

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 23 2013

DEPARTMENT OF
WATER RESOURCES

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?
65-10724	Yes ☐	65-23092	Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

PAYETTE RIVER RANCH LTD.
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

WK SMITH RANCH LLC
Name of each new owner as listed on the conveyance document

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

Mailing address

PO Box 15
WHITE SULPHUR SPRINGS MT 83445
City State ZIP

Telephone

(406) 547-3659

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: 4/4/13

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.

SUPPORT DATA

IN FILE # 65-10724

7. Signature: Wm. K. Smith
Signature of new owner/claimant

Title, if applicable

28 March 2013
Date

Signature: Wm. K. Smith
Signature of new owner/claimant

Title, if applicable

March 28, 13
Date

For IDWR Office Use Only:

Received by HP

Date 4-23-13

Receipt No. C097038

Receipt Amt. 50.00

Approved by HP

Processed by HP

Date 5-20-13

le pgs
stewart title

01096-3018 PD

WARRANTY DEED

For Value Received **Payette River Ranch, Ltd., an Idaho Limited Partnership**, the Grantor, hereby grants bargains, sells, conveys and warrants unto **WK Smith Ranch, LLC, an Idaho Limited Liability Company**, the Grantee, whose current address is PO Box 15, White Sulphur Springs, MT 59645, the following described premises, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

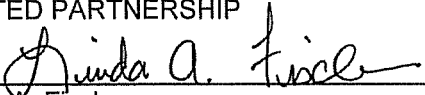
Parcel Number: RP00325210

SUBJECT TO: Current General Taxes, a lien in the process of assessments, not yet due or payable. Easements, restrictions, reservations, provisions of record and assessments, if any.

TO HAVE AND TO HOLD, the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that said premises are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated this 29th day of March, 2013

PAYETTE RIVER RANCH, LTD., AN IDAHO
LIMITED PARTNERSHIP


Linda A. Fischer
General Partner

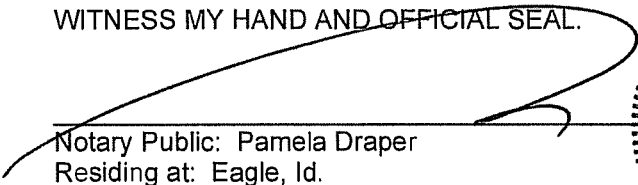
State of Idaho

) ss.

County of Gem

On this 29th day of March, 2013, before me, the undersigned, a Notary Public, in and for said State, personally appeared Linda A. Fischer, known to me, and/or identified to me on the basis of satisfactory evidence, to be the General Partner of the Partnership that executed the within instrument and acknowledged to me that such partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.


Notary Public: Pamela Draper
Residing at: Eagle, Id.
My commission expires April 16, 2015

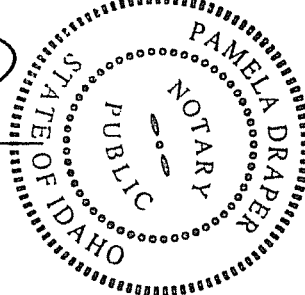


EXHIBIT "A" LEGAL DESCRIPTION

Parcel I:

That portion of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and Government Lot 11 of Section 5, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and Government Lot 11 of Section 5, Township 6 North, Range 2 West, Boise Meridian; thence South $89^{\circ}59'49''$ East 1314.12 feet, along the North line of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, to the Northeast corner thereof; thence North $00^{\circ}28'03''$ West, 1195.46 feet, along the West line of Government Lot 11 of said Section 5, to a point on the Mean High Water Line of the Payette River; thence Easterly along said Mean High Water Line the following courses and distances:
South $76^{\circ}45'07''$ East 58.73 feet; North $85^{\circ}14'55''$ East, 248.90 feet;
South $54^{\circ}11'24''$ East 165.87 feet; South $25^{\circ}31'50''$ East, 403.86 feet;
South $08^{\circ}20'10''$ East 124.47 feet; South $05^{\circ}30'27''$ West 428.09 feet;
South $02^{\circ}34'39''$ East 241.09 feet; South $32^{\circ}57'41''$ East, 99.11 feet;
South $48^{\circ}59'42''$ East, 227.79 feet; South $58^{\circ}58'45''$ East, 139.50 feet;
South $57^{\circ}38'26''$ East, 116.68 feet to the Northwest corner of that certain tract of land referred to as Lot 1 on that Record of Survey filed as Inst No. 172093, records of Gem County, Idaho; thence South $23^{\circ}30'13''$ East, 463.68 feet along the West line of said Lot 1; thence South $02^{\circ}00'18''$ West, 465.54 feet, along said West line, to the Southwest corner thereof; thence North $89^{\circ}30'15''$ East, 118.70 feet along the South line of said Lot 1, to the East line of said Government Lot 11; thence South $00^{\circ}24'00''$ East, 30.30 feet, along said East line to the Southeast corner of said Government Lot 11; thence North $89^{\circ}37'08''$ West, 555.00 feet, along the South line of said Government Lot 11, to the Southeast corner of Parcel 1 as shown on that certain Record of Survey filed as Instr. No. 219678, records of Gem County, Idaho; thence along the Northerly and Westerly line of said Parcel 1 the following courses and distances:
North $46^{\circ}25'30''$ East 50.34 feet; North $55^{\circ}15'28''$ West, 457.21 feet;
North $48^{\circ}50'21''$ West, 53.84 feet; North $55^{\circ}23'10''$ West 488.45 feet;
North $59^{\circ}23'23''$ West, 366.10 feet; North $67^{\circ}22'45''$ West, 198.93 feet;
North $57^{\circ}09'03''$ West, 209.39 feet; South $26^{\circ}98'40''$ West, 56.37 feet;
South $31^{\circ}03'29''$ West, 94.31 feet; North $64^{\circ}22'38''$ West, 201.99 feet;
South $34^{\circ}48'24''$ West 225.40 feet; South $28^{\circ}44'05''$ West, 281.18 feet to a point on the centerline of Vanderdassen Road being on the arc of a non-tangent 300.00 foot radius curve to the right a radial bearing from said point bears North $43^{\circ}47'08''$ East; thence Northwesterly along the arc of said curve and said centerline through a central angle of $45^{\circ}40'43''$ a distance of 239.17 feet; thence tangent to said curve North $00^{\circ}32'09''$ West 409.15 feet, along said centerline, to the beginning of a tangent 200.00 foot radius curve to the left; thence Northwesterly along the arc of said curve through a central angle of $16^{\circ}00'20''$ a distance of 55.87 feet to a point on the West line of said Government Lot 11; thence North $00^{\circ}32'32''$ West, 144.74 feet along said West line, to the Point of Beginning.

ALSO:

A parcel of land located in Government Lot 12 of Section 5, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho. Being further described as follows:

BASIS OF BEARINGS:

The South line of the Southwest $\frac{1}{4}$ of Section 5, Township 6 North, Range 2 West, Boise Meridian, derived from found monuments and taken as North $89^{\circ}37'08''$ West with the distance between

monuments found to be 2625.00 feet.

BEGINNING at the South 1/16 corner of Section 5, Township 6 North, Range 2 West, Boise Meridian from which the Southwest Section corner of said Section 5 bears South 00°32'32" East a distance of 1318.36 feet; thence along the West line of Government Lot 12 of said Section 5 North 00°31'47" West a distance of 1222.72 feet to a point on the meander line of the Payette River as defined by Record of Survey Instrument #163758; thence along said meander line of the Payette River the following five (5) courses:
South 82°57'07" East a distance of 345.99 feet;
North 59°29'54" East a distance of 107.41 feet;
North 77°26'15" East a distance of 390.43 feet;
South 75°43'41" East a distance of 375.90 feet;
South 76°45'07" East a distance of 138.04 feet to a point on the East line of said Government Lot 12; thence along said East line South 00°28'03" East a distance of 1195.46 feet to the Southwest 1/16 corner of said Section 5; thence along the South line of said Government Lot 12 North 89°59'49" West a distance of 1314.12 feet to the POINT OF BEGINNING.

ALSO:

That portion of the Southwest ¼ of Section 4, that portion of Government Lots 9 and 10 of Section 5, that portion of the Northeast ¼ of the Northeast ¼ of Section 8 and that portion of Government Lots 3 and 4 of Section 9 in Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the Northwest corner of the Northeast ¼ of the Northeast ¼ of Section 8, Township 6 North, Range 2 West, Boise Meridian; thence North 89°27'56" West, 164.68 feet, along the South line of Government Lot 10 of Section 5, Township 6 North, Range 2 West, Boise Meridian to a point on an existing fence line being the Point of Beginning; thence along said fence line the following courses and distances:
North 52°36'48" West, 38.54 feet; North 18°29'15" East, 18.46 feet;
North 39°23'13" East, 141.63 feet; South 69°01'30" East, 394.58 feet;
South 61°04'05" East, 305.92 feet; South 40°47'43" East 112.74 feet;
South 23°05'58" East, 113.18 feet; South 13°10'48" East, 240.49 feet;
South 28°24'22" East 794.48 feet; North 72°06'39" East, 194.43 feet;
North 70°11'00" East, 200.00 feet; North 87°32'58" East, 760.52 feet;
South 76°39'06" East, 430.13 feet; North 00°11'38" East, 585.72 feet;
North 65°20'17" West, 69.19 feet North 00°12'11" East, 255.00 feet;
South 89°48'18" East, 62.93 feet; North 00°11'37" East, 373.10 feet to a point on the Mean High Water Line of the Payette River as survey in April 1987 by Fischer Land Surveying and shown on that certain Record of Survey filed as Instr. No. 163758, records of Gem County, Idaho; thence Westerly along said Mean High Water Line the following courses and distances:
South 85°49'23" West, 394.23 feet; North 75°29'55" West, 239.69 feet;
North 48°01'46" West, 167.92 feet; North 16°59'17" West, 186.78 feet;
North 50°44'43" West, 154.93 feet; North 20°56'26" West, 202.97 feet;
North 30°24'02" West 197.62 feet; North 07°52'43" West, 146.70 feet;
North 16°51'35" West, 256.17 feet; North 08°33'04" West, 160.18 feet;
North 20°40'49" West, 149.04 feet; North 49°05'33" West, 183.77 feet;
North 61°18'08" West, 331.71 feet; North 78°55'29" West 222.92 feet;
South 76°40'40" West, 117.14 feet; South 52°09'54" West, 208.47 feet;
South 66°38'21" West, 300.74 feet; South 49°21'13" West, 157.57 feet;
South 00°14'26" West, 175.82 feet; South 09°01'34" East 128.04 feet;
South 35°09'28" West, 64.56 feet; South 58°15'27" West, 310.97 feet;
South 63°38'33" West, 157.99 feet; North 89°29'47" West, 352.19 feet;
South 78°21'50" West, 208.61 feet; South 87°39'41" West, 284.48 feet;
North 78°33'28" West, 99.04 feet to the Northeast corner of that certain tract of land referred to as Lot 1 on that Record of Survey filed as Instr. No. 172093, records of Gem County, Idaho; thence

South 01°10'44" East, 794.92 feet, along the East line of said Lot 1; thence
South 89°40'31" West, 19.57 feet, along the South line of said Lot 1, to the West line of
said Government Lot 10; thence
South 00°14'01" East, 30.88 feet, along said West line, to the Southwest corner of said
Government Lot 10; thence
South 89°27'56" East, 1147.84 feet, along the South line of said Government Lot 10, to
the Point of Beginning.

Subject to an access easement for ingress and egress created by Instrument No. 210245, described as
follows:

A 40 foot wide Ingress and Egress Easement, the centerline of said Easement being more particularly
described as follows:

COMMENCING at the Section corner common to Sections 4, 5, 8 and 9, Township 6 North, Range 2
West, B.M., Gem County, Idaho, marked by a 5/8" iron pin and aluminum cap L.S. 4108; thence
North 88°46'49" West, a distance of 2606.06 feet; thence
South 89°40'31" West, a distance of 137.56 feet; thence
North 02°10'34" East, a distance of 465.54 feet; thence
North 23°19'57" West, a distance of 341.31 feet to a point on the centerline of said 40 foot Ingress and
Egress Easement, the REAL POINT OF BEGINNING; thence
Westerly along the centerline of said Easement, the following courses and distances:
South 80°51'05" West, a distance of 57.86 feet to the beginning of a curve to the right; thence along said
curve to the right having a central angle of 50°10'01", a radius of 85.63 feet, an arc length of 74.97 feet
and a chord which bears North 62°17'55" West, a distance of 72.60 feet to a reverse curve; thence along
said reverse curve to the left having a central angle of 34°30'42", a radius of 180.32 feet, and arc length
of 108.61 feet and a chord which bears North 79°49'57" West, a distance of 106.98 feet to a point on a
reverse curve; thence along said reverse curve to the right, having a central angle of 58°12'13", a radius
of 115.98 feet, an arc length of 117.82 feet and a chord which bears North 56°01'19" West, a distance of
112.82 feet; thence
North 30°56'28" West, a distance of 257.79 feet to the beginning of a curve to the left; thence along said
curve to the left having a central angle of 20°36'10", a radius of 322.60 feet, an arc length of 116.00 feet
and a chord which bears North 37°59'21" West, a distance of 115.38 feet to the beginning of a compound
curve to the left; thence along said curve to the left having a central angle of 104°36'13", a radius of 64.09
feet, an arc length of 116.83 feet and a chord which bears South 73°16'08" West, a distance of 101.31
feet; thence
South 41°15'24" West, a distance of 194.12 feet to the beginning of a curve to the right; thence along said
curve to the right having a central angle of 181°02'00", a radius of 24.54 feet, an arc length of 77.54 feet
and a chord which bears North 57°55'04" West, a distance of 49.08 feet to the beginning of a reverse
curve; thence along said reverse curve to the left having a central angle of 108°54'39", a radius of 53.39
feet, an arc length of 101.48 feet and a chord which bears North 14°22'40" West, a distance of 86.88 feet;
thence
North 74°52'42" West, a distance of 97.75 feet; thence
North 72°57'18" West, a distance of 156.67 feet; thence
North 65°26'44" West, a distance of 77.25 feet; thence
North 61°21'19" West, a distance of 81.06 feet; thence
North 55°39'51" West, a distance of 370.61 feet; thence
North 75°56'32" West, a distance of 260.58 feet; thence
South 54°28'15" West, a distance of 92.45 feet; thence
South 04°34'04" East, a distance of 220.34 feet; thence
South 08°48'32" West, a distance of 39.74 feet to the beginning of a curve to the right; thence along said
curve to the right having a central angle of 76°05'57", a radius of 77.58 feet, an arc length of 103.04 feet
and a chord which bears South 45°04'27" West, a distance of 95.63 feet to a point on a reverse curve;
thence along said reverse curve to the left having a central angle of 70°44'13", a radius of 84.09 feet, an
arc length of 103.81 feet and a chord which bears South 71°40'41" West, a distance of 97.34 feet; thence
South 45°16'36" West, a distance of 31.58 feet; thence
South 50°41'22" West, a distance of 56.93 feet; thence
South 84°30'54" West, a distance of 42.67 feet; thence

North 64°21'39" West, a distance of 381.33 feet to a point of the centerline of Vanderdasson Road and the TERMINUS OF SAID EASEMENT.

Said Easement was created by Warranty Deed recorded July 20, 1993 as Instrument No. 176785, records of Gem County, Idaho.

Parcel II:

That portion of Sections 4 and 9, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the southwest corner of the Northwest 1/4 of Section 9, Township 6 North, Range 2 West, Boise Meridian from which the northwest corner of said Northwest 1/4 bears North 00°39'22" East, 2670.38 feet; Thence

North 30°33'59" East, 1829.79 feet to the northwest corner of Parcel 3 of that certain Record of Survey filed as Instrument no. 190216, records of Gem County, Idaho; Thence

South 76°12'34" East, 1362.24 feet, along the northerly line of said Parcel; Thence

North 17°24'16" East, 149.12 feet; Thence

North 37°42'33" East, 519.73 feet to the Point of Beginning; Thence

North 02°32'32" East, 226.54 feet; Thence

North 06°31'07" West, 185.32 feet; Thence

North 07°50'17" East, 746.87 feet to a point on the revised meander line of the right bank of the Payette River as shown on that certain Record of Survey filed as Instrument no. 163758, records of Gem County, Idaho; Thence along said revised meander line the following courses and distances:

South 59°07'47" East, 377.11 feet; South 41°16'01" East, 525.95 feet;

South 27°40'42" East, 122.30 feet; South 02°22'16" East, 149.92 feet;

South 24°57'55" West, 341.75 feet; South 15°12'22" West, 115.96 feet;

South 02°50'30" West, 331.41 feet; South 02°00'05" West, 240.93 feet;

South 05°17'01" East, 483.55 feet; South 20°53'09" East, 330.97 feet to the centerline of an irrigation

ditch; Thence leaving said revised meander line, along the centerline of said irrigation ditch, the following courses and distances:

North 82°58'08" West, 282.71 feet; North 42°57'46" West, 345.04 feet;

North 69°20'26" West, 130.30 feet; North 32°18'57" West, 163.91 feet to the beginning of a tangent 292.00 foot radius curve to the left; Northwesterly along the arc of said curve through a central angle of 20°51'49" a distance of 106.33 feet, to a point referred to hereinafter as Point "A";

Thence leaving said centerline North 00°35'20" East, 931.62 feet to the Point of Beginning.

Together with an ingress, egress and utility easement under, over and across a portion of Section 9, Township 6 North, Range 2 West, Boise Meridian lying 40.00 feet northerly of and adjacent to the following described line:

Beginning at Point "A" described above, said point being on the arc of a non-tangent 292.00 foot radius curve to the left, a radial bearing to said point bears North 36°49'14" East; Thence along the centerline of said irrigation ditch) the following courses and distances:

Northwesterly along the arc of said curve through a central angle of 46°46'53" a distance of 238.41 feet;

Tangent to said curve South 80°02'21" West, 139.91 feet to a point on the east line of Parcel 3 of that certain Record of Survey filed as instrument no. 190216, records of Gem County, Idaho, South 77°16'11" West, 104.67 feet;

South 68°33'59" West, 166.19 feet, to a point on the southerly line of said Parcel 3:

Thence leaving said centerline North 75°08'40" West, 328.17 feet, along said southerly line; Thence South 36°59'37" West, 189.83 feet, along said southerly line, to the terminus of this easement.

The limits of said easement shall be extended or shortened at the beginning, terminus and all angle points, so as to make for a continuous and uniform width of access throughout.

Also together with a 50.00 foot ingress, egress and utility easement as shown in that certain deed filed as

instrument no. 208243, records of Gem County, Idaho.



Stewart Title Company
9196 W. Emerald, Suite 100
Boise, ID 83704
Phone: (208) 287-8095
Fax: (208) 379-2332
pdraper@stewart.com

CLOSING ESCROW INSTRUCTIONS

ESCROW NO.: 01096-3018
BUYER: WK Smith Ranch, LLC, an Idaho Limited Liability Company
SELLER: Payette River Ranch, Ltd., an Idaho Limited Partnership
TO: **Stewart Title Company**

I have agreed to purchase and or sell the hereinafter described property located at:

RP00325210

Section Number 4 Township 06N, Range 02W, Gem County, Idaho
Section Number 9 Township 06N, Range 02W, Gem County, Idaho

1580 Vanderdasson Rd. Emmett, Idaho 83617

(AND MORE PARTICULARLY DESCRIBED
ON SCHEDULE "A" ATTACHED HERETO
AND MADE A PART OF THESE INSTRUC-
TIONS)

for a total consideration of [REDACTED] And will on or before March 29, 2013 hand you said consideration, which is payable as follows:

Proceeds of new loan and cash

Balance in cash at closing (closing costs are additional)

I will deliver to you any additional funds and execute any instruments which are necessary to comply with the terms hereof, all of which you may use when you hold for me:

Warranty Deed

and when you can issue your standard coverage form policy of title insurance with liability of [REDACTED] on the the property described on attached Order No. 01096-3018.

SHOWING TITLE VESTED IN:

WK Smith Ranch, LLC

FREE OF ENCUMBRANCES EXCEPT

1. Paragraphs 1-9, 14-32 of Commitment for Title Insurance, Order No. 01096-3018. A copy of which has been reviewed and approved, including, legal description, plat maps and covenants, conditions, and restrictions.
2. Deed of Trust to be recorded securing a note with an unpaid balance of [REDACTED] in favor of U.S. Bank National Association, as Custodian/Trustee, c/o Pacific Intermountain Mortgage Co..

OTHER INSTRUCTIONS:

PRORATE AND/OR ADJUST THE FOLLOWING AS OF: March 29, 2013.

1. Taxes based on the amount of the last statement of the Tax Collector issued prior to close of escrow. (If the amount of the new tax bill issued by the Tax Collector after close of escrow is more or less than the amount used for proration purposes, the difference, if any, will be adjusted by the parties herein outside of escrow). Sellers are to forward buyers any present or future tax bills on the property herein.
2. Any principal or interest on new and/or existing trust deeds, improvements, assessments and/or bonds taken over by buyers.
3. Rental or Lease, per rent or lease statement handed you.

I hereby agree to pay any charges and any advance and expenses that are properly chargeable to me regardless of the consummation of this escrow. At the close of escrow, you are to deliver all documents etc., to the persons entitled thereto. I also acknowledge that it is my responsibility to file for a homeowner's exemption, to notify utility companies and associations of changed ownership and to contact the assessor's/treasurer's office(s) in the event I do not receive tax notices.

Then you are instructed to disburse deposited funds pursuant to the Escrow Closing Statement examined and approved by the parties hereto and by this reference made a part hereof. Proceeds of this escrow may be disbursed by your check made payable to the respective parties, and your checks and documents may be mailed to the addresses set forth in these instructions.

When all documents have been signed and you have received all necessary funds, you are authorized to record the necessary documents, disburse funds collected in accordance with these instructions and have title insurance policy(ies) issued. Adjustments may be made on interest, unusual recording fees, and approved payments of bills and rents received after the signing of these instructions. You are authorized to pay any additional due on loan payoffs to lender after closing.

GENERAL PROVISIONS

All disbursements shall be made by your check. All funds received in this escrow shall be deposited into one or more non-interest bearing escrow accounts at a financial institution selected by Escrow Agent. Funds deposited in the financial institution are insured only to the limit provided by the Federal Deposit Insurance Corporation (FDIC). Escrow Holder shall not be held responsible for loss of any amount over the FDIC insured limit due to bank failure or for lost interest due to wire delays caused by any bank or the Federal Reserve System, and recommends that all parties make themselves aware of banking regulations with regards to placement of wires. Upon specific instructions from all parties to this escrow, you may hold funds as otherwise instructed herein.

The expression "close of escrow" means that date on which instruments referred to herein are filed of record in the appropriate County unless otherwise indicated herein.

You are to furnish a copy of these instructions, amendments thereto, closing statements and/or any other documents deposited in this escrow, to the lender or lenders, the real estate broker or brokers and/or the attorney or attorneys involved in this transaction upon request of such lenders, brokers or attorneys.

No notice, demand or change of instructions shall be of any effect in this escrow unless given in writing by all parties affected thereby. If conflicting demands are made in connection with this escrow, Escrow Holder shall have the absolute right to either withhold and stop all proceedings, or file suit in the interpleader and obtain an order from the court requiring the parties to interplead their several claims and rights amongst themselves.

The principals hereto expressly agree that Escrow Holder has the absolute right, at it's election, to file an action in interpleader requiring the principals to answer and litigate their several claims and rights among themselves and Escrow Holder is authorized to deposit with the clerk of the court, all documents, instruments and funds held in escrow. In the event such action is filed, the principals jointly and severally agree to pay Escrow Holder's cancellation charges and costs, expenses and reasonable attorney's fees it is required to expend or incur in such interpleader action, the amount thereof to be fixed and judgment therefore to be rendered by the court. Upon filing of such action, Escrow Holder is thereupon fully released and discharged from all obligations to further perform any duties or obligations otherwise imposed by the terms of this escrow.

If any party to this escrow elects to cancel these instructions because of the failure of any party to comply with any of the

terms hereof within the time limits provided herein, said party so electing to cancel shall deliver to escrow agent a written notice to the other party and escrow shall hereupon become cancelled. When the written notice is delivered to escrow agent by the party so electing to cancel, escrow agent shall within five days thereafter send a copy of said notice to the other party by first class mail to the address shown below.

In the event said other party shall fail within said ten day period to comply with all of the terms hereof, these instructions shall become cancelled and escrow agent is thereupon authorized: (a) first, to pay to the party electing to cancel any money deposited hereunder by said other party, after deducting any charges; (b) second, to pay to the party electing to cancel, any money deposited by said party, after deducting any charges remaining unpaid; and (c) third, to return all documents deposited hereunder to the party who delivered the same except documents executed by more than one party, which shall be marked "cancelled" and retained in the files of escrow agent.

Both Seller and Buyer acknowledge by their signatures hereon the following: We/I have been specifically informed that Stewart Title Company (hereinafter designated as " Stewart Title Company ") is not licensed to practice law and no legal advice has been offered by Stewart Title Company or any of its employees. We/I have been further informed that Stewart Title Company is acting only as escrow holder and that it is forbidden by law from offering any advice to any party respecting the merits of this escrow transaction or the nature of the instruments utilized and that it has not done so. We/I have not been referred by Stewart Title Company to any named attorney or attorneys or discouraged from seeking advice of any attorney, but have been requested to seek legal counsel of our/my own choosing at my own expense, if We/I have doubt concerning any aspect of this transaction.

I further declare all instruments to which I am a party, if prepared by Stewart Title Company, have been prepared under the direction of my attorney or myself and particularly declare that copying legal description from title reports onto forms of deeds, etc., or reforming of legal descriptions or agreements is, or will be solely at my direction or request.

I have been afforded adequate time and opportunity to read and understand these escrow instructions and all other documents referred to herein.

DISCLOSURE OF TAXPAYER IDENTIFICATION NUMBERS

Internal Revenue Code Section 6109(h) imposes requirements for furnishing, disclosing, and including taxpayer identification numbers in tax returns to a residential real estate transaction involving seller-provided financing. The parties understand that the disclosure reporting requirements are exclusive obligations between the parties to this transaction and that Stewart Title Company is not obligated to transmit the taxpayer identification numbers to the Internal Revenue Service or to the parties. Stewart Title Company is not rendering an opinion concerning the effect of this law on this transaction, and the parties are not acting on any statements made or omitted by the escrow or closing officer.

To facilitate compliance with this law, the parties to this escrow hereby authorize Stewart Title, to release any party's taxpayer identification number to any requesting party to this transaction. The requesting party shall deliver a written request to escrow. The parties hereto waive all rights of confidentiality regarding their respective taxpayer identification numbers and agree to hold Stewart Title harmless against any fees, costs, or judgments incurred and/or awarded in connection with the release of tax payer identification numbers.

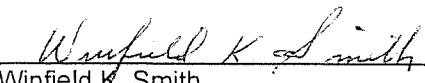
Penalties for failure to comply will most likely be assessed against the individual taxpayers for failure to provide the information.

Any amendments of and/or supplement to any instructions must be in writing. These instructions are the only instructions to the Escrow Agent and supersede any other instructions however they may be denominated.

Buyer agrees to purchase the property herein described upon the terms hereof.

BUYER(S):

WK SMITH RANCH, LLC, AN IDAHO LIMITED LIABILITY
COMPANY


Winfield K. Smith
Member

Vivian J. Smith

Vivian Smith
Member

Home - 406-547-3659

R - 406-949-0005
406-980-0839 (cell)
VIVIAN 'A)

MAILING ADDRESS:

PHONE:

PO Box 15
White Sulphur Springs, MT 59645

SELLER(S):

I/We by our signature(s) below, approve of the foregoing instructions, agree to be bound thereof, and have agreed to sell and will deliver to you papers, instructions and/or funds required from me/us within the time limits specified herein, which you are authorized to deliver when you can issue your policy of title insurance as set forth above. You are instructed to use the money and record the instruments to comply with said escrow instructions and to pay all encumbrances of record necessary, without further approval including prepayment penalties to show title as herein provided. I/We agree to pay your usual sellers escrow fees, drawing of documents and such other charges which are advanced for my/our account regardless of the consummation of escrow. I/we also agree to pay the policy of title insurance premium and recording fees which are properly chargeable to me. At the close of this transaction, you are authorized to pay all fees and/or charges per seller(s) closing statement which has been examined and approved by the undersigned seller(s).

SELLER(S):

PAYETTE RIVER RANCH, LTD., AN IDAHO LIMITED
PARTNERSHIP

Linda A. Fischer

Linda A. Fischer
General Partner

MAILING ADDRESS:

PHONE:

208-484-9155

1580 Vanderdasson Rd.
Emmett, ID 83617

At the close of this escrow, seller's proceeds are to be delivered as follows:

as instructed by Seller at close of escrow

The foregoing instructions are hereby acknowledged and received by Stewart Title Company.

Stewart Title Company

BY:

Pamela Draper, Escrow Officer

SCHEDULE A

Order Number: 01096-4762

LEGAL DESCRIPTION

Parcel I:

That portion of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and Government Lot 11 of Section 5, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Beginning at the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and Government Lot 11 of Section 5, Township 6 North, Range 2 West, Boise Meridian; thence South $89^{\circ}59'49''$ East 1314.12 feet, along the North line of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, to the Northeast corner thereof; thence North $00^{\circ}28'03''$ West, 1195.46 feet, along the West line of Government Lot 11 of said Section 5, to a point on the Mean High Water Line of the Payette River; thence Easterly along said Mean High Water Line the following courses and distances:
South $76^{\circ}45'07''$ East 58.73 feet; North $85^{\circ}14'55''$ East, 248.90 feet;
South $54^{\circ}11'24''$ East 165.87 feet; South $25^{\circ}31'50''$ East, 403.86 feet;
South $08^{\circ}20'10''$ East 124.47 feet; South $05^{\circ}30'27''$ West 428.09 feet;
South $02^{\circ}34'39''$ East 241.09 feet; South $32^{\circ}57'41''$ East, 99.11 feet;
South $48^{\circ}59'42''$ East, 227.79 feet; South $58^{\circ}58'45''$ East, 139.50 feet;
South $57^{\circ}38'26''$ East, 116.68 feet to the Northwest corner of that certain tract of land referred to as Lot 1 on that Record of Survey filed as Inst No. 172093, records of Gem County, Idaho; thence South $23^{\circ}30'13''$ East, 463.68 feet along the West line of said Lot 1; thence South $02^{\circ}00'18''$ West, 465.54 feet, along said West line, to the Southwest corner thereof; thence North $89^{\circ}30'15''$ East, 118.70 feet along the South line of said Lot 1, to the East line of said Government Lot 11; thence South $00^{\circ}24'00''$ East, 30.30 feet, along said East line to the Southeast corner of said Government Lot 11; thence North $89^{\circ}37'08''$ West, 555.00 feet, along the South line of said Government Lot 11, to the Southeast corner of Parcel 1 as shown on that certain Record of Survey filed as Instr. No. 219678, records of Gem County, Idaho; thence along the Northerly and Westerly line of said Parcel 1 the following courses and distances:
North $46^{\circ}25'30''$ East 50.34 feet; North $55^{\circ}15'28''$ West, 457.21 feet;
North $48^{\circ}50'21''$ West, 53.84 feet; North $55^{\circ}23'10''$ West 488.45 feet;
North $59^{\circ}23'23''$ West, 366.10 feet; North $67^{\circ}22'45''$ West, 198.93 feet;
North $57^{\circ}09'03''$ West, 209.39 feet; South $26^{\circ}98'40''$ West, 56.37 feet;
South $31^{\circ}03'29''$ West, 94.31 feet; North $64^{\circ}22'38''$ West, 201.99 feet;
South $34^{\circ}48'24''$ West 225.40 feet; South $28^{\circ}44'05''$ West, 281.18 feet to a point on the centerline of Vanderdassen Road being on the arc of a non-tangent 300.00 foot radius curve to the right a radial bearing from said point bears North $43^{\circ}47'08''$ East; thence Northwesterly along the arc of said curve and said centerline through a central angle of $45^{\circ}40'43''$ a distance of 239.17 feet; thence tangent to said curve North $00^{\circ}32'09''$ West 409.15 feet, along said centerline, to the beginning of a tangent 200.00 foot radius curve to the left; thence Northwesterly along the arc of said curve through a central angle of $16^{\circ}00'20''$ a distance of 55.87 feet to a point on the West line of said Government Lot 11; thence North $00^{\circ}32'32''$ West, 144.74 feet along said West line, to the Point of Beginning.

ALSO:

A parcel of land located in Government Lot 12 of Section 5, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho. Being further described as follows:

BASIS OF BEARINGS:

The South line of the Southwest $\frac{1}{4}$ of Section 5, Township 6 North, Range 2 West, Boise Meridian, derived from found monuments and taken as North $89^{\circ}37'08''$ West with the distance between monuments found to be 2625.00 feet.

BEGINNING at the South $\frac{1}{16}$ corner of Section 5, Township 6 North, Range 2 West, Boise Meridian from which the Southwest Section corner of said Section 5 bears South $00^{\circ}32'32''$ East a distance of 1318.36 feet; thence along the West line of Government Lot 12 of said Section 5 North $00^{\circ}31'47''$ West a distance of 1222.72 feet to a point on the meander line of the Payette River as defined by Record of Survey Instrument #163758; thence along said meander line of the Payette River the following five (5) courses:
South $82^{\circ}57'07''$ East a distance of 345.99 feet;
North $59^{\circ}29'54''$ East a distance of 107.41 feet;
North $77^{\circ}26'15''$ East a distance of 390.43 feet;
South $75^{\circ}43'41''$ East a distance of 375.90 feet;
South $76^{\circ}45'07''$ East a distance of 138.04 feet to a point on the East line of said Government Lot 12; thence along said East line South $00^{\circ}28'03''$ East a distance of 1195.46 feet to the Southwest $\frac{1}{16}$ corner of said Section 5; thence along the South line of said Government Lot 12 North $89^{\circ}59'49''$ West a distance of 1314.12 feet to the POINT OF BEGINNING.

ALSO:

That portion of the Southwest $\frac{1}{4}$ of Section 4, that portion of Government Lots 9 and 10 of Section 5, that portion of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 8 and that portion of Government Lots 3 and 4 of Section 9 in Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 8, Township 6 North, Range 2 West, Boise Meridian; thence North $89^{\circ}27'56''$ West, 164.68 feet, along the South line of Government Lot 10 of Section 5, Township 6 North, Range 2 West, Boise Meridian to a point on an existing fence line being the Point of Beginning; thence along said fence line the following courses and distances:
North $52^{\circ}36'48''$ West, 38.54 feet; North $18^{\circ}29'15''$ East, 18.46 feet;
North $39^{\circ}23'13''$ East, 141.63 feet; South $69^{\circ}01'30''$ East, 394.58 feet;
South $61^{\circ}04'05''$ East, 305.92 feet; South $40^{\circ}47'43''$ East 112.74 feet;
South $23^{\circ}05'58''$ East, 113.18 feet; South $13^{\circ}10'48''$ East, 240.49 feet;
South $28^{\circ}24'22''$ East 794.48 feet; North $72^{\circ}06'39''$ East, 194.43 feet;
North $70^{\circ}11'00''$ East, 200.00 feet; North $87^{\circ}32'58''$ East, 760.52 feet;
South $76^{\circ}39'06''$ East, 430.13 feet; North $00^{\circ}11'38''$ East, 585.72 feet;
North $65^{\circ}20'17''$ West, 69.19 feet North $00^{\circ}12'11''$ East, 255.00 feet;
South $89^{\circ}48'18''$ East, 62.93 feet; North $00^{\circ}11'37''$ East, 373.10 feet to a point on the Mean High Water Line of the Payette River as survey in April 1987 by Fischer Land Surveying and shown on that certain Record of Survey filed as Instr. No. 163758, records of Gem County, Idaho; thence Westerly along said Mean High Water Line the following courses and distances:
South $85^{\circ}49'23''$ West, 394.23 feet; North $75^{\circ}29'55''$ West, 239.69 feet;
North $48^{\circ}01'46''$ West, 167.92 feet; North $16^{\circ}59'17''$ West, 186.78 feet;
North $50^{\circ}44'43''$ West, 154.93 feet; North $20^{\circ}56'26''$ West, 202.97 feet;
North $30^{\circ}24'02''$ West 197.62 feet; North $07^{\circ}52'43''$ West, 146.70 feet;
North $16^{\circ}51'35''$ West, 256.17 feet; North $08^{\circ}33'04''$ West, 160.18 feet;
North $20^{\circ}40'49''$ West, 149.04 feet; North $49^{\circ}05'33''$ West, 183.77 feet;
North $61^{\circ}18'08''$ West, 331.71 feet; North $78^{\circ}55'29''$ West 222.92 feet;
South $76^{\circ}40'40''$ West, 117.14 feet; South $52^{\circ}09'54''$ West, 208.47 feet;

South 66°38'21" West, 300.74 feet; South 49°21'13" West, 157.57 feet;
South 00°14'26" West, 175.82 feet; South 09°01'34" East 128.04 feet;
South 35°09'28" West, 64.56 feet; South 58°15'27" West, 310.97 feet;
South 63°38'33" West, 157.99 feet; North 89°29'47" West, 352.19 feet;
South 78°21'50" West, 208.61 feet; South 87°39'41" West, 284.48 feet;
North 78°33'28" West, 99.04 feet to the Northeast corner of that certain tract of land
referred to as Lot 1 on that Record of Survey filed as Instr. No. 172093, records of Gem
County, Idaho; thence
South 01°10'44" East, 794.92 feet, along the East line of said Lot 1; thence
South 89°40'31" West, 19.57 feet, along the South line of said Lot 1, to the West line of
said Government Lot 10; thence
South 00°14'01" East, 30.88 feet, along said West line, to the Southwest corner of said
Government Lot 10; thence
South 89°27'56" East, 1147.84 feet, along the South line of said Government Lot 10, to
the Point of Beginning.

Subject to an access easement for ingress and egress created by Instrument No. 210245, described as follows:

A 40 foot wide Ingress and Egress Easement, the centerline of said Easement being more particularly described as follows:

COMMENCING at the Section corner common to Sections 4, 5, 8 and 9, Township 6 North, Range 2 West, B.M., Gem County, Idaho, marked by a 5/8" iron pin and aluminum cap L.S. 4108; thence
North 88°46'49" West, a distance of 2606.06 feet; thence
South 89°40'31" West, a distance of 137.56 feet; thence
North 02°10'34" East, a distance of 465.54 feet; thence
North 23°19'57" West, a distance of 341.31 feet to a point on the centerline of said 40 foot Ingress and Egress Easement, the REAL POINT OF BEGINNING; thence
Westerly along the centerline of said Easement, the following courses and distances:
South 80°51'05" West, a distance of 57.86 feet to the beginning of a curve to the right; thence along said curve to the right having a central angle of 50°10'01", a radius of 85.63 feet, an arc length of 74.97 feet and a chord which bears North 62°17'55" West, a distance of 72.60 feet to a reverse curve; thence along said reverse curve to the left having a central angle of 34°30'42", a radius of 180.32 feet, and arc length of 108.61 feet and a chord which bears North 79°49'57" West, a distance of 106.98 feet to a point on a reverse curve; thence along said reverse curve to the right, having a central angle of 58°12'13", a radius of 115.98 feet, an arc length of 117.82 feet and a chord which bears North 56°01'19" West, a distance of 112.82 feet; thence
North 30°56'28" West, a distance of 257.79 feet to the beginning of a curve to the left; thence along said curve to the left having a central angle of 20°36'10", a radius of 322.60 feet, an arc length of 116.00 feet and a chord which bears North 37°59'21" West, a distance of 115.38 feet to the beginning of a compound curve to the left; thence along said curve to the left having a central angle of 104°36'13", a radius of 64.09 feet, an arc length of 116.83 feet and a chord which bears South 73°16'08" West, a distance of 101.31 feet; thence
South 41°15'24" West, a distance of 194.12 feet to the beginning of a curve to the right; thence along said curve to the right having a central angle of 181°02'00", a radius of 24.54 feet, an arc length of 77.54 feet and a chord which bears North 57°55'04" West, a distance of 49.08 feet to the beginning of a reverse curve; thence along said reverse curve to the left having a central angle of 108°54'39", a radius of 53.39 feet, an arc length of 101.48 feet and a chord which bears North 14°22'40" West, a distance of 86.88 feet; thence
North 74°52'42" West, a distance of 97.75 feet; thence
North 72°57'18" West, a distance of 156.67 feet; thence
North 65°26'44" West, a distance of 77.25 feet; thence
North 61°21'19" West, a distance of 81.06 feet; thence

North 55°39'51" West, a distance of 370.61 feet; thence
North 75°56'32" West, a distance of 260.58 feet; thence
South 54°28'15" West, a distance of 92.45 feet; thence
South 04°34'04" East, a distance of 220.34 feet; thence
South 08°48'32" West, a distance of 39.74 feet to the beginning of a curve to the right; thence along said curve to the right having a central angle of 76°05'57", a radius of 77.58 feet, an arc length of 103.04 feet and a chord which bears South 45°04'27" West, a distance of 95.63 feet to a point on a reverse curve; thence along said reverse curve to the left having a central angle of 70°44'13", a radius of 84.09 feet, an arc length of 103.81 feet and a chord which bears South 71°40'41" West, a distance of 97.34 feet; thence
South 45°16'36" West, a distance of 31.58 feet; thence
South 50°41'22" West, a distance of 56.93 feet; thence
South 84°30'54" West, a distance of 42.67 feet; thence
North 64°21'39" West, a distance of 381.33 feet to a point of the centerline of Vanderdasson Road and the TERMINUS OF SAID EASEMENT.

Said Easement was created by Warranty Deed recorded July 20, 1993 as Instrument No. 176785, records of Gem County, Idaho.

Parcel II:

That portion of Sections 4 and 9, Township 6 North, Range 2 West, Boise Meridian, Gem County, Idaho, described as follows:

Commencing at the southwest corner of the Northwest 1/4 of Section 9, Township 6 North, Range 2 West, Boise Meridian from which the northwest corner of said Northwest 1/4 bears North 00°39'22" East, 2670.38 feet; Thence
North 30°33'59" East, 1829.79 feet to the northwest corner of Parcel 3 of that certain Record of Survey filed as Instrument no. 190216, records of Gem County, Idaho; Thence
South 76°12'34" East, 1362.24 feet, along the northerly line of said Parcel; Thence
North 17°24'16" East, 149.12 feet; Thence
North 37°42'33" East, 519.73 feet to the Point of Beginning; Thence
North 02°32'32" East, 226.54 feet; Thence
North 06°31'07" West, 185.32 feet; Thence
North 07°50'17" East, 746.87 feet to a point on the revised meander line of the right bank of the Payette River as shown on that certain Record of Survey filed as Instrument no. 163758, records of Gem County, Idaho; Thence along said revised meander line the following courses and distances:
South 59°07'47" East, 377.11 feet; South 41°16'01" East, 525.95 feet;
South 27°40'42" East, 122.30 feet; South 02°22'16" East, 149.92 feet;
South 24°57'55" West, 341.75 feet; South 15°12'22" West, 115.96 feet;
South 02°50'30" West, 331.41 feet; South 02°00'05" West, 240.93 feet;
South 05°17'01" East, 483.55 feet; South 20°53'09" East, 330.97 feet to the centerline of an irrigation ditch; Thence leaving said revised meander line, along the centerline of said irrigation ditch, the following courses and distances:
North 82°58'08" West, 282.71 feet; North 42°57'46" West, 345.04 feet;
North 69°20'26" West, 130.30 feet; North 32°18'57" West, 163.91 feet to the beginning of a tangent 292.00 foot radius curve to the left; Northwesterly along the arc of said curve through a central angle of 20°51'49" a distance of 106.33 feet, to a point referred to hereinafter as Point "A";
Thence leaving said centerline North 00°35'20" East, 931.62 feet to the Point of Beginning.

Together with an ingress, egress and utility easement under, over and across a portion of Section 9, Township 6 North, Range 2 West, Boise Meridian lying 40.00 feet northerly of and adjacent to the following described line:

Beginning at Point "A" described above, said point being on the arc of a non-tangent 292.00 foot radius curve to the left, a radial bearing to said point bears North 36°49'14" East; Thence along the centerline of said irrigation ditch) the following courses and distances:

Northwesterly along the arc of said curve through a central angle of 46°46'53" a distance of 238.41 feet;

Tangent to said curve South 80°02'21" West, 139.91 feet to a point on the east line of Parcel 3 of that certain Record of Survey filed as instrument no. 190216, records of Gem County, Idaho, South 77°16'11" West, 104.67 feet;

South 68°33'59" West, 166.19 feet, to a point on the southerly line of said Parcel 3:

Thence leaving said centerline North 75°08'40" West, 328.17 feet, along said southerly line; Thence South 36°59'37" West, 189.83 feet, along said southerly line, to the terminus of this easement.

The limits of said easement shall be extended or shortened at the beginning, terminus and all angle points, so as to make for a continuous and uniform width of access throughout.

Also together with a 50.00 foot ingress, egress and utility easement as shown in that certain deed filed as instrument no. 208243, records of Gem County, Idaho.

PRORATION INDEMNITY AGREEMENT

It is hereby understood and agreed between the Buyer(s) and Seller(s) of property known as:

1580 Vanderdasson Rd., Emmett, ID 83617

PROPERTY TAX PRORATE

The taxes for the current year have been adjusted as of this date on the basis of the following:
Actual 2012 property tax bill of \$ [REDACTED], based on bare land only

Actual taxes may change by reason of reassessment by the County Assessor.

HOMEOWNERS ASSOCIATION DUES

n/a

SPECIAL ASSESSMENTS

2013 irrigation assessment of \$ [REDACTED] thru the Letha Irrigation District only

BY EXECUTION OF THIS AGREEMENT, THE UNDERSIGNED INDEMNIFY AND HOLD HARMLESS Stewart Title Company, STEWART TITLE GUARANTY COMPANY AND THEIR AGENTS FROM ANY LIABILITY FOR ANY REPORTING ERRORS BY AGENCIES THAT HAVE PROVIDED INFORMATION FOR THE ABOVE. NEITHER Stewart Title Company, STEWART TITLE GUARANTY COMPANY NOR THEIR AGENTS SHALL HAVE ANY RESPONSIBILITY FOR FUTURE ADJUSTMENTS; RATHER, THE UNDERSIGNED SHALL ASSUME RESPONSIBILITY FOR THE PURSUING AND EFFECTUATING OF ANY ADJUSTMENTS.

UTILITY AGREEMENT

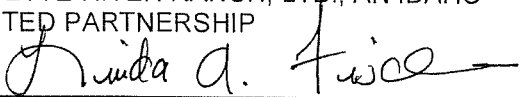
The sewer and/or trash for the above address were settled in the following manner:
n/a

PURCHASER AND SELLER AGREE TO CONTACT ALL UTILITY DEPARTMENTS WITHIN 24 BUSINESS HOURS FROM DATE OF CLOSING REGARDLESS OF OPTIONS SELECTED ABOVE.

This agreement executed on March 27, 2013.

SELLER(S):

PAYETTE RIVER RANCH, LTD., AN IDAHO
LIMITED PARTNERSHIP



Linda A. Fischer
General Partner

BUYER(S):

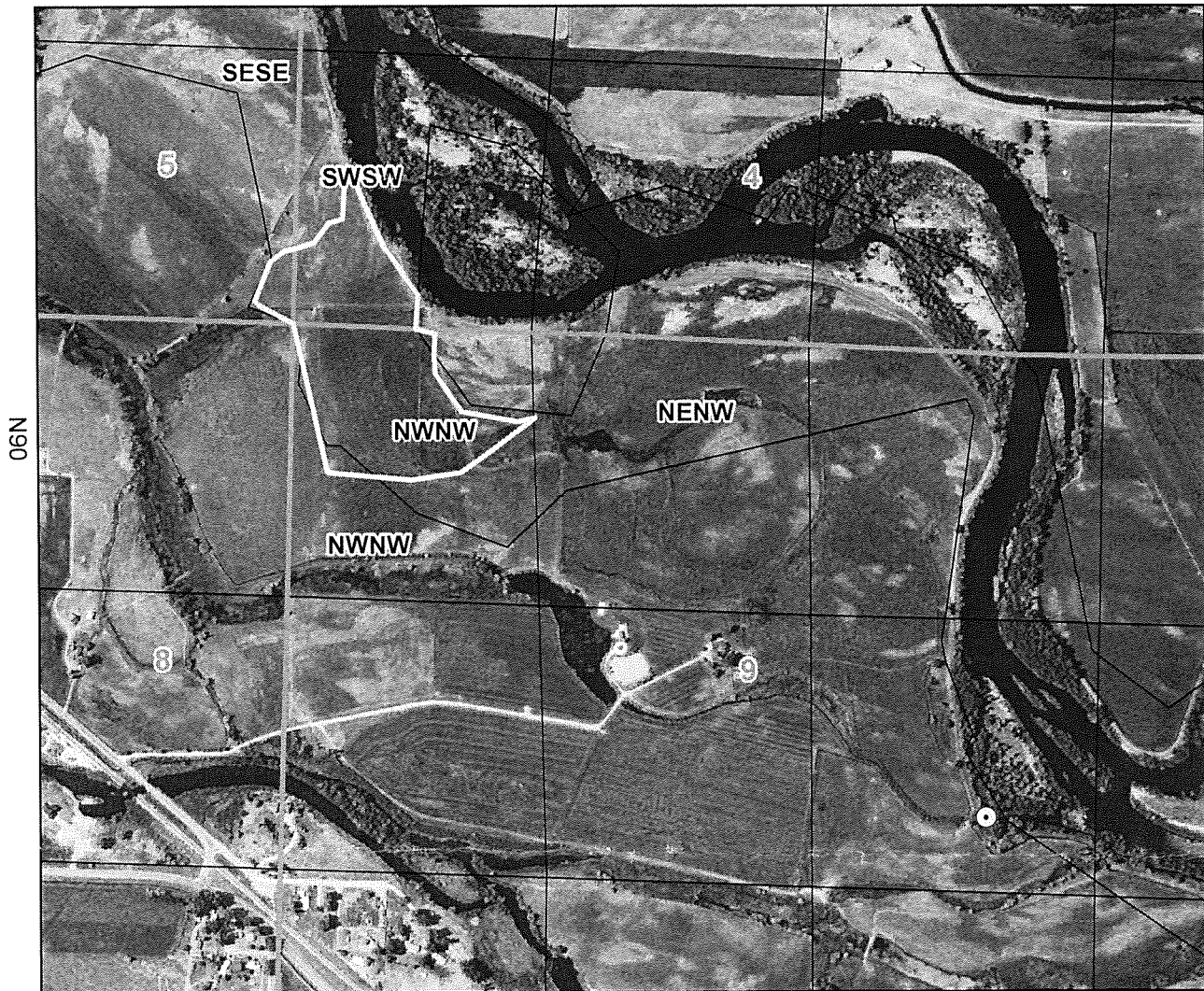
WK SMITH RANCH, LLC, AN IDAHO LIMITED
LIABILITY COMPANY


Winfield K. Smith
Member
Vivian Smith
Member

State of Idaho
Department of Water Resources
Water Right License
65-10724

March 26, 2013

02W



- Point of Diversion
- Place Of Use Boundary

0 0.1 0.2 0.4 Miles

- Townships
- PLS Sections
- Quarter Quarters



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-10724

WATER RIGHT NUMBER: 65-10724

Owner Type: Name and Address
Current Owner PAYETTE RIVER RANCH
C/O LINDA FISCHER
EMMETT, ID 83617
(208)365-4897

Priority Date: 6/1/1963

Basis: Decreed

Status: Active

Source: PAYETTE RIVER Tributary: SNAKE RIVER

<u>Beneficial Use:</u>	<u>From / To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.380 CFS	
	<u>Total Diversion</u>	0.380 CFS	

Location of Point(s) of Diversion:

PAYETTE RIVER L2(SESWNE) Sec. 9, Twp 06N, Rge 02W B.M. GEM County

Place of Use:

IRRIGATION within GEM County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	4											6.0						6
													L5						
06N	02W	5															1.0		1
																	L9		
06N	02W	9							12.0										12
									L4										
Total Acres: 19.0																			

Conditions of Approval:

- C18 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.

Dates and Other Information:

Decreed Date: 7/18/2002
State or Federal: S
Water District Number: 65
Civil Case Number: 39576
Judicial District: FIFTH
Mitigation Plan: False
Combined Use Limits: N/A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Contacts	12/28/2000 1:14:29 PM	rhowerto	Closed
Priority Date	12/28/2000 1:14:58 PM	rhowerto	Closed
POD	12/28/2000 1:15:09 PM	rhowerto	Closed
Source	12/28/2000 1:15:31 PM	rhowerto	Closed
POU	12/28/2000 1:15:56 PM	rhowerto	Closed
Use	12/28/2000 1:16:14 PM	rhowerto	Closed
Season	12/28/2000 1:16:31 PM	rhowerto	Closed
Quantity	12/28/2000 1:16:51 PM	rhowerto	Closed
Summary	12/28/2000 1:17:29 PM	12/28/2000 1:17:29 PM rhowerto	Closed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	12/28/2000 1:15:08 PM	rhowerto	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
Source	12/28/2000 1:15:30 PM	rhowerto	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
POU	12/28/2000 1:15:54 PM	rhowerto	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
POD	12/28/2000 1:10:35 PM	rhowerto	Edited point location
Contacts	12/28/2000 1:14:28 PM	rhowerto	1. Appointment has not been scheduled. Comment for 1: IN OFFICE
Priority Date	12/28/2000 1:14:56 PM	rhowerto	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Use	12/28/2000 1:16:13 PM	rhowerto	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Season	12/28/2000 1:16:30 PM	rhowerto	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	12/28/2000 1:16:50 PM	rhowerto	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice.

Summary 12/28/2000 1:17:27 PM rhowerto

3. (YES) The parent right has a diversion rate and/or diversion volume.
4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.
6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit.
7. (NO) The parent right does not have an annual diversion volume limit.
9. (NO) Quantity remark was not required.
10. (NO) Quantity condition was not required.
1. (NO) The basis of the claim is not beneficial use.
3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (YES) General remark was required.
6. (NO) Explanatory remark was not required.
7. (NO) Additional condition was not required.
8. (YES) Wanted to view the recommended right.
9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

SubCase: N/A
Water Supply Bank: N/A

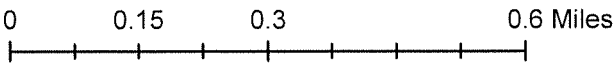
State of Idaho
Department of Water Resources
Water Right License
65-23092

March 26, 2013

02W



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-23092

WATER RIGHT NUMBER: 65-23092

Owner Type: Name and Address
Current Owner PAYETTE RIVER RANCH
C/O LINDA FISCHER
EMMETT, ID 83617
(208)365-4897

Priority Date: 8/12/1889

Basis: Decreed

Status: Active

Source: PAYETTE RIVER Tributary: SNAKE RIVER

<u>Beneficial Use:</u>	<u>From / To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.860 CFS	
STOCKWATER	01/01 to 12/31	0.210 CFS	13.10 AF
	<u>Total Diversion</u>	1.910 CFS	

Location of Point(s) of Diversion:

PAYETTE RIVER L2(SESWNE) Sec. 9, Twp 06N, Rge 02W B.M. GEM County

Place of Use:

IRRIGATION within GEM County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	4											3.0						3
													L5						
06N	02W	5															8.0	36.0	44
																	L10	L9	
06N	02W	8	21.0			2.0													23
06N	02W	9							13.0										13
									L4										
Total Acres: 83.0																			

STOCKWATER within GEM County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	02W	4											X						
													L5						
06N	02W	5															X	X	
																	L10	L9	
06N	02W	8	X			X													
06N	02W	9							X										
									L4										

Conditions of Approval:

1. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 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.
3. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. E62 THIS RIGHT SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE WHEN MEASURED AT THE FIELD HEADGATE.

Comments:

1. JPEPPERS 10/19/2006 12:00:00 AM Owner Change
Comment: Right 65-10723 was split by owner change filed April 24, 2006 into 65-23092 (remaining part) and 65-23093 (to Stephen Fischer III).
2. JPEPPERS 10/19/2006 12:00:00 AM POD
Comment: Updated shape
3. JPEPPERS 10/19/2006 12:00:00 AM POU
Comment: Updated Shape
4. JPEPPERS 10/19/2006 12:00:00 AM POU
Comment: Updated Shape

Dates and Other Information:

Decreed Date: 7/18/2002
State or Federal: S
Water District Number: 65
Civil Case Number: 39576
Judicial District: FIFTH
Mitigation Plan: False
Combined Use Limits: N/A
SubCase: N/A
Water Supply Bank: N/A