



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

gmeikle@holdenlegal.com

July 9, 2008

Idaho Department of Water Resources
900 N. Skyline, Suite A
Idaho Falls, Idaho 83402

Attn: Jonie

Re: D S & S, Inc.

Dear Jonie:

I am sending you the \$25 fee with respect to Water Right 22-2156. Thank you for your patience on this matter.

Very truly yours,



Gary L. Meikle

Enclosure

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RECEIVED

JUL 10 2008

Department of Water Resources
Eastern Region



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

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PO Box 50130
Idaho Falls, Idaho 83405

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gmeikle@holdenlegal.com

May 29, 2008

Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: D S & S, Inc.

Gentlemen:

D S & S, Inc. has purchased real property from John H. Smith & Sons, Inc. I am sending you the Notice of Change of Water Right Ownership. I also am attaching two deeds to this document. The first is the deed from John H. Smith to the corporation. At the time this deed was recorded, nothing was done to show a transfer of the water rights. The second deed is the deed from the corporation to D S & S, Inc.

Please contact me if additional information is required.

Very truly yours,



Gary L. Meikle

Enclosures

c: D S & S, Inc.

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DEV

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-7054	ADJ				
	Adj. Needs NonP				
22-2156	PD				

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 rights(s) or claims(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 your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
 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 **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 John H. Smith and Sons, Inc.
P.O. Box 375, Rexburg Idaho 83440
4. New Owner/Claimant(s) D S & S, Inc.
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 1500 S. 3000 E.
 City, State and ZIP Code Sugar City, Idaho 83448
 New Telephone Number 356-3465
5. Date you acquired the property May 13, 2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
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 attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

7. Signature of New Owner(s) Or Claimant(s) D S & S, Inc.
(include title if applicable)

Danny Summers, President

For IDWR Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. E034229
 Processed by _____ Date _____ WR _____ Date _____

511777-N
ALLIANCE

**CORRECTION WARRANTY DEED
CORRECTING WARRANTY DEED INSTRUMENT NO. 201886**

For Value Received JOHN H. SMITH and JUNE SMITH, husband and wife

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

JOHN H. SMITH AND SONS INC., an Idaho Corporation

whose current address is

PO BOX 375
Rexburg, Idaho 83440

the grantee(s), the following described premises, in Madison County Idaho, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

John H. Smith
John H. Smith

June Smith
June Smith

STATE OF Idaho, COUNTY OF Madison
On this 1 day of May, 1997
before me, a Notary Public in and for said State, personally
appeared

John H. Smith
June Smith

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

Charles A. Rich
Notary Public
Residing at Rexburg City
Comm. Expires 1-17-1997

State of Idaho } SS 266427
County of Madison }
I hereby certify that the within instrument was
filed MAY 14 1997
Recorded in Book 266427
by SEYMOUR B. REESE, Notary Public
All to be recorded in
ALLIANCE TITLE & ESTATE

NE1/4 AND T.
MERIDIAN, N

ALSO

NORTHEAST
MERIDIAN, N

EXCEPTING
COMMENCING
THE NE1/4 A
OF 400 FEET
FEET TO THE

ALSO EXCEPTING
A PARTIAL (C)
THE NW CORNER
WOODMANS
DITCH IN A
WITH THE C
THEN SOUTH

"EXHIBIT A"

266427

NE1/4 AND THE SE1/4 OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO

ALSO

NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE
MERIDIAN, MADISON COUNTY, IDAHO.

EXCEPTING THEREFROM, A PARTIAL OF PROPERTY DESCRIBED AS FOLLOWS;
COMMENCING AT A POINT WHERE THE COUNTY ROAD INTERSECTS THE LINE BETWEEN
THE NE1/4 AND THE NW1/4 OF SECTION 21 AND PROCEEDING THENCE EAST A DISTANCE
OF 400 FEET, THENCE SOUTH 250 FEET; THENCE WEST 400 FEET; THENCE NORTH 250
FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A PARTIAL OF LAND COMMENCING AT A POINT 660 FEET SOUTH AND 265 FEET EAST OF
THE NW CORNER OF THE NE1/4 OF SECTION 21, AND PROCEEDING THENCE EAST TO THE
WOODMANSEE/JOHNSON IRRIGATION DITCH, THENCE FOLLOWING THE IRRIGATION
DITCH IN A NORTHEASTERLY DIRECTION UNTIL SAID IRRIGATION DITCH INTERSECTS
WITH THE COUNTY ROAD, THENCE FOLLOWING THE COUNTY ROAD IN A WEST AND
THEN SOUTHWESTERLY DIRECTION BACK TO THE POINT OF BEGINNING.

This notice is
December 16,

THIS
Moore, Chie
Service, Dr
21st Street,
WITI
of Robert Cl
property we
Officer in ti
Revenue C
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being the
Sue Tufol

Instrument # 345848

REXBURG, MADISON, IDAHO

5-13-2008 04:53:00 No. of Pages: 4

Recorded for: ALLIANCE TITLE AND ESCROW

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy *M* **Fee: 12.00**

TITLE & ESCROW
BOX 732
F RG. ID 83440

304 0818157 TM

WARRANTY DEED

THIS INDENTURE is made this 13 day of May, 2008, by John H. Smith & Sons, Inc., an Idaho corporation, referred to as the Grantor, and D S & S, Inc., an Idaho corporation, referred to as the Grantee, whose mailing address is 1500 South 3000 East, Sugar City, Idaho, 83448.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Madison, State of Idaho, to-wit:

Tract 1:

East Half of Section 21, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho, lying South and East of the Woodmansee-Johnston Rexburg Mill Ditch.

Less: Northeast Quarter Southeast Quarter of said Section 21.

Together with an easement for right of way purposes to Tract 3 described as follows, to wit: Commencing at a point 790 feet, more or less, South of the Northwest Corner of the Northeast Quarter of said Section 21, Township and Range aforesaid, which point is the point of intersection of the West line of said Northeast Quarter and the South line of the county road; thence running in a Southerly direction along the said quarter section line, a distance of approximately 570 feet, to a point on the Southerly Bank of the Woodmansee-Johnston Rexburg Mill Ditch; thence in a Northeasterly direction along said South bank of said ditch to a point 25 feet east of the West line of said Northeast Quarter of said Section 21; thence Northerly on a line parallel with the West line of said Northeast Quarter of said Section 21 approximately 570 feet, to a point on the South line of said County Road; thence in a Southwesterly direction along said county road right of way line approximately 25 feet to the point of beginning.

Tract 2:

Northeast Quarter Southeast Quarter of Section 21, Township 6 North, Range 40 East, Boise Meridian, Madison County, Idaho.

Tract 3:

Northeast Quarter of Section 28, Township 6 North, Range 40 East Boise Meridian, Madison County, Idaho.

SUBJECT TO:

- (1) Easements, or claims of easements, not shown by the public records.**
- (2) (i) unpatented mining claims; or (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, whether or not the matters excepted are shown by the public records.**
- (3) Levies and assessments of the Fremont-Madison Irrigation District, and the rights, powers and easements of said district as by law provided.**
- (4) Right, title and interest of the Public in those portions of above described property falling within the bounds of roads and highways.**
- (5) Any questions of location, boundary or area related to the Woodmansee-Johnston Rexburg Mill Ditch, including, but not limited to, any past or future changes in it.**
- (6) All easements of record**
- (7) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the Property.**
- (8) A Financing Statement recorded in the Office of the County Recorder of Madison County, Idaho on September 20, 2001 as Instrument No. 291466 and Continuation of such Financing Statement recorded on July 25, 2006 as Instrument No. 329775.**

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

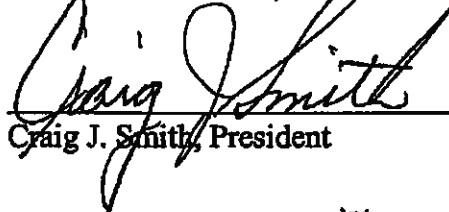
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

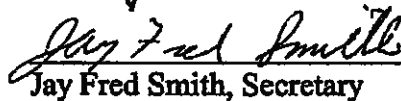
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

JOHN H. SMITH & SONS, INC.

By:


Craig J. Smith, President

By:

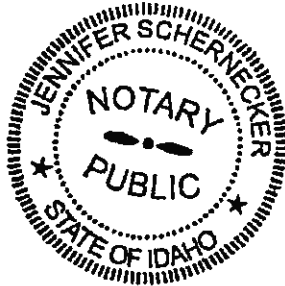

Jay Fred Smith, Secretary

STATE OF IDAHO)
)ss.
County of Madison)

On the 13 day of May, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Craig J. Smith, known or identified to me to be the president of John H. Smith & Sons, Inc, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

(seal)

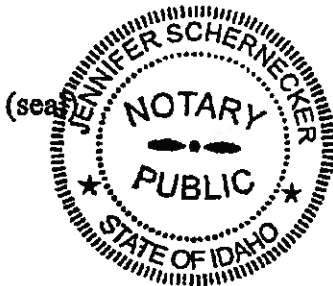


Judy Sal
Notary Public for Idaho
Residing at: _____ Residing in Rigby, Idaho
My Commission Expires: _____ Commission Expires: 07-15-2009

STATE OF IDAHO)
)ss.
County of Madison)

On the 13 day of May, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Jay Fred Smith, known or identified to me to be the secretary of John H. Smith & Sons, Inc, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Judy Sal
Notary Public for Idaho
Residing at: _____ Residing in Rigby, Idaho
My Commission Expires: _____ Commission Expires: 07-15-2009