

Rushing, Emalee

From: Rushing, Emalee
Sent: Wednesday, July 16, 2008 2:26 PM
To: 'Susan Ford'
Subject: RE: Corrective Deed Conveying Water (Bean Farms, Inc)

RECEIVED

JUL 16 2008

Department of Water Resources

Susan,

The Department would accept the QC deeds as sufficient evidence of ownership of the water rights so long as the excluded portions of land are still owned by the person originally conveying the water rights. If there has been a subsequent sale of property for which the water rights were appurtenant to and the water rights were not excluded, they may have already been conveyed to the new owner; therefore, the quit claim deeds would not be valid.

Even though the water right ownership can be changed, part of the place of use would still remain on the land that is not owned by the Corp. of the Presiding Bishop (the excluded lands). A transfer would have to be filed in order to change the place of use or point of diversion to other land.

I have one question, should we delete the ownership change request for WR 45-11865? This is a domestic use WR which is on land not conveyed to the Corp. of the Presiding Bishop.

I look forward to receiving the quit claim deeds and completing the ownership change process! If you have any other questions or need further help, please call or email.

Thank you,
Emalee

From: Susan Ford [mailto:sford@kmclaw.com]
Sent: Wednesday, July 16, 2008 9:59 AM
To: Rushing, Emalee
Cc: Eric B Robinson
Subject: Corrective Deed Conveying Water (Bean Farms, Inc)

Hi Emalee,

Attached is a copy of the Corrective Quitclaim Deed Conveying Water Rights regarding Bean Farms. After you have had a chance to review the deed, please let me know if you have any comments. Also, would you mind stating in an email that you have reviewed the deeds and found them to be acceptable for transferring the water rights?

Thanks for all of your help. Please let me know if you have any questions.

Susan Ford, Paralegal
Kirtan & McConkie
60 E. South Temple, #1800
Salt Lake City, Utah 84111
(801) 323-5962

THIS TRANSMISSION AND ANY DOCUMENTS ACCOMPANYING THIS TRANSMISSION CONTAIN INFORMATION FROM THE LAW FIRM OF

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8/19/2009

After recording, return to:
Eric B. Robinson
Kirton & McConkie
60 East South Temple, #1800
Salt Lake City, Utah 84111

Tax statements to be sent to:
c/o LDS Church Tax Division
Attn: Property No. 507-6544
50 East North Temple St., 22nd Floor
Salt Lake City, UT 84150-3620

(Space above for Recorder's use only)

CORRECTIVE QUITCLAIM DEED
CONVEYING WATER RIGHTS
(Water Rights Only)

For Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, BEAN FARMS, INC., an Idaho corporation, also appearing of record as BEAN FARMS INC., an Idaho corporation ("Grantor"), hereby remises, releases, and quitclaims to CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, of 50 East North Temple, Salt Lake City, Utah 84150 ("Grantee"), and Grantee's successors and assigns, all right, title, and interest in and to:

All of Grantor's right, title, and interest to those certain Idaho State water right numbers, whether appurtenant or not to the Property (as defined below), which Idaho State water right numbers are described and enumerated on Exhibit A, attached hereto and incorporated herein by this reference (the "Idaho State Water Rights"), together with all water rights appurtenant to the real property located in Cassia County, Idaho, specifically described in Exhibit B, attached hereto and incorporated herein by this reference (the "Property"), and all ditches and ditch rights, reservoir and reservoir rights, pipelines, wells, well permits, pumps, storage tanks, rights-of-way, easements and associated rights or privileges appurtenant to or used in connection with either the Property or the Idaho State Water Rights (collectively, the "Water Rights").

The purpose of this Corrective Quitclaim Deed Conveying Water Rights is to clarify that Grantor intended to convey all of the Water Rights, including its entire title and interests in the Idaho State Water Rights, as also set forth in that certain Warranty Deed conveying the Property and Water Rights from Grantor to Grantee dated December 29, 2005, and recorded December 29, 2005, as Entry Number 305922, in the Official Records of the Cassia County Recorder.

This Corrective Quitclaim Deed Conveying Water Rights shall not be deemed to be a new conveyance on title, but instead a clarification of the aforementioned Warranty Deed. As

such, the effective date of this Corrective Quitclaim Deed Conveying Water shall date back to December 29, 2005, and the priority of the prior deeds in the chain of title shall not be affected. In any event, notwithstanding anything to the contrary stated herein, if the previous Warranty Deed is in any way deficient in conveying title to the Water Rights to Grantee, this Corrective Quitclaim Deed Conveying Water Rights hereby conveys to Grantee, by quitclaim, all rights, title, and interests to the Water Rights.

IN WITNESS WHEREOF, Grantor has signed and delivered this Quitclaim Deed this _____ day of _____, 2008.

Grantor: BEAN FARMS, INC.,
an Idaho corporation

By: _____
Delma Bean, President and Secretary

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Delma Bean, known or identified to me to be the person whose name is subscribed to the within instrument as the Secretary of BEAN FARMS, INC., an Idaho corporation, and acknowledged to me that she executed the same as such.

Notary Public
Residing at:
My Commission expires:

EXHIBIT A

(Idaho State Water Rights)

Idaho Division of Water Rights Water Nos:

- (1) 45-2353A
- (2) 45-2357A,
- (3) 45-2377E,
- (4) 45-2378A,
- (5) 45-2423A,
- (6) 45-2424A,
- (7) 45-2440,
- (8) 45-2475A,
- (9) 45-2533A,
- (10) 45-2606C,
- (11) 45-2702A,
- (12) 45-4076A,
- (13) 45-13803,
- (14) 45-13782,
- (15) 45-13804,
- (16) 45-2534C, and
- (17) 45-11864.

EXHIBIT B

(Legal Description of the Property)

Real Property situated in the County of Cassia, State of Idaho, specifically described as:

PARCEL NO. 1

TOWNSHIP 11 SOUTH, RANGE 22 EAST FROM THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: Part of the SE $\frac{1}{4}$ more particularly described as follows:

Beginning at the South $\frac{1}{4}$ Section corner of Section 25 of T.11 S., R.22 E., B.M. said corner marked by an iron pipe with brass cap which shall be the Point of Beginning;
Thence North 00 degrees 03 minutes 01 seconds East along the west line of the SE $\frac{1}{4}$ for a distance of 2644.19 feet to the Center $\frac{1}{4}$ Section corner of Section 25;
Thence South 89 degrees 56 minutes 20 seconds East along the north line of the SE $\frac{1}{4}$ for a distance of 2637.39 feet to a USRS iron pipe with cap at the East $\frac{1}{4}$ Section corner of Section 25;
Thence South 00 degrees 20 minutes 12 seconds West along the east line of the SE $\frac{1}{4}$ for a distance of 2189.28 feet to the westerly right of way of State Highway 27;
Thence South 29 degrees 06 minutes 35 seconds West along the westerly right of way of State Highway 27 for a distance of 493.55 feet to a $\frac{1}{2}$ " rebar on the south line of Section 25;
Thence South 89 degrees 29 minutes 52 seconds West along the south line of Section 25 for a distance of 2386.84 feet to the Point of Beginning.

PARCEL NO. 2

TOWNSHIP 11 SOUTH, RANGE 22 EAST FROM THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: S $\frac{1}{2}$ SW $\frac{1}{4}$

PARCEL NO. 3

TOWNSHIP 12 SOUTH, RANGE 22 EAST FROM THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3:

Beginning at the North $\frac{1}{4}$ Section corner of Section 3 of T.12 S., R.22 E., B.M. said corner marked by a $\frac{5}{8}$ " rebar which shall be the Point of Beginning;
Thence South 00 degrees 11 minutes 14 seconds West along the north-south $\frac{1}{4}$ Section line for a distance of 5303.98 feet to a USGLO iron pipe at the South $\frac{1}{4}$ Section corner of Section 3;
Thence North 89 degrees 57 minutes 54 seconds West along the south line of Section 3 for a distance of 2648.60 feet to a $\frac{5}{8}$ " rebar with a 3" cap on top at the SW corner of Section 3;
Thence North 00 degrees 13 minutes 08 seconds East along the west line of Section 3 for a distance of 2649.00 feet to a $\frac{5}{8}$ " rebar with a 3" cap on top at the West $\frac{1}{4}$ Section corner of Section 3;
Thence North 00 degrees 13 minutes 38 seconds East along the west line of Section 3 for a distance of 403.79 feet to the easterly right of way of the Eastern Idaho Railroad;
Thence North 21 degrees 42 minutes 02 seconds East along the easterly right of way of said railroad for a distance of 2416.94 feet to the north line of Section 3;
Thence North 89 degrees 52 minutes 19 seconds East along the north line of Section 3 for a distance of 1760.53 feet to the Point of Beginning.

PARCEL NO. 4

TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Part of the W $\frac{1}{2}$ of Section 34 more particularly described as follows:

Beginning at the NW corner of Section 34 of T.11 S., R.22 E., B.M. said corner marked by an iron pipe with brass cap which shall be the Point of Beginning;
Thence North 89 degrees 46 minutes 21 seconds East along the north line of Section 34 for a distance of 1792.08 feet;
Thence South 00 degrees 28 minutes 21 seconds West for a distance of 30.42 feet to a $\frac{1}{2}$ " rebar;
Thence South 00 degrees 28 minutes 21 seconds West for a distance of 1749.34 feet to a $\frac{1}{2}$ " rebar on the west line of the Amalgamated Sugar Company property;
Thence South 21 degrees 43 minutes 02 seconds West along the Amalgamated Sugar Company property line for a distance of 938.65 feet to a $\frac{1}{2}$ " rebar on the south line of the NW $\frac{1}{4}$;
Thence North 89 degrees 49 minutes 11 seconds East along the south line of the NW $\frac{1}{4}$ for a distance of 377.22 feet to the west right of way of the Eastern Idaho Railroad;
Thence South 21 degrees 43 minutes 02 seconds West along said railroad right of way for a distance of 2855.79 feet to the south line of Section 34;
Thence South 89 degrees 52 minutes 19 seconds West for a distance of 777.05 feet to a $\frac{5}{8}$ " rebar with a 3" cap on top at the SW corner of Section 34;
Thence North 00 degrees 17 minutes 12 seconds East along the west line of Section 34 for a distance of 2649.13 feet to an iron pipe with brass cap;
Thence North 00 degrees 17 minutes 10 seconds East along the west line of Section 34 for a distance of 2649.17 feet to the Point of Beginning.

PARCEL NO. 5 & 6

TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Part of Section 34 more particularly described as follows:

Beginning at the NE corner of Section 34 of T.11 S., R.22 E., B.M. said corner marked by an iron pipe with brass cap which shall be the Point of Beginning;

Thence South 00 degrees 10 minutes 14 seconds West along the east line of Section 34 for a distance of 2653.88 feet to a 5/8" rebar with a 3" cap on top at the East ¼ corner;

Thence South 00 degrees 10 minutes 14 seconds West along the east line of Section 34 for a distance of 2653.88 feet to a 5/8" rebar with a 3" cap on top at the SE corner of Section 34;

Thence South 89 degrees 52 minutes 17 seconds West along the south line of Section 34 for a distance of 2645.17 feet to a 5/8" rebar with a 3" cap on top at the S ¼ corner of Section 34;

Thence South 89 degrees 52 minutes 19 seconds West along the south line of Section 34 for a distance of 1760.53 feet to the east right of way of the Eastern Idaho Railroad;

Thence along the east right of way of the Eastern Idaho Railroad on the following courses and distances:

North 21 degrees 43 minutes 02 seconds East for a distance of 2455.89 feet;

North 89 degrees 49 minutes 11 seconds East for a distance of 53.89 feet;

North 21 degrees 43 minutes 02 seconds East for a distance of 400.00 feet;

North 89 degrees 49 minutes 11 seconds East for a distance of 80.83 feet;

North 21 degrees 43 minutes 02 seconds East for a distance of 322.23 feet;

North 53 degrees 10 minutes 12 seconds West for a distance of 129.48 feet;

North 21 degrees 43 minutes 02 seconds East for a distance of 93.22 feet;

South 53 degrees 10 minutes 12 seconds East for a distance of 129.48 feet;

North 21 degrees 43 minutes 02 seconds East for a distance of 650.00 feet;

North 53 degrees 10 minutes 12 seconds West for a distance of 129.48 feet;

North 21 degrees 43 minutes 02 seconds East for a distance of 788.02 feet;

South 00 degrees 10 minutes 10 seconds West for a distance of 136.14 feet;

North 21 degrees 43 minutes 02 seconds East for a distance of 1067.07 feet to the north line of Section 34;

North 89 degrees 45 minutes 51 seconds East for a distance of 2253.40 feet to the Point of Beginning.

PARCEL NO. 7

(See Record of Survey Recorded 3 Apr. 1998, Inst. No. 254713)(DWLS # 4671-98B1)

A Perpetual easement for mainline for the benefit of a portion of Parcel No. 3 and all of Parcel No. 4, Portion of 5 and 6 created by Agreement for Mainline Easement dated march 6, 1998 and recorded March 10, 1998 as Instrument No. 254166, records of Cassia County, Idaho, covering the following described property:

Part of the NW¼NW¼ of Section 3, part of the E½ and the E½SW¼ of Section 4 of Township 12 South Range 22 East of the Boise Meridian, and part of the SW¼SW¼ of Section 34 of Township 11 South Range 22 East of the Boise Meridian, Cassia County, State of Idaho, more particularly described as follows:

Beginning at the South ¼ corner of Section 4, of Township 12 South, Range 22 East of the Boise Meridian said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence North 89°47'31" West along the South section line for a distance of 590.22 feet to a point; Thence North 89°47'31" West continuing along said line for a distance of 50.00 feet; Thence North 00°12'29" East for a distance of 68.62 feet; Thence South 89°47'31" East for a distance of 12.14 feet to the Point of Beginning;

Thence North 00°18'22" East for a distance of 1254.04 feet;

Thence North 36°02'06" East for a distance of 3254.78 feet;

Thence North 45°23'50" East for a distance of 1863.07 feet;

Thence North 42°51'47" East for a distance of 29.66 feet to the North line of Section 4;

Thence North 89°53'37" East along said line for a distance of 26.02 feet to a P.K. Nail at the Northeast corner of Section 4;

Thence North 00°15'41" East along the West line of Section 34 of Township 11 South, Range 22 East of the Boise Meridian, for a distance of 28.12 feet;

Thence North 42°51'47" East for a distance of 42.75 feet;

Thence South 47°08'13" East for a distance of 50.00 feet;

Thence South 42°51'47" West for a distance of 92.85 feet;

Thence South 89°50'58" West for a distance of 27.35 feet;

Thence South 45°23'50" West for a distance of 1861.27 feet;

Thence South 36°02'06" West for a distance of 3242.65 feet;

Thence South 00°18'22" West for a distance of 1244.32 feet;

Thence North 89°47'31" West for a distance of 37.86 feet to the Point of Beginning.

PARCEL NO. 8

(See Record of Survey Recorded 3 Apr. 1998, Inst. No. 254713)(DWLS # 4671-98B1)

A Perpetual easement for mainline for the benefit of a portion of Parcel No. 3 and all of Parcel No. 4, portion of 5 and 6 created by Agreement for Mainline Easement dated march 6, 1998 and recorded March 10, 1998 as Instrument No. 254166, records of Cassia County, Idaho, covering the following described property:

TOWNSHIP 12 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 4: Part of the E½ and the E½SW¼, more particularly described as follows:

Beginning at the South ¼ corner of said Section 4, said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence North 89°47'31" West along the South section line for a distance of 590.22 feet; Thence North 00°12'29" East for a distance of 68.62 feet; Thence North 89°47'31" West for a distance of 7.86 feet; Thence North 00°18'22" East for a distance of 1234.19 feet to the Point of Beginning;
Thence North 00°18'22" East for a distance of 10.13 feet;
Thence North 36°02'06" East for a distance of 24.52 feet;
Thence South 89°49'38" East for a distance of 2413.14 feet;
Thence North 21°40'20" East for a distance of 2078.73 feet;
Thence North 00°12'16" East for a distance of 1954.64 feet;
Thence North 45°23'50" East for a distance of 42.28 feet;
Thence South 00°12'16" West for a distance of 1990.13 feet;
Thence South 21°40'20" West for a distance of 2104.85 feet;
Thence North 89°49'38" West for a distance of 2447.96 feet to the Point of Beginning.

PARCEL NO. 9

TOWNSHIP 12 SOUTH, RANGE 22 EAST FROM THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 4: A part of the SW¼, more particularly described as follows:

Beginning at the South ¼ corner of said Section 4, said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence North 89°45'54" West (N 89°47'31" W, rec.) along the South section line for a distance of 590.22 feet to the True Point of Beginning;
Thence North 00°14'06" East (N 00°12'29" E, rec.) for a distance of 68.62 feet to a point;
Thence North 89°45'54" West (N 89°47'31" W, rec.) for a distance of 50.00 feet;
Thence South 00°14'29" West (S 00°12'29" W, rec.) for a distance of 68.62 feet;
Thence South 89°45'54" East (S 89°47'31" E, rec.) for a distance of 50.00 feet to the True Point of Beginning.

PARCEL NO. 10

TOWNSHIP 11 SOUTH, RANGE 23 EAST FROM THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 30: Part of Lots 2,3, and 4, more particularly described as follows:

Beginning at the Southwest corner of Lot 4 of said Section 30, said corner marked by a 5/8 inch rebar with a 3 inch cap on top; Thence North 00°20'12" East (N 00°21'49" E, rec.) along the West line of Section 30 for a distance of 429.13 feet (429.11', rec.) to the Westerly right of way of State Highway 27 which shall be the Point of Beginning;
Thence North 00°20'12" East (N 00°21'49" E, rec.) along the West line of Section 30 for a distance of 2189.28 feet to a U.S.R.S iron pipe with cap;
Thence North 00°19'54" East (N 00°21'20" E, rec.) along the West line of Section 30 for a distance of 863.83 feet to a ½ inch rebar;
Thence South 00°06'01" West (S 00°07'37" W, rec.) for a distance of 3030.51 feet (3030.49', rec.) to a ½ inch rebar on the Westerly right of way of State Highway 27;
Thence South 29°06'35" West (S 29°08'13" W, rec.) along the Westerly right of way of State Highway 27 for a distance of 25.83 feet (25.82, rec.) to the Point of Beginning.

EXCEPTING THEREFROM the North 863.83 feet of the above described parcel.