

RECEIVED

JAN 26 2021

DEPARTMENT OF
WATER RESOURCES

DE ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
63-10517	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: RALPH SMEED
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): AT CALDWELL II, LP
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
12709 E. MIRABEAU PARKWAY, STE. 10 SPOKANE VALLEY WA 99216
Mailing address City State ZIP
509-863-1544 TIM@ATINDUSTRIALCO.COM
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Manager 1.25.2021
Signature of new owner/claimant Title, if applicable Date

Signature: _____ _____ _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by ku Date 1.26.21 Receipt No. C109851 Receipt Amt. \$ 25

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing [initials] W-9 received? Yes ☐ No ☒

Name on W-9 _____ Approved by _____ Processed by [initials] Date 7/6/21

2021-004375	
RECORDED	
01/19/2021 04:18 PM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=2 SCARDENAS	\$15.00
TYPE: DEED	
STEWART TITLE - MERIDIAN OFFICE	
ELECTRONICALLY RECORDED	

835525

WATER RIGHTS QUITCLAIM DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, BRETT R. ORTLAND, a married man as his sole and separate property ("Grantor"), does hereby quitclaim, convey and release unto AT CALDWELL II, LP, a Delaware limited partnership ("Grantee"), and to Grantee's heirs, successors and assigns forever, all of Grantor's interest, right, title, in and to the following described water right:

Water Right No. 63-10517 (the "Water Right").

The Water Right is associated with that certain property legally described as:

A part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence South 89° 01'10" West 575.76 feet along the South line of said Northeast Quarter of the Southwest Quarter to the East corner of Tract 15 in the plat of PARKS ORCHARD TRACTS; thence North 35° 15' East 382.39 feet along the Southeasterly line of Tract 15 of said PARKS ORCHARD TRACTS; thence North 89° 29'36" East 355.50 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter; thence South 0° 06'40" West 305.5 feet along the said East line to the TRUE POINT OF BEGINNING.

TAX PARCEL NUMBER: 35302000 0

TO HAVE AND TO HOLD, all and singular the above-mentioned and described interest in *Water Right No. 63-10517*, unto the Grantee and to the successors and assigns, forever.

[signature and notary page follow]

IN WITNESS WHEREOF, this Water Rights Quitclaim Deed has been duly executed by Grantor on this 15 day of January, 2021.

GRANTOR:

Brett R. Ortland
Brett R. Ortland

State of Idaho
County of Ada

On this 15th day of January, 2021, before me, the undersigned, a notary public for the State of Idaho, personally appeared Brett R. Ortland, known to me to be the person named in the foregoing instrument, and acknowledged to me that he/she executed the same as his/her free act and deed, for the uses and purposes therein mentioned.

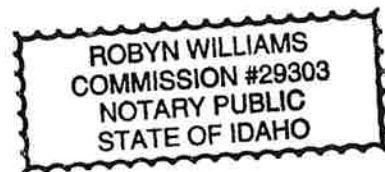
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in the certificate first above written.

Robyn Williams
Signature of Notary Public

Robyn Williams
Printed Name of Notary Public

Commission Expiration Date: 3-24-22

(Seal)



Residing in Boise, ID
Expiration Date 03/24/2022

Filed at the Request of:

LUKINS & ANNIS, P.S.
717 W. Sprague Ave, Suite 1600
Spokane, WA 99201
Attention: Brady M. Peterson, Esq.

2021-004374

RECORDED

01/19/2021 04:18 PM

CHRIS YAMAMOTO
CANYON COUNTY RECORDER

Pgs=4 SCARDENAS \$15.00

TYPE: DEED

STEWART TITLE - MERIDIAN OFFICE
ELECTRONICALLY RECORDED

GRANTOR: BRETT R. ORTLAND, a married man as his sole and separate property
GRANTEE: AT CALDWELL II, LP, a Delaware limited partnership
APN(s): RP35302000 0
ABBREVIATED LEGAL: 25-4N-3W SW TX 95376 IN NESW

835525

WARRANTY DEED

FOR VALUE RECEIVED, BRETT R. ORTLAND, a married man as his sole and separate property ("Grantor") whose address is [2018 S. Smeed Parkway, Caldwell, Idaho 83605], does hereby grant, bargain, sell, and convey unto AT CALDWELL II, LP, a Delaware limited partnership, whose address is 12709 E. Mirabeau Parkway, Suite 10, Spokane Valley, Washington 99216, that certain real property located in Canyon County, Idaho, together with all improvements thereon and appurtenances thereto, which is more particularly described on the attached Exhibit A.

SUBJECT ONLY TO the exceptions set forth on Exhibit B.

[signature and acknowledgment page follows]

Dated this 15 day of January, 2021.

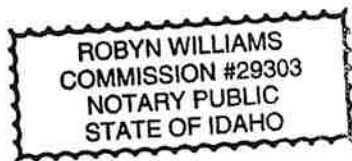
GRANTOR:

Brett R. Ortlund
BRETT R. ORTLAND

STATE OF Idaho)
County of Ada) : ss

This record was acknowledged before me on this 15th day of January, 2021, by
BRETT R. ORTLAND.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first
above written.



Notary Public for the State of ID (Signature)
Robyn Williams (Print Name)
My commission expires: July 22

Exhibit A
To
Deed

LEGAL DESCRIPTION OF REAL PROPERTY

A part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence South 89° 01'10" West 575.76 feet along the South line of said Northeast Quarter of the Southwest Quarter to the East corner of Tract 15 in the plat of PARKS ORCHARD TRACTS; thence North 35° 15' East 382.39 feet along the Southeasterly line of Tract 15 of said PARKS ORCHARD TRACTS; thence North 89° 29'36" East 355.50 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter; thence South 0° 06'40" West 305.5 feet along the said East line to the TRUE POINT OF BEGINNING.

Exhibit B
To
Deed

Exceptions

- 1- Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States as granted to the United States under provision of Section 58-604, Idaho Code 1947.
- 2- Idaho Power Company Power Line Easement including terms and conditions thereof as recorded in Instrument No. 9507530.
- 3- Matters shown or disclosed by Record of Survey, made by The Land Group, dated July 29, 2020, Project No. 120102.
- 4- Ordinance No. 99-008 including terms and conditions thereof as recorded in Instrument No. 9944393.
- 5- Ordinance No. 2457 including terms and conditions thereof as recorded in Instrument No. 200502301.
- 6- Boundary Line Agreement including terms and conditions thereof as recorded in Instrument No. 200649174.
- 7- Utility License Agreement including terms and conditions thereof as recorded in Instrument No. 2008064656.
- 8- License Agreement including terms and conditions thereof as recorded in Instrument No. 2017-000780.
- 9- General Property taxes for the current year, a lien, not yet due and payable from and after the date of conveyance.
- 10- Liens and Assessments of the Pioneer Irrigation District, and the rights, powers and easements of said District as by law provided from and after the date of conveyance.

2021-004373

RECORDED

01/19/2021 04:18 PM

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=2 SCARDENAS

\$15.00

TYPE: DEED

STEWART TITLE - MERIDIAN OFFICE

ELECTRONICALLY RECORDED

835525

QUITCLAIM DEED

THIS INDENTURE, made this 15th of January, 2021, between Melissa J. Ortland, also known as Melissa J. Cravens, spouse of Brett R. Ortland, as GRANTOR(S) and Brett R. Ortland, a married man as his sole and separate property, AS GRANTEE(S)

Whose address is 2018 Smead Pkwy, Caldwell, Idaho, 83605

WITNESS that said Grantor(s), for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee(s) and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to wit:

A part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence South 89° 01' 10" West 575.76 feet along the South line of said Northeast Quarter of the Southwest Quarter to the East corner of Tract 15 in the plat of PARKS ORCHARD TRACTS; thence North 35° 15' East 382.39 feet along the Southeasterly line of Tract 15 of said PARKS ORCHARD TRACTS; thence North 89° 29' 36" East 355.50 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter; thence South 0° 06' 40" West 305.5 feet along the said East line to the TRUE POINT OF BEGINNING.

Parcel Number: 35302000 0

TOGETHER with all and singular the tenements, hereditament and appurtenances, thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, the grantor(s) has/have executed this deed on the date set forth above.

Melissa J. Ortland

Melissa J. Ortland

State of Idaho) SS.

County of Ada)

On this 5th day of January, 2020, personally appeared before me, a notary public in and for said State of Idaho, Melissa J. Ortland, personally known to me or proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she subscribed her own name.

Robyn Williams
Notary Public

Resides in: Boise, ID

Commission Expires: 3/24/22

ROBYN WILLIAMS
COMMISSION #29303
NOTARY PUBLIC
STATE OF IDAHO

Residing in Boise, ID
Expiration Date 03/24/2022



610 South Kimball Avenue/Caldwell
83605/(208) 459-1631

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

2011035974
RECORDED
2011 Sep 12 PM 2 29
CHRIS YAMAMOTO
CANYON CNTY RECORDER
BY J. Crane
Requestor Pioneer Title Canyon - Ca
Type DEED
Fee \$13.00
ELECTRONICALLY RECORDED BY SIMPLIFILE

201105505

QUITCLAIM DEED

For Value Received

Melissa J. Cravens, spouse of the grantee

do(es) hereby convey, release, remise and forever quit claim unto

Brett R. Ortland, a married man as his sole and separate property

whose address is 2018 S. Smeed Pkwy Caldwell, ID 83605

the following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof by reference.

together with their appurtenances.

Dated: September 7, 2011



Melissa J. Cravens

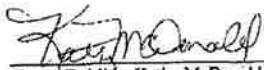
State of Idaho

ss.

County of Canyon

On this 7th day of September, 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Melissa J. Cravens known to me, and/or identified to me on the basis of satisfactory evidence, to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL



Notary Public Kathy McDonald
Residing at: Caldwell
Commission Expires: 5/27/11

(SEAL)



File No. 201105505

EXHIBIT A

A part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence

South 89° 01' 10" West 575.76 feet along the South line of said Northeast Quarter of the Southwest Quarter to the East corner of Tract 15 in the plat of PARKS ORCHARD TRACTS; thence

North 35° 15' East 382.39 feet along the Southeasterly line of Tract 15 of said PARKS ORCHARD TRACTS;
thence

North 89° 29' 36" East 355.50 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter;
thence

South 0° 06' 40" West 305.5 feet along the said East line to the TRUE POINT OF BEGINNING.

6 9832385
PC26574

QUITCLAIM DEED

FOR VALUE RECEIVED Laura Ortland, spouse of the Grantee herein
does hereby convey, release, remise and forever quit claim
unto Brett R. Ortland

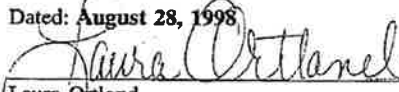
whose address is 4421 E. Linden, Caldwell, ID 83605

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised
of one (1) page.

together with their appurtenances.

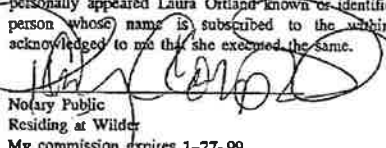
Dated: August 28, 1998


Laura Ortland

STATE OF IDAHO

COUNTY OF CANYON

On this 28th day of August in the year 1998, before me, a Notary Public,
personally appeared Laura Ortland 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.


Notary Public
Residing at Wilder
My commission expires 1-27-99



PC 26574

Exhibit "A"

A part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence

South 89° 01' 10" West 575.76 feet along the South line of said Northeast Quarter of the Southwest Quarter to the East corner of Tract 15 in the plat of PARKS ORCHARD TRACTS; thence

North 35° 15' East 382.39 feet along the Southeasterly line of Tract 15 of said PARKS ORCHARD TRACTS; thence

North 89° 29' 36" East 355.50 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter; thence

South 0° 06' 40" West 305.5 feet along the said East line to the TRUE POINT OF BEGINNING.

PIONEER - CALDWELL
TYPE *Deed* FEB 6 00

BY *J. M. Farmer*
CANYON COUNTY RECORDER

NED J. KERR

98 AUG 28 PM 4 52

RECORDED

9832385

PC26574

WARRANTY DEED

FOR VALUE RECEIVED William B. Hacker and Jamie M. Hacker,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Brett R. Ortland, a married
person dealing with his sole and separate property

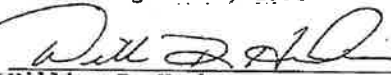
the Grantee, whose address is 4421 E. Linden St., Caldwell, ID, 83605

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part
hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1998 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from
all lawful claims whatsoever.

DATED: August 24, 1998

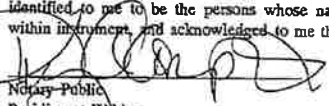

William B. Hacker


Jamie M. Hacker

STATE OF IDAHO

COUNTY OF CANYON

On this 28th day of August in the year 1998, before me, a Notary Public,
personally appeared William B. Hacker and Jamie M. Hacker known and
identified to me to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Wilder
My commission expires 1-27-99



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
Nampa, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PC 26574

Exhibit "A"

A part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Southeast Corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence

South 89° 01' 10" West 575.76 feet along the South line of said Northeast Quarter of the Southwest Quarter to the East corner of Tract 15 in the plat of PARKS ORCHARD TRACTS; thence

North 35° 15' East 382.39 feet along the Southeasterly line of Tract 15 of said PARKS ORCHARD TRACTS; thence

North 89° 29' 36" East 355.50 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter; thence

South 0° 06' 40" West 305.5 feet along the said East line to the TRUE POINT OF BEGINNING.

RECEIVED
TYPE Deed FEE 6.00
PIONEER — CALDWELL

CANYON COUNTY RECORDER
BY J. McKinnis

98 AUG 28 PM 4 51

RECORDED

9832384

①

9515465

W.H.

PC12740

WARRANTY DEED

FOR VALUE RECEIVED Bobby M. Smith, also known as Bobbie M. Smith, a widow

the Grantor, does hereby grant, bargain, sell and convey unto William B. Hacker and Jamie M. Hacker, husband and wife

the Grantees, whose address is 4421 E. Linden St., Caldwell, ID, 83605

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 1995 and subsequent years, covenants, conditions, restrictions and easements of record; and that she will warrant and defend the same from all lawful claims whatsoever.

DATED: June 12, 1995

Bobby M. Smith
Bobby M. Smith

STATE OF IDAHO

COUNTY OF CANYON

On this 13th day of June in the year 1995, before me, a Notary Public, personally appeared Bobby M. Smith 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.

Carrie Evans
Notary Public

Residing at Caldwell

My commission expires 8/17/96



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

PC 12740

Exhibit "A"

A part of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 25, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, the TRUE POINT OF BEGINNING; thence

South 89° 01' 10" West 575.76 feet along the South line of said Northeast Quarter of the Southwest Quarter to the East corner of Tract 15 in the plat of PARKS ORCHARD TRACTS; thence

North 35° 16' East 382.39 feet along the Southeasterly line of Tract 15 of said PARKS ORCHARD TRACTS; thence

North 89° 29' 36" East 355.50 feet to a point on the East line of the Northeast Quarter of the Southwest Quarter; thence

South 0° 06' 40" West 305.5 feet along the said East line to the TRUE POINT OF BEGINNING.

SUBJECT TO a road right of way on the East 40 feet.

B m S

9515465

RECORDED

95 JUN 14 PM 4 19

CANYON COUNTY RECORDER

U Chas

PIONEER — CALDWELL

REQUEST

TYPE *Deed* FEE *6.00*

9416936

KENNETH D. ROBERTS
ATTORNEY AT LAW
111 EAST LOGAN ST.
CALDWELL, IDAHO 83605
TELEPHONE (208) 454-2531
ATTORNEY FOR PETITIONER

FILED 9:25 A.M. P.M.
JUN 03 1994
NED J. KERR, CLERK <i>CDJC</i> DEPUTY CLERK

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON
* * *

In the matter of the Estate of:	)	CASE NO. SP-94-01013
GILBERT RAYMOND SMITH,	)	
Deceased.	)	DECREE VESTING ESTATE IN SURVIVING SPOUSE

Upon consideration of the Petition for Summary Administration of Estate in which surviving spouse is sole beneficiary filed by Bobby M. Smith, on May 12, 1994, the Court finds that:

1. The facts set forth in the petition are true.
2. The required notice has been given.
3. The decedent, Gilbert Raymond Smith, died on April 28, 1994, and was domiciled in Canyon County, State of Idaho.
4. Venue is proper.
5. The decedent and Bobby M. Smith were duly married at Tulare, California, on December 30, 1946, and remained married until the date of decedent's death.
6. The names and addresses of the children, and heirs of the

DECREE VESTING ESTATE IN SURVIVING SPOUSE - 1

decedent are:

the spouse of the decedent: Bobby M. Smith; the children of the decedent: David Smith, 3708 Idaho Ave., Caldwell, Idaho; Jim Smith, 621 Helen Lane, Caldwell, Idaho; Marian Crisci, 4421 E. Linden, Caldwell, Idaho; Darryl Smith, 23417 Freezeout Road, Caldwell, Idaho 83605.

7. The decedent died testate.. The Will was validly executed and is the last Will of the decedent.

8. The schedule of property attached to this Decree is a full and complete inventory of the property owned by the decedent and properly characterizes the property as community or separate property.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows: a. Bobby M. Smith is the surviving spouse of the decedent and is the sole heir or devisee of the decedent.

B. The property of decedent described on the schedule attached to this Decree together with all the rest and residue of the estate of the deceased of whatever nature, wheresoever situated and however held, is hereby vested in, absolutely conveyed to and distributed to Bobby M. Smith free and clear of all right, title, claim or demand of any person or persons claiming or attempting to claim under the estate of the decedent as heir, devisee, or otherwise, except as a proper creditor.

C. The surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the estate of the decedent.

D. There shall be no administration of the estate of the decedent.

DATED This 3^d day of June, 1994.

James C. Morfitt
Magistrate

EXHIBIT "A"

Description:

A part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 25, Township 4 North, Range 3 West of the Boise Meridian, more particularly described to wit:

COMMENCING at the southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 25, Township 4 North, Range 3 West of the Boise Meridian, the INITIAL POINT of this description; thence South 89°01'10" West 575.76 feet, along the South line of the said Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), to the East corner on the South line of Tract 15, in the Plat of Parks Orchard Tracts; thence North 35°16' East 852.33 feet, along the Southeasterly line of tracts 15, 16 and 17 of said Parks Orchard Tracts, to the East corner on the south line of Tract 1 of said Parks Orchard Tracts; thence North 54°35' East 104.31 feet, along the Southeasterly line of said Tract 1, to the South corner on the East line of said Tract 1, said corner also being a point on the East line of the said Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); thence South 0°06'40" West 746.50 feet, along the said East line to the INITIAL POINT of this description.

9416936

RECORDED

'94 JUN 3 AM 9 28

REG. CLERK
CANYON CNTY RECORDER

BY *U. Chang*

RECEIVED *Cassey Robinson*
TYPE *Helene* FEE *18.00*

State of Idaho

County of Canyon

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

June 3, 1994
NED *HEKK* Clerk of the District Court
and Ex-Officio Recorder

By *Chang*
- 4 - Deputy

DECREE VESTING ESTATE IN SURVIVING SPOUSE

INSTRUMENT NO 805535

WARRANTY DEED

21-3085

For Value Received **ROBERT W. HUGHES and MARY A. HUGHES,**
husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
RAYMOND G. SMITH and BOBBIE M. SMITH, husband and wife,
Address: Route 3, Caldwell, Idaho, 83605,
the grantees, the following described premises, to-wit:

The real property described in Exhibit "A" attached
hereto and made a part hereof.

Subject to right of way for roads, ditches and laterals and
Old Caldwell Ditch.

Subject to Road Easement recorded as Document No. 760355,
and re-recorded as Document No. 761406, records of Canyon
County, Idaho.

Subject to that certain deed of trust to the benefit of
Provident Federal Savings and Loan Association, which
deed of trust the Grantees have assumed and agreed to
pay in full.

Subject to all taxes and assessments for the year 1977
and all subsequent years.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee **s,**
their heirs and assigns forever. And the said Grantor **s** do hereby covenant to and
with the said Grantee **s**, that **the y** are the owners in fee simple of said premises; that said
premises are free from all incumbrances

and that **t he y** will warrant and defend the same from all lawful claims whatsoever.
Dated: **June 22, 1977**

Robert W. Hughes
Mary A. Hughes

STATE OF IDAHO, COUNTY OF CANYON: ss.
On this **22** day of **June**, 19**77**,
before me a Notary Public in and for said State, personally
appeared **ROBERT W. HUGHES and MARY**
A. HUGHES, husband and wife,

known to me to be the person **s** whose names are
subscribed to the within instrument, and acknowledged to
me that **they** executed the same

Residing at **Nampa**
Comm. Expires **3-6-78**

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock in.,
this _____ day of _____
in _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By: **NOT ON READING UNIT** Deputy.
Fees \$ **200.00**
Mail to: **200.00**

INSTRUMENT NO.

EXHIBIT "A"

A part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 25, Township 4 North, Range 3 West of the Boise Meridian, more particularly described to wit:

COMMENCING at the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 25, Township 4 North, Range 3 West of the Boise Meridian, the INITIAL POINT of this description; thence South 89°01'10" West 575.76 feet, along the South line of the said Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), to the East corner on the South line of Tract 15, in the Plat of Parks Orchard Tracts; thence North 35°16' East 852.33 feet, along the Southeasterly line of tracts 15, 16 and 17 of said Parks Orchard Tracts, to the East corner on the South line of Tract 1 of said Parks Orchard Tracts; thence North 54°35' East 104.31 feet, along the Southeasterly line of said Tract 1, to the South corner on the East line of said Tract 1, said corner also being a point on the East line of the said Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); thence South 0°06'40" West 746.50 feet, along the said East line to the INITIAL POINT of this description, all in Canyon County, Idaho.

805535

FILED

JUL 14 11 17 AM '77

WALTER FRY
CLERK
CANYON COUNTY RECORDER

TO BE OPENED
AT THE REQUEST OF

WALAPA LAND TITLE CO.

FILED 200

GRANTOR

Raymond, Robert. W.

John

GRANTEE

Smith, Raymond &

John

RETURN TO

Doel

COUNTER

95975 (2) INSTRUMENT NO. - 761407

WARRANTY DEED

For Value Received **RICHARD E. WATTS and LUETTA F. WATTS,**
husband and wife,

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

ROBERT W. HUGHES and MARY A. HUGHES, husband and wife,
Address: Route 3, East Linden, Caldwell, Idaho, 83605,

the grantee s, the following described premises, to-wit:

A part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Township 4 North, Range 3 West of the Boise Meridian, more particularly described to wit: Commencing at the Southeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Township 4 North, Range 3 West of the Boise Meridian, the INITIAL POINT of this description; thence South $89^{\circ} 01' 10''$ West 575.76 feet, along the South line of the said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, to the East corner on the South line of tract 15 in the plat of Parks Orchard Tracts; thence North $35^{\circ} 16'$ East 352.33 feet, along the Southeasterly line of tracts 15, 16 and 17 of said Parks Orchard Tracts, to the East corner on the South line of Tract 1 of said Parks Orchard Tracts; thence North $54^{\circ} 35'$ East 164.31 feet, along the Southeasterly line of said Tract 1, to the South corner on the East line of said Tract 1, said corner also being a point on the East line of the said Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$; thence South $0^{\circ} 06' 40''$ West 745.50 feet, along the said East line to the INITIAL POINT of this description. This tract contains 5.27 acres, more or less, and is subject to a road right of way on the East 40 feet and to all other existing rights of way.

Together with an easement appurtenant to the above described real property which easement is recorded as Instrument No. 761406 records of Canyon County, Idaho, and which easement is by reference thereto made a part hereof as though set forth in full herein.

Subject to any U. S. patent restrictions and any easements or rights of way of record or of usage.

Subject to any and all taxes and assessments for the year 1975 and all subsequent years.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that t he y are the owner s in fee simple of said premises; that said
premises are free from all incumbrances

and that t he y will warrant and defend the same from all lawful claims whatsoever.
Dated: October 7, 1975

Richard E. Watts
Richard E. WATTS

Luetta F. Watts
Luetta F. WATTS

STATE OF IDAHO, COUNTY OF CANYON: ss.

On this 22 day of October, 1975,
before me, a notary public in and for said State, personally
appeared **RICHARD E. WATTS and**
LUETTA F. WATTS, husband and
wife,

known to me to be the person s who se names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Residing at Nampa, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____
Fees \$ _____
Mail to: Provident Federal Savings and Loan Association
1118 Avenue So. & 3rd Street So.
Nampa, Idaho 83605 P. O. Box 278

INSTRUMENT NO.

4-114210

761407

FILED

NOV 10 1 44 PM '75

WALTER FRY
CANYON COUNTY RECORDER

BY V. Chavez

RECORDED
AT THE REQUEST OF

CANYON ABSTRACT & TITLE CO.
IN

OF
Deeds
\$ 1.00

Watts, Richard E.
to et ux
Hughes, Robert W.
et ux
Deed

Prov. Fed. Sav.
P.O. Box 278
Tampa

INSTRUMENT NO 759394

THIS INDENTURE, Made this third day of August
in the year of our Lord one thousand nine hundred and sixty six , between

Mrs. Millie E. Davidson

of Caldwell , County of Canyon , State of Idaho

the party of the first part, and

Richard F. Watts and Luetta F. Watts - Husband and Wife

of Caldwell , County of Canyon , State of Idaho

the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

Ten dollars and other valuable consideration DOLLARS,
lawful money of the United States of America,

to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do ~~re~~ grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in , County of Canyon , State of Idaho, to-wit:

All that part of the Northeast quarter of the Southwest quarter of Section 25, Township 4 North, Range 3 West of the Boise Meridian in Canyon County Idaho which lies South and East of the OLD CALDWELL DITCH and containing five acres more or less.

Together with all water rights and all ditch rights thereunto belonging or in anywise appertaining.

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

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Lillie E. Davidson [Seal]

[Seal]

[Seal]

[Seal]

STATE OF IDAHO,

COUNTY OF Canyon

On this 10th

day of August

in the year 19 66, before me

, a Notary Public

the undersigned

in and for said State, personally appeared

Lillie E. Davidson

known 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.

Herbert A. Brockman

Notary Public for the State of Idaho,
Residing at Caldwell, Idaho.



759394

FILED

OCT 7 1 15 PM '75

WALTER FRY

CANYON COUNTY RECORDER
BY L. E. Davidson

RECORDED
AT THE REQUEST OF

CANYON ABSTRACT & TITLE CO.
IN

OF
Deeds
#200

Davidson, Lillie E.

to

Walter, Richard E.
et ux

W.D.

Canyon Abstract

INSTRUMENT NO. 583862

THIS INDENTURE, Made this 25th day of April

in the year of our Lord one thousand nine hundred and Sixty-six, between

ROY DAVIDSON, husband of Lillie E. Davidson

of Caldwell, County of Canyon, State of Idaho

the part y of the first part, and

LILLIE E. DAVIDSON, wife of Roy Davidson

of Caldwell, County of Canyon, State of Idaho

the part y of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of

One and no/100 ----- DOLLARS,
 lawful money of the United States of America, and love and affection
 to him in hand paid by the said
 part y of the second part, the receipt whereof is hereby acknowledged, he a granted, bargained
 and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part y
 of the second part, and to her heirs and assigns forever, all of the following described real estate,
 situated in _____, County of Canyon, State of Idaho, to-wit:

All that part of the Northeast Quarter of the Southwest
 Quarter of Section 25, Township 4 North, Range 3 West
 of the Boise Meridian, in Canyon County, Idaho, which
 lies South and East of the "Old Caldwell Ditch", containing
 5 Acres, more or less.

Together with all water and ditch rights thereunto belongg
 or in anywise appertaining.

The consideration for this conveyance is less than \$100.00.

TO HAVE AND TO HOLD, as and for the sole and separate property
 of the party of the second part and as and for her separate use
 and benefit all and singular the said premises, together with the
 rents, issues, profits and appurtenances thereto, unto the said
 party of the second part, her heirs and assigns forever, so that
 the same may be held by her as her sole and separate property and
 not in any respect as community property



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

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

IN WITNESS WHEREOF, The said part y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Roy Davidson [Seal]
_____[Seal]
_____[Seal]
_____[Seal]
_____[Seal]

STATE OF IDAHO,

COUNTY OF Canyon

ss.

On this 25th day of April in the year 19 66, before me the undersigned, a Notary Public

in and for said State, personally appeared

Roy Davidson, husband of Lillie Davidson

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Lila M. McMillan
Notary Public for the State of Idaho,
Residing at Nampa, Idaho.

No. 583862

WARRANTY DEED

Roy Davidson

- TO -

Lillie E. Davidson

Dated _____, 19____

STATE OF IDAHO,

COUNTY OF Canyon

ss.

I hereby certify that this instrument was filed

for record at request of

Lillie E. Davidson

at 48 minutes past

o'clock A. M. this 11 day

of July, A. D. 1966

in my office and duly recorded in Book 308

of Budo at page 430

By *E. S. FOOTE* Ex-Officio Recorder.

Larsona Kaye Deputy.

Fees \$ 1.80

Mailed to *419 Terrace*

Calderwell

CANYON PRINTING, CLARK, IDAHO.

753

Instrument No. 34550

THIS INDENTURE, Made this 16th day of June in the year of our Lord one thousand nine hundred and forty-seven, between Arthur E. Corning and Alma May Corning, of Caldwell, County of Canyon, State of Idaho the parties of the first part, and Roy Davidson and Lillie E. Davidson, husband and wife, of Caldwell, County of Canyon, State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Five Thousand and no/100 DOLLARS,

lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Canyon, State of Idaho, to-wit:

All that part of the Northeast quarter of the Southwest quarter of Section 25, Township 4 North, Range 3 West of the Boise Meridian, in Canyon County, Idaho, which lies South and East of the "Old Caldwell Ditch", containing 5 acres, more or less.

Together with all water and ditch rights thereunto belonging or in anywise appertaining.

5.50

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

TO HAVE AND TO HOLD. All and singular the above mentioned and described premises, together with the appurtenances unto the part 100 of the second part, and to their heirs and assigns forever, and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said part 100 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and seal on the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF Arthur E. Corning (Seal)
Alma May Corning (Seal)

STATE OF IDAHO,
County of Canyon } ss.

On this 16th day of June in the year 1947, before me, a Notary Public in and for said State, H. H. Carman, personally appeared Arthur E. Corning and Alma May Corning, husband and wife

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

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

H. H. Carman
Notary Public for the State of Idaho,
Residing at Caldwell, Idaho.

STATE OF IDAHO,
County of Canyon } ss.

I hereby certify that this instrument was filed for record at request of Roy Davidson, A. D. 1947
at 26 minutes past 12 o'clock P. M., this 16 day of June, S. S. FOOTE Ex-Officio Recorder.

By Edith Orcutt

Deputy.

Fees, \$1.20

COMPARED

Instrument No. 297543

THIS INDENTURE, Made this 5th day of April in the year of our Lord one thousand nine hundred and forty-five, between ALVIN H. EMMERSON and EMILIE EMMERSON, husband and wife continuously since prior to May 12, 1944, of Caldwell, County of Canyon, State of Idaho, the parties of the first part, and ARTHUR E. CORNING and ALICE E. CORNING, husband and wife, of Caldwell, County of Canyon, State of Idaho, the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

ONE THOUSAND AND NO/100

DOLLARS,

lawful money of the United States of America, to them, in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Canyon, State of Idaho, to-wit:

All that part of the northwest quarter of the southwest quarter of Section 25, Township 4 North, Range 3 West of the Boise Meridian, in Canyon County, Idaho, which lies South and East of "Old Caldwell Ditch", containing 5 acres, more or less.

Together with all water and ditch rights thereto belonging or in anywise appertaining.



And the said parties of the first part, for themselves and their heirs, executors and administrators, covenant with the said parties of the second part, their heirs and assigns, that the said parties of the first part are lawfully seized in fee of the said premises; and that said parties of the first part have good right to sell and convey the same as aforesaid; that they are free from all encumbrances except taxes, water taxes and business taxes.

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

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

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

WITNESSED, SIGNED AND DELIVERED IN THE PRESENCE OF
 Alvin H. Emerson (Seal)
 Emilie Emerson (Seal)
 Arthur E. Corning (Seal)
 Alice E. Corning (Seal)

STATE OF IDAHO } ss.
 County of Canyon

On this 5th day of April, in the year 1945, before me, Luc A. Jones, Notary Public in and for said State, personally appeared ALVIN H. EMMERSON and EMILIE EMMERSON, husband and wife,

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

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

(SEAL) Luc A. Jones
 Notary Public for the State of
 Idaho, residing at Caldwell, Idaho
 My Commission expires 4/22/47

STATE OF IDAHO } ss.
 County of Canyon

I hereby certify that this instrument was filed for record at request of Arthur E. Corning

at 1 minute past 11 o'clock A. M., this 9 day of April, A. D. 1945

J. J. FOOTE Ex-Officio Recorder
 Lucie McHugh Deputy

By
 COMPARED

Fees, \$ 1.20

QUITCLAIM DEED

Instrument No. 207542

THIS INDENTURE, Made this 5th day of April, in the year of our Lord one thousand nine hundred and forty-five between LUTHER EMERSON, a widower, of Caldwell, County of Canyon State of Idaho, the party of the first part, and ARTHUR E. CORNING and ALMA MAY CORNING, husband and wife, of Caldwell County of Canyon State of Idaho, the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE AND NO/100 DOLLARS, lawful money of the United States of America, to him in hand paid by the said part 1st of the second part, the receipt whereof is hereby acknowledged, do as by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and assigns, all that certain lot, piece or parcel of land, situate, lying and being in County of Canyon, State of Idaho, bounded and particularly described as follows, to-wit:

All that part of the Northeast Quarter of the Southwest Quarter of Section 35, Township 4 North, Range 3 West of the Boise Meridian, in Canyon County, Idaho, which lies South and East of "Old Caldwell Ditch", containing 5 acres, more or less.

Together with all water and ditch rights thereunto belonging or in anywise appertaining.

(The actual consideration does not exceed the sum of \$1.00, and no revenue stamps are required.)

TOGETHER With all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered In the Presence of Luther Emerson (Seal)

(Seal)

(Seal)

(Seal)

(Seal)

STATE OF IDAHO,

County of Canyon

On this 9th day of April

in the year 1945, before me

a Notary Public in and for said State, personally appeared

Luther Emerson, a widower,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that

he executed the same.

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

(seal)

STATE OF IDAHO
County of Canyon

Lue A. Kraus
Notary Public for the State of Idaho,
Residing at Caldwell, Idaho.
My commission expires 6/25/47

I hereby certify that this instrument was filed for record at request of Arthur E. Corning at 59 minutes past 10 o'clock A. M., this 9 day of April, A. D. 1945

By

Letha McIndoo

Deputy.

S. E. FOOTE

Ex-Officio Recorder.

Fees, \$ 1.00

COMPARED

Instrument No 289324

THIS INDENTURE, Made this 18th day of May in the year of our Lord one thousand nine hundred and Forty-four, between Luther Emerson, a widower

of Caldwell, County of Canyon, State of Idaho the party of the first part, and
Melvin R. Emerson
of Caldwell, County of Canyon, State of Idaho the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

One and No/100 (\$1.00)

DOLLARS,

lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in State of Idaho, to-wit:

All that part of the Southeast Quarter (SE $\frac{1}{4}$), Northeast Quarter (NE $\frac{1}{4}$) Southwest Quarter (SW $\frac{1}{4}$), lying South and East of the old Caldwell Ditch in Section Twenty-five (25), Township Four (4) North, Range Three (3) West of Boise Meridian, containing Five (5) acres, more or less. Together with all water, water rights, ditches and right of way for ditches, owned and used on or in connection with the above described tract of land.

Consideration less than One Hundred Dollars (\$100.00)-No Internal Revenue stamps required.

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

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF
Walter R. Cupp

Luther Emerson
(Seal)
(Seal)
(Seal)
(Seal)

STATE OF IDAHO,
County of Canyon } ss.

On this 18th day of May in the year 1944, before me personally appeared WALTER R. CUPP, a Notary Public in and for said State, Luther Emerson, a widower

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(SEAL)
My commission expires Oct. 22nd, 1947

Walter R. Cupp
Notary Public for the State of Idaho,
Residing at Caldwell, Idaho.

STATE OF IDAHO,
County of Canyon } ss.

I hereby certify that this instrument was filed for record at request of Melvin R. Emerson

at 14 minutes past 4 o'clock P. M., this 18 day of May, A. D. 1944

C. O. McDANIEL Ex-Officio Recorder.

By Letha McIndow

Fees, \$ 1.20

COMPARED

Deputy.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 06, 2021

AT CALDWELL II LP
12709 E MIRABEAU PKWY STE 10
SPOKANE VLY WA 99216-1666

Re: Change in Ownership for Water Right No(s): 63-10517 & 63-30141

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at Amanda.veibell@idwr.idaho.gov or (208) 287-4945.

Sincerely,

Amanda Johnson-Veibell
Technical Records Specialist 1

Enclosure(s)

Veibell, Amanda

From: Benjamin Pardue <bpardue@lukins.com>
Sent: Thursday, July 1, 2021 3:19 PM
To: Veibell, Amanda
Subject: [1/2] RE: Quick Follow-up Question about Change In Ownership: 63-10517
Attachments: chain of title - Parcel 35302000 0.pdf

Good afternoon Amanda,

We obtained the chain of title from the title insurance company. We were able to pull all deeds dating back to 1944. Please see attached for the chain of title for both properties with deeds in descending order. **The files are too big to send together, so I'll attach the second to a separate email.** To save you some time in reviewing the documents (and because the typeset on the older documents is hard to read), I put together charts below for the two parcels.

According to Stewart Title Company, Ralph Smead appears to have owned the property across the street, but was never a vested owner of these two properties. Please let me know if there's any other documentation we can provide to change the ownership of water rights.

Have a great holiday weekend!

Parcel
35302000 2018 S. Smeed Pkwy, Caldwell, ID 83605

Date	Grantor	Grantee	Pages
1/19/2021	Brett R. Ortland	AT Caldwell II, LP	1-6
9/12/2011	Melissa Cravens (Spouse)	Brett Ortland	7-8
8/28/1998	Laura Ortland (Spouse)	Brett Ortland	9-10
8/24/1998	William B. Hacker and Jaime M. Hacker	Brett Ortland (listed as married person)	11-12
7/12/1995	Bobby M. Smith (Widow)	William B. Hacker and Jaime M. Hacker	13-14
6/3/1994	Gilbert Raymond Smith (deceased--Estate)	Bobby M. Smith (grantor's widow)	15-18
6/22/1977	Robert W. Hughes and Mary A. Hughes	Gilbert Raymond Smith and Bobbie M. Smith	19-20
10/7/1975	Richard E. Watts and Luetta F. Watts	Robert W. Hughes and Mary A. Hughes	21-22
8/3/1966	Lillie E. Davidson	Richard E. Watts and Luetta F. Watts	23-24
4/25/1966	Roy Davidson	Lillie E. Davidson	25-26
6/16/1947	Arthur Corning and Alma Corning	Roy Davidson and Lillie Davidson	27
4/5/1945	Luther Emerson (widower)	Arthur Corning and Alma Corning	28-29
5/18/1944	Melvin Emerson	Luther Emerson (widower)	30

Parcel
35302010 1916 S. Smeed Parkway, Caldwell, Idaho 83605

Date	Grantor	Grantee	Pag
1/19/2021	William J. Crisci and Marian M. Crisci	AT Caldwell II, LP	1-4
2/9/2018	William J. Crisci and Marian M. Crisci	William J. Crisci and Marian M. Crisci	5-6
10/31/1994	Bobby ("Bobbie") M. Smith	William J. Crisci and Marian M. Crisci	7-8
6/3/1994	Gilbert Raymond Smith	Bobby ("Bobbie") M. Smith	9-1
6/22/1977	Robert W. Hughes and Mary A. Hughes	Gilbert Raymond Smith and Bobbie M. Smith	13-

10/7/1975	Richard E. Watts and Luetta F. Watts	Robert W. Hughes and Mary A. Hughes	15-
8/3/1966	Lillie E. Davidson	Richard E. Watts and Luetta F. Watts	17-
4/25/1966	Roy Davidson	Lillie E. Davidson	19-
6/16/1947	Arthur Corning and Alma Corning	Roy Davidson and Lillie Davidson	
4/5/1945	Luther Emerson (widower)	Arthur Corning and Alma Corning	22-
5/16/1944	Melvin Emerson	Luther Emerson (widower)	

Benjamin Pardue
Lukins & Annis, P.S.
Phone (office): 509.455.9555
Phone (direct): 509.623.2028
Fax: 509.363.2462
bpardue@lukins.com

From: Benjamin Pardue
Sent: Friday, June 11, 2021 9:35 AM
To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Subject: RE: Quick Follow-up Question about Change In Ownership: 63-10517

Good morning Amanda,

Thank you for your prompt reply! I'll see if we can pull those documents from the title services company. And that's good news about the late fee.

Have a great weekend!

Benjamin Pardue
Lukins & Annis, P.S.
Phone (office): 509.455.9555
Phone (direct): 509.623.2028
Fax: 509.363.2462
bpardue@lukins.com

From: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>
Sent: Friday, June 11, 2021 7:47 AM
To: Benjamin Pardue <bpardue@lukins.com>
Subject: RE: Quick Follow-up Question about Change In Ownership: 63-10517

Good Morning Benjamin,

If you are able to obtain the deeds from Smead to the Criscis that would suffice to change the ownership of the water rights. Financial documents (deeds of trusts or mortgages) are not considered sufficient evidence of ownership. Documents that are considered sufficient evidence of ownership are grant deeds, warranty deeds, quick claim deeds, etc. Generally, if anything other than a warranty deed is submitted with a Notice of Change in Water Right Ownership and the grantor is not the owner of record, the department requests a chain of title to ensure clarity of the ownership of the property.

This situation is considered good cause, there is no need for a late fee.

I'm sorry I didn't get back to you sooner, I was out of the office yesterday. I hope this information is helpful. If you have any questions, feel free to call or email.

Thanks!

Amanda Johnson-Veibell

208-287-4945

From: Benjamin Pardue [<mailto:bpardue@lukins.com>]

Sent: Thursday, June 10, 2021 5:04 PM

To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Subject: Quick Follow-up Question about Change In Ownership: 63-10517

Good afternoon Amanda Johnson-Veibell,

I wanted to follow up on a phone call you and I had last week. We briefly discussed additional information that your office needs to process the Notice of Change in Water Right Ownership from Marian and William Crisci. You suggested that if we can't obtain the chain of title, then the best option would be to find the executor of Ralph Smead, the current owner of record for right 63-10517. **If we can get the Transfer Documents (deeds) showing transfers from Smead down to the Criscis, would this suffice for transferring water right ownership?** Alternatively, would your office accept other financial documents (e.g., mortgages or deeds of trust) showing ownership transfer?

Also, you mentioned in an earlier email that any notice received by your department more than 120 days after the change in ownership or mailing address needs to be accompanied by a late filing fee. The statute indicates that the "director may waive the late filing fee or a portion thereof for good cause," under Idaho Code § 42-248. We're in a weird position because the current owner of record died ten years ago. **Would our situation counts as "good cause"?**

I left you a voicemail earlier but thought I'd follow up with an email in case this is easier for you. Thank you for your help on this; have a great afternoon!

Benjamin Pardue
Lukins & Annis, P.S.
Phone (office): 509.455.9555
Phone (direct): 509.623.2028
Fax: 509.363.2462
bpardue@lukins.com

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Thank You!

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Thank You!

Veibell, Amanda

From: Benjamin Pardue <bpardue@lukins.com>
Sent: Thursday, July 1, 2021 3:22 PM
To: Veibell, Amanda
Subject: [2/2] FW: Quick Follow-up Question about Change In Ownership: 63-10517
Attachments: chain of title - Parcel 35302010 0.pdf

Good afternoon Amanda,

See attached for that second file.

Benjamin Pardue
Lukins & Annis, P.S.
Phone (office): 509.455.9555
Phone (direct): 509.623.2028
Fax: 509.363.2462
bpardue@lukins.com

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Have a great weekend!

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bpardue@lukins.com

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This situation is considered good cause, there is no need for a late fee.

I'm sorry I didn't get back to you sooner, I was out of the office yesterday. I hope this information is helpful. If you have any questions, feel free to call or email.

Thanks!

Amanda Johnson-Veibell

208-287-4945

From: Benjamin Pardue [<mailto:bpardue@lukins.com>]

Sent: Thursday, June 10, 2021 5:04 PM

To: Veibell, Amanda <Amanda.Veibell@idwr.idaho.gov>

Subject: Quick Follow-up Question about Change In Ownership: 63-10517

Good afternoon Amanda Johnson-Veibell,

I wanted to follow up on a phone call you and I had last week. We briefly discussed additional information that your office needs to process the Notice of Change in Water Right Ownership from Marian and William Crisci. You suggested that if we can't obtain the chain of title, then the best option would be to find the executor of Ralph Smead, the current owner of record for right 63-10517. **If we can get the Transfer Documents (deeds) showing transfers from Smead down to the Criscis, would this suffice for transferring water right ownership?** Alternatively, would your office accept other financial documents (e.g., mortgages or deeds of trust) showing ownership transfer?

Also, you mentioned in an earlier email that any notice received by your department more than 120 days after the change in ownership or mailing address needs to be accompanied by a late filing fee. The statute indicates that the "director may waive the late filing fee or a portion thereof for good cause," under Idaho Code § 42-248. We're in a weird position because the current owner of record died ten years ago. **Would our situation counts as "good cause"?**

I left you a voicemail earlier but thought I'd follow up with an email in case this is easier for you. Thank you for your help on this; have a great afternoon!

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Thank You!

Veibell, Amanda

From: Veibell, Amanda
Sent: Friday, May 14, 2021 1:24 PM
To: 'tim@atindustrialco.com'
Cc: 'lboles@lukins.com'
Subject: Change in Ownership: 63-10517 & 63-30141

Dear Interested Parties:

The Department of Water Resources (Department) acknowledges receipt of your Notice of Change in Water Right Ownership (Notice)

Our review of your Notice indicates that additional information is required before the Department can process the change. The information required is indicated below:

X Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the documentation submitted, we found discrepancies between the current owner of record and the grantors listed on the Water Rights Quickclaim Deeds. The current owner of record for water right 63-10517 is Ralph Smeed. The Grantors on the submitted paperwork are Brett R. Ortland on one quickclaim deed, and William J Crisci and Marian M Crisci on the second. Please submit documentation showing a chain of title from Ralph Smeed to Brett R. Ortland, William J. Crisci, and Marian M. Crisci.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions regarding this matter, please contact me at Amanda.veibell@idwr.idaho.gov or (208) 287-4945.

Sincerely,

Amanda Johnson-Veibell

Technical Records Specialist I
Idaho Dept Water Resources
PO Box 83720 Boise ID 83720-0098
208-287-4945

6/4 Call from Benjamin @
Lukins asking for
clarification on documentation
requested. will do research + get info
to me.

RECEIVED
JAN 26 2021
DEPARTMENT OF
WATER RESOURCES

717 W. Sprague Ave., Ste. 1600
Spokane, WA 99201-0466
t 509-623-2041
f 509-747-2323

LAURA L. BOLES
lboles@lukins.com

January 25, 2021

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

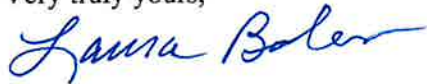
Re: Notice of Change in Water Right Ownership / 63-10517

To Whom It May Concern:

Please find enclosed the original executed Notice of Change in Water Right Ownership for Water Right No. 63-10517, a copy of the recorded Water Rights QuitClaim Deed, and our check made payable to IDWR in the amount of \$25.00.

Please process this paperwork as soon as possible. If you have any questions regarding this request, please feel free to contact me directly.

Very truly yours,



Laura L. Boles
Commercial Real Estate Paralegal

LLB: Enclosures