

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
OCT 23 2017
Department of Water Resources
Eastern Region

Name of Applicant(s) Betty Jo Mumford Family Trust Phone _____

Mailing address C/O Lucas Mumford 97 West 600 North Email _____
Clifton, ID 83228

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

Successor or Substitute Trustee
Print Name and Title if applicable

9-30-2017
Date

[Signature]
Signature of Applicant or Authorized Representative

Agent Representation
Print Name and Title if applicable

9-30-2017
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This is one of two transfers submitted simultaneously, rearranging rights 13-137 and 13-7128. The attached map makes it appear that some of the new place of use is in the NWSW because of poor rectification of the aerial photography and PLSS data in the area; the place of use will be entirely in the SWSW.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	13-137	0.1	Irrigation	04/01 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.10 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.10 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SW	SW	14	14S	38E	Franklin	Groundwater	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	38E	14											5.0						5.0
Total Acres (for irrigation use)																		5.0	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

A separate transfer submitted simultaneously will cover the ground with right 13-7128. *(Transfer 81989)*

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
13-7994 at the new point of diversion.

A separate transfer, filed concurrently with this transfer, rearranges right 13-7128.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

10/31/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	S S HOOKER UNKNOWN PRESTON, ID 83228

Status: Active

Tributary

Volume

0.600 CFS

Sec. 15, Twp 14S, Rge 38E, FRANKLIN County

IRRIGATION within FRANKLIN County

[illegible]

POU Total Acres: 30.0

N/A

N/A

N/A

13-137 Transfer

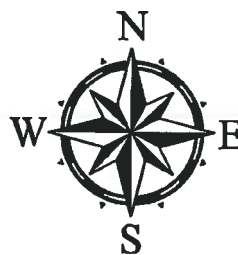


The USDA-NRCS Aerial Photography Field office asks to be credited in derived products.

2015 Imagery

Legend

- Split Portion Post-Transfer POD
- Pre-Transfer POD
- 13-137 Pre-Transfer Place of Use
- Acres for Split
- Post-Transfer Split Portion Place of Use
- Township/Range
- Sections
- QQ



0 0.1 0.2 0.4 Miles

81988

Township 14 South, Range 38 East of the Boise Meridian, Franklin County, Idaho

Section 10: S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 11: W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 14: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at the interesection of the West Boundary of the RR right-of-way and the South line of Section 14, and running West along said line 477.9 feet to a new point of beginning; thence West along the South line of Section 14, also the North boundary of a County road, 414.3 feet; thence 210.3 feet North; thence East 400.0 feet to a large post in a fence that defines the East boundary of this lot; thence South-easterly along said fence to the new point of beginning; TOGETHER WITH culinary well located to the East and Southeast of the house, and all improvements and outbuildings located thereon.

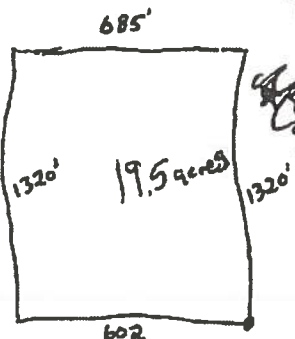
ALSO EXCEPTING; Beginning at the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, and running thence Southwesterly across Deep Creek along a fence line South 16° West approximately 122 rods; thence South 36° East approximately 53 rods to a point 50 feet West of the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14; thence South 49° East across Deep Creek 60 rods; thence South 18° East 25 rods; thence South 16 rods, more or less, to the South boundary line of grantor's property, which is the South line of said Section 14; thence East along said line to the railroad right-of-way; thence North along the West boundary of said right-of-way 80 rods, more or less; thence West to the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 14; thence North 160 rods, more or less, to the point of beginning.

ALSO INCLUDING, NW $\frac{1}{4}$ NW $\frac{1}{4}$, There is conveyed herein an access road EXTENDING from SE corner OF NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 14, East along South line of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 14 to the County Road, as reserved in Book 47 of Deeds, page 484, records of Franklin County, Idaho

Section 15: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.

ALSO, Commencing at the Southeast corner of Section 15, running thence North along the Section line 1502 feet from the Southeast corner of said Section to the point of beginning; thence South 78° 6' West 2179 feet; thence North 7° 25' West 700 feet; thence North 78° 30.5' East 2269 feet; thence South along section line 696 feet to the point of beginning.

ALSO, Commencing at the Southeast corner of Section 15, running thence North 80 rods; thence West 20 rods; thence South 78° 20' West 355 feet; thence South 4° 37' East 1320 feet, more or less, to section line; thence East 602 feet to the point of beginning.



Moving 5 acres, have 4.5 acres left

Together with \$569.50 stock in Preston-Riverdale and Mink Creek Canal Company and \$170.00 in Preston-Whitney Irrigation Company; and that on the death of the said Mary L. Reid, the said Edward S. Reid became and was the survivor of the community and the owner in its entirety of the premises above described, and that the said Edward S. Reid thereafter conveyed the said premises and stock to petitioner herein, and that David E. Davis, the petitioner, is now the owner of the said property free from the claims of any other person; and the foregoing facts are hereby established of record.

Dated December 20th, 1947.

(Seal)

W. Paul Merrill
Probate Judge.

State of Idaho, SS.
County of Franklin.

I, W. Paul Merrill, Probate Judge and Ex-Officio Clerk of the Probate Court of Franklin County, Idaho, hereby certify that the within and foregoing is a true and correct copy of a Decree Establishing Record Title to Community Property entered in the matter of the estate of Mary L. Reid, deceased, as appears from a comparison with the original instrument now on file in my office.

Witness my hand, and the seal of said Probate Court this 20th day of December, 1947.

(Seal)

W. Paul Merrill
Probate Judge and Ex-Officio Clerk.

STATE OF IDAHO, SS.
COUNTY OF FRANKLIN.

I hereby certify that this instrument was filed for record at the request of P. M. Condie at 11:10 A.M., December 20, 1947.

C. L. Swenson; Ex-Officio Recorder

Fee \$1.00

By James L. Taylor Deputy

--- Compared ---

Inst. No. 79668

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR FRANKLIN COUNTY.

J. H. Taylor and Leah C. Taylor,
husband and wife,

Plaintiffs,

vs.

Decree

Simon S. Hooker, alias S. S. Hooker, and the unknown heirs and/or the unknown devisees of Edwin H. Hooker, also known as E. Henry Hooker, deceased, and the unknown heirs and/or the unknown devisees of his wife Jane Doe Hooker, whose true name is unknown, deceased; the unknown heirs and/or the unknown devisees of John Sant, Junr., deceased, and the unknown heirs and/or the unknown devisees of his wife, Martha Ellen Sant, deceased; Benjamin Boyce, alias Ben Boyce, and wife, Maud E. Boyce; Elias Bybee, known also as B. E. Bybee, and wife, Lydia Bybee; Carey VanLeuven, and the unknown heirs and/or

the unknown devisees of Ransom C. Vanleuven, alias Ransom Vanluvin, deceased, and the unknown heirs and/or the unknown devisees of his wife, Sarah L. Vanleuven, deceased; Ivo J. Sperry, Vera C. Hendricks, Velma J. Green, Ina J. Thomas and Zora S. Gudmundson, heirs of John V. Sperry and wife, Ellen J. Sperry, both deceased, and the unknown heirs and/or the unknown devisees of John V. Sperry, deceased, and the unknown heirs and/or the unknown devisees of Ellen J. Sperry, deceased; the unknown heirs and/or the unknown devisees of Julia S. Hanson, deceased, formerly wife of Heber Hansen, alias Heber Hansen; Lillie Rice, Administratrix of the estate of Charles F. Rice, deceased; Dora M. Larsen, Oneida Anderson, Hilda Steels, Warda Schmershall, Cornell Davis, Clifford Davis, heirs at law of Riley Davis and Julia Hooker Davis, husband and wife and both deceased; the unknown heirs and/or the unknown devisees of Riley Davis, deceased, and the unknown heirs and/or the unknown devisees of Julia Hooker Davis, deceased; Martha A. Tremayne; Consolidated Wagon & Machine Company, a corporation; Oneida Irrigation District, a defunct corporation; and the unknown heirs and/or the unknown devisees of any of the above named defendants who may be deceased; and all unknown owners and all unknown claimants of, in or to the following described real estate situated in Franklin County, Idaho: Commencing at the SE corner of Section 15, Tp. 14 S., R. 38 E.B.M., thence N. along Section line 1502 feet from the SE corner of said Section to the place of beginning, and running thence S. 78°6' W. 2179 feet; thence N. 7° 25' W. 700 feet; thence N. 78° 30.5' E. 2269 feet; thence S. along Section line 696 feet to place of beginning, containing 35.65 acres, more or less, all in the SE $\frac{1}{4}$ of Sec. 15, Tp. and R. aforesaid; also: Commencing at SE corner of Section 15, above Tp. and R., and running thence N. 80 rods; thence W. 20 rods; thence S. 78°20' W. 335 feet; thence S. 4° 37' E. 1320 feet, more or less, to Section line; thence E. 602 feet to the place of beginning, containing 20.5 acres more or less.

Defendants.

The above entitled cause came on for hearing this 19 day of December, 1947, at Chambers at Pocatello, Idaho, before Honorable L. E. Glannon, Judge of the above entitled Court. P. M. Condie, Esquire, appeared as attorney for the plaintiffs, and the defendants did not appear in person or by attorney. And it appearing from the instruments on file herein that defendants S. S. Hooker, Carey VanLeuven, Ivo J. Sperry, Vera C. Hendricks, Velma S. Gree, Dora M. Larsen, Oneida Anderson, Hilda Steele, Warda Schmershall, Cornell Davis, Consolidated Wagon & Machine Company, a corporation, have all waived the service of summons and complaint and dis claimed any interest in the file herein, and that all of the other defendants have been served with summons by publication, affidavit of publication

being on file herein, and that copies of the summons and complaint were mailed to defendants Ina J. Thomas, Zora S. Gundmundson, Clifford Davis, and Lillia Rice, Administratrix of the Estate of Charles F. Rice, deceased, addressed to said person to their last known address outside the State of Idaho, all as provided in the order thereof on file herein; and it further appearing that none of the defendants has appeared to plead to plaintiff's complaint and all of the defendants now being in default for failure to plead to plaintiff's complaint, and the default of all of the defendants for failure to plead to said complaint having been entered by the Clerk; and the said matter now being ready for hearing, on motion of counsel for the plaintiffs, the Court proceeded to hear said matter.

Evidence was offered and received on the part of the plaintiffs and the plaintiffs rested. And the Court being fully satisfied from the evidence that the plaintiffs are entitled to a decree as prayed for in the complaint, and the County being fully advised in the premises.

Now, therefore, it is Ordered, Adjudged and Decree, that the plaintiffs have judgment as follows:

That all of the defendants have been regularly served with summons, or have waived service thereof as above set out, and that all of said defendants are now in the default for failure to plead to plaintiffs' complaint.

That all of the allegations of plaintiffs' complaint are true; that the plaintiffs are the owners, in the possession and entitled to the possession of the following described real estate situated in Franklin County, Idaho, to-wit:

Commencing at the Southeast corner of Section 15, Township 14 South, Range 38 East of the Boise Meridian; thence running North along Section line 1502 feet from the Southeast Corner of said section to the place of beginning, and running thence South 78° 6' West 2179^{feet}; thence North 7° 25' West 700 feet; thence North 78° 30.5' East 2269 feet; thence South along Section line 6861 feet to the place of beginning, containing 35.55 acres, more or less, all in the Southeast quarter of Section 15, Township and Range aforesaid.

Also: Commencing at the Southeast corner of Section 15, Township 14 South, Range 38 East of the Boise Meridian; thence north 80 rods; thence West 20 rods; thence South 78° 20' West 355 feet; thence South 4° 37' East 1320 feet, more or less to section line; thence East 802 feet to the place of beginning, containing 20.5 acres, more or less.

That the plaintiffs and their predecessors in interest have been in possession of the said property and have paid the taxes levied and assessed against the said property for a period of more than five years last past, and during all of said period they have held the possession of said property adversely to the defendants and to all the world; that the defendants' claim or claims in and to said property are without any right whatever, and that the defendants, and each of them, have not any right, title, interest or estate in and to the property above described or in and to any part thereof, and that the title of the plaintiffs in and to the said property and the whole thereof is good and valid; that the defendants, and each of them, be and they are hereby enjoined and debarred from asserting any claim or interest in and to the said property or any portion thereof adversely to the plaintiffs; and that the title of the plaintiffs in and to the said property is forever quieted against the defendants herein.

That Velma S. Green and Dora M. Larsen, signers of waivers of service are the same persons as defendants Velma J. Green and Dora H. Larsen.

Dated December 19th, 1947, at Pocatello, Idaho

L. E. Glennon
District Judge.

STATE OF IDAHO,
COUNTY OF FRANKLIN. SS.

I, C. L. Swenson, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for Franklin County, hereby certify that the above and foregoing is a true and correct copy of a Decree entered in the case of J. H. Taylor and Leah C. Taylor husband and wife, plaintiffs, vs. Simon S. Hooker, alias S. S. Hooker, et al., defendants, as appears from a comparison with the original instrument now on file in my office.

Witness my hand and the seal of said District Court this 20th day of December, 1947.

(Seal)

C. L. Swenson
Clerk of District Court.

By Bonnie Fellows

STATE OF IDAHO,
COUNTY OF FRANKLIN. SS.

I hereby certify that this instrument was filed for record at the request of P.M. Condie at 2:45 P.M., December 27, 1947.

C. L. Swenson; Ex-Officio Recorder

Fee \$1.80

By _____ Deputy

--- Compared ---

AFFIDAVIT

Inst. No. 79694

STATE OF IDAHO
COUNTY OF FRANKLIN ss.

The undersigned, being duly sworn deposes and says that he was and is well and personally acquainted with Jimmie H. Campbell, name as Grantee in one certain Warranty Deed, dated December 23, 1925 and recorded in Book 30 of deeds at page 77, Records of Franklin County, Idaho, and Jimmie Campbell, named as Grantor in one certain Warranty Deed, dated April 17, 1936 and recorded in Book 30 of Deeds at page 517, Records of Franklin County, Idaho, and that Jimmie H. Campbell and Jimmie Campbell are one and the same person.

And, Wanda P. McKenzie, named as one of the Grantors in one certain Warranty Deed, dated January 21, 1946, and recorded in Book 38 of Deeds at page 495, Records of Franklin County, Idaho and Wanda McKenzie, named as one of the Grantors in one certain Warranty Deed, dated January 31, 1947, and recorded in Book 39 of Deeds at page 527, Records of Franklin County, Idaho, and that Wanda P. McKenzie and Wanda McKenzie are one and the same person.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of December, 1947.

J. N. Larsen
J. N. Larsen

Subscribed and sworn to before me this 19th day of December, 1947.

(SEAL)

Clifford Warr
Notary Public, 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 2:00 December 31, 1947.

C. L. Swenson; Ex-Officio Recorder

Fee \$.40

By _____ Deputy

--- Compared ---

AFFIDAVIT

Inst. No. 79744

STATE OF IDAHO
COUNTY OF FRANKLIN ss.

The undersigned, being duly sworn, deposes and says: That he was well and personally acquainted with Niels T. Lundquist on July 9, 1920, and that on that day, Niels T. Lundquist was a bachelor, and remained a bachelor up to and including October 8, 1942.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of November, 1947.

John P. Lundquist

149893

2

Recorded at the request of
Amador Torres
 JUN 8 1979 12:00 p.m.

Reception
 Indexed

MICHAEL D. KUNZ, RECORDER
Michael D. Kunz
 FRANKLIN COUNTY, IDAHO

(DO NOT WRITE ABOVE THIS LINE)

WARRANTY DEED

For Value Received Joshua H. Taylor and Leah C. Taylor, his wife

the grantor does hereby grant, bargain, sell and convey unto

Gideon Eugene and Betty Joe Mumford, his wife, as joint
 tenants with right of survivorship.
 Clifton, Idaho 83228

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

Township 14 South, Range 38 East of the Boise Meridian

Section 14: S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPTING Railroad right-of-way.

Section 15: Beginning at a point North 0°35' West 1502 feet from
 the Southeast corner of said Section; and running
 thence South 78°16' West 2169 feet; thence North 7°25'
 West 700 feet; thence North 78°30' East 2254.9 feet;
 thence South 0°35' East 696 feet to the place of
 beginning.

ALSO, Commencing at the Southeast corner of said
 Section and running thence North 1500 feet; thence
 South 78°06' West 680 feet; thence South 4°37' West
 1360 feet, more or less to Section line; thence East
 602 feet to the place of beginning.

Subject to existing easements for roads, highways, ditches, canals,
 laterals, and power and transmission lines.

Together with 5 shares of water stock in the Clifton Irrigation
 Company.

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

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

Dated:

June 4 - 1979

Joshua H. Taylor
Leah C. Taylor

(NOTARY SEAL)

UTAH
 State of Idaho
 County of SALT LAKE

as On the 4th day of JUNE A.D. 1979

personally appeared before me JOSHUA H. TAYLOR and LEAH C. TAYLOR

the signer(s) of the within instrument, who duly acknowledged to me that they
 executed the same.

Residing at: *S. L. B. Utah*

Marion A. Chalmers

My Commission Expires: *7/1/80*

Mail deed to:

Marion A. Chalmers

81988

192561 1-4

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, is made by BETTY JO MUMFORD, as Personal Representative of the Estate of GIDEON EUGENE MUMFORD, aka G. EUGENE MUMFORD aka GIDEON E. MUMFORD, aka EUGENE MUMFORD, Deceased, and BETTY JO MUMFORD, aka BETTY JOE MUMFORD, AKA BETTY JOYCE MUMFORD, Grantors,

To BETTY JO MUMFORD, Trustee of the MARITAL TRUST as contained in the G. E. MUMFORD FAMILY TRUST, dated December 12, 1990 as amended by that Amendment dated November 24, 1992, Grantee, whose address is 89 West 6th North, Clifton, Idaho 83228.

WHEREAS, Grantor is the qualified Personal Representative of the Estate filed as Probate Case No. SP-94-134, Franklin County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells, transfers, and conveys to Grantee the following described real property:

LOCATED IN FRANKLIN COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED BELOW:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

AND TOGETHER WITH: Section 15, Township 14 South, Range 38 East of the Boise Meridian:

Commencing at a point 1170.5 feet West of the Southeast Corner of the Southwest Quarter of said Section 15, and running thence North 140 feet; thence East 120 feet; thence South 140 feet; thence West 120 feet to the point of beginning.

BUT FURTHER LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED REAL PROPERTIES:

Commencing 21 feet West of the Southeast Corner of the Southwest 1/4 of Section 15 of Township 14 South, Range 38 East of the Boise Meridian and running thence West 1,450.5 feet; thence North 326.78 feet; thence East 1,450.5 ft; thence South 326.78 feet to the point of beginning.

Commencing at a point 326.78 feet North and 21 feet West of the Southeast Corner of the Southwest 1/4 of Section 15, Township 14 South, Range 38 East of the Boise Meridian and running thence West 1,450.5 feet; thence North 900.05 feet; thence East 1,450.5 feet; thence South 900.05 feet to the point of beginning. Consisting of approximately 29.97 acres.

192561 2-4

Commencing at a point 1,170.5 feet West of the Southeast Corner of the Southwest Quarter of said Section 15, and running thence North 180 feet; thence West 120 feet; thence South 180 feet; thence East 120 feet to the point of beginning.

Together with all water rights, appurtenances, and improvements located thereon or appurtenant thereto.

EXECUTED this 30th day of December, 1994.

Betty Jo Mumford
BETTY JO MUMFORD
Personal Representative of the
Estate of GIDEON EUGENE MUMFORD,
Deceased

Betty Jo Mumford
BETTY JO MUMFORD, an Individual
Recorded at the request of
Ronald E. Mumford

—a.m. DEC 30 1994: 3:50 p.m.

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

LARAE E. JOHNSON, RECORDER.
By: Ruth K. Rawlings Deputy
FRANKLIN COUNTY, IDAHO

On this 30th day of December, 1994, before me, a Notary Public in and for said State, personally appeared BETTY JO MUMFORD, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she is the duly authorized and appointed Personal Representative of the Estate, and that she executed this document in said capacity for and in behalf of said Estate.

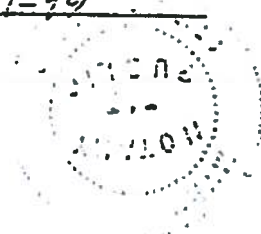
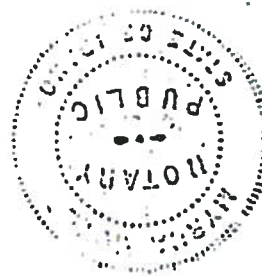
Myra M. Mough
NOTARY PUBLIC
Residing at: Franklin County
My Commission Expires: 2-1-99

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

On this 30th day of December, 1994, before me, a Notary Public in and for said State, personally appeared BETTY JO MUMFORD, an individual, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Myra M. Mough
NOTARY PUBLIC
Residing at: Franklin County

My Commission
Expires 2-1-99



Township 14 South, Range 38 East of the Boise Meridian, Franklin County, Idaho

Section 10: $S\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$

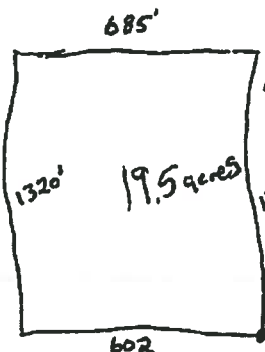
Section 11: $W\frac{1}{2}SW\frac{1}{4}$

Section 14: $SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, EXCEPTING THEREFROM: Beginning at the intersection of the West Boundary of the RR right-of-way and the South line of Section 14, and running West along said line 477.9 feet to a new point of beginning; thence West along the South line of Section 14, also the North boundary of a County road, 414.3 feet; thence 210.3 feet North; thence East 400.0 feet to a large post in a fence that defines the East boundary of this lot; thence Southeastly along said fence to the new point of beginning; TOGETHER WITH culinary well located to the East and Southeast of the house, and all improvements and outbuildings located thereon.

ALSO EXCEPTING; Beginning at the Southeast corner of the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 14, and running thence Southwesterly across Deep Creek along a fence line South 16° West approximately 122 rods; thence South 36° East approximately 53 rods to a point 50 feet West of the Southwest corner of the $NE\frac{1}{4}SW\frac{1}{4}$ of Section 14; thence South 49° East across Deep Creek 60 rods; thence South 18° East 25 rods; thence South 16 rods, more or less, to the South boundary line of grantor's property, which is the South line of said Section 14; thence East along said line to the railroad right-of-way; thence North along the West boundary of said right-of-way 80 rods, more or less; thence West to the Southwest corner of the $NE\frac{1}{4}SW\frac{1}{4}$ of said Section 14; thence North 160 rods, more or less, to the point of beginning.

ALSO INCLUDING, $NW\frac{1}{4}NW\frac{1}{4}$, There is conveyed herein an access road EXTENDING from SE corner OF $NW\frac{1}{4}NW\frac{1}{4}$ of said Section 14, East along South line of $NE\frac{1}{4}NW\frac{1}{4}$ of said Section 14 to the County Road, as reserved in Book 47 of Deeds, page 484, records of Franklin County, Idaho

Section 15: $NE\frac{1}{4}$, $E\frac{1}{4}NW\frac{1}{4}$.



ALSO, Commencing at the Southeast corner of Section 15, running thence North along the Section line 1502 feet from the Southeast corner of said Section to the point of beginning; thence South $78^{\circ}6'$ West 2179 feet; thence North $7^{\circ}25'$ West 700 feet; thence North $78^{\circ}30.5'$ East 2269 feet; thence South along section line 696 feet to the point of beginning.

ALSO, Commencing at the Southeast corner of Section 15, running thence North 80 rods; thence West 20 rods; thence South $78^{\circ}20'$ West 355 feet; thence South $4^{\circ}37'$ East 1320 feet, more or less, to section line; thence East 602 feet to the point of beginning.

THE G.E. MUMFORD FAMILY TRUST

THIS TRUST AGREEMENT, dated this 12th day of December, 1990, is among G. EUGENE MUMFORD aka GIDEON EUGENE MUMFORD and BETTY JO MUMFORD aka BETTY JOYCE MUMFORD, husband and wife, of Clifton, Idaho (referred to collectively as "grantors" and singly as "grantor") and G. EUGENE MUMFORD aka GIDEON EUGENE MUMFORD and BETTY JO MUMFORD aka BETTY JOYCE MUMFORD, of Clifton, Idaho, as "trustee".

ARTICLE 1: CREATION OF TRUST

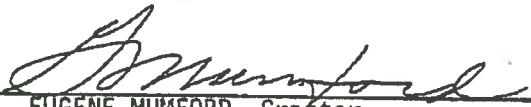
1.01 Initial Trust Estate. By this agreement, grantors assign, convey, transfer and deliver to the trustee the property described on Schedules A and B attached hereto and the trustee accepts such property as the initial trust estate. Such property shall be held IN TRUST and shall be administered and distributed upon the terms and conditions herein set forth.

1.02 Character of Property. The property described on Schedule A (referred to as the "separate estate") is the separate property of grantors and is owned by them in the shares, proportions and interests specified in such schedule. The trustee shall divide the separate estate into two accounts (referred to as the "separate accounts"), one for each grantor, and shall allocate to each such account the separate property of the grantor for whom such account was established. The property described on Schedule B (referred to as the "community estate") is the community property of grantors and shall retain its character as such in the trust estate.

1.03 Additions to Trust. Grantors, or either of them, or any other person may from time to time transfer or devise additional property to the trustee upon the terms of this instrument. The trustee shall determine the character of any such additional property and shall allocate the same between the community and separate estates as provided in Article 1.02.

include the plural and vice versa; the words "pay" and "distribute" shall also mean assign and convey; and the table of contents, headings and paragraph titles are for guidance only and shall have no significance in the interpretation of this instrument.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.


G. EUGENE MUMFORD, Grantor


BETTY JO MUMFORD, Grantor.

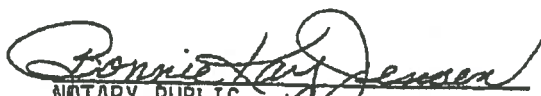

G. EUGENE MUMFORD, Trustee


BETTY JO MUMFORD, Trustee

STATE OF IDAHO }
COUNTY OF FRANKLIN } ss.

On this 12th day of December, 1990, before me a Notary Public, personally appeared G. EUGENE MUMFORD and BETTY JO MUMFORD 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 affixed my official seal, the day and year in this certificate first above written.


NOTARY PUBLIC
Residing at: Boise, Idaho
My Commission Expires: 7-7-94

AMENDMENT TO THE G.E. MUMFORD FAMILY TRUST

THIS FIRST AMENDMENT TO THE G.E. MUMFORD FAMILY TRUST, dated this 24th day of November, 1992, is by G. EUGENE MUMFORD and BETTY JO MUMFORD, Grantors (referred to herein as "Grantor") and G. EUGENE MUMFORD and BETTY JO MUMFORD, Trustees (referred to herein as "Trustee").

W I T N E S S E T H:

WHEREAS, by agreement with the Trustee dated December 12, 1990, Grantor created and placed in effect THE G.E. MUMFORD FAMILY TRUST (hereafter referred to as the "Agreement"); and

WHEREAS, Grantor desires to amend the Agreement and the Trustee is willing to accept such amendment;

NOW, THEREFORE, Grantor and the Trustee agree as follows:

1.00 Article 3.03 is hereby amended to read as follows:

Upon the death of the deceased spouse, I direct that the trustee shall distribute to our children, JEFFREY RAY MUMFORD and LISA ANN SEARS the dairy operation which we at that time own, including all barns, sheds, buildings, corrals, milking equipment, grain bins, forage storage containers, livestock including cows and calves, fenced lounging areas, together with the real estate consisting of approximately 10 acres on which said dairy operation is found to be located. Thereafter, I direct that all of the remaining farm real estate, water rights and improvements, (except our residence and surrounding curtilage) hereinafter referred to as "farm", needed to bring our total distribution to our children in a value equal to the maximum amount which can be absorbed by the unified credit, in effect at the time of the deceased spouse's death, shall be distributed as follows: Initially a one-fourth undivided share to each of my children. However, beginning in the year 1992 and for each year thereafter, we direct that JEFFREY RAY MUMFORD and LISA ANN SEARS' interest be increased and RONALD E. MUMFORD and SHERIDA LYN LEE'S interest be decreased by a

one-ninth share annually for a total of nine consecutive years, at which time all interest in the farm shall be distributed to JEFFREY RAY MUMFORD and LISA ANN SEARS. Provided further that if either of us dies before the end of the ninth year, JEFFREY RAY MUMFORD and LISA ANN SEARS each shall be given an option to purchase any interest in the farm then held by RONALD E. MUMFORD and/or SHERIDA LYN LEE at a combined value equal to the balance which would then be owing on \$136,003.84 at 6% interest, reduced by a \$20,000.00 annual payment beginning in 1992. Further, JEFFREY RAY MUMFORD and LISA ANN SEARS shall have, as part of this option the privilege of paying that balance in annual payments of \$20,000.00 at 6% interest or to prepay without penalty any remaining balance, if such is their desire. Payments shall be divided equally between RONALD E. MUMFORD and SHERIDA LYN MUMFORD. Said option is to be exercised within six months of such death by forwarding notice and by tendering payment within that period of time. Thereafter, I direct that upon the death of the deceased spouse, that the trustee shall divide the portion of the trust estate not effectively disposed of under the provisions of Article 3.02 or as above specified, including any additions thereto received under the terms of the deceased spouse's will or as proceeds of insurance on the life of the deceased spouse or otherwise, into two separate trusts, designated The Marital Trust and The Family Trust. We direct that The Marital Trust be funded first and that The Family Trust only be used as is necessary to avoid the occurrence of federal estate tax. If said Family Trust is not needed for said purpose, then all assets, including those listed in Paragraph 3.04(a)(1 and 2) below be transferred to said Marital Trust. Such trusts shall be held as separate trusts and administered and distributed in accordance with the provisions of Articles 4 and 5.

2.00 In all other respects, the trust is confirmed and shall not be changed or affected except as above set forth.

IN WITNESS WHEREOF, the parties hereto have executed and acknowledged this Amendment to Trust the day and year first above written.

G. Eugene Mumford
G. EUGENE MUMFORD, Grantor
Betty Jo Mumford
BETTY JO MUMFORD, Grantor
G. Eugene Mumford
G. EUGENE MUMFORD, Trustee
Betty Jo Mumford
BETTY JO MUMFORD, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 24th day of November, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared G. EUGENE MUMFORD and BETTY JO MUMFORD, 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.

James Lee Jensen
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 7-7-94

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed **JULY 13, 2006**

State File No. **2006-05206**

DECEDENT - LEGAL NAME BETTY JOYCE PIERSON MUMFORD			
SEX FEMALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 79 YEARS	DATE OF BIRTH APRIL 27, 1927
BIRTHPLACE SANDY, UTAH		PLACE OF RESIDENCE CLIFTON, IDAHO	
MARITAL STATUS AT TIME OF DEATH WIDOWED		NAME OF SURVIVING SPOUSE (if wife, maiden name) [REDACTED]	
FATHER - NAME PETER WILFORD PIERSON		BIRTHPLACE UTAH	
MOTHER - MAIDEN NAME HAZEL MARIE REYNOLDS		BIRTHPLACE UTAH	
METHODOF DEPOSITION BURIAL		FUNERAL SERVICE LICENSEE DOUGLAS S. WEBB	
NAME AND ADDRESS OF FUNERAL FACILITY WEBB FUNERAL HOME, PRESTON, IDAHO			
DATE OF DEATH JULY 06, 2006	TIME OF DEATH 8:45 A.M.	CITY, TOWN OR LOCATION OF DEATH CLIFTON, IDAHO	COUNTY OF DEATH FRANKLIN
CAUSE OF DEATH (underlying cause last) BREAST CANCER			Approximate Interval Between Cause and Death YEARS
DUE TO (or as a consequence of): a. [REDACTED] b. [REDACTED] c. [REDACTED] d. [REDACTED]			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			
NUMBER OF DEATH NATURAL	NAME OF CERTIFIER DAVID B. BECKSTEAD, M.D.	TITLE PHYSICIAN	
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY [REDACTED]			
DATE OF INJURY [REDACTED]	TIME OF INJURY [REDACTED]	PLACE OF INJURY [REDACTED]	HOW AT INJURY [REDACTED]
LOCATION WHERE INJURY OCCURRED [REDACTED]			
DESCRIPTION OF HOW INJURY OCCURRED [REDACTED]			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DECEMBER 05, 2012

DATE ISSUED:

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

James B. Galt
JAMES B. AYDELOTTE
STATE REGISTRAR



256830 1-2

NTF-63267

When recorded mail to:
Ronald E. Mumford
125 North 1st West
Clifton, Idaho 83228

Recorded at the request of
Northern Title Co.
Time 10:07 A

DEC 10 2012

SHAUNA T. GEDDES, RECORDER
BY [Signature] Deputy
FRANKLIN COUNTY IDAHO

AFFIDAVIT AND ACCEPTANCE OF TRUSTEESHIP

Comes now the undersigned Ronald E. Mumford, Substitute Trustee of the Marital Trust, as contained in the G. E. Mumford Family Trust, dated December 12, 1990 as amended by that amendment dated November 24, 1992 and being on oath first duly deposes and says:

1. That I am a citizen of the United States of legal age and capacity, and competent to make this affidavit.
2. That I was personally acquainted with the deceased, Betty Jo Mumford
3. That said deceased is one in the same person as Betty Jo Mumford, listed in that certain document as recorded on December 30, 1994 at Entry No. 192561 in the office of the Franklin County recorder, State of ID.
4. That the purpose of this affidavit is for Ronald E. Mumford, and to accept the Trusteeship of the of the Marital Trust, as contained in the G. E. Mumford Family Trust, dated December 12, 1990 as amended by that amendment dated November 24, 1992 and hereby agree to act as Trustee of said Trust on all the terms, provisions and conditions specified in said Trust.
5. That a certified death certificate of the deceased is hereby attached.

Ronald E. Mumford, Substitute Trustee of the Marital Trust, as contained in the G. E. Mumford Family Trust, dated December 12, 1990 as amended by that amendment dated November 24, 1992

UT
State of ~~ID~~ Utah
County of ~~Franklin~~ } ss:

[Signature]
By: Ronald E. Mumford

On Dec 4, 2012 personally appeared before me Ronald E. Mumford, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.

Residing: Lewiston, UT
Expires: 9-28-13

Lorie A Naegle
Notary Public

