

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78526APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Robert & Olivia Boyack Living Trust c/o Robert Boyack Phone (208) 852-0448Mailing address 3168 East Highway 36, Preston, ID 83263 Email _____

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

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

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

RECEIVED

APR 02 2013

Department of Water Resources
Eastern Region

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


 Signature of Applicant or Authorized Representative

ROBERT BOYACK
 Print Name and Title if applicable

31 MAR 2013
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER
(13-7632, 13-969A)

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other Update ownership - split portion of 13-969A
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. See attached Part 1A.2

78526

SCANNED
APR 30 2013

T78526

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	13-7632	1.58 cfs	Irrigation	4/20 to 9/30	Bear River
☒ ☐	13-7634	1.00 cfs	Irrigation	4/1 to 11/1	Water Hollow Creek
☐ ☐		0.04 cfs	Stockwater	1/1 to 12/31	Water Hollow Creek
☐ ☒	13-969A	0.04 cfs	Irrigation	4/20 to 9/30	Bear River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.62 cfs cfs and/or n/a ac-ft

2. Total amount of water proposed to be transferred or changed 1.62 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	SE	20	14S	40E	Franklin	Bear River	
			NE	SW	20	14S	40E	Franklin	Water Hollow Creek	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40E	20													0.3		9.2	29.5	39.0
		21									2.0	1.0							3.0
		29	13.2	13.8															27.0

Total Acres (for irrigation use) 69.0

78526

Part 1A.2 Description of Proposed Transfer

This transfer application proposes to change the point of diversion for water right 13-7632 (a split portion of water right 13-969B). In 1949, a transfer was filed for water right 13-969, splitting the right into 13-969A and 13-969B. Through that transfer, the point of diversion for water right 13-969B was changed to a pump on the Bear River. Using the maps and technology available at the time, the pump point of diversion was described in the SWSW of Section 21, T14S R40E. Using current technology (GPS and aerial photography), it appears the Bear River pump point of diversion is actually located in the SESE of Section 20, T14S R40E, just slightly over the section line. This transfer seeks to correct the legal description of the water right to reflect the historic physical location of the Bear River pump.

This transfer also proposes to change the point of diversion and the ownership of a 2-acre split portion of water right 13-969A. The point of diversion for the 2-acre portion will now be the Bear River pump described above, located in the SESE of Section 20.

The transfer also proposes to create a combined place of use for water rights 13-7632, 13-7634 and the 2-acre split portion of water right 13-969A. These three rights will be combined on a 69-acre irrigation place of use. Water right 13-7634 from Water Hollow Creek, which authorizes the irrigation of 60 acres, is already fully overlapped by water right 13-7632. IDWR recently completed an ownership change for water right 13-7632 and 13-7634. No change is proposed for the point of diversion for water right 13-7634.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

The point of diversion on the Bear River is a pump station that is already measured and regulated by the watermaster for Water District 11. The point of diversion on Water Hollow Creek is not monitored by a water district.

- b. Who owns the property at the point(s) of diversion? Bear River = applicants; Water Hollow Creek = historic ditch
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Water rights in combination authorize the irrigation of 69 acres. No more than 69 acres will be irrigated with the rights.
Irrigation will primarily be accomplished with sprinkler irrigation.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
No other water rights exist on the proposed place of use.

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

Yes No

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

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-969A

WATER RIGHT NUMBER: 13-969A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	A C BOSEN
	, ID
Current Owner	HYRUM J SMITH
	, ID

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR RIVER	GREAT SALT LAKE

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/20	to 09/30	3.500 CFS	
	<u>Total Diversion:</u>		3.500 CFS	

Location of Point(s) of Diversion

BEAR RIVER	SE1/4	Sec. 16, Twp 14S, Rge 40E, B.M.
FRANKLIN County		

Place of UseIRRIGATION Within FRANKLIN County

T14S R40E S02	NESW	T14S R40E S02	NWSW
T14S R40E S21	NENE	T14S R40E S21	SENE
T14S R40E S21	NESE	T14S R40E S21	NWSE
T14S R40E S22	SWNE	T14S R40E S22	NWSW

Conditions of Approval:

1. 1920 Decree contains errors in POU description.
2. AC Bosen Portion: 2.75 cfs, 119 irrigated acres (E1/2 Sec 21; Sec 22).
Hyrum J. Smith Portion: 0.75 cfs, 35 irrigated acres (SW1/4 Sec 21).
13-969A Totals: 3.50 cfs, 154 irrigated acres.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-969A

Comments:

1. cknowles 3/9/2009 General comment

Comment: Review of the original Dietrich decree showed the legal description for the POD in the SE quarter of Section 16. GPS location showed this right in the NE quarter. Recommendations were made to the owners to file a transfer to correct the error. Measuring device is to be located next to the Twin Lakes Siphon that crosses the Bear River per Dietrich decree. Due to the location of the POD and the measuring device, recommendations to the owner are to continue to measure at the original location with a standard device and create a bypass (control gate) of water greater than the decreed rate to be diverted back into the Bear River. This would give water master control at the measuring device and provide any shrink loss that may have been implied under the original decree.

2. psdaggs 7/31/2008 POD description

Comment: Review of Right 13-969A found that the point of diversion should be described as originally decreed under 11-275 within the SE, Sec 16, T14S, R40E. Right 13-969B (11-275B) was modified through Transfer #202 in 1949 and 13-969A (11-275A) remained unchanged. No other actions have occurred on this portion of the right.

3. jcefal0 2/22/2013 POU Errors

Comment: 13-969A represents the AC Bosen portion and part of the Hyrum J. Smith portion of 13-969. The 1920 Decree contains two errors in the POU description for the AC Bosen portion. The decree should list the SWNW of Section 22 rather than the SWNE of Section 22. It appears the decree should have also listed irrigated acres in the SWNE of Section 21. The 1920 Decree also contains two errors in the POU description for the Hyrum J. Smith portion. The decree should list the N1/2 of the SW1/4 of Section 21 rather than Section 2. It appears the decree should have also listed irrigated acres in the SESW of Section 21. The ArcMap shapefile in the department records is correct. However, the paper right can only be changed through a water right transfer.

4. jcefal0 2/22/2013 Decree Split

Comment: Water right 13-969A is made up of two parts. The AC Bosen portion is good for 2.75 cfs and the irrigation of 119 acres in the E1/2 of Section 21 and the SWNW and NWSW of Section 22. The Hyrum J. Smith portion is good for 0.75 cfs and the irrigation of 35 acres in the SW1/4 of Section 21.

5. jcefal0 2/22/2013 3:04:20 PM POU

Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-7632

WATER RIGHT NUMBER: 13-7632

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT & OLIVIA BOYACK LIVING TRUST 3168 E HWY 36 PRESTON, ID 83263 (208)852-0448

Priority Date: 05/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BEAR RIVER	GREAT SALT LAKE

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/20 to 09/30	1.580 CFS	
	<u>Total Diversion:</u>	1.580 CFS	

Location of Point(s) of Diversion

BEAR RIVER	SW1/4SW1/4	Sec. 21, Twp 14S, Rge 40E, B.M.
FRANKLIN County		

Place of Use

IRRIGATION Within FRANKLIN County

T14S R40E S20	SWSE	10.0	T14S R40E S20	SESE	28.0
T14S R40E S29	NWSE	15.0			

Total Acres: 53

Conditions of Approval:

1. Place of use should include 14 acres in the NENE of Sec 29, T14S, R40E. This QQ was not identified in the 1920 Decree and can only be added to the POU designation through a transfer application.
2. Transfer No. 202 changed POD to the SWSW of Sec 21, T14S, R40E.
3. Total irrigated acres authorized under this right, including the acres that should be in the NENE of Sec 29, is 67 acres.
4. POU error in 1920 Decree. NWSE Sec 29 should likely be NWNE Sec 29.

Comments:

1. jcefalo 2/22/2013 Ownership Change

Comment: The split of water right 13-969B into 13-7631 and 13-7632 has been revised based on a Memo prepared in February 2013. Since 2003, Bob and Olivia Boyack have acquired additional irrigated acres under original right 13-969. Rather than split the rights again, rights 13-7631 and 13-7632 were simply adjusted to reflect the current ownership proportions.

SCANNED

APR 30 2013

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-7634

WATER RIGHT NUMBER: 13-7634

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT & OLIVIA BOYACK LIVING TRUST 3168 E HWY 36 PRESTON, ID 83263 (208)852-0448

Priority Date: 11/12/1888

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.000 CFS	
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SW1/4	Sec. 20, Twp 14S, Rge 40E, B.M.
FRANKLIN County		

Place of UseIRRIGATION Within FRANKLIN County

T14S R40E S20	SWSE	5.0	T14S R40E S20	SESE	20.0
T14S R40E S29	NENE	20.0	T14S R40E S29	NWNE	15.0

Total Acres: 60

STOCKWATER same as IRRIGATIONConditions of Approval:

1. Stockwater use is for 175 cattle.
2. Source known locally as Water Hollow Creek.

Comments:

1. jcefalo 2/26/2013 Ownership Change

Comment: In 2003, Claim 13-4274 was split into 13-7633 (Smith) and 13-7634 (Boyack). Boyack recently purchased additional acres under the original right. Rather than split the water rights again, I have adjusted the amounts under the existing rights to reflect the current ownership.

The statutory claim filed by Wendell Smith in 1983 contains inconsistencies in the place of use. The legal description grid is not consistent with the map filed. Using aerial photography (actual location of the ditches) and the map from the claim, there are approximately 104 acres identified on the map, even though the claim only described 90 acres of irrigation. Of the 104 acres shown on the map, Bob & Olivia Boyack own 69.5 acres, or 2/3 of the irrigated acres. Water right split is based on this ratio.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

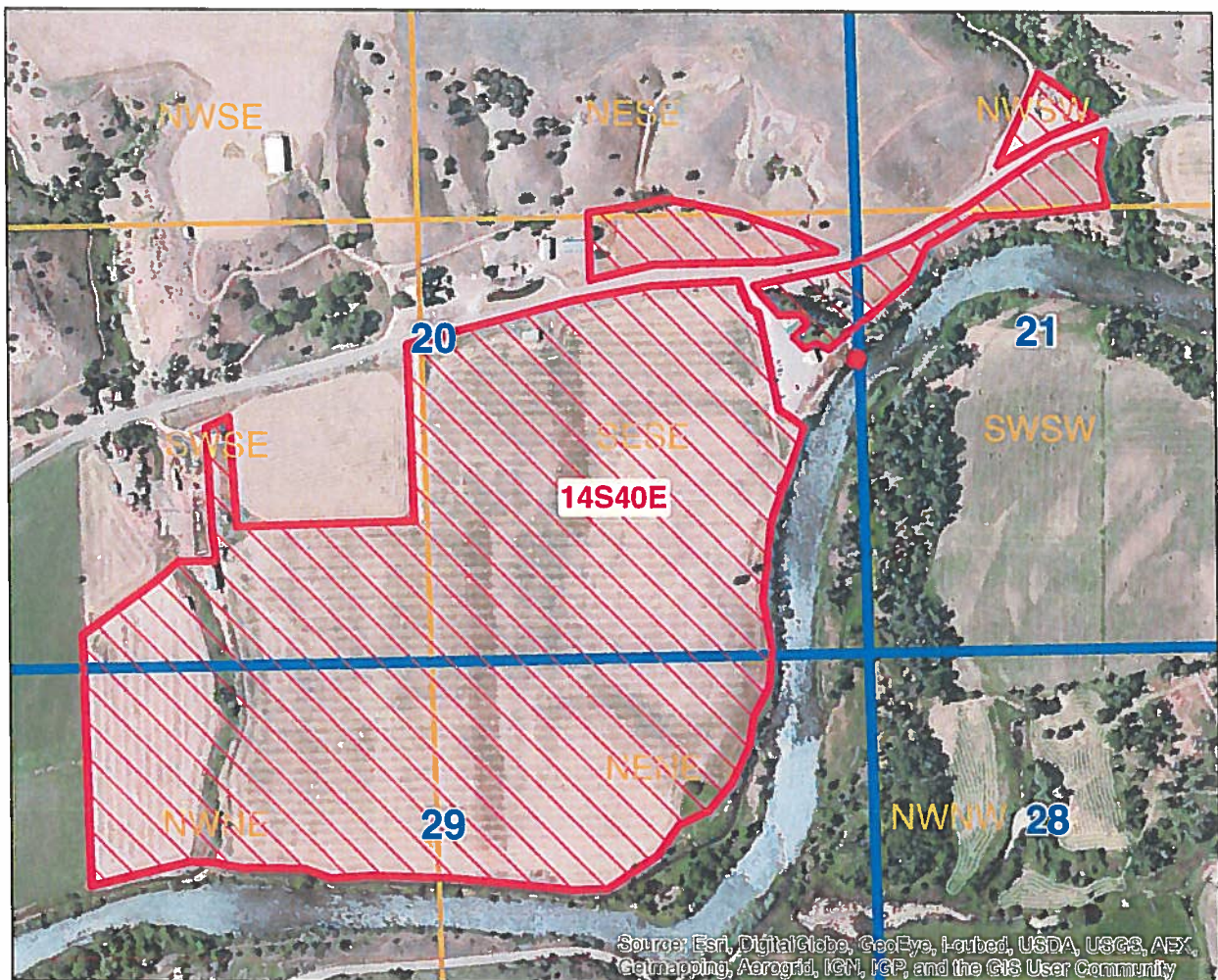
Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Prelim. Check by _____ Date _____

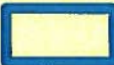
Fee Paid \$680.00 Date 4-4-13 Received by DK Receipt # E038550

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Boyack Living Trust Transfer



Legend

- Bear River POD
-  POU Proposed
-  Township/Range
-  Sections
-  QQ

0 0.15 0.3
Miles

2010 Aerial Photography

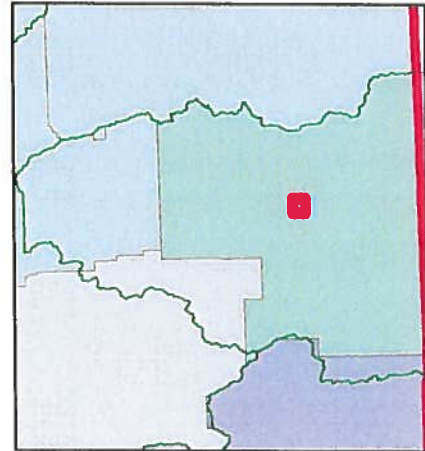




Idaho Department of Water Resources

Water Right
13-969a
(IRRIGATION)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

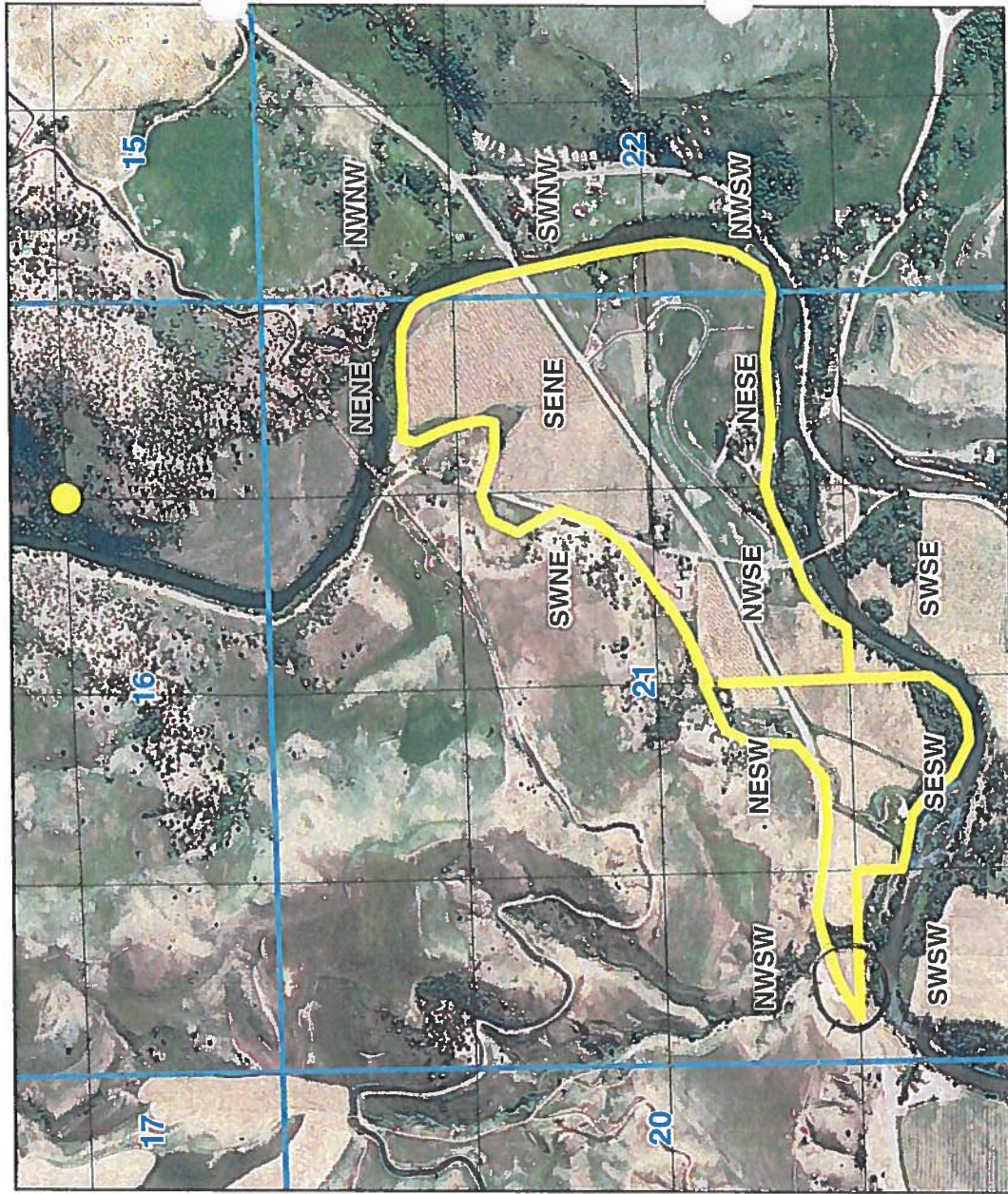


Franklin County
IDWR Basin 13

Prepared by Cefalo, James

2009 Aerial Photography

40E



14S

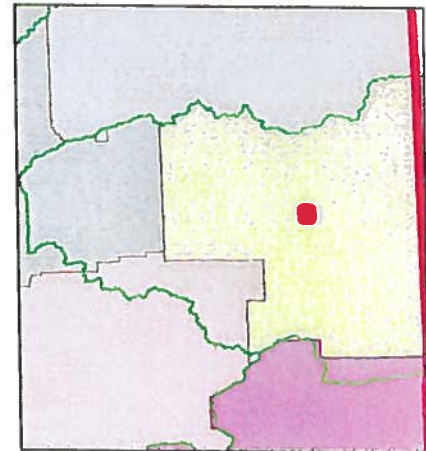




Idaho Department of Water Resources

Current
Water Right
13-7632
(IRRIGATION)

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Franklin County
IDWR Basin 13

Prepared by Barg, Jonie

2009 Aerial Photography

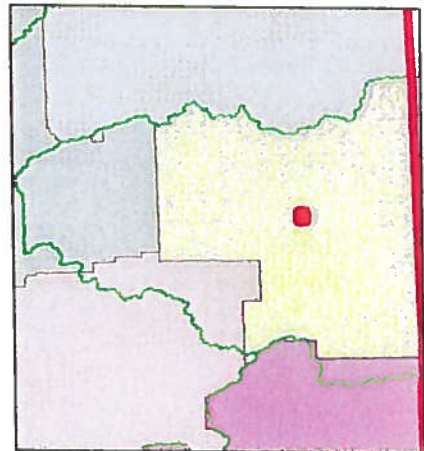




Idaho Department of Water Resources

Current
Water Right
13-7634
(IRRIGATION)

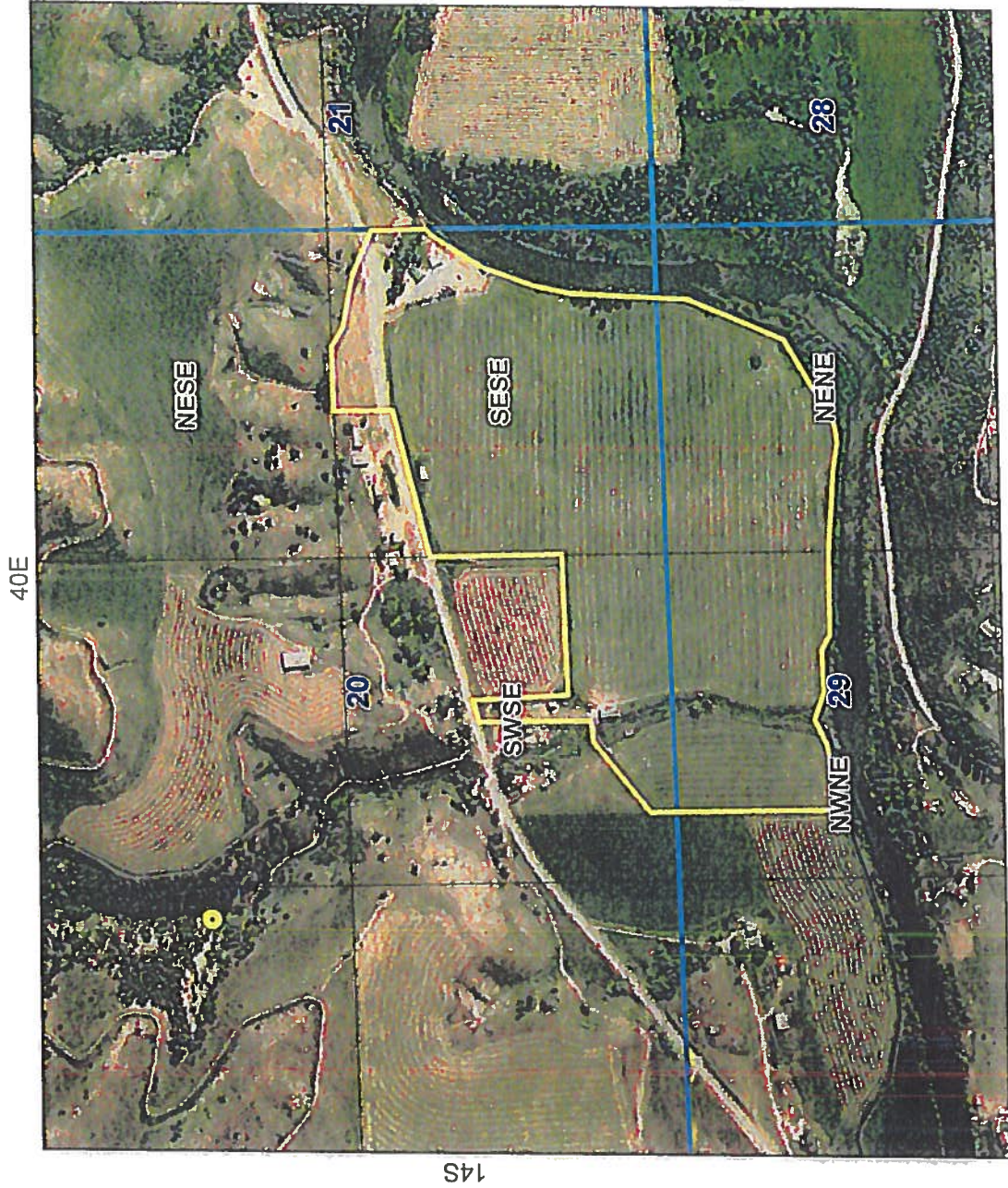
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Franklin County
IDWR Basin 13

Prepared by Barg, Jonie

2009 Aerial Photography



0 0.15 0.3 0.6 Miles

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____

8102
ARB 3.2, V. W.
ARB 4.1 SESE

5. 1060 at the time of the
Preston Land Title

1996 JAN 16 10:20

195385-2
WARRANTY DEED

Camille Jensen
FRANKLIN COUNTY, IDAHO

For Value Received **JEAN MARIE PERRY, formerly known as JEAN MARIE SMITH, and GLENN H. PERRY, as to any community interest he may have therein, wife and husband,**

the grantors, do hereby grant, bargain, sell and convey unto

**ROBERT BOYACK and OLIVIA BOYACK,
husband and wife,**

whose current address is 546 South State
Preston, Idaho 83263

the grantees, the following described premises, in FRANKLIN County,
Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO Reservations in United States and State Patents,
existing and recorded rights-of-way and easements, zoning,
subdivision and building ordinances, and taxes and assessments as
prorated between the parties hereto.

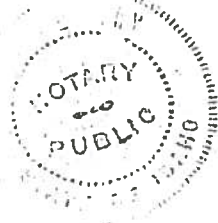
TO HAVE AND TO HOLD the said premises, with their appurtenances
unto the said Grantees, their heirs and assigns forever. And the
said Grantors do hereby covenant to and with the said Grantees,
that they are the owners in fee simple of said premises, and that
they are free from all encumbrances and that they will warrant and
defend the same from all lawful claims whatsoever.

DATED: January 2, 1996

Jeane Marie Perry
Glenn H. Perry

STATE OF IDAHO
COUNTY OF FRANKLIN

On this 2nd day of January, 1996, before me, a Notary
Public in and for said State, personally appeared JEAN MARIE PERRY, formerly
known as JEAN MARIE SMITH, and GLENN H. PERRY, wife and husband,
known to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.



Diene Kay
Notary Public for State of Idaho
Residing at: Swan Lake
Comm. Expires: 5/25/2000

RECEIVED

APR 04 2013

Department of Water Resources
Eastern Region

78526

SCANNED

195285 2-2

EXHIBIT "A"

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 20: Commencing at the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, thence South 685 feet, more or less, to the center of Bear River; thence West 247.5 feet; thence North 330 feet, more or less, to the right of way of the highway approach; thence Northwesterly 180 feet, more or less, following the approach right of way and across State Highway #36; thence Westerly following the Northerly boundary of State Highway #36 to a point 280.5 feet South and 767.25 feet West of the place of beginning; thence North 280.5 feet; thence East 767.25 feet to the place of beginning.

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 21: That portion of the following described property lying South of State Highway #36:

Commencing at the Northwest corner of the SW $\frac{1}{4}$ of Section 21, and running South 117 rods, more or less, to a point on the North bank of Bear River; thence Easterly along the North bank of Bear River to the center of the mouth of what is known as Big Hollow; thence following the center of Big Hollow Northwesterly to a point on the North line of the SW $\frac{1}{4}$, which is 13 rods East of the place of beginning, thence West 13 rods to the place of beginning.

WARRANTY DEED

For Value Received **JEAN MARIE PERRY, formerly known as JEAN MARIE SMITH, and GLENN H. PERRY, as to any community interest he may have therein, wife and husband,**

the grantors, do hereby grant, bargain, sell and convey unto

**ROBERT BOYACK and OLIVIA BOYACK,
husband and wife,**

whose current address is 546 South State
Preston, Idaho 83263

the grantees, the following described premises, in FRANKLIN County,
Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

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APR 02 2013

Department of Water Resources
Eastern Region

SUBJECT TO Reservations in United States and State Patents,
existing and recorded rights-of-way and easements, zoning,
subdivision and building ordinances, and taxes and assessments as
prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances
unto the said Grantees, their heirs and assigns forever. And the
said Grantors do hereby covenant to and with the said Grantees,
that they are the owners in fee simple of said premises, and that
they are free from all encumbrances and that they will warrant and
defend the same from all lawful claims whatsoever.

DATED: January 2, 1996

Jean Marie Perry
Glenn H. Perry

STATE OF IDAHO
COUNTY OF FRANKLIN

On this 2nd day of January, 1996, before me, a Notary
Public in and for said State, personally appeared JEAN MARIE PERRY, formerly
known as JEAN MARIE SMITH, and GLENN H. PERRY, wife and husband,
known to me to be the persons whose names are subscribed to the within
instrument, and acknowledged to me that they executed the same.

Diane Kay
Notary Public for State of Idaho
Residing at: Swan Lake
Comm. Expires: 5/25/2000

EXHIBIT "A"

Township 14 South, Range 40 East of the Boise Meridian, Franklin
County, Idaho

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thence North 330 feet, more or less, to the right
of way of the highway approach; thence Northwesterly
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of way and across State Highway #36; thence Westerly
following the Northerly boundary of State Highway #36
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