

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**Notice of Change in Water Right Ownership**

RECEIVED  
JAN 22 2020  
Department of Water Resources  
Eastern Region

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?
13-7193 OK	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
13-7633	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
13-7631 OK	Yes <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
13-7631 13-8046	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>
	Yes <input type="checkbox"/>	Yes <input type="checkbox"/>		Yes <input type="checkbox"/>	Yes <input type="checkbox"/>

2. Previous Owner's Name: Bob Boyack & Olivia Boyack  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Robert & Olivia Boyack Trust  
New owner(s) as listed on the conveyance document
- Name connector ☐ and ☐ or ☐ and/or
- Mailing address: 3168E Hwy 36 City: Preston State: ID ZIP: 83263
- Telephone: 208-852-0448 Email: bobboyack@hotmail.com

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: 2009-2018
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):
- ☐ \$25 per undivided water right.
  - ☐ \$100 per split water right.
  - ☐ 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] Title, if applicable: OWNER Date: 16 JAN 2020  
Signature of new owner/claimant
- Signature: [Signature] Title, if applicable: Owner Date: 16/1/2020  
Signature of new owner/claimant

**For IDWR Office Use Only:**

Received by: JB Date: 1/22/2020 Receipt No.: E045583 Receipt Amt.: \$225.-

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing

Name on W-9: 13-7633 Transfer being find Approved by: [Signature] Processed by: [Signature] W-9 received? Yes ☐ No ☐ Date: 2/11/2020

FILED 13-7193

Robert & Olivia Boyack  
3168 E. Highway 36  
Preston ID 83263

CORRECTED  
QUITCLAIM DEED  
RE-RECORDED TO ADD  
BOUNDARY LINE AGREEMENTS

RE 275961

275755

Recorded at the request of  
Bob Boyack  
Time 9:35A Amount \$ 15<sup>00</sup>

OCT 15 2018

SHAUNA T. GEDDES, RECORDER  
By Shauna T. Geddes Deputy  
Franklin County, Idaho

FOR VALUE RECEIVED:

David Elmo Smith of Evanston Wyoming does hereby convey, warrant, release, remise and forever quit claim unto Robert and Olivia Boyack Living Trust whose current address is 3168 East Highway 36, Preston Idaho 83263, the following described tract of land in Franklin County, State of Idaho:

A PARCEL OF LAND LYING AND BEING IN FRANKLIN COUNTY, STATE OF IDAHO, AND BOUNDED AND PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 14 SOUTH, RANGE 40 EAST OF BOISE MERIDIAN, RUNNING THENCE NORTH 370 FEET TO A POINT OF BEGINNING; THENCE NORTH 574 FEET; THENCE WEST 26 FEET; THENCE NORTH 131 FEET; THENCE NORTH 70 DEG. WEST 102-1/3 FEET; THENCE SOUTH 64° 42' WEST 288 FEET; THENCE SOUTH 31° 34' WEST 183-1/3 FEET; THENCE SOUTH 107 FEET; THENCE SOUTHWESTERLY ALONG THE SOUTH SIDE OF COUNTY ROAD 104-2/3 FEET; THENCE SOUTH 280.5 FEET MORE OR LESS TO A POINT DUE WEST OF THE POINT OF BEGINNING; THENCE EAST 556 FEET TO THE PLACE OF BEGINNING, WHICH IS 22 RODS 7 FEET NORTH OF SOUTHEAST CORNER OF SOUTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 20. SUBJECT TO BOUNDARY LINE AGREEMENT NO. 4 AND QUIT CLAIM DEED #242545 RECORDED AUGUST 13, 2008 AND BOUNDARY LINE AGREEMENT NO. 3 AND TOGETHER WITH ALL APPURTENANCES AND WATER RITES THERETO. QUIT CLAIM DEED #246104 RECORDED JULY 30, 2009


Subject to easements, restrictions, rights of way of record, and taxes for the year 2018 and thereafter.

Dated October 11, 2018



David Elmo Smith

State of Wyoming

County of Uinta <sup>11<sup>th</sup></sup> 


RE Recorded at the request of  
Bob Boyack  
Time 4:57 Amount \$ 15<sup>00</sup>

NOV 05 2018

SHAUNA T. GEDDES, RECORDER  
By C. Carter Deputy  
Franklin County, Idaho

On this 11<sup>th</sup> day of October, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared David Elmo Smith, know 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.



  
NOTARY PUBLIC for the State of Wyoming

Residing at: 410 Darby Alley, Kemmerer

Comm. Exp: 02/12/2020

Original

8102  
ARB 3.2, W $\frac{1}{2}$ SW  
ARB 4.1 SESE

Recorded at the request of  
Preston Land Title

FEB 16 1996 12:20 PM

**195385-2**  
**WARRANTY DEED**

WELLSITT LARSEN, RECORDER  
By Camille Larsen Deputy  
FRANKLIN COUNTY, IDAHO

For Value Received **JEAN MARIE PERRY, formerly known as JEAN MARIE SMITH, and GLENN H. PERRY, as to any community interest he may have therein, wife and husband,**

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

**ROBERT BOYACK and OLIVIA BOYACK,**  
husband and wife,

whose current address is 546 South State  
Preston, Idaho 83263

the grantees, the following described premises, in FRANKLIN County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO Reservations in United States and State Patents, existing and recorded rights-of-way and easements, zoning, subdivision and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, and that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

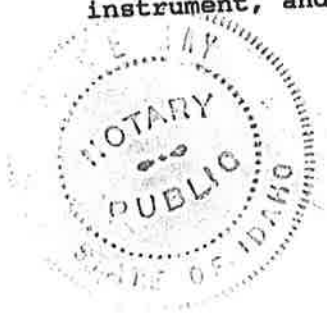
DATED: January 2, 1996

Jean Marie Perry  
Glenn H. Perry

STATE OF  
COUNTY OF

IDAHO  
FRANKLIN

On this 2nd day of January, 1996, before me, a Notary Public in and for said State, personally appeared JEAN MARIE PERRY, formerly known as JEAN MARIE SMITH, and GLENN H. PERRY, wife and husband, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Diane Kay  
Notary Public for State of Idaho  
Residing at: Swan Lake  
Comm. Expires: 5/25/2000

195385 2-2

EXHIBIT "A"

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 20: Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, thence South 685 feet, more or less, to the center of Bear River; thence West 247.5 feet; thence North 330 feet, more or less, to the right of way of the highway approach; thence Northwesterly 180 feet, more or less, following the approach right of way and across State Highway #36; thence Westerly following the Northerly boundary of State Highway #36 to a point 280.5 feet South and 767.25 feet West of the place of beginning; thence North 280.5 feet; thence East 767.25 feet to the place of beginning.

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 21: That portion of the following described property lying South of State Highway #36:

Commencing at the Northwest corner of the SW $\frac{1}{4}$  of Section 21, and running South 117 rods, more or less, to a point on the North bank of Bear River; thence Easterly along the North bank of Bear River to the center of the mouth of what is known as Big Hollow; thence following the center of Big Hollow Northwesterly to a point on the North line of the SW $\frac{1}{4}$ , which is 13 rods East of the place of beginning, thence West 13 rods to the place of beginning.

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## MEMO

**TO:** Water Rights File  
**FROM:** James Cefalo JRC  
**DATE:** February 22, 2013  
**RE:** Ownership Split for Water Right 13-969

Recently, the Department received an ownership change seeking to update the water right records for a split portion of water right 13-969. After a review of the decree, topographic maps, and various warranty deeds provided to the Department, I believe there is a logical way to split the ownership of the right. This memo is intended to identify likely errors in the existing decree and explain the reasoning behind the water right splits.

The 1920 Bear River Decree describes the water right as follows:

**Entry No. 18** (Originally assigned right no. 11-275; later renumbered as 13-969)

Owners: AC Bosen, Hyrum J. Smith, Robert L. Smith, and Melvin Green

Priority Date: May 1, 1882

Point of Diversion: Smith-Vanoy Ditch, SE1/4, Section 16, T14S, R40E

Diversion Rate: 5.50 cfs

Place of Use: 300 acres

- 30% of the right to Hyrum J. Smith for the irrigation of
  - N1/2 of the SW1/4, Section 2,
  - SW1/4 of the SE1/4, Section 20,
  - and 23 acres in the NW 1/4 of the SE 1/4, Section 29, T14S, R40E
- 50% of the right to AC Bosen for the irrigation of
  - 107 acres in the NE1/4 of the NE1/4, Section 21
  - and the SE1/4 of the NE1/4, Section 21
  - and the N1/2 of the SE1/4, Section 21, and
  - a few acres in the SW1/4 NE1/4 and NW1/4 SW1/4, Section 22
  - all within T14S, R40E
- 20% of the right to Robert L. Smith and Melvin Green for the irrigation of
  - 31 acres in the SE1/4, Section 20, T14S, R40E

### AC Bosen Portion

This portion of water right 13-969 is fairly straight-forward. The AC Bosen place of use described in the 1920 Decree contains one apparent error. The place of use includes "a few acres" in the SWNE and the NWSW of Section 22, T14S, R40E. The SWNE sits across the Bear River from the rest of the described property. It could not have been irrigated out of the Smith-Vanoy Ditch. If the legal description were changed to the SWNW and NWSW of Section 22, it creates a contiguous irrigated parcel. Maps and aerial photography confirm that this is the correct legal description for the right.

The place of use described in the 1920 Decree also contains one probable error. There are acres located in the SWNE of Section 21 that are currently and could have historically been irrigated from the Smith-Vanoy Ditch. I have chosen to include the acres down gradient of the Smith-Vanoy Ditch in my irrigated acre calculations.

The errors in the place of use description cannot be corrected through an ownership change. The current owner of the water right must file a water right transfer to correct the place of use description. The water right shape created for the right in the Department's mapping software shows the correct shape. However, the water right record cannot be updated until a transfer is approved. A remark has been added to the AC Bosen portion of the water right describing the apparent errors.

Using the Smith-Vanoy Ditch as the place of use boundary on the north and west and the Bear River as the boundary on the east and south, the number of irrigable acres within the quarter-quarters described in the decree (with the correction in Section 22) matches the decree exactly. There are 107 irrigable acres in the quarter-quarters described in Section 21. There are 12 irrigable acres within the SWNW and NWSW of Section 22. In total, the AC Bosen portion of water right 13-969 is 2.75 cfs and 119 irrigated acres.

#### **Hyrum J. Smith / Robert L. Smith / Melvin Green**

There are two apparent errors in the 1920 Decree relating to the Hyrum Smith portion of the water right. The decree describes irrigation of land in Section 2, T14S, R40E. Section 2 is generally located in the eastern cliffs forming the Oneida Narrows Canyon. There is no possible way that water from the Bear River was used in Section 2. It appears that the decree should have listed the N1/2 of the SW1/4 of Section 21. This 80-acre area includes land that lies between the Smith-Vanoy Ditch and the Bear River. For purposes of completing ownership changes for water right 13-969, the Department should assume the decree should have listed Section 21 instead of Section 2.

The 1920 Decree also describes the irrigation of 23 acres in the NWSE of Section 29, T14S, R40E. This quarter-quarter sits on the south side of the Bear River. There is no evidence in the Department's records that Hyrum J. Smith ever owned the NWSE of Section 29. Deeds provided to the Department show that Hyrum Smith owned exactly 23 acres the NWNE of Section 29. For purposes of completing ownership changes for water right 13-969, the Department should assume that the decree should have listed the NWNE of Section 29.

One of the documents available to the Department is the final court decree handling the estate of Hyrum J. Smith after his death (around 1935). All of his real property was given to his wife, Elvira. This document is helpful because it describes all of the property owned by Hyrum J. Smith at his death. Hyrum J. Smith owned the SENE, NESE, SWSE, SESE of Section 20, the SWNW; SENW, NESW, NWSW, and everything north of the Bear River in the SESW of Section 21; and everything north of the Bear River (23 acres) in the NWNE of Section 29, all in T14S, R40E.

Of particular note, in 1935, Hyrum J. Smith owned all of the ground that could be flood irrigated from the Smith-Vanoy Ditch in the SE1/4 of Section 20. This means that between the



1920 Bear River Decree and 1935, Hyrum J. Smith must have acquired the property associated with the Robert Smith/Melvin Green portion of water right 13-969.

I believe water right 13-969 should include two additional parcels that were likely irrigated in 1920, but were not listed in the decree for Hyrum J. Smith. The acres north of the Bear River in the NENE of Section 29 appear to be contiguous land that would have also been irrigated from the Smith-Vanoy Ditch. Even though the NENE of Section 29 is not listed in the Hyrum J. Smith estate, it appears to be property owned by the Smith family. The NENE of Section 29 is listed in deeds as early as the 1950s, owned by descendants of Hyrum J. Smith.

Another parcel, the land north of the Bear River in the SESW of Section 21, was owned by Hyrum J. Smith at the time of his death. It also would have logically been irrigated by the Smith-Vanoy Ditch because it is contiguous with other portions of the Hyrum J. Smith farm. For purposes of splitting water right 13-969, I will assume that the SESW of Section 21 and the NENE of Section 29 should have been included in the 1920 decree for water right 13-969.

The total irrigated acres listed in the decree do not match up with the specific acres assigned to each of the owners. If the 119 acres associated with the AC Bosen portion of the right (which appear to be exact) are deducted from the 300 acre total, it leaves 181 acres associated with the Hyrum Smith / Robert Smith / Melvin Green portion of the right. According to topographic maps, there are only about 120 acres west of the center line of Sections 20/29 and east of the AC Bosen property that could have been flood irrigated from the Smith-Vanoy Ditch. These 120 acres includes the SESW of Section 21 and the NENE of Section 29, which were not listed in the 1920 Decree.

The Nelson Ditch diverts water from the Bear River and begins in the NENE of Section 29. Therefore, the Nelson Ditch forms the southern boundary for the Hyrum J. Smith irrigated place of use through all of Section 29.

The Hyrum J. Smith portion of the water right (assuming he acquired the Robert Smith / Melvin Green part of the right) is good for 2.75 cfs and 120 acres. Even though the 1920 Decree described 300 acres under water right 13-969, outside of the 239 acres (119 + 120) described in this memo, it is difficult to find any other acres that could have been watered from the Smith-Vanoy Ditch. 5.50 cfs on 239 acres equates to 1.2 inches per acre. The fact that the AC Bosen portion and the Smith/Smith/Green portion are so close in size is another indication that the number of acres assigned to Hyrum J. Smith is correct. The AC Bosen portion and Smith/Smith/Green portion were each supposed to represent 50% of the right.

### **Transfer No. 202**

In 1949, the estate of Hyrum J. Smith filed an application for transfer (No. 202) seeking to change the point of diversion for a portion of water right 13-969. The ground historically irrigated out of the Smith-Vanoy Ditch is geographically split into two sections by a small ridge located close to the Bear River. Maintaining the ditch through this area was challenging. So, instead of maintaining that portion of the ditch, a pump was installed on the Bear River to supply water to the acres southwest of the ridge. The pump discharges into the existing ditch downstream of the ridge.



Transfer No. 202 moved 2.00 cfs of water right 13-969 to the new point of diversion. 2.00 cfs represents 36% of the total diversion rate (5.50 cfs) authorized under right 13-969. According to my calculations, about 85 acres of the 239 irrigable acres described above are located to the southwest of the ridge and would be supplied through the Bear River pump. This equates to 36% of the total irrigated acres. So, Transfer No. 202 seems to have identified the correct rate to move to the pump. Transfer No. 202 is further confirmation that the acreage analysis described above is correct. Transfer No. 202 did not adjust or discuss the place of use for water right 13-969.

Transfer No. 202 split water right 13-969 into two pieces, the acres irrigated from the original point of diversion and the acres irrigated from the pump installed downstream of the small ridge. Water right 13-969A is the portion upstream of the ridge. Water right 13-969B is the portion downstream of the ridge. Using the acreage totals described above and the diversion rate split from Transfer No. 202, water right 13-969 should have been split as follows (see maps):

13-969A (AC Bosen/Hyrum J. Smith)	3.50 cfs	154 acres
13-969B (Hyrum J. Smith)	2.00 cfs	85 acres

#### **Recent Ownership Change**

In 2003, Bob and Olivia Boyack filed an ownership change, seeking to update the ownership of a split portion of water right 13-969B. The Department split right 13-969B into two parts:

13-7631 (Bosen/Smith/Smith/Green)	1.91 cfs	acres not determined
13-7632 (Bob and Olivia Boyack)	0.09 cfs	13 acres

Since 2003, the Boyacks have obtained additional ground within the place of use for water right 13-969B. Rather than split the existing water rights into additional pieces, it makes sense to simply reapportion the amounts listed under rights 13-7631 and 13-7632 to account for the recent land acquisition. According to deeds provided to the Department, including the deed from the 2003 ownership change, Bob and Olivia Boyack currently own 67 acres within the irrigation place of use for 13-969B. The Boyack's portion of the right would be 67/85 or 78.8%. The two rights will now be apportioned as follows:

13-7631 (Estate of Hyrum J. Smith)	0.42 cfs	18 acres
13-7632 (Boyack Living Trust)	1.58 cfs	67 acres

In total, the three active rights (13-969A, 13-7631, 13-7632) authorize the diversion of 5.50 cfs and the irrigation of 239 acres. Water right reports for these three water rights are attached to this memo. Transfers are needed for all of the water rights to address the place of use errors in the 1920 Decree. Any person pursuing an ownership change on 13-969A or 13-7631 in the future should file a transfer application at the same time. Bob and Olivia Boyack should file a transfer application to properly describe the place of use for water right 13-7632.

152337

## WARRANTY DEED

For Value Received Jean J. Smith and Sannette S. Smith, husband and wife,

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

Wendell M. Smith and Wavel K. Smith, husband and wife,

the grantees . the following described premises, in Franklin County Idaho, to wit:

Township 14 South, Range 45 East of the Boise Meridian  
The following described land in Sections 20 and 29: Commencing  
at a point 40 1/2 rods West of the Northeast corner of the Southeast  
Quarter of the Southeast Quarter of Section 20, thence West 33 1/2  
rods, thence South 160 rods, thence East 80 rods, thence North 53  
rods, thence West 54 rods, thence North 90 rods, thence East 7 1/2  
rods, thence North 17 rods to beginning.  
EXCEPT, all that portion lying North of State Highway #30 as  
it now exists.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority  
of 5-1-1832.

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

and that they will warrant and defend the same from all lawful claims whatsoever

Dated: October 15, 1909

*Jean J. Smith*  
*Sannette S. Smith*

STATE OF IDAHO, COUNTY OF Franklin  
On this 31st day of Oct. 1909.  
before me, a Notary Public in and for said State, personally  
appeared, Jean J. Smith and Sannette S.  
Smith, husband and wife,

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

Residing at Preston  
County, Expires 5-31-71

Notary Public  
Idaho

STATE OF IDAHO, COUNTY OF Franklin  
I hereby certify that this instrument was filed for record at  
the request of Wendell M. Smith

at 40 minutes past 3:00 pm  
this 26th day of February  
1910 . to my office, and duly recorded in Book  
of Deeds at page

*Michael S. Lewis*  
County Recorder

By *Laurel E. Johnson* Deputy  
From S of 0  
Mail to

INSTRUMENT No.

REVENUE STAMPS

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)

C. L. Swenson

Notary Public, Residing at Preston, Idaho

STATE OF IDAHO.

COUNTY OF FRANKLIN--ss.

I hereby certify that this instrument was filed for record at the request of Minnie Smith at 11:20 A. M.

Dec. 22, 1958.

Fee: \$1.50

C. L. Swenson: Ex-Officio Recorder

By L. R. Long Deputy

-- Compared --

Inst. No. 103429

QUIT CLAIM DEED

This Indenture, made this 23rd day of May in the year, A. D., one thousand nine hundred fifty-eight, between Hyrum W. Smith of Route #2, Preston, Idaho, Clotilda S. Packer of Route #2, Preston, Idaho, Lewis W. Smith of Woods Cross, Utah, Lafayette W. Smith of Route #2, Preston, Idaho, ElRoy W. Smith of Route #2, Preston, Idaho, Minnie H. Smith of Route #2, Preston, Idaho, Dean C. Smith of Route #2, Preston, Idaho, Theo L. Smith of Route #2, Preston, Idaho, David H. Smith of Route #2, Preston, Idaho, Odessa S. McGregor of Cleveland, Idaho, Relda S. McGregor of 8801 Geraldine Avenue, San Diego, California, Opal Smith of Route #2, Preston, Idaho, Jewel Horton of Pocatello, Idaho, Ray Horton of Pocatello, Idaho, Hyrum Horton of Pocatello, Idaho, Vernal Horton of Pocatello, Idaho, Keith Smith of Pocatello, Idaho, Thelma S. Horton of Pocatello, Idaho, Roma Robinson of Centerville, Utah, Reva Smith of Irwin, Idaho, Patsy Kesler, Jr. of Toole, Utah, Zelda Ertter of 1721 N. 15th, Boise, Idaho, Zella Baker of Anchorage, Alaska, and Mamie Jean Nisson of 933 Meadowbrook Land, Pocatello, Idaho, parties of the first part, grantors, being all the heirs at law and the only heirs at law of Hyrum James Smith and his wife, Cornelia Elvira Walker Smith, now deceased, and Minnie H. Smith, grantee, of Franklin County, Idaho, party of the second part.

WITNESSETH:--That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable consideration lawful money of the United States of America, to them in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said party of the second part, and to her heirs and assigns forever, all the certain lot, piece, or parcel of land, situate, lying and being in Franklin County, State of Idaho, and bounded and particularly described as follows to-wit:

Commencing at the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian and running thence North 33 rods more or less to the County Road; thence Northeasterly following the County Road to a point 20 rods East and 40 rods North more or less of the place of beginning; thence South 40 rods; thence West 20 rods to the place of beginning.

Also Commencing at the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 43 rods more or less to the north bank of Bear River; thence Southwesterly to a point on the quarter section line that is 50 rods more or less South of the point of beginning; thence North 50 rods more or less to the point of beginning.

Together with all and singular, the tenements, water rights, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion, reversions, remainder, and remainders, rents, the issues and the profits thereof;

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

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

Hyrum W. Smith  
Hyrum W. Smith  
Clotilda S. Packer  
Clotilda S. Packer  
Lewis W. Smith  
Lewis W. Smith  
Lafayette W. Smith  
Lafayette W. Smith  
ElRoy W. Smith  
ElRoy W. Smith  
Minnie H. Smith  
Minnie H. Smith  
Dean C. Smith  
Dean C. Smith  
Theo L. Smith  
Theo L. Smith  
David H. Smith  
David H. Smith

Jewel Horton  
Jewel Horton  
Ray Horton  
Ray Horton  
Hyrum Horton  
Hyrum Horton  
Vernal Horton  
Vernal Horton  
Keith Smith  
Keith Smith  
Thelma S. Horton  
Thelma S. Horton  
Roma Robinson  
Roma Robinson  
Reva Smith  
Reva Smith  
Patsy Kesler  
Patsy Kesler

### **10080355 Wheeler Pump**

Operated by Miles Rassmussen. Measured by Corbin Knowles at 532 gpm. Old style meter calibrated to be in tolerance for up coming season. End of 2009 season meter reading was 578.02 ac.ft.

### **10080385 Wanlass Pump**

Owner, Blair Mathews. Permanent pump, flow measured at 988 gpm. Blair ordered Mag. Meter installed Spring 2009 irrig. Season. The District may install telemetry on this site for real time data due to its remoteness. The approximately cost \$3435.

### **10081650 & 10082550 Skabeland Pumps**

Dr. David Skablend, owner submitted commitment letter for half upgrade. Leased operation for 2010. All three pumps had magmeters installed for the 2009 season. End season meter reading = #1 133 - #2 205 - #3 30.4 ac.ft. approximately cost for telemetry for this site will be \$9285.

### **10083505 Panter (Fox) Pump**

A new permanent pump with pivot installed in 2008. Owned by Lawrence Fox. Farmed by nephew, John Mussler. Has storage contract with Rocky Mt. Pwr. The magmeter end of the season reading was 37 ac.ft. The cost of telemetry = approximately \$3435.

### **10086950 Smith/Bosen Ditch**

The co. is in the process of trying to file a transfer to move the point of diversion and make the water rights reflective of the current status on the ground. The State has worked out a compromise for meas. device in the area of the present Parshall flume.

### **10089820 Smith Pump**

Owned by Kent Egley. Measured at 452 gpm. A new mag meter was installed summer (2008). The end of the 2009 season reading was 160ac.ft.

### **10089880 Upper Riverdale Canal and Pump**

Pump irrigates Riverdale Estates. Has two pumps in house at the end of a quarter mile underground pipe. Overflow runs back into the Bear River. Second pump designed to be used by Pete Peterson. No measuring device installed to date. Pete asked me to document near maximum usage for the records. Pete uses water from an upper canal also. Rock relied on calls or by observation of use in 2009 along with the magmeter installed on the estates pump which had an end of the season reading of 184 Ac. Ft.

### **10089850 Nelson Ditch**

Lyle Barington, operator. The diversion and the 24" Parshall measuring flume are one mile apart. Measuring weir needs to be moved and needs to be larger. A lockable proper headgate sanctioned by IDWR needs to be installed at the head of the canal. The co. and IDWR have been discussing the best way to monitor this ditch. The Co. is working with Franklin Co. & Grant money for upgrades.

### **10089950 Riverdale Irrigation Canal**

Wynn Downey, watermaster. Has a 30" Parshall measuring flume with Stevens recording equipment. Depending on Grant money remaining after other upgrades it may be possible to apply telemetry in 2010.

10089820 (D) W SMITH

Discharge, Cubic Feet Per Second, Mean Values, Irrigation Year November 2011 through October 2012											
Day	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	—	—	—	—	—	—	0.0	0.8	0.0	0.8	0.8
2	—	—	—	—	—	—	0.0	0.8	0.0	0.8	0.8
3	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
4	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
5	—	—	—	—	—	—	0.0	0.0	0.8	0.8	0.8
6	—	—	—	—	—	—	0.0	0.0	0.8	0.8	0.8
7	—	—	—	—	—	—	0.0	0.0	0.8	0.8	0.8
8	—	—	—	—	—	—	0.0	0.0	0.8	0.8	0.8
9	—	—	—	—	—	—	0.0	0.0	0.8	0.8	0.8
10	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
11	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
12	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
13	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
14	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
15	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
16	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
17	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
18	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
19	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
20	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
21	—	—	—	—	—	—	0.0	0.8	0.8	0.8	0.8
22	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
23	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
24	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
25	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
26	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
27	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
28	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
29	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
30	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
31	—	—	—	—	—	—	0.8	0.8	0.8	0.8	0.8
Total							7.2	12.9	23.3	20.3	15.7
Min							0.0	0.0	0.0	0.0	0.0
Max							0.8	0.8	0.8	0.8	0.8
Mean							0.2	0.4	0.8	0.7	0.5

Irrigation Year 2012

Total 79.3

Mea 0.2

Acre Feet 157.3

10089820 (D) W SMITH

2011	44 AF
2010	65 AF
2009	34 AF
2008	28 AF

NTF-62961  
Robert W. Boyack Trust  
3168 East Highway 36  
Preston, ID 83263

256545 1-2

Recorded at the request of  
Northern Title Co.  
Time 12:12

NOV 09 2012

## WARRANTY DEED

SHAUNA T GEDDES, RECORDER  
BY Ruth Rawling Deputy  
FRANKLIN COUNTY IDAHO

Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003

Grantor(s) of River Heights, County of Cache, State of UT hereby **CONVEY AND WARRANT** to

Robert W. Boyack and Olivia J. Boyack, Trustees of the Robert and Olivia Boyack Living Trust Dated November 22, 2011,

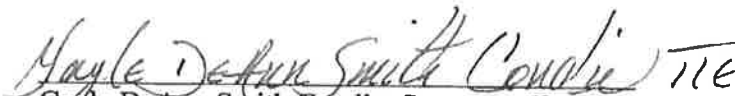
Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

See Exhibit A

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Together with Water Right #13-7631 and a Fractional Interest in Water Right #13-7633 with the IDWR.

Witness, the hand(s) of said Grantor(s), this November 9, 2012.

  
Gayle DeAnn Smith Condie, Successor Trustee

State of Idaho                    )  
County of Franklin            )

On November 9, 2012, personally appeared before me, Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003, the signer(s) of the within instrument, who duly acknowledged to me that she executed the same.

  
Notary Public

Resides: Preston ID  
Expires: 03/12/2017



## Exhibit "A"

A parcel of land located in the South half of the Southeast quarter of Section 20, and in the North half of the Northeast quarter of Section 29, all in Township 14 South, Range 40 East, Boise Meridian, the same being a portion of the lands described in Correcting Quitclaim deed instrument, No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being South 89°05'41" West a distance of 2623.64 feet from the Southeast corner of said section; Thence North 89°05'41" East along said section line for a distance of 299.43 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on a fence line coursing North and South, the True Point of Beginning;

Thence along a fence line for the following Four (4) courses:

1. North 00°00'00" East for a distance of 26.13 feet,
2. Thence North 53°49'46" East for a distance of 354.05 feet,
3. Thence North 63°30'21" East for a distance of 21.68 feet,
4. Thence North 77°25'55" East for a distance of 54.80 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the East boundary line of the West half of the Southwest quarter of the Southeast quarter;

Thence North 00°30'59" East for a distance of 426.33 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36;

Thence North 76°02'45" East along said right of way line for a distance of 85.93 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence line;

Thence along said fence line for the following Three (3) courses:

1. South 03°00'49" East for a distance of 368.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner,
2. Thence North 89°52'05" East for a distance of 540.53 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner;
3. Thence North 00°15'24" East for a distance of 516.25 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36;

Thence along said right of way line for the following Three (3) courses:

1. North 76°02'45" East for a distance of 461.24 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department marking a point on an 1879.86 foot radius tangent curve concave to the southeast;
2. Thence northeasterly along said curve to the right through a central angle of 13°00'00" for an arc distance of 426.53 feet (cb N 82°32'45" E 425.61') to a found 3 inch Brass cap right of way monument, Idaho Transportation Department;
3. Thence South 89°13'40" East non tangent to the previous curve for a distance of 152.49 feet to a found 6 inch diameter iron pipe set in a concrete base on the common boundary line of the lands defined in that Boundary Line Agreement Instrument No. 229047 as recorded in the official records of said county;

Thence along said common boundary line, the same also being an existing fence line for the following Three (3) courses:

1. Thence South 13°24'57" East for a distance of 348.53 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169"
2. Thence South 05°43'39" West for a distance of 54.13 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";
3. Thence South 67°41'42" East for a distance of 106.32 feet to a point on the Mean High Waterline on the Right Bank of the Bear River, Thence along said Mean High Waterline for the following Eleven (11) courses:

1. South 20°06'45" West for a distance of 292.59 feet;
2. Thence South 02°11'21" West for a distance of 428.63 feet,
3. Thence South 08°10'00" West for a distance of 446.09 feet;
4. Thence South 34°51'34" West for a distance of 241.28 feet;
5. Thence South 46°22'28" West for a distance of 165.24 feet,
6. Thence South 63°14'18" West for a distance of 31.07 feet;
7. Thence South 88°28'13" West for a distance of 59.53 feet;
8. Thence North 72°04'30" West for a distance of 195.96 feet;
9. Thence North 83°05'10" West for a distance of 333.00 feet;
10. Thence North 85°48'45" West for a distance of 816.68 feet;
11. Thence South 80°09'15" West for a distance of 352.60 feet to a fence line coursing North and South;

Thence North 00°00'00" East along said fence line for a distance of 787.60 feet to the True Point of Beginning.

Together with an easement for ingress and egress for the maintenance and repair of the main irrigation pump.

# HOMESTEAD RECORD

THE UNITED STATES OF AMERICA

Filed for Record and Recorded this 12<sup>th</sup> day of  
November 1894 at 5 o'clock P.M.  
By C. J. Rose Recorder.  
Deputy Recorder.

HOMESTEAD CERTIFICATE No. 452  
APPLICATION 16

## THE UNITED STATES OF AMERICA.

To all to Whom these Presents shall come, Greeting:

**Whereas**, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Orford Idaho Territory, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1882, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of Abraham Davis has been established and duly consummated, in conformity to law, for the

South half of the Southeast Quarter of Section Twenty and the Northeast Quarter of the Northeast Quarter of Section Twenty Nine, and the Northeast Quarter of the Northwest Quarter of Section Twenty Eight, in Township Fourteen, South of Range Forty East of Base Meridian, in Idaho Territory, containing one hundred and six acres.  
according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

**Now Know Ye**, that there is, therefore, granted by the UNITED STATES unto the said Abraham Davis the Tract of Land above described:

**Ma Have and to Hold** the said Tract of Land, with the appurtenances thereof, unto the said Abraham Davis, and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

**In Testimony Whereof**, I Grover Cleveland

PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Eighteenth day of April, in the year of our Lord one thousand eight hundred and eighty-eight, and of the Independence of the United States the One hundred and twelfth

BY THE PRESIDENT, Grover Cleveland

By Wm. M. Kress Secretary.

Robert H. Rose  
Recorder of the General Land Office.



Recorded at Idaho, Page 446

## No 2 Tax Sale Certificate

Instrument No 325

Quincy County

To

H. H. Smith

Sale of Real Estate for Non-Payment of State and County Taxes for the year 1900.

State of Idaho }  
 County of Quinda } ss. J. P. C. Bingham the Assessor and Tax  
 Collector of the County of Quinda do hereby certify, that by virtue of  
 Chapter 7 Title 10 of the Political Code of Idaho Territory, ss. J. P. C.  
 Bingham Assessor and Tax collector of the County aforesaid,  
 heretofore and at the time hereinafter mentioned, did on the 25<sup>th</sup> day  
 of January 1901, deliver to the Auditor of said County a complete and delin-  
 quent list of all persons and property then owing taxes in said County  
 to the State of Idaho and to the County of Quinda together with the  
 costs and charges due thereon, which said delinquent list did include  
 the property first hereinafter described in this certificate. That the  
 said property was assessed for the year 1900 for State and County  
 taxes at \$6.32 to Ed. M. West and said taxes have not been paid;  
 that the property assessed, situated, lying and being within the  
 County of Quinda and described thus:

S & E of the S. E. 1/4 and N. E. 1/4 of the N. E. 1/4 Sec 20 T. 14 N. R. 40 E. B. M.  
 was after due and legal notice given as required by said Chapter on  
 the Eleventh day of July 1901, in accordance with law, offered for sale,  
 to pay said taxes, at public auction in front of the County Court  
 House of said County, that at said auction H. H. Smith was the  
 bidder who was willing to take the least quantity or smallest portion  
 of the interest in said land, and pay the taxes, costs and charges  
 due thereon, which taxes, costs and charges, including for this certifi-  
 cate, amounting to Seven & 1/2 000 Dollars; that the said least quantity  
 or smallest portion of the interest in said land, lying and being with-  
 in the County of Quinda as is hereinafter described, to-wit:

All of the said above described Property was by me, J. P. C. Bingham  
 Assessor and Tax collector, as aforesaid, struck off to the said  
 H. H. Smith, who paid the full amount of said taxes, costs and  
 charges, and therefore became the purchaser of the last above described  
 piece or parcel of land, as sold as aforesaid, for said taxes; and I  
 do further certify that the said real estate was sold subject to redem-  
 ption pursuant to the statute in such cases made and provided,  
 and that unless redeemed within three years from the date of  
 this purchase, said purchase will be entitled to a deed to the  
 expiration of three years from date of the sale.

Given under my hand, this Eleventh day of July

1901.

P. C. Bingham  
Assessor and Tax Collector of Oneida County, Idaho.

State of Idaho }  
County of Oneida } ss.

I H. H. Richards Auditor and Recorder of  
Oneida County Idaho do hereby certify that the within de-  
scribed property has been redeemed from Tax Sale by Edward M. West  
amount Paid 28 \$ for Taxes & Interest 81 <sup>00</sup> Redemption fee

Witness my hand and official seal this 28 day of July 1903



H. H. Richards  
Auditor

Recorded at the request of Stewart and Stewart Aug 18 1903

H. H. Richards  
Recorder

By H. R. Dredge  
Deputy

STATE OF IDAHO,  
County of Franklin--ss.

I hereby certify that this instrument was filed for record at the request of J. N. Larsen Company at 2:15 P. M., December 8, 1949.

Fee \$1.50

C. L. Swenson; Ex-Officio Recorder

By Bessie B. Swenson Deputy

---Compared---

Inst. No. 84079

WARRANTY DEED

THIS INDENTURE, made this 26th day of November in the year of our Lord one thousand nine hundred and Forty-nine between Hyrum W. Smith and his wife Christine Smith of Riverdale County of Franklin State of Idaho the parties of the first part, and Wendell H. Smith and his wife Wavel Smith, joint tenants by entirety with full rights vested in the survivor and not as tenants in common, of Riverdale County of Franklin 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 \$1.00 and other valuable consideration 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 the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 627 feet South and 160 feet East from the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, Idaho, and running thence North 200 feet; thence East 500 feet; more or less, to the 40 rods line; thence South 200 feet; thence West 500 feet, more or less, to the place of beginning.

A right of way, running North and South through the above described land, being approximately 375 feet East of the place of beginning, is hereby reserved for the use of the grantors herein.

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 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, 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 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF Hyrum W. Smith (Seal)  
Christine Smith (Seal)

STATE OF IDAHO,  
County of Franklin--ss.

On this 26th day of November in the year 1949, before me J. N. Larsen a Notary Public in and for said State, personally appeared Hyrum W. Smith and his wife Christine Smith

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

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

(SEAL)

J. N. Larsen  
Notary Public, Residing at  
Preston, Idaho

STATE OF IDAHO,

COUNTY OF FRANKLIN--SS.

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 9:30 A. M., December 28, 1948.

Fee \$1.20

C. L. Swenson; Ex-Officio Recorder

By [Signature] Deputy

---Compared---

Inst. No. 81927

WARRANTY DEED

THIS INDENTURE, made this 5th day of March in the year of our Lord one thousand nine hundred and Forty-eight between Eliot W. Smith and his wife, Le Rue N. Smith of Preston County of Franklin State of Idaho the parties of the first part, and Wendell H. Smith and wife, Wavel Smith, Joint tenants by entirety with full rights vested in the survivor and not as tenants in common. of Preston County of Franklin 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 Dollar (\$1.00) 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 the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 28, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

Also, commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

(\$3.30 U. S. I. R. Stamps affixed and duly cancelled.)

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 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, 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 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Eliot W. Smith

(SEAL)

Le Rue N. Smith

(SEAL)

I hereby certify that this instrument was filed for record at the request of Ariel B. Chatterton  
at 11:20 A. M., October 12, 1957.  
Fee: \$1.50

C. L. Swenson: Ex-Officio Recorder  
By Edna Kerr Deputy

- - - Compared - - -

Inst. No. 101055

WARRANTY DEED

THIS INDENTURE, made this 16th day of September in the year of our Lord one thousand nine hundred and Fifty seven between Frank Shrives and Ruth Shrives, his wife of Weston County of Franklin State of Idaho the parties of the first part, and Douglas Rose and Emma M. Rose, his wife of Weston County of Franklin State of PreIdaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One dollar and other valuable considerations, 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 the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

The West half of the Southwest quarter of Section 28, the East half of the Southeast quarter of Section 29, the Northeast quarter of the Southeast quarter, and the Southeast quarter of the Northeast quarter of Section 32, and the West half of the Northwest quarter of Section 33, all in Township 15 South, Range 38 East of the Boise Meridian, together with all water rights belonging thereto.

(\$23.10 U. S. I. R. Stamps duly affixed and cancelled.)

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 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, 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 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Frank Shrives (SEAL)

Ruth Shrives (SEAL)

STATE OF IDAHO,

County of Franklin, ss.--

On this 16th day of September in the year 1957, before me J. N. Larsen a Notary Public in and for said State, personally appeared Frank Shrives and Ruth Shrives, his 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)

J. N. Larsen  
Notary Public, Residing at Preston, Idaho.

STATE OF IDAHO,

County of Franklin--ss.

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 5:00 P. M., October 14, 1957.

Fee: \$1.50

C. L. Swenson: Ex-Officio Recorder  
By Edna Kerr Deputy

- - - Compared - - -

\*  
Inst. No. 101071

WARRANTY DEED

THIS INDENTURE, made this 14th day of October in the year of our Lord one thousand nine hundred and Fifty-seven between Hyrum W. Smith and Christine Smith his wife of Preston County of Franklin State of Idaho the



parties of the first part, and Wendell H. Smith and Wavel K. Smith, his wife of Preston County of Franklin 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 FIFTY AND NO/100 DOLLARS(\$50.00) 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 the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 427 feet South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, Idaho and running thence East 160 feet; thence South 160 feet; thence West 160 feet; thence North 160 feet to the place of beginning.

Also: Commencing at a point 667 feet South and 343 feet East from the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, Idaho, which point is on the South side of the County Road right of way and running thence South 156 feet, thence East 121 feet, thence Northwesterly 176 feet, more or less, to a point 37 feet East of the place of beginning, thence West 37 feet to the point of beginning.

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 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, 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 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Hyrum W. Smith (SEAL)

Christine Smith (SEAL)

STATE OF IDAHO,

County of Franklin, ss.--

On this 14th day of October in the year 1957, before me J. N. Larsen a Notary Public in and for said State, personally appeared Hyrum W. Smith and Christine Smith, his 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)

J. N. Larsen  
Notary Public, Residing at Preston, Idaho.

STATE OF IDAHO,

County of Franklin--ss.

I hereby certify that this instrument was filed for record at the request of Wendell H. Smith at 1:15 P. M., October 16, 1957.

Fee: \$1.50

C. L. Swenson: Ex-Officio Recorder

By Edna H. H. Deputy

-- -Compared- --

Inst. No. 101072

#### WARRANTY DEED

THIS INDENTURE, made this 30th day of May in the year of our Lord, One Thousand Nine Hundred and Fifty-seven, between Selma M. Turner, Bryce Turner, Jesse T. Andreasen, Genevieve T. Tingey, Barbara T. Cooper, and Ruth T. Gregory of the, State of Idaho the parties of the first part, and D. Gail Turner of Preston, County of Franklin, State of Idaho the party of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Franklin, State of Idaho, bounded and more particularly described as follows, to-wit:

A one-fifth interest in the following described property:

Commencing at a point 1,672.75 feet West and 330 feet South of the Northeast corner of Section 27, T.

THIS INDENTURE, made this 25th day of November in the year of our Lord one thousand nine hundred and Fifty-nine between Hyrum W. Smith and Christine Smith of Riverdale County of Franklin State of Idaho the parties of the first part, and Wendell H. Smith and Wavel K. Smith of Riverdale County of Franklin 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 TWO 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 the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

Also: Commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

Also: Commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

(\$2.20 U. S. I. R. Stamps Duly Affixed and Cancelled.)

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 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, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second parties 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Hyrum W. Smith

(SEAL)

Christine S. Smith

(SEAL)

STATE OF IDAHO,

County of Franklin--ss.

On this 25th day of November in the year 1959, before me Ted Larsen a Notary Public in and for said State, personally appeared Hyrum W. Smith and Christine Smith known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Seal

Ted Larsen

Notary Public, Residing at Preston, Idaho.

STATE OF IDAHO,

COUNTY OF FRANKLIN--ss.

Recorded at the request of J. N. Larsen Co. at 11:15 A. M., August 11, 1961.

Fee: \$2.40

C. L. Swenson: Ex-Officio Recorder

By David P. Davis Deputy

- - - Compared - - -

THIS INDENTURE, made this 14th day of September in the year of our Lord one thousand nine hundred and Sixty between C.F. Nuffer and wife Ruth Nuffer of Dayton County of Franklin State of Idaho the parties of the first part, and Leon G. Nuffer and wife Elaine W. Nuffer of Dayton County of Franklin 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 \$1.00 and other good and valuable considerations 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

State, personally appeared Chloe N. Heusser, a widow 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.

Seal

James P. Tasso

Notary Public, Residing at Montpelier, Idaho

STATE OF IDAHO )  
County of Franklin ) ss.

Recorded at the request of Star Co. at 4:20 P.M., June 10, 1966.

Fee: \$1.80

C. L. Swenson: Ex-Officio Recorder

By *[Signature]* Deputy

-- Compared --

Inst. No. 118907

\* WARRANTY DEED

THIS INDENTURE, made this 15th day of April in the year of our Lord one thousand nine hundred and Sixty-three between Myrum W. Smith and wife Christine L. Smith of Preston County of Franklin State of Idaho the parties of the first part, and Wendell H. Smith of Preston County of Franklin 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 \$1.00 and other good and valuable considerations lawful money of the United States of America, to them in hand paid by the said party 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 their heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 427 feet South of the NW corner SW1/4SE1/4 of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner SW1/4SW1/4SE1/4 of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

The grantors herein reserve unto themselves a life estate in and to the home and lot they are presently occupying on the above described land.

Excepting from the above described land any and all property deeded for roadway purposes, and right of way, that are now in existence.

Together with all water and water rights appertaining thereto.

(\$2.20 U.S.I.R. Stamp duly affixed and cancelled)

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 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, 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 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Myrum W. Smith (SEAL)

Christine L. Smith (SEAL)

STATE OF IDAHO )  
County of Franklin ) ss.

On this 15th day of April in the year 1963, before me Ted B. Larsen a Notary Public in and for said State, personally appeared Myrum W. Smith and wife Christine L. Smith known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Seal

Ted B. Larsen

Notary Public, Residing at Preston, Idaho

# HOMESTEAD RECORD.

THE UNITED STATES OF AMERICA

Filed for Record and Recorded this 20 day of

*George H. New*

*Dec*

1880 at 9 o'clock A. M.

*L. Reynolds*

Recorder.

By

Deputy Recorder.

HOMESTEAD CERTIFICATE No. 1870 }  
APPLICATION 2461 }

## THE UNITED STATES OF AMERICA.

To all to Whom these Presents shall come, Greeting:

**Whereas**, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at *Blackfoot Idaho* whereby it appears that, pursuant to the Act of Congress approved 30th May, 1862, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of *George H. New*

has been established and duly consummated, in conformity to law, for the West half of the North East quarter of the West half of the South East quarter of Section Twenty Nine, in Township Fourteen South of Range Forty East of Boise Meridian in Idaho. Containing One hundred and sixty acres.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

*George H. New* Now Know Ye, that there is, therefore, granted by the UNITED STATES unto the said the Tract of Land above described:

*George H. New* We Have and to Hold the said Tract of Land, with the appurtenances thereto, unto the said and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found, to penetrate or intersect the premises hereby granted, as provided by law, but same is reserved from the lands hereby granted, and the right of way thereon for ditches, canals, and conduits by the authority of the United States.

In Testimony Whereof, I *Grover Cleveland*

PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the *Third* day of *December*, in the year of our Lord one thousand eight hundred and *ninety four* and of the Independence of the United States the *One hundred and twenty sixth*

BY THE PRESIDENT, *Grover Cleveland*

By *M. M. Keen*

Secretary.

*L. C. Lamar*

Recorder of the General Land Office.



Recorded, Vol 44A Page 373

Abraham H. Davis

To  
A. J. Smith

the structure. Note the length of

[illegible]

Cells of the South West quarter of the East quarter of Section twenty on Township fourteen South of Range forty East of Base Mexican lying and being on the North side of Mexican River the same containing fifty acres.

together with all and singular the tenants, hereditaments and appendances therunto belonging, or in anywise appertaining, and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well as leave as in equity, of the said party of the first part, or on or to said premises, and every part and parcel thereof, with the appurtenances,

to all one and to all, all and singular, the seed promises, together with the righteousness into the said party of the second part, and to his heir and assigns forever. And the said parties of the first part, and their heirs, the said promises, in the quiet and peaceable possession of the said party of the second part, his heir and assigns, against the said parties of the first part, and their heirs and assigns any and all persons whatsoever lawfully claiming, or to claim the same, shall and will consent, and by their present power defend.

and likewise along the sides of the fruit  
have been at this time and used the same  
and green just above written.

[illegible]

United States of America }  
County of Santa } ss.  
County of Nevada }  
On this 11 day of June 1880

right friends and only men personally opposed  
before me Justice of the Peace and for and  
County only opposed and qualified Abraham W. Clark  
of whose name we submitted to the court and motion  
went as far as that. personally known to me to be the  
person described in, and who executed the foregoing in-  
strument, who acknowledged to me that they executed the  
same freely and voluntarily and for the use and purpose  
therein mentioned.

The various things I have examined, and  
 find and afford my official aid at  
 my office in ~~London~~ <sup>London</sup> the way  
 and were in the ~~vicinity of~~ <sup>vicinity of</sup> London  
 southern

James A. Smith  
President of the Board of  
Franklin  
Camp Den

Recorded at the request of J. D. Smith  
November 12<sup>th</sup> 1894 at 4<sup>55</sup> P.M.  
C. J. K. 1894  
County Register

# HOMESTEAD RECORD

THE UNITED STATES OF AMERICA

*Abraham Davis*

Filed for Record and Recorded this 12<sup>th</sup> day of

*November* 1894 at 5 o'clock P.M.

*C. J. Ross* Recorder.

By *C. J. Ross* Deputy Recorder.

HOMESTEAD CERTIFICATE No. 452

APPLICATION 16

## THE UNITED STATES OF AMERICA.

To all to Whom these Presents shall come, Greeting:

**Whereas**, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at *Offord Idaho Territory*, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of *Abraham Davis*

has been established and duly consummated, in conformity to law, for the

*South half of the Southeast Quarter of Section Twenty, and the Northeast Quarter of the Northwest Quarter of Section Twenty-eight, in Township four, South of Range forty East of Boral Indian, in Idaho Territory, containing one hundred and six acres.*

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

**Now Know Ye**, that there is, therefore, granted by the UNITED STATES unto the said *Abraham Davis* the Tract of Land above described:

**We Have and to Hold** the said Tract of Land, with the appurtenances thereof, unto the said *Abraham Davis*, and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

**In Testimony Whereof**, I *Grover Cleveland*

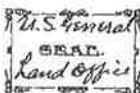
PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *Eighteenth* day of *April*, in the year of our Lord one thousand eight hundred and *eighty eight*, and of the Independence of the United States the *one hundred and twelfth*.

BY THE PRESIDENT, *Grover Cleveland*

By *M. M. Mason* Secretary.

*Robert H. Ross* Recorder of the General Land Office.





This Indenture, Made this 17<sup>th</sup> day of Dec in the year of our Lord  
 one thousand ~~one~~<sup>eight</sup> hundred and ~~ninety~~<sup>ninety eight</sup> between George H. Wiser and  
his wife Alice A. Wiser

of Lewiston County of Cache State of Utah parties  
 of the first part, and Agnes J. Smith

of Rivendale County of Oneida State of Idaho the party

of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum  
 of Five Hundred and Thirty (\$230.00) Dollars,  
Lawful Money of the United States of America, to them in hand paid by the said party 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 party of the second part, and to his heirs and  
 assigns, forever, all the following described real estate, situated in Oneida County, State of Idaho, to-wit:

Commencing at the North West corner of the North  
 East Quarter of Section Twenty nine (29) in  
 Township Fourteen (14) South of Range Forty (40)  
 East of Boise Meridian running thence South forty  
 and 46 Rods, thence East Eighty 80 Rods, thence  
 North forty six (46) Rods, thence West Eighty 80 Rods  
 to the place of beginning containing Twenty three  
 Acres.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging in anywise appertaining, and 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 party of the second part, and to his heirs and assigns forever. And the said party of the first part, and their 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 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.

Signed, Sealed and Delivered in Presence of

*O. Haggshaw*  
*John C. Greaves*

*J. R. Stimpert*  
50¢  
Canceled

*George H. Hise*  
*Alice A. Hise*

STATE OF IDAHO,

County of *Oneida*

On this *17<sup>th</sup>* day of *Dec* 1898, before me,

*John C. Greaves*, a Notary Public, in and for said County, personally appeared *George H. Hise* and *Alice A. Hise*, his wife.

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he executed the same. And on this *27<sup>th</sup>* day of *Dec* in the year *1898*, before me, the officer above described, personally appeared *Alice A. Hise* known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument; and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

My commission expires *Feb 9<sup>th</sup>* 1900.

*John C. Greaves*  
Notary Public

Filed for Record the *13<sup>th</sup>* day of *October* A. D. 1902, at *9<sup>21</sup>* o'clock *A. M.*

By *H. M. Leigh*

Deputy.

*R. J. Reynolds*  
Ex-Officio Recorder

Commencing at a point 60 rods, 6 feet East of the Southwest corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East of Boise Meridian, and running thence East 12 feet; thence North 13 rods; thence West 12 feet; thence South 13 rods to the place of beginning;

That as the survivor of the community, the said David P. Evans became the owner of said property and the whole thereof on the death of his wife, said Sarah S. Evans; and that Samuel S. Evans is now the owner of said property through conveyance of the same to him by the said David P. Evans since the death of said Sarah S. Evans.

Dated November 13th, 1934.

(Seal)

D.G. Eames  
Probate Judge.

State of Idaho,  
County of Franklin. SS.

I, D.G. Eames, Probate judge and Ex-Officio Clerk of the Probate Court of Franklin County, Idaho, hereby certify that the above and foregoing is a true and correct copy of a decree entered in the within entitled matter as appears from a comparison with the original decree on file and of record in my office.

Witness my hand and the seal of said Probate Court this 13th day of November, 1934.

(Seal)

D.G. Eames  
Probate Judge and Ex-Officio Clerk  
of Probate Court, Franklin County,  
Idaho.

I hereby certify that this instrument was filed for record at request of F.W. Nielsen at 35 Minutes past 4 o'clock P.M. this 28th day of May A.D. 1935 in my office.

Fees, \$1.20

CH  
Compared  
ccccccc

Ex-Officio Recorder

Instr. No. 46906

IN THE PROBATE COURT OF FRANKLIN COUNTY IDAHO

IN THE MATTER OF THE ESTATE

OF HYRUM J. SMITH, DECEASED,

: Final Decree and setting apart  
Property to widow of Decedent.

This cause came on regularly for hearing this 11th day of May, 1935, in pursuance to an order this day made and filed herein, and notice given of said hearing as provided by law, Arthur W. Hart, Attorney at Law, appearing for and behalf of the petitioner herein, and no one appearing in opposition thereto, and the Court being fully advised in the premises finds that all the allegations set forth in the petition praying for the decree of distribution of the property and setting apart the property to the widow of said decedent are true and correct; that Elvira Smith is the widow of Hyrum J. Smith, deceased, and that she is entitled to have the real estate set apart to her for her sole use and benefit; that said petitioner is the duly appointed, qualified and acting administratrix of the estate of Hyrum J. Smith, deceased; that she caused notice to creditors to be given by publication of notice in the Franklin County Citizen, a weekly news paper of general circulation published at Preston, Franklin County, Idaho, for a full period of time as required by law; that no bills, claims or other evidence of indebtedness has been filed against said estate, or filed with said petitioner herein, and the legal time for the presentation of claims has expired; that the real estate hereinafter described was the community property of said petitioner and said decedent, and was acquired by them during their coverture, that is to say, after their marriage and before the death of said decedent and is of the approximate value of \$4800.00, and your said petitioner has no separate property or means of support other than the property of said estate; that she has paid or caused to be paid all indebtedness against said estate, including, taxes, assessments, expenses of the last illness and the burial expenses of said decedent; of said decedent; that she has paid the costs and expenses of the probating of said estate

that she has filed herein her final account, which said final account has been accepted by this Court; and she has filed or caused to be filed the Inventory and Appraisement, and the said estate is now in a condition to be closed, and it is desired by all of the heirs at law who are present at this hearing that the whole of said estate be set apart to their mother, the said administratrix of said estate, and the widow of said deceased, for her sole use and benefit.

It is therefore ordered, adjudged and decreed and this does order adjudge and decree that the following described real estate together with the improvements thereon including the water right to set apart to

ELVIRA SMITH

the widow of Hyrum J. Smith, for her sole use and benefit, to have and to hold the same, which said premises are described as follows, to-wit:

The south-east quarter of the southwest quarter and the southwest quarter of the south-east quarter of the Section 15 Twp. 14 South Range 40 East of the Boise Meridian, containing <sup>80</sup>40 acres.

All that certain portion of the south-east quarter of the southwest quarter of Section 21, Township 14 south, Range 40 east of the Boise Meridian, lying and being on the north-side of Bear River, the same about 8 acres more or less.

The south-west quarter of the South-east of ~~XXXXXXX~~ Section 20 Township 14 south, Range 40 east of the Boise Meridian, lying and being on the north side of Bear River, containing about 40 acres.

Also commencing at the center of Section 21, Township 14 south. South 80 rods thence West 8 rods thence North 80 rods to range 40 east of the Boise Meridian, and running thence east 8 rods to place of beginning, containing 4 acres.

Commencing at the north-west corner of the north-east quarter of Section 29 Township 14 south Range 40 east of the Boise Meridian and running thence south 46 rods; thence east 30 rods; thence north 46 rods; thence west 80 rods to place of beginning, containing 23 acres.

The south-east quarter of the north-west quarter of Section 21 Township 15 south Range 40 East of the Boise Meridian, containing 40 acres.

The north-half of the South-west quarter and the south-west quarter of the south-west quarter of section 21 and the north-east <sup>half</sup> quarter of the south-east quarter of section 20 Township 22x 14 south Range 40 east of the Boise Meridian, containing 160 acres.

The south-east quarter of the north-east quarter of Section 20 and the south-west quarter of the north-west quarter of Section 21 Township 14 south Range 40 east of the Boise Meridian, containing 80 acres. and

Dated this 11th day of May 1935.

(Seal)

James Johnsen  
Probate Judge.

State of Idaho  
County of Franklin (ss

I, James Johnson, Probate Judge of Franklin County, Idaho, do hereby certify and declare that the within and foregoing is a true and correct copy of the Records and files in the Probate Court of Franklin County, State of Idaho, in the above entitled cause.

Dated this 11th day of May 1935.

(Seal) #

James Johnson  
Probate Judge.

I hereby Certify. that this instrument was filed for record at

STATE OF CALIFORNIA,  
COUNTY OF SAN JOAQUIN,

SS

On this 25th day of September in the year of our Lord one thousand nine hundred and thirty-five before me, Margaret E. Cassilis, a Notary Public in and for said County and State, residing therein, duly commissioned and qualified, personally appeared Carl A. Hillstead and Margaret Hillstead personally known to me to be the persons described in and whose names are subscribed to the within instrument, and they acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County of San Joaquin, the day and year in this certificate first above written.

(SEAL)

Margaret E. Cassilis  
Notary Public, in and for the County  
of San Joaquin, State of California

STATE OF IDAHO  
COUNTY OF FRANKLIN

SS

I hereby certify that this instrument was filed for record at the request of Clara Hollingsworth at 11:00 A.M. March 24, 1936.

Fees, \$1.20

Compared

Cleo L. Swenson  
Ex-Officio Recorder  
By Barbara Hamble  
Deputy Recorder

Inst. No. 49270

WARRANTY DEED

THIS INDENTURE, made the 18th day of May, in the year of our Lord one thousand nine hundred and thirty-five between Elvira Smith widow of Hyrum J. Smith of the County of Franklin, and the State of Idaho, the party of the first part, and Lewis W. Smith, of the County of Franklin, and the 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 \$1.00 One no/100 Dollars lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, sell, bargain, convey, and confirm unto the said party of the second part, and to his heirs and assigns forever all that certain lot, piece or parcel of land situate, lying and being in the County of Franklin and State of Idaho, and bounded and described as follows, to-wit:

Commencing at a point 61 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 46 rods; thence East 19 rods; thence North 126 rods; thence West 19 rods; thence South 80 rods, to the place of beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the rents, issues and profits thereof, and together with all ditch and water rights of every nature, however evidenced, used with said land or belonging to same.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, and to his heirs and assigns forever, and the said party of the first part and her heirs, the said premises in a 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 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.

## WARRANTY DEED

THIS INDENTURE, Made this 9th day of March, in the year of our Lord one thousand nine hundred and 36, between Lewis W. Smith and Erma Smith, husband and wife of Preston, County of Franklin, State of Idaho, the parties of the first part, and Perry W. Smith and wife, Delphia Smith of Preston, County of Franklin, 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 \$1.00 and natural love and affection DOLLARS, lawful money of the United States of America, to in hand paid by the 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 the following described real estate, situated in Preston, County of Franklin, State of Idaho, to-wit:

Commencing at a point 61 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of Boise Meridian, and running thence South 46 rods; thence East 19 rods; thence North 126 rods; thence West 19 rods; thence South 80 rods, to the place of beginning.

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 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, 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 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.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Lewis W. Smith (SEAL)

Erma Smith (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO, } ss.  
COUNTY OF FRANKLIN, }

On this 9th day of March

J. N. Larsen

, in the year 19 36, before me, a Notary Public in and for said State, personally appeared

Lewis W. Smith and Erma Smith, 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)

J. N. LARSEN

Notary Public residing at Preston, Idaho.

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 10 minutes past 3 o'clock P.M., this 24th day of March, A. D. 19 36, in my office, and duly recorded in Book 30 of Deeds at page 508.

(SEAL) Cleo L. Swanson

Ex-Officio Recorder.

By

Erma Gamble

Deputy.

Fees, \$ 1.20

Compared

STATE OF IDAHO  
SS.  
COUNTY OF FRANKLIN

On this 15th day of January in the year 1929, before me Geo. E. Crockett a Notary Public in and for said State, personally appeared John Neuenschwander and his wife, Caroline Neuenschwander 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)

Geo. E. Crockett

Notary Public Residing at Preston, Idaho.  
My commission expires June 2, 1929.

STATE OF IDAHO  
SS.  
COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of Edward R. Neuenschwander at 9:30 a.m. March 19, 1941.

C. L. Swenson, Ex-Officio Recorder

Fee: \$1.20

By John Swenson Deputy

Compared  
\*\*\*\*\*

Inst. No. 61454

WARRANTY DEED

THIS INDENTURE, Made this 13th day of March in the year of our Lord one thousand nine hundred and forty-one between Perry W. Smith and his wife, Alice Smith of Preston County of Franklin State of Idaho, the parties of the first part, and Eliot W. Smith, single of Preston County of Franklin State of Idaho the party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of \$1.00 and other valuable considerations lawful money of the United States of America, to them 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 the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

Also, commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, thence running north 22 rods and 7 feet; thence West 33 rods 11.5 feet; thence North 17 rods; thence West 6 rods 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

Also, the Northwest quarter of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian.

Also, commencing at the Northeast corner of the Southeast quarter of Section 19, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 34 rods; thence West 80 rods; thence North 34 rods; thence East 80 rods to the place of beginning, containing 17 acres, more or less.

Together with all water appertaining and belonging to the above described land.

The party of the second part agrees to assume and pay all the mortgages against the above described land, together with the interest thereon. Said mortgages being held by the



On this 11th day of July in the year 1955, before me J. N. Larsen a Notary Public in and for said State, personally appeared William Hawkes Jr. and his wife Anna R. Hawkes 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)

J. N. Larsen  
Notary Public, Residing at Preston, Idaho.

STATE OF IDAHO,  
County of Franklin--ss.

I hereby certify that this instrument was filed for record at request of Francis L. Shaffer at 10:50 A. M., July 15, 1955.  
Fee \$1.50.

C. L. Swenson: Ex-Officio Recorder

By M. J. Swenson Deputy

P. J.  
--- Compared ---

Inst. No. 96416

WARRANTY DEED

THIS INSTRUMENT, Made this 6th day of October in the year of our Lord one thousand nine hundred and Fifty-three, between Hanne J. Williams, wife of Oliver Williams of Preston, County of Franklin, State of Idaho, the party of the first part, and Oliver Williams, husband of Hanne J. Williams of Preston, County of Franklin, 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 dollar and natural love and affection lawful money of the United States of America, to her 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 Preston, County of Franklin, State of Idaho, to-wit:

Commencing at a point 775.5 feet South and 345.75 feet West of the Northeast corner of the Northwest quarter of Section 26, Township 15 South, Range 39 East of the Boise Meridian, and running thence West 75 feet; thence South 74.5 feet; thence East 75 feet; thence North 94.5 feet to the place of beginning.

This deed is given to the party of the second part as his sole and separate estate.

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 party of the second part, and to his 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 party of the second part, his heirs and assigns, against the said party 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 VERBALLY 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  
STATE OF IDAHO )  
County of Franklin) ss.

Hanne J. Williams (Seal)

On this 6th day of October in the year 1953, before me Ted Larsen, a Notary Public in and for said State, personally appeared Hanne J. Williams, wife of Oliver Williams 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.

(SEAL)

Ted Larsen  
Notary Public for the State of Idaho  
Residing at Preston, Idaho.

STATE OF IDAHO  
County of Franklin--ss.

I hereby certify that this instrument was filed for record at the request of J. N. Larsen at 10:20 A.M., July 19, 1955.  
FEE: \$1.50

C. L. Swenson: Ex-Officio Recorder

By M. J. Swenson Deputy

D. J.  
--- Compared ---

Inst. No. 96418

WARRANTY DEED

THIS INSTRUMENT, made this 2nd day of July in the year of our Lord one thousand nine hundred and Fifty-

five between Eliot W. Smith and his wife LaRue N. Smith of Preston County of Franklin State of Idaho the parties of the first part, and Jean J. Smith, a single man of Riverdale County of Franklin State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$1.00 and other valuable consideration lawful money of the United States of America, to them in hand paid by the said party 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 party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point  $46\frac{1}{2}$  rods West of the Northeast corner of the Southeast quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West  $33\frac{1}{2}$  rods; thence South 160 rods; thence East 80 rods; thence North 53 rods; thence West 54 rods; thence North 90 rods; thence East  $7\frac{1}{2}$  rods; thence North 17 rods to the place of beginning, excepting about  $2\frac{1}{2}$  acres on the South side of Barr River.

(\$7.15 U.S.I.R. Stamps affixed and dully cancelled.)

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 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 party of the second part, and to his 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 party of the second part his 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF  
STATE OF IDAHO,  
County of Franklin--ss.

Eliot W. Smith (Seal)  
LaRue Smith (Seal)

On this 2nd day of July in the year 1955 before me Ted Larsen a Notary Public in and for said State, personally appeared Eliot W. Smith and his wife LaRue N. Smith known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Ted Larsen  
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO  
County of Franklin--ss.

I hereby certify that this instrument was filed for record at the request of Jean J. Smith at 11:45 A. M., July 19, 1955.  
FEE: \$1.50

C. L. Swenson: Ex-Officio Recorder  
By Margaret M. Munn Deputy

*Def.*  
- - - Completed - - -

Inst. No. 96435

#### WARRANTY DEED

THIS INSTRUMENT, made this 19th day of July in the year of our Lord one thousand nine hundred and Fifty-five between Murray G. Mortenson and wife, Rachel S. Mortensen of Preston County of Franklin State of Idaho the parties of the first part, and Lovina Wold, of Preston County of Franklin State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One dollar and natural love and affection lawful money of the United States of America, to them in hand paid by the said party 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 party of the second part, and to her heirs and assigns forever all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 80 rods North of the Southwest corner of Section 22, in Township 15 South, Range 39 West of the Boise Meridian, and running thence East 100 rods; thence North 40 feet, thence East 16 rods; thence North 7 rods  $9\frac{1}{2}$  feet; thence West 116 rods; thence South 10 rods to the place of beginning.

Together with 12 shares of the capital stock of the Preston, Riverdale and Mink Creek Canal Company.

This deed is intended to convey the above described real estate to the party of the second part as her sole and separate estate.

152337

## WARRANTY DEED

For Value Received Jean J. Smith and Sannette S. Smith, husband and wife,

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

Wendell H. Smith and Wavel K. Smith, husband and wife,

the grantees, the following described premises, in Franklin County Idaho, to wit:

Township 14 South, Range 40 East of the Boise Meridian  
The following described land in Sections 20 and 29: Commencing at a point 40 1/2 rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West 33 1/2 rods, thence South 100 rods, thence East 30 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East 7 1/2 rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #30 as it now exists.

ALSO, 4/10 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1832.

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

and that they will warrant and defend the same from all lawful claims whatsoever

Dated: October 15, 1969

*Jean J. Smith*  
*Sannette S. Smith*

STATE OF IDAHO, COUNTY OF Franklin  
On this 31st day of Oct. 1969  
before me, a Notary Public in and for said State, personally appeared Jean J. Smith and Sannette S. Smith, husband and wife,

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

Residing at Preston  
Notary Public  
Idaho  
Commission Expires 5-31-71

STATE OF IDAHO, COUNTY OF Franklin  
I hereby certify that this instrument was filed for record at the request of Wendell H. Smith

at 40 minutes past 3:00 o'clock P.M.  
this 24th day of February 1970  
in my office, and duly recorded in book of Deeds at page

*Michael S. Jones*  
Ex-Officio Recorder

By *John E. Johnson* Deputy.  
Fees \$ 4.00  
Mail fee

INSTRUMENT No.

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)

C. L. Swenson

Notary Public, Residing at Preston, Idaho

STATE OF IDAHO.

COUNTY OF FRANKLIN--ss.

I hereby certify that this instrument was filed for record at the request of Minnie Smith at 11:20 A. M. Dec. 22, 1958.

Fee: \$1.50

C. L. Swenson: Ex-Officio Recorder

By L. R. Long Deputy

-- Compared --

Inst. No. 103429

QUIT CLAIM DEED

This Indenture, made this 23rd day of May in the year, A. D., one thousand nine hundred fifty-eight, between Hyrum W. Smith of Route #2, Preston, Idaho, Clotilda S. Packer of Route #2, Preston, Idaho, Lewis W. Smith of Woods Cross, Utah, Lafayette W. Smith of Route #2, Preston, Idaho, ElRoy W. Smith of Route #2, Preston, Idaho, Minnie H. Smith of Route #2, Preston, Idaho, Dean C. Smith of Route #2, Preston, Idaho, Theo L. Smith of Route #2, Preston, Idaho, David H. Smith of Route #2, Preston, Idaho, Odessa S. McGregor of Cleveland, Idaho, Relda S. McGregor of 8801 Geraldine Avenue, San Diego, California, Opal Smith of Route #2, Preston, Idaho, Jewel Horton of Pocatello, Idaho, Ray Horton of Pocatello, Idaho, Hyrum Horton of Pocatello, Idaho, Vernal Horton of Pocatello, Idaho, Keith Smith of Pocatello, Idaho, Thelma S. Horton of Pocatello, Idaho, Roma Robinson of Centerville, Utah, Reva Smith of Irwin, Idaho, Patsy Kesler, Jr. of Toole, Utah, Zelda Ertter of 1721 N. 15th, Boise, Idaho, Zella Baker of Anchorage, Alaska, and Mamie Jean Nisson of 933 Meadowbrook Land, Pocatello, Idaho, parties of the first part, grantors, being all the heirs at law and the only heirs at law of Hyrum James Smith and his wife, Cornelia Elvira Walker Smith, now deceased, and Minnie H. Smith, grantee, of Franklin County, Idaho, party of the second part.

WITNESSETH:--That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable consideration lawful money of the United States of America, to them in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said party of the second part, and to her heirs and assigns forever, all the certain lot, piece, or parcel of land, situate, lying and being in Franklin County, State of Idaho, and bounded and particularly described as follows to-wit:

Commencing at the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian and running thence North 33 rods more or less to the County Road; thence Northeasterly following the County Road to a point 20 rods East and 40 rods North more or less of the place of beginning; thence South 40 rods; thence West 20 rods to the place of beginning.

Also Commencing at the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 43 rods more or less to the north bank of Bear River; thence Southwesterly to a point on the quarter section line that is 50 rods more or less South of the point of beginning; thence North 50 rods more or less to the point of beginning.

Together with all and singular, the tenements, water rights, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion, reversions, remainder, and remainders, rents, the issues and the profits thereof;

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

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

Hyrum W. Smith  
Hyrum W. Smith  
Clotilda S. Packer  
Clotilda S. Packer  
Lewis W. Smith  
Lewis W. Smith  
Lafayette W. Smith  
Lafayette W. Smith  
ElRoy W. Smith  
ElRoy W. Smith  
Minnie H. Smith  
Minnie H. Smith  
Dean C. Smith  
Dean C. Smith  
Theo L. Smith  
Theo L. Smith  
David H. Smith  
David H. Smith

Jewel Horton  
Jewel Horton  
Ray Horton  
Ray Horton  
Hyrum Horton  
Hyrum Horton  
Vernal Horton  
Vernal Horton  
Keith Smith  
Keith Smith  
Thelma S. Horton  
Thelma S. Horton  
Roma Robinson  
Roma Robinson  
Reva Smith  
Reva Smith  
Patsy Kesler  
Patsy Kesler

Odessa S. McGregor  
Odessa S. McGregor  
Relda S. McGregor  
Relda S. McGregor  
Opal Smith  
Opal Smith

Zelda Ertter  
Zelda Ertter  
Zella Baker  
Zella Baker  
Mamie Jean Nisson  
Mamie Jean Nisson

STATE OF Idaho

County of Franklin, ss.

On this 22 day of August in the year 1958, before me, C. L. Swenson a Notary Public in and for said County, personally appeared Lafayette W. Smith 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.

My commission expires 2-6-61.

(Seal)

C. L. Swenson  
Notary Public  
Address Preston, Idaho

STATE OF Idaho

County of Bonneville, ss.

On this 25 day of August in the year 1958, before me, a Notary Public in and for said County, personally appeared Reva Smith known to me to be the person whose name 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.

My commission expires Sept 21, 1960.

(Seal)

Lola Mitchell  
Notary Public  
Address Irvin, Idaho

STATE OF Idaho

County of Ada, ss.

On this 3 day of Sept in the year 1958, before me, F. G. Guiles a Notary Public in and for said County, personally appeared Zelda Ertter known to me to be the person whose name 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.

(Seal)

My commission expires 6-25-62.

F. G. Guiles  
Notary Public  
Address Boise, Idaho

STATE OF Idaho

County of Franklin, ss.

On this 15 day of October, in the year 1958, before me, C. L. Swenson a Notary Public in and for said County, personally appeared Hyrum W. Smith, and Patsy Kesler known to me to be the persons whose names 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.

My commission expires 2-6-61.

(Seal)

C. L. Swenson  
Notary Public  
Address Preston, Idaho

STATE OF Idaho

County of Franklin, ss.

On this 22 day of October in the year 1958, before me, C. L. Swenson a Notary Public in and for said County personally appeared Relda S. McGregor, Dean C. Smith, Minnie H. Smith, and Odessa S. McGregor 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.

My commission expires 2-6-61.

(Seal)

C. L. Swenson  
Notary Public  
Address Preston, Idaho

STATE OF Idaho

COUNTY OF Franklin, ss.

On this 27 day of October in the year 1958, before me, C. L. Swenson a Notary Public in and for said County, personally appeared Theo L. Smith, David H. Smith and Opal Smith known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

My commission expires 2-6-61.

(Seal)

C. L. Swenson  
Notary Public  
Address Preston, Idaho

STATE OF Idaho

County of Franklin, ss.

On this 31 day of October in the year 1958, before me, CLIFFORD WARR a Notary Public in and for said County personally appeared Elroy W. Smith and Clotilda S. Packer 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.

My commission expires Dec 10, 1960.

(Seal)

Clifford Warr  
Notary Public  
Address Preston, Idaho

STATE OF Utah

County of Davis, ss.

On this 5th day of November in the year 1958, before me, Keith L. Stahle a Notary Public in and for said County, personally appeared Roma Robinson 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.

My commission expires May 15, 1959.

(Seal)

Keith L. Stahle  
Notary Public  
Address Bountiful, Utah

STATE OF Idaho

County of Bannock, ss.

On this 12th day of November in the year 1958, before me, Marven Reynolds a Notary Public in and for said County, personally appeared Jewel Horton 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.

My commission expires March 26, 1961.

(Seal)

Marven Reynolds  
Notary Public  
Address 866 Wayne  
Alameda, Idaho

STATE OF Idaho

county of Bannock, ss.

On this 12th day of November in the year 1958, before me, Marven Reynolds a Notary Public in and for said County, personally appeared Ray Horton 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.

My commission expires March 26, 1961.

(Seal)

Marven Reynolds  
Notary Public  
Address 866 Wayne Ave.  
Alameda, Idaho

STATE OF Idaho

County of Bannock, ss.

On this 12th day of November in the year 1958, before me, Marven Reynolds a Notary Public in and for said county, personally appeared Hyrum Horton 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.

My commission expires March 26, 1961.

(Seal)

Marven Reynolds  
Notary Public  
Address 866 Wayne  
Alameda, Idaho

STATE OF Idaho

County of Bannock, ss.

On this 12th day of November in the year 1958, before me, Marven Reynolds a Notary Public in and for said County, personally appeared Vernal Horton 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.

My commission expires March 26, 1961.

(Seal)

Marvin Reynolds  
Notary Public  
Address 866 Wayne  
Alameda, Idaho

STATE OF Idaho

County of Bannock, ss.

On this 12th day of November in the year 1958, before me, Marven Reynolds a Notary Public in and for said County, personally appeared Keith Smith 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.

My commission expires March 26, 1961.

(Seal)

Marven Reynolds  
Notary Public  
Address 866 Wayne  
Alameda, Idaho

STATE OF Idaho

County of Bannock, ss.

On this 12th day of November in the year 1958, before me, Marven Reynolds a Notary Public in and for said County, personally appeared Thelma S. Horton 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.

My commission expires March 26, 1961.

(Seal)

Marven Reynolds  
Notary Public  
Address 866 Wayne  
Alameda, Idaho

STATE OF Idaho

County of Bannock, ss.

On this 12th day of November in the year 1958, before me, Marven Reynolds a Notary Public in and for said County, personally appeared Mamie Jean Nisson 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.

My commission expires March 26, 1961.

(Seal)

Marven Reynolds  
Notary Public  
Address 866 Wayne  
Alameda, Idaho

STATE OF Idaho

County of Franklin, ss.

On this 28 day of Nov. in the year 1958, before me, Paul C. Greaves a Notary Public in and for said county, personally appeared Lewis W. Smith 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.

My commission expires 4-25-62.

(Seal)

Paul C. Greaves  
Notary Public  
Address Preston, Idaho

UNITED STATES OF AMERICA

TERRITORY OF ALASKA, ss.

On this \_\_\_\_ day of \_\_\_\_\_ in the year 19\_\_\_\_, before me, \_\_\_\_\_ a Notary Public in and for said Territory, personally appeared Zella Baker 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.

My commission expires 1/3/60.

(Seal)

Zoe S. Howard  
Notary Public for Alaska  
Address Anchorage, Alaska

Commencing at a point 2340 feet South and 1952 feet East from the Northwest corner of Section 26, Township 15 South, Range 39 East of the Boise Meridian, and running thence South 100 feet; thence East 80 rods; thence North 100 feet; thence West 80 feet; to the place of Beginning.

Together with an undivided interest in and to the following described land for street or road way: Commencing at a point 2340 feet South and 1721 feet East from the Northwest corner of Section 26, Township 15 South, Range 39 East of the Boise Meridian, and running thence East 436 feet; thence North 30 feet; thence West 436 feet; thence South 30 feet to the place of beginning.

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 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 party of the second part, and to his 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 party of the second part his 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Robert Sparrow (Seal)

Ollie Jean Sparrow (Seal)

STATE OF IDAHO

County of Franklin--ss.

On this 21st day of November in the year 1955 before me Ted Larsen a Notary Public in and for said State, personally appeared Robert Sparrow and his wife Ollie Jean Sparrow 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.

Ted Larsen

(Seal)

Notary Public, Residing at Preston, Idaho

STATE OF IDAHO

County of Franklin--ss.

I hereby certify that this instrument was filed for record at request of J. N. Larsen at 9:40 A. M. February 10, 1956

Fee: \$1.75

C. L. Svenson Ex-Officio Recorder

By Della Stettin Deputy

- - - <sup>oR</sup> Compared - - -

Inst. No. 97740

WARRANTY DEED

THIS INDENTURE, made this 25th day of March in the year of our Lord one thousand nine hundred and Forth-six between S. L. Smith and Minnie M. Smith, his wife of Preston County of Franklin State of Idaho the parties of the first part, and Dean C. Smith of Preston County of Franklin State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged ha granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:



Part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 20, Township 14 south, Range Forty, East of the Boise Meridian, and parts of the North Half of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 29, Township 14 South, Range 40, East of the Boise Meridian as follows: Commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 20, and running thence West Forty-six and one-half rods (46 $\frac{1}{2}$ ); thence South Seventeen (17) rods; thence West Seven and One-half rods (7 $\frac{1}{2}$ ); thence South Ninety (90) rods; thence East fifty-four (54) rods; thence North One Hundred Seven (107) rods to the place of beginning.

Together with water rights and works including one-tenth (1/10) interest in Smith Hill Ditch, One-sixth (1/6) interest in Water Hallow Ditch, and waters of Bear River.

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 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 party of the second part, and to his 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 party of the second part his 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.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

S. L. Smith (Seal)

Minnie M. Smith (Seal)

STATE OF IDAHO,

County of Franklin--ss.

On this 25th day of March in the year 1946, before me Clifford Warr a Notary Public in and for said State, personally appeared S. L. Smith and Minnie M. Smith known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Seal)

Clifford Warr  
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO

County of Franklin--ss.

I hereby certify that this instrument was filed for record at request of Dean C. Smith at 9:50 A. M. February 10, 1956.

Fee: \$1.75

C. L. Swenson Ex-Officio Recorder

By Della Swenson Deputy

Inst. No. 97744

-- -<sup>OT</sup> Compared-- -

WARRANTY DEED

THIS INDENTURE, made this 23rd day of January in the year of our Lord one thousand nine hundred and Fifty-six between Darwin Rawlings and his wife Elsie S. Rawlings of Eagle County of Ada State of Idaho the parties of the first part, and Willis C. Moser and his wife Dorothy H. Moser, joint tenants by the entirety with full rights vested in the survivor, and not as tenants in common. of County of State of the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One dollar and other valuable consideration 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 the following described real estate, situated in the County of Franklin,

# WARRANTY DEED

For Value Received

DEAN C. SMITH and JEAN M. SMITH, husband and wife

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

WENDELL H. SMITH and WAVEL K. SMITH, husband and wife

the grantee s, the following described premises, in...Franklin.....County Idaho, to wit:

Township 14 South, Range 40 East of the Boise Meridian

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section, and running thence South 445.5 feet; thence East 670 feet, more or less to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on the highway approach; thence Northwesterly along the approach RIGHT OF WAY 110 feet, more or less, to State Highway 36 RIGHT OF WAY; thence Westerly along State Highway RIGHT OF WAY curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

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

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

STATE OF IDAHO, COUNTY OF FRANKLIN

On this 15th day of October, 1971, before me, a notary public in and for said State, personally appeared

DEAN C. SMITH and JEAN M. SMITH, husband and wife

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

Residing at  
Comm. Expires:

Notary Public  
, Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of Dean C. Smith

at 45 minutes past 11 o'clock A.M., this 18th day of October, 1971, in my office, and duly recorded in Book of Deeds at page

Ex-Officio Recorder

By

Deputy.

Fees \$ 1.00

Mail to: Dean C. Smith

INSTRUMENT NO 12893

## QUITCLAIM DEED

For Value Received

WENDELL H. SMITH and WAVEL K. SMITH, husband and wife,

do hereby convey, release, remise and forever quit claim unto

WENDELL H. SMITH and WAVEL K. SMITH, trustees, or their successors in Trust, of THE WENDELL H. SMITH FAMILY TRUST established by a Trust Agreement dated January 23, 1987  
 whose current address is

Route 2, Preston, Idaho

the following described premises, to-wit: All that real estate located in Franklin County, Idaho and more particularly described in Exhibit "A" attached hereto.

See Attached Exhibit "A"

The surviving Trustee and successor Trustees have full rights to sell or encumber the property herein set forth.

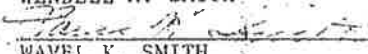
Substitute Trustee: In the event a vacancy exists, for any reason, in the office of trustee, the following persons shall act as substitute trustees, successively in the order named: The surviving spouse as sole trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKI LYNN SMITH DANIELS of Sandy, Utah, and KRISTIE SMITH of Logan, Utah, all as co-trustees; in the event of the death, resignation, refusal, or inability of any co-trustee to qualify or act, the remaining co-trustees shall act as substitute co-trustees.

The transfer of Trusteeship may be evidenced by a Quitclaim Deed from the Trustee herein, or a resignation to the first successor or a death certificate filed of record.

together with their appurtenances.

Dated: January 23, 1987

  
 WENDELL H. SMITH

  
 WAVEL K. SMITH

STATE OF IDAHO, COUNTY OF FRANKLIN,

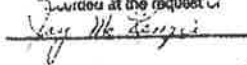
On this 23rd day of January, 1987,  
 before me, a notary public in and for said State, personally  
 appeared

WENDELL H. SMITH and  
 WAVEL K. SMITH, 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.

  
 Notary Public

Residing at Preston, Idaho  
 Comm. Expires 11/16/91

Witnessed at the request of  


JAN 23 1987 4:55 p.m.

CORRIE L. KEXLER, RECORDER

Franklin County, Idaho  
 CLERK OF COUNTY CLERK

EXHIBIT "A"

PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$   
Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 7: E $\frac{1}{2}$ NE $\frac{1}{4}$   
Section 8: NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

Section 5: SE $\frac{1}{4}$

ALSO, Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

Section 8: Beginning at the Northeast corner of Section 8,  
and running thence South 60° West 48 rods;  
thence South 10° West 40 rods; thence South 56°  
West 60 rods; thence West 56 rods; thence North  
98 rods; thence East 160 rods, more or less,  
to the point of beginning.

TOGETHER WITH an existing right of way for  
ingress and egress across the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$   
of Section 8, to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,  
Township 13 South, Range 40 East of the Boise Meridian:

ALSO: The Southwest quarter of the Southeast quarter and the  
Southeast quarter of the Southwest quarter of Section 24,  
Township 13 South, Range 40 East of the Boise Meridian, con-  
taining 80 acres;

ALSO: The West half of Northeast quarter of Section 29, and  
the Southwest quarter of the Southeast quarter of Section 20,  
Township 13 South, Range 41 East of Boise Meridian;

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25 the South half of the Northwest quarter of Section 25, all in Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres.

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 35: NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>

Also commencing at the NE corner of the SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of said Section 35, and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence SWesterly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of

174698

4-7

the Boise Meridian, Franklin County, Idaho:

Sections 2,

26, 35 & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fence line the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00" East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 24: Commencing at the Northwest corner of the SE¼SW¼; thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW¼SE¼; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: ~~SW¼~~. ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW¼NW¼ of Section 25, and running thence Southwesterly to the Southwest corner of the NW¼NW¼; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25, thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

## Section 26: SEANEX

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 14 South, Range 40 East of the Boise Meridian, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section, 27 rods East of the Southwest corner of the Southeast quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

A tract of land located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 31, and the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, T. 14 S., R. 40 E.B.M., lying North of Bear River and South of the Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

Beginning at a point on the Southeasterly R/W of the said Mink Creek Road, S. 64°39' E. (bearings taken from the centerline of the said Mink Creek Road Proj. S-1803(2) official plat) 36.7 feet from station 4426 of said Mink Creek Road centerline; thence S. 64°39' E. 432 feet, more or less, to the North meander line of Bear River; thence Easterly along the said North meander line of Bear River to an intersection with the East boundary of the said SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 30; thence North along the said East boundary of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30, 960 feet, more or less, to an intersection with the Easterly R/W of the said Mink Creek Road, this point is approximately 322 feet South of the NE corner of the said SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 30; thence S. 42°54' W. along the said Easterly R/W 1790 feet, more or less, to the point of beginning; containing 14.4 acres, more or less.

1.56 A tract of land located in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 31 and SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 30, T. 14 S., R. 40 E.B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 31; thence North 42°54' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M.; thence North 280 feet, thence West 170 feet, thence Southwesterly



along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M., thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M. thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1150 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 30; running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 30: Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 567 feet; thence East 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1/2 rods 14 1/2 feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and 2/3 rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho:

Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$  of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence



South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14½ feet North of the Southeast corner of the SW¼ of Section 23, and running thence North 15 rods, 10½ feet; thence East 2 rods; thence South 15 rods, 10½ feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

174698 5.9

Franklin County, Idaho:

The following described land in Sections 20 and 29: Commencing at a point  $46\frac{1}{2}$  rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West  $33\frac{1}{2}$  rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East  $7\frac{1}{2}$  rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO,  $\frac{4}{16}$  of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods;

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9-9

thence South 40 rods more or less to the North Bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

ALSO, commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE FOREGOING PARCELS.

231608 1-9

Recorded at the request of

JAY R. Mckenzie

a.m. OCT 13 2005 p.m. 2:15

**QUITCLAIM DEED**

V. ELLIOTT LARSEN, RECORDER  
By Shauna Scddes Deputy  
FRANKLIN COUNTY, IDAHO

**FOR VALUE RECEIVED**

WENDELL H. SMITH, Sole Surviving and Sole Successor Trustee, and Sole Surviving Grantor of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

does hereby convey, release, remise and forever quit claim unto

WENDELL H. SMITH, Initial Trustee, and his successors, in trust, of the WENDELL H. SMITH MARITAL TRUST created upon the death of WAVE K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

whose current address is: Wendell H. Smith Marital Trust  
c/o Wendell H. Smith, Trustee  
2913 East Hwy. 36  
Preston, ID 83263

the following described premises, to-wit:

A one-third undivided interest in and to certain real property located in Franklin County, Idaho, more particularly described in Exhibit "A" attached hereto and made a part hereof by reference.

TOGETHER WITH, a one-third undivided interest in and to the following described water stock:

- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50¾ shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

The successor trustees of the Trust are the following, successively in the order named: GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, as sole-successor trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

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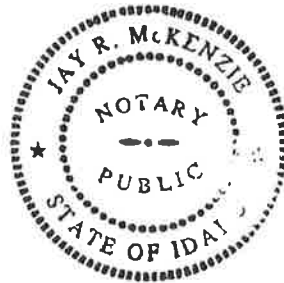
DATED this 12<sup>th</sup> day of October, 2005.

Wendell H. Smith  
WENDELL H. SMITH, Trustee

STATE OF IDAHO            )  
                                      ) ss.  
COUNTY OF FRANKLIN    )

On this 12<sup>th</sup> day of October, 2005, before me, a Notary Public in and for said State, personally appeared WENDELL H. SMITH, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust, and acknowledged to me that he executed the same as such trustee.

Jay R. McKenzie  
NOTARY PUBLIC  
Residing at: Preston, Idaho  
My Commission Expires: 11-21-2009



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EXHIBIT "A"

PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

- Section 5:  $SW\frac{1}{4}SW\frac{1}{4}$
- Section 6:  $SE\frac{1}{4}SE\frac{1}{4}$
- Section 7:  $E\frac{1}{2}NE\frac{1}{4}$
- Section 8:  $NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

- Section 5:  $SE\frac{1}{4}$

ALSO, Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

- Section 8: Beginning at the Northeast corner of Section 8,  
and running thence South  $60^{\circ}$  West 48 rods;  
thence South  $10^{\circ}$  West 40 rods; thence South  $56^{\circ}$   
West 60 rods; thence West 56 rods; thence North  
98 rods; thence East 160 rods, more or less,  
to the point of beginning.

TOGETHER WITH an existing right of way for  
ingress and egress across the  $SW\frac{1}{4}NE\frac{1}{4}$  and  $NW\frac{1}{4}SE\frac{1}{4}$   
of Section 8, to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,  
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of the Southeast quarter and the  
Southeast quarter of the Southwest quarter of Section 24,  
Township 13 South, Range 40 East of the Boise Meridian, con-  
taining 80 acres;

ALSO: The Southwest quarter of the Southeast quarter of Section 20,  
Township 13 South, Range 41 East of Boise Meridian;

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25  
the South half of the Northwest quarter of Section 25, all in  
Township 13 South, Range 40 East of the Boise Meridian;

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ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres.

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 35: ~~NE $\frac{1}{4}$ SE $\frac{1}{4}$~~

Also commencing at the NE corner of the ~~SE $\frac{1}{4}$ SE $\frac{1}{4}$~~  of said Section 35, and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of ~~SE $\frac{1}{4}$ SE $\frac{1}{4}$~~  of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence SWesterly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Sections 2,

26, 35 & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fenceline the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00"



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East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 24: Commencing at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: S $\frac{1}{2}$ NW $\frac{1}{4}$ . ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, and running thence Southwesterly to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25, thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 14 South, Range 40 East of the Boise Meridian, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section, 27 rods East of the Southwest corner of the Southeast quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

ALSO, a tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 31 and SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 30, T. 14 S., R. 40 E.B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:



Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 31; thence North 42°54' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M.; thence North 280 feet, thence West 170 feet, thence Southwesterly along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M., thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M. thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1150 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 30; running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 30: Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 567 feet; thence East 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1 rods 14 $\frac{1}{2}$  feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and  $\frac{2}{3}$  rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho:

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Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$  of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14 $\frac{1}{2}$  feet North of the Southeast corner of the SW $\frac{1}{4}$  of Section 23, and running thence North 15 rods, 10 $\frac{1}{2}$  feet; thence East 2 rods; thence South 15 rods, 10 $\frac{1}{2}$  feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

Franklin County, Idaho:

231608 8.9

The following described land in Sections 20 and 29: Commencing at a point  $46\frac{1}{2}$  rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West  $33\frac{1}{2}$  rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East  $7\frac{1}{2}$  rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner  $SW\frac{1}{4}SE\frac{1}{4}$  of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner  $SW\frac{1}{4}SE\frac{1}{4}$  of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

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ALSO, commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE FOREGOING PARCELS.

231610 1-9

Recorded at the request of

JAY R. McKenzie

\_\_\_\_ a.m. OCT 13 2005 p.m. 2:25

**QUITCLAIM DEED**

V. ELLIOTT LARSEN, RECORDER

By Shauna Giddes Deputy

FRANKLIN COUNTY, IDAHO

**FOR VALUE RECEIVED**

WENDELL H. SMITH, Sole Surviving and Sole Successor Trustee, and Sole Surviving Grantor of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

does hereby convey, release, remise and forever quit claim unto

WENDELL H. SMITH, Initial Trustee, and his successors, in trust, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

whose current address is: Wendell H. Smith Family Trust  
c/o Wendell H. Smith, Trustee  
2913 East Hwy. 36  
Preston, ID 83263

the following described premises, to-wit:

A two-thirds undivided interest in and to certain real property located in Franklin County, Idaho, more particularly described in Exhibit "A" attached hereto and made a part hereof by reference.

TOGETHER WITH, a two-thirds undivided interest in and to the following described water stock:

- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50¼ shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

The successor trustees of the Trust are the following, successively in the order named: GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, as sole-successor trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

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DATED this 12<sup>th</sup> day of October, 2005.

Wendell H. Smith  
WENDELL H. SMITH, Trustee

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF FRANKLIN        )

On this 12<sup>th</sup> day of October, 2005, before me, a Notary Public in and for said State, personally appeared WENDELL H. SMITH, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust, and acknowledged to me that he executed the same as such trustee.

Jay R. McKenzie  
NOTARY PUBLIC  
Residing at: Preston, Idaho  
My Commission Expires: 11-21-2009



231610 3-a

EXHIBIT "A"

PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

Section 5:  $SW\frac{1}{4}SW\frac{1}{4}$   
Section 6:  $SE\frac{1}{4}SE\frac{1}{4}$   
Section 7:  $E\frac{1}{2}NE\frac{1}{4}$   
Section 8:  $NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

Section 5:  $SE\frac{1}{4}$

ALSO, Township 13 South, Range 41 East of the Boise Meridian,  
Franklin County, Idaho:

Section 8: Beginning at the Northeast corner of Section 8,  
and running thence South  $60^{\circ}$  West 48 rods;  
thence South  $10^{\circ}$  West 40 rods; thence South  $56^{\circ}$   
West 60 rods; thence West 56 rods; thence North  
98 rods; thence East 160 rods, more or less,  
to the point of beginning.

TOGETHER WITH an existing right of way for  
ingress and egress across the  $SW\frac{1}{4}NE\frac{1}{4}$  and  $NW\frac{1}{4}SE\frac{1}{4}$   
of Section 8, to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,  
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of the Southeast quarter and the  
Southeast quarter of the Southwest quarter of Section 24,  
Township 13 South, Range 40 East of the Boise Meridian, con-  
taining 80 acres;

ALSO: The Southwest quarter of the Southeast quarter of Section 20,  
Township 13 South, Range 41 East of Boise Meridian;

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25  
the South half of the Northwest quarter of Section 25, all in  
Township 13 South, Range 40 East of the Boise Meridian;



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ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres.

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 35: NE~~1~~SE~~1~~4

Also commencing at the NE corner of the SE~~1~~SE~~1~~4 of said Section 35, and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of SE~~1~~SE~~1~~4 of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence SWesterly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Sections 2,

26, 35 & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fenceline the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00"



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East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 24: Commencing at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$ . ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 25, and running thence Southwesterly to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25, thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 14 South, Range 40 East of the Boise Meridian, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section, 27 rods East of the Southwest corner of the Southeast quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

ALSO, a tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 31 and SE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 30, T. 14 S., R. 40 E.B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

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Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 31; thence North 42°54' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M.; thence North 280 feet, thence West 170 feet, thence Southwesterly along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M., thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 30, T. 14 S., R. 40 E.B.M. thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1150 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 30; running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$  said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 30: Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 567 feet; thence East 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1 rods 14 $\frac{1}{2}$  feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and  $\frac{2}{3}$  rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho:

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Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$  of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14 $\frac{1}{2}$  feet North of the Southeast corner of the SW $\frac{1}{4}$  of Section 23, and running thence North 15 rods, 10 $\frac{1}{2}$  feet; thence East 2 rods; thence South 15 rods, 10 $\frac{1}{2}$  feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian,  
Franklin County, Idaho:

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

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Franklin County, Idaho:

The following described land in Sections 20 and 29: Commencing at a point  $46\frac{1}{2}$  rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West  $33\frac{1}{2}$  rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East  $7\frac{1}{2}$  rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO, 4/16 of 2 c.f.s: decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner  $SW\frac{1}{4}SE\frac{1}{4}$  of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner  $SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$  of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

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ALSO, commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE FOREGOING PARCELS.

2367621-7

Recorded at the request of  
**JAY R. MCKENZIE**

\_\_\_\_ a.m. FEB 14 2007 p.m. 1:20

V. ELLIOTT LARSEN, RECORDER  
By Cammie K. Kiser Deputy  
FRANKLIN COUNTY, IDAHO

**CORRECTING QUITCLAIM DEED**

**FOR VALUE RECEIVED**

GAYLE DEANN SMITH CONDIE, Trustee, of the WENDELL H. SMITH MARITAL TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

**AS TO A ONE-THIRD UNDIVIDED INTEREST** in and to certain real property and water stock, located in Franklin County, Idaho, more particularly described below;

and

GAYLE DEANN SMITH CONDIE, Trustee, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

**AS TO A TWO-THIRDS UNDIVIDED INTEREST** in and to certain real property and water stock, located in Franklin County, more particularly described below;

do hereby convey, release, remise and forever quitclaim unto

GAYLE DEANN SMITH CONDIE, Successor Trustee, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

whose current address is: Gayle Deann Smith Condie  
P.O. Box 677  
Logan, UT 84323-0677

the following described premises, located in Franklin County, Idaho, more particularly described as follows, to-wit:

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

TOGETHER WITH the following described water stock:

- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50¼ shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.



The successor trustees of the Trust are the following: DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

This Correcting Quitclaim Deed is to correct and reorganize the legal descriptions of the various properties described in the Quitclaim Deed recorded December 28, 2005, as Instrument No. 232371, records of Franklin County, Idaho, and Instrument No. 232372, records of Franklin County, Idaho.

DATED this 13 day of October, 2006.

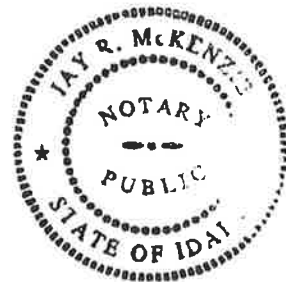
*Gayle Deann Smith Condie*  
GAYLE DEANN SMITH CONDIE,  
Trustee of The Wendell H. Smith Marital Trust  
created upon the death of Wavel K. Smith  
on September 17, 2004

*Gayle Deann Smith Condie*  
GAYLE DEANN SMITH CONDIE,  
Trustee of The Wendell H. Smith Family Trust  
created upon the death of Wavel K. Smith  
on September 17, 2004

STATE OF IDAHO )  
COUNTY OF FRANKLIN ) ss.

On this 13<sup>th</sup> day of October, 2006, before me, a Notary Public in and for said State, personally appeared GAYLE DEANN SMITH CONDIE, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Marital Trust created upon the death of Wavel K. Smith on September 17, 2004, and acknowledged to me that he executed the same as such trustee.

*Jay R. McKenzie*  
NOTARY PUBLIC  
Residing at: Preston, Idaho  
My Commission Expires: 11-21-2009



236762 3-7

STATE OF IDAHO )  
COUNTY OF FRANKLIN ) ss.

On this 13<sup>th</sup> day of October, 2006, before me, a Notary Public in and for said State, personally appeared GAYLE DEANN SMITH CONDIE, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, and acknowledged to me that he executed the same as such trustee.

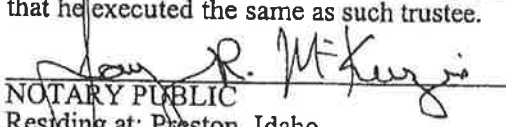
  
NOTARY PUBLIC  
Residing at: Preston, Idaho  
My Commission Expires: 11-21-2009





EXHIBIT "A"

## Township 13 South, Range 40 East of the Boise Meridian

Section 24: W1/2SW1/4; except commencing at the Northeast corner thereof, thence running South 250 feet, thence West 150 feet, thence North 250 feet, thence East 150 feet, to point of beginning.

Section 25: Beginning at the SW corner of the NW1/4NW1/4 Said Twp and Range. Thence running North 80 Rods, Thence East 80 Rods, Thence South 40 Rods, Thence southwesterly to POB.

Section 26: SW1/4SE1/4, S1/2NW1/4SE1/4, NE1/4NW1/4SE1/4  
SE1/4SW1/4NE1/4

Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter, thence South 50 rods; thence Northeasterly to a point 41 rods East of the point of beginning, thence West 41 rods to point of beginning, containing 6 acres more or less.

Section 35: E1/2

Section 36: W1/2NW1/4

## Township 13 South, Range 41 East of the Boise Meridian

Section 5: SW1/4SW1/4; SE1/2

Section 6: SE1/4SE1/4

Section 7: E1/2NE1/4

Section 8: NW1/4, NE1/4SW1/4, E1/2W1/2SW1/4

ALSO, Beginning at the Northeast corner of Section 8, and running thence South 60° West 48 rods; thence South 10° West 40 rods; thence South 56° West 60 rods; thence West 61.75 rods; thence North 98 rods; thence East 160 rods, more or less, to the point of beginning.

TOGETHER WITH an existing right of way for ingress and egress across the SW1/4NE1/4 and NW1/4SE1/4 of Section 8, to the county road.

## Township 14 South, Range 40 East of the Boise Meridian

Section 2: Beginning at the Northeast corner of Lot 3, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast Quarter of the Northwest Quarter of said Section, 27 rods East of the Southwest corner of the Southeast Quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East Half of the Northwest Quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

## EXCEPTING THEREFROM:

## Township 13 South, Range 40 East of the Boise Meridian

Section 35: Beginning at the Southeast corner of SW1/4SE1/4; thence West 370 feet; thence North 99 feet; thence Northeast to a point 16 rods North of the point of beginning; thence South 1 rod; thence Southeast to a point 23 rods East of the point of beginning; thence West 23 rods, to the point of beginning

## ALSO EXCEPTING THEREFROM:

## Townships 13 and 14 South, Range 40 East of the Boise Meridian

Sections 2,

26, 35, & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East of Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fenceline the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00" East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

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Township 14 South, Range 40 East of the Boise Meridian

Section 20: Beginning at a point 40 rods West of the Southeast corner of the Southeast Quarter of the Southwest Quarter, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning.

ALSO, Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, of said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet, more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet, more or less, to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 of decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

Sections 20  
& 29:

Commencing at a point  $46\frac{1}{2}$  rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West  $33\frac{1}{2}$  rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East  $7\frac{1}{2}$  rods, thence North 17 rods to the point of beginning.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

EXCEPT, all that portion lying North of State Highway 36 as it now exists.

EXCEPT all of that portion of the above-described property lying South and East of Bear River.

Section 20: Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 20, thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

ALSO, Commencing at a point 427 feet South of the NW corner of the Southwest Quarter of the Southeast Quarter, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods;

thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the Northeast corner of the SW1/4SW1/4SE1/4 of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

Section 29: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at a point 20 rods East of the Northwest corner of the Northeast Quarter, and running thence East 20 rods; thence South 40 rods more or less to the North bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

TOGETHER WITH all appurtenant water rights and all other appurtenances to the foregoing parcels.

Township 15 South, Range 39 East of the Boise Meridian

Section 23: Commencing at a point 91 rods  $14\frac{1}{2}$  feet North of the Southeast corner of the Southwest Quarter, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and  $\frac{2}{3}$  rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM:

Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW1/4 of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods,  $14\frac{1}{2}$  feet North of the Southeast corner of the SW1/4 of Section 23, and running thence North 15 rods,  $10\frac{1}{2}$  feet; thence East 2 rods; thence South 15 rods,  $10\frac{1}{2}$  feet; thence West 2 rods to the point of beginning.

NTF-62961  
Robert W. Boyack Trust  
3168 East Highway 36  
Preston, ID 83263

256545 1-2

Recorded at the request of  
Northern Title Co.  
Time 12:12

NOV 09 2012

## WARRANTY DEED

SHAUNA T GEDDES, RECORDER  
BY Ruth Rauding Deputy  
FRANKLIN COUNTY IDAHO

Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003

Grantor(s) of River Heights, County of Cache, State of UT hereby **CONVEY AND WARRANT** to

Robert W. Boyack and Olivia J. Boyack, Trustees of the Robert and Olivia Boyack Living Trust Dated November 22, 2011,

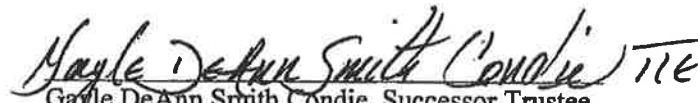
Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

See Exhibit A

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Together with Water Right #13-7631 and a Fractional Interest in Water Right #13-7633 with the IDWR.

Witness, the hand(s) of said Grantor(s), this November 9, 2012.

  
Gayle DeAnn Smith Condie, Successor Trustee

State of Idaho                     )  
County of Franklin            )

On November 9, 2012, personally appeared before me, Gayle DeAnn Smith Condie, Successor Trustee, of the Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, pursuant to Article 3.02 of the Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003, the signer(s) of the within instrument, who duly acknowledged to me that she executed the same.



  
Notary Public

Resides: Preston, ID  
Expires: 03/12/2017

**Exhibit "A"**

A parcel of land located in the South half of the Southeast quarter of Section 20, and in the North half of the Northeast quarter of Section 29, all in Township 14 South, Range 40 East, Boise Meridian, the same being a portion of the lands described in Correcting Quitclaim deed instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being South 89°05'41" West a distance of 2623.64 feet from the Southeast corner of said section; Thence North 89°05'41" East along said section line for a distance of 299.43 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on a fence line coursing North and South, the True Point of Beginning;

Thence along a fence line for the following Four (4) courses:

1. North 00°00'00" East for a distance of 26.13 feet,
2. Thence North 53°49'46" East for a distance of 354.05 feet,
3. Thence North 63°30'21" East for a distance of 21.68 feet,
4. Thence North 77°25'55" East for a distance of 54.80 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the East boundary line of the West half of the Southwest quarter of the Southeast quarter;

Thence North 00°30'59" East for a distance of 426.33 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36;

Thence North 76°02'45" East along said right of way line for a distance of 85.93 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence line;

Thence along said fence line for the following Three (3) courses:

1. South 03°00'49" East for a distance of 368.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner,
2. Thence North 89°52'05" East for a distance of 540.53 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner;
3. Thence North 00°15'24" East for a distance of 516.25 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36;

Thence along said right of way line for the following Three (3) courses:

1. North 76°02'45" East for a distance of 461.24 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department marking a point on an 1879.86 foot radius tangent curve concave to the southeast;
2. Thence northeasterly along said curve to the right through a central angle of 13°00'00" for an arc distance of 426.53 feet (cb N 82°32'45" E 425.61') to a found 3 inch Brass cap right of way monument, Idaho Transportation Department;
3. Thence South 89°13'40" East non tangent to the previous curve for a distance of 152.49 feet to a found 6 inch diameter iron pipe set in a concrete base on the common boundary line of the lands defined in that Boundary Line Agreement Instrument No. 229047 as recorded in the official records of said county;

Thence along said common boundary line, the same also being an existing fence line for the following Three (3) courses:

1. Thence South 13°24'57" East for a distance of 348.53 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169"
2. Thence South 05°43'39" West for a distance of 54.13 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";
3. Thence South 67°41'42" East for a distance of 106.32 feet to a point on the Mean High Waterline on the Right Bank of the Bear River, Thence along said Mean High Waterline for the following Eleven (11) courses:

1. South 20°06'45" West for a distance of 292.59 feet;
2. Thence South 02°11'21" West for a distance of 428.63 feet,
3. Thence South 08°10'00" West for a distance of 446.09 feet;
4. Thence South 34°51'34" West for a distance of 241.28 feet;
5. Thence South 46°22'28" West for a distance of 165.24 feet,
6. Thence South 63°14'18" West for a distance of 31.07 feet;
7. Thence South 88°28'13" West for a distance of 59.53 feet;
8. Thence North 72°04'30" West for a distance of 195.96 feet;
9. Thence North 83°05'10" West for a distance of 333.00 feet;
10. Thence North 85°48'45" West for a distance of 816.68 feet;
11. Thence South 80°09'15" West for a distance of 352.60 feet to a fence line coursing North and South;

Thence North 00°00'00" East along said fence line for a distance of 787.60 feet to the True Point of Beginning.

Together with an easement for ingress and egress for the maintenance and repair of the main irrigation pump.

Re 229795 1-2

229278 1-2

**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL TO:**  
First American Title Company  
28 West Oneida

Recorded at the request of

FIRST AMERICAN TITLE

11:55 a.m. MAY 13 2005 p.m.

V. ELLIOTT LARSEN, RECORDER  
By Shauna Gaddes Deputy  
FRANKLIN COUNTY, IDAHO

Recorded at the request of  
FIRST AMERICAN TITLE

11:00 a.m. MAR 23 2005 p.m.

V. ELLIOTT LARSEN, RECORDER  
By Shauna Gaddes Deputy  
FRANKLIN COUNTY, IDAHO

Space Above This Line for Recorder's Use Only

**WARRANTY DEED**

File No.: 109033-PR (mh)

Date: March 21, 2005

For Value Received, **Brad K. Smith, a married man as his sole and separate property**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Robert W Boyack and Olivia Boyack, husband and wife**, hereinafter called the Grantee, whose current address is **Township 14 South, Range 40 EBM, Preston, ID 83263**, the following described premises, situated in Franklin County, Idaho, to-wit:

**Township 14 South, Range 40EBM, Franklin County, Idaho**

**Section 20: NE $\frac{1}{4}$ SE $\frac{1}{4}$**

**ALSO that portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of said Section 20 lying South of the centerline of the existing Twin Lakes Canal and West of the centerline of Big Hollow.**

**Section 21: Beginning at the <sup>WEST</sup>East quarter corner of said Section 21; thence South 80 rods, more or less to the North right of way line of Idaho State Highway 36; thence Northeasterly along said right of way to the Centerline of Big Hollow; thence Northerly along centerline to a point 13 rods East, more or less from the Point of Beginning; thence West to the Point of Beginning.**

**ALSO that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 21 lying westerly of the centerline of Big Hollow.**

**Together with an easement for ingress, egress and utilities over the existing road along Big Hollow.**

**Reserving unto the Grantor, his heirs and/or assigns an easement for ingress, egress and utilities over the existing road along Big Hollow.**

**To correct warranty deed recorded 03-22-2005 Instrument # 279272.**

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

# 229795 on 5/13/05 filed # 279272

re 229795 2-2

229278 2-2

Date: 03/21/2005

Warranty Deed  
- continued

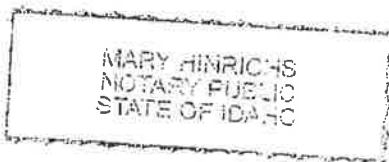
File No. # 109033-PR (kr)



Brad K. Smith

STATE OF Idaho )  
SS.  
COUNTY OF Franklin )

On this **Twenty-first day of March, 2005**, before me, a Notary Public in and for said State, personally appeared **Brad K. Smith**, known or identified to me 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.



Notary Public for the State of Idaho

Residing at: Preston, Idaho

My Commission Expires: 4-25-2007



**Legal Description to Boyack**

**Township 14 South, Range 40 East of the Boise Meridian**

**Section 20: NE1/4SE1/4;**

**That portion of the SE1/4 of the NE1/4 lying south of the center of the existing Twin Lakes Canal, and west of the center of Big Hollow;**

**That portion of the NE1/4 of the NE1/4 lying south of the center of the existing Twin Lakes Canal, and west of the center of Big Hollow.**

**Township 14 South, Range 40 East of the Boise Meridian**

**Section 21: Commencing at the Northwest corner of the Southwest quarter of said Section, which is the point of beginning; running thence South 80 rods, more or less, to the Idaho State Highway No. 36 North right-of-way fence line; thence following said right-of-way line Northeasterly to the center of Big Hollow; thence following center of Big Hollow Northwesterly to a point 13 rods East of the point of beginning; thence West 13 rods to the point of beginning.**

89°23'08" W 1310.65'  
1245.12' (DUST 1347)

ARO DIST	TANGENT	CHORO BRG	CD DIST
896.68	302.72	N 84°05'45" E	592.36
433.33	217.80	N 82°32'46" E	432.40
98.25	49.15	N 89°10'02" E	98.25
426.83	214.16	N 82°32'46" E	426.81
181.84	90.94	S 71°24'13" W	181.82
28.43	14.72	N 67°45'59" E	28.43
68.82	34.42	N 89°45'59" E	68.82
17.30	8.65	S 67°36'23" W	17.30
332.83	167.03	S 58°40'24" W	331.92

RIGHT-OF-WAY LINES ARE BASED UPON FOUND  
AS DEPICTED UPON THE OFFICIAL HIGHWAY PLANS TITLED,  
IS 6 THROUGH 8 OF 13. BASIS OF RIGHT-OF-WAY IS  
STA PT 804+00.9 60' RT TO FOUND MONUMENT AT STA  
PROVIDED THE BEST OVERALL FIT WITH OTHER FOUND

DELL H. SMITH  
WILLY TRUST  
E 3 PARCEL 1  
NO. 238782

ARCEL 5  
i2.3 AC.

NORTH 1/4 CORNER  
SECTION 20  
SET 5/8" IRON PIN WITH  
2" AL. CAP TAGGED  
GEM VALLEY SURVEY PLS 9169  
CP&F INST. 243248

REFERENCE RECORD OF SURVEY INST. 243261

BOUNDARY LINE DATA TABLE		
NUMBER	DIRECTION	DISTANCE
16	S 77°25'55" W	54.80'
17	S 63°30'21" W	21.68'
18	S 89°10'04" W	122.09'
19	N 80°48'29" E	16.91'
10	N 76°02'45" E	137.37'
14	S 71°45'05" W	61.38'
15	S 62°10'45" W	323.30'
18	S 57°53'23" W	180.76'
12		

SEE SHEET 2 OF 2

0°39'35" W 131°59'2"

SCALE 1" = 200'

## BASIS OF BEARING

THE LINE COMMON TO SECTIONS  
20 AND 29 TAKEN AS SOUTH  
89°05'41" WEST.

RECORD OF SURVEY  
INST. NO. 222243  
INST. NO. 230982

BOUNDARY LINE AGREEMENT 7  
INST. NO. 243844

NUMBER	DIRECTION	DISTANCE
L41	N 39°45'32" E	24.45'
L42	S 39°45'32" W	182.82'
L43	S 21°25'51" W	94.68'

NUMBER	DIRECTION	DISTANCE
L11	N 77°39'58" E	168.46'
L12	N 83°54'58" E	138.46'
L13	N 61°25'13" E	55.32'
L14	N 76°30'35" E	48.74'
L15	S 65°28'07" E	66.90'
L16	S 86°50'49" E	209.20'
L17	S 68°57'38" E	76.78'
L18	S 89°57'55" E	135.43'
L19	S 68°18'00" E	313.39'
L20	S 82°59'30" E	381.12'
L21	S 88°57'08" E	53.82'
L22	N 81°40'22" E	397.48'
L23	N 22°38'13" E	394.11'

BEAR RIVER

NELSON DITCH COMPANY

DIVERSION PT  
CANAL CO.  
WASTE

DIVERSION PT.  
CANAL CO.  
INTAKE PIPE  
(EAST 270' H.Q.L.)

DIVERSION PT.  
CANAL CO.  
INTAKE PIPE  
- 270' H.Q.L.)

BEAR RIVER



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

February 11, 2020

ROBERT & OLIVIA BOYACK LIVING TRUST  
3168 E HIGHWAY 36  
PRESTON ID 83263-5148

Re: Change in Water Right Ownership: 13-7193 ( No Split) 13-7631 (Split into 13-7631 and 13-8046),

Dear Water Right Holder(s):

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

Water Right number 13-7633 was also listed. A transfer application is required before the ownership change can be complete, the ownership change will be complete in conjunction with the transfer application.

**Your portion of each water right(s) has a specified point of diversion, nature of use and place of use. If you plan to change the authorized point of diversion, nature of use, or place of use, including adding a new point of diversion, you must file an Application for Transfer of Water Right.** If you do not plan to change any elements of your water right, then no further action is required at this time.

The portion of the water right retained by the original right holder retains the original water right number. The Department is sending the original right holder a copy of this letter and a computer-generated report showing the changes to the original water right.

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 (208) 497-3787.

Sincerely,

Jonie Barg  
Technical Records Specialist 1

Enclosure(s)

cc: Water District 11

16 JAN 2020

THE FOLLOWING DOCUMENTATION IS  
SUBMITTED PER BLAKE TORRES'S  
REQUEST AS PER OUR MEETING ON  
16 JAN, 2020 AT THE IDAHO DEPARTMENT  
OF WATER RESOURCES OFFICE.

RECEIVED

JAN 22 2020

Department of Water Resources  
Eastern Region

Thank you

ROBERT BOYACK  
*Robert Boyack*