

June 2, 2017

Michael Holliday
Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718
michael.holliday@idwr.idaho.gov

*Sent Via Email***Re: HK Contractors, Inc. Water Right Transfer No. 81457**

Dear Michael,

Thank you for your letter dated May 11, 2017, requesting additional information concerning HK Contractor's Transfer No. 81457. Your letter requests four items, each of which is addressed below:

1. Enclosed is a Corrected Warranty Deed.
2. The 2.6 acre of the proposed place of use owned by Woodmansee-Johnson Canal Company should be excluded from the place of use under this transfer. The place of use should be limited to the land owned by Gardner as shown in the enclosed tax map.
3. The Bigler Slough Canal is the intended point of diversion for the transferred portion of water right 22-207B.
4. Enclosed is a letter from Floyd Gardner consenting to the transfer.

Should you have any further questions please give me a call. Otherwise, thank you for your assistance with this transfer.

Sincerely,



T. J. BUDGE

c: Jeff Trosper

****CORRECTED****

SPECIAL WARRANTY DEED FOR WATER RIGHTS

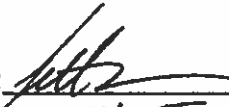
(This Deed corrects, supersedes and replaces the Special Warranty Deed for Water Rights between the parties hereto dated January 20, 2017.)

HK Contractors, Inc., 6350 S. Yellowstone Highway, Idaho Falls, Idaho 83402 ("Grantor") hereby sells and conveys unto Floyd B. Gardner, 2685 N. River Road, St. Anthony, Idaho 83445 ("Grantee") all of Grantor's right, title and interest in a 0.4 cfs / 10 acre portion of Idaho water right number 22-207B, said portion (the "Water Right") being appurtenant to the Southwest Quarter of the Southwest Quarter (SWSW) of Section 36, Township 7 North, Range 40 East, Boise Meridian, Fremont County, Idaho. Grantor expressly reserves unto itself the remaining 1.2 cfs / 28 acre portion of water right number 22-207B.

Grantor hereby covenants and warrants to Grantee that: (a) Grantor is the owner in fee simple of the Water Right; (b) Grantor has not conveyed any part of the Water Right to anyone other than Grantee; (c) the Water Right is free from all liens, claims, or encumbrances; (d) and Grantor has the authority to convey the Water Right to Grantee. Grantor makes no other covenants or warranties as to the Water Right.

DATED this 19 day of May, 2017.

HK CONTRACTORS, INC.

By: 

Name: Jett Trooper

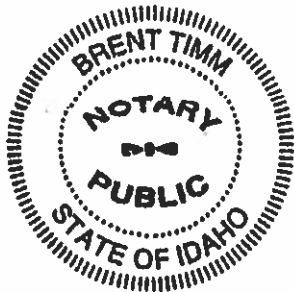
Title: Vice-President

ACKNOWLEDGMENT

STATE OF IDAHO)
 :SS
County of Bonneville)

On this 19 day of May, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeff Trooper, known or identified to me to be the Vice President of HK Contractors, Inc., and the person who executed the instrument on behalf of said company, and acknowledged to me that such company executed the same.

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

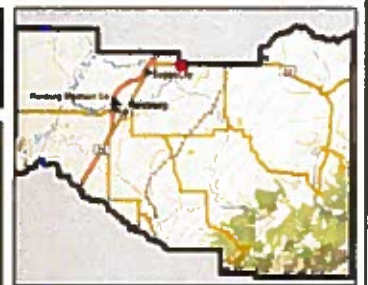


Brent Timm
NOTARY PUBLIC FOR IDAHO
Residing at: Shelley Idaho
Commission expires: 6/18/2018



Madison County GIS
Parcel Mapping Application

Madison Parcel Map (Gardner)



Legend

Streets

- U.S. Highway
- State Highway
- Road

Parcels

City-County Boundary

- Madison Cnty
- Rexburg
- Sugar City



1:4,514



0.14 0 0.07 0.14 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

May 15, 2017

Idaho Department of Water Resources
Eastern Region Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Water Right Transfer No. 81457

To Whom It May Concern,

I am the owner of the 0.4 cfs/10 acre portion of Idaho water right no. 22-207B acquired from HK Contractors, Inc., and hereby consent to the transfer of said water right to my property in the NE1/4NW1/4 Section 1, Township 6 North, Range 40 East under Transfer No. 81457.

Sincerely,

A handwritten signature in black ink, appearing to read "Floyd B. Gardner", with a long horizontal flourish extending to the right.

FLOYD GARDNER