



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 18, 2011

Wendell H Smith Family Trust
359 S 550 E
River Height UT 84321

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP FOR WATER RIGHT
NUMBER(S) 13-7633

Dear Interested Parties:

On Friday March 18, 2011, you, Walter Surber and Claudia Surber, met with Michael Holiday a water right agent here in our department. During review of all the information provided the decision was made to file an Amended Statutory Claim for water right mentioned above. After the Amended Statutory Claim is filed, correcting the discrepancies within the place of use, then an ownership change will be filed with the department. Because it was determined that the ownership change would not be completed at this time I am returning your ownership change unprocessed and requesting a refund in the amount of \$100.00 for receipt numbers E033876 (\$25.00) and E035628 (\$75.00), please find the email requesting the refund attached. A copy of the application and all the conveyance documents will be kept in the departments' records for reference purposes only.

After completion of the Amended Statutory Claim, if you wish to reinstate this request you may send the enclosed ownership change request form along with the required information and fees and we will be happy to complete the request for you.

If you have any questions about this matter feel free to contact Michael Holiday or Jonie Barg at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

3-2-10

JONIE at IDWR

ENClosed is a check for \$75.00 as
was discussed with BILL CONDE for
the ownership change for water right
3-7633 to the WENDELL H SMITH
FAMILY TRUST.

THANK YOU FOR YOUR ASSISTANCE

Wayle S. Condie
Trustee

RECEIVED
MAR 04 2010
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

DEV

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
13-7633	WR-Statutory				

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

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

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

Wendell H. Smith
 2913 E. Hwy 36. Preston.
 Preston, ID 83263.

4. New Owner/Claimant(s)

Wendell H. Smith Family Trust.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

Gayle S. Condie, Trustee.
 359 S. 550 East.

City, State and ZIP Code

River Height, Ut 84321.

New Telephone Number

(435) 753-4661 Email:

William
 "Bill" Condie

RECEIVED

MAR 24 2008

Department of Water Resources
 Eastern Region

5. Date you acquired the property

May 13, 2003

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

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

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

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

Wendell H. Smith family trust
Gayle S. Condie trustee
 (title if applicable)
 (title if applicable)

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

3-3-10\$75.00Split feeE035628

For IDWR Office Use Only:

Received by [Signature]
 Receipted by [Signature]
 Processed by [Signature] AJ

Date 3-24-08
 Date 3-24-08
 Date

Receipt Amt. \$25.00
 Receipt No. E0338710
 WR _____ Date _____

Barg, Jonie

From: bgcondy@comcast.net
Sent: Tuesday, February 23, 2010 10:42 AM
To: Barg, Jonie
Subject: Fwd: Deeds
Attachments: 20100222141742.pdf

----- Forwarded Message -----

From: "Jan Stone" <jans@northerntitle.net>
To: bgcondy@comcast.net
Sent: Monday, February 22, 2010 2:41:27 PM GMT -07:00 US/Canada Mountain
Subject: Deeds

Here are the Chain of deeds that you requested for the water you are dealing with. I have circled the description that were needed for the water transfer you are handling. Please let me know if you need anything else. Thank You!

Jan Stone
Northern Title Company
96 South State Street
Preston, Idaho 83263
Phone (208)852-5700x221 Fax (208)852-9300
jans@northerntitle.net

-----Original Message-----

From: mfxpreston2 [mailto:mfxpreston2@northerntitle.net]
Sent: Monday, February 22, 2010 7:17 AM
Subject: Internet Facsimile Message

This is an internet facsimile message.
Please see the file attached.

Sent from : mfxpreston2<mfxpreston2@northerntitle.net>

Number of pages : 43

Date : Mon, 22 Feb 2010 14:16:36 +0000

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Recorded at the request of

JAY R. MCKENZIE

a.m. FEB 14 2007 p.m. 1:20

V. ELLIOTT LARSEN, RECORDER
By Deann Smith Deputy
FRANKLIN COUNTY, IDAHO

CORRECTING QUITCLAIM DEED

FOR VALUE RECEIVED

GAYLE DEANN SMITH CONDIE, Trustee, of the WENDELL H. SMITH MARITAL TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

AS TO A ONE-THIRD UNDIVIDED INTEREST in and to certain real property and water stock, located in Franklin County, Idaho, more particularly described below;

and

GAYLE DEANN SMITH CONDIE, Trustee, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

AS TO A TWO-THIRDS UNDIVIDED INTEREST in and to certain real property and water stock, located in Franklin County, more particularly described below;

do hereby convey, release, remise and forever quitclaim unto

GAYLE DEANN SMITH CONDIE, Successor Trustee, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

whose current address is: Gayle Deann Smith Condie
P.O. Box 677
Logan, UT 84323-0677

the following described premises, located in Franklin County, Idaho, more particularly described as follows, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference.

TOGETHER WITH the following described water stock:

- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50% shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

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The successor trustees of the Trust are the following: DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

This Correcting Quitclaim Deed is to correct and reorganize the legal descriptions of the various properties described in the Quitclaim Deed recorded December 28, 2005, as Instrument No. 232371, records of Franklin County, Idaho, and Instrument No. 232372, records of Franklin County, Idaho.

DATED this 13 day of October, 2006.

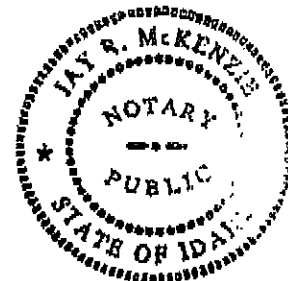
Gayle Deann Smith Condie
 GAYLE DEANN SMITH CONDIE,
 Trustee of The Wendell H. Smith Marital Trust
 created upon the death of Wavel K. Smith
 on September 17, 2004

Gayle Deann Smith Condie
 GAYLE DEANN SMITH CONDIE,
 Trustee of The Wendell H. Smith Family Trust
 created upon the death of Wavel K. Smith
 on September 17, 2004

STATE OF IDAHO)
) ss.
 COUNTY OF FRANKLIN)

On this 13th day of October, 2006, before me, a Notary Public in and for said State, personally appeared GAYLE DEANN SMITH CONDIE, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Marital Trust created upon the death of Wavel K. Smith on September 17, 2004, and acknowledged to me that he executed the same as such trustee.

Jay R. McKenzie
 NOTARY PUBLIC
 Residing at: Preston, Idaho
 My Commission Expires: 11-21-2009

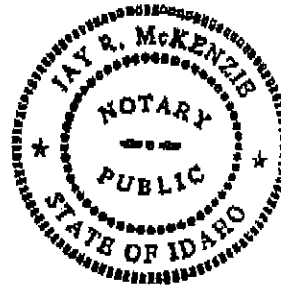


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STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

On this 13th day of October, 2006, before me, a Notary Public in and for said State, personally appeared GAYLE DEANN SMITH CONDIE, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust created upon the death of Wavel K. Smith on September 17, 2004, and acknowledged to me that he executed the same as such trustee.

Jay R. McKenzie
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-21-2009



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EXHIBIT "A"

Township 13 South, Range 40 East of the Boise Meridian

Section 24: W1/2SW1/4; except commencing at the Northeast corner thereof, thence running South 250 feet, thence West 150 feet, thence North 250 feet, thence East 150 feet, to point of beginning.

Section 25: Beginning at the SW corner of the NW1/4NW1/4 Said Twp and Range. Thence running North 80 Rods, Thence East 80 Rods, Thence South 40 Rods, Thence southwesterly to POB.

Section 26: SW1/4SE1/4, S1/2NW1/4SE1/4, NE1/4NW1/4SE1/4
SE1/4SW1/4NE1/4

Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter, thence South 50 rods; thence Northeasterly to a point 41 rods East of the point of beginning, thence West 41 rods to point of beginning, containing 6 acres more or less.

Section 35: E1/2

Section 36: W1/2NW1/4

Township 13 South, Range 41 East of the Boise Meridian

Section 5: SW1/4SW1/4; SE1/2

Section 6: SE1/4SE1/4

Section 7: E1/2NE1/4

Section 8: NW1/4, NE1/4SW1/4, E1/2W1/2SW1/4

ALSO, Beginning at the Northeast corner of Section 8, and running thence South 60° West 48 rods; thence South 10° West 40 rods; thence South 56° West 60 rods; thence West 61.75 rods; thence North 98 rods; thence East 160 rods, more or less, to the point of beginning.

TOGETHER WITH an existing right of way for ingress and egress across the SW1/4NE1/4 and NW1/4SE1/4 of Section 8, to the county road.

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Township 14 South, Range 40 East of the Boise Meridian

Section 2: Beginning at the Northeast corner of Lot 3, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast Quarter of the Northwest Quarter of said Section, 27 rods East of the Southwest corner of the Southeast Quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East Half of the Northwest Quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

EXCEPTING THEREFROM:

Township 13 South, Range 40 East of the Boise Meridian

Section 35: Beginning at the Southeast corner of SW1/4SE1/4; thence West 370 feet; thence North 99 feet; thence Northeast to a point 16 rods North of the point of beginning; thence South 1 rod; thence Southeast to a point 23 rods East of the point of beginning; thence West 23 rods, to the point of beginning

ALSO EXCEPTING THEREFROM:

Townships 13 and 14 South, Range 40 East of the Boise Meridian

Sections 2,

26, 35, & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East of Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fenceline the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00" East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

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Township 14 South, Range 40 East of the Boise Meridian

Section 20: Beginning at a point 40 rods West of the Southeast corner of the Southeast Quarter of the Southwest Quarter, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning.

ALSO, Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, of said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet, more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet, more or less, to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 of decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

Sections 20
& 29:

Commencing at a point $46\frac{1}{2}$ rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West $33\frac{1}{2}$ rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East $7\frac{1}{2}$ rods, thence North 17 rods to the point of beginning.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

EXCEPT, all that portion lying North of State Highway 36 as it now exists.

EXCEPT all of that portion of the above-described property lying South and East of Bear River.

Section 20: Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 20, thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

ALSO, Commencing at a point 427 feet South of the NW corner of the Southwest Quarter of the Southeast Quarter, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods;

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thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the Northeast corner of the SW1/4SW1/4SE1/4 of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

Section 29: Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at a point 20 rods East of the Northwest corner of the Northeast Quarter, and running thence East 20 rods; thence South 40 rods more or less to the North bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

TOGETHER WITH all appurtenant water rights and all other appurtenances to the foregoing parcels.

Township 15 South, Range 39 East of the Boise Meridian

Section 23: Commencing at a point 91 rods 14½ feet North of the Southeast corner of the Southwest Quarter, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and 2/3 rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM:

Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW1/4 of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14½ feet North of the Southeast corner of the SW1/4 of Section 23, and running thence North 15 rods, 10½ feet; thence East 2 rods; thence South 15 rods, 10½ feet; thence West 2 rods to the point of beginning.

174638 / 9

QUITCLAIM DEED

For Value Received

WENDELL H. SMITH and WAVELE K. SMITH, husband and wife,

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

WENDELL H. SMITH and WAVELE K. SMITH, trustees, or their successors in Trust, of THE WENDELL H. SMITH FAMILY TRUST established by a Trust Agreement dated January 25, 1987, whose current address is

Route 2, Preston, Idaho

the following described premises, to-wit: All that real estate located in Franklin County, Idaho and more particularly described in Exhibit "A" attached hereto.

See Attached Exhibit "A"

The surviving Trustee and successor Trustees have full rights to sell or encumber the property herein set forth.

Substitute Trustees: In the event a vacancy exists, for any reason, in the office of trustee, the following persons shall act as substitute trustees, successively in the order named: The surviving spouse as sole trustee, DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, CAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKI LYNN SMITH DANIELS of Sandy, Utah, and KRISTIE SMITH of Logan, Utah, all as co-trustees; in the event of the death, resignation, refusal, or inability of any co-trustee to qualify or act, the remaining co-trustees shall act as substitute co-trustees.

The transfer of Trusteeship may be evidenced by a Quitclaim Deed from the Trustee herein, or a resignation to the first successor or a death certificate filed of record.

together with their appurtenances.

Dated: January 25, 1987

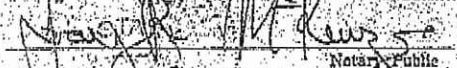

 WENDELL H. SMITH


 WAVELE K. SMITH

STATE OF IDAHO, COUNTY OF FRANKLIN,
 On this 25th day of January, 1987,
 before me, a notary public in and for said State, personally
 appeared

WENDELL H. SMITH and
 WAVELE K. SMITH, 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.


 Notary Public
 Preston, Idaho
 Comm. Expires 11/16/91

Subscribed at the request of

 JAN 23 1987 9:25 am
 CORRIE L. KELER, RECORDER
 Franklin County, Idaho

Furnished by the AMERICAN LAND TITLE CO., Preston, Idaho.

174696

EXHIBIT "A"PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

- Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 7: E $\frac{1}{2}$ NE $\frac{1}{4}$ E $\frac{1}{2}$
- Section 8: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

- Section 5: SE $\frac{1}{4}$

ALSO: Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

- Section 8: Beginning at the Northeast corner of Section 8,
and running thence South 60° West 48 rods;
thence South 10° West 40 rods; thence South 56°
West 60 rods; thence West 56 rods; thence North
98 rods; thence East 160 rods, more or less,
to the point of beginning.

TOGETHER WITH an existing right of way for
ingress and egress across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 8, to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of the Southeast quarter and the
Southeast quarter of the Southwest quarter of Section 24,
Township 13 South, Range 40 East of the Boise Meridian, con-
taining 80 acres;

ALSO: The West half of Northeast quarter of Section 29, and
the Southwest quarter of the Southeast quarter of Section 20,
Township 13 South, Range 41 East of Boise Meridian;

174698

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25, the South half of the Northwest quarter of Section 25, all in Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres;

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 35: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Also commencing at the NE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35, and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence SWasterly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of

174698

the Boise Meridian, Franklin County, Idaho.

Sections 2,

26, 35 & 36.

Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South $4^{\circ}34'43''$ West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fence line the following courses: South $64^{\circ}58'59''$ West 546.25 feet; North $35^{\circ}18'40''$ West 485.28 feet; thence North $39^{\circ}43'12''$ West 257.42 feet; thence North $25^{\circ}49'08''$ East 377.70 feet; thence North $16^{\circ}39'05''$ West 547.07 feet; thence North $42^{\circ}17'00''$ West 2013.98 feet; thence North $0^{\circ}20'58''$ West 820.02 feet; thence North $69^{\circ}34'02''$ East 1088.48 feet; thence North $0^{\circ}00'00''$ East 90.00 feet; thence North $77^{\circ}00'19''$ West 533.67 feet; thence North $4^{\circ}14'11''$ West 812.22 feet; thence North $14^{\circ}02'10''$ West 577.24 feet; thence North $60^{\circ}19'01''$ East 575.32 feet; thence North $47^{\circ}58'53''$ West 679.74 feet; thence North $1^{\circ}54'33''$ East 300.17 feet; thence North $38^{\circ}15'16''$ West 381.10 feet; thence North $15^{\circ}15'18''$ East 399.06 feet; thence South $81^{\circ}42'10''$ East 727.62 feet; thence South $0^{\circ}36'50''$ East 1400.08 feet; thence South $89^{\circ}34'21''$ East 2680.07 feet; thence South $0^{\circ}00'00''$ East 2680.00 feet; thence South $89^{\circ}45'11''$ West 1160.00 feet; thence South $3^{\circ}03'18''$ West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 24: Commencing at the Northwest corner of the SE $\frac{1}{4}$, thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW $\frac{1}{4}$; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: SW $\frac{1}{4}$. ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW $\frac{1}{4}$ of Section 25, and running thence Southwesterly to the Southwest corner of the NW $\frac{1}{4}$; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25; thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

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Section 26: SE 1/4

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 16 South, Range 40 East of the Boise Meridian, running thence South 73° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section; 27 rods East of the Southwest corner of the Southeast quarter of the Northwest quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

A tract of land located in the NE 1/4 of Section 31, and the SE 1/4 of Section 30, T. 14 S., R. 40 E. B.M., lying North of Bear River and South of the Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

Beginning at a point on the Southeasterly R/W of the said Mink Creek Road, S. 64° 39' E. (bearings taken from the centerline of the said Mink Creek Road Proj. S-1803(2) official plat) 36.7 feet from station 4+26 of said Mink Creek Road centerline; thence S. 64° 39' E. 432 feet, more or less, to the North meander line of Bear River; thence Easterly along the said North meander line of Bear River to an intersection with the East boundary of the said SE 1/4 of Sec. 30; thence North along the said East boundary of the SE 1/4 of Section 30, 960 feet, more or less, to an intersection with the Easterly R/W of the said Mink Creek Road; this point is approximately 322 feet South of the NE corner of the said SE 1/4 of Section 30; thence S. 42° 56' W. along the said Easterly R/W 1790 feet, more or less, to the point of beginning, containing 14.4 acres, more or less.

ALSO, a tract of land located in the NE 1/4 of Sec. 31 and SE 1/4 of Sec. 30, T. 14 S., R. 40 E. B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE 1/4 of Sec. 31; thence North 42° 34' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE 1/4 of Sec. 30, T. 14 S., R. 40 E. B.M.; thence North 280 feet; thence West 170 feet; thence Southwesterly

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along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E. B.M.; thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E. B.M.; thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1130 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30, running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 30: Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 56° West 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1/2 rods 144 feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian; thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and 2/3 rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho.

Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence

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South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14 1/2 feet North of the Southeast corner of the SW 1/4 of Section 23, and running thence North 15 rods, 10 1/2 feet; thence East 2 rods; thence South 15 rods, 10 1/2 feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 75 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian,
Franklin County, Idaho.

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

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Franklin County, Idaho

The following described land in Sections 20 and 29: Commencing at a point 467 rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West 335 rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 34 rods, thence North 90 rods, thence East 74 rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northeast quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods, thence South 46 rods, thence East 40 rods, thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, thence running North 22 rods and 7 feet, thence West 33 rods, 11 5 feet, thence North 17 rods, thence West 6 rods, 5 feet, thence South 39 rods, thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner SW1/4 of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods, thence South 40 rods, thence East 20 rods, thence North 20 rods, thence West 100 feet, thence Northwest to county road to a point 150 feet West of the NE corner SW1/4 of said Section 20, running thence East 150 feet, thence North 233 feet, thence West 40 rods to the place of beginning.

ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line, thence West along the section line 20 rods, thence North 8 rods, thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods,

→
see next

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thence South 40 rods more or less to the North Bank of Bear River;
thence Westerly 20 rods more or less following the North bank of
Bear River; thence North 43 rods more or less to the point of
beginning.

ALSO, commencing at a point 20 rods East and 8 rods North of the
Southwest corner of the Southeast quarter of Section 20, Township
14 South, Range 40 East of the Boise Meridian, and running thence
North 37 1/2 feet; thence East 16 1/5 feet; thence South 37 1/2 feet; thence
West 16 1/5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE
FOREGOING PARCELS

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Recorded at the request of

JAY R. Mckenzie____ a.m. OCT 13 2005 p.m. 2:15**QUITCLAIM DEED**

V. ELLIOTT LARSEN, RECORDER

By Shauna Solides Deputy

FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

WENDELL H. SMITH, Sole Surviving and Sole Successor Trustee, and Sole Surviving Grantor of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

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

WENDELL H. SMITH, Initial Trustee, and his successors, in trust, of the WENDELL H. SMITH MARITAL TRUST created upon the death of WAVE K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

whose current address is: Wendell H. Smith Marital Trust
c/o Wendell H. Smith, Trustee
2913 East Hwy. 36
Preston, ID 83263

the following described premises, to-wit:

A one-third undivided interest in and to certain real property located in Franklin County, Idaho, more particularly described in Exhibit "A" attached hereto and made a part hereof by reference.

TOGETHER WITH, a one-third undivided interest in and to the following described water stock:

- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50% shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

The successor trustees of the Trust are the following, successively in the order named: GAYLEDEANN SMITH CONDIE of Soda Springs, Idaho, as sole-successor trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLEDEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

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DATED this 12th day of October, 2005.

Wendell H. Smith
WENDELL H. SMITH, Trustee

STATE OF IDAHO

COUNTY OF FRANKLIN

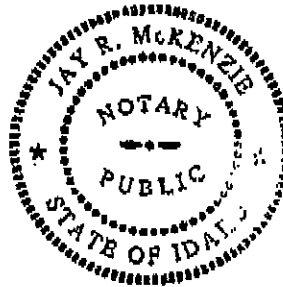
} ss.

On this 12th day of October, 2005, before me, a Notary Public in and for said State, personally appeared WENDELL H. SMITH, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust, and acknowledged to me that he executed the same as such trustee.

Jay R. McKenzie
NOTARY PUBLIC

Residing at: Preston, Idaho

My Commission Expires: 11-21-2009



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EXHIBIT "A"PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

- Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$
- Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$
- Section 7: E $\frac{1}{2}$ NE $\frac{1}{4}$
- Section 8: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

- Section 5: SE $\frac{1}{4}$

ALSO, Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

- Section 8: Beginning at the Northeast corner of Section 8,
and running thence South 60° West 48 rods;
thence South 10° West 40 rods; thence South 56°
West 60 rods; thence West 56 rods; thence North
98 rods; thence East 160 rods, more or less,
to the point of beginning.

TOGETHER WITH an existing right of way for
ingress and egress across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 8, to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of the Southeast quarter and the
Southeast quarter of the Southwest quarter of Section 24,
Township 13 South, Range 40 East of the Boise Meridian, con-
taining 80 acres;

ALSO: The Southwest quarter of the Southeast quarter of Section 20,
Township 13 South, Range 41 East of Boise Meridian;

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25
the South half of the Northwest quarter of Section 25, all in
Township 13 South, Range 40 East of the Boise Meridian;

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ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres.

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 35: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Also commencing at the NE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35; and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence Westerly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Sections 2,

26, 35 & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fence line the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00"

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East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 24: Commencing at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$. ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and running thence Southwesterly to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25, thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 14 South, Range 40 East of the Boise Meridian, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section, 27 rods East of the Southwest corner of the Southeast quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

ALSO, a tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 14 S., R. 40 E.B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

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Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31; thence North 42°54' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M.; thence North 280 feet, thence West 170 feet, thence Southwesterly along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M., thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M. thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1150 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 30: Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 567 feet; thence East 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1 rods 14 $\frac{1}{2}$ feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and $\frac{2}{3}$ rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho;

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Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14 $\frac{1}{2}$ feet North of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence North 15 rods, 10 $\frac{1}{2}$ feet; thence East 2 rods; thence South 15 rods, 10 $\frac{1}{2}$ feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

Franklin County, Idaho:

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The following described land in Sections 20 and 29: Commencing at a point $46\frac{1}{2}$ rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West $33\frac{1}{2}$ rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East $7\frac{1}{2}$ rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

231608 9.9

ALSO, commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE FOREGOING PARCELS.

231610 1-A

Recorded at the request of

JAY R. McKenzie

2:25
a.m. OCT 13 2005 p.m.

QUITCLAIM DEED

V. ELLIOTT LARSEN, RECORDER
By Shauna Geddes Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

WENDELL H. SMITH, Sole Surviving and Sole Successor Trustee, and Sole Surviving Grantor of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

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

WENDELL H. SMITH, Initial Trustee, and his successors, in trust, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVE K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

whose current address is: Wendell H. Smith Family Trust
c/o Wendell H. Smith, Trustee
2913 East Hwy. 36
Preston, ID 83263

the following described premises, to-wit:

A two-thirds undivided interest in and to certain real property located in Franklin County, Idaho, more particularly described in Exhibit "A" attached hereto and made a part hereof by reference.

TOGETHER WITH, a two-thirds undivided interest in and to the following described water stock:

- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50% shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

The successor trustees of the Trust are the following, successively in the order named: GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, as sole-successor trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

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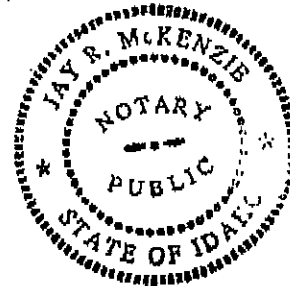
DATED this 12th day of October, 2005.

Wendell H. Smith
WENDELL H. SMITH, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 12th day of October, 2005, before me, a Notary Public in and for said State, personally appeared WENDELL H. SMITH, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust, and acknowledged to me that he executed the same as such trustee.

Jay R. McKenzie
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-21-2009



231610 3-a

EXHIBIT "A"PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 7: E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 8: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 5: SE $\frac{1}{4}$

ALSO, Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 8: Beginning at the Northeast corner of Section 8,
and running thence South 60° West 48 rods;
thence South 10° West 40 rods; thence South 56°
West 60 rods; thence West 56 rods; thence North
98 rods; thence East 160 rods, more or less,
to the point of beginning.

TOGETHER WITH an existing right of way for
ingress and egress across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 8; to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of the Southeast quarter and the
Southeast quarter of the Southwest quarter of Section 24,
Township 13 South, Range 40 East of the Boise Meridian, con-
taining 80 acres;

ALSO: The Southwest quarter of the Southeast quarter of Section 20,
Township 13 South, Range 41 East of Boise Meridian;

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25
the South half of the Northwest quarter of Section 25, all in
Township 13 South, Range 40 East of the Boise Meridian;

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ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres.

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 35: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Also commencing at the NE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35; and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence SWesterly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Sections 2,

26, 35 & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fenceline the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00"

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East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 24: Commencing at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$. ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and running thence Southwesterly to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25, thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 14 South, Range 40 East of the Boise Meridian, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section, 27 rods East of the Southwest corner of the Southeast quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

ALSO, a tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 14 S., R. 40 E.B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

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Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31; thence North 42°54' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M.; thence North 280 feet, thence West 170 feet, thence Southwesterly along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M., thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M. thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1150 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 30: Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 567 feet; thence East 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1 rods 14 $\frac{1}{2}$ feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and $\frac{2}{3}$ rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho:

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Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14 $\frac{1}{2}$ feet North of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence North 15 rods, 10 $\frac{1}{2}$ feet; thence East 2 rods; thence South 15 rods, 10 $\frac{1}{2}$ feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian,
Franklin County, Idaho:

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section, and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

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Franklin County, Idaho:

The following described land in Sections 20 and 29: Commencing at a point $46\frac{1}{2}$ rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West $33\frac{1}{2}$ rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East $7\frac{1}{2}$ rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

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ALSO, commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE FOREGOING PARCELS.

232372 1-9

Recorded at the request of

JAY R. McKenzie

____ a.m. DEC 28 2005 p.m. 2:30

QUITCLAIM DEED

V. ELLIOTT LARSEN, RECORDER
By Shauna Geddes Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

WENDELL H. SMITH, Sole Surviving and Sole Successor Trustee, and Sole Surviving Grantor of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

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

WENDELL H. SMITH, Initial Trustee, and his successors, in trust, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVE L K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

whose current address is: Wendell H. Smith Family Trust
c/o Wendell H. Smith, Trustee
2913 East Hwy. 36
Preston, ID 83263

the following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference.

TOGETHER WITH the following described water stock:

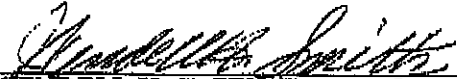
- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50% shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

The successor trustees of the Trust are the following, successively in the order named: GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, as sole-successor trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

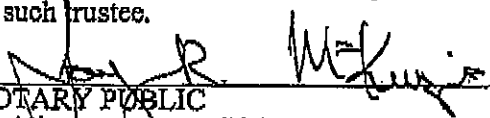
232372 2-9

DATED this 24th day of December, 2005.


WENDELL H. SMITH, Trustee of
The Wendell H. Smith Family Trust dated
January 23, 1987, as amended May 13, 2003

STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

On this 24th day of December, 2005, before me, a Notary Public in and for said State, personally appeared WENDELL H. SMITH, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust, dated January 23, 1987, as amended May 13, 2003, and acknowledged to me that he executed the same as such trustee.


NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-21-2009



232372 3-9

EXHIBIT "A"PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 7: E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 8: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 5: SE $\frac{1}{4}$

ALSO, Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 8: Beginning at the Northeast corner of Section 8;
and running thence South 60° West 48 rods;
thence South 10° West 40 rods; thence South 56°
West 60 rods; thence West 56 rods; thence North
98 rods; thence East 160 rods, more or less,
to the point of beginning.

TOGETHER WITH an existing right of way for
ingress and egress across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 8, to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of the Southeast quarter and the
Southeast quarter of the Southwest quarter of Section 24,
Township 13 South, Range 40 East of the Boise Meridian, con-
taining 80 acres;

ALSO: The Southwest quarter of the Southeast quarter of Section 20,
Township 13 South, Range 41 East of Boise Meridian;

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25
the South half of the Northwest quarter of Section 25, all in
Township 13 South, Range 40 East of the Boise Meridian;

232372 4-9

ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres.

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 35: ~~NE&SE~~

Also commencing at the NE corner of the ~~SE&SE~~ of said Section 35, and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of ~~SE&SE~~ of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence SWesterly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Sections 2,

26, 35 & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South $4^{\circ}34'43''$ West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fenceline the following courses: South $64^{\circ}58'59''$ West 546.25 feet; North $35^{\circ}18'40''$ West 485.28 feet; thence North $39^{\circ}43'12''$ West 257.42 feet; thence North $25^{\circ}49'08''$ East 377.70 feet; thence North $16^{\circ}39'05''$ West 547.07 feet; thence North $42^{\circ}17'00''$ West 2013.98 feet; thence North $0^{\circ}20'58''$ West 820.02 feet; thence North $69^{\circ}34'02''$ East 1088.49 feet; thence North $0^{\circ}00'00''$

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East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 24: Commencing at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: SE $\frac{1}{4}$ NW $\frac{1}{4}$. ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and running thence Southwesterly to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25, thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 14 South, Range 40 East of the Boise Meridian, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section, 27 rods East of the Southwest corner of the Southeast quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

ALSO, a tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 14 S., R. 40 E.B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

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Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31; thence North 42°54' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M.; thence North 280 feet, thence West 170 feet, thence Southwesterly along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M.; thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M. thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1150 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 30; Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 56° West 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1 rods 14 $\frac{1}{2}$ feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and $\frac{2}{3}$ rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho;

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Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO, a right of way across the following described tract: Commencing at a point 91 rods, 14 $\frac{1}{2}$ feet North of the Southeast corner of the SW $\frac{1}{4}$ of Section 23; and running thence North 15 rods, 10 $\frac{1}{2}$ feet; thence East 2 rods; thence South 15 rods, 10 $\frac{1}{2}$ feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section; and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

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Franklin County, Idaho:

The following described land in Sections 20 and 29: Commencing at a point $46\frac{1}{2}$ rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West $33\frac{1}{2}$ rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East $7\frac{1}{2}$ rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

Water

Water

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ALSO, commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE FOREGOING PARCELS.

AMENDMENT TO THE WENDELL H. SMITH FAMILY TRUST

THIS FIRST AMENDMENT TO THE WENDELL H. SMITH FAMILY TRUST, dated this 13th day of May, 2003, is by WENDELL H. SMITH and WAVEL K. SMITH, Grantors (referred to herein as "Grantor") and WENDELL H. SMITH and WAVEL K. SMITH, Trustees (referred to herein as "Trustee").

W I T N E S S E T H:

WHEREAS, by agreement with the Trustee dated January 23, 1987, Grantor created and placed in effect THE WENDELL H. SMITH FAMILY TRUST (hereafter referred to as the "Agreement"); and

WHEREAS, Grantor desires to amend the Agreement and the Trustee is willing to accept such amendment;

NOW, THEREFORE, Grantor and the Trustee agree as follows:

1.00 Article 5.04(a) is hereby amended to delete "and each child of grantors who survives the deceased spouse has reached the age of 30 or died before reaching such age", and adding the following sentence at the end of said Article 504(a): "Whereupon, this trust shall terminate."

2.00 Article 5.04(b), and all subdivisions thereof, are hereby deleted in their entirety.

3.00 Article 8.02 is hereby amended to read in its entirety as follows:

8.02 Successor Trustee.

(a) In the event a vacancy exists, for any reason, in the office of trustee, the following persons shall act as substitute trustees, successively in the order named: The surviving spouse as sole trustee; GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, as sole-successor trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKI LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE,

VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees.

(b) Whenever GAYLE DEANN SMITH CONDIE is acting as sole-trustee, she shall be required to have at least one of her sisters co-sign all checks issued in an amount in excess of \$300.00, and shall have at least one of her sisters give written approval for all financial transactions that exceed \$500.00 in value. In addition, she shall have financial summaries prepared of all trust business transactions for each calendar quarter, and shall mail a copy of such summary to each of her sisters by the end of the following month.

4.00 Article 13.02 is hereby amended to read in its entirety as follows:

13.02 Grantor's Family Grantors have four (4) living children and no deceased children. The names and birthdates of grantors' living children are as follows:

<u>NAME</u>	<u>BIRTHDATE</u>
DIXIE KAY SMITH RASMUSSEN	April 6, 1938
GAYLE DEANN SMITH CONDIE	August 29, 1944
VICKI LYNN SMITH WHEELER	June 7, 1949
KRISTIE SMITH	August 28, 1963

All references to grantors' "children" are to such children and to any child subsequently born to or legally adopted by grantors. The foregoing birthdates of grantors' children may be relied upon by the trustee for all purposes of this instrument.

5.00 Article 3.03 is hereby amended by adding the following paragraph thereto:

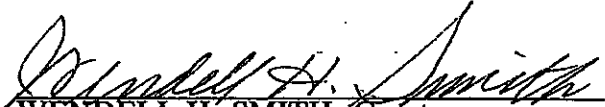
"PROVIDED HOWEVER, the surviving spouse shall have the right to disclaim all or any part of the deceased spouse's interest in the assets of this Trust. Said assets disclaimed shall be selected by the surviving spouse out of the assets of the Trust, including, but not limited to, any assets gifted, transferred, or poured over into the Trust at any time. Upon said disclaimer of assets by the surviving spouse, the disclaimed whole or portion shall be distributed to the Family Trust. The Marital Trust and the Family Trust shall be administered as set forth herein."

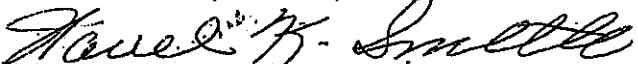
6.00 The Trust is further amended by adding the following provision:

"Power of Appointment Disclaimer. Any and all Powers of Appointment granted to surviving spouse in the Trust Agreement with respect to the Family Trust are hereby deleted.

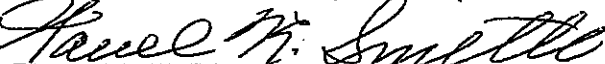
7.00 In all other respects, the trust is confirmed and shall not be changed or affected except as above set forth.

IN WITNESS WHEREOF, the parties hereto have executed and acknowledged this Amendment to Trust the day and year first above written.


WENDELL H. SMITH, Grantor


WAVEL K. SMITH, Grantor

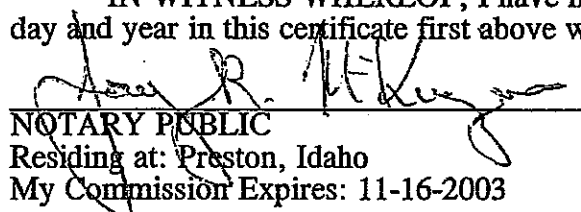

WENDELL H. SMITH, Trustee


WAVEL K. SMITH, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

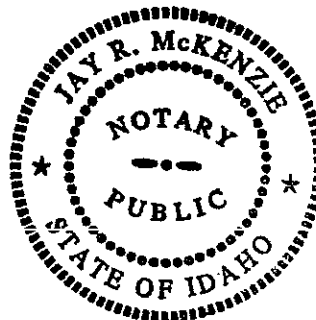
On this 13th day of May, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared WENDELL H. SMITH and WAVEL K. SMITH, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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


NOTARY PUBLIC

Residing at: Preston, Idaho

My Commission Expires: 11-16-2003



231610 19

RECORDED AT THE REQUEST OF

JAY R. McKenzie

a.m. OCT 13 2005 2:25 p.m.

QUITCLAIM DEED

V. ELLIOTT LARSEN, RECORDER
By Shauna Geddes Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

WENDELL H. SMITH, Sole Surviving and Sole Successor Trustee, and Sole Surviving Grantor of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003;

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

WENDELL H. SMITH, Initial Trustee, and his successors, in trust, of the WENDELL H. SMITH FAMILY TRUST created upon the death of WAVEL K. SMITH on September 17, 2004, pursuant to Article 3.02 of the WENDELL H. SMITH FAMILY TRUST, dated January 23, 1987, as amended May 13, 2003,

whose current address is: Wendell H. Smith Family Trust
c/o Wendell H. Smith, Trustee
2913 East Hwy. 36
Preston, ID 83263

the following described premises, to-wit:

A two-thirds undivided interest in and to certain real property located in Franklin County, Idaho, more particularly described in Exhibit "A" attached hereto and made a part hereof by reference.

TOGETHER WITH, a two-thirds undivided interest in and to the following described water stock:

- a. 14 shares of water stock in the Twin Lakes Canal Company, evidenced by Water Stock Certificate No. 002048
- b. 5 shares of water stock in the Preston, Riverdale & Mink Creek Canal Company, evidenced by Water Stock Certificate No. 1604
- c. 50 $\frac{3}{4}$ shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

The surviving trustee and successor trustees have full rights to sell or encumber the property herein set forth.

The successor trustees of the Trust are the following, successively in the order named: GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, as sole-successor trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees. In the event of the death, resignation, refusal, or inability of DIXIE KAY SMITH RASMUSSEN, GAYLE DEANN SMITH CONDIE, VICKI LYNN SMITH WHEELER or KRISTIE SMITH to act, the remaining or surviving co-trustees shall act as successor co-trustees; the transfer of trusteeship may be evidenced by a Notice of Designation of Trustees or a Quitclaim Deed from the existing trustees, or a resignation or death certificate of the existing trustee, filed of record.

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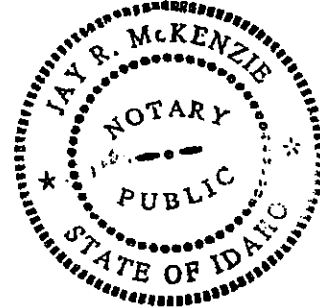
DATED this 12th day of October, 2005.

Wendell H. Smith
WENDELL H. SMITH, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 12th day of October, 2005, before me, a Notary Public in and for said State, personally appeared WENDELL H. SMITH, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of The Wendell H. Smith Family Trust, and acknowledged to me that he executed the same as such trustee.

Jay R. McKenzie
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-21-2009



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EXHIBIT "A"

PARCEL 1:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 7: E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 8: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL 2:

Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 5: SE $\frac{1}{4}$

ALSO, Township 13 South, Range 41 East of the Boise Meridian,
Franklin County, Idaho:

Section 8: Beginning at the Northeast corner of Section 8,
and running thence South 60° West 48 rods;
thence South 10° West 40 rods; thence South 56°
West 60 rods; thence West 56 rods; thence North
98 rods; thence East 160 rods, more or less,
to the point of beginning.

TOGETHER WITH an existing right of way for
ingress and egress across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 8, to the county road.

PARCEL 3:

The Southwest quarter of the Northeast quarter of Section 25,
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of the Southeast quarter and the
Southeast quarter of the Southwest quarter of Section 24,
Township 13 South, Range 40 East of the Boise Meridian, con-
taining 80 acres;

ALSO: The Southwest quarter of the Southeast quarter of Section 20,
Township 13 South, Range 41 East of Boise Meridian;

ALSO: The West half of the Southwest quarter of Section 24

ALSO: The Northwest quarter of Northwest quarter of Section 25
the South half of the Northwest quarter of Section 25, all in
Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southwest quarter of Southeast quarter, the South half of the Northwest quarter of the Southeast quarter, the Northeast quarter of the Northwest quarter of the Southeast quarter of Section 26, the Southeast quarter of the Northeast quarter of Section 26, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northeast quarter of Northeast quarter of Section 35, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Northwest quarter of the Northwest quarter and the Southwest quarter of the Northwest quarter of Section 36, Township 13 South, Range 40 East of the Boise Meridian;

ALSO: The Southeast quarter of Southwest quarter of Northeast quarter of Section 26, Township 13 South, Range 40 East of Boise Meridian;

ALSO: South half of Northeast quarter, Northwest quarter of Northeast quarter, and West half of Southeast quarter of Section 35, Township 13 South, Range 40 East of Boise Meridian, containing 200 acres.

ALSO: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 35: NE $\frac{1}{4}$ SE $\frac{1}{4}$

Also commencing at the NE corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35; and running thence S. 80 rods; thence W. 57 rods; thence NW to a point 15 rods N. of the SW corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

ALSO: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 2: Beginning at the NE corner of Lot 1, of said Section 2, and running thence S. 22 rods; thence SWesterly to a point 30 rods W. of the E. line and 36 rods S. of the N. line of said Lot 1; thence NWly to a point 12 rods S. of the N. line and 47 rods W. of the E. line of said Lot 1, thence NWly to a point 57 rods W. of the NE corner of said Lot 1; thence E. 57 rods to the place of beginning.

EXCEPTING THEREFROM: Townships 13 and 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Sections 2,

26, 35 & 36: Commencing at the Northeast corner of Section 2, Township 14 South, Range 40 East Boise Meridian, and running South 4°34'43" West 363.00 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fenceline the following courses: South 64°58'59" West 546.25 feet; North 35°18'40" West 485.28 feet; thence North 39°43'12" West 257.42 feet; thence North 25°49'08" East 377.70 feet; thence North 16°39'05" West 547.07 feet; thence North 42°17'00" West 2013.98 feet; thence North 0°20'58" West 820.02 feet; thence North 69°34'02" East 1088.49 feet; thence North 0°00'00"

East 90.00 feet; thence North 77°00'19" West 533.67 feet; thence North 4°14'11" West 812.22 feet; thence North 14°02'10" West 577.24 feet; thence North 60°19'01" East 575.52 feet; thence North 47°58'53" West 679.74 feet; thence North 1°54'33" East 300.17 feet; thence North 38°15'16" West 331.10 feet; thence North 15°15'18" East 399.06 feet; thence South 81°42'10" East 727.62 feet; thence South 0°36'50" East 1400.08 feet; thence South 89°34'21" East 2680.07 feet; thence South 0°00'00" East 2680.00 feet; thence South 89°45'11" West 1160.00 feet; thence South 3°03'18" West 3002.27 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: Township 13 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 24: Commencing at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence East 73 rods; thence Southeasterly to a point 52 rods West of the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence West 108 rods; thence North 80 rods to the point of beginning.

Section 25: S $\frac{1}{2}$ NW $\frac{1}{4}$. ALSO, Beginning at a point 40 rods South of the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, and running thence Southwesterly to the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence East 80 rods; thence North 40 rods to the point of beginning.

ALSO, Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of Section 25, thence South 80 rods; thence East 28 rods; thence Northeasterly to a point 108 rods East of the point of beginning; thence West 108 rods to the place of beginning.

Section 26: SE $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL 4:

Beginning at the Northeast corner of Lot 3 of Section 2, Township 14 South, Range 40 East of the Boise Meridian, running thence South 7° West 28 rods; thence South 32° West 19 rods; thence South 71° West 16 rods; thence South 2° West 53 rods; thence South 15° East 19 rods; thence Southwest in a straight line to a point on the South line of the Southeast quarter of the Northwest quarter of said Section, 27 rods East of the Southwest corner of the Southeast quarter of the Northwest Quarter; thence West 27 rods; thence North along the West line of the East half of the Northwest quarter of said Section to the Northwest corner of Lot 3 of said Section 2; thence East 80 rods to the point of beginning.

PARCEL 5:

ALSO, a tract of land located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, T. 14 S., R. 40 E.B.M. which tract of land lies North of Mink Creek Road as surveyed and shown on the official plat of Proj. S-1803(2), more particularly described as follows:

Beginning at the intersection of the Northerly R/W of the said Mink Creek Road and the Easterly R/W of the old State Highway 34, which point of beginning is approximately 62 feet East and 180 feet South of the NW corner of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 31; thence North 42°54' E. along the said Northerly R/W line of the Mink Creek Road 1839 feet to a point 280 feet, more or less, South of the NE corner of the SE $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M.; thence North 280 feet, thence West 170 feet, thence Southwesterly along the brow of the hill approximately 742 feet to a point which is 660 feet South and 495 feet West of the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M., thence Southwesterly along the brow of the hill to a point 760 feet South and 180 feet East of the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 30, T. 14 S., R. 40 E.B.M. thence South 129 feet; thence West 180 feet to an intersection with the said East R/W line of old State Highway 34; thence Southerly along the said East R/W line of old State Highway 34, 693 feet more or less, to the point of beginning and containing 13.6 acres, more or less.

ALSO, Commencing at the NW corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 14 South, Range 40 East, Boise Meridian, running thence East 1150 feet; thence SW 742 feet to a point 660 feet South and 495 feet West of the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; running thence SW to a point 760 feet South and 180 feet East of the NW corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ said Section 30; thence South 129 feet; thence West 180 feet; thence North 889 feet to the place of beginning. Together with 587.50 shares water in Nelson Ditch.

EXCEPTING THEREFROM: Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho;

Section 30: Beginning at the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30; and running thence South 340 feet, more or less, to the Highway right of way; thence Southwesterly along said Highway right of way 570 feet; thence North 51° West 240 feet; thence North 567 feet; thence East 604.5 feet; more or less, to the point of beginning. Also 8 shares of water from Nelson Ditch.

PARCEL 6:

Commencing at a point 9 1 rods 14 $\frac{1}{2}$ feet North of the Southeast corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, thence North 13 rods 10.5 feet; thence West 99 feet; thence North 54 rods and 8 feet; thence East 12 rods; thence South 26 and $\frac{2}{3}$ rods; thence East 12 rods; thence South 27 rods and 13.5 feet; thence West 16 rods; thence South 13 rods and 10.5 feet; thence West 2 rods to the point of beginning.

EXCEPTING THEREFROM: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho;

Section 23: Commencing at a point 105 rods, 8.5 feet North and 33 feet East of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence East 264 feet; thence North 150 feet; thence West 264 feet; thence South 150 feet to the point of beginning.

ALSO; a right of way across the following described tract: Commencing at a point 91 rods, 14 $\frac{1}{2}$ feet North of the Southeast corner of the SW $\frac{1}{4}$ of Section 23, and running thence North 15 rods, 10 $\frac{1}{2}$ feet; thence East 2 rods; thence South 15 rods, 10 $\frac{1}{2}$ feet; thence West 2 rods to the point of beginning.

PARCEL 7:

Beginning at a point 40 rods West of the Southeast corner of the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 36 rods; thence North 80 rods; thence East 76 rods; thence South 46 rods; thence Southwesterly in a due course to the place of beginning. Together with 14 shares of the Capital Stock of Twin Lakes Canal Company.

PARCEL 8:

Township 14 South, Range 40 East of the Boise Meridian, Franklin County, Idaho:

Section 20: Commencing at a point on the Section Line 54 rods or 891 feet West of the Southeast corner, said Section; and running thence South 445.5 feet; thence East 670 feet, more or less, to the center line of Bear River; thence Northerly along the center line of Bear River approximately 1085 feet more or less; thence West from the center of Bear River approximately 180 feet, which point is West 247.5 feet West of the East line of said Section; thence North 330 feet more or less to the fence on a highway approach; thence Northwesterly along the approach right of way 110 feet, more or less, to State Highway 36 right of way; thence Westerly along State Highway right of way curve 575 feet, more or less, to a point 54 rods West and 980 feet North of the Southeast corner of said Section; thence South 980 feet to the point of beginning.

ALSO, 3/16 a decreed water rights as recorded in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

PARCEL 9:

Township 14 South, Range 40 East of the Boise Meridian,

Franklin County, Idaho:

The following described land in Sections 20 and 29: Commencing at a point $46\frac{1}{2}$ rods West of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 20, thence West $33\frac{1}{2}$ rods, thence South 160 rods, thence East 80 rods, thence North 53 rods, thence West 54 rods, thence North 90 rods, thence East $7\frac{1}{2}$ rods, thence North 17 rods to beginning.

EXCEPT, all that portion lying North of State Highway #36 as it now exists.

ALSO, 4/16 of 2 c.f.s. decreed water from Bear River with priority of 5-1-1882.

PARCEL 10:

Commencing at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian, and running thence West 40 rods; thence South 46 rods; thence East 40 rods; thence North 46 rods to the place of beginning.

ALSO, Commencing at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian; thence running North 22 rods and 7 feet; thence West 33 rods, 11.5 feet; thence North 17 rods; thence West 6 rods, 5 feet; thence South 39 rods; thence East 40 rods to the place of beginning.

PARCEL 11:

Commencing at a point 427 feet South of the NW corner $SW\frac{1}{4}SE\frac{1}{4}$ of Section 20, Township 14 South, Range 40 East, Boise Meridian, and running thence South 233 feet, thence East 20 rods; thence South 40 rods; thence East 20 rods; thence North 20 rods; thence West 100 feet; thence Northwest to county road to a point 150 feet West of the NE corner $SW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

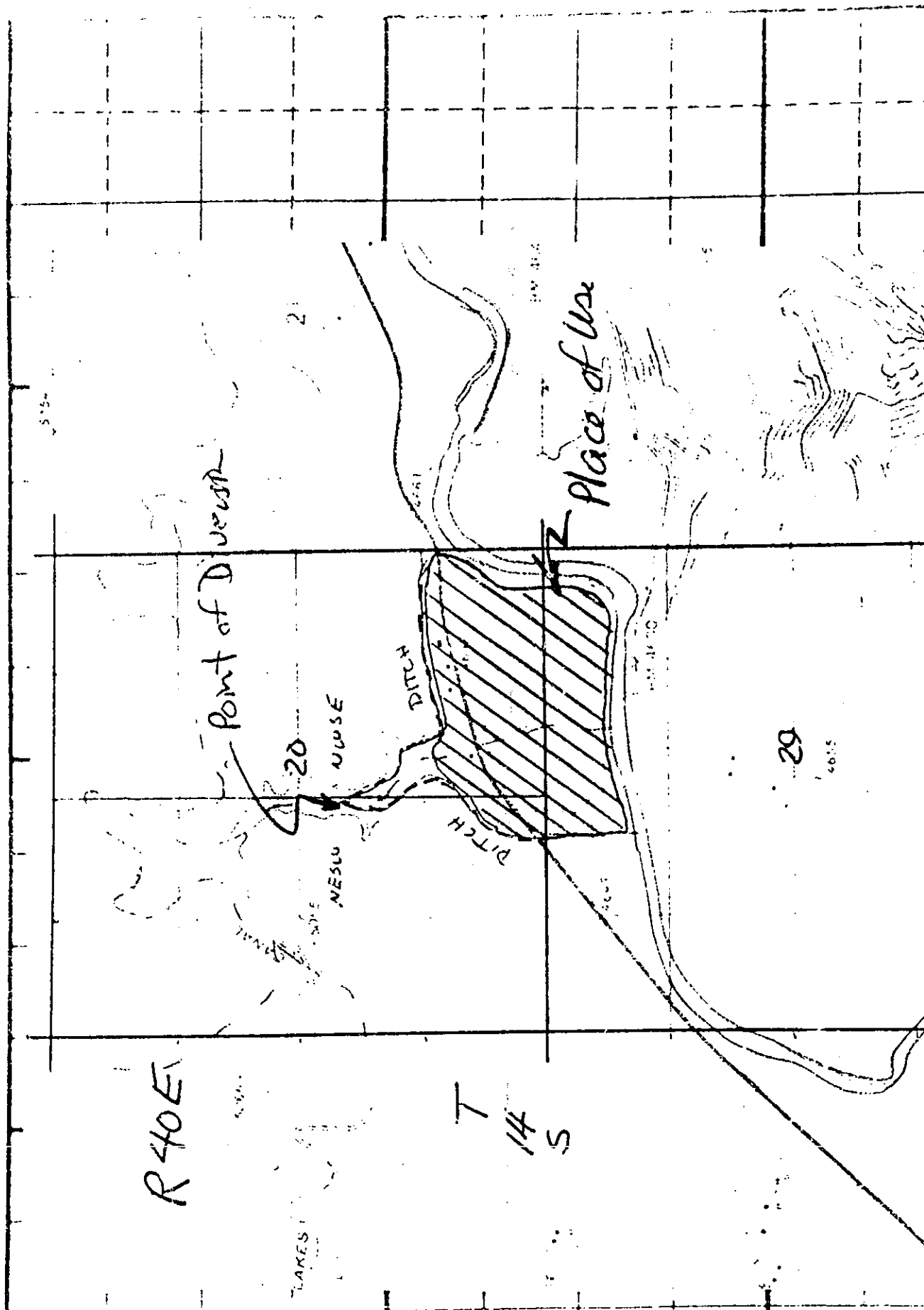
ALSO, commencing at a point 40 rods East and 60 rods South of the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence South 20 rods more or less to the section line; thence West along the section line 20 rods; thence North 8 rods; thence Northeasterly 22 rods more or less, to the point of beginning.

ALSO, commencing at a point 20 rods East of the Northwest corner of the Northeast quarter of Section 29, Township 14 South, Range 40 East of the Boise Meridian and running thence East 20 rods; thence South 40 rods more or less to the North Bank of Bear River; thence Westerly 20 rods more or less following the North bank of Bear River; thence North 43 rods more or less to the point of beginning.

ALSO, commencing at a point 20 rods East and 8 rods North of the Southwest corner of the Southeast quarter of Section 20, Township 14 South, Range 40 East of the Boise Meridian, and running thence North 372 feet; thence East 16.5 feet; thence South 372 feet; thence West 16.5 feet to the point of beginning.

TOGETHER WITH ALL APPURTENANT WATER RIGHTS AND ALL OTHER APPURTENANCES TO THE FOREGOING PARCELS.

Stream also known as Water Hollow



RECEIVED

FEB 07 2011

Department of Water Resources
Eastern Region

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHTS

No. 202.

Water rights papers
in green box lid
on gray box BC 6-9-10

THIS IS TO CERTIFY THAT THE HYRUM J. SMITH ESTATE, of Preston, Idaho, is the owner of and using a certain water right for two (2) cubic feet per second of the waters of Bear River, with priority of May 1, 1882, said water being decreed to A. C. Rosen and Hyrum J. Smith by Judge Frank S. Dietrich of the District Court of the United States for the District of Idaho, Eastern Division, in the case of

UTAH POWER AND LIGHT COMPANY,
Plaintiff,

vs.

LAST CHANCE CANAL CO., et al
Defendants.

said decree bearing date of July 14, 1920 and being appurtenant to the following described lands, to-wit:

Portions of Sections 20 and 29,
Township 14 South, Range 40 East,
B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 4 of Decrees, beginning at Page 502.

And that now, upon the application of the Hyrum J. Smith Estate by S. L. Smith, of Preston, Idaho, for a Certificate of Change of Point of Diversion for 2 cubic feet per second of the waters of Bear River, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change such point of diversion is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

2 cubic feet per second with Priority of May 1, 1882.

That said water right is appurtenant to the lands above described.

That the water right above described has heretofore been diverted from Bear River with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16, Township 14 South, Range 40 East, B.M. through the Smith Rosen Ditch.

That the water right above described will hereafter be diverted from Bear River with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, Township 14 South, Range 40 East, B.M. through the same ditch.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 27th day of October, 1949.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Hyrum J. Smith Estate
of Preston, Idaho

For a Change of Point of Diversion on Bear
River in Water District No. 5, Franklin
County, Idaho.

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 308

WHEREAS, On the 2nd day of December, 1949, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of the Hyrum J. Smith Estate by S. L. Smith, of Preston, Idaho, for a change of point of diversion on Bear River, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is hereby granted, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of October, 1949.

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer