

228119 1-10

AGREEMENT

This agreement made before the Department of Water Resources of the State of Idaho on the 10th day of November, 2003, by and between Jay Norman Fannesbeck, Trustee for the Fannesbeck Family Trust, Sidney Lee and Charlotte Olsen Schvaneveldt, husband and wife, and ElRay and Janice Balls, husband and wife,

And the above mentioned parties being the heirs, assigns, beneficiary, successor, and or Grantees of property irrigated by two separate groundwater wells developed by their fathers, Norman D. Fannesbeck and Leland E. Schvaneveldt, who shared in the ownership, development, and improvements to the wells in the years 1960 thru 1966 as evidenced by:

See attached

Whereas the intention of this agreement is to document, record, honor, and defend a verbal agreement executed by our fathers in which they traded to each other their respective share in each well.

As a result of the trade, it was the intention of the respective parties, that Lee Schvaneveldt would own 100% of the well located in the NW1/4 NE1/4 Section 8 T16S R38E in Franklin County, together with any and all water rights established by or associated with the use of this particular well,

And, Norman and Myron Fannesbeck would acquire Lee's share of the well located at the NE corner of the NE1/4 of the NE1/4 Section 36, T15S, R37E in Franklin County, together with any and all water rights established by, appurtenant to the land, or associated with the ownership and use of this particular well,

Further, as a result of the trade and agreement by our Fathers, the use of the well water and water right, as evidenced in License No. 13 2209 and appurtenant to the land owned by said Schvaneveldt in section 8, 10, and 11, T16S R38E in Franklin County, Idaho, has been transferred to other lands owned by the Fannesbecks, and to D. Glade Schvaneveldt, a nephew, and the present use needs to be updated and documented with the State of Idaho.

Therefore, each party also agrees to provide, defend, and uphold any conveyance, transfers, or any other documentation necessary as per enforcement of this agreement.

Recorded at the request of

Jay N. Fannesbeck

____ a.m. NOV 10 2004 p.m. 3:45

V. ELLIOT LARSEN, RECORDER
By Ruth K. Rawling Deputy
FRANKLIN COUNTY, IDAHO



228119 211

IN WITNESS WHEREOF, we hereby set our hands and seals this 16 day of November, in the year 2004.

Jay Norman Fannesbeck
Jay Norman Fannesbeck, Successor Trustee

Sidney Lee Schvaneveldt
Sidney Lee Schvaneveldt

Charlotte Olson Schvaneveldt
Charlotte Olson Schvaneveldt

ElRay Balls
ElRay Balls

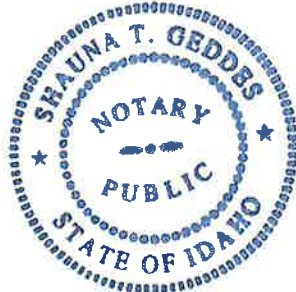
Janice Schvaneveldt Balls
Janice Schvaneveldt Balls

STATE OF IDAHO)
 : SS
COUNTY OF FRANKLIN)

ON this 16 day of November, 2004, before me, Shauna Geddes, a Notary Public in and for said state, personally appeared Jay Fannesbeck, Sid and Charlotte Schvaneveldt, ElRay and Janice Balls, 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



Shauna T. Geddes
Notary Public for Idaho, 11-08-06
Residing at Preston, Idaho.