

22-13143

**ORIGINAL FILE
MISSING**

**PRINTED FROM POWERDOCS
06/16/05**

08/29/2006

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

RIGHT NUMBER: 22-13143

NAME AND ADDRESS: JAMES WILLIAM BEARD AND LEONA BEARD TRUST
RT 1 BOX 1790
TETONIA ID 83452

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 3.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T06N R46E S31 SWNW Lot 2 Within TETON County

T06N R46E S31 SWNW Lot 2 Within TETON County

T06N R46E S32 NWNWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

3.400 CFS

PLACE OF USE: IRRIGATION Within TETON County

T06N R45E S36	NWNE	40.00	T06N R45E S36	NENW	40.00
T06N R45E S36	NWNW	38.00	T06N R45E S36	SWNW	5.50
T06N R45E S36	NWSW	10.00			

133.5 ACRES TOTAL

Right Nos. 22-13143 and 22-13147 are limited to the irrigation of a combined total of 133.5 acres in a single irrigation season.

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 - Decreed

Water is delivered through Desert Ditch, South Beard Ditch and or North Beard Ditch.

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

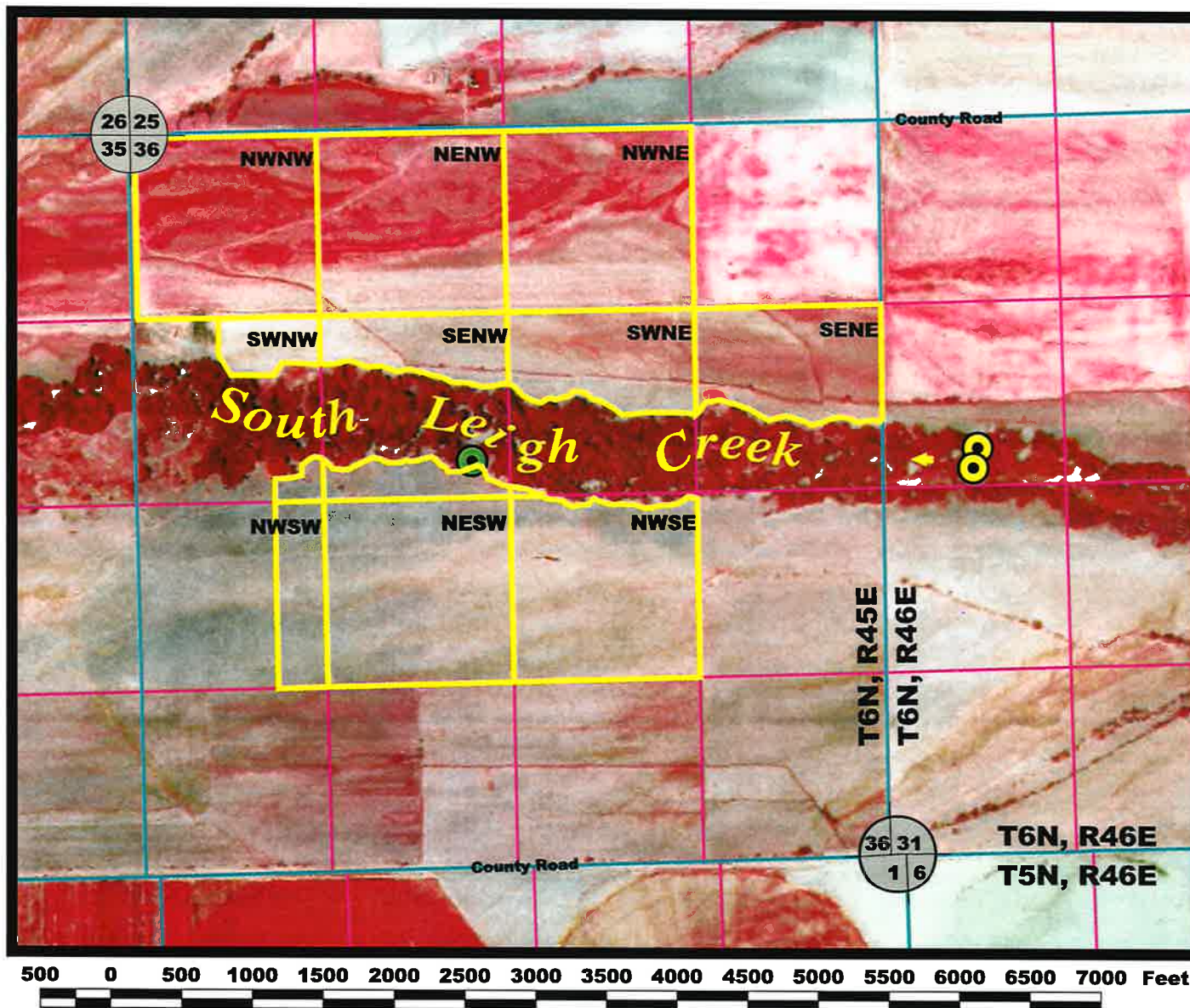
This right is a split from former right 22-615.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-13143, 22-13144,
22-13147, 22-13148

Point(s) of Diversion:

T6N, R46E Sec. 31
SESWNW, SWSWNW

Place of Use: (parts of)

T6N, R45E Sec. 36
NW, E2NE, SENE, N2SW, NWSE

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



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

11/29/2006

**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: December 11, 2006

Water right number: 22-13143

JAMES WILLIAM BEARD AND LEONA BEARD TRUST
RT 1 BOX 1790
TETONIA ID 83452

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: _____ SIGNATURE: _____

Please print your name: _____

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

RECEIVED
DEC 07 2006
Department of Water Resources
Eastern Region

KMD
12/17



Idaho Department of Water Resources

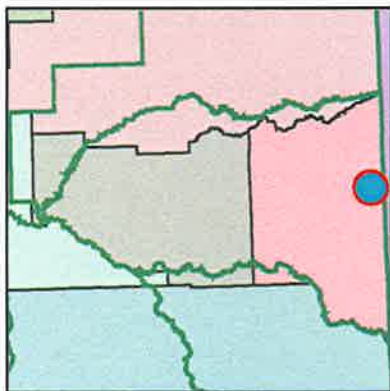
SRBA Recommendation:

22-13143

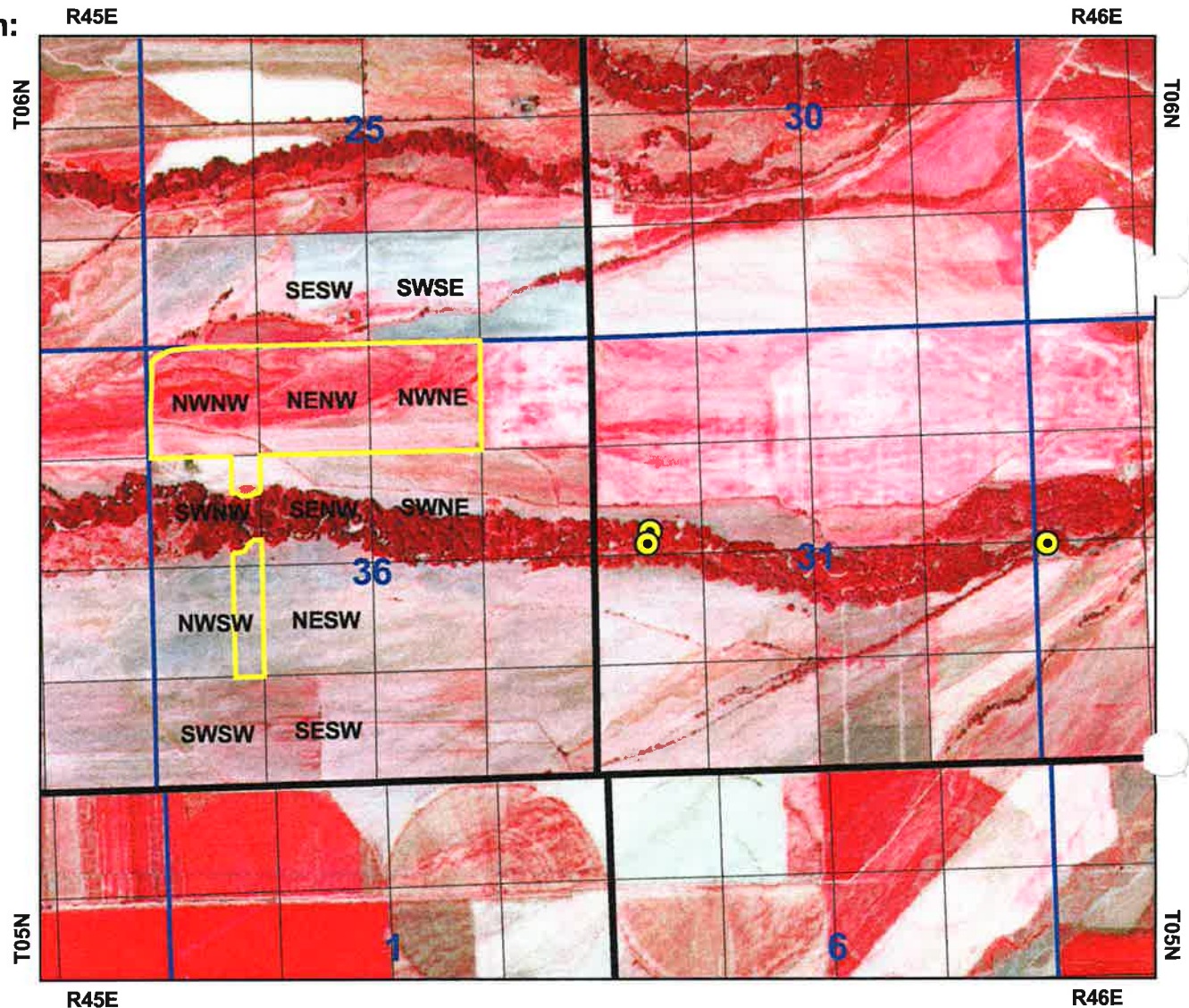
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



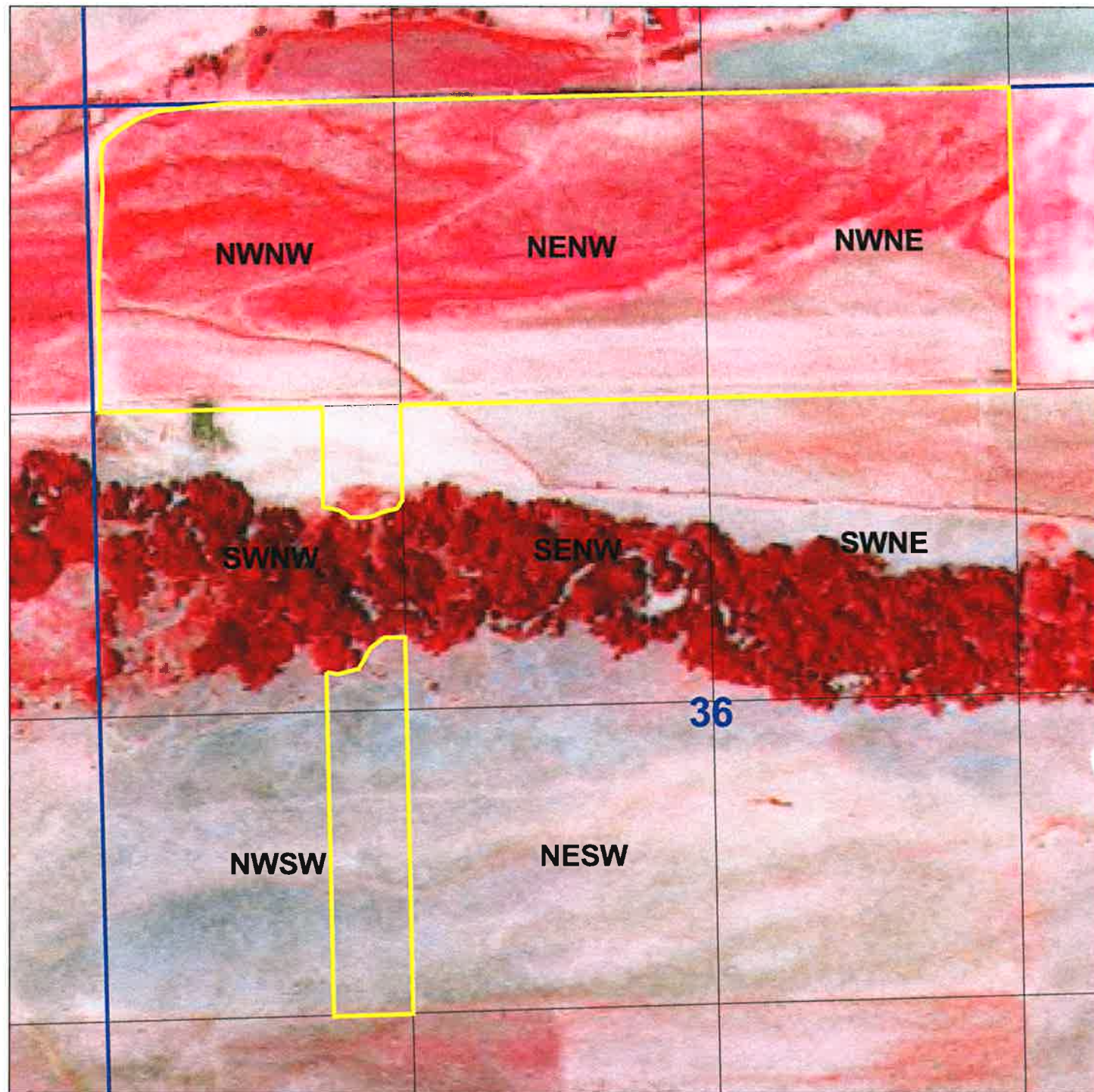
Teton County
IDWR Basin 22



0 0.8 1.6 Miles

Prepared by T. Galbraith
On Wednesday, June 7, 2006
1987/88 Aerial Photography

22-13143



3-20-06

Allan Rubery originally recommended the
land for 22-13143 + 22-13144 all together.
Through NCEs we have corrected that and recommended
beards portion to beard and smiths portion to
smith and did a combine use limit with
22-13143 and 22-13147 as well as 22-13144 and
22-13148.

76



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 30, 2000

JAMES WILLIAM BEARD AND LEONA BEARD TRUST
RT 1 BOX 1790
TETONIA ID 83452

RE: CHANGE IN OWNERSHIP FOR A22-00615A, A22-00615C,
A22-00208A

Dear Mr. and Mrs. Beard:

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:

A22-00615A split into:

A22-13143: 4.0 CFS, 170 ACRES, BEARD

A22-13144: 3.4 CFS, 145 ACRES, SMITH

A22-00615C split into:

A22-13145: 0.15 CFS, 10 ACRES, BEARD

A22-13146: 0.15 CFS, 10 ACRES, SMITH

A22-00208A split into:

A22-13147: 3.4 CFS, 170 ACRES, BEARD

A22-13148: 2.9 CFS, 145 ACRES, SMITH

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.

90% to Smith
THIS SPLIT IS NOT
DONE CORRECTLY!!
CDS

in the following described lands,--

NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36 Twp.
6 N. R. 45 E. B. M., containing 400 acres more or less.

and the plaintiff, or his predecessors in interest, has diverted and conveyed by ditch and diversion works located in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32 Twp. 6 N. R. 46 E. B. M., 8 cubic feet per second or 400 miners inches of the waters of South Leigh Creek and on or before and ever since the 22nd day of January, 1916, has beneficially applied the same in each irrigating season since said date to the irrigation of the lands above described and which has been in addition to any other right fixed or decreed to the same.

XV.

That the plaintiff Prudential Insurance Company of America, a corporation, is the owner or has an interest or estate in the following lands,--

N $\frac{1}{2}$ Sec. 31 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 32 Twp. 6 N. R. 46 E.
B. M. containing 400 acres, more or less.

and the plaintiff, or its predecessors in interest, has diverted and conveyed by ditch and diversion works located in lot 1 Sec. 6 Twp.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

DELOG
AR 6-8-04

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

RECEIVED

JUN 02 2004

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

Department of Water Resources
Eastern Region

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
	A22-2084	AND J			
	A22-13143				
	A22-13145				
	A22-13147	⇒ THIS PART DON'T RELATE			
	22-6153				

All Smith Pts

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

Lyle and Trixie Beard

4. New Owner/Claimant(s)

Susan B. Eirich

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 368

City, State and ZIP Code

Driggs ID 83422

New Telephone Number

208 456-0926

5. Date you acquired the property

January 16, 1998

PROFILED

SCANNED
MAY 16 2005

RECEIVED

129280

35-9512-G

JAN 11 1998
TETON CO., ID
CLERK RECORDER

Warranty Deed

ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

For Value Received

LYLE BEARD AND TRIXIE BEARD, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell and convey unto

SUSAN H.B. EIRICH, AN UNMARRIED PERSON

whose current address is P.O. BOX 706, CANON CITY, COLORADO 81215

the grantee, the following described premises, in TETON County Idaho, to wit:

PARCEL B

BEGINNING AT THE SW CORNER NW1SW1, SECTION 36, TOWNSHIP 6 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, AND RUNNING THENCE NORTH 880 FEET; THENCE EAST 990 FEET; THENCE SOUTH 880 FEET; THENCE WEST 990 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS, AND UTILITIES, 30 FEET WIDE ALONG THE MOST WESTERLY BOUNDARY OF THE NW1SW1 AND THE SW1NW1 OF SECTION 36.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances except; Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 8, 1998

Lyle Beard

LYLE BEARD

Trixie Beard

TRIXIE BEARD

OFFICIAL SEAL
NANCY ANN PERRY
NOTARY PUBLIC - IDAHO
TETON COUNTY
MY COMMISSION EXPIRES 4/3/01

STATE OF IDAHO, COUNTY OF TETON
On this 14th day of January, 1998
before me, a notary public in and for said State, personally appeared

Lyle Beard and Trixie Beard

known to me to be the persons whose names are
subscribed to the within instrument and acknowledged to me that
they executed the same.

Nancy Ann Perry
Residing at
Comm. Expires

Notary Public
Idaho

129280
FILED
AT THE REQUEST OF
ALLIANCE TITLE AND ESCROW

AT 56 MINUTES PAST 10 a.m.

DATE Jan. 16, 1998

By R. J. Drake

CLERK OF RECORD

BY Nora Rhye

SCANNED
MAY 16 2005

JAN 11 1998
TETON CO., ID
CLERK/RECORDER

129279

35-9512-G

Warranty Deed

ALLIANCE TITLE & ESCROW CORP., INC.
P.O. BOX 644 / 78 N. MAIN STREET
DRIGGS, IDAHO 83422

For Value Received

LYLE BEARD AND TRIxie BEARD, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell and convey unto

SUSAN H.B. EIRICH, AN UNMARRIED PERSON

whose current address is P.O. BOX 706, CANON CITY, COLORADO 81215

the grantor, the following described premises, in TETON

County Idaho, to wit:

PARCEL A

BEGINNING 880 FEET NORTH OF THE SW CORNER NW1SW1, SECTION 36, TOWNSHIP 6 NORTH, RANGE 45 EAST, BOISE MERIDIAN, TETON COUNTY, IDAHO, THE TRUE POINT OF BEGINNING, AND RUNNING THENCE NORTH 880 FEET; THENCE EAST 990 FEET; THENCE SOUTH 880 FEET; THENCE WEST 990 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS, AND UTILITIES, 30 FEET WIDE ALONG THE MOST WESTERLY BOUNDARY OF THE SW1NW1 OF SECTION 36.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances except; Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: JANUARY 8, 1998

Lyle Beard
LYLE BEARD

Trixie Beard
TRIXIE BEARD

OFFICIAL SEAL
NANCY ANN PERRY
NOTARY PUBLIC - IDAHO
TETON COUNTY
MY COMMISSION EXPIRES 4/3/01

STATE OF IDAHO, COUNTY OF TETON
On this 14th day of January, 1998
before me, a notary public in and for said State, personally appeared

Lyle Beard and Trixie Beard

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Nancy Ann Perry
Residing at _____
Comm. Expires _____
Notary Public
Idaho

129279

FILED
AT THE REQUEST OF

ALLIANCE TITLE AND ESCROW

AT 55 MINUTES PAST 10 A.M.

DATE Jan 16, 1998

Asa J. Drake
BY Nora R. Drake
CLERK OF RECORD
DEPUTY

SCALED
MAY 16 2005

Twp. **6**

TETON COUNTY, IDAHO

Range **45** E.B.M.

Beard Family Trust
% Boyd C Smith
et al

Boyd Charles
Smith

4
111

0001

Boyd Charles
Smith et al

Lana Beard
3750

% Boyd C
Smith et al

Boyd C Smith
BGS

#3703
et al

Curial

#3702

et al

Round

Area

00137

Wild
Horse

Marchant
Family Long
Trust

Deann
Shapertin LLC

Deann
Shapertin LLC

PROTECTED

SCANNED
MAY 16 2005

002

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water 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
①	126N	46E	32		NW SE	Teton	South Leigh	Teton River
②	126N	46E	32		SE NW	Teton	South Leigh	Teton

Recommended Point(s) of Diversion and Source.

	Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
①	126N	46E	32		NW NW SW	Teton	South Leigh	Teton River
③	126N	46E	31		NE NW SW	Teton	South Leigh	Teton

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

- ① The Hog Canal Does not service any Lands.
 ② The DeSobert Ditch service some lands on South Side
 ③ There are two POD there that service both South & North side grounds
 ③ GPS Tag NORTH # A0014395
 South # A0013882

Reviewer: _____ Date: _____

22-0611^{ok}

~~22-0611~~ 4. That the plaintiffs M. H. Bahr and Paul Hansen are awarded a right to the use of ⁴ cubic feet per second or 200 miners inches of the waters of South Leigh Creek with a priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described in paragraph X of the findings of fact.

22-0612

5. That the plaintiffs William Brown, Miller & Viele, a corporation, General American Life Insurance Company, a corporation, Spencer Little and State of Idaho are awarded the right to the use of 11.2 cubic feet per second or 560 miners inches of the waters of South Leigh Creek with a priority date of January 22nd, 1916, with point of diversion and for the irrigation of the lands described in paragraph XI of the findings of fact.

22-0613

6. That the plaintiff Charles Fullmer is awarded the right to the use of 2.4 cubic feet per second or 120 miners inches of the water of South Leigh Creek with priority date of January 22nd, 1916, and with point of diversion and for the irrigation of the lands described paragrpah xii of the findings of fact.

22-0614

7. That the plaintiff Joseph Rammell is awarded the right to the use of 3.2 cubic feet per second or 160 miners inches of the waters of South Leigh Creek with priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph xiii of the findings of fact.

22-0615

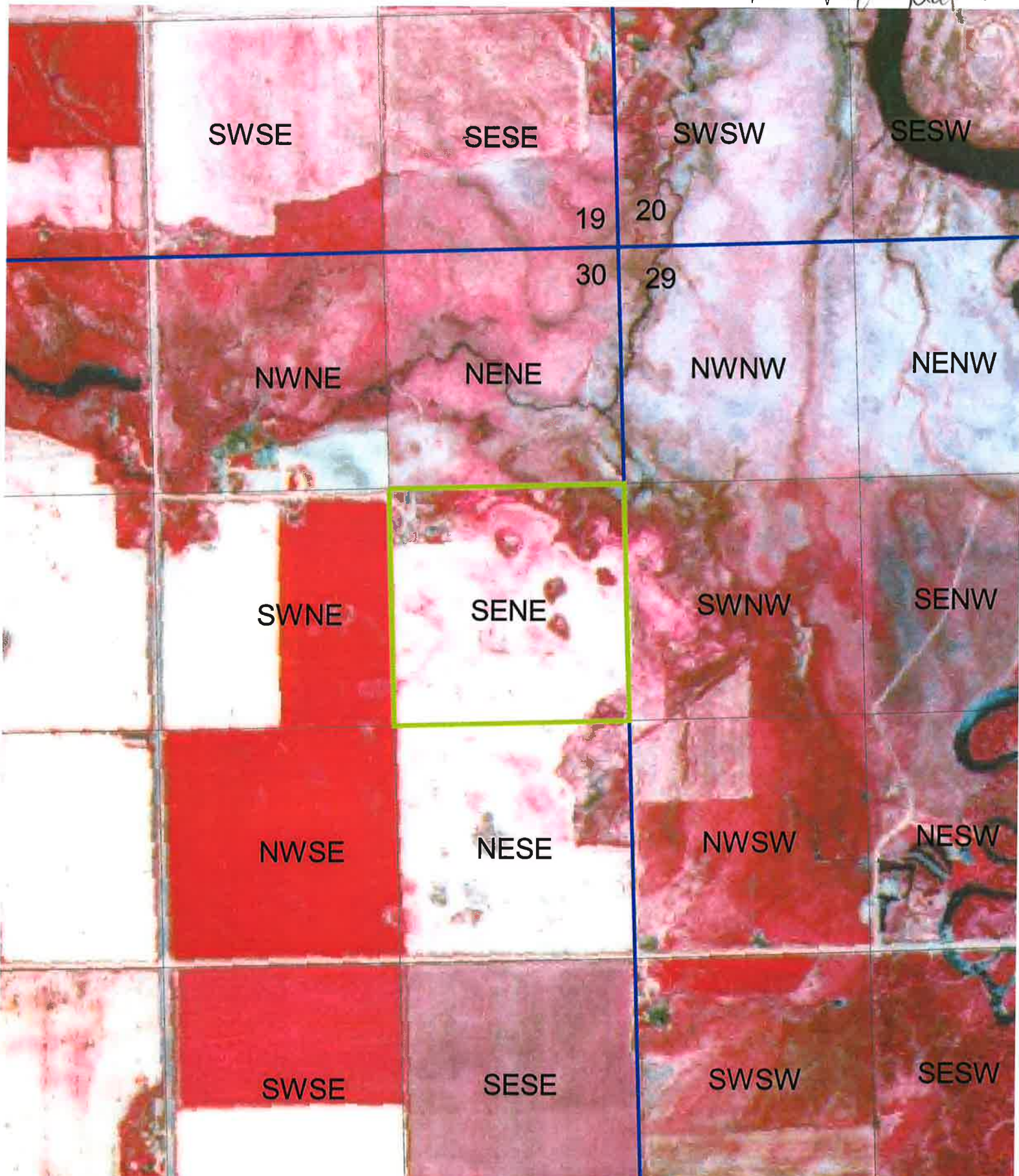
8. That the plaintiff Eph Taylor is awarded the right to the use of 8 cubic feet per second or 400 miners inches of the waters of South Leigh Creek with date of priority of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XIV of the findings of fact.

22-0616

9. That the plaintiff Prudential Insurance Company of America, a corporation is awarded the right to the use of 8 cubic feet per second or 400 miners inches of the waters of South Leigh Creek with date of priority of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XV of the findings of fact.

TRANS.
40135

10-4-84 *cl*
Not Right map!





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 30, 2000

JAMES WILLIAM BEARD AND LEONA BEARD TRUST
RT 1 BOX 1790
TETONIA ID 83452

RE: CHANGE IN OWNERSHIP FOR A22-00615A, A22-00615C,
A22-00208A

Dear Mr. and Mrs. Beard:

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:

A22-00615A split into:
A22-13143: 4.0 CFS, 170 ACRES, BEARD
A22-13144: 3.4 CFS, 145 ACRES, SMITH

A22-00615C split into:
A22-13145: 0.15 CFS, 10 ACRES, BEARD
A22-13146: 0.15 CFS, 10 ACRES, SMITH

A22-00208A split into:
A22-13147: 3.4 CFS, 170 ACRES, BEARD
A22-13148: 2.9 CFS, 145 ACRES, SMITH

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,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

RECEIVED

JUL 24 2000

Department of Water Resources
Eastern RegionNEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPDATE OF CLOSING: 6/27/00LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deeds

☐ 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)

☒ Water Rights Number(s)
Assigned by IDWR: A22-00615C, A22-00615A, A22-00208A

☒ Name and Address of Former Owner/Claimant(s)(Seller): James William Beard and Leona Beard, Trustees
Route 1, Box 1790
Tetonia, Idaho

☒ New Owner/Claimant (Purchaser): Boyd C. Smith and Jill Johnson Smith, Trustees

☒ New Mailing Address: 301 Coleridge Avenue
Palo Alto, California 94301

☒ New Telephone Number: (650) 493-5411

☒ 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:
That portion of the above referred to water rights which are appurtenant to the
property described on the attached Warranty Deeds is being transferred to the new
owner

☒ Attach proof of ownership, describe proof attached: Copy of Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[x] Signature of New
Owner/Claimant(s)

Boyd C. Smith, Trustee

Date _____

Jill Johnson Smith, Trustee

Date _____

[x] Signature of Former
Owner/Claimant(s)

James W Beard trustee Date 6-20-00
Leona Beard trustee

(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

[x] Signature of New
Owner/Claimant(s)


Boyd C. Smith, Trustee Date 6/20/00


Jill Johnson Smith, Trustee Date 6/20/00

[x] Signature of Former
Owner/Claimant(s)

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

First American Title Company

T-7778

138278

WARRANTY DEED

Instrument # 138278

DRIGGS TETON, IDAHO

2000-06-27

04:03:08

No. of Pages: 4

Recorded for: FIRST AMERICAN

NOLAN G. BOYLE

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

N. Rigby

THIS INDENTURE is made this 20th day of June, 2000, by JAMES WILLIAM BEARD and LEONA BEARD, husband and wife, acting individually, and JAMES WILLIAM BEARD and LEONA BEARD, acting not individually but as Trustees of that certain Declaration of Trust of the Beard Family Trust dated November 22, 1988, the "Grantor", and BIL YARA FARMS, INC., an Idaho corporation, whose mailing address is _____, the "Grantee".

WITNESSETH:

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

Township 6 North, Range 45 East, Boise Meridian, Teton
County, Idaho
Section 36: S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO THE FOLLOWING:

1. Reservation in the State of Idaho Deed recorded December 18, 1958, in Book 77 at Page 533, records of Teton County, Idaho.
2. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and

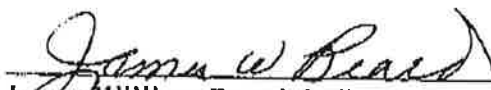
138278

profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

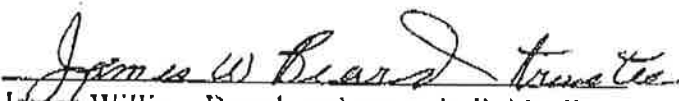
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's successors and assigns, against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

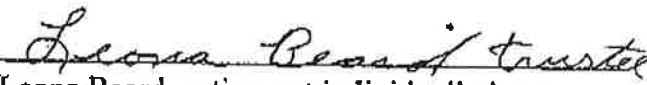
In construing this Warranty Deed and where the context so requires, the singular includes the plural.

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


James William Beard, individually


Leona Beard, individually


James William Beard, acting not individually
but as Trustee of that certain Declaration of
Trust dated November 22, 1988


Leona Beard, acting not individually but as
Trustee of that certain Declaration of Trust
dated November 22, 1988

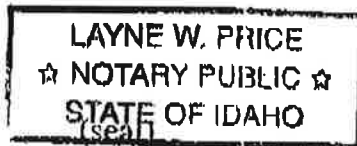
STATE OF IDAHO)

)ss.

County of Teton)

On the 25th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared James William Beard, known or identified 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.



Teton County
My Commission Expires 11-19-2000


Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

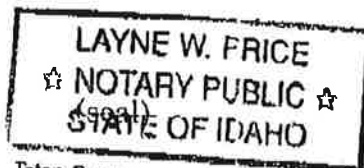
STATE OF IDAHO)

)ss.

County of Teton)

On the 25th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Leona Beard, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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.



Teton County
My Commission Expires 11-19-2000

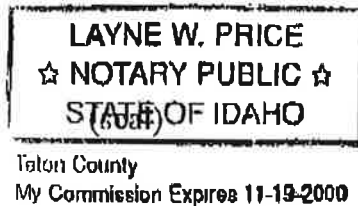

Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

138278

STATE OF IDAHO)
)ss.
County of Teton)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared James William Beard, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of that certain Declaration of Trust dated November 22, 1988, and acknowledged to me that he executed the same as such Trustee.

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

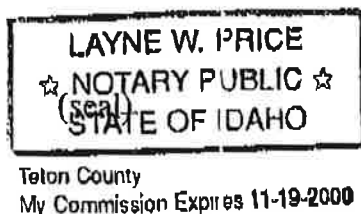



Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

STATE OF IDAHO)
)ss.
County of Teton)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Leona Beard, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of that certain Declaration of Trust dated November 22, 1988, and acknowledged to me that she executed the same as such Trustee.

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 Driggs, Idaho
My Commission Expires: 11-19-2000

138278

T-7778

CORPORATION WARRANTY DEED

THIS INDENTURE is made this 20 day of June, 2000, by BILYARA FARMS, INC., an Idaho corporation, the "Grantor", and BOYD C. SMITH and JILL JOHNSON SMITH, as Trustees of the Boyd Charles Smith and Jill Johnson Smith Trust Agreement dated December 13, 1990, whose mailing address is 301 Coleridge, Palo Alto, California 94301, the "Grantee".

WITNESSETH, that the Grantor having been duly authorized by resolution of its Board of Directors, 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 it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee and to Grantee's successors and assigns forever, all the following described property in the County of Teton, State of Idaho, to-wit:

Township 6 North, Range 45 East, Boise Meridian, Teton
County, Idaho

Section 36: S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO THE FOLLOWING:

1. Reservation in the State of Idaho Deed recorded December 18, 1958, in Book 77 at Page 533, records of Teton County, Idaho.
2. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, 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.

Instrument # 138279

DRIGGS TETON, IDAHO

2000-06-27

04:05:44 No. of Pages: 3

Recorded for : FIRST AMERICAN

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED, CORPORATION WARRANTY

138279

N. Rigby

TO HAVE AND TO HOLD, the above described premises and appurtenances unto the Grantee and to the Grantee's successors and assigns forever. The Grantor shall warrant and defend the premises in the quiet and peaceable possession of the Grantee against the Grantor and the Grantor's successors, 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 deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has set its corporate name by its duly authorized officer.

BILYARA FARMS, INC.

By: 
Robert E. Nelson, President

STATE OF IDAHO)
)ss.
County of Teton)

On the ____ day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Robert E. Nelson, known or identified to me to be the President of Bilyara Farms, Inc., and 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)

Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: _____

C:\Program Files\Qualcomm\Eudora\Attach\bilyara0509 wd.frm

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Santa Clara

} ss.

On

June 20, 2000

Date

before me,

Rosemary C. Duran, notary

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

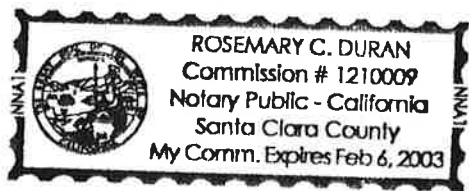
personally appeared

Robert E. Nelson

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Rosemary C. Duran
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Corporation Warranty Deed

Document Date:

6-20-00

Number of Pages:

2

Signer(s) Other Than Named Above:

none

Capacity(ies) Claimed by Signer

Signer's Name:

Robert E. Nelson☒ Individual☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

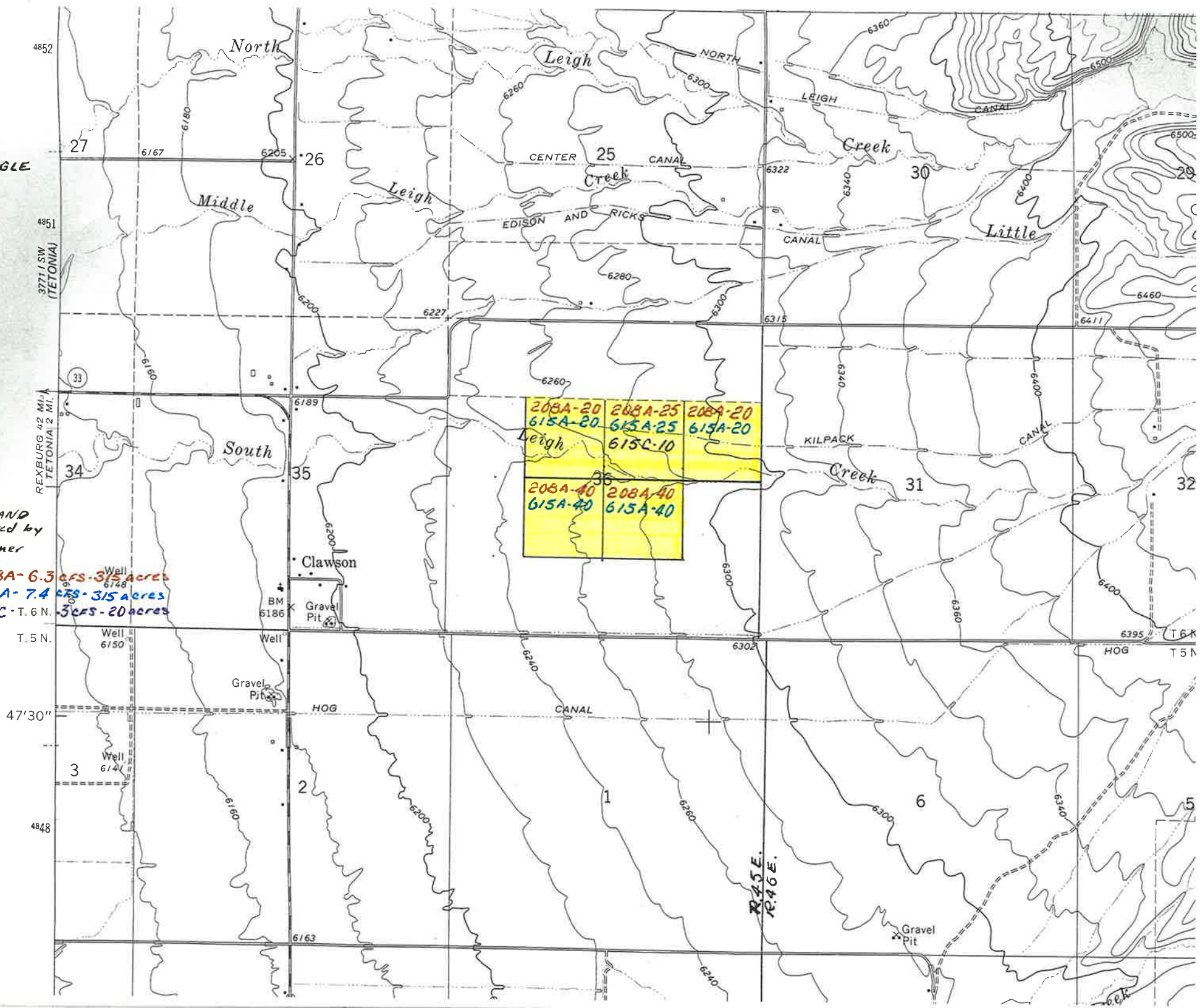
**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

CLAWSON
QUADRANGLE

- LAND
purchased by
new owner

22-00208A- 6.3 cfs- 315 acres
22-00615A- 7.4 cfs- 315 acres
22-00615C- T. 6 N. 3 cfs- 20 acres



Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL CHOMER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUL 24 2000

Department of Water Resources
Eastern Region

July 21, 2000

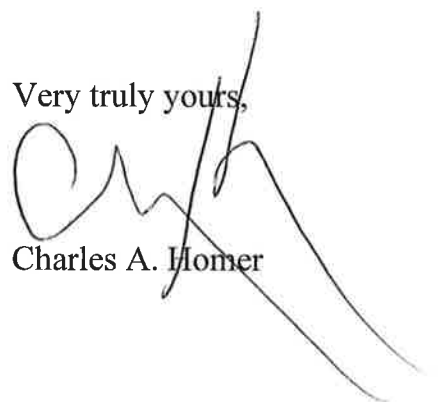
Idaho Department of Water Resources
900 Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: New Property Owner Notice of Change of Water Right Ownership

Gentlemen:

Our office was recently involved in a real estate transaction involving a like-kind exchange wherein the property was originally transferred from James William Beard and Leona Beard, acting individually and as trustees of the Beard Family Trust to Bilyara Farms, Inc. Bilyara Farms, Inc. then transferred the property to Boyd C. Smith and Jill Johnson Smith as trustees of the Boyd Charles Smith and Jill Johnson Smith Trust. Enclosed for your information is a fully executed New Property Owner Notice of Change of Water Right Ownership which has attached thereto a copy of the Corporation Warranty Deed from Bilyara Farms, Inc. to the Boyd Charles Smith and Jill Johnson Smith Trust and a map setting forth the property involved in this transaction. You will note that the Change in Ownership results in a splitting of the water rights. If you need any additional information or documentation from our office on this matter, please contact us at your convenience.

Very truly yours,


Charles A. Homer

Enclosures

G:\WPDATA\CAH\8527\idwr721.ltr.wpd

RECEIVED

JUL 24 2000

Department of Water Resources
Eastern RegionNEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPDATE OF CLOSING: 6/27/00LEGAL DESCRIPTION OF PROPERTY: See attached Warranty Deeds

[] 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: A22-00615C, A22-00615A, A22-00208A

[x] Name and Address of Former
Owner/Claimant(s)(Seller): James William Beard and Leona Beard, Trustees
Route 1, Box 1790
Tetonia, Idaho

[x] New Owner/Claimant
(Purchaser): Boyd C. Smith and Jill Johnson Smith, Trustees

[x] New Mailing Address: 301 Coleridge Avenue
Palo Alto, California 94301

[x] New Telephone Number: (650) 493-5411

[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:

That portion of the above referred to water rights which are appurtenant to the
property described on the attached Warranty Deeds is being transferred to the new
owner

[x] Attach proof of ownership, describe proof attached: Copy of Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim
number. Proof of ownership is not required if this form is signed by the former
owner/claimant.)

[x] Signature of New
Owner/Claimant(s)

Boyd C. Smith, Trustee

Date

Jill Johnson Smith, Trustee

Date

[x] Signature of Former
Owner/Claimant(s)

James W Beard trustee Date 6-20-00
Leona Beard trustee

(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

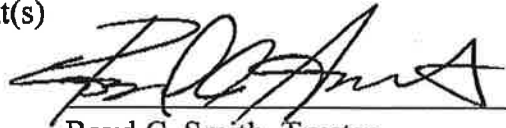
Date: By:

Claim Number of Split, if any:

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

C:\Program Files\Qualcomm\Endora\Attach\beard0509.npo.wpd:jht

[x] Signature of New
Owner/Claimant(s)


Boyd C. Smith, Trustee Date 6/20/00


Jill Johnson Smith, Trustee Date 6/20/00

[x] Signature of Former
Owner/Claimant(s)

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

First American Title Company

T-7778

138278

WARRANTY DEED

Instrument # 138278

DRIGGS TETON, IDAHO

2000-06-27

04:03:08 No. of Pages: 4

Recorded for: FIRST AMERICAN

NOLAN G. BOYLE

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

N. Rigby

THIS INDENTURE is made this 20th day of June, 2000, by JAMES WILLIAM BEARD and LEONA BEARD, husband and wife, acting individually, and JAMES WILLIAM BEARD and LEONA BEARD, acting not individually but as Trustees of that certain Declaration of Trust of the Beard Family Trust dated November 22, 1988, the "Grantor", and BIL YARA FARMS, INC., an Idaho corporation, whose mailing address is _____, the "Grantee".

WITNESSETH:

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

Township 6 North, Range 45 East, Boise Meridian, Teton
County, Idaho
Section 36: S $\frac{1}{2}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO THE FOLLOWING:

1. Reservation in the State of Idaho Deed recorded December 18, 1958, in Book 77 at Page 533, records of Teton County, Idaho.
2. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and

138278

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 successors 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 successors and assigns, against the Grantor and the Grantor's heirs, and against every person whomever 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.

James W. Beard
James William Beard, individually

Leona Beard
Leona Beard, individually

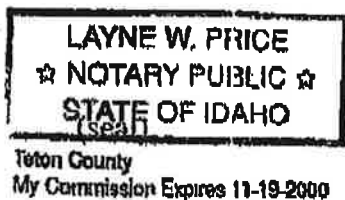
James W. Beard trustee
James William Beard, acting not individually
but as Trustee of that certain Declaration of
Trust dated November 22, 1988

Leona Beard trustee
Leona Beard, acting not individually but as
Trustee of that certain Declaration of Trust
dated November 22, 1988

STATE OF IDAHO)
)ss.
County of Teton)

On the 22nd day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared James William Beard, known or identified 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.

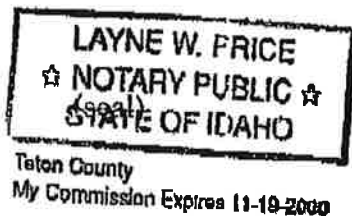


Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

STATE OF IDAHO)
)ss.
County of Teton)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Leona Beard, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she 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 Driggs, Idaho
My Commission Expires: 11-19-2000

138278

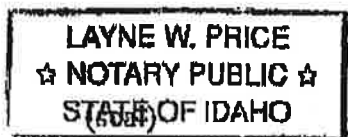
STATE OF IDAHO)

)ss.

County of Teton)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared James William Beard, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of that certain Declaration of Trust dated November 22, 1988, and acknowledged to me that he executed the same as such Trustee.

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



Teton County
My Commission Expires 11-19-2000

Layne W. Price

Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

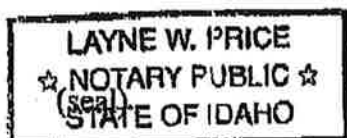
STATE OF IDAHO)

)ss.

County of Teton)

On the 20th day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Leona Beard, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of that certain Declaration of Trust dated November 22, 1988, and acknowledged to me that she executed the same as such Trustee.

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



Teton County
My Commission Expires 11-19-2000

Layne W. Price

Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: 11-19-2000

T-7778

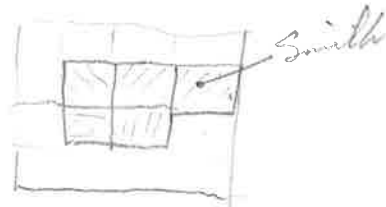
CORPORATION WARRANTY DEED

THIS INDENTURE is made this 20 day of June, 2000, by BILYARA FARMS, INC., an Idaho corporation, the "Grantor", and BOYD C. SMITH and JILL JOHNSON SMITH, as Trustees of the Boyd Charles Smith and Jill Johnson Smith Trust Agreement dated December 13, 1990, whose mailing address is 301 Coleridge, Palo Alto, California 94301, the "Grantee".

WITNESSETH, that the Grantor having been duly authorized by resolution of its Board of Directors, 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 it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee and to Grantee's successors and assigns forever, all the following described property in the County of Teton, State of Idaho, to-wit:

Township 6 North, Range 45 East, Boise Meridian, Teton County, Idaho

Section 36: S $\frac{1}{2}$ NE $\frac{1}{4}$ ~
SE $\frac{1}{4}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$



SUBJECT TO THE FOLLOWING:

1. Reservation in the State of Idaho Deed recorded December 18, 1958, in Book 77 at Page 533, records of Teton County, Idaho.
2. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, 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.

Instrument # 138279

DRIGGS TETON, IDAHO

2000-06-27

04:05:44 No. of Pages: 3

Recorded for: FIRST AMERICAN

NOLAN G. BOYLE

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED, CORPORATION WARRANTY

138279

D. Ragley

TO HAVE AND TO HOLD, the above described premises and appurtenances unto the Grantee and to the Grantee's successors and assigns forever. The Grantor shall warrant and defend the premises in the quiet and peaceable possession of the Grantee against the Grantor and the Grantor's successors, 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 deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has set its corporate name by its duly authorized officer.

BILYARA FARMS, INC.

By: 
Robert E. Nelson, President

STATE OF IDAHO)
)ss.
County of Teton)

On the ____ day of June, 2000, before me, the undersigned, a notary public in and for said State, personally appeared Robert E. Nelson, known or identified to me to be the President of Bilyara Farms, Inc., and 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)

Notary Public for Idaho
Residing at Driggs, Idaho
My Commission Expires: _____

C:\Program Files\Qualcomm\Eudora\Attach\bilyara0509.wd.frm

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Santa Clara

} ss.

On June 20, 2000, before me,

Date

Rosemary C. Duran, notary

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

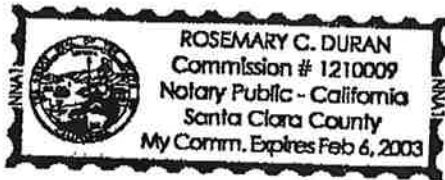
personally appeared

Robert E. Nelson

Name(s) of Signer(s)

☒ personally known to me☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Corporation Warranty Deed

Document Date:

10-20-00

Number of Pages:

2

Signer(s) Other Than Named Above:

none

Capacity(ies) Claimed by Signer

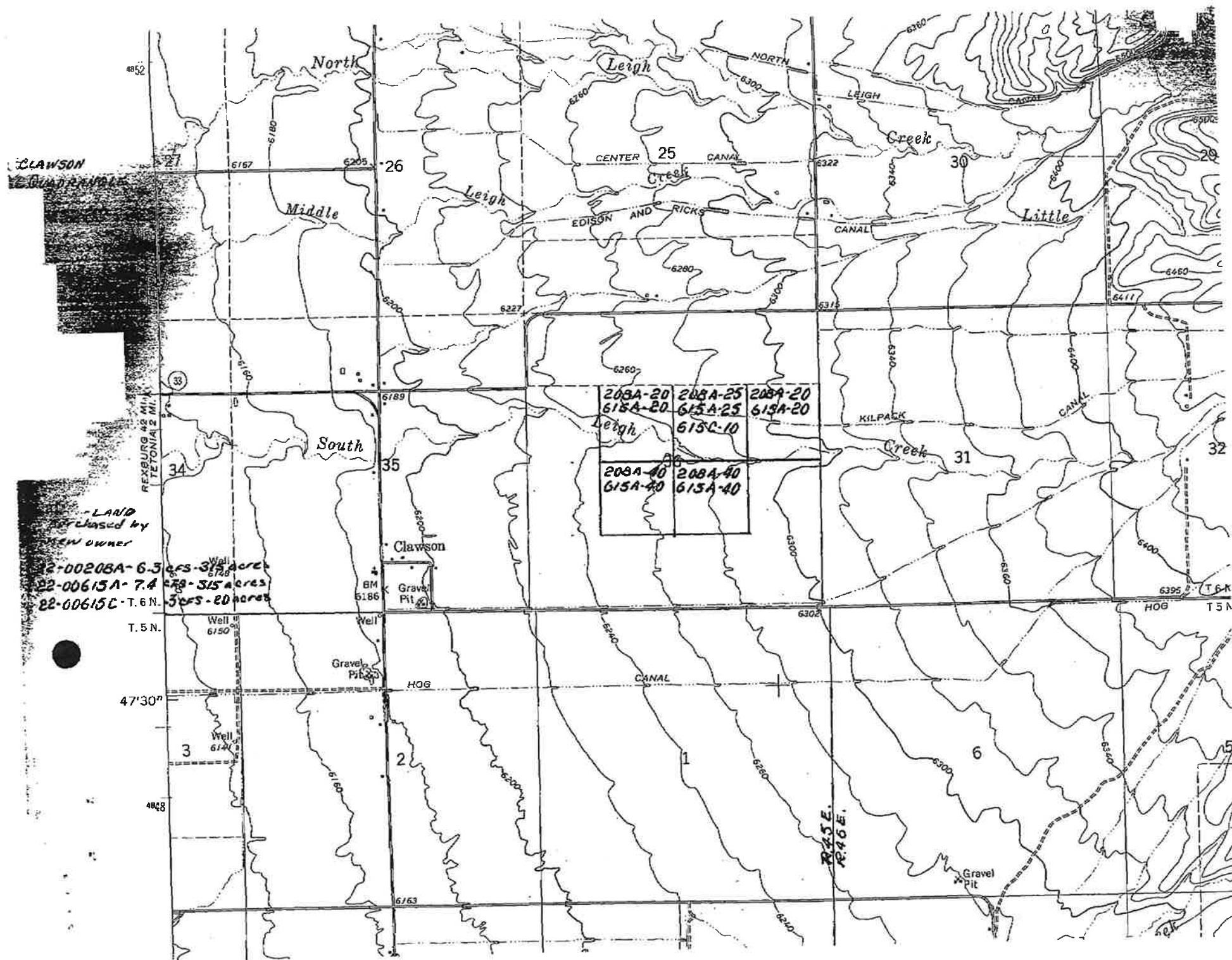
Signer's Name:

Robert E. Nelson

☒ Individual☐ Corporate Officer — Title(s):☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other:

Signer Is Representing:

 RIGHT THUMBPRINT
OF SIGNER
Top of thumb here



Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK BUILDING
330 SHOUF AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL CHOMER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

JUL 24 2000

Department of Water Resources
Eastern Region

July 21, 2000

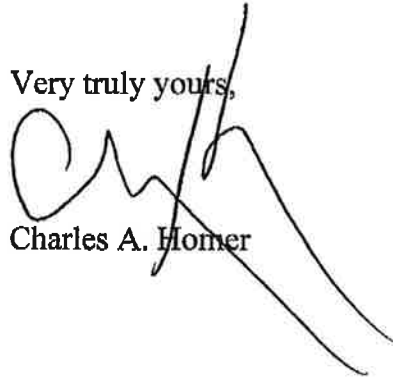
Idaho Department of Water Resources
900 Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: New Property Owner Notice of Change of Water Right Ownership

Gentlemen:

Our office was recently involved in a real estate transaction involving a like-kind exchange wherein the property was originally transferred from James William Beard and Leona Beard, acting individually and as trustees of the Beard Family Trust to Bilyara Farms, Inc. Bilyara Farms, Inc. then transferred the property to Boyd C. Smith and Jill Johnson Smith as trustees of the Boyd Charles Smith and Jill Johnson Smith Trust. Enclosed for your information is a fully executed New Property Owner Notice of Change of Water Right Ownership which has attached thereto a copy of the Corporation Warranty Deed from Bilyara Farms, Inc. to the Boyd Charles Smith and Jill Johnson Smith Trust and a map setting forth the property involved in this transaction. You will note that the Change in Ownership results in a splitting of the water rights. If you need any additional information or documentation from our office on this matter, please contact us at your convenience.

Very truly yours,


Charles A. Homer

Enclosures

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 22-13143
Date Received: 11/22/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JAMES WILLIAM BEARD AND LEONA BEARD TRUST Phone:

RT 1 BOX 1790
TETONIA ID USA 83452

2. Date of Priority: 01/22/1916

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06N	46E	32	NW SE	TETON
06N	46E	32	SE NW	TETON

5. Description of diverting works:

2 HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	4	

3.6

7. Total Quantity Appropriated is:
4 C.F.S.

8. Total consumptive use:

From 615A

9. Non-irrigation uses:

A2213143



10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	36	NE	SE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	20
			SW	NW	IRRIGATION	20
			NW	SW	IRRIGATION	10
			NW	NE	IRRIGATION	40
Section Acres						170
Total Acres						170

V. ROSEN

130

130

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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A2213143



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Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	20
			SW	NW		IRRIGATION	20
			NW	SW		IRRIGATION	10
			NW	NE		IRRIGATION	40
						Section Acres	170
						Total Acres	170

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed