

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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FEB 08 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?
15-7009	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name:

Eunice W. Tovey

Name of current water right holder/claimant

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

Randy Moulding

Name of each new owner as listed on the conveyance document

New owner continued

Name connector

☐ and ☐ or ☐ and/or

10485 W. 900 S.

Mailing address

Ogden

City

UT

State

84404

ZIP

801-725-2722

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: 1/9/2013

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]

Signature of new owner/claimant

Title, if applicable

Date

1-9-13

Signature:

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by

Date

2/8/2013

Receipt No.

E038402

Receipt Amt.

\$75.-

Approved by

Processed by

Date

2/27/2013

Request \$50-refund 2/27/2013

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/31/2012

WATER RIGHT NO. 15-7009

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EUNICE W TOVEY 271 W 400 N MALAD CITY, ID 83252
Original Owner	DAN TOVEY CHERRY CREEK MALAD CITY, ID 83252

Priority Date: 06/07/1972

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.06 CFS	2.7 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

SPRING	SWSWNE	Sec. 25	Township 15S	Range 36E	ONEIDA County
--------	--------	---------	--------------	-----------	---------------

Licensed Diversion Capacity: 0.09

Place(s) of use:

Place of Use Legal Description: STOCKWATER ONEIDA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15S	36E	25		SWNE			SENE							
				SWNW			SENE							

Dates:

Licensed Date: 08/08/1989

Decreed Date:

Permit Proof Due Date: 6/1/1979

Permit Proof Made Date: 7/18/1979

Permit Approved Date: 5/17/1972

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 03/08/1972

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

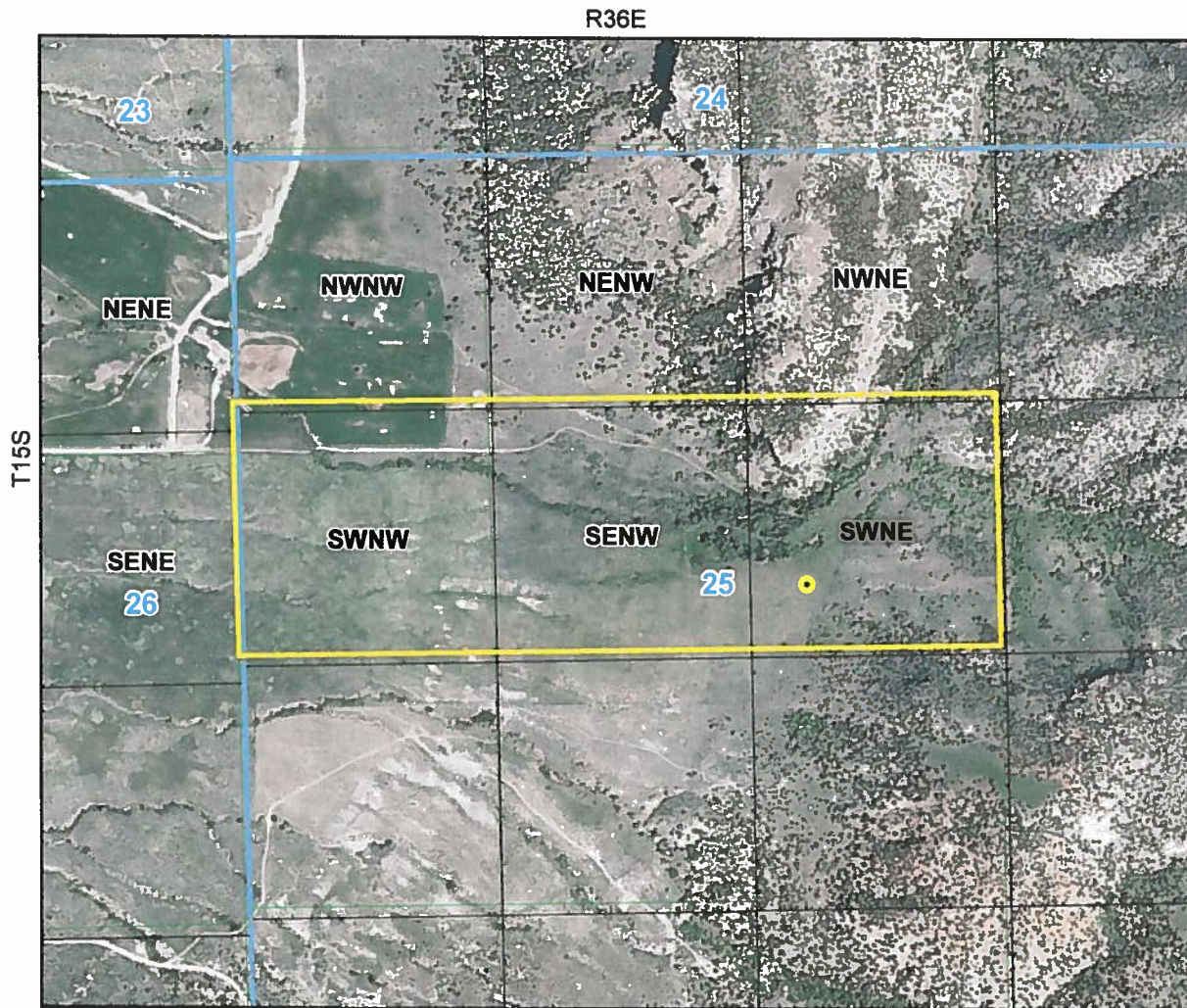
[Close]

State of Idaho
Department of Water Resources

Water Right
15-7009

STOCKWATER

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.1 0.2 0.4 Miles



NTO-63117
Randy Moulding
10485 West 900 South
Ogden, UT 84404

RECEIVED
FEB 08 2013
Department of Water Resources
Eastern Region

RECEIVED
FEB 08 2013
Department of Water Resources
Eastern Region

Microfilm No. 149328
Day February 20 13
At 3:20 o'clock P.M.
Lola Bott
Onida Co. Recorder
Fees 19.00
Recorded at Request of Deputy

WARRANTY DEED

Northern Title Co.

Stephen D. Bethers and Timothy W. Bethers, Cotrustees of the Bethers Family Trust, established June 18, 2005

Grantor(s) of Malad City, County of Oneida, State of ID hereby **CONVEY AND WARRANT** to

Randy Moulding

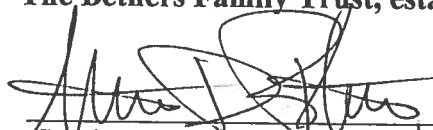
Grantee(s) of Ogden, County of Weber, State of UT for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Oneida County, State of ID:

See Attached Exhibit "A"

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this January 9, 2013

The Bethers Family Trust, established June 18, 2005


Stephen D. Bethers, Co-Trustee

State of _____)
County of _____)

On this _____ day of January, 2013, before me, a Notary Public in and for said State, personally appeared Stephen D. Bethers, known to me to be the Co-Trustee of the Bethers Family Trust, established June 18, 2005, and the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such Co-Trustee.

Notary Public
Resides:
Expires:

CEIVED

18 2013

Department of Water Resources
Eastern Region

149328

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California)

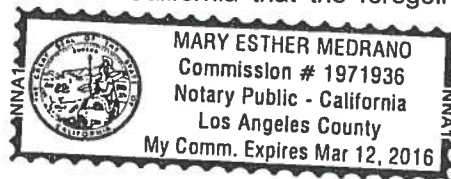
County of Los Angeles)

On January 4, 2013 before me, **Mary Esther Medrano, Notary Public**, personally appeared
Stephen D. Bethers

who proved to me on the basis of satisfactory evidence 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 in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



SIGNATURE

Mary Esther Medrano

(Place Notary Seal Above)

OPTIONAL

Description of Attached Document

Title or Type of Document: Warranty Deed Signature page Co-trustee of the Bethers Family Trust

Document Date: 01.04.13

Number of Pages: 2

Signer(s) Other Than Named Above: n/a

Capacity (ies) Claimed by Signer(s)

Signer's Name: Stephen D. Bethers

☒ Individual

☐ Corporate Officer - Title(s): _____

☐ Partner - ☐ Limited ☐ General

☐ Attorney in Fact

☒ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

SELF

RIGHT THUMBPRINT
OF SIGNER



Signer's Name: _____

☐ Individual

☐ Corporate Officer - Title(s): _____

☐ Partner - ☐ Limited ☐ General

☐ Attorney in Fact

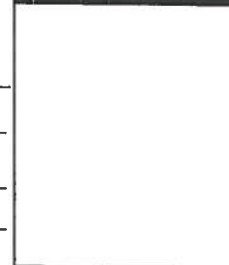
☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

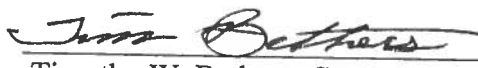
Signer is Representing: _____

RIGHT THUMBPRINT
OF SIGNER



Witness, the hand(s) of said Grantor(s), this January 9, 2013

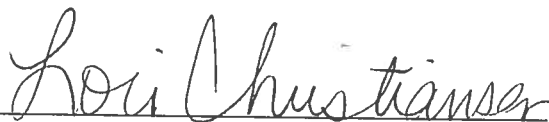
The Bethers Family Trust, established June 18, 2005



Timothy W. Bethers, Co-Trustee

State of Idaho)
County of Oneida)

On this 9th day of January, 2013, before me, a Notary Public in and for said State, personally appeared Timothy W. Bethers, known to me to be the Co-Trustee of the Bethers Family Trust, established June 18, 2005, and the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such Co-Trustee.



Notary Public

Resides: Nalad City

Expires: 11/22/2018

Exhibit "A"

Section 25, Township 15 South, Range 36 East Boise Meridian, Oneida County, Idaho.
Lot 2; SE1/4NW1/4; SW1/4NE1/4

Also;

SECTION 26, TOWNSHIP 15 SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN,
ONEIDA COUNTY, IDAHO

THE SOUTH HALF OF THE NORTHEAST QUARTER AND NORTH HALF OF THE
SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 15 SOUTH, RANGE 36 EAST OF
THE BOISE MERIDIAN, ONEIDA COUNTY, IDAHO T-3346

EXCEPT HIGHWAY AND EXCEPT AS FOLLOWS COMMENCING AT THE SOUTHWEST
CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF
SECTION 26, TOWNSHIP 15 SOUTH, RANGE 36 OF THE BOISE MERIDIAN, THENCE
SOUTH 89°42'01" EAST 462 FEET ALONG THE SOUTH LINE OF THE NORTHWEST
QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 26 TO THE TRUE POINT
OF BEGINNING, THENCE EAST 542.14 FEET, THENCE NORTH 700 FEET; THENCE
WEST 700 FEET, MORE OR LESS TO THE EAST RIGHT-OF-WAY LINE OF INTERSTATE
HIGHWAY I-15, THENCE SOUTH 02°17'59" WEST 640 FEET, MORE OR LESS; THENCE
SOUTH 89°42'01" EAST 157.86 FEET, THENCE SOUTH 0°17'59" WEST 60 FEET TO THE
POINT OF BEGINNING. T-3345

RECEIVED

FEB 08 2013

Department of Water Resources
Eastern Region

558

HOMESTEAD RECORD.

THE UNITED STATES OF AMERICA

Filed for Record and Recorded this 24 day of

February 1883, at 2 o'clock P. M.

W. H. Richards Recorder.

By Deputy Recorder.

HOMESTEAD CERTIFICATE No. 2189

APPLICATION 3083

THE UNITED STATES OF AMERICA.

To all to Whom these Presents shall come, Greeting:

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of

William J. Williams
has been established and duly consummated, in conformity to law, for the South half of the North East quarter and the North half of the South East quarter of Section Twenty Six in Township Fifteen South South of Range Thirty Six East of Boise Meridian in Idaho containing one hundred and sixty acres

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

Now Know Ye, that there is, therefore, granted by the UNITED STATES unto the said

William J. Williams
the Tract of Land above described:

We Have and to Hold the said Tract of Land, with the appurtenances thereof, unto the said

William J. Williams
and to his heirs and assigns forever; subject to unvested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and this is reserving from the lands hereby granted a right of way for ditches or canals constructed by the authority of the United States

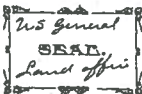
In Testimony Whereof, I William McKinley

PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Fifth day of August, in the year of our Lord one thousand eight hundred and Ninety seven, and of the Independence of the United States the One hundred and Twenty second

BY THE PRESIDENT, William McKinley

By F. M. McKean Secretary.



Recorded, Vol. 69, Page 174

Leila Ross
Recorder of the General Land Office.

Inst no 2433

This Indenture, Made this 12th day of January in the year of our Lord
 one thousand nine hundred and Five between Daniel Torrey (a Widower)

of Cherry Creek County of Oneida State of Idaho party
 of the first part, and Morgan F. Torrey

of Cherry Creek County of Oneida State of Idaho
 the party of the second part, WITNESSETH: That the said party of the first part, for and in consideration of the sum of
one Dollars,

Landmark money of the United States of America, to him in hand paid by the said party of the
 second part, the receipt whereof is hereby acknowledged, has Granted, Bargained and Sold, and by these presents do Grant,
~~forever quit-claim~~
 Bargain, Sell, Convey and Confirm unto the said party of the second part, and to his heirs and assigns, forever, all

the following described real estate, situated in Oneida County, State of Idaho, to-wit:

The South half of the North West quarter and the South West of the
North East quarter of Section 25 in Township 10 South Range 36
East of the Boise Meridian, containing 120 acres.

TOGETHER with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party...of the first part:

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances unto the party...of the second part, and to his heirs and assigns, forever. And the said party...of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party...of the second part, from him heirs and assigns against the said party...of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party...of the first part has hereunto set his hand and seal... the day and year first above written.

Signed, Sealed and Delivered in the Presence of

D. C. McDougall

Daniel J. Jarry (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO,

County of Blaine ss.

On this 18 day of March 1905, before me,

D. C. McDougall a Notary Public in and for said County, personally appeared Daniel J. Jarry

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same. And on this day of in the year 190 before me, the officer above described, personally appeared known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires 190 Notary Public

Filed for Record the 21 day of March A. D. 1905, at 3 o'clock P.M.

By W. D. Williams Deputy.

W. D. Williams
Ex-Officio Recorder.

Instrument No. 14937.

This Indenture, Made this 20th day of November in the year of our Lord one thousand

nine hundred and

nine

BETWEEN

William J. Williams and his wife Mary E. Williams

of Cherry Creek

County of

Owida

State of

Idaho

parties

of the first part, and

Verlorn Moon

of Cherry Creek

County of

Owida

State of

Idaho

the part of the second part, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of

Five Hundred

Dollars,

lawful money

of the United States of America, to them

in hand paid by the said part of the

second part, the receipt whereof is hereby acknowledged, have Granted, Bargained and Sold, and by these presents do Grant, Bargain, Sell, Convey

and Confirm unto the said part of the second part, and to his heirs and assigns forever, all the following described real estate,

situated in

Owida

County, State of Idaho, to-wit:

The South half of the Northeast quarter and the North half of the Southeast quarter of section twenty-six (26) Township fifteen (15) South of Range thirty-six (36) East of the Boise Meridian, containing One Hundred Sixty (60) acres.

Together with all water rights belonging to or used upon said land.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part *is* of the first part:

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the part *is* of the second part, and to *his* heirs and assigns forever. And the said part *is* of the first part, and *their* heirs, the said premises in the quiet and peaceable possession of the said part *is* of the second part, *his* heirs and assigns, against the said part *is* of the first part, and *their* heirs, and against all and every person and persons whomsoever lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part *is* of the first part have hereunto set *their* hand and seal - *is* - the day and year first above written.

Signed, sealed and delivered in presence of
Jedd Jones Jr. } *William J. Williams* (SEAL)
Mary C. Williams (SEAL)
(SEAL)
(SEAL)

STATE OF IDAHO, } ss.
County of *Blaine* }
Jedd Jones Jr. }
personally appeared *William J. Williams* and his wife *Mary C. Williams* }
On this *21st* day of *Dec.* in the year *1909*, before me, }
Notary Public }
in and for said County.

known to me to be the person whose name *is* subscribed to the within instrument, and acknowledged to me that *he* executed the same. And on this *21st* day of *Dec.* in the year *1909*, before me, the officer above described, personally appeared *Mary C. Williams* known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(Seal) *Jedd Jones Jr.*
Mary Public
My commission expires 19

Filed for record the *21st* day of *December* A.D. *1909* at *3-20* o'clock *P* M.
Request of *Jedd Jones Jr.* Ex-Officio Recorder.
J. J. Evans Assistant.
By *J. Jones Jr.* Deputy.

COMPARED

Instrument No. 44280 +

THIS INDENTURE, Made this 3rd, day of December In the year of our Lord one thousand nine hundred and Twenty-seven between Verl Moon and wife, Rachel W. Moon

of Cherry Creek County of Oneida State of Idaho the parties of the first part, and
Howell M. Williams
of Cherry Creek County of Oneida State of Idaho the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One dollar and other valuable consideration ~~THEY~~ lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate situated in Oneida County, State of Idaho, to-wit:

The South-half of the Northeast Quarter and the North-half of the Southeast Quarter of Section 26, in Township 15 South, of Range 36 East, B 1/2 Sec Meridian.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Verlun Moon [SEAL]

Rachel W. Moon [SEAL]

[SEAL]

[SEAL]

STATE OF Idaho

County of Oneida

as

On this 3rd, day of December, in the year 1927 before me,

T.E. Ray

a Notary Public

in and for said County, personally appeared

Verlun Moon and wife Rachel W. Moon known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[SEAL]

Commission Expires

T.E. Ray

Notary Public residing at Malad, Idaho.

Filed for record this 15th, day of December A. D. 1927 at 4-30 o'clock P. M.

J.V. Lohme

Ex-Officio Recorder.

By L.L. Esck

Deputy.

COMPARED

U. S. Patent Record—Homestead

STATESMAN CO., PRINTERS & BINDERS, WASH. D. C.

Inst. No. 46293

United States Patent

TO

Morgan F. Tovey

The United States of America

Blackfoot 030992

To All to Whom these Presents shall come, Greeting:

Homestead Certificate No. _____

APPLICATION _____ WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho whereby it appears

that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the Acts supplemental thereto, the claim of Morgan F. Tovey, assignee of Daniel Tovey

has been established and duly consummated, in conformity to law for the Lot two, The southeast quarter of the Northwest quarter of and the Southwest quarter of the Northeast quarter of Section Twenty-five in Township Fifteen South of Range Thirty-six East of the Boise Meridian Idaho, containing One Hundred Nineteen and seventy-six hundredths acres.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General,

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said Claimant

the tract of land above described:

TO HAVE AND TO HOLD the said tract of land with the appurtenances thereof, unto the said Claimant

and to heirs

and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by authority of the United States.

IN TESTIMONY WHEREOF, I Woodrow Wilson President of the United States of America, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Fifth

day of February, in the year of our Lord, one thousand nine

hundred and Nineteen, and of the Independence of the United

States the one hundred and Forty-third

BY THE PRESIDENT: Woodrow Wilson

By M. P. LeRoy, Secretary

L. C. C. Lamar Recorder of the General Land Office

Patent Number 664688

Recorded, Mar 11 1923



STATE OF IDAHO, } ss. I hereby certify that this instrument was recorded at the request of Mrs M. F. Tovey

County of Oneida, } at 2-10 o'clock P M., this 23 day of October A. D. 1923
J. V. Lykins Recorder.

Fees \$1.00 By _____ Deputy

RECORDED

Instrument No. 53746

THIS INDENTURE, Made this 9th day of May in the year of our Lord one thousand nine hundred and Thirty-six between
 Howell M. Williams and his wife Anna Williams
 of Malad R.F.D. No. 2 County of Oneida State of Idaho the part 1st of the first part, and
 Gladys F. Jones, formerly Gladys Fredrickson
 of Malad City County of Oneida State of Idaho the part 2^d of the second part.

WITNESSETH: That the said part 2^d of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration, ~~XXXXXX~~ lawful money of the United States of America, to them in hand paid by the said part 1st of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part 2^d of the second part, and to her heirs and assigns forever, all the following described real estate situated in Cherry Creek in Oneida County, State of Idaho, to-wit:

The South-half of the Northeast Quarter and the North-half of the Southeast Quarter of Section Twenty-six (26) in Township Fifteen (15) South, Range Thirty-six (36) East of the Boise Meridian, in Idaho, containing 160 acres; together with all improvements located thereon and all water and water rights used with, upon or in anyway appurtenant to and used with above described premises.

Also together with all acquired rights of road way leading to and from the above described premises to the main highway.

Also the Grantors agree to pay all back taxes.

Grantee by this deed satisfies mortgage she now holds on said premises.

\$2.00 U.S.I.R. Stamps attached and duly cancelled.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estates, right, title and interest in and to the said property, as well in law as in equity, of the said part 1st of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the said part 2^d of the second part, and to her heirs and assigns forever. And the said part 1st of the first part, and their heirs, the said premises in a quiet and peaceable possession of the said part 2^d of the second part, her heirs and assigns, against the said part 1st of the first part, and their heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part 1st of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of	Howell M. Williams	(SEAL)
D.P. Jones Jr.	Anna H. Williams	(SEAL)
		(SEAL)
		(SEAL)

STATE OF Idaho }
 County of Oneida } ss.

On this 9th day of May in the year 1936 before me.

T.E. Ray a Notary Public in and for said County, personally appeared

Howell M. Williams and wife Anna H. Williams

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)
 Commission Expires

T.E. Ray
 Notary Public for the State of Idaho
 Residing at Malad, Idaho.

Filed for record this 11th day of May A.D. 1936 at 10-00 o'clock A. M.

D.P. Jones Jr.
 Ex-Officio Recorder.

By _____ Deputy.

FORWARDED

In the matter of the Estate of Morgan F. Tovey, deceased, Decree Determining Heirship
The petition of Martha Tovey, widow of said deceased, praying that this Court determine the time of the death of said deceased, the heirs of said deceased, and their degree of kinship to deceased and the right of descent of the real property belonging to said deceased, coming on regularly this day to be heard, and due proof having been made to this court that the Clerk thereof had given notice of the hearing of said petition in the manner and for the time and in the particulars heretofore ordered and directed by the court;

And it appearing to the Court that more than 2 years have elapsed since the date of the death of said decedent; that no application has been made in the state of Idaho for the appointment of an Administrator of the Estate of said deceased; that said deceased died intestate seized of an estate of inheritance in this state; that an Inventory and appraisement of the estate of said deceased in due form has been filed herein, and said estate is not subject to an inheritance tax under the laws of the state of Idaho, and due proof having been made herein of all matters and things required by law, and all and singular the law and the evidence being by the Court understood and fully considered;

Wherefore: by reason of the law and the premises, it is hereby determined, adjudged and decreed by the Court: that Morgan F. Tovey died on September 2, 1921, at Malad, in the county of Oneida, state of Idaho, intestate; that more than 2 years have elapsed since the date of the death of said deceased; that he died seized of an estate of inheritance in the state of Idaho, in the following described real property situate in Oneida county, state of Idaho, to-wit:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, sec. 21; NE $\frac{1}{4}$ NW $\frac{1}{4}$, sec. 28; S $\frac{1}{2}$ S $\frac{1}{2}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$,
sec. 22; lot 2. SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 25, Tp. 15 S. R. 36 E. B. M., also
N $\frac{1}{2}$ SE $\frac{1}{4}$, and the north 16-1/2 rods of the S $\frac{1}{2}$ SE $\frac{1}{4}$, sec. 4, Tp. 15 S. R.
36 E. B. M.; also
commencing at the southeast corner of lot 1, block 24 of the townsite of Malad
City, Idaho, as the same appears on the plat thereof on file in the office of the
County Recorder of Oneida county, Idaho; thence running west 198 feet, thence north
219 feet, thence east 198 feet, thence south 219 feet, to the point of beginning,
situate in sec. 21, Tp. 14 S. R. 36 E. B. M.

Of which said deceased was, at the time of his death, the owner of a community interest in fee simple; that no application has been made in the state of Idaho for the appointment of an Administrator of the Estate of said deceased; that Martha Tovey, his widow, and the following children, to-wit: Daniel Tovey, Charles Tovey, Kenna Tovey Jones, and Morgan Tovey, are the heirs and the only heirs of said deceased; that they are each related to him in the first degree of kinship; that the said Martha Tovey, widow of said deceased, has the right of descent of the whole of the real property of which said decedent died seized and hereinabove described.

Dated August 18, 1937

(Seal of Court) John J. Evans Probate Judge

A true copy; John J. Evans Probate Judge

Filed for record June 13, 1939 at 2:10 P. M. at the request of T. E. Ray

COMPAILED

John H. McAllister Recorder by Daniel O. Jones

DEED RECORD No. 27

Instrument No. 69097

WARRANTY DEED

THIS INDENTURE, Made this --22nd-- day of --April-- , in the year of our Lord one thousand nine hundred and Forty-Four-----, between Gladys Fredrickson Jones and her husband David P. Jones Junior--- of ---Malad--- County of ---Oneida--- State of ---Idaho-----, the parties of the first part, and ---Daniel L. Covey-----

of Malad R.D.No. 1 , County of Oneida-- , State of --Idaho-----, the party of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Twenty-Five Hundred and no/100----- DOLLARS, lawful money of the United States of America, to --them-- in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Oneida, State of Idaho, to-wit:

The South Half of the Northeast quarter and the North Half of the Southeast quarter of Section Twenty-Six (26) in Township Fifteen (15) South, Range Thirty-Six (36) East of the Boise Meridian, in Idaho; containing 160 acres; together with all improvements located thereon and all acquired rights of roadway leading to and from the above premises to the main highway.----

TOGETHER, With all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever, and the said parties of the first part and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Gladys Fredrickson Jones (SEAL)

David P. Jones Jr. (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO, }
COUNTY OF Oneida } ss.

On this ---22nd-- day of --April-- in the year 19 44 , before me, --J.F.Fredrickson-----, a Notary Public in and for said State, personally appeared Gladys Fredrickson Jones and her husband David P. Jones Junior----- known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(Seal)

J.F. Fredrickson
Notary Public for the State of Idaho, residing at
Malad, Idaho.

STATE OF IDAHO, }
COUNTY OF ONEIDA, } ss.

Filed for record this 7th day of May , A.D. 19 48 , at 3:30 o'clock P.M.

John H. McAllister
Ex-Officio Recorder.

By Clem Williams
Deputy.

RECORDING REQUESTED BY:

David L. Lowe, Esq.

AND WHEN RECORDED MAIL TO:

David L. Lowe
Four Main Street, Suite 220
Los Altos, CA 94022

Microfilm No. 137847
09 Day August 2005
Time 12:05 P
Dani Spagnoli
County Clerk
Fee \$ 12.00 Deputy
Recorded at Request of
David L. Lowe

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Quitclaim Deed

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:
THERE IS NO CONSIDERATION FOR THIS TRANSFER

Documentary transfer tax is ZERO (-0-).

- () Computed on full value of property conveyed, or
() Computed on full value less value of liens and encumbrances remaining at time of sale.
() Unincorporated area: () City of _____ and _____

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

LOIS T. BETHERS, a single woman,

hereby REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to

STEPHEN D. BETHERS and TIMOTHY W. BETHERS, Cotrustees of the Bethers Family Trust, established
June 18, 2005

the following described real property in the County of Oneida, State of Idaho:

See Exhibit A attached hereto and incorporated herein by the reference

Dated August 8, 2005

Lois T. Bethers
Lois T. Bethers

By: Stephen D. Bethers
Stephen D. Bethers, her attorney-in-fact

Lois T. Bethers
Lois T. Bethers

By: Timothy W. Bethers
Timothy W. Bethers, her attorney-in-fact

MAIL TAX

STATEMENTS TO: Stephen D. Bethers and Timothy W. Bethers, Cotrustees 304 Spagnoli Court, Los Altos, CA 94022

NAME

ADDRESS

CITY, STATE, ZIP

137847

State of California)
)
County of Santa Clara)

On August 8, 2005, before me, DAVID L. LOWE, personally appeared, STEPHEN D. BETHERS and TIMOTHY W. BETHERS, personally known to me (or proved to me on the basis of satisfactory evidence) 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 in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Signature _____

[Handwritten Signature]

Seal: _____



"Exhibit A"

Section 21 Township 15 South, Range 36 East Boise Meridian

SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 22 Township 15 South Range 36 East Boise Meridian

W2SW; SE $\frac{1}{4}$ SW $\frac{1}{4}$

T-1701

SEC 22 T 15 S R 36 EBM
FRAC SW $\frac{1}{4}$ SE $\frac{1}{4}$

BEGINNING 106 RODS WEST OF THE SOUTHEAST CORNER OF SEC 22 T 15 S R 36 EBM
THENCE RUNNING NORTH 3° 15' EAST ALONG RIGHT OF WAY OF MALAD BRANCH OF
OREGON SHORT LINE RAILROAD 80 $\frac{1}{4}$ RODS; THENCE WEST 58 RODS
THENCE SOUTH 80 RODS; THENCE EAST 54 RODS TO THE POINT OF BEGINNING.

T-1702

Sec 22 T 15 S R 36 E B M
Frac S $\frac{1}{4}$ SE $\frac{1}{4}$

Beginning at the southeast corner of sec 22, T 15 S R 36 EBM; thence running west 100 rods to the right of way of the Malad Branch, Oregon Short Line Railroad, thence North 3° 15' East, along said Right of Way, 80 $\frac{1}{4}$ rods, thence East 78 rods, thence South 10 rods and 12 feet, thence east 18 rods, thence South 69 rods and 4 $\frac{1}{2}$ feet to the point of beginning.

T-1705

Sec 22 Twp. 15 S R 36 EBM
Frac SE $\frac{1}{4}$ SE $\frac{1}{4}$

Beginning 69 rods and 4 $\frac{1}{2}$ feet North of the Southeast corner of section 22, township 15 South of range 36 East of the Boise Meridian; thence running West 18 rods thence North 10 rods and 12 feet; thence East 18 rods thence South 10 rods and 12 feet to the point of beginning.

Section 25 Township 15 South Range 36 East Boise Meridian

Lot 2; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$

Exhibit A Page 2

Section 26 Township 15 South Range 36 East Boise Meridian

T-3346

Frac Sec 26 T 15 S R 36 EBM 95751,99863

The S½NE¼ and N½SE¼ of Section 26 Township 15 South Range 36 EBM
Except 21.37 acres of Highway and Except T-3345 as follows Commencing at the SW corner of the NW¼SE¼ of
Section 26 Township 15 South Range 36 EBM, thence South 89°42'01" East 462 feet along the South line of the
NW¼SE¼ of said Section 26 to the true point of beginning thence East 542.14 feet
thence North 700 feet; thence West 700 feet, more or less to the East right-of-way line of Interstate Highway I-15
thence South 02°17'59" West 640 feet, more or less; thence South 89°42'01" East 157.86 feet
thence South 0°17'59" West 60 feet to the point of beginning.

Section 28 Township 15 South Range 36 East Boise Meridian

T-1733

Sec 28 T 15 S R 36 EBM
Frac NE¼NW¼

All that part of the NE¼NW¼ Section 28, Township 15 S R 36 East of
the Boise Meridian, lying North and East of the Big Malad River

The house in town

T-596

Block 13 MALAD FRAC LOT 6

COMMENCING AT A POINT, THE SAME BEING THE NORTHWEST CORNER OF LOT 6,
IN BLOCK 13 OF THE TOWNSITE OF MALAD CITY, ONEIDA COUNTY, IDAHO, AS
THE SAME APPEARS ON THE PLAT OF SAID TOWNSITE NOW ON FILE IN THE
OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,
AND RUNNING THENCE EAST 50 FEET;
THENCE SOUTH 330 FEET;
THENCE WEST 50 FEET;
THENCE NORTH 330 FEET TO THE POINT OF BEGINNING,
CONTAINING 37/100 ACRES OF LAND SITUATED IN SECTION 21 IN TOWNSHIP 14
SOUTH, RANGE 36 EAST OF THE BOISE MERIDIAN, IN IDAHO