



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

November 14, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Total Health Solutions Inc
PO Box 2017
Sandy UT 84019

RE: Change in Ownership Water Right No. 11-7115

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

The "Change of Ownership" FOR 11-7115 has been returned for the following items.

**** **Evidence of Ownership** The deed provided with your application does not cover the place of use of the water rights listed above. Please supply a deed or other legal document indicating your ownership for the above mentioned water right. A copy of a computer generated report of the water right in question is attached.

On September 16, 2011 a deficiency letter was mailed to you requesting the information as noted 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. Therefore we are returning your ownership change unprocessed, a copy of your notice will kept in the departments records for informational purposes only.

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.

Please feel free to contact the Department if you have any questions.

Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

STATE 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?
11-7115	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: K.D. Smith
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Total Health Solutions Inc. Defined Benefit Plan
Name of each new owner as listed on the conveyance document
- New owner continued Name connector ☐ and ☐ or ☐ and/or
- PO Box 2017
- Mailing address
- Sandy UT 84091
City State ZIP
- 801-381-1925 tony@tonyescobar.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: May 4, 2009
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] TRUSTEE 7-19-2011
Signature of new owner/claimant Title, if applicable Date
- Signature: [Signature] TRUSTEE 7-19-2011
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 7/22/2011 Receipt No. E036831 Receipt Amt. \$125.-

Approved by _____ Processed by _____ Date _____

WARRANTY DEED

196240

For Value Received,

SMITH BROTHERS, a partnership, consisting of KENT & COLLEEN SMITH PROPERTIES, LLC; DEAN C. SMITH and DOLORES L. SMITH, Trustees of the SMITH CLAN TRUST; and KAY D. SMITH and JACQUELINE N. SMITH, husband and wife, and KENT & COLLEEN SMITH PROPERTIES, LLC; KENT FARRELL SMITH and COLLEEN SPERRY SMITH, Trustees of THE KENT F. SMITH FAMILY TRUST; DEAN C. SMITH and DOLORES L. SMITH, Trustees of the SMITH CLAN TRUST and KAY DARRELL SMITH and JACQUELINE N. SMITH, Trustees of the KAY and JACQUELINE SMITH TRUST under agreement dated December 12, 2002

THE GRANTOR(S),

do(es) hereby, grant, bargain, sell, and convey unto

KAY D. SMITH and JACQUELINE N. SMITH, Trustees of the KAY AND JACQUELINE SMITH TRUST, of 2070 KRAMER DRIVE, SANDY, County of SALT LAKE, State of UT. 84092,

THE GRANTEE(S),

For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of Bear Lake, State of Idaho:

A parcel of land located in Section 27, Township 16 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho and further described as follows:
Beginning at the West quarter corner of said Section 27, from which the Northwest corner of Section 27 bears North 00° 13' 52" West 2646.74 feet;
Thence North 00° 13' 52" West 307.88 feet (North 00° 11' 59" West 394.69 feet by record) along the west line of Section 27;
Thence North 89° 46' 40" East 4101.93 feet along a fence line and it's extension to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735", the True Point of Beginning;
Thence North 15° 56' 18" East 303.77 feet (North 15° 58' 12" East 303.87 feet by record) to a 5/8" rebar with cap;
Thence North 89° 42' 52" East 194.27 feet (North 89° 44' 46" East 197.08 feet by record) to a 5/8" rebar with cap set on the westerly right of way line of Highway 89;
Thence South 14° 38' 24" West 302.09 feet (South 15° 09' 17" West 302.87 feet by record) along said right of way line to a 5/8" rebar with cap;
Thence South 89° 46' 40" West 201.33 feet (South 89° 48' 34" West 201.51 feet by record) to the True Point of Beginning.
Containing 1.3 acres of land.

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED THIS SEPTEMBER 28, 2006

SMITH BROTHERS, a partnership

Kent F. Smith
KENT F. SMITH, Manager/Member

Dean C. Smith
DEAN C. SMITH, Trustee

Kay D. Smith
KAY D. SMITH

Colleen S. Smith
COLLEEN S. SMITH, Manager/Member

Dolores L. Smith
DOLORES L. SMITH, Trustee

Jacqueline N. Smith
JACQUELINE N. SMITH

INDIVIDUALLY

Kent F. Smith
KENT F. SMITH, Manager/Member

Kent Farrell Smith
KENT FARRELL SMITH, Trustee

Dean C. Smith
DEAN C. SMITH, Trustee

Kay Darrell Smith
KAY DARRELL SMITH, Trustee

Colleen S. Smith
COLLEEN S. SMITH, Manager/Member

Colleen S. Smith
COLLEEN SPERRY SMITH, Trustee

Dolores L. Smith
DOLORES L. SMITH, Trustee

Jacqueline N. Smith Trustee
JACQUELINE N. SMITH, Trustee

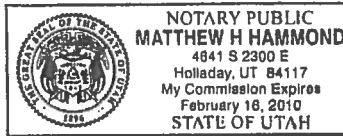
STATE OF UTAH

COUNTY OF Salt Lake

196240

On this 10th day of October, in the year 2006 before me, a Notary Public, personally appeared KENT F. SMITH and COLLEEN S. SMITH, known or identified to me to be the manager/member of the limited liability company of KENT & COLLEEN SMITH PROPERTIES, LLC, and the manager/member who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that they executed the same in said limited liability company name.


Notary Public
Residing at:
My Commission Expires:

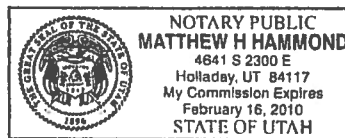


STATE OF UTAH, COUNTY OF SALT LAKE

On this 10th day of October, 2006, before me a Notary Public in and for the State, personally appeared KENT FARRELL SMITH and COLLEEN SPERRY SMITH known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same as Trustees of the THE KENT F. SMITH FAMILY TRUST.

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

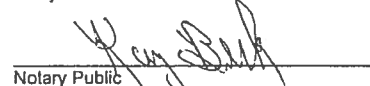

Notary Public
Residing at:
My Commission Expires:

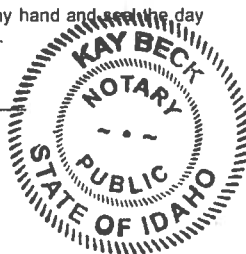


STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 9 day of October, 2006, before me a Notary Public in and for the State, personally appeared DEAN C. SMITH and DOLORES L. SMITH known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same as Trustees of the SMITH CLAN TRUST.

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

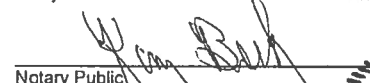

Notary Public
Residing at: Ovid, Idaho
My Commission Expires: 12-01-06

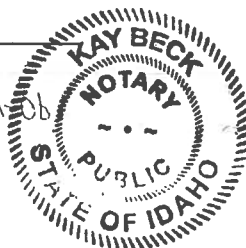


STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 9 day of October, 2006, before me a Notary Public in and for the State, personally appeared KAY D. SMITH and JACQUELINE N. SMITH, known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

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


Notary Public
Residing at: Ovid, Idaho
My Commission Expires: 12-01-06



STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 9 day of October, 2006, before me a Notary Public in and for the State, personally appeared KAY DARRELL SMITH and JACQUELINE N. SMITH known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same as Trustees of the KAY AND JACQUELINE SMITH TRUST.

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

Kay Beck
Notary Public
Residing at: Ovid, Idaho
My Commission Expires: 12-01-06



Instrument # 196240

BEAR LAKE COUNTY

2006-10-13

02:31:45 No. of Pages: 3

Recorded for : FIRST IDAHO TITLE CO.

KERRY HADDOCK

Ex-Officio Recorder Deputy

Fee: 9.00

Index to: WARRANTY DEED

MAIL TAX NOTICE TO: KAY D. SMITH and JACQUELINE N. SMITH, Trustees
2070 KRAMER DRIVE, SANDY, UT. 84092

WARRANTY DEED

For Value Received,

KAY SMITH and JACQUELINE SMITH, Trustees of the KAY AND JACQUELINE SMITH TRUST,
of 2070 KRAMER DRIVE, SANDY, County of SALT LAKE, State of UTAH 84092,

THE GRANTOR(S),

do(es) hereby, grant, bargain, sell, and convey unto

GARY SIMS and LISA SIMS, husband and wife,
of 237 North 9th, Montpelier, County of , State of IDAHO 83254,

THE GRANTEE(S),

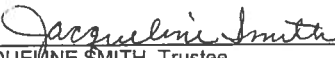
For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of Bear Lake, State of Idaho:

A parcel of land located in Section 27, Township 16 South, Range 43 East Boise Meridian, Bear Lake County, Idaho and further described as follows:
Beginning at the W $\frac{1}{4}$ corner of said Section 27, from which the NW corner of Section 27 bears N. 00°13'52" W. 2646.74 feet; thence N. 00°13'52" W. 307.88 feet (N. 00°11'59" W. 394.69 feet by record) along the west line of Section 27; thence N. 89°46'40" E. 4101.93 feet along a fence line and it's extension to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735", the TRUE POINT OF BEGINNING; thence N. 15°56'18" E. 303.77 feet (North 15°58'12" E. 303.87 feet by record) to a 5/8" rebar with cap; thence N. 89°42'52" E. 194.27 feet (N. 89°44'46" E. 197.08 feet by record) to a 5/8" rebar with cap set on the Westerly right of way line of Highway 89; thence S. 14°38'24" W. 302.09 feet (S. 15°09'17" W. 302.87 feet by record) along said right of way line to a 5/8" rebar with cap; thence S. 89°46'40" W. 201.33 feet (S. 89°48'34" W. 201.51 feet by record) to the True Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED THIS October 13, 2006.


KAY SMITH, Trustee


JACQUELINE SMITH, Trustee

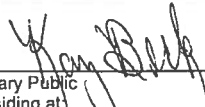
STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 13 day of October, 2006, before me a
Notary Public in and for the State, personally appeared

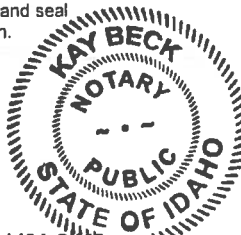
KAY SMITH and JACQUELINE SMITH,

known to me to be the person(s) whose name(s) are
subscribed to the within instrument, and acknowledged to
me that they executed the same as Trustees of the KAY
AND JACQUELINE SMITH TRUST.

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



Notary Public
Residing at
My Commission Expires:



MAIL TAX NOTICE TO: **GARY SIMS and LISA SIMS**
237 North 9th, Montpelier, ID. 83254

Instrument # 196297

BEAR LAKE COUNTY

2006-10-20

09:17:23 No. of Pages: 1

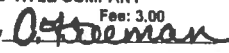
Recorded for : FIRST IDAHO TITLE COMPANY

KERRY HADDOCK

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED



WARRANTY DEED

For Value Received,

GARY SIMS and LISA SIMS, husband and wife,

of 237 NORTH 9TH STREET, MONTPELIER, County of BEAR LAKE, State of IDAHO 83254,
THE GRANTOR(S),

do(es) hereby, grant, bargain, sell, and convey unto

TOTAL HEALTH SOLUTIONS DEFINED BENEFITS PLAN

of PO BOX 2017, SANDY, County of SALT LAKE, State of UTAH 84091,

THE GRANTEE(S),

For the sum of ten dollars and other good and valuable consideration, the following described tract of land in the County of Bear Lake, State of Idaho:

A parcel of land located in Section 27, Township 16 South, Range 43 East Boise Meridian, Bear Lake County, Idaho and further described as follows:
Beginning at the W $\frac{1}{4}$ corner of said Section 27, from which the NW corner of Section 27 bears N. 00°13'52" W. 2646.74 feet; thence N. 00°13'52" W. 307.88 feet (N. 00°11'59" W. 394.69 feet by record) along the west line of Section 27; thence N. 89°46'40" E. 4101.93 feet along a fence line and it's extension to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 4735", the TRUE POINT OF BEGINNING; thence N. 15°56'18" E. 303.77 feet (North 15°58'12" E. 303.87 feet by record) to a 5/8" rebar with cap; thence N. 89°42'52" E. 194.27 feet (N. 89°44'46" E. 197.08 feet by record) to a 5/8" rebar with cap set on the Westerly right of way line of Highway 89; thence S. 14°38'24" W. 302.09 feet (S. 15°09'17" W. 302.87 feet by record) along said right of way line to a 5/8" rebar with cap; thence S. 89°46'40" W. 201.33 feet (S. 89°48'34" W. 201.51 feet by record) to the True Point of Beginning.

TOGETHER WITH a right of way easement as granted in Easement Agreement recorded 20 October 2006, as Instrument No. 196298.

To have and to hold the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) hereby covenant to and with the said Grantee(s) that they are the owner(s) in fee simple of said premises; that they are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED THIS May 4, 2009.

Gary Sims
GARY SIMS

Lisa Sims
LISA SIMS

STATE OF IDAHO, COUNTY OF BEAR LAKE

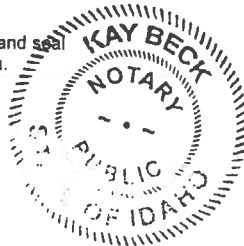
On this 4 day of May, 2009, before me a Notary Public in and for the State, personally appeared

GARY SIMS and LISA SIMS, husband and wife

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

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

Kay Beck
Notary Public
Residing at: 12-01-12
My Commission Expires: 12-01-12



Instrument # 204528

BEAR LAKE COUNTY

5-8-2009 09:47:09 No. of Pages: 1

Recorded for: FIRST IDAHO TITLE COMPANY

KERRY HADDOCK

Ex-Officio Recorder Deputy Cindy Garner Fee: 3.00

Index to WARRANTY DEED

MAIL TAX NOTICE TO: TOTAL HEALTH SOLUTIONS DEFINED BENEFITS PLAN
PO BOX 2017, SANDY, UT. 84091