



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

November 14, 2014

C.L. "BUTCH" OTTER
Governor

Rigby Andrus Rigby Law
PO Box 250
Rexburg ID 83440

GARY SPACKMAN
Director

RE: Notice of Change in Water Right Ownership
Water Rights: 22-13457

Dear Sir/Madam:

On January 31, 2014, you filed a Notice of Change in Water Right Ownership (ownership change) for Bench Farms with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership, a deed for the entire place of use of the water right. On March 7, 2014 and July 17, 2014, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$25.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your ownership change any time in the future when you have collected the requested documentation of ownership. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the ownership change.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

Barg, Jonie

From: Barg, Jonie
Sent: Friday, November 14, 2014 4:07 PM
To: Sutcliffe, Lorna
Subject: FW: Refund Request ****correction
Attachments: E039492.pdf

Lorna,

Good afternoon!!

I have a refund request as follows:

Receipt number: E039492
Amount: \$25.00
Payable to: Rigby Andrus & Rigby
PO Box 250
Rexburg ID 83440

Reason: Total filing fee received \$25.00 for [ownership change](#) for 1 water right. The department cannot complete the ownership change, therefore a full refund is required.

Let me know if you need additional information.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

Jonie Barg

Jonie Barg
Technical Records Specialist
Idaho Department of Water Resources
900 N Skyline Ste A
Idaho Falls ID 83402
phone: (208) 525-7161
fax: (208) 525-7177
email: jonie.barg@idwr.idaho.gov

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 11 2013
Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
22-13457	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: John H. Smith and Richard F. Smith

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Bench Farms Limited, an Idaho limited partnership

Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

P.O. Box 8

Mailing address

Rexburg

City

ID 83440

State

ZIP

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: March 31, 1992

6. 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.

7. Signature: [Signature] General Partner 3-8-13

Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____

Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 3/11/2013 Receipt No. E038477 Receipt Amt. \$25 -

Approved by _____ Processed by _____ Date _____

202750

WARRANTY DEED

MARILYN D. SMITH, of Seattle, King County, Washington, as Grantor, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto RICHARD F. SMITH, of 637 Millhollow Road, Rexburg, Madison County, Idaho, as Grantee, and to Grantee's successors and assigns forever, all of the following described real estate located in Madison County, Idaho:

Any and all interest in the:

SE 1/4 of Section 12, Township 5 North, Range 40 E.B.M., South 1/2 of Section 7, Township 5 North, Range 41 E.B.M. North 1/2 of NW 1/4 of Section 18, Township 5 North, Range 41 E.B.M. West 1/2 of East 1/2 of Section 13, Township 5 North, Range 40 E.B.M.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

Grantor, for herself, her beneficiaries and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, his successors and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

State of Idaho }
County of Madison } SS 202750
I hereby certify that the within instrument was
filed APR 07 1982
in _____
to _____
by _____
by _____ Deputy
Attest _____
First American Title Company

WARRANTY DEED
0236c

211770

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument this 30 day of March, 1992.

GRANTOR:

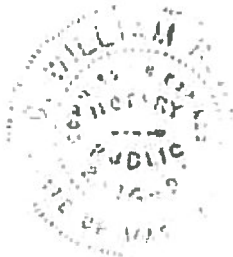
Marilyn D. Smith
Marilyn D. Smith

STATE OF WASHINGTON

COUNTY OF KING

)
:SS
)

On this 30 day of March, in the year of 1992, before me a Notary Public in and for said State, personally appeared MARILYN D. SMITH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



William R. [Signature]
Notary Public
Residing in: Seattle, WA
My Commission Expires: 2/14/93

WARRANTY DEED
0236c

241751

1819309 (2)
First American Title Company

WARRANTY DEED

HELEN H. SMITH, of 54 South 200 East, Rexburg, Madison County, Idaho, as Grantor, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto RICHARD F. SMITH, of 637 Millhollow Road, Rexburg, Madison County, Idaho, as Grantee, and to Grantee's successors and assigns forever, all of the following described real estate located in Madison County, Idaho:

Any and all interest in the:

SE 1/4 of Section 12, Township 5 North, Range 40 E.B.M., South 1/2 of Section 7, Township 5 North, Range 41 E.B.M. North 1/2 of NW 1/4 of Section 18, Township 5 North, Range 41 E.B.M. West 1/2 of East 1/2 of Section 13, Township 5 North, Range 40 E.B.M.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

Grantor, for herself, her beneficiaries and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, his successors and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

WARRANTY DEED
0235c

241751

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument this 15th day of March, 1992.

GRANTOR:

Helen H. Smith
Helen H. Smith

STATE OF IDAHO

COUNTY OF MADISON

)
:SS
)

On this 15th day of March, in the year of 1992, before me a Notary Public in and for said State, personally appeared HELEN H. SMITH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

John A. Hansen
Notary Public
Residing in: Boise, Idaho
My Commission Expires: 1-1-92

Notary of Idaho
County of Madison } SS
I hereby certify that the within instrument was
filed APR 07 1992
19 15-22 M., and
recorded on Film

241751
by BENJ. R. REESE, Recorder
At the request of Deputy

First American Title Company

WARRANTY DEED
0235c

241752

M19301

First American Title Company

WARRANTY DEED

For Value Received KAREN SMITH HAWKINS of 36 N. 3rd W., Rexburg, Idaho

the grantor, does hereby grant, bargain, sell and convey unto RICHARD F. SMITH

whose current address is South of Rexburg, Rexburg, Idaho

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

Any and all Interest in the:

SE1/4 of Section 12, Township 5 North, Range 40 E.B.M.
 South 1/2 of Section 7, Township 5 North, Range 41 E.B.M.
 North 1/2 of NW1/4 of Section 18, Township 5 North,
 Range 41 E.B.M.
 West 1/2 of East 1/2 of Section 13, Township 5 North,
 Range 40 E.B.M.

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

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

Notary Public

Rue, 7/1 1981

Karen Smith Hawkins

STATE OF IDAHO, COUNTY OF Madison
 On this 7th day of Dec, 1981,
 before me, a Notary Public in and for said State, personally
 appeared

Karen Smith
 Hawkins

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

Residing at
 Comm. Expires

State of Idaho } SS 241752
 County of Madison

I hereby certify that the within instrument was
 filed

12 of Dec 24 M. 1981

recorded on film

241752 Fee 3
 by DEBBIE REESE, Recorder

At the request of

First American Title Company

Furnished by the AMERICAN LAND CO.

241753

M19309

First American Title Company

(4)

WARRANTY DEED

For Value Received KRISTINE SMITH HOSAC of 2820 Ustick Road, Boise, Idaho

the grantor, does hereby grant, bargain, sell and convey unto RICHARD F. SMITH

whose current address is South of Rexburg, Rexburg, Idaho

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

Any and all Interest in the:

SE1/4 of Section 12, Township 5 North, Range 40 E.B.M.
 South 1/2 of Section 7, Township 5 North, Range 41 E.B.M.
 North 1/2 of NW1/4 of Section 18, Township 5 North,
 Range 41 E.B.M.
 West 1/2 of East 1/2 of Section 13, Township 5 North,
 Range 40 E.B.M.

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

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

Dated: 3-20-92

Kristine Smith Hosac

STATE OF IDAHO, COUNTY OF
 On this, 20th day of March, 1992,
 before me, a Notary Public in and for said State, personally
 appeared Kristine Smith Hosac

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

Marvin J. Jif
 Notary Public
 Residing at Rexburg, Idaho
 Comm. Expires: 3-25-96

State of Idaho ss 241753
 County of Madison
 I hereby certify that the within instrument was
 filed MAR 07 1992
 19 at 15:20 M. and
 recorded on Feb
 24 1992 Fee 2
 by BETH B. REESE, Recorder
 At the request of
 First American Title Company

Printed by the AMERICAN LAND TITLE CO.

M 19309

First America - 1940

WARRANTY DEED

For Value Received MICHELLE SMITH of 6907 Ustick Road, Boise, Idaho

the grantor, does hereby grant, bargain, sell and convey unto RICHARD F. SMITH

whose current address is South of Rexburg, Rexburg, Idaho

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

Any and all Interest in the:

SE1/4 of Section 12, Township 5 North, Range 40 E.B.M.
South 1/2 of Section 7, Township 5 North, Range 41 E.B.M.
North 1/2 of NW1/4 of Section 18, Township 5 North,
Range 41 E.B.M.
West 1/2 of East 1/2 of Section 13, Township 5 North,
Range 40 E.B.M.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances

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

Dated: Nov 24 1951

STATE OF IDAHO, COUNTY OF Ada
On this 24th day of November, 1981,
before me, a notary public in and for said State, personally
appeared Michelle Smith

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

Notary Public
, Idaho

State of Idaho)
County of Madison) ss 241754

I hereby certify that the within instrument was

APR 07 1992
12:15:28 M. and

recorded on Film

241754 Fee 1
by BETH B. R. GSE Re-order

Depu

At the City and County of _____
First American Title Company

MADE BY THE AMERICAN LINO TYPE CO.

241755

M 19389

First American Title Company (6)

WARRANTY DEED

For Value Received DEBBIE SMITH CLEVERLY of 4225 Creswell, Boise, Idaho

the grantor , do es hereby grant, bargain, sell and convey unto RICHARD F. SMITH

whose current address is South of Rexburg, Rexburg, Idaho

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

Any and all Interest in the:

SE1/4 of Section 12, Township 5 North, Range 40 E.B.M.
 South 1/2 of Section 7, Township 5 North, Range 41 E.B.M.
 North 1/2 of NW1/4 of Section 18, Township 5 North,
 Range 41 E.B.M.
 West 1/2 of East 1/2 of Section 13, Township 5 North,
 Range 40 E.B.M.

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

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

Dated: Nov 24, 1981

Debbie Smith Cleverly

STATE OF IDAHO, COUNTY OF *Ada*
 On this *24th* day of *November* 19 *81*,
 before me, a notary public in and for said State, personally
 appeared *Debbie Smith Cleverly*

Debbie Smith Cleverly

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

Richard F. Smith

 Notary Public
 Residing at *Logan City*, Idaho
 Comm. Expires *10-23-83*

State of Idaho) SS 241755
 County of Madison)
 I hereby certify that the within instrument was
 filed *APR 07 1982*
 at *1:30 PM* and
 for *241755* Fee *3*
 by *BETH B. WEESE* Recorder
 At the request of *First American Title Company*

Furnished by the AMERICAN LAND TITLE CO.

241755

119309

7

QUITCLAIM DEED

For Value Received

RICHARD F. SMITH

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

JOHN H. "SNUFFY" SMITH & JUNE SMITH, husband and wife

the following described premises, to-wit:

South 1/2 of Section 7, Township 5 North, Range 41 East, B.M. Madison County, Idaho

Southwest 1/4 of the Northeast 1/4 of Section 13, Township 5 North, Range 40 East, B.M. Madison County, Idaho.

together with their appurtenances.

Dated: APRIL 6, 1992

Richard F. Smith

RICHARD F. SMITH

STATE OF IDAHO

COUNTY OF MADISON

)
: ss
)

On this 6th day of APRIL, in the year 1992, before me, a Notary Public in and for said State, personally appeared RICHARD F. 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.

William F. ...
Notary Public of Idaho,
Residing at REXBURG, Idaho
Commission Expires 3-25-94

State of Idaho
County of Madison) SS 241755
I hereby certify that the within instrument was
Filed APR 07 1992
19 at 15:32 M. and
recorded on File
241755
by RETHA W. REESE, Not. Public
Atty. General of
U.S. American Title Company

241757

WARRANTY DEED

JOHN H. SMITH and JUNE SMITH, husband and wife, of 245 South 400 East, Rexburg, Madison County, Idaho, as Grantors, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto JAY FRED SMITH, a married man dealing in his sole and separate property, of 803 Barney Dairy Road, Rexburg, Madison County, Idaho and CRAIG J. SMITH, a married man dealing in his sole and separate property, of 19 North 1427 East, Rexburg, Madison County, Idaho, as Grantees, and to Grantees' successors and assigns forever, all of the following described real estate located in Madison County, Idaho:

Township 5 North, Range 40 East, Boise Meridian,
Madison County, Idaho, Section 13: SW 1/4 NE 1/4

Township 5 North, Range 41 East, Boise Meridian,
Madison County, Idaho, Section 7: S 1/2

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

Grantors, for themselves, their beneficiaries and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantees, their successors and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

WARRANTY DEED
0237c

201757

IN WITNESS WHEREOF, Grantors have hereunto subscribed
their names to this instrument this 25th day of March, 1992.

GRANTORS:

John H. Smith
John H. Smith

June Smith
June Smith

STATE OF ARIZONA

COUNTY OF YUMA

)
:SS
)

On this 25th day of March, in the year of 1992, before me
a Notary Public in and for said State, personally appeared JOHN
H. SMITH and JUNE 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.

John H. Smith
Notary Public

Residing in: YUMA, ARIZONA

My Commission Expires: 10/10/94

County of Mohave

SS 201757

I hereby certify that the within instrument was

Filed APR 07 1992

19 at 10:34 M., and

Recorded by Ely

By L. B. REESE, Recorder

At the request of Deputy

WARRANTY DEED
0237c

1719309 (9)

201758

WARRANTY DEED

JAY FRED SMITH, a married man dealing in his sole and separate property, of 803 Barney Dairy Road, Rexburg, Madison County, Idaho and CRAIG J. SMITH, a married man dealing in his sole and separate property, of 19 North 1427 East, Rexburg, Madison County, Idaho, as Grantors, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto BENCH FARMS LIMITED, an Idaho Limited Partnership, of Rexburg, Madison County, Idaho, 637 Millhollow Road, Rexburg, Idaho 83440 as Grantee, and to Grantee's successors and assigns forever, all of the following described real estate located in Madison County, Idaho:

Township 5 North, Range 41 East, Boise Meridian,
Madison County, Idaho, Section 7: S 1/2

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

Grantors, for themselves, their beneficiaries and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the Grantee, its successors and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

WARRANTY DEED
0265c

State of Idaho } SS 201758
County of Madison }
I hereby certify that the within instrument was
Filed APR 07 1982
19 1982 M. and
recorded on Film
201758 Fee ✓
by BETH B. PEESE Recorder
Becker Deputy
At the request of
FIRST AMERICAN TITLE COMPANY

244759

IN WITNESS WHEREOF, Grantors have hereunto subscribed
their names to this instrument this 31st day of March, 1992.

GRANTORS:

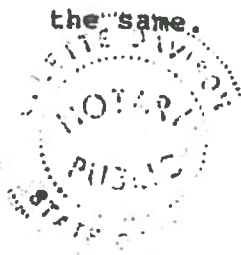
Jay Fred Smith
Jay Fred Smith
Craig J. Smith
Craig J. Smith

STATE OF IDAHO

COUNTY OF MADISON

)
:SS
)

On this 31st day of March, in the year of 1992, before me
a Notary Public in and for said State, personally appeared JAY
FRED 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.



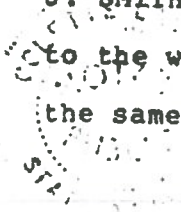
Julie H. Harrison
Notary Public
Residing in: Lexburg, Idaho
My Commission Expires: 10-1-92

STATE OF IDAHO

COUNTY OF MADISON

)
:SS
)

On this 31st day of March, in the year of 1992, before me
a Notary Public in and for said State, personally appeared CRAIG
J. 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.



Julie H. Harrison
Notary Public
Residing in: Lexburg, Idaho
My Commission Expires: 10-1-92

WARRANTY DEED
0265c

QUITCLAIM DEED

241759

m/a 309

(10)

For Value Received

RICHARD F. SMITH

do(es) hereby convey, release, remise and forever quit claim unto
BENCH FARMS LIMITED, an Idaho Limited partnership
the following described premises, to-wit:

Township 5 North, Range 41 East, Boise Meridian, Madison County, Idaho:
Section 7: S 1/2

together with their appurtenances.

Dated: APRIL 6, 1992

Richard F. Smith

RICHARD F. SMITH

STATE OF IDAHO
COUNTY OF MADISON

)
: ss
)

On the 6th day of APRIL, in the year 1992,
before me, a Notary Public in and for said
State, personally appeared RICHARD F. 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.

Marilyn J. Lee
Notary Public of Idaho
Residing at REXBURG, Idaho
Commission Expires 3-25-94

State of Idaho
County of Madison } SS

241759

I hereby certify that the within instrument was
filed APR 07 1992

19 at 1:55 P.M. and
recorded on Film

241759 Fee 3
By Beth B. Reese, Recorder

Deputy

At the request of

First American Title Company

AFTER RECORDING MAIL TO:

Bench Farms Limited
P.O. Box 8
Rexburg, ID 83440

Microfile No. 350302
1 DAY DEC 2008
At 09 O'Clock 27 M
MARILYN RASMUSSEN
MADISON CO RECORDER
Fee \$6.00
KEngland Deputy
Recorded at Request of
FIRST AMERICAN TITLE - RE

QUITCLAIM DEED

Date: November 28, 2008

For Value Received, **Richard F. Smith and Jill D. Smith, husband and wife**, do(es) hereby convey, release, remise, and forever quit claim unto **Bench Farms Limited, an Idaho Limited Partnership**, whose address is **P.O. Box 8 Rexburg, ID 83440**, herein after called the Grantee, the following described premises situated in **Madison County, Idaho**, to-wit:

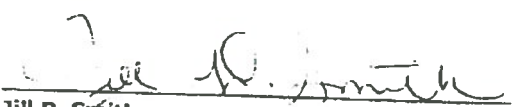
Township 5 North Range 40 East Boise Meridian:
Section 12: SE $\frac{1}{4}$
Section 13: W $\frac{1}{2}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

Township 5 North Range 41 East Boise Meridian:
Section 18: N $\frac{1}{2}$ NW $\frac{1}{4}$
Section 7: S $\frac{1}{2}$

together with its appurtenances.

Dated: 11/28/08


Richard F. Smith


Jill D. Smith

Date: 11/28/2008

STATE OF Idaho)
) ss.
COUNTY OF Madison)

On this 28th day of November, 2008, before me, a Notary Public in and for said State, personally appeared **Richard F. Smith and Jill D. Smith**, known or identified 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.

SCOTT STEARS
STATE OF IDAHO
NOTARY PUBLIC

Scott Stearns
Notary Public of Idaho
Residing at: Rexburg, ID
Commission Expires: 4-6-2012

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AMENDED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-13457

NAME AND ADDRESS:

RICHARD F SMITH
PO BOX 8
REXBURG, ID 83440

JOHN H SMITH
PO BOX 805
REXBURG, ID 83440

SOURCE:

GROUND WATER

QUANTITY:

5.87 CFS
2074.00 AFY

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUN - 4 2013

By

Clerk
Deputy Clerk

This right when combined with all other rights shall provide no
more than 0.02 cfs per acre nor more than 3.5 afa per acre at the
field headgate for irrigation of the place of use.

PRIORITY DATE:

12/29/1982

POINT OF DIVERSION:

T05N R41E S07 LOT 4 (SWSW) Within Madison County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-01 TO 10-31

QUANTITY
5.87 CFS
2074.00 AFY

PLACE OF USE:

Irrigation

Within Madison County

T05N R40E S12	NESE 36.0	NWSE 35.0
	SWSE 40.0	SESE 40.0
S13	NENE 7.7	
R41E S07	NESW 35.0	LOT 3 (NWSW) 33.0
LOT 4	(SWSW) 39.0	SESW 40.0
	NESE 35.0	NWSE 31.0
	SWSE 30.0	SESE 38.0
S18	NENW 39.0	LOT 1 (NWNW) 39.0
LOT 2	(SWNW) 37.0	SENW 38.0
592.7 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13457

NAME AND ADDRESS: JOHN H SMITH
PO BOX 805
REXBURG ID 83440

RICHARD F SMITH
PO BOX 8
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.870 CFS
2,074.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

PRIORITY DATE: 12/29/1982

POINT OF
DIVERSION:

T05N R41E S7 SWSW Lot 4 Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	5.870 CFS 2,074.00 AFY
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>		
	T05N R40E S12 NESE 36.00	T05N R40E S12 NWSE	35.00
	T05N R40E S12 SWSE 40.00	T05N R40E S12 SESE	40.00
	T05N R40E S13 NENE 7.70	T05N R41E S07 NESW	35.00
	T05N R41E S07 Lot 3 NWSW 33.00	T05N R41E S07 Lot 4 SWSW	39.00
	T05N R41E S07 SESW 40.00	T05N R41E S07 NESE	35.00
	T05N R41E S07 NWSE 31.00	T05N R41E S07 SWSE	30.00
	T05N R41E S07 SESE 38.00	T05N R41E S18 NENW	39.00
	T05N R41E S18 Lot 1 NWNW 39.00	T05N R41E S18 Lot 2 SWNW	37.00
	T05N R41E S18 SENW 38.00		

592.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right does not grant any right-of-way or easement across the land of another.

This right is renumbered from former right 22-7418A.

Amended Director's Report

22-13457

GRANT DEED

FOR VALUE RECEIVED, **Webster Brothers, Inc.**, an Idaho corporation with its principal place of business located at 5390 S. 3600 E., P.O. Box 364, Rexburg, ID 83440, hereinafter called "Grantor"; does hereby grant and convey, to **Bench Farms, LLLP**, an Idaho limited liability limited partnership with its principal place of business located at 950 S. Millhollow Rd., P.O. Box 8, Rexburg, ID 83440, hereinafter called "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantees, and to Grantees' successors and assigns forever, in and to following described property located in Madison County, State of Idaho, to-wit:

Lot 2; SE1/4NW1/4 of Section 18, Township 5 North, Range 41 East, Boise Meridian

Together with all water and water rights appurtenant to the premises.

TOGETHER WITH any improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantors.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantees, and to Grantees' successors and assigns forever.

DATED This 26th day of November, 2013.

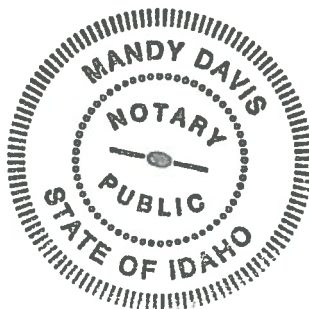
"Webster Brothers, Inc."


Byron Webster, President

JoAnne Webster
JoAnne Webster, Secretary

STATE OF IDAHO)
)
) ss.
County of Madison)

On this 26th day of November, in the year 2013, before me, the undersigned, a Notary Public, personally appeared Byron Webster and JoAnne Webster known or identified to me to be the president, or vice-president, or secretary or assistant secretary, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



Notary Public for Idaho
Residing at: ST. Anthony
My Commission expires: 4/24/17