



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

December 3, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

James & Karen Hubbard
Merrill D & Shirley B Hubbard Family Trust
883 Harwood Rd
Grace ID 83241

RE: Notice of Change in Water Right Ownership
Water Rights: 13-4224

Dear Sir/Madam:

On March 16, 2009 and May 26, 2011, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership is required. The department has been in contact with you since March 2009 regarding the additional information required. The department does not feel it is appropriate to hold on to your application and filing fee any longer therefore we are returning it unprocessed. Please note a portion of the change of ownership received on May 26, 2011 has been partially complete so the change of ownership sent back to you is a copy. On letters dated February 3, 2012 and April 19, 2012 the department requested that the information be supplied within 30 days.

IDWR has never received a response to the request for additional information. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$150.00), the filing fee was paid with 3 separate checks therefore you will receive 3 separate payments. The filing fee for water right number 13-7391 under receipt number E036687 for \$25.00 will not be refunded because the department did complete that ownership change on June 10, 2011. Therefore for receipt number E036687 (\$50.00) you will receive a partial refund of \$25.00. The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

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

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

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

DE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 13-7391	Complete OK	to Change			
WR 13-4224					

2. The following **REQUIRED** information must be submitted with this form:

RECEIVED

MAR 16 2009

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Merrill D + Shirley B Hubbard
 2247 Two mile Rd
 Grace, Id 83241

4. New Owner/Claimant(s)

Merrill D. and Shirley B. Hubbard Family Trust
 Name Connector (Check one): [] and [] or [] and/or

New Mailing Address

883 Harwood Rd

City, State and ZIP Code

Grace Id 83241

New Telephone Number

(208) 425-9133 Email: jawubba@yahoo.com

5. Date you acquired the property

4/6/08

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

James W. Hubbard Trustee

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:Received by BMMDate 3/14/09Receipt Amt. 2500Receipted by BMMDate 3/14/09Receipt No. E034861Processed by AJDate WR Date

CONVEYANCE DEED

FOR VALUE RECEIVED, MERRILL HUBBARD AND SONS, A LIMITED PARTNERSHIP, by Merrill D. Hubbard and Shirley B. Hubbard, General Partners, of 2247 Two Mile Road, Grace, Idaho (hereinafter "Grantors"), do hereby grant and convey unto the MERRILL D. AND SHIRLEY B. HUBBARD FAMILY TRUST, Merrill D. Hubbard and Shirley B. Hubbard, Co-Trustees, whose current address is 2247 Two Mile Road, Grade, Idaho 83241 (hereinafter "Grantee"), their heirs and assigns forever, the following described premises in Caribou County, Idaho, to-wit:

Township 10 South, Range 41 East, B.M.

Section 16: That part of Lot 1, and of the NE1/4 NW1/4 lying South of the McPherson Canyon Road, EXCEPT THEREFROM, the following described tract:

Beginning at the Southwest corner of Lot 1, and running thence East 2180 feet, more or less, to the TRUE POINT OF BEGINNING: thence North 495 feet; thence East 300 feet; thence South 495 feet; thence West 300 feet, to the TRUE POINT OF BEGINNING.

Section 17: That part of the N1/2 NE1/4, NE1/4 NW1/4 lying South of the McPherson Canyon Road;
S1/2 NE1/4, SE1/4 NW1/4, SE1/4, E1/2 SW1/4, SW1/4 SW1/4.

EXCEPTING a tract of land in the E1/2 NW1/4 and in the W1/2 NE1/4 of said Section 17, more particularly described as follows:

Beginning at a point on the Southerly right of way line of McPherson Canyon Road, said point being 27.6 feet South and 1013.6 feet East from the Northwest corner of said Section 17; thence South 89°20' East 284 feet; thence South 0°40' West 245 feet; thence South 89°20' East 619.3 feet, to the TRUE POINT OF BEGINNING, said point being the Northeast corner of a tract of land deeded to Grace Sno-Goers, Inc., under recorder's instrument No. 75788, in the microfilm records of Caribou County, Idaho, and running thence South 4°00' West 900 feet along said tract; thence South 26°34'49" West 202.54 feet to the North 1/16th line of said Section 17, said point being the Northeast line of a 5-acre tract; thence South 0°20'28" East 500 feet along said tract; thence South 150 feet;

thence East 1103 feet;
 thence North 1801.2 feet to the Southerly right of way line of the
 McPherson Canyon Road;
 thence South 80°26' West 305.5 feet along said right of way;
 thence South 98°51' West 221 feet along said right of way;
 thence North 86°04' West 224 feet along said right of way;
 thence South 82°04' West 207.24 feet along said right of way, to the
 true point of beginning.

EXCEPT THEREFROM, any portion thereof lying within the right
 of way of a County Road.

Section 20: N1/2, EXCEPTING THEREFROM the North 100 feet of
 the NE1/4 NW1/4.

Section 21: N1/2 N1/2, and the North 440 feet of the S1/2 N1/2.

TOGETHER with 390 shares of common stock of Last Chance Canal
 Co., and 468 shares of stock of East Branch Canal Co., together with
 all other water rights and ditch rights appurtenant thereto.

SUBJECT TO existing mortgage indebtedness, easements and other
 encumbrances of record.

TO HAVE AND TO HOLD the said premises, with all appurtenances.

Grantors do hereby covenant that they are the owners in fee simple of said premises that they
 are free from encumbrances excepting easements of record and any facts which a correct survey and
 inspection of the premises would disclose.

DATED this ^{26th} day of February, 1998.

Merrill D. Hubbard
 MERRILL D. HUBBARD

Shirley B. Hubbard
 SHIRLEY B. HUBBARD

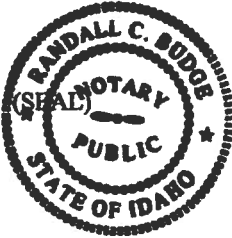
STATE OF IDAHO)

: ss

County of Bannock)

On this 26th day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Merrill D. Hubbard and Shirley B. Hubbard, husband and wife, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

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



Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My Commission expires: 10/11/2000

STATE OF IDAHO }
County of Caribou } ss. **156110**

I hereby certify that this instrument was filed at the request
of Randall C. Budge
at 9:00 o'clock A in this 9 day of
March, 19 98 in my office and duty

recorded in Microfilm Records

Recorder: Edie Izatt

Denise Hawley
Ex-Officio Recorder

Deputy 900

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH POLICY AND VITAL STATISTICS

CERTIFICATE OF DEATH

Date Filed OCTOBER 27, 2006

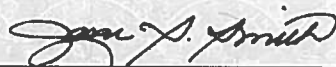
State File No. 2006-08202

DECEDENT - LEGAL NAME MERRILL DALTON HUBBARD			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 88 YEARS	DATE OF BIRTH JANUARY 13, 1918
BIRTHPLACE GRACE, IDAHO		PLACE OF RESIDENCE GRACE, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (If wife, maiden name) SHIRLEY NAOMI BYERS	WAS DECEDENT EVER IN U.S. ARMED FORCES? YES
FATHER - NAME CHARLES WILLARD HUBBARD			BIRTHPLACE UTAH
MOTHER - MAIDEN NAME ELSIE JANE DALTON			BIRTHPLACE UTAH
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE F. DUAYNE SIMS	
NAME AND ADDRESS OF FUNERAL FACILITY SIMS FUNERAL HOME, SODA SPRINGS, IDAHO			
DATE OF DEATH OCT. 23, 2006	TIME OF DEATH 1:23 P.M.	CITY, TOWN OR LOCATION OF DEATH SODA SPRINGS, IDAHO	COUNTY OF DEATH CARIBOU
CAUSE OF DEATH (underlying cause last) PNEUMONIA (COMMUNITY ACQUIRED)			Approximate Interval Between Onset and Death 1 WEEK
a. DUE TO (or as a consequence of):			
b.			
c. DUE TO (or as a consequence of):			
d. DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER BRIAN ANDERSON, D.O.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED: OCTOBER 30, 2006

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.


JANE S. SMITH
STATE REGISTRAR



STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS

CERTIFICATE OF DEATH

Date Filed APRIL 16, 2008

State File No. 2008-03004

DECEDENT - LEGAL NAME SHIRLEY NAOMI HUBBARD			
SEX FEMALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 89 YEARS	DATE OF BIRTH JULY 07, 1918
BIRTHPLACE DALLAS CITY, ILLINOIS		PLACE OF RESIDENCE GRACE, IDAHO	
MARITAL STATUS AT TIME OF DEATH WIDOWED		NAME OF SURVIVING SPOUSE (If wife, maiden name) 	
		WAS DECEDENT EVER IN U.S. ARMED FORCES? NO	
FATHER - NAME JUDSON WALTER BYERS			BIRTHPLACE ILLINOIS
MOTHER - MAIDEN NAME EFFIE FOSTER			BIRTHPLACE UTAH
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE F. DUAYNE SIMS	
NAME AND ADDRESS OF FUNERAL FACILITY SIMS FUNERAL HOME, SODA SPRINGS, IDAHO			
DATE OF DEATH APR. 06, 2008	TIME OF DEATH 11:57 A.M.	CITY, TOWN OR LOCATION OF DEATH GRACE, IDAHO	COUNTY OF DEATH CARIBOU
CAUSE OF DEATH (underlying cause last) WALDENSTROM'S MACROGLOBULINEMIA			Approximate Interval Between Onset and Death 1-2 YEARS
DUE TO (or as a consequence of) 			
DUE TO (or as a consequence of) 			
DUE TO (or as a consequence of) 			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER MICHAEL LOUIS FRANCISCO, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY 			
EXTERNAL CAUSES ONLY			
DATE OF INJURY 	TIME OF INJURY 	PLACE OF INJURY 	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED 			
DESCRIPTION OF HOW INJURY OCCURRED 			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

APRIL 17, 2008

DATE ISSUED:

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Jane S. Smith

JANE S. SMITH
STATE REGISTRAR



MAY 26 2011

Department of Water Resources
Eastern RegionSTATE OF IDAHO
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?
13-7391	Yes ☐		Yes ☐		Yes ☐
13-4224	Yes ☒	Cannot Complete	Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Merrill D. & Shirley B. Hubbard Family Trust
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): James W Hubbard
Name of each new owner as listed on the conveyance document

Karen G. Hubbard
New owner continued ☐ Name connector ☒ and ☐ or ☐ and/or

Mailing address
883 Hawwood Rd, Grace Id 83241
City 208 425-9133 State ZIP
208-240-8686 jwhubba@cyahoo.com
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: January 27, 2011

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): See Receipt # E034861
 - \$25 per undivided water right.
 - \$100 per split water right.
 - No fee is required for pending adjudication claims.

7. Signature: James W Hubbard Title, if applicable _____ Date 5/24/2011
Signature: Karen G Hubbard Title, if applicable _____ Date 5/24/2011
Signature of new owner/claimant Signature of new owner/claimant

For IDWR Office Use Only:

Received by JB Date May 31, 2011 Receipt No. E036687 Receipt Amt. \$50.-
Approved by _____ Processed by _____ Date _____

GRANT DEED

FOR VALUE RECEIVED, MERRILL D. HUBBARD and SHIRLEY S. HUBBARD, husband and wife, of Star Route, Box 272, Grace, Idaho, 83241 (hereinafter "Grantors"), do hereby grant, bargain, sell and convey unto Merrill Hubbard and Sons, a limited Partnership, whose principal business address is Star Route, Box 272, Grace, Idaho 83241 (hereinafter "Grantee"), the following described property in Caribou County, State of Idaho, to-wit:

Township 10 South, Range 41 East,
Boise Meridian:

Section 16: That part of Lot 1,
and of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying South of
the McPherson Canyon Road, EXCEPT
THEREFROM, the following described
tract:

Beginning at the Southwest corner
of Lot 1, and running thence East
2100 feet, more or less, to the TRUE
POINT OF BEGINNING;

thence North 495 feet; thence East
100 feet;

thence South 495 feet; thence West
100 feet;

to the TRUE POINT OF BEGINNING.

Section 17: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying South of the McPherson
Canyon Road;

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 20: NE $\frac{1}{4}$, EXCEPTING THEREFROM
the North 100 feet of the NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 21: NE $\frac{1}{4}$, and the North
440 feet of the S $\frac{1}{2}$ NE $\frac{1}{4}$.

TOGETHER with 310 shares of common
stock of Last Chance Canal Co., and
372 shares of stock of East Branch

STATE OF IDAHO } 137614
County of Caribou

I, Clerk of the County of Caribou, Idaho,
do hereby certify that the foregoing is a true and
correct copy of the original of the deed of
grant, as the same appears from the records of the
County of Caribou, Idaho.
Witness my hand and the seal of the County of Caribou,
Idaho, this 7th day of July, 1970.

Canal Co. together with all other
water rights and ditch rights
appurtenant thereto..

SUBJECT TO existing mortgage
indebtedness, easements and other
encumbrances of record.

TO HAVE AND TO HOLD the said premises, with their
appurtenances, including all gas, oil, mineral, and water
rights, unto said Grantee, its heirs and assigns forever.
The said Grantors do hereby covenant to and with said Grantee
that they are the owners in fee simple of said premises;
that they are free from all encumbrances excepting mortgage
indebtedness and easements of record, mineral leases of record,
conflicts in boundary lines, shortage in area, and any facts
which a correct survey and inspection of the premises would
disclose and which are not shown by the public records, and
that they will warrant and defend the same from all lawful
claims whatsoever.

DATED this 4th day of March, 1986.

Merrill D. Hubbard
MERRILL D. HUBBARD
Shirley B. Hubbard
SHIRLEY B. HUBBARD

STATE OF IDAHO)
: ss
County of Bannock)

On this 4th day of March, 1986, before me, the
undersigned, a Notary Public in and for said State, personally
appeared MERRILL D. HUBBARD and SHIRLEY B. HUBBARD, husband
and wife, known to me to be the persons whose names are
subscribed to the foregoing and acknowledged to me that they
executed the same.

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

(SEAL)

Randall C. Burke
NOTARY PUBLIC, STATE OF IDAHO
Residing at Boise, Idaho
My Commission expires 10/15/88

CORRECTION WARRANTY DEED

THIS INDENTURE, Made this 20th day of April, 1993, between MERRILL D. HUBBARD and SHIRLEY B. HUBBARD, husband and wife, of Grace, Caribou County, State of Idaho, hereinafter called First Party, and MERRILL HUBBARD AND SONS, LIMITED PARTNERSHIP, an Idaho limited partnership, of 2247 Two Mile Road, Grace, Caribou County, State of Idaho 83241, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

Township 10 South, Range 41 East of the Boise Meridian:

Section 16: That portion of Lot 1 and of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 16 lying South of the McPherson Canyon Road. EXCEPT THEREFROM, the following described tract:

Beginning at the Southwest corner of said Lot 1, and running thence East 2180 feet, more or less, to the TRUE POINT OF BEGINNING, and running thence North 495 feet; thence East 300 feet; thence South 495 feet; thence West 300 feet, to the true point of beginning.

Section 17: S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and that portion of the N $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the McPherson Canyon Road.

EXCEPT THEREFROM a tract of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 17, more particularly described as follows:

Beginning at a point on the South right-of-way line of Kirby Road, said point being 27.6 feet South and 1013.6 feet East from the Northwest corner of said Section 17; thence South 89°20' East 284 feet; thence South 0°40' West 245 feet; thence South 89°20' East 297.8 feet, to the TRUE POINT OF BEGINNING, and running

thence South 89°20' East 321.5 feet;

thence South 4°00' West 900 feet;

thence South 62°06' West 170 feet, more or less, to the North 1/16th line;

thence South 88°02' West 111 feet, more or less, to a point;

thence North 0°40' East 994.2 feet, more or less, to the true point of beginning.

Section 20: N $\frac{1}{4}$, EXCEPT THEREFROM the North 100 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 21: N $\frac{1}{4}$ N $\frac{1}{4}$, and the North 440 feet of the S $\frac{1}{4}$ N $\frac{1}{4}$.

TOGETHER WITH 310 shares of common stock of Last Chance Canal Co., and 372 shares of stock of East Branch Canal Co. together with all other water rights and ditch rights appurtenant thereto.

THIS WARRANTY DEED IS GIVEN TO CORRECT THE NAME OF THE GRANTEE AND TO ADD AN EXCEPTION IN THE REAL PROPERTY DESCRIPTION IN THAT CERTAIN WARRANTY DEED RECORDED APRIL 19, 1986, UNDER RECORDER'S INSTRUMENT NO. 127614, IN THE MICROFILM RECORDS OF CARIBOU COUNTY, IDAHO.

SUBJECT TO existing mortgage indebtedness, easements, and other encumbrances of record.

TO HAVE AND TO HOLD the same premises, with their appurtenances, including all gas, oil, mineral, and water rights, unto said Second Party, its heirs and assigns forever. The said First Party does hereby covenant to and with said Second Party that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting mortgage indebtedness and easements of record, mineral leases of record, conflicts in boundary lines, shortage in area, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records, and that they will warrant and defend the same from all lawful claims whatsoever.

SUBJECT to all easements, rights of way, and public roads or highways adjoining or crossing said property, and further subject to retention or reservation of mineral, oil and gas rights by prior owners of said real property or by the United States of America or the State of Idaho.

TOGETHER WITH all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said Second Party, and its heirs and assigns forever. And the said First Party, and their heirs the said premises in the quiet and peaceable possession of said Second Party, its heirs and assigns against the said First Party, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said First Party has hereunto set their hands and seals, the day and year first above written.

Merrill D. Hubbard
MERRILL D. HUBBARD

Shirley B. Hubbard
SHIRLEY B. HUBBARD

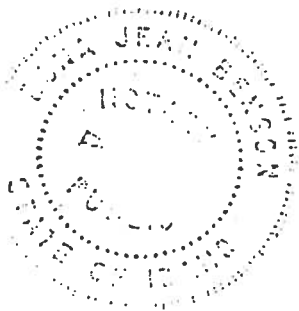
STATE OF IDAHO)

: ss.

County of Caribou)

On this 8th day of June, 1993, before me the undersigned, a Notary Public in and for said County and State, personally appeared Merrill D. Hubbard and Shirley B. Hubbard, husband and wife, 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.



Soda Jean Benson
NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: August 15, 1997

STATE OF IDAHO) ss.
County of Caribou)

145718

I hereby certify that this instrument was filed at the request of Caribou Title
at 4:35 o'clock P m this 8th day of June, 1993 in my office and duly recorded in Microfilm Records
Edie Izatt
Denise Husley
Ex-Officio Recorder Deputy, 50

CONVEYANCE DEED

FOR VALUE RECEIVED, MERRILL HUBBARD AND SONS, A LIMITED PARTNERSHIP, by Merrill D. Hubbard and Shirley B. Hubbard, General Partners, of 2247 Two Mile Road, Grace, Idaho (hereinafter "Grantors"), do hereby grant and convey unto the MERRILL D. AND SHIRLEY B. HUBBARD FAMILY TRUST, Merrill D. Hubbard and Shirley B. Hubbard, Co-Trustees, whose current address is 2247 Two Mile Road, Grace, Idaho 83241 (hereinafter "Grantee"), their heirs and assigns forever, the following described premises in Caribou County, Idaho, to-wit:

Township 10 South, Range 41 East, B.M.

Section 16: That part of Lot 1, and of the NE1/4 NW1/4 lying South of the McPherson Canyon Road, EXCEPT THEREFROM, the following described tract:

Beginning at the Southwest corner of Lot 1, and running thence East 2180 feet, more or less, to the TRUE POINT OF BEGINNING; thence North 495 feet; thence East 300 feet; thence South 495 feet; thence West 300 feet, to the TRUE POINT OF BEGINNING.

Section 17: That part of the N1/2 NE1/4, NE1/4 NW1/4 lying South of the McPherson Canyon Road;
S1/2 NE1/4, SE1/4 NW1/4, SE1/4, E1/2 SW1/4, SW1/4 SW1/4.

EXCEPTING a tract of land in the E1/2 NW1/4 and in the W1/2 NE1/4 of said Section 17, more particularly described as follows:

Beginning at a point on the Southerly right of way line of McPherson Canyon Road, said point being 27.6 feet South and 1013.6 feet East from the Northwest corner of said Section 17, thence South 89°20' East 284 feet; thence South 0°40' West 245 feet; thence South 89°20' East 619.3 feet, to the TRUE POINT OF BEGINNING, said point being the Northeast corner of a tract of land deeded to Grace Snow Goers, Inc., under recorder's instrument No. 75788, in the microfilm records of Caribou County, Idaho, and running thence South 4°00' West 900 feet along said tract; thence South 26°34'49" West 202.54 feet to the North 1/16th line of said Section 17, said point being the Northeast line of a 5-acre tract; thence South 0°20'28" East 500 feet along said tract; thence South 150 feet;

thence East 1103 feet;
 thence North 1801.2 feet to the Southerly right of way line of the
 McPherson Canyon Road;
 thence South 80°26' West 305.5 feet along said right of way;
 thence South 98°51' West 221 feet along said right of way;
 thence North 86°04' West 224 feet along said right of way;
 thence South 82°04' West 207.24 feet along said right of way, to the
 true point of beginning.

EXCEPT THEREFROM, any portion thereof lying within the right
 of way of a County Road.

Section 20: N1/2, EXCEPTING THEREFROM the North 100 feet of
 the NE1/4 NW1/4.

Section 21: N1/2 N1/2, and the North 440 feet of the S1/2 N1/2.

TOGETHER with 390 shares of common stock of Last Chance Canal
 Co., and 468 shares of stock of East Branch Canal Co., together with
 all other water rights and ditch rights appurtenant thereto.

SUBJECT TO existing mortgage indebtedness, easements and other
 encumbrances of record.

TO HAVE AND TO HOLD the said premises, with all appurtenances.

Grantors do hereby covenant that they are the owners in fee simple of said premises that they
 are free from encumbrances excepting easements of record and any facts which a correct survey and
 inspection of the premises would disclose.

DATED this th 26 day of February, 1998.

Merrill B. Hubbard
 MERRILL B. HUBBARD

Shirley B. Hubbard
 SHIRLEY B. HUBBARD

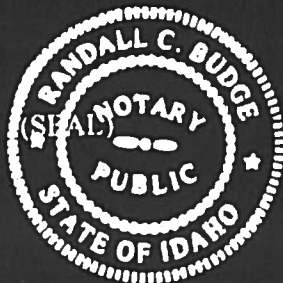
STATE OF IDAHO)

: ss

County of Bannock)

On this 26th day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Merrill D. Hubbard and Shirley B. Hubbard, husband and wife, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

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



Randall C. Budge

NOTARY PUBLIC FOR IDAHO

Residing at Pocatello

My Commission expires: 10/11/2000

Instrument No. 156110

This instrument was filed at the county

Randall C. Budge

900 on the 1st day of March, 1998

My commission expires on 10/11/2000

Senise Hawley

CONVEYANCE DEED

FOR VALUE RECEIVED, MERRILL D. HUBBARD and SHIRLEY B. HUBBARD, husband and wife, of 2247 Two Mile Road, Grace, Idaho (hereinafter "Grantors"), do hereby grant and convey unto the MERRILL D. AND SHIRLEY B. HUBBARD FAMILY TRUST, Merrill D. Hubbard and Shirley B. Hubbard, Co-Trustees, whose current address is 2247 Two Mile Road, Grace, Idaho 83241 (hereinafter "Grantee"), their heirs and assigns forever, the following described premises in Caribou County, Idaho, to-wit:

1. Township 10 South, Range 41 East of the Boise Meridian:

Section 19: Beginning at the Northwest corner of the NE1/4 NE1/4 of said Section 19, and running
thence East 2574 feet;
thence Southwest 3960 feet and more to a point 330 feet East from the Southwest corner of the NE1/4 SE1/4;
thence West 330 feet;
thence North 3960 feet, to the point of beginning.

2. The North 100 feet of the NE1/4 NW1/4, Section 20, Township 10 South, Range 41 East, B.M., approximately 3.03 acres.

TO HAVE AND TO HOLD the said premises, with all appurtenances.

Grantors do hereby covenant that they are the owners in fee simple of said premises that they are free from encumbrances excepting easements of record and any facts which a correct survey and inspection of the premises would disclose.

DATED this 26th day of February, 1998.

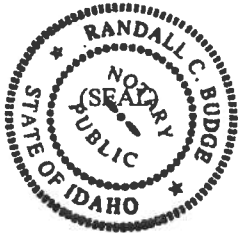
Merrill D. Hubbard
MERRILL D. HUBBARD

Shirley B. Hubbard
SHIRLEY B. HUBBARD

STATE OF IDAHO)
 : ss
County of Bannock)

On this 26 day of February, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Merrill D. Hubbard and Shirley B. Hubbard, husband and wife, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

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



Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My Commission expires: 10/11/2000

STATE OF IDAHO } ss. **156132**
County of Caribou }

I hereby certify that this instrument was filed at the request
of Randall C. Budge
at 9:00 o'clock A m this 11 day of
March, 19 98 in my office and duly
recorded in Microfilm Records _____
Recorder: Edje Izatt
Senise Kenley
Ex-Officio Recorder Deputy 600

CONVEYANCE DEED - 2

S. Reeves

WARRANTY DEED

FOR VALUE RECEIVED

James W. Hubbard, Trustee of the The Merrill D. Hubbard and Shirley B. Hubbard Family Trust, **Grantor**, does hereby grant, bargain, sell and convey unto James. W. Hubbard and Karen G. Hubbard, husband and wife, 883 Harwood Road, Grace, Idaho 83241, **Grantees**, as their property, the following described premises located in the County of Caribou, State of Idaho, and more fully described as follows:

See Exhibit "A" attached hereto.

SUBJECT to all easements, rights of way and exceptions of record.

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

DATED: This 27th day of January, 2011.

GRANTOR

James W. Hubbard
James W. Hubbard, Trustee

STATE OF IDAHO)
: ss
County of Caribou)

On this ____ day of January, 2011, before me personally appeared James W. Hubbard, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee and acknowledged to me that he executed the same as such Trustee of The Merrill B. Hubbard and Shirley B. Hubbard Family Trust

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

(SEAL) KENA ANN MOORE
NOTARY PUBLIC
STATE OF IDAHO

Kena Ann Moore
NOTARY PUBLIC FOR IDAHO
Residing at *Idaho Springs - self*
Comm. Exp.: *8/5/15*

Exhibit "A"

Caribou County, Idaho:

Township 10 South, Range 41 East of the Boise Meridian:

Section 17: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.

EXCEPT THEREFROM, Beginning at the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and running thence South 500 feet; thence East 436 feet; thence North 500 feet; thence West 436 feet, to the Point of Beginning.

ALSO EXCEPT THEREFROM, A tract of land in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 17, more particularly described as follows:
Beginning at a point on the Southerly right of way line of McPherson Canyon Road, said point being 27.6 feet South and 1013.6 feet East from the Northwest Corner of said Section 17; thence South 89°20' East 284 feet; thence South 0°40' West 245 feet; thence South 89°20' East 619.3 feet, to the True Point of Beginning, said point being the Northeast corner of a tract of land deeded to Grace Sno-Goers, Inc., under Recorder's Instrument No. 75788, in the records of Caribou County, Idaho, and running
thence South 4°00' West 900 feet along said tract;
thence South 26°34'49" West 202.54 feet to the North 1/16th line of said Section 17, said point being the Northeast line of a 5-acre tract;
thence South 0°08'28" East 500 feet along said tract;
thence South 150 feet;
thence East 1103 feet;
thence North 1801.2 feet to the Southerly right of way line of the McPherson Canyon Road;
thence South 80°26' West 305.5 feet along said right of way;
thence South 98°51' West 221 feet along said right of way;
thence North 86°04' West 224 feet along said right of way;
thence South 82°04' West 207.24 feet along said right of way, to the True Point of Beginning.

EXCEPT THEREFROM, any portion thereof lying within the right of way of a County Road.

Section 19: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 19, and running thence East 924 feet; thence Southwesterly 3960 feet, more or less, to a point 330 feet East from the Southwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence West 330 feet; thence North 3960 feet, to the Point of Beginning.

Section 20: N½.

Section 21: N½N½ and the North 440 feet of the S½N½.

Together with all buildings and structures located on said property, 390 Shares of Stock in the Last Chance Canal Company, 468 Shares of Stock in the East Branch Canal Company, and all other water and water rights appurtenant to said real property, and all main line, wheel lines, hand lines and pumps located upon said property.