

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74658
Amended**JAN 19 2011****APPLICATION FOR TRANSFER OF WATER RIGHT****PART 1****AMENDED**

Department of Water Resources

Name of Applicant(s) Brad SmithPhone 208-427-6649Mailing address 412 River Road, Grace, ID 83241

Email _____

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

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

☐ No RepresentativeName of Representative Thomas J. Budge, AttorneyPhone 208-232-6101Mailing address PO Box 1391, Pocatello, ID 83204-1391Email tjb@racinelaw.net

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

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


Signature of Applicant or Authorized Representative

Thomas J. Budge, Attorney
Print Name and Title if applicable

1-15-11
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. The purpose of this transfer is to swap water right 13-679 with water right 13-681A. The places of use of these water rights will trade places as a result of this transfer.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☒ All or Part	13-681A	2.0 cfs	Irrigation	4/20 to 9/30	Pats Hollow Creek/Bear Rvr.
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 2.0 cfs cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 2.0 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
No			SE	SE	4	11S	40E	Caribou	Pats Hollow Creek	
			SE	SE	4	11S	40E	Caribou	Sand Springs	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	10											40						40
11S	40E	9																22	22
11S	40E	15					40	40											80

Total Acres (for irrigation use) 100 PPU

142 PPU

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Water is diverted from Pats Hollow and from Sand Springs into an open ditch by adjustable headgates. Measuring devices could be installed at the headgates if necessary.

- b. Who owns the property at the point(s) of diversion? Craig Wilker

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Prescriptive Easement; Idaho Code 42-1102

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: The land irrigated under water right 13-681A will become irrigated under water right 13-679 pursuant to companion transfer no. 74659.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None

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

Yes No

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

If yes, describe: _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

1/15/2011

WATER RIGHT NO. 13-681A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE D ANDERSON

Priority Date: 05/02/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PATS HOLLOW CREEK	BEAR RIVER
SAND SPRINGS	BEAR RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/20	9/30	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

SAND SPRINGS	SESE	Sec. 04	Township 11S	Range 40E	CARIBOU County
PATS HOLLOW CREEK	SESE	Sec. 04	Township 11S	Range 40E	CARIBOU County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
11S	40E	15		SENE SENW NESW										

Conditions of Approval:

1. Split into parts A & B by transfer no. 3688.

Dates:

Licensed Date:

Decreed Date: 07/14/1920

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: 11

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

7 4 6 5 8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 74658Amended

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

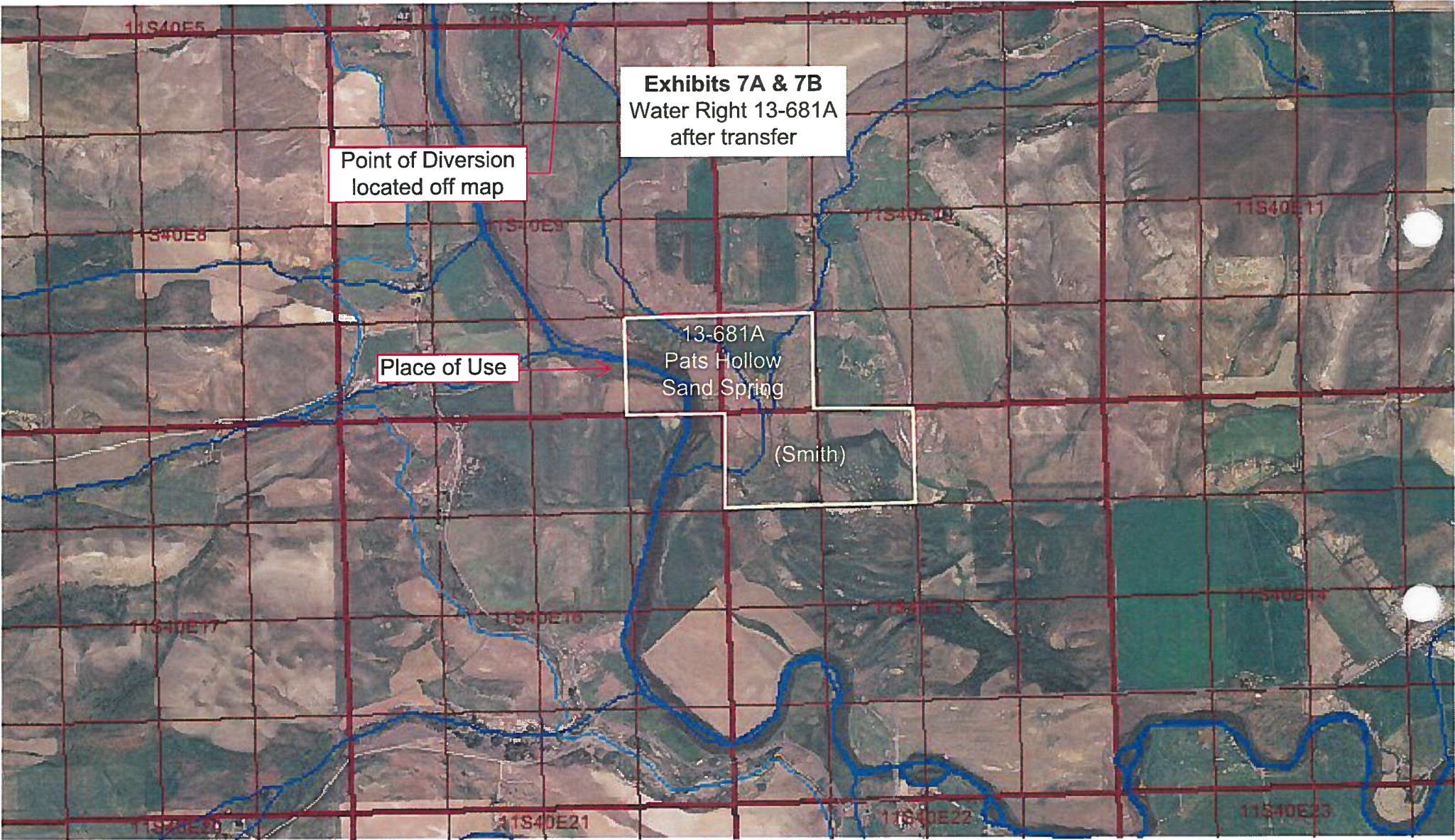
An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department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

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

- | Yes | N/A | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☐ | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at:
http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf . |
| ☒ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) |

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

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



74658

TRANSFER NO. 74658

ATTACHMENT 2A AND 2B

DEED RECORD

Instrument No. 59249

This Indenture. Made the 16th day of May in the year of our Lord One Thousand Nine Hundred and nineteen between John W. Harrington, and Ella Christina Harrington, his wife of Thatcher County of Bannock State of Idaho the party of the first part, and Nels B. Johnson, and Minnie A. Johnson, of Idaho County of Bannock State of Idaho the party of the second part.

Witnesseth: That the said party of the first part, for and in consideration of the sum of Seven Thousand Dollars (\$7000.00) DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey and confirm unto said party of the second part and to his heirs and assigns forever: All that certain lot, piece or parcel of land, situate, lying and being in the County of Bannock, and State of Idaho, bounded and more particularly described as follows, to-wit:

North $\frac{1}{2}$ of the North West $\frac{1}{4}$ of Sec. 15. The South West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of Section 24, and the South East $\frac{1}{4}$ of the South East $\frac{1}{4}$ Sec. nine in Township Eleven South of Range 40 E.B.M. Containing One Hundred and Sixty acres.

Also all of the water of the Cole Spring situated in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 11 township 11 N. 40 E.B.M.

\$7.00 IRS attached and cancelled

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any way or 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 thereto incident, unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said party of the first part, and his 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 party of the first part has hereunto set their hand and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

R. K. Thatcher

Core L. Thatcher

John W. Harrington

Christena Harrington

[Seal]

[Seal]

[Seal]

State of Idaho,

County of Bannock

On this 16th day of May in the year 1919, before me, R. K. Thatcher a Notary Public in and for said County, personally appeared John W. Harrington and his wife, Ella Christina Harrington 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.

R. K. Thatcher, Notary Public

My residence is Thatcher, Id

[SEAL]

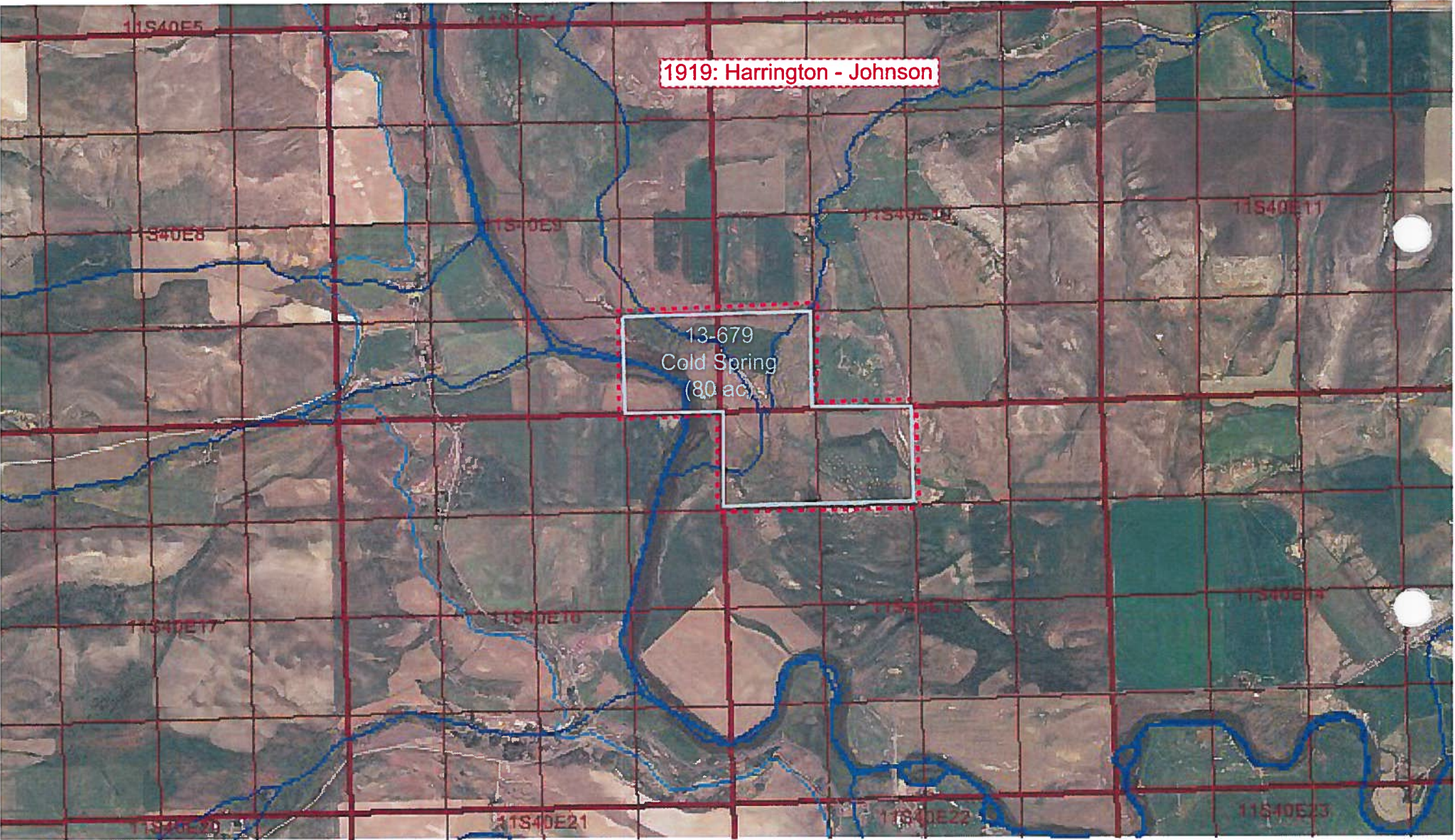
Recorded at the request of R. R. Wilson, at 2:36 P.M., May 22, 1919.

By Lillian Sponberg

Deputy. Fee, \$ 1.00

C. W. Pomeroy,

Recorder



74658

At request of Caribou Abstract
November 30, 1950 at 9:18 a.m.
Fee \$1.40

Seal

S. G. Matthews Notary Public
Residence Soda Springs, Idaho
My Commission Expires: 7-28-52

Recorder

--- O U ---

Instrument #28018

THIS INDENTURE, made this 20th day of December in the year of our Lord, One Thousand Nine Hundred and forty between NELS P. JOHNSON, a widower of Grace, County of Bannock, State of Idaho, the party of the first part, and FRANK WILLIAM JOHNSON and GRACE JOHNSON, his wife of Grace, County of Bannock, State of Idaho, the parties of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATIONS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged so by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Bannock, State of Idaho, and more particularly described as follows, to-wit:

NW1/4 Section 15; SW1/4 Section 16, and SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cole or Cold Spring, situate in the NW1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands, or appertaining thereto.

SUBJECT to any and all incumbrances placed against the above described property by reason of the acts or omissions of said grantees herein.

(#4.15 I.R. Stamps)

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 parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and his heirs warrant the said premises in the quiet and peaceable possession of the said parties of the second part, 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 party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the Presence of _____

Nels P. Johnson (Seal)

STATE OF IDAHO)
:ss.
County of Bannock)

On this 20th day of December in the year 1940, before me the undersigned, Roy L. Black, a Notary Public in and for said County and State, personally appeared NELS P. JOHNSON a widower 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 in this certificate first above written.

At request of Frank Wm. Johnson
December 1, 1950 at 2:20 p.m.
Fee: \$1.40

Seal

Roy L. Black Notary Public
Residence Pocatello, Idaho
Com. Exp. 6-2-44

Recorder

--- O O O ---

At request of Marvin S. Stoor
December 2, 1950 at 10:30 a.m.
Fee \$1.40

Helen Peterson Notary Public
Residence Milton, Oregon
My Commission Expires: Oct. 20, 1952

Seal

Colin Chester
Recorder

--- 00 ---
WARRANTY DEED

Instrument #28034

THIS INSTRUMENT, Made this First day of December, in the year of our Lord, One Thousand Nine Hundred and Fifty, between Frank William Johnson and Grace Johnson, his wife, of Grace, County of Caribou, State of Idaho, the parties of the first part, and MILTON SMITH, of Grace, County of Caribou, State of Idaho, the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE AND NO/100THS DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged together with other good and valuable considerations, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever; All those certain lots, pieces or parcels of land situate, lying and being in the County of Caribou, State of Idaho, bounded and more particularly described as follows, to-wit:

NE1/4 Section 15; SW1/4 Section 10; and SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cole or Cold Springs, situate on the NE1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands or thereunto appertaining.

Subject to any and all visible and/or recorded rights-of-way or easements, if any, lying over, across, or through, under or along above described premises, and to taxes for the year 1951 and subsequent years.

(\$4.40 I.R. Stamps)

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 therunto incident unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns against the said parties of the first part, and their heirs and against all and every person 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 parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of D.L. Beck

Frank William Johnson (Seal)
Grace Johnson (Seal)

STATE OF IDAHO)
) ss.
County of Caribou)

On this first day of December in the year 1950, before me, Colin Chester, a Clerk of the District Court, in and for said County, personally appeared Frank William Johnson and Grace Johnson, his 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.

At request of Milton Smith
Dec. 2, 1950 at 10:55 a.m.
Fee \$1.40

Seal

Colin Chester
Recorder

Colin Chester Clerk of District Court
Caribou County, State of Idaho
Residence Soda Springs, Idaho



74658

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by ALICE CYNTHIA LEAVITT SMITH, as Personal Representative of the Estate of Milton Robbins Smith, Deceased, Grantor, to BRADLEY MILTON SMITH, a married man, as his sole and separate property, Grantee, whose address is 412 River Road, Grace, Idaho 83241.

RECITALS

WHEREAS, Grantor is the qualified Personal Representative of the Estate of Milton Robbins Smith, filed as Probate Case No. SP-99-1438 in Caribou County, Idaho; and

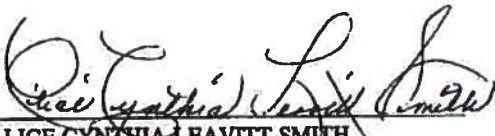
WHEREAS, Letters of Personal Representative were issued on the 14th day of June, 1999, evidencing the appointment and qualification of Alice Cynthia Leavitt Smith as Personal Representative, copy of which is attached hereto; and

WHEREAS, Grantee is entitled to distribution and conveyance of real property owned by the Decedent.

THEREFORE, pursuant to the foregoing, Grantor hereby transfers and conveys to Grantee the Decedent Milton Robbins Smith's undivided one-half interest in the following-described real property located in Caribou County, Idaho, together with all appurtenances, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED BY REFERENCE.

DATED this 25th day of August, 1999.


ALICE CYNTHIA LEAVITT SMITH
Personal Representative

PERSONAL REPRESENTATIVE'S DEED - 1

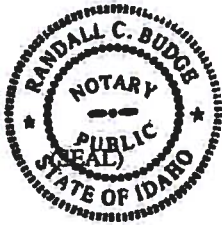
STATE OF IDAHO } ss 159746
County of Caribou }
I hereby certify that this instrument was filed at the request
of Randall C. Budge
at 9:00 o'clock A in this 30 day of
August, 1999 in my office and duly
recorded official Records
Recorder Edie Izett
Denise Housley Deputy
Signature Deputy

STATE OF IDAHO

County of Bannock)
: ss
)

On this 25th day of August, 1999, before me, the undersigned Notary Public in and for said State, personally appeared Alice Cynthia Leavitt Smith, Personal Representative of the Estate of Milton Robbins Smith, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she signed 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: Beaumont, Id.
My Commission Expires: 10/11/2000

PERSONAL REPRESENTATIVE'S DEED - 2

EXHIBIT "A"

- A. The East half of the Northwest quarter, and the South half of the Northeast quarter of Section Eight in Township Eleven South of Range Forty East of the Boise Meridian, Idaho, containing one hundred and sixty acres, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General. Caribou County, State of Idaho.

- B. The Southeast Quarter of the Southeast Quarter of Section 10, and the Northeast Quarter of Section 15, Township 11 South, Range 40 East of the Boise Meridian.

Also, 2 cubic feet of water per second, from Pats Hollow or Sand Springs, originally decreed to George D. Anderson, and with priority of May 2, 1884. Caribou County, State of Idaho.

- C. N1/2NW1/4 Section 15; SW1/4SW1/4 Section 10; and SE1/4SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cole or Cold Springs, situate on the NE1/4NW1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands or thereunto appertaining. Caribou County, State of Idaho.

- D. Lots Three and Four, the West half of the Southeast quarter, and the Southwest Quarter (comprises all of the South half) of Section Twelve; Lots One and Two and the West half of the Northeast quarter of Section Thirteen (comprises the Northeast quarter of Section 13); all in Township Eleven South, Range Thirty-nine East of the Boise Meridian; and also Lot Two of Section Eighteen, in Township Eleven South, Range Forty East of the Boise Meridian; and also

The Northeast quarter of the Northeast quarter of Section Eight; the West half of the

W.R. S.

TW

Northwest quarter of Section Nine; and all that portion of the Southeast quarter of the Northwest quarter of Section Nine lying and being WEST of the County Road, as the same now exists; all in Township Eleven South, Range Forty East of the Boise Meridian. Subject to Patent Reservations; rights-of-way and easements as the same now exist, whether evidenced of record or otherwise; to any mortgaged indebtedness now against said premises, the unpaid balance of which the second party agrees to assume and pay; and subject to taxes for the year 1957 and subsequent years. Caribou County, State of Idaho.

- E. A tract of land located in the S2 SW4 Sec. 9, T11S, R40E, B.M., Caribou County, Idaho described as follows: Beginning at a point 1623.6 feet, more or less, South and 1268.9 feet, more or less, East of the NW corner of the SW4 of said Sec. 9; thence S 13047' E, (considering the section line between Sec. 8 & 9 as due South) along the Easterly right-of-way of the Gentile Valley County Road, 330 feet; thence N 760 13' E 220 feet; thence N 130 47' W 330 feet; thence S 760 13' West 220 feet to the point of beginning; Containing 1.67 acres, more or less. Caribou County, State of Idaho.
- F. Two lots in Thatcher Cemetery.

Mr. A. L.
L.F.
TU



74658

WARRANTY DEED
(GIFT)

For love and affection, ALICE CYNTHIA LEAVITT SMITH, a widow, hereinafter Grantor, does hereby grant, give and convey unto BRADLEY MILTON SMITH, a married man, as his sole and separate property, whose address is 412 River Road, Grace, Idaho 83241, hereinafter referred to as Grantee, Grantor's undivided one-half community property interest in the following described real property located in Caribou County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED BY REFERENCE.

SUBJECT TO A LIFE ESTATE RESERVED IN FAVOR OF
GRANTOR ENTITLING HER TO THE USE AND
POSSESSION OF THE DESCRIBED PROPERTY FOR LIFE.

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

DATED this 25th day of August, 1999.

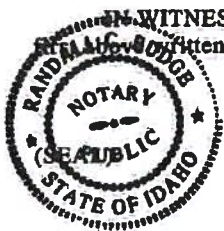
Alice Cynthia Leavitt Smith
ALICE CYNTHIA LEAVITT SMITH

STATE OF IDAHO)

County of Bannock) : ss

On this 25th day of August, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Alice Cynthia Leavitt Smith, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.

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



Randall C. Budge
NOTARY PUBLIC FOR IDAHO,
Residing at: Bozelle, Id.
My Commission Expires: 10/1/2000

EXHIBIT "A"

- A. The East half of the Northwest quarter, and the South half of the Northeast quarter of Section Eight in Township Eleven South of Range Forty East of the Boise Meridian, Idaho, containing one hundred and sixty acres, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General. Caribou County, State of Idaho.
- B. The Southeast Quarter of the Southeast Quarter of Section 10, and the Northeast Quarter of Section 15, Township 11 South, Range 40 East of the Boise Meridian.

Also, 2 cubic feet of water per second, from Pats Hollow or Sand Springs, originally decreed to George D. Anderson, and with priority of May 2, 1884. Caribou County, State of Idaho.

- C. N1/2NW1/4 Section 15; SW1/4SW1/4 Section 10; and SE1/4SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cole or Cold Springs, situate on the NE1/4NW1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands or thereunto appertaining. Caribou County, State of Idaho.

- D. Lots Three and Four, the West half of the Southeast quarter, and the Southwest Quarter (comprises all of the South half) of Section Twelve; Lots One and Two and the West half of the Northeast quarter of Section Thirteen (comprises the Northeast quarter of Section 13); all in Township Eleven South, Range Thirty-nine East of the Boise Meridian; and also Lot Two of Section Eighteen, in Township Eleven South, Range Forty East of the Boise Meridian; and also

The Northeast quarter of the Northeast quarter of Section Eight; the West half of the

HP
M.R. &

TU

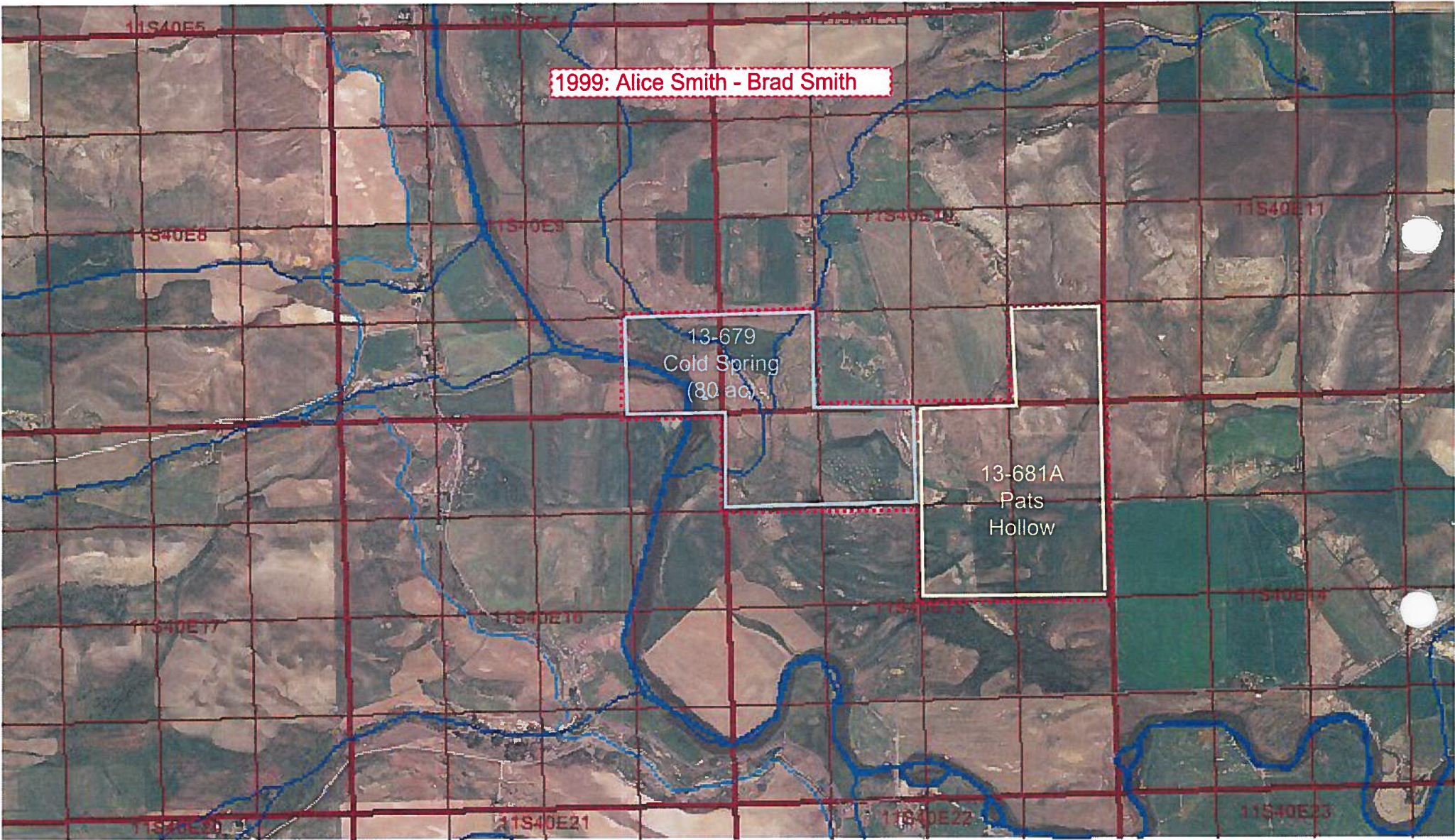
Northwest quarter of Section Nine; and all that portion of the Southeast quarter of the Northwest quarter of Section Nine lying and being WEST of the County Road, as the same now exists; all in Township Eleven South, Range Forty East of the Boise Meridian. Subject to Patent Reservations; rights-of-way and easements as the same now exist, whether evidenced of record or otherwise; to any mortgaged indebtedness now against said premises, the unpaid balance of which the second party agrees to assume and pay; and subject to taxes for the year 1957 and subsequent years. Caribou County, State of Idaho.

- E. A tract of land located in the S2 SW4 Sec. 9, T11S, R40E, B.M., Caribou County, Idaho described as follows: Beginning at a point 1623.6 feet, more or less, South and 1268.9 feet, more or less, East of the NW corner of the SW4 of said Sec. 9; thence S 13047' E, (considering the section line between Sec. 8 & 9 as due South) along the Easterly right-of-way of the Gentile Valley County Road, 330 feet; thence N 760 13' E 220 feet; thence N 130 47' W 330 feet; thence S 760 13' West 220 feet to the point of beginning; Containing 1.67 acres, more or less. Caribou County, State of Idaho.
- F. Two lots in Thatcher Cemetery.

STATE OF IDAHO }
County of Caribou } ss 159747
I hereby certify that this instrument was filed at the request
of Randall C. Budge
at 9:00 o'clock A m this 30 day of
August, 1959 In my office and duly
recorded Official Records
Recorder, Edie Izatt
Signature Edie Izatt Deputy gss

M. A. 1
15
TV

24658



TRANSFER NO. 74659

ATTACHMENT 2A AND 2B

INSTRUMENT NO. 156899

THIS INSTRUMENT, made this Twelfth day of December, in the year of our Lord one thousand nine hundred and twenty-seven between CHARLES LUND AND WIFE, ALMA LUND, of the County of Jannock State of Idaho the parties of the first part, and LEO N. ANDERSON of the County of Jannock State of Idaho the party of the second part.

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

The West half of the Northeast quarter of Section 15, in Township 11, South of Range 40, East of the Boise Meridian, containing 80 aces.

This deed is made subject in all respects to a mortgage indebtedness to the UTAH MORTGAGE LOAN CORPORATION, which the grantee herein assumes and agrees to pay, together with all interest thereon from January 1st, 1928.

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

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

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

Witness my hand and seal this 12th day of December, 1927.

O. J. Dunn
Notary Public

Charles Lund
Alma Lund

(Seal)
(Seal)

STATE OF IDAHO,
County of Jannock.

On the Twelfth day of December, in the year 1927, before me Willard Faulson, a Notary Public in and for said State, personally appeared Charles Lund and wife, Alma Lund known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(Seal) Willard Faulson
Notary Public, Residing at Logan, Utah.
My commission expires May 9th, 1928.

I hereby certify that this instrument was filed for record at request of Leo N. Anderson at 1 minutes past 4 o'clock A.M. this 1 day of March A. D. 1928 in my office and duly recorded in Book 50 of Deeds at page 189.

Fee \$1.00

INSTRUMENT NO. 156910

THIS INSTRUMENT, made this 23rd day of February in the year of Lord one thousand nine hundred and twenty-eight between CHARLES W. MILLER and his wife, ALMA LUND, of the County of Jannock State of Idaho the parties of the first part, and LEO N. ANDERSON of the County of Jannock State of Idaho the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten DOLLARS, gold coin of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to their heirs and assigns forever, all the following described real estate, situated in County of Jannock State of Idaho, to-wit:

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thereof.

Dated

STATE OF IDAHO
County of Jannock

I, Will
acting Judge of
full, true and
property in the
office.
IN WIT
said court this 1

RECORDED MAR 3 19
State of Idaho
William H. Hengberg

INSTRUMENT NO. 1

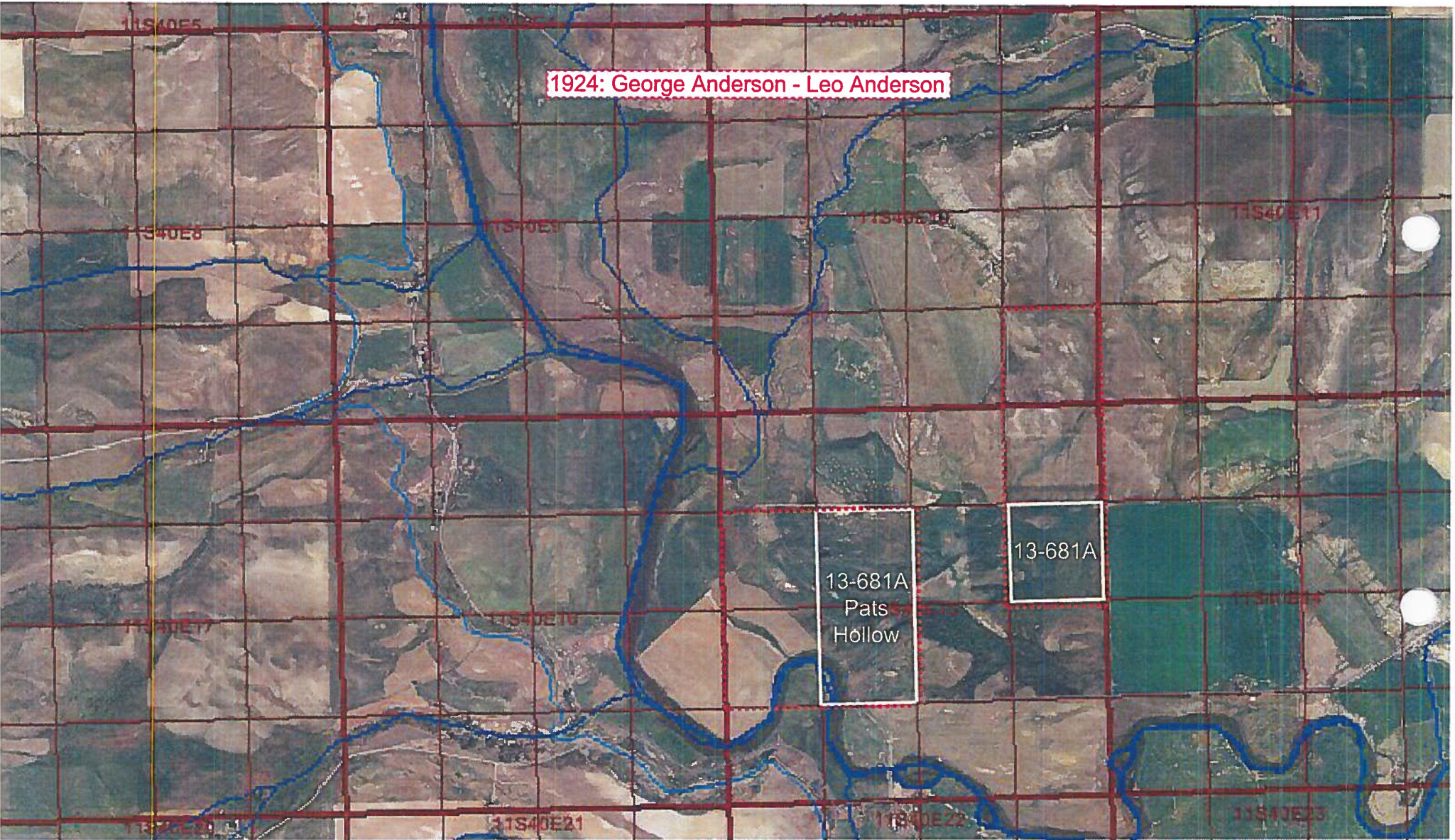
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banking corporation

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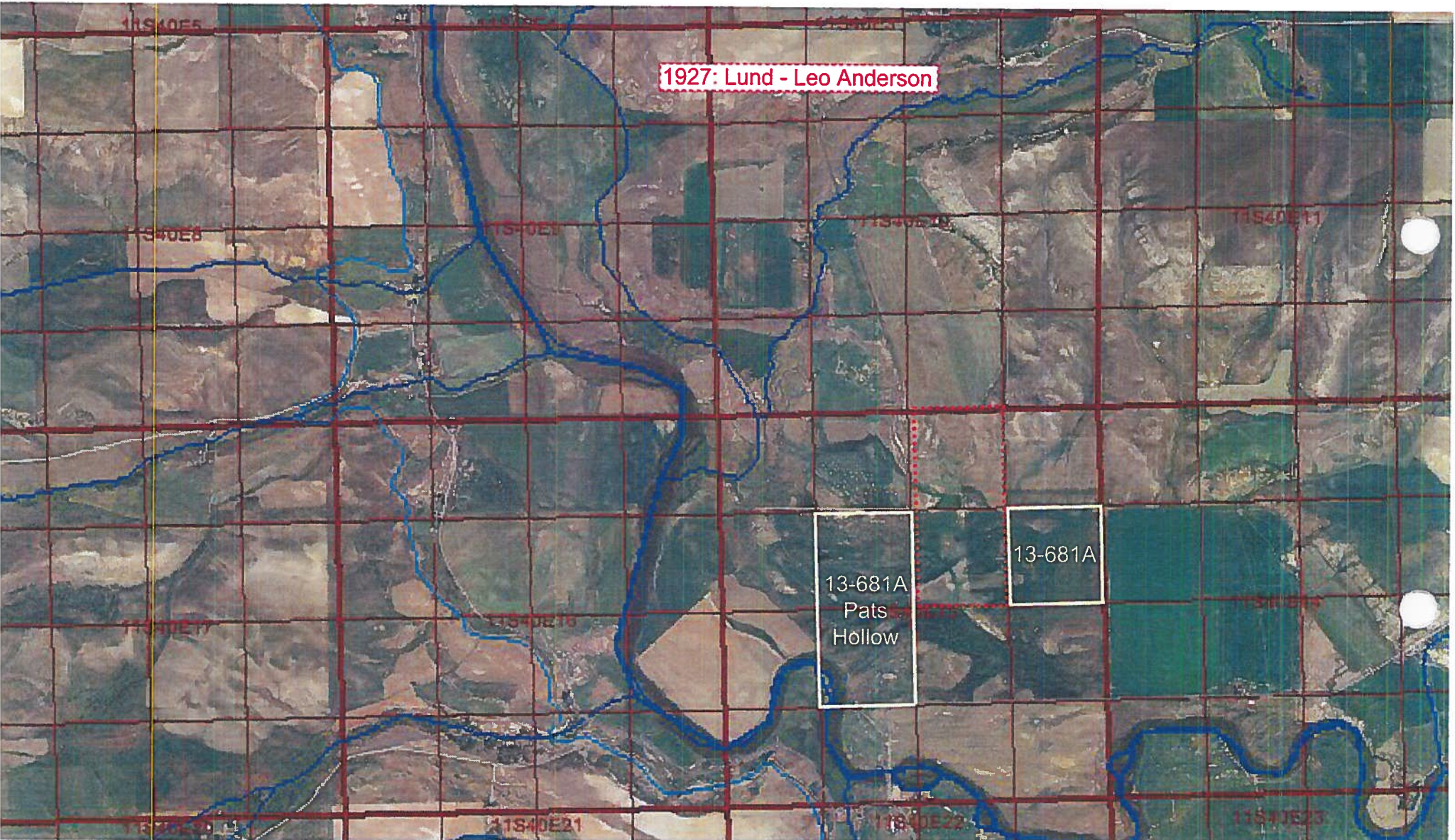


1924: George Anderson - Leo Anderson

13-681A
Pats
Hollow

13-681A

74658



1927: Lund - Leo Anderson

13-681A
Pats
Hollow

13-681A

74653
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STATE OF IDAHO, } ss.
County of Bannock }

On this fifth day of December in the year 1926, before me A. T. Smith a Notary Public in and for said State, personally appeared Myron Fornan and wife, Isabelle Fornan and John N. Fornan and wife, Elizabeth Fornan 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.
A. T. Smith
Comm. Ex. May 7, 1924. (Seal) Notary Public, Residing at Cleveland, Idaho.

I hereby certify that this instrument was filed for record at request of B T A Co. at 46 minutes past 3 o'clock P.M., this 21 day of Jan. A.D. 1927 in my office, and duly recorded in Book 64 of Deeds at page 607.

Grace L. Hall, Recorder

Fee \$1.00

Anna Kears, Deputy

INSTRUMENT NO. 154768

KNOW ALL MEN BY THESE PRESENTS:

THAT Leo M. Anderson and Emma F. Anderson, man and wife, of the County of Bannock and State of Idaho, for and in consideration of the sum of Five Thousand and no/100 Dollars in hand paid do hereby grant, bargain, sell, convey and confirm unto Reed Anderson, of the County of Bannock and State of Idaho, the following described real estate situated in Bannock County, and State of Idaho, to-wit:

The Southeast Quarter of the Northeast Quarter of Section Fifteen (15) Township Eleven (11), South Range Forty (40) East of the Boise Meridian, containing 40 acres.

Also the Southeast Quarter of the Southeast Quarter of Section Ten (10) and the Northeast Quarter of the Northeast Quarter of Section (15) Township Eleven (11) South of Range Forty (40) East of the Boise Meridian, containing 80 acres.

Together with all water right used upon the said property and decreed to George D. Anderson by decree of Federal court for use thereon.

Also 116 shares of the Capital Stock of The Last Chance Canal Co. Ltd. as evidenced by certificate number for shares and certificate number for transfer.

TO HAVE AND TO HOLD the premises above described, together with all the Tenements, Hereditaments and Appurtenances thereto belonging unto the said Reed Anderson and to his heirs and assigns forever. And they do hereby covenant with the said Grantor and with his heirs and assigns, that they lawfully owned or sold the same; that they are free from all encumbrances FREE, that they have good right and lawful authority to sell the same and that they hereby warrant and defend the title to said premises against the lawful claims of all persons when asserted.

And the said Leo M. Anderson and Emma F. Anderson, man and wife hereby relinquish all their rights, interests, titles and claims, in and to the above described premises.

Signed this 30th day of December, A.D., 1926.

Leo M. Anderson
Emma F. Anderson

In presence of

STATE OF IDAHO } ss.
Bannock County }

On this 30th day of December, A.D. 1926, before me, the undersigned Alvin Whitehead a Notary Public, duly commissioned and qualified for and residing in said County, personally came Leo M. Anderson and Emma F. Anderson, man and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument as grantors and acknowledged the same to be their voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

(Seal)

Alvin Whitehead Notary Public
My commission expires the 25 day of May, 1928.

Entered in Numerical Index and filed for record in the office of the Register of Deeds of said County, the 21 day of Jan. 1927, at 4:20 o'clock and minutes P.M., and duly recorded in Book 64 of Deeds on page 608.

Grace L. Hall, Recorder

Fee \$1.00

Gratia Wright, Deputy

INSTRUMENT

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In presence

STATE OF IDAHO

County of Bannock

Cardley a
Notary Public
for the State
of Idaho

(Seal)

of Deeds in

Book 64

Page 608

INSTRUMENT

Notary Public

for the State

of Idaho

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the presence

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executor

of the estate

of the deceased

WRIGHT,

74658



1930: Leo Anderson - Reed Anderson

13-681A
Pats
Hollow

13-681A

against all and every person and persons whomsoever, lawfully claiming or to claim same and will WARRANT and by these presents forever ENDED.

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

Signed, Sealed and Delivered in the Presence of
Leo Hazel (Seal)
Luella Fay Hazel (Seal)

STATE OF IDAHO,
County of Twin Falls, ss.

On this 15th day of February in the year 1933 before me the undersigned, a Notary Public in and for said State Personally appeared Leo Hazel and Luella Fay Hazel, his 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.

V. P. Haney
Notary Public residing at Twin Falls,
Idaho.

I hereby certify that this instrument was filed for record at request of V. P. Haney, Notary at 10 minutes past 1 o'clock P.M., this 15th day of Feb., A.D., 1933 in my office, and duly recorded in Book 64 of Deeds at page 107.
State L. Hall, Recorder
Fee \$1.00

INSTRUMENT NO. 165212

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO.

In the Matter of the Estate of

Reed Anderson,

Deceased.

DECREE OF SETTLEMENT OF FINAL
ACCOUNT AND IN DISTRIBUTION.

The Petition of Ernest Anderson, the Administrator of the Estate of Reed Anderson, deceased, for the settlement of his final account as Administrator of said Estate and for final distribution of the property of said estate, came on regularly for hearing this day, 2d day of March, 1933, appearing as attorney for Petitioner, evidence was duly submitted by the Petitioner and said Petition submitted to the Court for decision, and the Court being fully advised in the premises, both as to the law and the facts, now gives its decision, as follows:

That said Reed Anderson died intestate at Logan City, Cache County, Utah, on April 6, 1932, being at the time of his death a resident of Bannock County, State of Idaho and leaving real and personal property in said County.

That Petitioner is the duly appointed, qualified and acting Administrator of the Estate of said deceased.

That said Administrator has given and published due and legal notice to the creditors of said deceased and of his Estate and that more than six months have elapsed since the date of the first publication thereof, and that all of the debts of said deceased and all of the expenses of his last illness and his death and all expenses and costs of the administration of his Estate and all taxes due on the Estate property have all been paid and settled and that no inheritance or transfer tax is due from the said Estate or the heirs at law thereof to the State of Idaho, and that said Estate is now in a condition to be closed, and the property thereof distributed to the heirs at law of said deceased.

That said Administrator has fully complied with the laws of the State of Idaho, in the administration of said Estate, and that said Estate is fully and completely administered and that said Administrator has filed true copies of Petitioners, Orders, Decrees and Inventories with the State Auditor of the State of Idaho, and with the County Clerk and Treasurer of Bannock County, Idaho, and with all other persons as required by law, and that all of the property of said Estate is fully and completely discharged from any and all lien from inheritance or transfer tax to the State of Idaho or otherwise, and that no inheritance or transfer tax is due from the said Estate to the State of Idaho.

That said deceased left the following described property, to-wit:

The Southeast quarter of the northeast quarter of section 15, Township 11 south of range 40 east of the Boise Meridian, containing 40 acres.

Also the southeast quarter of the southeast quarter of section 10, and the northeast quarter of the northeast quarter of section 15, Township 11 south of range 40 east of the Boise Meridian, containing 30 acres.

Together with all water right used upon the said property and decreed to George D. Anderson by decree of Federal Court for use thereon.

Also 116 shares of the capital stock of the Last Chance Coal Company, L.C.C.

and the sum of \$275.95 in cash, which is ready for and subject to distribution among the

heirs at law of said deceased, and that all of the said property is and was the separate property of said deceased.

That the final account of said Administrator, as the same has been presented and filed, should be allowed, approved and settled, in every particular.

That said deceased left him surviving the following named heirs at law, to-wit, Pearl A. Riika, sister; Ernest Anderson, brother; Leo Anderson, brother; Inez A. Banks, sister; and Eva Anderson, sister; and that he left no other heir at law and left no issue of any deceased child, and that all of said heirs are of legal age.

That said property should be divided, distributed and partitioned among said heirs at law, equally, in all respects, share and share alike.

That Alice M. Anderson has presented her claim to the Administrator of said Estate for the payment of \$250.00 annually, payable on November 1st of each year, beginning November 1, 1932, without interest, and payable as long as the said claimant shall live, out of the Estate of said Deceased, and that said claim has been duly allowed and a decree by the Administrator and by the said Court and is a valid and subsisting claim against the said Estate and a lien upon the property thereof.

LOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that the said final account of said Administrator as the same was presented and filed, be and the same is hereby approved, allowed and settled.

That no inheritance or transfer tax is due to the State of Idaho from said Estate.

It is further ORDERED, ADJUDGED and DECREED that all of said property here described, be and the same is hereby distributed and decreed to the said heirs at law (said deceased, named above herein, in equal undivided parts, share and share alike, it being, however, to the lien of the said Alice M. Anderson, hereinabove set forth.

Done in open court this 4 day of November, A.D. 1932.

Th. A. Hyde
Probate Judge.

State of Idaho,
ss.
County of Blaine.

This is to certify that the above foregoing is a full, true and correct copy of the Original Decree of Settlement of Final account and final Distribution in the matter of the estate of Ernest Anderson, Deceased as the same appears on file and of record in my office.

Dated this 4 day of November 1932.

(Seal)

Th. A. Hyde, Probate Judge and
Ex-Officio Clerk of said Court.

RECORDED Feb 21 1933 8 34 AM in Book 68 of Deeds page 349, Records of Blaine County, State of Idaho, at request of Ernest Anderson.

Trace L. Hall, Recorder

Fee \$1.60

Anna Koefc, Deputy

EXHIBIT No. 169200

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, Made the 6th day of February in the year of our Lord One Thousand Nine Hundred and Thirty-three between ROSE L. ROSEN, formerly ROSE L. RALPH and parties of the first part, and J. J. ISOLIN of Pocatello, of the County of Blaine and State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby present demise, release and forever quit claim unto the said party of the second part, and in his heirs and assigns, all those certain lots, pieces or parcels of land situated in Blaine County, of the State of Idaho, particularly described as follows, to-wit:

Commencing at North corner of Lot twelve in Block fifty-one in the City of Pocatello, and running thence in a Southeasterly direction parallel with Lander Street a distance of forty-five feet, thence at right angles in a Southeasterly direction parallel with Fourteenth Avenue a distance of sixty feet to Clark Street, thence at right angles in a Northeasterly direction along line between Lots eleven and Clark Street a distance of forty-five feet to alley, thence at right angles in a Northeasterly direction along line between Lots eleven and twelve and said alley a distance of sixty feet to place of beginning, same being Easterly forty-five feet of lot, according to official plat of survey of said lands returned to General Land Office by Surveyor General.

\$2.00 L. R. S. Attached and Cancelled.

INSTRUMENT NO. 191765

WARRANTY DEED

THIS INSTRUMENT, made the 13 day of November, in the year of our Lord One Thousand Nine Hundred and Thirty-six, between SARAH K. FRANCIS, a widow of Idaho, County of Bannock, State of Idaho, the party of the first part, and W. L. Francis, Ella Francis and Fannie Elizabeth Francis, all of Idaho, Bannock County, Idaho; J. A. Francis, John Q. Francis and Henry K. Francis of Jackson, Wyoming and Fred H. Francis of Salt Lake City, Utah; and Warren E. Francis of Pocatello, Idaho, parties of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other considerations, lawful money of the United States of America, to her in hand paid by the said parties of the second part, the receipt whereof, is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot, piece or parcel of land situated, lying and being in the County of Bannock, State of Idaho, bounded and more particularly described as follows, to-wit:

Commencing at the north corner of Lot twenty (20) in Block Five Hundred Three (503) in the City of Pocatello, Bannock County, State of Idaho, running thence in a Southerly direction, along the line between Clark Street and said Lot twenty, forty-six and two-thirds feet; thence at right angles in a Southerly direction parallel with Hayes Avenue, at right angles in a Southerly direction between lots eighteen and nineteen of sixty feet to the dividing line between lots eighteen and nineteen of said block; thence at right angles in a Northerly direction along said dividing line forty-six and two-thirds feet to the alley; thence at right angles in a Northerly direction along the line between said alley and Lot nineteen and twenty of said block, sixty feet to the place of beginning; the above being a rectangular piece of ground having a front of forty-six and two-thirds feet on Clark Street and sixty feet on the alley, and containing twenty-eight hundred square feet, according to the official plat of the survey of the said lands returned to the General Land Office by the surveyor General of Idaho.

together with all and singular the tenements, hereditaments and appurtenances thereto in anywise or otherwise 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 thereto in anywise or otherwise appertaining, unto the said parties of the second part, and to their heirs and assigns forever. And the said party of the first part and her heirs do hereby warrant and assume forever the quiet and peaceable possession of the said premises of the second part, their heirs and assigns against the said party of the first part, 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 party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and
delivered in the
presence of
W. F. Cassett, Jr.

Warren E. Francis

WITNESSETH: ss.
County of Bannock

On this 13 day of November, in the year 1936, before me H. T. Cassett, Jr., a Notary Public in and for said County, personally appeared Sarah K. Francis, a widow, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(SEAL)

H. T. Cassett, Jr.
Notary Public,
Residing at: Idaho, Idaho.

RECORDED JAN 7 1937 10 16 A M in Book 74 of Deeds page 194, Records of Bannock County, State of Idaho. At Request of Ella Francis.

Anna Keefe, Recorder

Fee 1.20

INSTRUMENT NO. 191765

4 - 407 a-ty.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Blackfoot 04791.

WHEREAS, ANNE K. ANDERSON has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho, whereby it appears that full payment has been made by the said Anne K. Anderson according to the provisions of the Act of Congress of the 24th of April, 1920, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the southeast quarter of

the southeast quarter
Section fifteen
containing eight;
according to the
OFFICE by the said
deceased:

NOT KNOWN
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hereunto affixed.

GIVEN
of our Lord one
the 13th day of

(CORRECTED SEAL)
RECORDED: Patent

RECORDED JAN 7 1937
of Idaho. At Req
Anna Keefe, Recorder

RECORDED JAN 7 1937

Desert Lands
Certificate No. 1

THE LAND
OFFICE of the
Department of the
Interior, to the
Act making further
provision for the
sale of the Public
Lands, for

the South
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recognized and ac-
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vided by law; and
distances or equals

IN TESTI-
have caused these
hereunto affixed

GIVEN
year of our Lord one
thirteen the one hundred

(SEAL)
Recorded Idaho, Va

the southeast quarter of Section ten and the northeast quarter of the northeast quarter of Section fifteen in Township eleven south of Range forty east of the Boise Meridian, Idaho, containing eighty acres,

according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said tract has been purchased by the said Annie M. Anderson;

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Annie M. Anderson and to her heirs, the said tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said Annie M. Anderson and to her heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN WITNESS WHEREOF, I, William H. Taft, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the SECOND day of JUNE, in the year of our Lord one thousand nine hundred and TEN, and of the Independence of the United States the one hundred and THIRTY-FIFTH.

(CONTINUED SEAL)
AGREED: Patent Number 135454

By the President: Wm. H. Taft
By: F. P. Lacey, Secretary,

H. M. Sanford
Recorder of the General Land Office.

RECORDED JUN 7 1937 3 35 P.M. in Book 75 of Deeds page 194 Records of Bannock County, State of Idaho. At Request of J. T. A. Co.

Ana Keefe, Recorder Fee .1.00

6 INSTRUMENT NO. 191776

4 - 177a.

UNITED STATES OF AMERICA,

Deed Lands
Certificate No. 1446

THOMAS George D. Anderson, of Bannock County, Idaho, has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Survey of the Land Office at Blackfoot, Idaho, whereby it appears that full payment has been made by the said George D. Anderson according to the provisions of the Act of Congress of the 24th of April, 1920, entitled "An Act to further provision for the sale of the Public Lands," and the acts supplemental thereto, for

the South East quarter of the North East quarter of Section fifteen in Township eleven south of Range forty east of the Boise Meridian in Idaho, containing eighty acres

according to the Official Plat of the Survey of the said lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said George D. Anderson.

NOW KNOW YE, That the United States of America, in consideration of the premises and in conformity with the several acts of Congress in such case made and provided, have given and granted, and by these presents DO GIVE AND GRANT, unto the said George D. Anderson and to his heirs, the said tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereto belonging, unto the said George D. Anderson and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN WITNESS WHEREOF, I, Theodore Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Sixteenth day of August, in the year of our Lord one thousand nine hundred and SIX, and of the Independence of the United States the one hundred and THIRTY-FIRST.

(SEAL)
Recorded Idaho, Vol 84, Page 74

By the President: T. Roosevelt
By: T. M. Lacey, Secretary,
C. H. Brush, Recorder of the General Land Office

RECORDED JUN 7 1937 3 34 of Idaho. At Request of Anna Keefe, Recorder

INSTRUMENT NO. 191776

THIS INSTRUMENT
M. SHAFER, of the Town of of the first part, and B. party of the second part,

That the said dollar, lawful money of of the second part, and of of the second part to the edred, does by these present the second part; and to lands situated in the city cribed as follows, to wit:

An undivided or in Block four t 1/4's, contain of the survey e by the Surveyor

(.36.00

Together with a unto belonging, or in anyu remainders, Rents, issues

To have and to aness, unto the said party

In witness wher seal, the day and year fir

STATE OF IDAHO
County of Bannock

On this the 22nd County, personally appeared ascribed to the within inst

day and year in this certi

(SEAL)
By Commission expires Oct. 15th 1936.

RECORDED JUN 7 1937 4 28 of Idaho. At Request of Anna Keefe, Recorder

INSTRUMENT NO. 191776

IN THE

In the Matter of the Estate of FRED M. LUTHERAL, one and t person and also known as F LUTHERAL,

Comes now Elsie Fred M. Lutherall, one and S. W. Davis, her attorney, and petition for distribut That on the same day the C A. W. for the settlement a

And the matter at the hour of ten o'clock or petition, and no object

1932: Estate of Reed Anderson - Heirs
of Reed Anderson

13-681A
Pats
Hollow

13-681A

74658

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

M. C. Harris as to all grantors
except George Hicks

Ernest Anderson (Seal)
Marjorie Anderson (Seal)
Pearl Hicks (Seal)
Geo. Hicks (Seal)
Jess. Hicks (Seal)
Inez Banks (Seal)
Kerrill Banks (Seal)
Eva Anderson (Seal)

STATE OF UTAH

County of CACHE

On this 1st day of June in the year 1937, before me M. C. Harris, a Notary Public in and for said State, personally appeared Ernest Anderson and Marjorie C. Anderson, his wife, Pearl A. Hicks and Inez Banks and Kerrill Banks, her husband, and Eva Anderson, unmarried 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.

M. C. Harris
Notary Public for the State of
Utah
Residing at Logan, Utah.

(SEAL)

State of Idaho

County of Fremont

On this 3 day of June, 1937, personally appeared before me A. E. Archibald, a Notary Public in and for the State of Idaho, George Hicks, one of the persons whose name is subscribed to the within instrument, and duly 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 in this certificate first above written.

A. E. Archibald Notary Public
Residing at St. Anthony, Idaho.

I hereby certify that this instrument was filed for record at request of B T A Co at 45 minutes past 5 o'clock P.M., this 8 day of Aug. A. D. 1938 in my office, and duly recorded in Book 77 of Deeds at page 421.

Anna Keefe, Recorder

Fee \$1.40

INSTRUMENT NO. 198483

QUIT CLAIM DEED.

THIS INSTRUMENT, made this 12th day of January, 1938 between Augustus M. Brown of Reno, Wash. County, Utah; F. W. Brown of Bountiful, Davis County, Utah; J. E. Brown and Willis D. Brown of Rexburg, Blaine County, Idaho; Fremont Brown of Rigby, Jefferson County, Idaho; Mrs Helen Burns of Culver City, Los Angeles County, California, and being all over the age of 21 years and being the sole and only heirs at law of Alice E. Anderson, deceased; the parties of the first part, and Lee H. Anderson of Trehear, Bannock County, State of Idaho, the party of the second part. WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents release, release and forever QUIT CLAIM unto the party of the second part, and to his heirs and assigns, all those parcels of land, situate, being and being in Bannock County, State of Idaho, bounded and particularly described as follows: to-wit:

The Southeast quarter of the Northeast quarter of Section Fifteen (15) Township Eleven (11) South Range Forty (40) East of the Boise Meridian,

Also the Southeast quarter of the Southeast quarter of Section Ten (10) and the Northeast quarter of the Northeast quarter of Section Fifteen (15), Township Eleven (11) South of Range Forty (40) East of the Boise Meridian, containing 60 acres;

Together with all the water right used upon the said property and secured to George D. Anderson by decree of the Federal Court for use thereon;

Also 118 shares of the Capital Stock of the Lost Chance Canal Company Ltd.

This deed is in
standing of record in favor
of the parties of the Estate
Recorder of Bannock County

Together with a
note belonging to in any
manner, rents, issues and

TO HAVE ALL the
same, unto the party of

IN WITNESS WHEREOF
and seal the day and year
signed, sealed and delivered
in presence of:

Robert C. Eys
John Stahle Jr.
L. V. Smith
T. W. Smith
T. S. Cooper

STATE OF UTAH

County of TETON

On this 12th day
of said State, personally
is subscribed to the within

IN WITNESS WHEREOF
day and year in this certificate

(SEAL) My commission expires

STATE OF UTAH

County of TETON

On this 13 day
of said State, personally
is subscribed to the within
the same.

IN WITNESS WHEREOF
day and year in this certificate

(SEAL) My commission expires

STATE OF IDAHO

County of MADISON

In this 20th day
of said State, personally
is subscribed to the within
they executed the same.

IN WITNESS WHEREOF
day and year in this certificate

(SEAL)

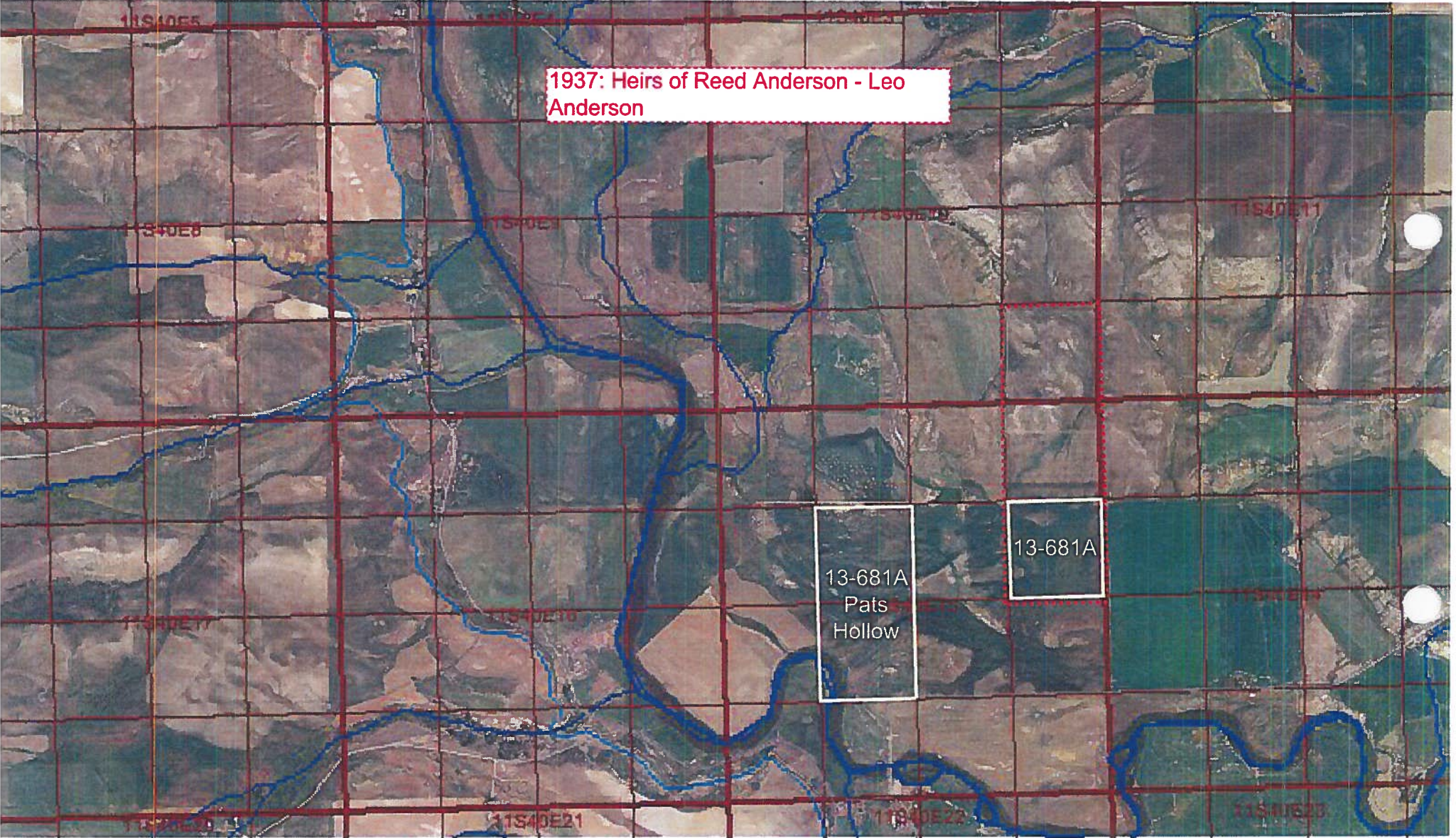
STATE OF IDAHO

County of Fremont

On this 12th day
of said State, personally
is subscribed to the within:

IN WITNESS WHEREOF
day and year in this certificate

(SEAL)



1937: Heirs of Reed Anderson - Leo Anderson

13-681A
Pats
Hollow

13-681A

74658

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

M. C. Harris as to all grantors
Ernest George Hicks

Ernest Anderson (Seal)
Marjorie Anderson (Seal)
Pearl Hicks (Seal)
Geo. Hicks (Seal)
Inez Banks (Seal)
Kerrill Banks (Seal)
Lva Anderson (Seal)

STATE OF UTAH } ss.
County of CACHE

On this 1st day of June in the year 1937, before me M. C. Harris, a Notary Public in and for said State, personally appeared Ernest Anderson, her husband, and Lva Anderson, her 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.

M. C. Harris
Notary Public for the State of
Utah
Residing at Hogan, Utah.

(SEAL)

State of Idaho } ss.
County of Fremont

On this 8 day of June, 1937, personally appeared before me A. E. Archibald a Notary Public in and for the State of Idaho, George Hicks, one of the persons whose name is subscribed to the within instrument, and duly 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 in this certificate first above written.

A. E. Archibald Notary Public
Notary Public for Idaho,
Residing at St. Anthony, Idaho.

(SEAL)

I hereby certify that this instrument was filed for record at request of B T A Co at 4:45 p.m. on 3 o'clock P.M., this 8 day of Aug. A. D. 1938 in my office, and duly recorded in Book 77 of Deeds at page 421.

Anna Kaefe, Recorder

File 51.40

INSTRUMENT NO. 109885

QUIT CLAIM DEED.

THIS INSTRUMENT, Made this 15th day of January, 1938 between Augustus M. Brown of Ray, Weber County, Utah; K. E. Brown of Bountiful, Davis County, Utah; J. L. Brown and Willie D. Brown of Rexburg, Madison County, State of Idaho; Prescott Brown of Rigby, Jefferson County, Idaho; Mrs. Helen Evans of Culver City, Los Angeles County, California, and being all over the age of 21 years and being the sole and only heirs at law of Alice K. Anderson, Deceased; the parties of the first part, and Leo K. Anderson of Thatcher, Bannock County, State of Idaho, the party of the second part. WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of One Dollar, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever WARRANT unto the party of the second part, and to his heirs and assigns, all those parcels of land, situate, lying and being in Bannock County, State of Idaho, bounded and particularly described as follows, to-wit:

The Southeast quarter of the Northeast quarter of Section Fifteen (15), Township Eleven (11) South Range Forty (40) East of the Boise Meridian, containing 40 acres;

Also, the Southeast quarter of the Southeast quarter of Section Ten (10) and the Northeast quarter of the Northeast quarter of Section Fifteen (15), Township Eleven (11) South of Range Forty (40) East of the Boise Meridian, containing 80 acres;

Together with all the water right used upon the said property and decreed to George D. Anderson by decree of the Federal Court for use thereon;

Also 116 shares of the Capital Stock of the Last Chance Canal Company Ltd.

This deed standing of record the matters of the Recorder of Bannock

Together with belonging or interests, rents, in

TO HAVE A deed, unto the per

IN WITNESS and seals the day &

signed, sealed or presence

Robert C. J. John Stahl, J. L. Smith, J. V. Smith, W. E. Coyle

STATE OF UTAH } ss.
COUNTY OF KANE

On this day and year in the

IN WITNESS day and year in the

(SEAL) By commission

STATE OF UTAH } ss.
COUNTY OF KANE

On this day and year in the

IN WITNESS day and year in the

(SEAL) By commission

STATE OF IDAHO } ss.
COUNTY OF MADISON

In this said State, person the persons whose they executed the

IN WITNESS day and year in this

(SEAL)

STATE OF IDAHO } ss.
COUNTY OF FREMONT

On this said State, person subscribed to the wi

IN WITNESS day and year in the

(SEAL)

This deed is intended to release any apparent lien on the above described property starting of record in favor of Alice M. Anderson, by reason of the decree of distribution in the estate of the Estate of Reed M. Anderson, deceased, recorded in the office of the County Recorder of Bannock County, State of Idaho, in book 68 at page 349.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversions and reversioners, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

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

Signed, sealed and delivered in presence of:

Robert C. Fye
John Stahl Jr.
J. L. Smith
J. E. Smith
V. E. Cooper

Augustus M. Brown
F. W. Brown
Willis D. Brown
J. V. Brown
Freemont Brown
Freeman Evans

(SEAL)
(SEAL)
(SEAL)
(SEAL)
(SEAL)
(SEAL)

STATE OF UTAH

COUNTY OF KANE

On this 13th day of January, 1938, before me Robert C. Fye, a Notary Public in and for said State, personally appeared Augustus M. Brown 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 in this certificate first above written.

Robert C. Fye
Notary Public for the State of Utah,
Residing at Ogden, Utah.

(SEAL)
My commission expires April 19, 1940

STATE OF UTAH

COUNTY OF KANE

On this 13 day of January, 1938, before me John Stahl Jr., a Notary Public in and for said State, personally appeared before me K. W. Brown and 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 in this certificate first above written.

John Stahl Jr.
Notary Public for the State of Utah,
Residing at Mountiful, Utah.

(SEAL)
My commission expires January 21, 1940.

STATE OF IDAHO

COUNTY OF BLMINGHAM

On this 20th day of January, 1938 before me F. W. Smith a Notary Public in and for said State, personally appeared J. F. Brown and Willis D. Brown, 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.

F. W. Smith
Notary Public for the State of Idaho
Residing at Rexburg, Idaho.

(SEAL)

STATE OF IDAHO

COUNTY OF FREMONT

On this 18th day of February, 1938, before me F. L. Soule a Notary Public in and for said State, personally appeared Freemont Brown, 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 in this certificate first above written.

F. L. Soule
Notary Public for the State of Idaho
Residing at St. Anthony, Idaho.

(SEAL)

STATE OF CALIFORNIA

County of Los Angeles.

On this 20
said State, person
person whose name is
executed the same.

IN WITNESS
day and year in this

(SEAL)

RECORDED AND 1938
Idaho. At Request of

Anna Keefe, Recorder

INSTRUMENT NO. 190664

THIS INSTRUMENT
kind hundred and thirty
of Focastella County of
Dickerson of Los Angeles
the second part:

WITNESSETH
sum of ONE and no/100
paid by the said party
which is hereby acknowledged
the said party of the
or parcel of land still
as follows, to-wit:

All of Lot 3
State of Ideal
county record

Together with all and
belonging or thereof.

Together with all and
belonging, or in anywise
dere, rents, issues and

TO HAVE AND
unto said party

IN WITNESS
and seals the day and

Signed, Sealed and
Presence of
E. Perkins

STATE OF IDAHO

County of Bannock

On this 20th
and for said State, p
known to me to be the
edged to me that they

IN WITNESS
day and year in this

(SEAL)

Notary pu
My commis

Filed for record at
in Record of Deeds, n

Anna Keefe, Recorder

STATE OF CALIFORNIA

County of Los Angeles.

On this 29 day of March, 1938 before me Fay L. Cabins a Notary Public in and for said State, personally appeared V. B. Cooper and Mrs Helen Evans, known to me to be the person whose name is subscribed to the within instrument, and who acknowledged to me that she executed the same.

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

(SEAL)

Fay L. Cabins
Notary Public for the State of California
Residing at Los Angeles, Calif.

RECORDED AUG 8 1938 3 46PM, in Book 77 of Deeds page 422 Records of Hancock County State of Idaho. At Request of B T A Co.

Anna Keefe, Recorder

Fee \$1.50

INSTRUMENT NO. 109264

QUIT CLAIM DEED

"THIS INSTRUMENT, Made the 29th day of April, in the year of our Lord, One thousand Nine Hundred and thirty-eight, between V. B. Barryman and Lou L. Barryman, husband and wife, of Pocastello County, of Idaho and State of Idaho the parties of the first part, and Anna F. Dickerson of Los Angeles, of the County of Los Angeles and State of California the party of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of ONE and no/100 DOLLARS lawful money of the United States of America to them in hand paid by the said party of the second part, and other valuable consideration, the receipt of which is hereby acknowledged, do by these presents demise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece, or parcel of land situated in Hancock County of the State of Idaho, particularly described as follows, to-wit:

All of Lot 34, in Block 1, of west Pocastello Townships, Hancock County, State of Idaho, according to the revised plat thereof on file in the county recorder's office at Hancock County, State of Idaho.

Together with the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the rents, issues and profits thereof.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances unto said party of the second part, and to her heirs and assigns forever.

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

Signed, Sealed and delivered in the Presence of
E. Hopkins

H. B. Barryman
Lou L. Barryman

(SEAL)

STATE OF IDAHO

County of Hancock

On this 4th day of May in the year 1938, before me, E. Hopkins, a Notary Public in and for said state, personally appeared V. B. Barryman and Lou L. Barryman, 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.

(SEAL)

E. Hopkins
Notary Public residing at Pocastello, Idaho
My commission expires Aug. 19, 1939.

Notary Public
Residing at Pocastello, Idaho

Filed for record at the request of B T A Co. Aug 10, 1938 at 40 minutes past 3 o'clock P. M. in Book of Deeds, Book 77, page 424

Anna Keefe, Recorder

Fee \$0.50

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COUNTY OF HA

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day and year

(SEAL)

RECORDED

OF IDAHO

Anna Keefe,

(INSTRUMENT)

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July, 1938,

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in said writ

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Witness by E.

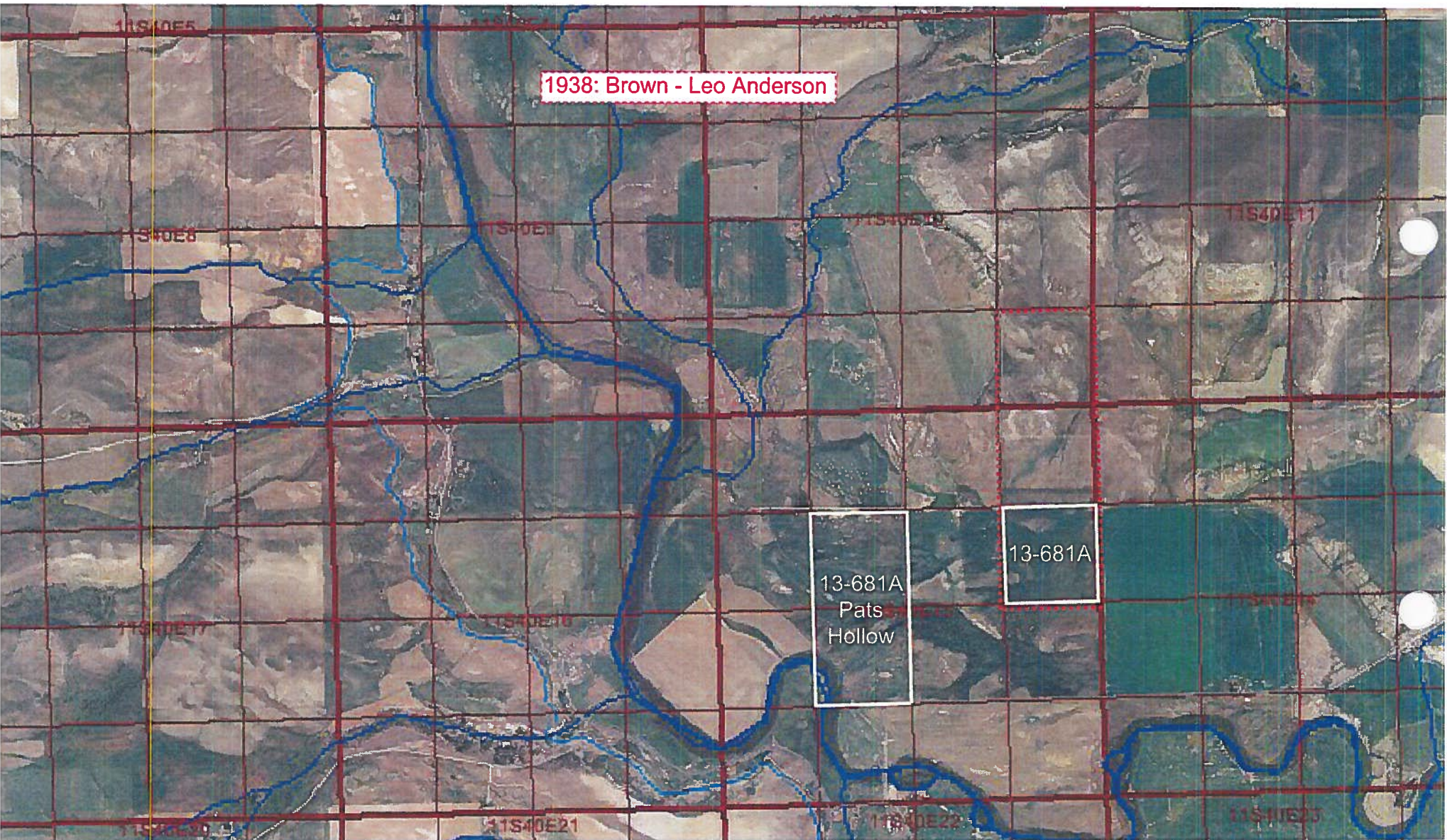
Corruption M.

directed in

office of the

and

Adoption of



1938: Brown - Leo Anderson

13-681A
Pats
Hollow

13-681A

74658

lots Seven and Eight, block Four, A. Z. Hall's First Addition to Hall City, as the same appear on the official plat thereof, filed in the office of the County Recorder of said
 work County, Iowa.

Party of the first part warrants that she has been a single woman at all times.

Party of the first part warrants that the
consideration for this deed is genuine, no revenue stamps required.

consideration for this deed is personal, and the said premises, together with the appurtenances hereunto belonging, or in anywise pertaining, and the reversions and reversals, residue and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together wth the appurtenances unto said party of the second part, and to his heirs and assigns for ever.

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

Signed, Sealed and Delivered in the presence of **Emm Cohn** (Seal)

STATE OF IDAHO } ss.
County of Bannock }

County of Barnack }
On this 3th day of September in the year 1946, before me the undersigned, a Notary Public in and for said County and State, personally appeared John C. Smith, single 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 in this certificate, first above written.

J. B. D'Arkhurst, Deputy Fish'g
Residence Lucetello, Italy

I hereby certify that this instrument was filed for record at request of Liza D. Smith, 355 So. ...
... 35 minutes past 9 AM, in book 98 of Towns, Page 12).

Arthur, 25 minutes
Anna Keefe, Recorder

700 01.00

Sarah Devaney, Deputy

INSTRUMENT NO. 240871

WARRANT SEED

142818 IN. No. 248771

THIS AGREEMENT, Made this 7th day of August in the year of our Lord one thousand nine hundred and Forty-six between ERIC F. ANDERSON, wife of L. O. ANDERSON of Lincoln County of Idaho the party of the first part, and L. H. ANDERSON, Sheriff of Lincoln County of Idaho the party of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of nine and natural love and affection, lawful money of the United States of America, to be and lawfully paid by the said party of the second part, the receipt whereof is hereby acknowledged, he s^{aid} granted, bargain^d and sold, and by these presents does grant, bargain and sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Ohio:

The DEB of the SE₂ section 17, the W₁ of the MF₂, the B₂ of the WF₁, the SF₂ of the SE₂, the B₂ of the KF₂, the W₁ of the SF₂ section 15, the Z₁ of the W₁ of the W₁ of section 10, all in Township 11 N., R. 10 E. of the B-10 Division.

Also, beg. at the NE cor. of the E 1/4 of E 2d of Section 15, T₂ N. 11 S. R. 20 W., thence S. along E 1/2 line to the E 1/2 of sd. Sec. 15; thence S. 1/4 sec. 15 to the center line of said river; thence following the center line of said river in a S. by E. direction, to a point where it intersects the 1/2 line of Sec. 22, thence S. by E. to a point 75' N. of, or 1 S. of the SE cor. of E 1/4, Sec. 22; thence following the center line of a sl. bear river as it meanders thru the NE of the NW 1/4 of sd. Sec. 22, to a place where it intersects the 1/2 line of sd. Sec. 22; sd. pt. being 530 ft. N. of, or 1 S. of the NE cor. of sd. pt. being 550 ft. N. of, or 1 S. of the NE cor. of sd. Sec. 22; thence S. 1/2 line following the center line of bear river, to a pt. 2500 ft. N. of, or 1 S. of the SE cor. of sd. Sec. 15; thence S. 1/2 line following the center line of said river, to a place where it intersects the 1/2 line of sd. Sec. 15; thence S. 1/2 line of E 1/4 of E 2d of Section 15, T₂ N. 11 S. R. 20 W., to the NW cor. of s. 1/4 of E 1/4 of E 2d of sd. Sec. 15; 960 ft. N. of, or 1 S. of the NW cor. of s. 1/4 of E 1/4 of E 2d of sd. Sec. 15; thence S. 3625.36 ft. N. of, or 1 S. of the NW cor. of beg. a total acreage is contained herein of 129.25 acres more or less. Together with all ditch and water rights, thereto belonging.

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 STATE OF IDAHO }
 County of Franklin }

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IN WITNESS
day and year in this
(REAL)

I hereby certify that
10 Minutes past 1 PM
Anna Keefe, Recorder

INSTRUMENT NO. 24828

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This deed is intended to convey the above described property to the party of the second part as his sole and separate estate.

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

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF --

STATE OF IDAHO } ss.
County of Franklin }

Emma F. Anderson

(Seal)

On this 7th day of August in the year 1946, before me Ted Larsen a Notary Public in and for said State, personally appeared Emma F. Anderson, wife of Leo F. Anderson known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(SEAL)

Ted Larsen
Notary Public, Residing at Preston, Idaho

I hereby certify that this instrument was filed for record at request of Leo F. Anderson, / 10 Minutes past 1 PM, this 5 day of Oct. A. D. 1946, in Book 93 of Deeds, page 122

Anna Keefe, Recorder

Fee \$1.60

INSTRUMENT NO. 240261

SPECIAL WARRANTY DEED

THIS INSTRUMENT, Made this 27th day of June, in the year of our Lord the Thousand Nine Hundred and Forty-Six, between CORPORATION OF THE PRESBYTERIAN CHURCH OF THE STATE OF IDAHO, a corporation organized under the laws of the State of Idaho and duly authorized to do business in the State of Idaho, party of the first part, and FARMERS CHAIN CONSTRUCTION, of Ogden, Utah, a corporation organized under the laws of the State of Utah and duly authorized to do business as a foreign corporation in the State of Idaho, party of the second part, WITNESSETH:

That the party of the first part, for and in consideration of the sum of TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00), lawful money of the United States of America, to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell, and convey, and confirm, unto the said party of the second part and to its successors and assigns forever, all those certain lots, pieces, or parcels of land, situate, lying, and being in the County of Benewah, State of Idaho, and bounded and more particularly described as follows, to-wit:

Commencing at Corner Number 1, which the closing corner of the line between Sections 1 and 12, in T. 5 N. R. 10 E. S. 10 E. in Idaho lies North 27° 30' East 1156 feet on the left bank of the northern river, then a running line with 64° 45' West 27 feet to corner Number 2; then a South 22° 30' East 47 feet to Corner Number 3; then a South 22° 30' East 47 feet to Corner Number 4; then a South 22° 30' East 47 feet to Corner Number 5; then a North 27° 30' East 1156 feet to the place of commencement, containing in all one acre more or less.

SAVE AND EXCEPT, nevertheless, from the above described land the following:

Commencing at the closing corner of the line between Sections 1 and 12, T. 5 N. R. 10 E. S. 10 E., thence South 27° 30' East 1156 feet to Corner Number 1 of the McCaskey Mill property, formerly known as Union Grain & Elevator tract; thence South 64° 45' West 27 feet to Corner Number 2 of said tract; thence South 22° 30' East 47 feet to Corner Number 3; thence South 22° 30' East 47 feet to Corner Number 4; then a South 27° 30' East 1156 feet to the place of beginning.

Thence following the boundary of said tract South 22° 30' East 47 feet, then a North 67° 30' East 23.0 feet, thence North 22° 30' West 23.0 feet to intersect course between Corner Number 4 and Corner Number 5; thence South 22° 30' West 11.32 feet to Corner Number 5, being the point of beginning, containing 0.011 acres more or less and is the tract conveyed to M-rin Christensen for road purposes.

THIS INSTRUMENT

and between the County

of Grace, Idaho

That Whereas by an

instrument in the

County of Grace, Idaho

the 10th day of

WHEREAS, persons

under given by public

the terms of which note

WHEREAS, the sum

and entered by the Post

of June, 1946

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Board of County Commissioners

WHEREAS, at law

BY THE PEOPLE

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ATTENT: (SE)
Anna Keefe

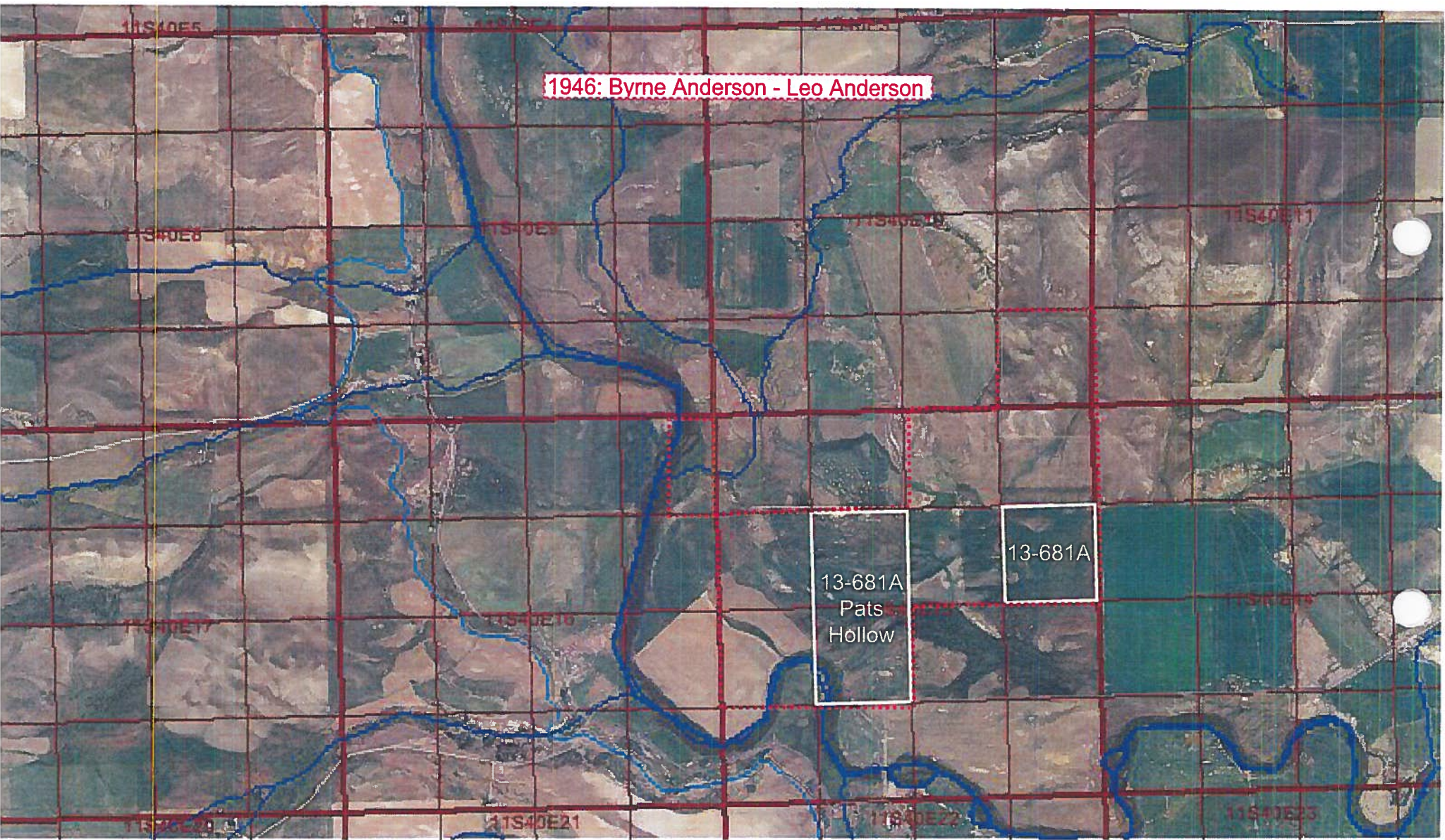
STATE OF IDAHO,
County of Benewah

On this 12th
to and for said own
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instrument, and set
IN WITNESS
written

(SEAL)
Recorded at th
at 35

Fee, \$ 1.60
Book 93 of De

85972



REVENUE STAMPS

WARRANTY DEED

For Value Received, Leo H. Anderson and Myrna H. Anderson, husband and wife,

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

Wilton R. Smith and Alice L. Smith, husband and wife,

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

The Southeast Quarter of the Southeast Quarter of Section 10, and the Northeast Quarter of Section 15, Township 11 South, Range 40 East of the Boise Meridian.

Also, 2 cubic feet of water per second, from Fata Mallow or Sand Springs, originally decreed to George P. Anderson, and with priority of May 2, 1904.

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: April 4, 1960.

Leo H. Anderson
Myrna H. Anderson

STATE OF IDAHO, COUNTY OF CARIBOU

On this 4th day of April, 1960, before me, a notary public in and for said State, personally appeared Leo H. Anderson and Myrna H. Anderson, husband and wife,

known to me to be the persons whose names are subscribed in the within instrument, and acknowledged to me that they

Leona C. King
Notary Public
Residing at Boise Springs, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF

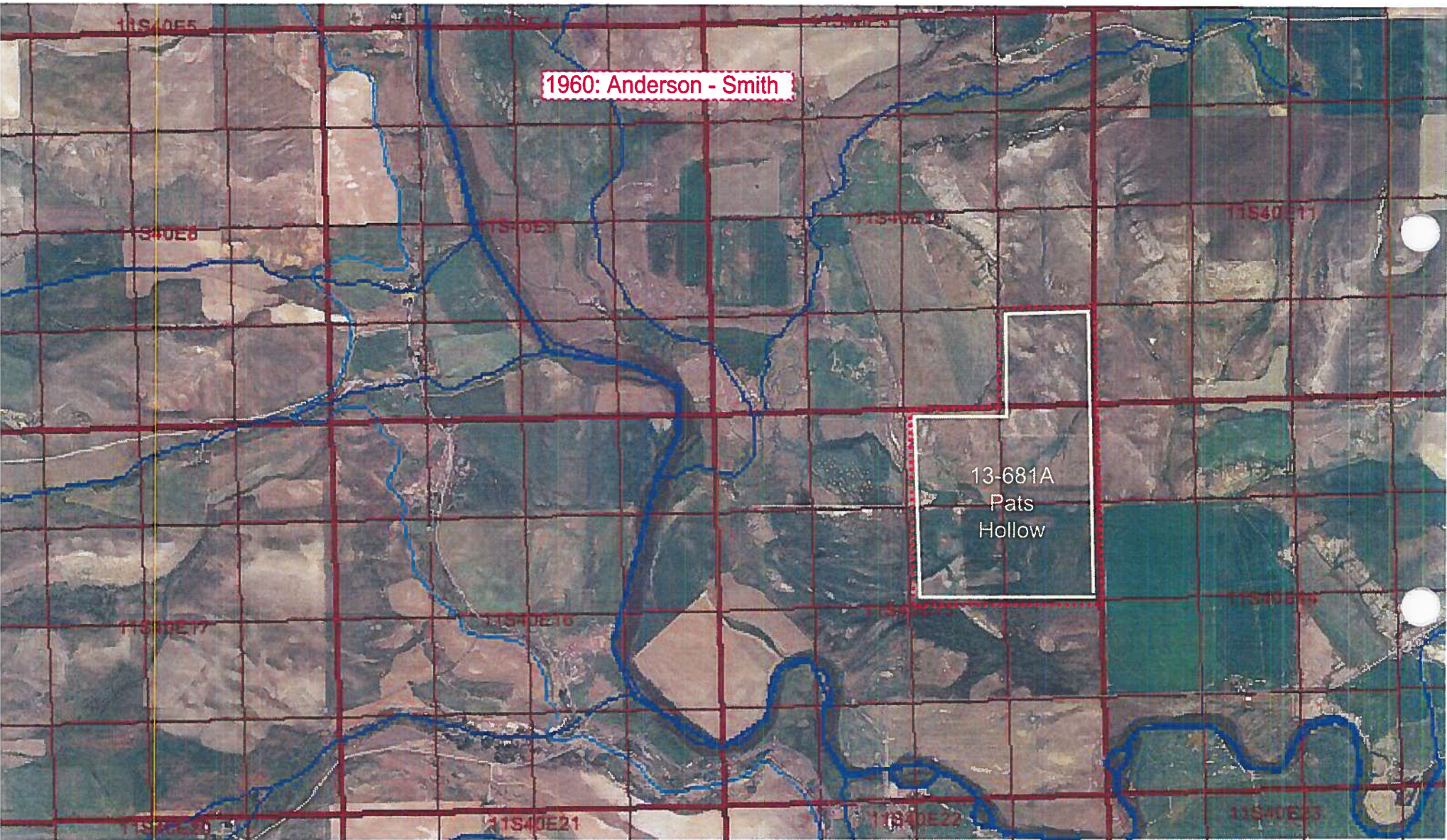
I hereby certify that this instrument was filed for record at the request of Wilton R. Smith

at 55 minutes past 3 o'clock P.M., this 31 day of October, 1960, in my office and duly recorded in Book of Records at page 1100

Frank M. Smith
County Recorder

By 120 Deputy.
Post Office
Mail to

INSTRUMENT NO. 64850



24658

Rec'd

QUIT-CLAIM DEED

MILTON SMITH and ALICE L. SMITH, husband and wife, Grantors of Grace, County of Bannock, State of Idaho, hereby QUIT-CLAIM to MILTON SMITH and ALICE L. SMITH, or their successors in Trust as Trustees of the Milton Smith Family Revocable Trust Agreement dated the 2 day of March, 1979, and signed by MILTON SMITH and ALICE L. SMITH, as Grantors and Trustees, of Grace, County of Bannock, State of Idaho, Grantees for the sum of TEN DOLLARS the following described tracts of land in Caribou County, State of Idaho, subject to the encumbrances owed thereon, to-wit:

- A. The Southeast Quarter of the Southeast Quarter of Section 10, and the Northeast Quarter of Section 15, Township 11 South, Range 40 East of the Boise Meridian.

Also, 2 cubic feet of water per second, from Pats Hollow or Sand Springs, originally decreed to George D. Anderson, and with priority of May 2, 1884. Caribou County, State of Idaho.

- B. N1/2NW1/4 Section 15; SW1/4 SW1/4 Section 10; and SE1/4 SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cold or Cold Springs, situate on the NE1/4 NW1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands or thereunto appertaining. Caribou County, State of Idaho.

THE SURVIVOR(S)
SELL OR ENCUMBER

WITNESS the 1
1979.

STATE OF IDAHO

County of Caribou

I hereby certify that this instrument was filed

at the request of Milton Smith

at 10 o'clock AM on this 12 day of

March, 1979. In my office and duty

performed in Microfilm Records

Martha W. Anderson

Ex-Officio Recorder

130609

6.00 Deputy

Re: 120

- 2 -

Grantors of
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- C. Lots Three and Four, the West half of the Southeast quarter, and the Southwest Quarter (comprises all of the South half) of Section Twelve; Lots One and Two and the West half of the Northeast quarter of Section Thirteen (comprises the Northeast quarter of Section 13); all in Township Eleven South, Range Thirty-nine East of the Boise Meridian; and also Lot Two of Section Eighteen, in Township Eleven South, Range Forty East of the Boise Meridian; and also

The Northeast quarter of the Northeast quarter of Section Eight; the West half of the Northwest quarter of Section Nine; and all that portion of the Southeast quarter of the Northwest quarter of Section Nine lying and being WEST of the County Road, as the same now exists; all in Township Eleven South, Range Forty East of the Boise Meridian. Subject to Patent Reservations; rights-of-way and easements as the same now exist, whether evidenced of record or otherwise; to any mortgaged indebtedness now against said premises, the unpaid balance of which the second party agrees to assume and pay; and subject to taxes for the year 1957 and subsequent years. Caribou County, State of Idaho.

- D. A tract of land located in the S2 SW4 Sec. 9, T11S, R40E, B.M., Caribou County, Idaho described as follows: Beginning at a point 1623.6 feet, more or less, South and 1268.9 feet, more or less, East of the NW corner of the SW4 of said Sec. 9; thence S 13° 47' E, (considering the section line between Sec. 8 & 9 as due South) along the Easterly right-of-way of the Gentile Valley County Road, 330 feet; thence N76° 13' E 220 feet; thence N 13° 47' W 330 feet; thence S 76° 13' West 220 feet to the point of beginning; Containing 1.67 acres, more or less. Caribou County, State of Idaho.

THE SURVIVING TRUSTEE AND SUCCESSOR TRUSTEES HAVE FULL RIGHTS TO
SELL OR ENCUMBER THE PROPERTY HEREIN SET FORTH.

WITNESS the hands of said Grantors this 2 day of March,
1979.

Milton Smith
Milton Smith
Alice L. Smith
Alice L. Smith

STATE OF UTAH
COUNTY OF SAI

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FULL RIGHTS TO

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STATE OF UTAH)
COUNTY OF SALT LAKE) ss,

On this 2 day of March, 1979, personally
appeared before me MILTON SMITH and ALICE L. SMITH, husband and wife,
the signers of the within instrument who duly acknowledged to me that
they executed the same.

My Commission expires:

9-13-82

Andrew H. Kinsman
Notary Public
Residing at: SLC, UT.



74658

**WARRANTY DEED
(GIFT)**

For love and affection, ALICE CYNTHIA LEAVITT SMITH, a widow, hereinafter Grantor, does hereby grant, give and convey unto BRADLEY MILTON SMITH, a married man, as his sole and separate property, whose address is 412 River Road, Grace, Idaho 83241, hereinafter referred to as Grantee, Grantor's undivided one-half community property interest in the following described real property located in Caribou County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED BY REFERENCE.

SUBJECT TO A LIFE ESTATE RESERVED IN FAVOR OF
GRANTOR ENTITLING HER TO THE USE AND
POSSESSION OF THE DESCRIBED PROPERTY FOR LIFE.

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

DATED this 25th day of August, 1999.

Alice Cynthia Leavitt Smith
ALICE CYNTHIA LEAVITT SMITH

STATE OF IDAHO)
County of Bannock) : ss

On this 25th day of August, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Alice Cynthia Leavitt Smith, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she 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: Bozeman, Id.
My Commission Expires: 10/11/2000

EXHIBIT "A"

- A. The East half of the Northwest quarter, and the South half of the Northeast quarter of Section Eight in Township Eleven South of Range Forty East of the Boise Meridian, Idaho, containing one hundred and sixty acres, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General. Caribou County, State of Idaho.

- B. The Southeast Quarter of the Southeast Quarter of Section 10, and the Northeast Quarter of Section 15, Township 11 South, Range 40 East of the Boise Meridian.

Also, 2 cubic feet of water per second, from Pats Hollow or Sand Springs, originally decreed to George D. Anderson, and with priority of May 2, 1884. Caribou County, State of Idaho.

- C. N1/2NW1/4 Section 15; SW1/4SW1/4 Section 10; and SE1/4SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cole or Cold Springs, situate on the NE1/4NW1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands or thereunto appertaining. Caribou County, State of Idaho.

- D. Lots Three and Four, the West half of the Southeast quarter, and the Southwest Quarter (comprises all of the South half) of Section Twelve; Lots One and Two and the West half of the Northeast quarter of Section Thirteen (comprises the Northeast quarter of Section 13); all in Township Eleven South, Range Thirty-nine East of the Boise Meridian; and also Lot Two of Section Eighteen, in Township Eleven South, Range Forty East of the Boise Meridian; and also

The Northeast quarter of the Northeast quarter of Section Eight; the West half of the

*W.F.
M.R. &*

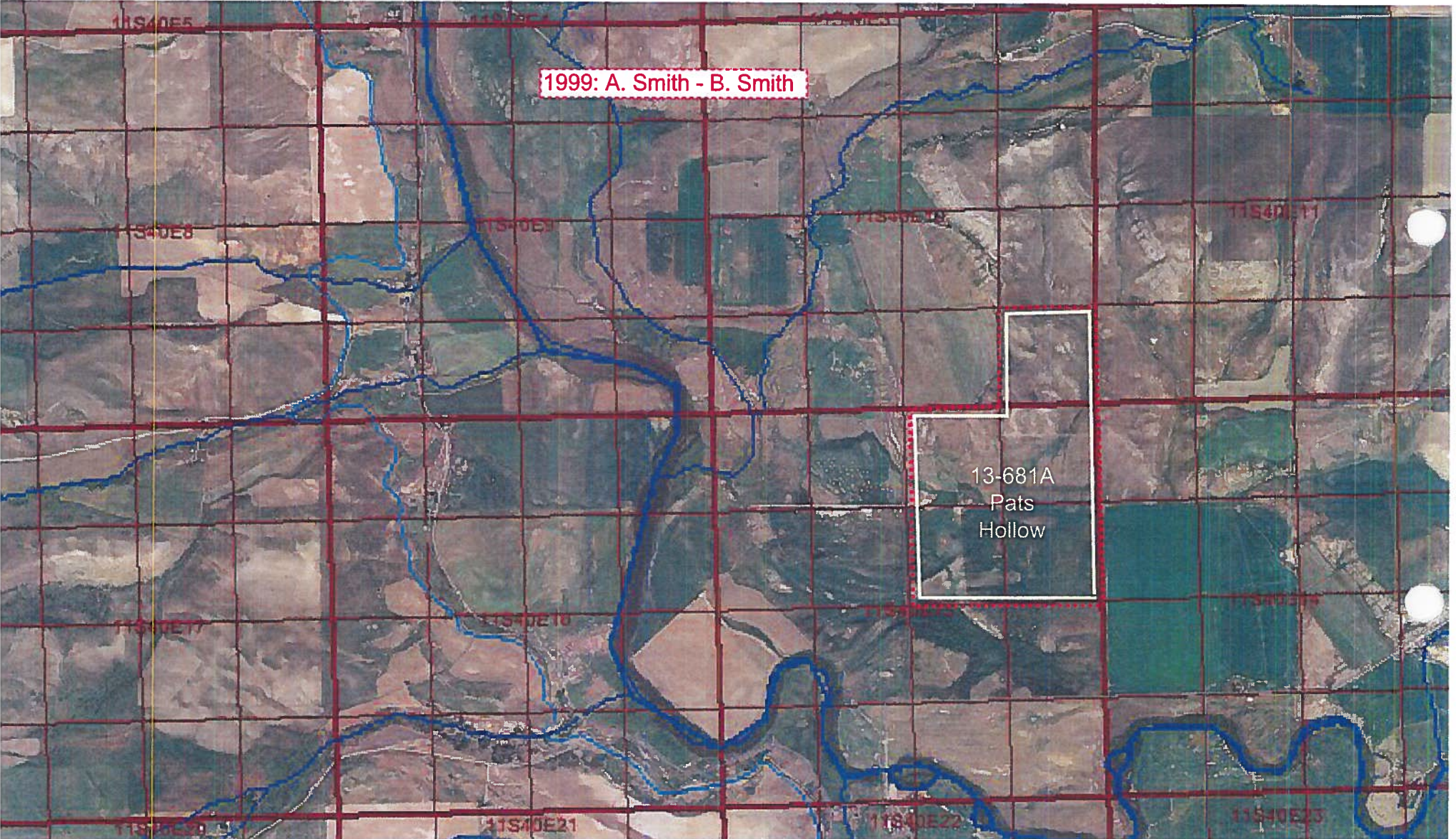
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Northwest quarter of Section Nine; and all that portion of the Southeast quarter of the Northwest quarter of Section Nine lying and being WEST of the County Road, as the same now exists; all in Township Eleven South, Range Forty East of the Boise Meridian. Subject to Patent Reservations; rights-of-way and easements as the same now exist, whether evidenced of record or otherwise; to any mortgaged indebtedness now against said premises, the unpaid balance of which the second party agrees to assume and pay; and subject to taxes for the year 1957 and subsequent years. Caribou County, State of Idaho.

- E. A tract of land located in the S2 SW4 Sec. 9, T11S, R40E, B.M., Caribou County, Idaho described as follows: Beginning at a point 1623.6 feet, more or less, South and 1268.9 feet, more or less, East of the NW corner of the SW4 of said Sec. 9; thence S 13047' E, (considering the section line between Sec. 8 & 9 as due South) along the Easterly right-of-way of the Gentile Valley County Road, 330 feet; thence N 76° 13' E 220 feet; thence N 130 47' W 330 feet; thence S 76° 13' West 220 feet to the point of beginning; Containing 1.67 acres, more or less. Caribou County, State of Idaho.
- F. Two lots in Thatcher Cemetery.

STATE OF IDAHO } ss 159747
County of Caribou }
I hereby certify that this instrument was filed at the request
of Randall C. Rudas
at 9:00 o'clock A m this 30 day of
August, 1957 in my office and duly
recorded Official Records
Recorder, Edie Izatt
Denise Handley
Signature Deputy

M. A. L.
15
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74658

TRANSFER NO. 74659

ATTACHMENT 3

APR-10-2007 TUE 11:42 AM RACINE LAW OFFICE

FAX NO. 208 232 6109

P. 02

04/10/07 TUE 09:10 FAX

SINCLAIR OIL CORP

001

APR-09-2007 MON 03:40 PM RACINE LAW OFFICE

FAX NO. 208 232 6109

P. 07

FIRST ADDENDUM**TO****PURCHASE AND SALE AGREEMENT**

ADDENDUM AGREEMENT effective this ____ day of April, 2007, by and between BRADLEY M. SMITH and LELA DIANE SMITH, husband and wife, whose address is 412 River Road, Grace, Idaho 83241 ("Seller"), LAGO RANCH, LLC, in care of Managers Mike Tingey and Charles Barlow, whose address is 2114 Lago-Liberty Road, Grace, Idaho 83241 ("Buyer"), and CHARLES BARLOW, whose address is 1130 Manchester Drive, Kaysville, Utah 84037 ("Assignee"), collectively referred to herein as the "parties."

Recitals

WHEREAS, Seller and Buyer entered into a Purchase and Sale Agreement dated December 2006, pursuant to which Seller agreed to sell to Buyer and Buyer agreed to purchase from Seller a two hundred-acre parcel of real property located in Sections 10 and 15, Township 11 South, Range 40 East, B.M., Caribou County, Idaho, together with certain water rights; and

WHEREAS, the parties desire to change the closing date designated in the Purchase and Sale Agreement; and

WHEREAS, the parties desire that Assignee shall replace Buyer in the Purchase and Sale Agreement; and

WHEREAS, the water rights transferred by the Purchase and Sale Agreement have been applied to the real property transferred by said Agreement for in excess of 50 years; however, the records of the Idaho Department of Water Resources ("IDWR") do not reflect the subject real property within the authorized place of use of the subject water rights; and

WHEREAS, Seller has agreed to file at their sole expense an Application for Transfer of Water Right with the Idaho Department of Water Resources for the purpose of amending the record place of use of the subject water rights to reflect the actual historic use of said rights on the subject real property; and

WHEREAS, Assignee desires additional security for IDWR approval Application for Transfer of Water Right;

ADDENDUM TO PURCHASE AND SALE AGREEMENT - 1

APR-10-2007 TUE 11:42 AM RACINE LAW OFFICE

FAX NO. 208 232 8109

P. 03

04/10/07 TUE 09:10 FAX

SINCLAIR OIL CORP

002

APR-08-2007 MON 03:40 PM RACINE LAW OFFICE

FAX NO. 208 232 8109

P. 08

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Buyer assigns to Assignee all of its right, title and interest in and to that certain Purchase and Sale Agreement dated December 2006 entered into between Seller and Buyer. Seller hereby consents to said Assignment.

2. Assignee, whose address is 1130 Manchester Drive, Kaysville, Utah 84037 shall replace Buyer, whose address is 2114 Lago-Liberty Road, Grace, Idaho 83241, as "Buyer" in the aforementioned Purchase and Sale Agreement.

3. Paragraph 1.2 of the Purchase and Sale Agreement shall be amended to read as follows:

Farm Machinery and Equipment: No farm machinery and equipment shall be included within this Agreement excepting irrigation lines and equipment currently utilized to irrigate the real property transferred by this Agreement.

4. Paragraph 9 of the Purchase and Sale Agreement shall be amended to read as follows:

CLOSING: Closing shall occur at Alliance Title Company, located in Soda Springs, Idaho, within five business days of the date Western Ag Credit approves Buyer's financing but under no circumstances later than April 20, 2007. On or prior to the closing date, the following shall occur:

5. The parties agree to the following additional terms to the Purchase and Sale Agreement:

A. Following the closing of this transaction as provided for in Paragraph 9 of this Agreement, an Application for Transfer of Water Right will be filed with the Idaho Department of Water Resources for the purpose of amending the designated points of diversion and place of use of the subject water rights identified in Paragraph 1.3 of this Agreement to include the real property identified in Paragraph 1.1 of this Agreement within the authorized place of use of said water rights and to reflect the correct points of diversion of said water rights. Because of the close proximity of the proposed transfer, objections are not anticipated during the course of the Idaho Department of Water Resources' administrative process, which normally takes between six months and one year to complete.

B. A \$10,000 portion of the purchase price identified in Paragraph 2.2 of this Agreement shall be withheld by Alliance Title Company pending the Idaho Department of Water Resources' approval of the above-described Application for Transfer of water rights.

ADDENDUM TO PURCHASE AND SALE AGREEMENT -2

Apr 10 07 01:24p

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p. 3

APR-10-2007 TUE 11:43 AM RACINE LAW OFFICE

FAX NO. 208 232 6109

P. 04

04/10/07 TUE 09:11 FAX

SINCLAIR OIL CORP

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APR-09-2007 MON 03:41 PM RACINE LAW OFFICE

FAX NO. 208 232 6109

P. 09

Upon IDWR approval of said transfer Alliance Title shall distribute the \$10,000 to Seller. In the event the Application for Transfer is denied, Alliance Title shall return the \$10,000 to Buyer as liquidated damages and as Buyer's sole and exclusive remedy relative to the above-described Application for Transfer of Water Rights.

6 As hereby amended, the said Purchase and Sale Agreement between the parties is hereby ratified and affirmed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

SELLER:

BUYER:

LAGO RANCH, LLC:

BRADLEY M. SMITH

MIKE TINGEY, Manager

Bradley M Smith

Mike Tinge

LELA DIANE SMITH

CHARLES BARLOW, Manager

Lela Diane Smith

Charles Barlow

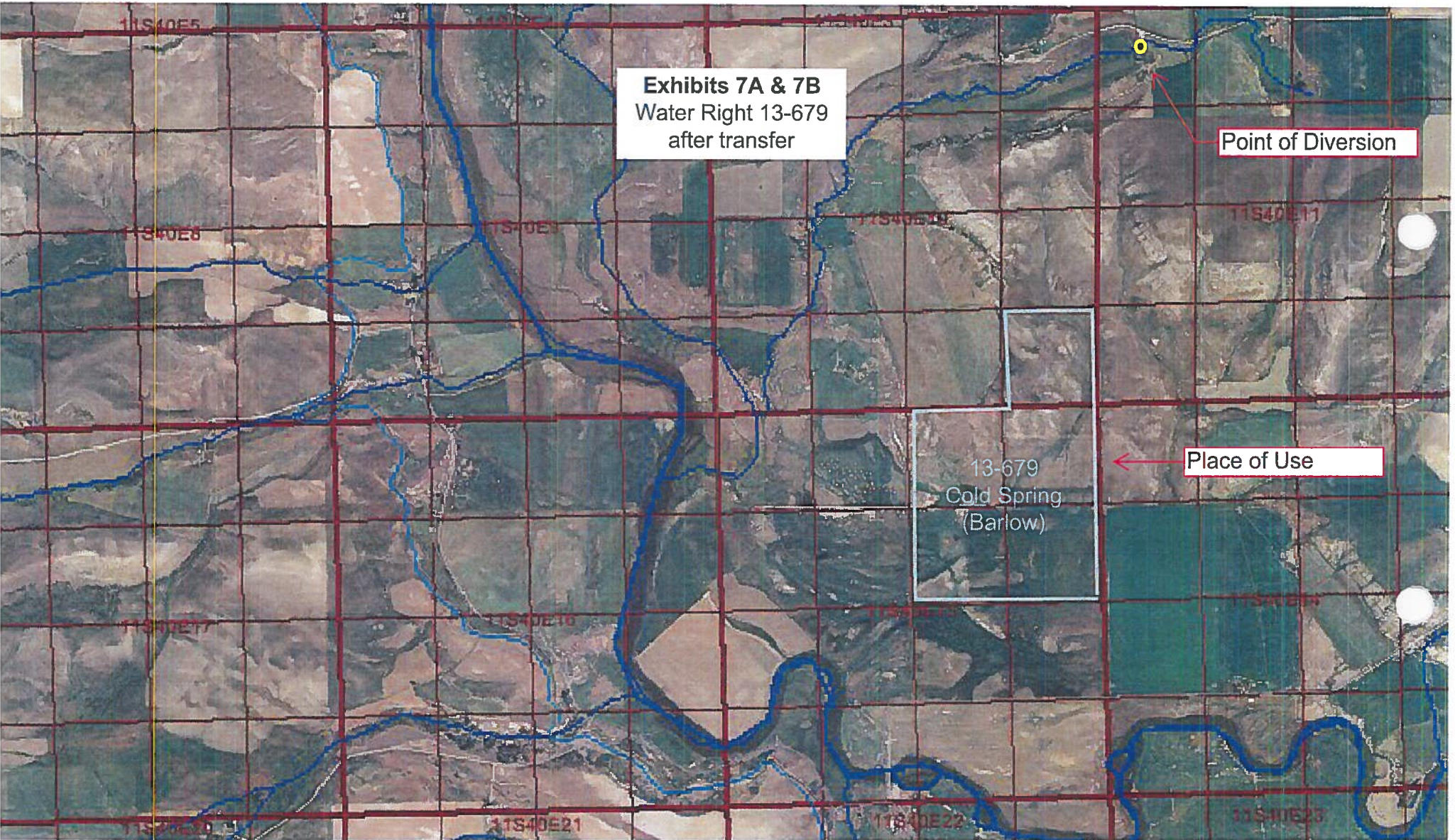
ASSIGNEE:

CHARLES BARLOW

Charles Barlow

ADDENDUM TO PURCHASE AND SALE AGREEMENT - 3

74658

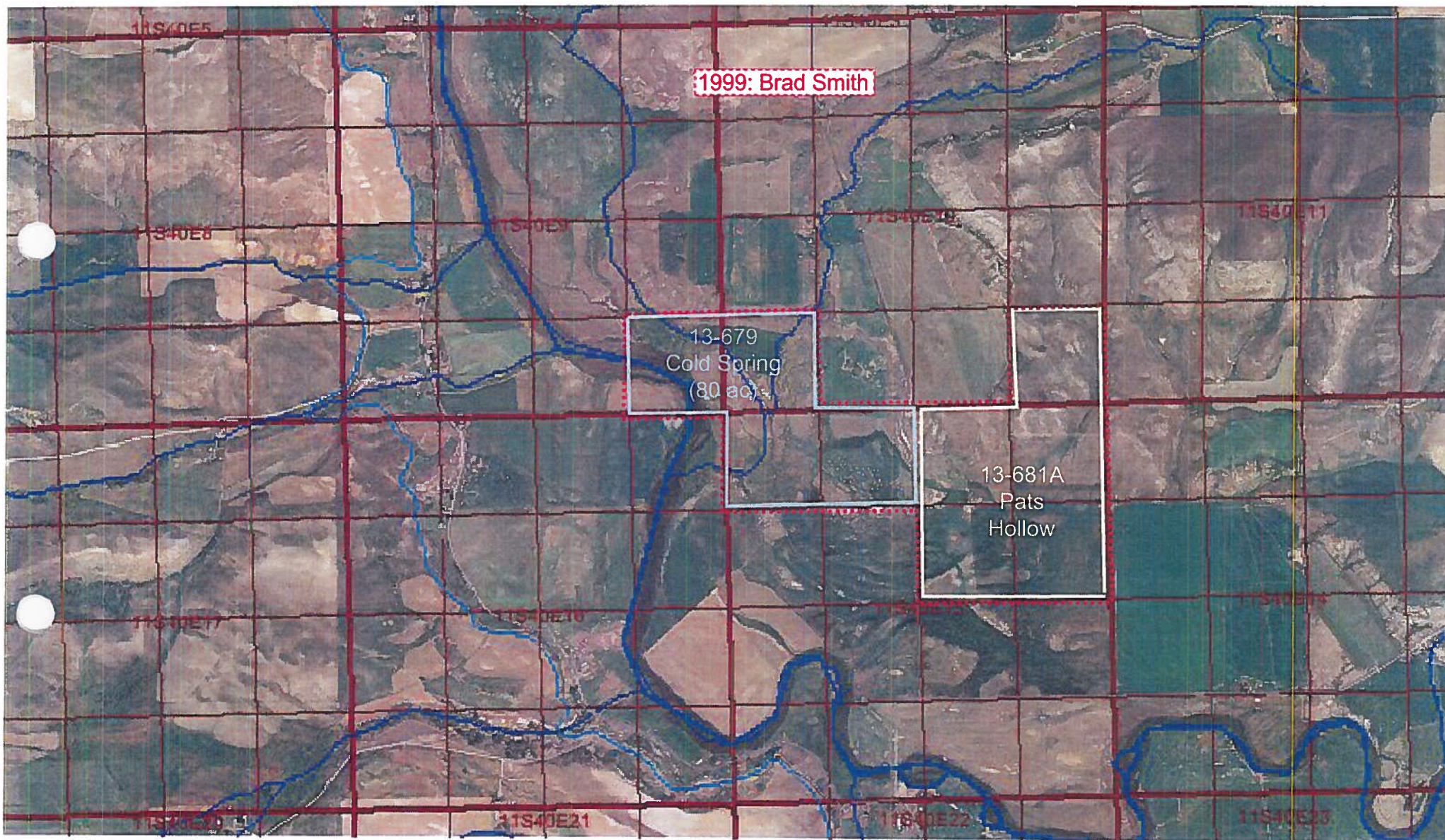


Exhibits 7A & 7B
Water Right 13-679
after transfer

Point of Diversion

Place of Use

13-679
Cold Spring
(Barlow)



RE-RECORDED TO CORRECT GRANTEE'S NAME

RECORDATION REQUESTED BY:

Randall C. Budge
Racine, Olson, Nyr, Budge & Bailey
P.O. Box 1391
Pocatello, Idaho 83204-1391

Instrument # 178005

CARIBOU COUNTY

2007-04-26

01:00:13 No. of Pages: 2

Recorded for: ALLIANCE TITLE

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 6.00
BA Stroutman

WHEN RECORDED MAIL TO:

Charles Barlow
1130 Manchester Drive
Kaysville, Utah 84037

Instrument # 178483

CARIBOU COUNTY

2007-11-13

03:24:46 No. of Pages: 2

Recorded for: ALLIANCE TITLE

VEDA MASCARENAS

Ex-Officio Recorder Deputy

Index to: CORRECTED WARRANTY DEED

Fee: 6.00
C. Barlow

WARRANTY DEED

MR
MRB
30801140595

Grantor	Grantee
Bradley Milton Smith, aka Bradley Smith, a married person as his sole and separate property 412 River Road Grace, Idaho 83241	Charles E. Barlow and Laurel W. Barlow, husband and wife 1130 Manchester Drive Kaysville, Utah 84037

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the Grantors hereby sell and forever transfer the following parcels of real property located in Caribou County, Idaho, to the Grantee, including the Grantors' right, title and interest therein:

Township 11 South, Range 40 East, B.M.:

Section 15: NE1/4

Section 10: SB1/4 SE1/4

TOGETHER WITH all appurtenant water rights which include the first 1.6 cfs of water arising from Cold Springs Creek, Idaho Department of Water Resources Water Right Number 13-679, but excluding all water rights in Pats Hollow or Sams Springs which were originally decreed to George D. Anderson on May 2, 1884, and are specifically reserved to grantors.

TOGETHER WITH AND INCLUDING any and all fixtures and improvements, any and all appurtenances, tenements, and hereditaments, and any and all rents, issues, and profits that relate or otherwise pertain to the foregoing parcels of real property.

TO HAVE AND TO HOLD the foregoing parcels of real property unto the Grantee and its successors and assigns forever.

The Grantors hereby covenant that the Grantors are the owners in fee simple of the foregoing parcels

WARRANTY DEED - 1

of real property, that the foregoing parcels of real property are free and clear of any and all mortgages, liens, or other encumbrances, except those of record in the records of Caribou County, Idaho, current taxes, ordinances and federal and state rights and reservations, including, without limitation, patents, oil, gas and minerals; and that the Grantors will warrant and defend the same from any and all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors hereunto set their hands this ____ day of April, 2007.

Bradley Milton Smith
BRADLEY MILTON SMITH

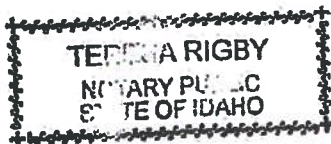
Lela Diane Smith
LELA DIANE SMITH

STATE OF IDAHO)

: ss

County of Caribou)

On the 17th day of April, 2007, before me, a Notary Public, personally appeared Bradley Milton Smith and Lela Diane Smith, known or identified to me to be the persons who executed the Warranty Deed, and duly acknowledged to me that they executed this Warranty Deed.



Teresia Rigby
NOTARY PUBLIC FOR IDAHO,
Residing at Soda Springs
My Commission Expires: 6/21/08

STATE OF IDAHO }
COUNTY OF CARIBOU } ss

Senise Bradley
I, Senise Bradley, Clerk, Auditor and Recorder of Caribou County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Warranty Deed as the same appears in my official records.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in my office at Soda Springs, Idaho, this ____ day of April, 2007.

Senise Bradley
Clerk, Auditor & Recorder
Caribou County, Idaho

WARRANTY DEED - 2



74658

ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 74658APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant Brad Smith Phone 208-427-6649Post Office address 412 River Road, Grace, Idaho 83241

c/o T.J. Budge, attorney for Applicant

A. PURPOSE OF TRANSFER Racine Olson Nye Budge & Bailey, Chtd. PO Box 1391, Pocatello, Idaho 83204

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Applicant agreed to convey water right # 13-679 to Charles Barlow in exchange for Barlow's water right held under statutory claim # 13-7710. This transfer facilitates that exchange of water rights.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>13-7710 ~~B~~</u>	<u>1/1/1960</u>	<u>1.6 cfs</u>	<u>Irrigation</u>	<u>4/20</u> to <u>9/30</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.6 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Cold Springs tributary to Bear River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SW	10	11S	40E	Caribou County	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	9																4	4
		10											36						36
		15					35	5											40

RECEIVED

FEB 21 2008

Total Acres 80

PART 1**6. General Information:**

a. Description of diversion system _____

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land is currently irrigated under water right 13-679, which is being transferred to Charles Barlow.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____
3. Source of water Cold Spring Creek tributary to Bear River

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for irrigation purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	11	11S	40E	Caribou County	Brown Ditch

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	10																40	40
		15	40	20															60

Total Acres 100

9. Describe any other water rights used for the same purpose as described above _____

page 4 of 6

Map A



4658

Page 5 of 6

Map B

New POD for
WR 13-7710

New POD for
WR13-679

New POU for
WR13-679

New POU for
WR 13-7710

PART 3

B. CHANGES IN NATURE OF USE

1.

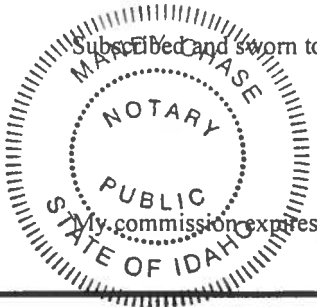
<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Thomas J. Burd
 Attorney for (Signature of Applicant)
 15th day of January, 2008
Mandy Chase
 (Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 8 attachments
 Received by _____ Date _____ Protest filed by _____
 Prelim. Check by _____ Fee 290-
 Receipted by _____ Date 3/19/08 E033855
 Published in Carbon County Sun Copies of protest forwarded by _____
 Pub. Dates _____ Hearing held by _____ Date _____
 Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial
 _____ received _____ by _____

Copy of transfer sent to lien holder _____

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by ALICE CYNTHIA LEAVITT SMITH, as Personal Representative of the Estate of Milton Robbins Smith, Deceased, Grantor, to BRADLEY MILTON SMITH, a married man, as his sole and separate property, Grantee, whose address is 412 River Road, Grace, Idaho 83241.

RECITALS

WHEREAS, Grantor is the qualified Personal Representative of the Estate of Milton Robbins Smith, filed as Probate Case No. SP-99-1438 in Caribou County, Idaho; and

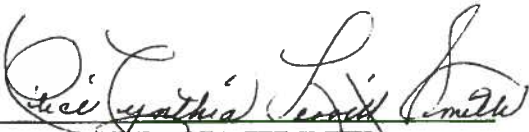
WHEREAS, Letters of Personal Representative were issued on the 14th day of June, 1999, evidencing the appointment and qualification of Alice Cynthia Leavitt Smith as Personal Representative, copy of which is attached hereto; and

WHEREAS, Grantee is entitled to distribution and conveyance of real property owned by the Decedent.

THEREFORE, pursuant to the foregoing, Grantor hereby transfers and conveys to Grantee the Decedent Milton Robbins Smith's undivided one-half interest in the following-described real property located in Caribou County, Idaho, together with all appurtenances, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED BY REFERENCE.

DATED this 25th day of August, 1999.


ALICE CYNTHIA LEAVITT SMITH
Personal Representative

PERSONAL REPRESENTATIVE'S DEED - 1

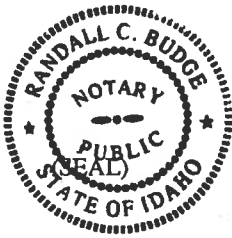
STATE OF IDAHO } ss 159746
County of Caribou }
I hereby certify that this instrument was filed at the request
of Randall C. Kudak
at 9:00 o'clock A in this 30 day of
August, 1999 in my office and duly
recorded official Records
Recorder Edie Izatt
Denise Horsley
Signature Deputy

74 658

STATE OF IDAHO)
 : ss
County of Bannock)

On this 25th day of August, 1999, before me, the undersigned Notary Public in and for said State, personally appeared Alice Cynthia Leavitt Smith, Personal Representative of the Estate of Milton Robbins Smith, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she signed 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: Beaumont, Id.
My Commission Expires: 10/11/2000

PERSONAL REPRESENTATIVE'S DEED - 2

EXHIBIT "A"

- A. The East half of the Northwest quarter, and the South half of the Northeast quarter of Section Eight in Township Eleven South of Range Forty East of the Boise Meridian, Idaho, containing one hundred and sixty acres, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General. Caribou County, State of Idaho.

- B. The Southeast Quarter of the Southeast Quarter of Section 10, and the Northeast Quarter of Section 15, Township 11 South, Range 40 East of the Boise Meridian.

Also, 2 cubic feet of water per second, from Pats Hollow or Sand Springs, originally decreed to George D. Anderson, and with priority of May 2, 1884. Caribou County, State of Idaho.

- C. N1/2NW1/4 Section 15; SW1/4SW1/4 Section 10; and SE1/4SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cole or Cold Springs, situate on the NE1/4NW1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands or thereunto appertaining. Caribou County, State of Idaho.

- D. Lots Three and Four, the West half of the Southeast quarter, and the Southwest Quarter (comprises all of the South half) of Section Twelve; Lots One and Two and the West half of the Northeast quarter of Section Thirteen (comprises the Northeast quarter of Section 13); all in Township Eleven South, Range Thirty-nine East of the Boise Meridian; and also Lot Two of Section Eighteen, in Township Eleven South, Range Forty East of the Boise Meridian; and also

The Northeast quarter of the Northeast quarter of Section Eight; the West half of the

UP
M.R. &
TW

Northwest quarter of Section Nine; and all that portion of the Southeast quarter of the Northwest quarter of Section Nine lying and being WEST of the County Road, as the same now exists; all in Township Eleven South, Range Forty East of the Boise Meridian. Subject to Patent Reservations; rights-of-way and easements as the same now exist, whether evidenced of record or otherwise; to any mortgaged indebtedness now against said premises, the unpaid balance of which the second party agrees to assume and pay; and subject to taxes for the year 1957 and subsequent years. Caribou County, State of Idaho.

- E. A tract of land located in the S2 SW4 Sec. 9, T11S, R40E, B.M., Caribou County, Idaho described as follows: Beginning at a point 1623.6 feet, more or less, South and 1268.9 feet, more or less, East of the NW corner of the SW4 of said Sec. 9; thence S 130°47' E, (considering the section line between Sec. 8 & 9 as due South) along the Easterly right-of-way of the Gentile Valley County Road, 330 feet; thence N 76° 13' E 220 feet; thence N 130° 47' W 330 feet; thence S 76° 13' West 220 feet to the point of beginning; Containing 1.67 acres, more or less. Caribou County, State of Idaho.
- F. Two lots in Thatcher Cemetery.

M. N. L.
F. TU

WARRANTY DEED
(GIFT)

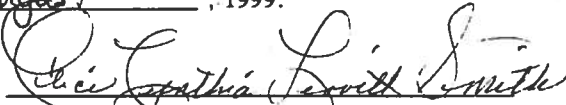
For love and affection, ALICE CYNTHIA LEAVITT SMITH, a widow, hereinafter Grantor, does hereby grant, give and convey unto BRADLEY MILTON SMITH, a married man, as his sole and separate property, whose address is 412 River Road, Grace, Idaho 83241, hereinafter referred to as Grantee, Grantor's undivided one-half community property interest in the following described real property located in Caribou County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND
 INCORPORATED BY REFERENCE.

SUBJECT TO A LIFE ESTATE RESERVED IN FAVOR OF
 GRANTOR ENTITLING HER TO THE USE AND
 POSSESSION OF THE DESCRIBED PROPERTY FOR LIFE.

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

DATED this 25th day of August, 1999.


 ALICE CYNTHIA LEAVITT SMITH

STATE OF IDAHO)
 : ss
 County of Bannock)

On this 25th day of August, 1999, before me, the undersigned, a notary public in and for said State, personally appeared Alice Cynthia Leavitt Smith, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that she executed the same.

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



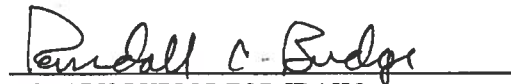

 NOTARY PUBLIC FOR IDAHO,
 Residing at: Pocatello, Id.
 My Commission Expires: 10/11/2000

EXHIBIT "A"

- A. The East half of the Northwest quarter, and the South half of the Northeast quarter of Section Eight in Township Eleven South of Range Forty East of the Boise Meridian, Idaho, containing one hundred and sixty acres, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General. Caribou County, State of Idaho.

- B. The Southeast Quarter of the Southeast Quarter of Section 10, and the Northeast Quarter of Section 15, Township 11 South, Range 40 East of the Boise Meridian.

Also, 2 cubic feet of water per second, from Pats Hollow or Sand Springs, originally decreed to George D. Anderson, and with priority of May 2, 1884. Caribou County, State of Idaho.

- C. N1/2NW1/4 Section 15; SW1/4SW1/4 Section 10; and SE1/4SE1/4 Section 9, Township 11 South of Range 40 East Boise Meridian, in Idaho, containing 160 acres.

TOGETHER with all of the waters of Cole or Cold Springs, situate on the NE1/4NW1/4 Section 11, Township 11 South of Range 40 East Boise Meridian.

TOGETHER with all water and water rights, ditch or ditch rights used in connection with said lands or thereunto appertaining. Caribou County, State of Idaho.

- D. Lots Three and Four, the West half of the Southeast quarter, and the Southwest Quarter (comprises all of the South half) of Section Twelve; Lots One and Two and the West half of the Northeast quarter of Section Thirteen (comprises the Northeast quarter of Section 13); all in Township Eleven South, Range Thirty-nine East of the Boise Meridian; and also Lot Two of Section Eighteen, in Township Eleven South, Range Forty East of the Boise Meridian; and also

The Northeast quarter of the Northeast quarter of Section Eight; the West half of the

UP
M.R. &
TW

Northwest quarter of Section Nine; and all that portion of the Southeast quarter of the Northwest quarter of Section Nine lying and being WEST of the County Road, as the same now exists; all in Township Eleven South, Range Forty East of the Boise Meridian. Subject to Patent Reservations; rights-of-way and easements as the same now exist, whether evidenced of record or otherwise; to any mortgaged indebtedness now against said premises, the unpaid balance of which the second party agrees to assume and pay; and subject to taxes for the year 1957 and subsequent years. Caribou County, State of Idaho.

- E. A tract of land located in the S2 SW4 Sec. 9, T11S, R40E, B.M., Caribou County, Idaho described as follows: Beginning at a point 1623.6 feet, more or less, South and 1268.9 feet, more or less, East of the NW corner of the SW4 of said Sec. 9; thence S 13047' E, (considering the section line between Sec. 8 & 9 as due South) along the Easterly right-of-way of the Gentile Valley County Road, 330 feet; thence N 760 13' E 220 feet; thence N 130 47' W 330 feet; thence S 760 13' West 220 feet to the point of beginning; Containing 1.67 acres, more or less. Caribou County, State of Idaho.
- F. Two lots in Thatcher Cemetery.

STATE OF IDAHO } ss 159747
County of Caribou }
I hereby certify that this instrument was filed at the request
of Randall C. Budag
at 9:00 o'clock A m this 30 day of
August, 1999 in my office and duly
recorded Official Records
Recorder, Edie Izatt
Denise Donley
Signature Deputy

M. A. L.
TF

QUITCLAIM DEED

ORDER NO.: 3080140272

FOR VALUE RECEIVED,

ALICE CYNTHIA LEAVITT SMITH

Do(es) hereby convey, release, remise and forever quit claim unto

BRADLEY MILTON SMITH

whose current address is::

412 RIVER RD

GRACE, ID 83241

the following described premises:

Township 11 South, Range 40 East Boise Meridian, Caribou County, Idaho.

A tract of land located in the S $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 11 South, Range 40 East of the Boise Meridian, Caribou County, Idaho, described as follows:

Beginning at the NW corner of the SW $\frac{1}{4}$ of said Section 9; Thence South 1623.6';

Thence East 1268.9'; Thence South 13°47' East 330' to the true point of beginning;

Thence North 76°13' East 100'; Thence North 13°47' East 50';

Thence South 76°13' West 100'; Thence South 13°47' East 50' to the point of beginning.

Except: Township 11 South, Range 40 East of the Boise Meridian:

Section 9: Beginning at the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, and running

thence East along the South line of said Section 510 feet,

thence North 300 feet, thence West 510 feet,

thence South 300 feet to the point of beginning.

Section 10: SE $\frac{1}{4}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 15: N $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$;

Section 18: Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$)

Section 8: S $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$

Township 11 South, Range 39 East Boise Meridian, Caribou County, Idaho.

Section 12: S $\frac{1}{4}$;

Section 13: W $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 1 and 2 (E $\frac{1}{4}$ NE $\frac{1}{4}$)

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

November 30, 2001

Alice Cynthia Leavitt Smith

State of Idaho

County of

On this 30 day of December, in the year 2001, before me, a Notary Public in and for said state, personally appeared Alice Cynthia Leavitt Smith known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that executed the same.

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

Jurisdiction
Notary Public for the State of Idaho

Residing at: Grace

Commission Expires: June 17, 2002

STATE OF IDAHO } ss **164844**
County of Caribou

I hereby certify that this instrument was filed at the request of Alice Cynthia Leavitt Smith

at 11:40 o'clock A m this 3 day of December, 2001 in my office and duly

recorded official Records

Recorder Edie Izatt

Denise Hursley
Signature Deputy