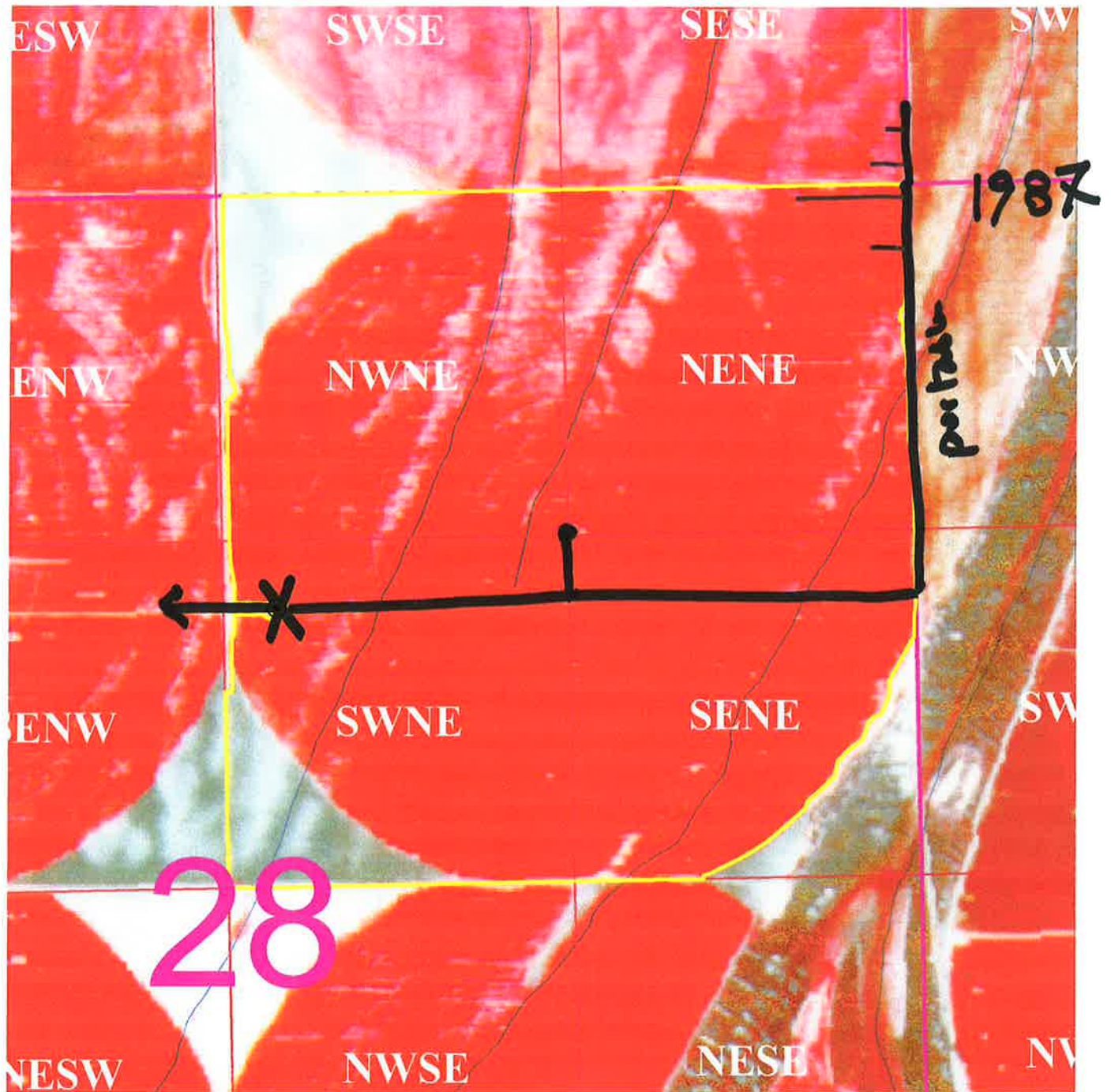
Spatial Dynamics LTD

7/3/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	28	NENE	40	39	
06n40e	28	NWNE	40	39	
06n40e	28	SWNE	40	39	
06n40e	28	SENE	35	33	
Totals:			155	150	

Water Right Claim Number 22-07054A
Township , 6N40E

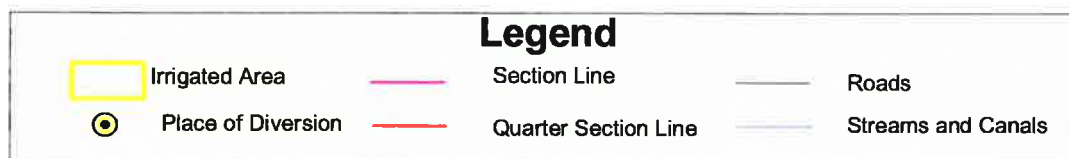
07/03/2001



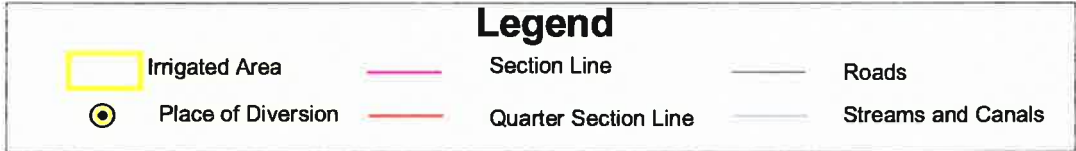
SPATIAL
DYNAMICS

Water Right Claim Number 22-07054A
Township , 6N40E

07/03/2001



SPATIAL
DYNAMICS



WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
22-07054	SMITH, JOHN H.	C	03/31/1972	L/	GROUNDWATER	IRR	WR
A22-07054	SPLIT RIGHT	C	03/31/1972	/Z	GROUNDWATER	IRR	AJ
A22-07054A	SMITH, JOHN H.	C	03/31/1972	L/	GROUNDWATER	IRR	AJ
A22-07054B	DS & S INC	C	03/31/1972	L/	GROUNDWATER	IRR	AJ

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7054 Priority March 31, 1972 Amount 5.25 cfs

THIS IS TO CERTIFY, that JOHN H. SMITH
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7054 issued pursuant to Application for Permit dated March 31, 1972,
and has submitted proof to the Department of Water Resources on March 8, 1977,
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 5.25 cfs of water from a groundwater 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>April 1</u> to <u>November 1</u>	at <u>5.25</u> cfs and	<u>1103</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 5.25 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
1103 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 6N,
Rge. 40E, B.M. in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	40E	28	40	40	40	35	40	40	40	40									315

Total number of acres irrigated 315

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 14 day of

June, 19 79.

Director

MICROFILMED

LICENSING AMENDMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

RECEIVED

MAY 11 1978

Comes now John H. Smith Department of Water Resources
of (address) Rt. #4, Box 11, Rexburg, Idaho, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriates the Public Waters of the State of Idaho
No. 22-7054, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW 1/4 NE 1/4, Section 28, Township 6N, Range 40E, B.M.,
County of Madison. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 5.25 for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

NO CHANGE

TWP	RGE	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	

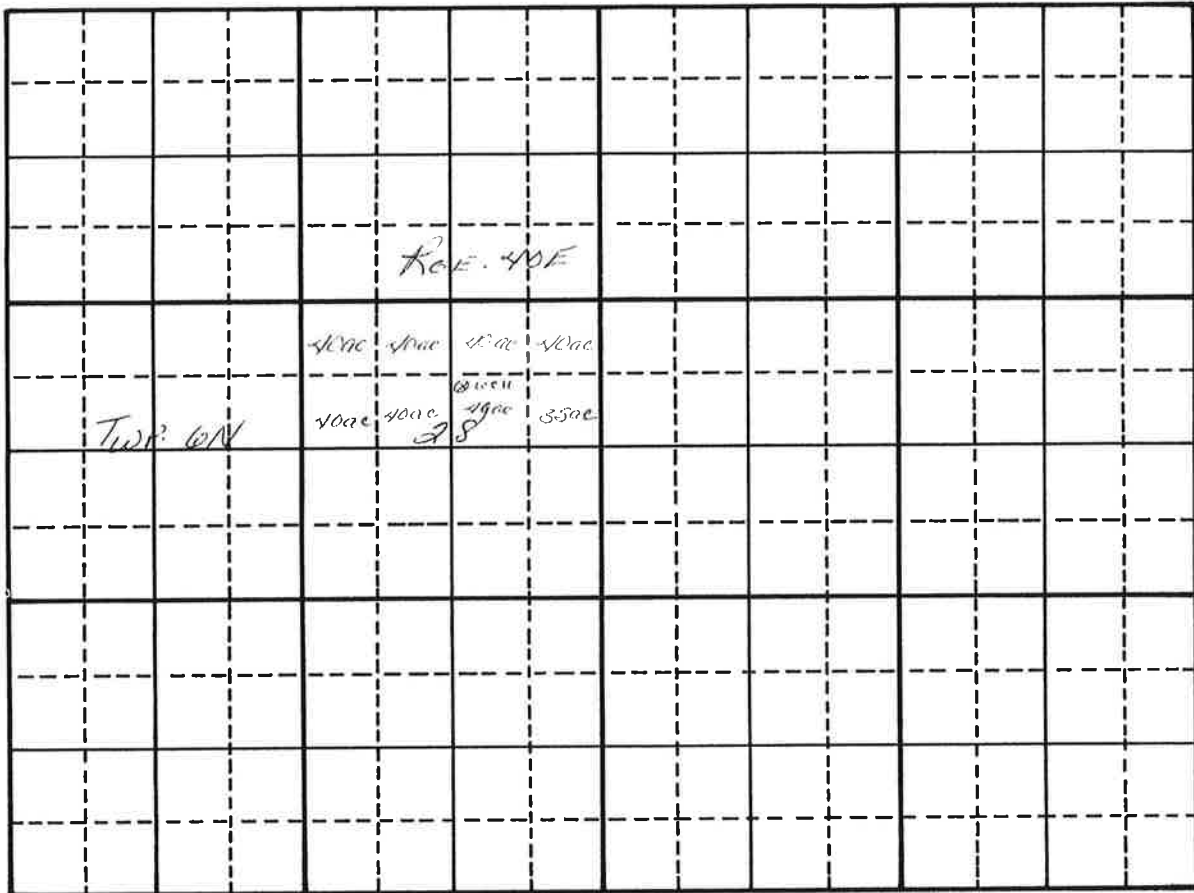
Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? John H. Smith
b. Who owns the land to be irrigated or the place of use? " " "
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Refring, this 30 day of May, 1979.
John N. Smith
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by jc Fee = \$20.00

Received by jc Date 6/1/79

Publication prepared by N/A Date _____

Published in N/A

Publication dates N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. Stephen Allred, Director of the Department of Water Resources hereby

approves the above application for amendment.

Witness my hand this 14 day of June, 1979.

C. Stephen Allred
Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant JOHN H. SMITH
post office address Route #2 Rexburg, Idaho
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 6 N
Range 40 E B.M. Madison County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 6.40 for irrigation purpose from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 6.40 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well and sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 20 inches; proposed depth of well is 300 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 \$ 4,800.
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:

Total number of acres to be irrigated 320

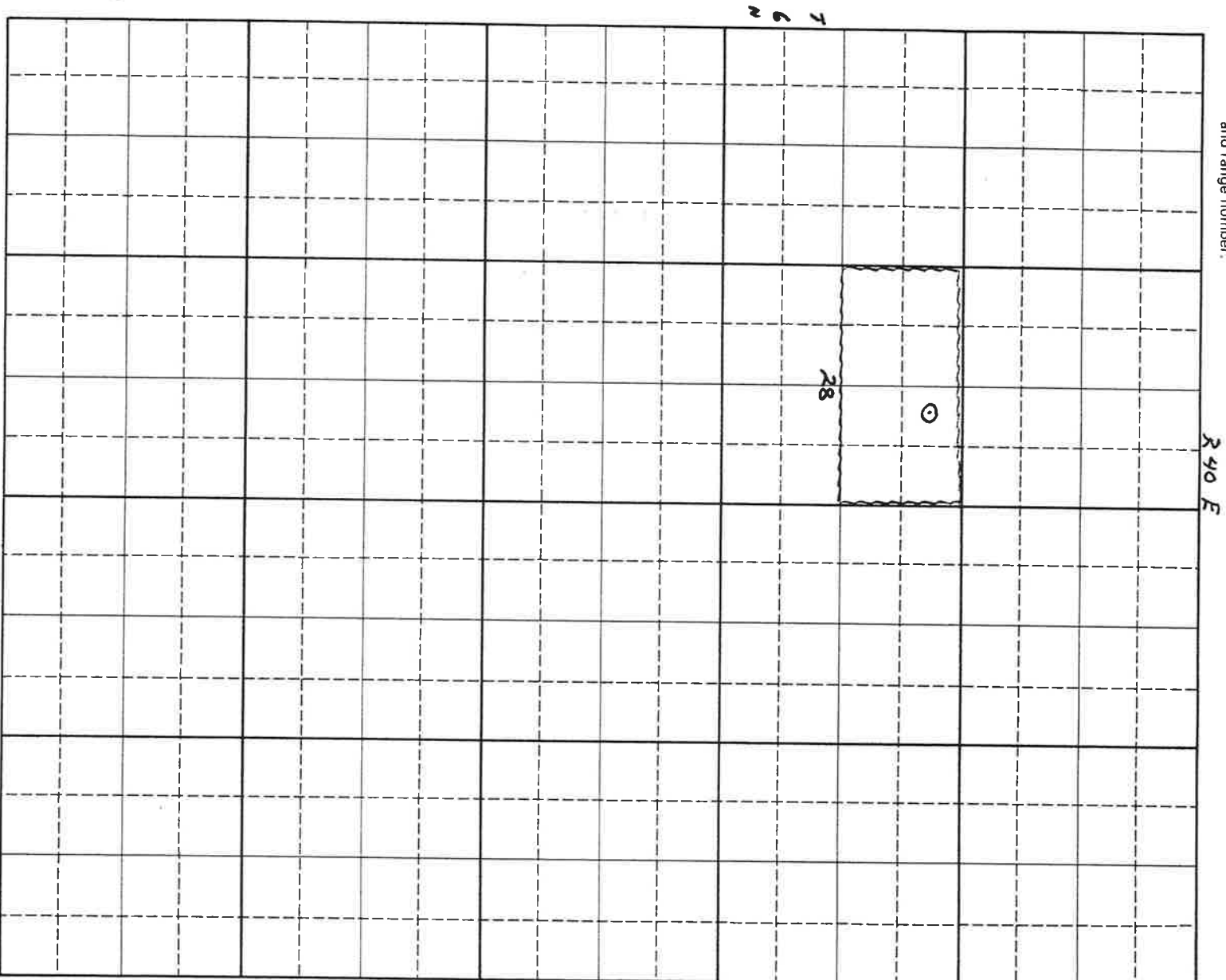
9. a. Who owns the property at the point of diversion John H. Smith

b. Who owns the land to be irrigated or place of use John H. Smith

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

X John D. Smith
(Applicant)

22 JUL 1964

22 7054

Received by lf Date 3-31-72 Time 10:30 A
Preliminary check by FB Fee \$ 85.00
Received by lf Date 3-31-72
Publication prepared by bj Date 4/6/72
Published in Rexburg Journal, Rexburg, ID
Publication dates 4/13&20/72
Publication approved CR Date 5-4-72
Priority ~~reduced to~~ 3-31-72 Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by D.B.F.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7054, 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 May 1, 19 77.
- c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 17 day of _____ May, _____ 1972.

L. Kirk Higin
Director

MAR 18 1977

Department of APB
Phone Eastern District office

(name spring, stream, etc.)

(nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

(nature of use)

(mo.-day) inclusive (mo.-day)

Other uses: _____

— AF/Annum.

County

County

County

Other Points of Diversions: _____

Description of diverting works: 400 hp elec. motor, 20" casing, 650' deep

☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

320

DATE OF EXAM 3/30/77

ACREAGE
Found 802 AC.
Recommended 315 AC.

Irrigation Requirement 3.25 Ac ft/Ac

USE

Irrigation Q = 5.25 c.f.s. V = 1102.5 AF/Ann. from April 1 to Dec 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: 1/4
Twp. _____ N/S, Rge _____ E/W, B/M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

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

Total Q measured 5.25 cfs Method of measurement In line meter

Total Q recommended 5.25 Meter No. 73-10-234 Type Crimmer Condition STD

Total W recommended 1102.5

Recommended Amendments:

(P.D.) should be S.W.N.E. sec. 28, Twp 6N Rge 40E.
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION:

Direct reading = 2400 gpm
Timed reading = 0.84 / 84 sec 4.356 of 1.83 sec 5.25 cfs
 $5.25 \times 2.5 = 13.125$ $5.25 \times 1.9835 \times 2.15 = 22.387$ sec
4/6/77

SYSTEM DESCRIPTION:

See P.D. for system description. 2" R. 700-1500 # Schuster pump. 6 inch steel main extends 15 feet north of P.D. 2" T connection. Bored main 1 mile in. 4" runs east & west. System operates 12, 4 inch lateral hard lines 7/16 inches.

REMARKS:

system described by John Smith.

Examiner's Signature Scott M. Culver Date 4/6/77

Checked by Anthony R. Kozlowski Date Jan 12, 1978

Approved by _____ Date _____





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 13, 1998

JOHN H SMITH
PO BOX 805
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-07054

Dear Mr. Smith:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A22-07054A, 2.58 cfs, 155 acres, Smith
A22-07054B, 2.67 cfs, 160 acres, DS&S

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure

**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

DATE OF CLOSING: October, 1997

LEGAL DESCRIPTION OF PROPERTY: See attached copy of Warranty Deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] Water Rights Number(s)
Assigned by IDWR:

No *(A)* *(B)*
22-02156 22-07054 22-07510 and 22-07538
WATER RIGHT/NO ADT
WATER RIGHT/NO ADT

[x] Name and Address of Former
Owner/Claimant(s)(Seller):

Craig J. Smith, P.O. Box 375, Rexburg, ID 83440
Jay Fred Smith and Sharon Smith
803 Barney Dairy Road
Rexburg, ID 83440

[x] New Owner/Claimant
(Purchaser):

DS&S, Inc.

[x] New Mailing Address:

3500 East 1496 South
Sugar City, ID 83448

[x] New Telephone Number:

(208) 356-3465

[x] Does the change in ownership result in a splitting of the water right owned/claimed?
x yes _____ no. If yes, then describe the portion of the water right that is
now owned/claimed by the new owner:

No overlap
With respect to water rights 22-07150 and 22-07538, all of said rights are appurtenant
to the above described property and there will be no splitting. With respect to water
right number 22-02156, that portion appurtenant to the land described in the Warranty
Deed is now owned by the new owner and with respect to water right number 22-
07054, that portion which is appurtenant to the land described in the Warranty Deed
is also now owned by the new owner.

[x] Attach proof of ownership,

describe proof attached: Warranty Deed

[x] Signature of New DS&S, Inc.

Owner/Claimant(s) by [Signature] Date 1-29-98
its press

[] Signature of Former Owner/Claimant(s) _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if
proof of ownership is attached)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Number of Split, if any:

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner

5-12-229-

268966

ALLIANCE TITLE & ESCROW
P.O. BOX 722
REXBURG, ID 83440

WARRANTY DEED

THIS INDENTURE is made this 11th day of October, 1997, by Craig J. Smith, a married man dealing with his sole and separate property, and Jay Fred Smith and Sharon Smith, husband and wife, referred to collectively as the Grantor, and D S & S, Inc., the Grantee, whose mailing address is 3500 East 1496 South, Sugar City, Idaho, 83448.

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

Tract 1:

A parcel of property lying in Madison County, State of Idaho, in the East Half of the Southeast Quarter of Section 20, Township 6 North, Range 40 East of the Boise Meridian, and more particularly described as follows: Beginning at the Southeast Corner of Section 20, point also being the true point of beginning; thence South 89°47'43" West along the South line of Section 20, 1063.04 feet; thence North 00°00'00" East 879.15 feet to a point that is in the approximate centerline of the Woodmansee Canal; thence continuing in a Northerly direction along the centerline of canal North 0°56'45" East 360.30 feet; thence North 17°42'06" East 249.36 feet; thence North 8°08'07" East 137.57 feet; thence North 21°03'00" East 142.63 feet; thence North 36°49'48" East 198.28 feet; thence North 45°19'10" East 138.37 feet; thence North 66°19'54" East 127.54 feet; thence North 73°35'59" East 99.07 feet; thence South 84°48'33" East 36.48 feet; thence South 45°41'16" East 33.48 feet; thence South 35°58'27" East 58.11 feet; thence South 47°42'46" East 28.64 feet; thence South 66°41'00" East 37.27 feet; thence South 75°37'29" East 97.79 feet; thence South 68°42'46" East 67.73 feet; thence South 63°02'39" East 60.11 feet; thence South 81°06'41" East 48.73 feet; thence North 65°13'51" East 38.07 feet; thence North 41°43'15" East 41.93 feet; thence North 28°26'48" East 53.24 feet to the East line of

Section 20, thence South $00^{\circ}27'19''$ East 1980.32 feet to the true point of beginning.

Tract 2:

Southwest Quarter, Section 21, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho.

Less any portion of the following parcel lying within Tract 2:
A tract of land lying in Madison County, State of Idaho, in Sections 20 and 21, Township 6 North, Range 40 East of the Boise Meridian, and more particularly described as follows:
Beginning at the East Quarter Corner of Section 20, said corner being South $89^{\circ}58'57''$ East 2642.80 feet of the center corner of Section 20, said corner being the true point of beginning; thence along the quarter section line North $89^{\circ}58'57''$ West 632.84 feet to the centerline of the Old Rexburg Milling Ditch; thence South $17^{\circ}00'00''$ East along the centerline of said ditch 570.70 feet to the centerline of a canal; thence along the centerline of said canal the following 22 courses: S. $45^{\circ}41'16''$ E. 33.48 feet; S. $35^{\circ}58'27''$ E. 58.11 feet; S. $47^{\circ}42'46''$ E. 28.64 feet; S. $66^{\circ}41'00''$ E. 37.27 feet; S. $75^{\circ}37'29''$ E. 97.79 feet; S. $68^{\circ}42'46''$ E. 67.73 feet; S. $63^{\circ}02'39''$ E. 60.11 feet; S. $81^{\circ}06'41''$ E. 48.73 feet; N. $65^{\circ}13'51''$ E. 38.07 feet; N. $41^{\circ}43'15''$ E. 41.93 feet; N. $28^{\circ}26'48''$ E. 72.99 feet; N. $25^{\circ}11'32''$ E. 119.90 feet; N. $37^{\circ}01'28''$ E. 75.59 feet; N. $56^{\circ}21'13''$ E. 57.38 feet; N. $65^{\circ}27'01''$ E. 75.02 feet; N. $70^{\circ}41'10''$ E. 59.31 feet; N. $63^{\circ}26'14''$ E. 39.94 feet; N. $37^{\circ}26'07''$ E. 61.10 feet; N. $22^{\circ}52'22''$ E. 63.66 feet; N. $21^{\circ}47'55''$ E. 101.79 feet; N. $25^{\circ}36'47''$ E. 105.76 feet; N. $23^{\circ}12'54''$ E. 57.06 feet; to a point which falls on the Quarter Section line of Section 21, said point being North $89^{\circ}35'15''$ West 2167.03 feet of the center corner of Section 21; thence along quarter section line North $89^{\circ}35'15''$ West 476.51 feet to the true point of beginning.

Tract 3:

Northwest Quarter of Section 28, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho.

NW $\frac{1}{4}$

22-7054

SUBJECT TO:

- (1) Easements, or claims of easements, not shown by the public records.
- (2) (i) unpatented mining claims; or (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; whether or not the matters excepted are shown by the public records.
- (3) Levies and assessments of the Fremont-Madison Irrigation District, and the rights, powers and easements of said district as by law provided.
- (4) Easement for power line over and across a portion of the West Half of the Northeast Quarter of above described Section 21, granted by instrument dated March 7, 1955, executed by John N. Smith and June Smith, his wife, to Utah Power and Light Company, a corporation; recorded April 8, 1955, as Bk/Dr. 178 of Miscellaneous, No. 89, Instrument No. 103455, records of said county. Reference to the recorded instrument is hereby made for full particulars.
- (5) Easement for power line over and across a portion of the South Half of the Northeast Quarter of said Section 21, granted by instrument dated March 7, 1955, executed by J. Fred Smith and Josephine N. Smith, his wife, to Utah Power & Light Company, a corporation recorded April 8, 1955, as Bk/Dr. 178 of Miscellaneous, No. 90, Instrument No. 103456, records of said County, to the record of which reference is hereby made for full particulars.
- (6) An easement for the purpose shown below and rights incidental thereto as set forth in document: Granted to: Utah Power & Light; Purpose: Public Utilities; Recorded: August 28, 1974; Instrument No. 153538 & 153539 of Official Records. (Section 28-6-40).
- (7) An easement for the purpose shown below and rights incidental thereto as set forth in document: Granted to:

Utah Power & Light; Purpose: Public Utilities; Recorded: April 10, 1979; Instrument No. 177949 of Official Records.

(8) Any questions that may arise due to any variation of the Woodmansec/Johnston Irrigation Ditch, or the Rexburg Milling Ditch.

(9) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the Property.

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

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

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

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

SS 268668

that the within instrument

OCT 20 1977

268668

15.00

15.00

15.00

15.00

15.00

15.00

15.00

15.00

15.00

15.00

15.00

15.00

15.00

ALLIANCE TITLE & ESTATE

MICROFILMED

Craig J. Smith

Jay Fred Smith

Sharon Smith

STATE OF IDAHO)
)ss.
County of Madison)

On this 14 day of October, 1997, before me the undersigned, a Notary Public, in and for said State, personally appeared Craig J. Smith, a married man dealing with his sole and separate property, known or identified to me to be the persons 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.

(seal) ALISON BANTA Alison Banta
NOTARY PUBLIC, STATE OF IDAHO Notary Public for Idaho
COMMISSION EXPIRES: 11-23-99 Residing at St. Anthony, Id
My Commission Expires: 11-23-99

STATE OF IDAHO)
)ss.
County of Madison)
Bonneville

On this 14 day of October, 1997, before me the undersigned, a Notary Public, in and for said State, personally appeared Jay Fred Smith and Sharon 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) ALISON BANTA Alison Banta
NOTARY PUBLIC, STATE OF IDAHO Notary Public for Idaho
COMMISSION EXPIRES: 11-23-99 Residing at H. Anthony, Id
My Commission Expires: 11-23-99

G:\WP\DATA\GL\M9143\DEEDS WD

State of Idaho
County of Madison
I hereby certify that the within instrument was
filed NOV. 07 1997
to 268966 at 268966 and
recorded on file
268966 Fee
by DETTIE DEEG, Recorder
Deputy
At the request of [Signature]
CLERK OF DISTRICT COURT

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: A22-07054A
Date Received: 9/16/1988
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN H SMITH
Address: P O BOX 805
REXBURG ID

208-356-3935

83440

2. Date of Priority: MAR 31, 1972

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	28	SW	NE			MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO TWO CENTER PIVOTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.580		

7. Total Quantity Appropriated is:
2.580 C.F.S. (and/or) 542.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	28	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	35.0

A2207054A



10. Place of Use: Continued

Section Acres 155.0

Total Acres	155.0
-------------	-------

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:

APPLICATION FOR PERMIT 22-7510 MADE TO COVER ADDITIONAL GROUND
UNDER THIS SYSTEM IN JULY 1985

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s) : _____ Date: _____

_____ Date: _____