

RECEIVED

JUL 14 2003

Department of Water Resources
Eastern Region

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 13-221					
WR 13-218					

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

- 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)

Bert Wheatley / Ellen Wheatley
 1598 E 3200 S,
 Preston, ID 83263

4. New Owner/Claimant(s)

Wheatley Properties LLC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1598 E. 3200 So.

City, State and ZIP Code

Preston, ID 83263.

New Telephone Number

(208) 646-2516 Email:

2-26-2003

5. Date you acquired the property

2-28-1979

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)

Seth Wheatley, Beth Wheatley
(title if applicable)
Bert W. Wheatley, Laura Wheatley
(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 BMK
 Received by BMK
 Processed by AJ

Date 7/20/09
 Date 7/20/09
 Date 7/20/09

Receipt Amt. 175
 Receipt No. 6035223
 WR Date

75002-12 25 07

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

6/29/2009

WATER RIGHT NO. 13-218

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERT WHEATLEY
Current Owner	ELLEN WHEATLEY
	1598 E 3200 S
	PRESTON, ID 83263
	(208)646-2445

Priority Date: 04/01/1872

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAMS	WORM CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.43 CFS	151 AFA
Total Diversion			0.43 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAMS	SENW	Sec. 07	Township 16S	Range 40E	FRANKLIN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FRANKLIN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16S	40E	7		NESW	18	3	NWSW	14						
				SWSE	11									

Total Acres: 43

Dates:

Licensed Date:

Decreed Date: 05/21/1981

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/29/2009

WATER RIGHT NO. 13-221

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BERT WHEATLEY
Current Owner	ELLEN WHEATLEY
Current Owner	MRS STUART BURNETT
Current Owner	STUART BURNETT
	1598 E 3200 S
	PRESTON, ID 83263
	(208)646-2445

Priority Date: 04/01/1872

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAMS	WORM CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	2.26 CFS	396 AFA
Total Diversion			2.26 CFS	

Location of Point(s) of Diversion:

UNNAMED STREAMS	SWSW Lt 4	Sec. 07	Township 16S	Range 40E	FRANKLIN County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION FRANKLIN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16S	39E	13		NENE	38									
	40E	7	4	SWSW	28		SESW	37						
		18	1	NWNW	10									

Total Acres: 113

Dates:

Licensed Date:

Decreed Date: 05/21/1981

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

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

196430 1-5

Recorded at the request of

STEVEN R. FULLER

STEVEN R. FULLER
Attorney at Law
P.O. Box 191
24 North State
Preston, ID 83263
Telephone (208) 852-2680
FAX No. (208) 852-2683

4:00
a.m. JUL 2 1996 p.m.

V. ELLIOTT LARSEN, RECORDER
By Shanna Addles Deputy
FRANKLIN COUNTY, IDAHO

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FRANKLIN

IN THE MATTER OF THE ESTATE

OF

STUART JAMES BURNETT,

Deceased.

CASE NO. SP-96-65

DECREE VESTING ESTATE
IN SURVIVING SPOUSE

THE PETITION OF ELLEN BURNETT WHEATLEY fka ELLEN BURNETT for a Decree vesting an estate in Ellen Burnett Wheatley, as surviving spouse having come before the Court for hearing, and the Court having heard the evidence and being fully advised in the premises, the Court makes the following findings:

1. STUART JAMES BURNETT died on the 26th day of May, 1954, at Preston, Franklin County, Idaho. At the time of death, said decedent was domiciled in Franklin County, Idaho.

2. The decedent died intestate.

3. The decedent was survived by the heirs named in Exhibit "A" attached hereto and incorporated herein by reference thereto.

4. The decedent, Stuart James Burnett, and the petitioner, Ellen Burnett Wheatley, intermarried on the 4th day of December,

1940, Logan, Cache County, Utah, and ever since that date until the date of decedent's death, were husband and wife.

5. The decedent left an estate, as described in petitioner's Petition, consisting solely of community property of the decedent and his surviving spouse, Ellen Burnett Wheatley, and that as the surviving spouse of the decedent, the petitioner is entitled to the Decree of this Court declaring and establishing that all of said community property became fully vested in the petitioner as the sole heir of the decedent.

6. All notices have been given as required by law.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the petitioner, Ellen Burnett Wheatley, fka Ellen Burnett is the surviving spouse of the said decedent, and that the following described real and personal property is now and hereby vested in, and quieted in, and distributed to Ellen Burnett Wheatley free and clear of all right, title, estate, claim or demand of any person or persons claiming or attempting to claim under the said Stuart James Burnett, deceased, as heir or otherwise, except as a proper creditor.

The real and personal property so decreed and distributed is more particularly described in Exhibit "B" attached hereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that any other community property now known or discovered which may belong to said decedent or said estate and the petitioner, or in which the said decedent and petitioner may have an interest, be, and the same

196430 3-5

hereby is distributed and vested in Ellen Burnett Wheatley,
absolutely.

DATED this 2 day of July, 1996.

Original signed by
LOWELL D. CASTLETON

LOWELL D. CASTLETON
Judge

STATE OF IDAHO
County of Franklin
I HEREBY CERTIFY that the above and
forgoing is a full and correct copy of the
original thereof, as the same is now on file.
Dated: 7-2 1996
W. ELLIOTT LARSEN
Clerk of the District Court
By: [Signature]
Deputy Clerk

196430 45

EXHIBIT "A"

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>
ELLEN WHEATLEY	SPOUSE	PO BOX 57 FRANKLIN ID 83227
LeVERE BURNETT	SON	5500 MONTAGUE DRIVE WICHITA FALLS TX 76306
LORIN STUART BURNETT	SON	174 EAST 6600 SOUTH HYRUM UT 84319
DAVID FLOYD BURNETT	SON	160 EAST 6600 SOUTH HYRUM UT 84319
BONNIE ELLEN B. BURBANK	DAUGHTER	5437 EAST CUB RIVER RD PRESTON ID 83263
ANN B. SELLEY	DAUGHTER	708 EAST 3200 SOUTH PRESTON ID 83263
CARL JAMES BURNETT	SON	1234 SOUTH 1200 EAST PRESTON ID 83263

196430 5-5

EXHIBIT "B"

Real Property Located in Franklin County, Idaho

Township 16 South, Range 39 East of the Boise Meridian, Franklin
County, Idaho

Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Township 16 South, Range 40 East of the Boise Meridian, Franklin
County, Idaho

Section 18: Commencing at the Northeast corner of Lot 1,
Section 18, and running South 80 rods; thence East
18 rods 13 feet; thence North 80 rods; thence West
18 rods 13 feet to the place of beginning.

Dairy + Original 40 acres

220582 1-2

Recorded at the request of
Steven R. Fuller

11:30 a.m. FEB 26 2003 p.m.

CORRECTED DEED OF GIFT

V. ELLIOTT LARSEN, RECORDER
By Camille Larsen Deputy
FRANKLIN COUNTY, IDAHO

IN CONSIDERATION OF THE NATURAL LOVE AND AFFECTION WE HAVE FOR GRANTEES,

We, BERT MOSS WHEATLEY and ELLEN BURNETT WHEATLEY, Grantors,

do hereby grant, bargain, gift and convey unto

SETH T. WHEATLEY and BERT W. WHEATLEY, as tenants in common, each to own an undivided one-half interest, as their sole and separate properties,

whose current address is: c/o SETH WHEATLEY, 1598 East 3200 South, Preston, Idaho 83263,

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

SEE EXHIBIT "A" ATTACHED HERETO

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

DATED: February 19, 2003.

Bert Moss Wheatley
BERT MOSS WHEATLEY

Ellen Burnett Wheatley
ELLEN BURNETT WHEATLEY

STATE OF IDAHO)
)
County of Franklin)

On this 19th day of February, 2003, before, me the undersigned, a Notary Public in and for said State, personally appeared **BERT MOSS WHEATLEY and ELLEN BURNETT WHEATLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

STEVEN R. FULLER
NOTARY PUBLIC
STATE OF IDAHO

Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Expires: 2/19/05

220582 2-2

EXHIBIT "A"

Township 16 South, Range 39 East of the Boise Meridian, Franklin County, Idaho

Section 13: NE1/4NE1/4

EXCEPTING THEREFROM: Starting at the Northeast corner of Section 13, Township 16 South, Range 39 East of the Boise Meridian, and going West 523 feet to the Point of Beginning, thence South 222 feet, thence West 183 feet, thence North 222 feet, thence East 183 feet to the first corner.

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 18: Commencing at the Northwest corner of Lot 1, Section 18, and running South 80 rods; thence East 18 rods 13 feet; thence North 80 rods; thence West 18 rods 13 feet to the place of beginning.

EXCEPTING FROM THE PROPERTIES FROM SECTIONS 13 AND 18 ABOVE: Starting at the Northeast corner of Section 13, Township 16 South, Range 39 East of the Boise Meridian and running West 154 feet, thence South 222 feet, thence East 154 feet, to the Section line plus 54 feet further East in to Section 18, Township 16 South, Range 40 East of the Boise Meridian, thence North 222 feet, thence West 54 feet to the point of beginning.

THIS DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION AND REMOVING THE LIFE ESTATE RESERVATION ON THAT CERTAIN DEED OF GIFT DATED MARCH 31, 1999 AND RECORDED APRIL 1, 1999 AS INSTRUMENT NO. 205761.

125837

THIS INDENTURE, made this 1st day of MAY
 in the year of our Lord one thousand nine hundred and Fifty-nine between
James A. Chadwick and wife Minnie J. Chadwick

of Whitney County of Franklin
 State of Idaho the parties of the first part, and
Bert Wheatley or Ellen Burnett Wheatley, husband and wife

of Fairview County of Franklin
 State of Idaho the parties of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
ONE THOUSAND AND NO/100 - - - - - DOLLARS
 lawful money of the United States of America, to THEM in hand paid by the said part ies 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 ies of the second part, and to their heirs and

assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:
 Commencing at the Southwest corner of the Southeast quarter of Section
 7, Township 16 South, Range 40 East of the Boise Meridian, and running
 thence North 70 rods to the center of the State Highway; thence South
 40 rods East along the center of said highway to a point which
 is 10 rods East and 19 rods North of the point of beginning; thence
 North 10 rods; thence West 40 rods to the place of beginning,
 containing 10.5 acres, more or less.
 Two days waste water every fourteen day's

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any-
 wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and
 all estate, right, title and interest in and to said property, as well in law as in equity, of the said part ies
 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 ies of the second part, and to their heirs and assigns forever, And the
 said part ies of the first part, and their heirs, the said premises in the quiet and peaceable possession of
 the said part ies of the second part ies heirs and assigns, against the said part ies 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 ies of the first part have hereunto set their hands and
 seal 9 the day and year first above written.
 SIGNED, SEALED AND DELIVERED IN PRESENCE OF James A. Chadwick (SEAL)
Minnie J. Chadwick (SEAL)
Ellen Burnett Wheatley (SEAL)

DEED

3

205762 1-2

STEVEN R. FULLER

4:45
a.m. APR 01 1999 p.m.

DEED OF GIFT

V. ELLIOTT LARSEN, RECORDER
By Shauna Geddes Deputy

IN CONSIDERATION OF THE NATURAL LOVE AND AFFECTION OF THE GRANTORS, BERT MOSS WHEATLEY and ELLEN BURNETT WHEATLEY, Grantors,

do hereby grant, bargain, sell and convey unto

SETH T. WHEATLEY and BERT W. WHEATLEY, as tenants in common, each to own an undivided one-half interest, as their sole and separate properties,

whose current address is: c/o Seth Wheatley, 1598 East 3200 South, Preston, Idaho 83263, the Grantees, the following described premises in Franklin County, Idaho to wit:

SEE EXHIBIT "A" ATTACHED HERETO

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

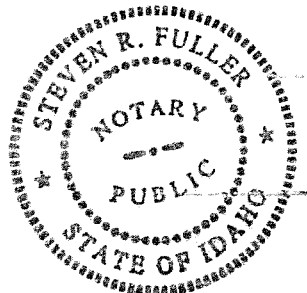
DATED: March 31, 1999.

Ellen Burnett Wheatley
ELLEN BURNETT WHEATLEY

Bert Moss Wheatley
BERT MOSS WHEATLEY

STATE OF IDAHO)
County of Franklin)

On this 31st day of March, 1999, before me, the undersigned a Notary Public in and for said State, personally appeared BERT MOSS WHEATLEY and ELLEN BURNETT WHEATLEY, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Steven R. Fuller
NOTARY PUBLIC for State of Idaho
Residing at: Preston, Idaho
Comm. Exp.: 2/19/05

3
205762 2-2

EXHIBIT "A"

Township 16 South, Range 40 East of the Boise Meridian, Franklin
County, Idaho

Section 7: Commencing at the Southwest corner of the Southeast
Quarter of Section 7, and running thence North 70
rods to the center of the State Highway; thence
South 39°50' East along the center of said highway
to a point which is 40 rods East and 19-1/2 rods
North of the point of beginning; thence South 19-
1/2 rods; thence West 40 rods to the place of
beginning.

THIS INDENTURE, made this 15th day of September
in the year of our Lord one thousand nine hundred and sixty-seven between
William D. Jack and wife Bonnalue Jack
County of
State of the part 1st of the first part, and
Hert Wheatley or wife Ellen Wheatley also known as Ellen Burnett Wheatley
County of
State of the part 1st of the second part.

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of
\$1.00 and other valuable consideration
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 1st of the second part, and their heirs and
assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at the SE corner of the SW 1/4 Section 7, Township 14 South, Range 40
East of the Boise Meridian, and running thence N 1156 feet to the center
of the State Highway; thence N 34 Degrees 40 feet W 1850 feet; thence W 1535
feet to the Section line; thence S 2640 feet; thence E 2450 feet; more or less,
to the place of beginning.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any
wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and
all estate, right, title and interest in and to 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 part 1st of the second part, and to their heirs and assigns forever. And the
said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable possession of
the said part 1st of the second part, their 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 hands and
seal this 15th day of September 1967.
WILLIAM D. JACK (SEAL)
BONNALUE JACK (SEAL)

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

WITNESSES
JAMES M. JACKSON (SEAL)
JAMES M. JACKSON (SEAL)
JAMES M. JACKSON (SEAL)

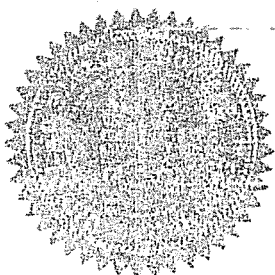
WILLIAM D. JACK (SEAL)
BONNALUE JACK (SEAL)
JAMES M. JACKSON (SEAL)
JAMES M. JACKSON (SEAL)
JAMES M. JACKSON (SEAL)

STATE OF IDAHO,
County of Franklin--ss.

On this 15th day of September in the year 1947, before me
a Notary Public in and for said State, personally appeared
William D. Pack and wife Bonnae Pack
known to me to be the person whose name is 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.

Constance Westover
Notary Public, Residing at Preston, Idaho



No. 148932

WARRANTY DEED

William D. Pack, et al

State of Idaho, et al
Dated 15th day of September, 1947.

STATE OF IDAHO,
COUNTY OF FRANKLIN--ss.

I hereby certify that this instrument was

filed for record at request of

State of Idaho, et al

at 4:45 minutes past 4:00

o'clock P. M. this 15th day

of February, A. D. 1947.

In my office, and duly recorded in Book

of _____ at page _____

By *Michael J. Atchley*
Deputy Recorder

Fee, \$ 3.00

Mail to _____ Deputy

RECORDED
INDEXED

148953

Recorded at the request of
Bert Wheatley
FEB 28 1979 5:45 p.m.Reception ☐
Indexed ☐MICHAEL D. KUNZ, RECORDER
By William C. Griffith Deputy
FRANKLIN COUNTY, IDAHO

DO NOT WRITE ABOVE THIS LINE

WARRANTY DEED

For Value Received

Bert Wheatley and Ellen Wheatley

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

Bert W. Wheatley, Seth T. Wheatley, Colleen Wheatley, and Mary Ellen
Wheatley Hodges, Route 1, Preston, Idaho 83263the grantees the following described premises, in Franklin County, Idaho, to wit:Commencing at the Southeast corner of the Southwest quarter of Section
7, Township 16 South, Range 40 East of the Boise Meridian, and running
thence North 1156 feet to the center of the State Highway; thence North
34 degrees 40 minutes West 1850 feet; thence West 1535 feet to the
Section line; thence South 2640 feet; thence East 2650 feet, more or less,
to the place of beginning.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said
Grantees & their heirs and assigns forever. And the said Grantors do hereby covenant
to and with the said Grantees, that they are the owners in fee simple of said premises;
that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 28 February 1979

Bert W. Wheatley
Ellen WheatleyState of Idaho
County of Franklin ss On the 28th day of February A.D. 1979

personally appeared before me Bert Wheatley and Ellen Wheatley

the signer(s) of the within instrument, who duly acknowledged to me that they
executed the same.Michael C. Griffith
(NOTARY PUBLIC)

Residing at: Preston, Idaho My Commission expires: life

Mail deed to:

Mail tax notice to:

197295 | -2

recorded at the request of

Steve Fuller

a.m. OCT 10 1995 4:35 p.m.

QUITCLAIM DEED

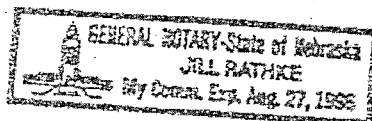
V. ELLIOTT LARSEN, RECORDER
By Donna L. Lusen Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

COLLEEN WHEATLEY EIKMEIER Rta COLLEEN WHEATLEY and MARY ELLEN WHEATLEY
HODGES,

do hereby convey, release, remise and forever quit claim unto

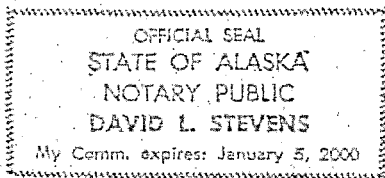
SETH T. WHEATLEY and BERT W. WHEATLEY,

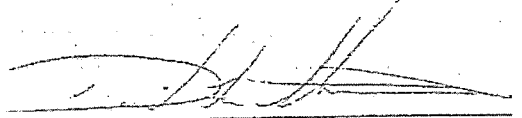
whose current address is: 1598 East 3200 South, Preston, Idaho 83263, each to own an undivided one-half ($\frac{1}{2}$)
interest in the following described premises, in Franklin County, Idaho, to-wit:Commencing at the Southeast corner of the Southwest Quarter of Section 7, Township 16 South, Range 40 East
of the Boise Meridian, and running thence North 1156 feet to the center of the State Highway; thence North
34°40' West 1850 feet; thence West 1535 feet to the Section line; thence South 2640 feet; thence East 2650 feet,
more or less, to the place of beginning.DATED: Aug - 2 - 96Colleen Wheatley Eikmeier
COLLEEN WHEATLEY EIKMEIER12 Aug - 96Mary Ellen Wheatley Hodges
MARY ELLEN WHEATLEY HODGESSTATE OF Nebraska)
County of Dodge)On this 2nd day of August, 1996, before me the undersigned, a Notary Public in and for said
State, personally appeared COLLEEN WHEATLEY EIKMEIER, known or identified to me to be the person
whose name is subscribed to the within instrument and acknowledged to me that she executed the same.Jill Rathke
NOTARY PUBLIC for State of Nebraska
Residing at: Wishner, NE
Comm. Expires: 8/27/96

197235 22

STATE OF Alaska
County of Third Judicial District ^{SS/}

On this 12 day of August, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared MARY ELLEN WHEATLEY HODGES, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.




NOTARY PUBLIC for State of
Residing at: Fort Richardson Alaska
Comm. Expires: 5 Aug 2000

228927 1-2

Recorded at the request of

Seth Wheatley

When Recorded Mail To:
Hallock & Hallock, a Professional Corporation
P.O. Box 4171
Logan, Utah 84323-4171

____ a.m. FEB 10 2005 p.m. 1:00

QUIT CLAIM DEED

V. ELLIOTT LARSEN, RECORDER
By Ruth K. Rawlings Deputy
FRANKLIN COUNTY, IDAHO

GRANTORS, Bert W. Wheatley and Seth T. Wheatley, of 1598 East 3200 South, Preston, Franklin County, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby QUIT CLAIM all of its right title and interest, if any, unto Wheatley Properties, L.L.C. of 1598 East 3200 South, Preston, Franklin County, State of Idaho, as GRANTEE, and to Grantee's heirs and assigns forever, all of the following described real estate situated in Franklin County, State of Idaho, to wit:

PARCEL 1:

Township 16 South, Range 39 East of the Boise Meridian, Franklin County, Idaho

Section 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$

EXCEPTING THEREFROM: Starting at the Northeast corner of Section 13, Township 16 South, Range 39 East of the Boise Meridian, and going West 523 feet to the Point of Beginning, thence South 222 feet, thence West 183 feet, thence North 222 feet, thence East 183 feet to the first corner.

PARCEL 2:

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 18: Commencing at the Northwest corner of Lot 1, Section 18, and running South 80 rods; thence East 18 rods 13 feet; thence North 80 rods; thence West 18 rods 13 feet to the place of beginning.

EXCEPTING FROM THE PROPERTIES FROM SECTIONS 13 AND 18 ABOVE:

Starting at the Northeast corner of Section 13, Township 16 South, Range 39 East of the Boise Meridian and running West 154 feet; thence South 222 feet; thence East 154 feet, to the Section line plus 54 feet further East in to Section 18, Township 16 South, Range 40 East of the Boise Meridian, thence North 222 feet, thence West 54 feet to the point of beginning.

PARCEL 3:

Commencing at the Southwest corner of the Southeast quarter of Section 7, Township 16 South, Range 40 East of the Boise Meridian, and running thence North 70 rods to the center of the State Highway; thence South 39 degrees 50' East along the center of said highway to a point which is 40 rods East and 19 $\frac{1}{2}$ rods North of the point of beginning; thence South 19 $\frac{1}{2}$ rods; thence West 40 rods to the place of beginning, containing 10.5 acres, more or less.

PARCEL 4:

Commencing at the Southeast corner of the Southwest Quarter of Section 7, Township 16 South, Range 40 East of the Boise Meridian, and running thence North 1156 feet to the center of the State Highway; thence North 34°40' West 1850 feet; thence West 1535 feet to the Section line; thence South 2640 feet; thence East 2650 feet, more or less, to the place of beginning.

228927 2-2

PARCEL 5:

Beginning 80 rods West of the Southeast corner of the Southwest Quarter of the Northwest Quarter of Section 7, Township 16 South, Range 40 East of the Boise Meridian; thence South 160 rods; thence West 80 rods; thence North 160 rods; thence East 78 rods; thence South 33 feet; thence East 33 feet; thence North 33 feet to the point of beginning.

TOGETHER with one-half interest of decreed Water Right No. 13-00216, with priority date of August 31, 1903, for irrigation;

ALSO, a non-exclusive right-of-way and easement to use and maintain an existing ditch for transport of the above-described water right, which ditch runs along the East side of grantor's property, which lies North and East of the above-described property.

Together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Subject to such rights, easements, covenants, restrictions, and zoning regulations as appear of record.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, the Grantors have subscribed their names to this instrument this _____ day of 12, 05 2005

Bert W. Wheatley
Bert W. Wheatley

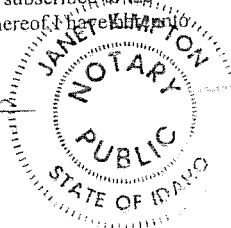
Seth T. Wheatley
Seth T. Wheatley

STATE OF IDAHO)
 : ss
County of Franklin)

On this 10th day of February 2005, before me the undersigned, a Notary Public for Idaho, personally appeared Bert W. Wheatley, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written above.

3-30-2006
My Commission expires

Jane Kington
Notary Public
Residing at:

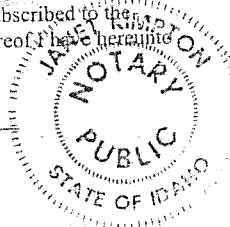


STATE OF IDAHO)
 : ss
County of Franklin)

On this 5th day of February 2005, before me the undersigned, a Notary Public for Idaho, personally appeared Seth T. Wheatley, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first written above.

3-30-2004
My Commission expires

Jane Kington
Notary Public
Residing at:



QUIT CLAIM DEED

For Value received BERT WHEATLEY AND ELLEN WHEATLEY, HUSBAND AND WIFE, Grantor(s),
do(es) hereby convey, release, remise and forever quit claim unto WHEATLEY PROPERTIES, L1
BERT & SETH WHEATLEY, OWNERS, Grantee(s),
the following described premises, to-wit:

Commencing at the Southwest corner of the Southeast quarter
of Section 7, township 16 South, Range 40 East of the Boise
Meridian, and running thence North 70 ¹¹⁵⁵ rods to the center of
the State Highway; thence South 39 degrees 50' East along the
center of said highway to a point which is 40 ⁶⁶⁰ rods East and
19 1/2 ^{321.75} rods North of the point of beginning; thence South
19 1/2 ^{321.75} rods; thence West 40 ⁶⁶⁰ rods to the place of beginning,
containing 10.5 acres, more or less.

together with their appurtenances.

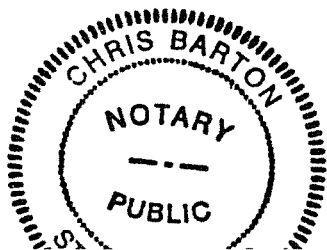
Dated: 12-4-2003

X Bert M Wheatley
BERT WHEATLEY

X Ellen Wheatley
ELLEN WHEATLEY

State of IDAHO
County of FRANKLIN

On this 4th day of DECEMBER, 2003, before me, a Notary Public in and for said State, personally
appeared BERT WHEATLEY AND ELLEN WHEATLEY, known or identified to me 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 witness whereof I have set my hand and affixed my official seal the day and year in this certificate
first above written.



Notary Public State of IDAHO
Residing at: PRESTON
Commission Expires: 11/13/06

209956

Recorded at the request of

When recorded mail to:

Jay R. McKenzie

a.m. MAY 26 2000 12:45 p.m.

WARRANTY DEED

V. ELLIOTT LARSEN, RECORDER
By Vanilla Larsen Deputy
FRANKLIN COUNTY, IDAHO

PATRICIA VAUGHAN AND JAMES TOWNSEND, TRUSTEES OF THE E & M TRUST DATED APRIL 25, 2000, GRANTOR OF FRANKLIN COUNTY hereby Convey and Warrants to SETH WHEATLEY AND BURT WHEATLEY, Jr., grantee of FRANKLIN COUNTY for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of Idaho.

BEGINNING 80 RODS WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN; THENCE SOUTH 160 RODS; THENCE WEST 80 RODS; THENCE NORTH 160 RODS, THENCE EAST 78 RODS; THENCE SOUTH 33 FEET; THENCE EAST 33 FEET; THENCE 33 FEET NORTH TO THE POINT OF BEGINNING.

TOGETHER WITH 1/2 INTEREST OF DECREED WATER RIGHT NO. 13-00216, WITH PRIORITY DATE OF AUGUST 31, 1903, FOR IRRIGATION;

ALSO, A NON-EXCLUSIVE RIGHT-OF-WAY AND EASEMENT TO USE AND MAINTAIN AN EXISTING DITCH FOR TRANSPORT OF THE ABOVE DESCRIBED WATER RIGHT, WHICH DITCH RUNS ALONG THE EAST SIDE OF GRANTOR'S PROPERTY, WHICH LIES NORTH AND EAST OF THE ABOVE-DESCRIBED PROPERTY..

WITNESS, THE HAND OF SAID GRANTOR, THIS 3rd DAY OF May, 2000

Patricia Vaughan (SEAL)
Patricia Vaughan, Trustee

James Townsend (SEAL)
James Townsend, Trustee

State of Maryland

SS:

County of Harford

On the 3rd day of May, 2000, personally appeared before me PATRICIA VAUGHAN and JAMES TOWNSEND who duly acknowledged to me that they executed the same.

Lisa S. Holcomb
NOTARY PUBLIC 2-15-04

