

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 26 2022

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
13-2042	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name:

DANIEL P. THOMAS

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s):

HEBER C. SWAINSTON & SONS LAND CO., LLC

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

4035N/1600W

Mailing address

Preston

City

ID

State

83203

Zip

208271 6902

Telephone

allanswainston@gmail.com

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
- o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following
- REQUIRED**
- items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- ☒ \$25 per undivided water right.
- ☐ \$100 per split water right.
- ☐ No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9

8. Signature:

Signature of new owner/claimant

Title, if applicable

Date

Print name

Signature:

Signature of new owner/claimant

Title, if applicable

Date

Print name

Received by

Date

4/26/22

For IDWR Office Use Only:

Receipt No.

E048063

Receipt Amt.

\$25.00

Active in the Water Supply Bank? Yes ☐ No ☐

If yes, forward to the State Office for processing

W-9 received? Yes ☐ No ☐

Name on W-9

Approved by

Processed by

Date

Returned 9/6/2022 Refund Requested



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 20, 2022

SWAINSTON HEBER C & SONS LAND CO LLC
4035 N 1600
PRESTON ID 83263

RE: CHANGE IN OWNERSHIP FOR: 13-2042

134057

Dear Claimant:

It has come to our attention that you may have recently purchased a tract of land in Franklin County. The property to which I am referring was most recently owned by Daniel P Thomas. The legal description includes but not limited to land within the following:

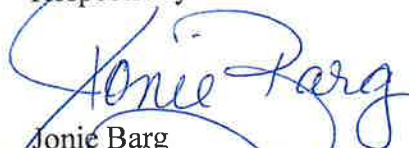
Township 13 South Section 34 and 35 Range 39 East

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to our office along with the proper fees, a "copy" of your Warranty Deed and legal description of the property you have purchased.

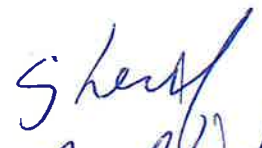
Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department within 120 days. Failure to report these changes could result in a \$100.00 late filing fee. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,


Jonie Barg
Technical Records Specialist

Enclosure(s)


Deed in lieu of Foreclosure
Deed from Bank

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/20/2022

Water Right 13-2042

Owner Type **Name and Address**
Current Owner DANIEL P THOMAS
 PO BOX 6727
 KETCHUM, ID 83340
 (208) 720-3848

Priority Date: 5/13/1911

Basis: License

Status: Active

Source
SPRING

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	0.400 CFS	
DOMESTIC	01/01	12/31	0.020 CFS	
	<u>Total Diversion</u>		0.400 CFS	

Source and Point(s) of Diversion

SPRING NWNW Sec. 35, Twp 13S, Rge 39E, FRANKLIN County

Place Of Use

DOMESTIC Same as IRRIGATION
IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	39E	34				3.0									2.0				5.0
13S	39E	35							15.0										15.0

POU Total Acres: 20.0

Conditions of Approval:

1. LIC. INCORRECTLY DESCRIBES COUNTY AS BANNOCK.

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

On this 15th day of March, 1930, before me, John A. Kofoed, Clerk of the District Court, in and for said County, personally appeared G. L. Wright, known to me to be the Chairman of the Board of County Commissioners of said Franklin County, who executed the foregoing instrument, and acknowledged to me that he executed the same as such officer.

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)

John A. Kofoed
Clerk of the District Court.

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of Charles E. Pinson at 9-40 A.M. July 16th, 1932.

Fees \$1.00

Compared *ONE*

John A. Kofoed
Ex-Officio Recorder.

INST. NO. 39827

WARRANTY DEED

THIS INDENTURE, Made this 31st day of December, in the year of our Lord One Thousand Nine Hundred and thirty-one, between Daniel P. Thomas, Gertrude G. Thomas of Treasureton, County of Franklin, State of Idaho, the parties of the first part, and Carma Peterson, of Preston, County of Franklin, State of Idaho, the party of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Dollar and other valuable consideration Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his and assigns forever:

All those certain lots, pieces or parcel of land situate, lying and being in the County of Franklin, State of Idaho, bounded and more particularly described as follows, to-wit:

The south-half of the north-west quarter and the south-west quarter of the north-east quarter of Section 35, Township 13 South, Range 39 East of the Boise Meridian.

Also, the southeast quarter of the northeast quarter and the north-east quarter of the northeast quarter ^{*} of the north-east quarter of the south-east quarter of Section 34 Township 13 South, Range 39 East of the Boise Meridian.

This deed is given in all respects subject to one certain Mortgage Loan executed and delivered to the Federal Land Bank of Spokane Washington, in the sum of \$3500.00.

Also subject to one certain mortgage loan executed and delivered to Baltzar Peterson in the sum of \$2485.00 which said mortgages the grantee personally assumes and agrees to pay.

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

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

Original Deed June 11 1933. John A. Kofoed, Recorder.

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

Signed, Sealed and delivered
in the Presence of

Daniel P. Thomas (SEAL)

Gertrude G. Thomas (SEAL)

A. H. Jensen

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

On this 31st day of December, in the year 1931, before me, A. H. Jensen, a Justice of Peace in and for said County and State, personally appeared Daniel P. Thomas and Gertrude G. Thomas known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

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

A. H. Jensen
Justice of the Peace
Residence Preston, Idaho

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

I hereby certify that this instrument was filed for record at the request of Baltzar Peterson at 3-30 P.M. August 1st, 1932.

Fees \$1.20

Compared E.D.
.....

John A. Peterson
Ex-Officio Recorder.

INST. NO. 39828

RIGHT OF WAY DEED
STATE HIGHWAY

KNOW ALL MEN BY THESE PRESENTS, That Samuel J. Handy and Mabel Handy his wife, of Franklin, County of Franklin, State of Idaho, for and on account of the certain benefits to them accruing, and of other valuable considerations, and the sum of Two and 40/100 Dollars (\$2.40), to them in hand paid, the receipt whereof is hereby acknowledged, ha.. granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the State of Idaho, as and for a right of way for a public highway, the following described parcel of land situated in Franklin County, in the State of Idaho, to-wit:

A strip of land as surveyed and shown on the official plat of the Yellowstone Park (FAP 36-B reopened) Highway Survey on file in the office of the Department of Public Works of the State of Idaho, and lying over and across the East half of Lot 2 of Block 14 in the Village of Franklin, Franklin County, Idaho.

Beginning at a point 150 feet South and 80 feet East of the Northwest corner of Lot 2 of Block 14 in the Village of Franklin, Franklin County, Idaho, thence running South approximately 7.7 feet to a point on the Southerly right of way line of the Yellowstone Park (F.A. P. 36-B, reopened) Highway Survey; thence along said Southerly right of way line North 88° 08' East 82.5 feet to a point on the East line of said Lot 2; thence North 5.0 feet to a point; thence West 82.5 feet to the point of beginning, and containing approximately 524 square feet.

TO HAVE AND TO HOLD, the same unto the State of Idaho for the purpose of a public highway forever.

IN WITNESS WHEREOF they have hereunto set their hands and seals this 1st day of August, 1932.

Executed in Presence of:

Wm. M. Daines

Samuel J. Handy (SEAL)

Mabel Handy (SEAL)

STATE OF IDAHO

COUNTY OF FRANKLIN--SS

THIS INDENTURE, Made this twenty fifth day of June, in the year of our Lord one thousand nine hundred and thirty-two, between Carma C. Peterson, a single woman, of Preston, County of Franklin, State of Idaho, the party of the first part, and Baltzer Peterson, of Preston, County of Franklin, State of Idaho, the party of the second part.

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

South half of the Northwest quarter and Southwest quarter of the Northeast quarter of Section 35, and the Southeast quarter of the Northeast quarter, and the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 34, all in Township 13 South, Range 39 East of the Boise Meridian.

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

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

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

Carma C. Peterson (SEAL)

Signed, Sealed and Delivered in Presence of

STATE OF IDAHO

COUNTY OF FRANKLIN

*W. J. R. Stamp
3rd filed my Affidavit 112036
C. Peterson
(Witness)*

On this 25th day of June, in the year 1932, before me P. M. Condie, a Notary Public in and for said State, personally appeared Carma C. Peterson, a single woman, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

(SEAL) P. M. Condie
Notary Public for the State of
Idaho
Residing at Preston, Idaho

I hereby certify that this instrument was filed for record at the request of Baltzer Peterson at 10:50 a.m. January 17, 1935
Fees, \$1.20

Compared

P. L. Swenson
Ex-Officio Recorder
By Carma Hamble
Deputy

THIS INDENTURE, Made the 28th day of November in the year of our Lord one thousand nine hundred and Thirty-four between Carl J. Millard a single man of Preston County of Franklin, State of Idaho, the party of the first part, and Oliver E. Millard,

North 160 rods, thence West 59 rods, thence Southeasterly to a point 52 rods East of the Northwest Corner of the Southwest Quarter of Section Seven, thence South 7 rods, thence West 52 rods to the place of beginning, excepting therefrom one acre, more or less, for public road;

The Southwest Quarter of the Northwest Quarter, and the West Half of the Southwest Quarter of Section Eight;

All of the above described property being in Township Thirteen South, Range Forty, East of the Boise Meridian; and

All water and water rights used upon or appurtenant to said property and how-ever evidenced;

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, which real estate mortgage was filed for record in the office of the County Recorder of Franklin County, Idaho, on the 30th day of July, 1934, and thereafter recorded in Book 38 of Mortgages on page 336.

And for the purpose of recovering from the said defendants all sums due and owing under the terms of said mortgage, as interest and principal thereon, taxes, attorney fees, and other costs, and for a decree foreclosing said mortgage, and for the sale of the property therein described, all of which more fully appears in the plaintiff's verified complaint on file, reference to which complaint is hereby made.

Dated at Preston, Ida. this 23rd day of April, 1937.

B. W. Davis
B. W. Davis--Pocatello, Idaho.

Lyle M. Colborn
Lyle M. Colborn
Welch Building
Spokane, Washington.

ATTORNEYS FOR PLAINTIFF.

STATE OF IDAHO
SS
COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of

J. N. Larsen at 10:15 A.M. April 23, 1937.

Fees, \$.80

Cleo L. Swenson
Ex-Officio Recorder

By [Signature]
Deputy Recorder

[Signature]
Compared

Inst. No. 51851

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

The Federal Land Bank of Spokane,
a corporation,

Plaintiff.

: LIS PENDENS

vs.

James T. Williams and Annetta S. Williams, hus-
band and wife; Baltzar Peterson and Marinda
Peterson, husband and wife; Franklin County
National Farm Loan Association, a corporation,

Defendants.

NOTICE IS HEREBY GIVEN that The Federal Land Bank of Spokane, a corporation, has instituted in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Franklin, an action against the above named defendants and each of them for

the purpose of foreclosing a certain real estate mortgage made, executed and delivered by Daniel P. Thomas and Gertrude G. Thomas, husband and wife, to the plaintiff, which mortgage was for the sum of \$3500.00 and covers the following described real property situated in the County of Franklin, State of Idaho, to-wit:

The Southwest Quarter of the Northeast Quarter and the South Half of the Northwest Quarter of Section Thirty-five, the Southeast Quarter of the Northeast Quarter of Section Thirty-four, and commencing at the Northeast corner of the Southeast Quarter of Section Thirty-four, thence West 40 rods, thence South 40 rods, thence East 40 rods, thence North 40 rods to place of beginning, all in Township Thirteen South of Range Thirty-nine East of the Boise Meridian, and

All water and water rights used upon or appurtenant to said property and however evidenced, including (but not limited to) a water right evidenced by 49.504 shares of stock in Treasureton Irrigation Ditch Company, evidenced by stock certificate #95.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. and which real estate mortgage was filed for record in the office of the County Recorder of Franklin County in the State of Idaho on the 12th day of November, 1921, and thereafter recorded in Book 24 of Mortgages on page 296.

And for the purpose of recovering from the said defendants all sums due and owing under the terms of said mortgage, including principal interest, taxes, attorney fees and other costs, and for a decree foreclosing said mortgage, and for the sale of the property therein described, all of which more fully appears in the plaintiff's verified complaint on file, reference to which complaint is hereby made.

Dated at _____ this 24 day of April 1937.

B. W. Davis
B. W. Davis
Pocatello, Idaho.

Lyle M. Colborn
Lyle M. Colborn
The Federal Land Bank of Spokane,
Welch Building,
Spokane, Washington.

ATTORNEYS FOR PLAINTIFF.

STATE OF IDAHO
COUNTY OF FRANKLIN

I hereby certify that this instrument was filed for record at the request of

F. W. Nielsen at 10:05 A.M. April 24, 1937.

Fees, \$.80

Cleo L. Swenson
Ex-Officio Recorder

By Berna Lamb
Deputy Recorder

68
Compared

Inst. No. 51962

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

CHESTER E. WALTON

Plaintiff.

vs.

LIS PENDENS

THERON SMITH

Defendant.

Filed June 11, 1937.

Clary

6.9
Compared

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

THE FEDERAL LAND BANK OF SPOKANE,
A corporation,

plaintiff,

DEGREE

vs.

James F. Williams and Annette S. Williams,
husband and wife; Walter Peterson and
Marinda Peterson, husband and wife; and
Franklin County National Farm Loan Asso-
ciation, a corporation,

defendants.

This cause came regularly on to be heard in Chambers on this 19th day of June, A.D., 1937, before the Court sitting without a jury, plaintiff appearing by its attorney, E. W. Davis, and the defendants, and each and all of them, appearing not, and it appearing that each of them was duly served with summons and complaint herein but that each and all of them have failed to answer said complaint or otherwise appear, and that the time for appearing has expired, and that the default of said defendants, and each of them has been duly and regularly entered, and the Court having heard the evidence introduced by and on behalf of plaintiff and having duly considered the same and being fully advised in the premises and it appearing to the Court that subsequent to the filing of the complaint in this cause, the plaintiff, pursuant to certain provisions of The Federal Farm Loan Act, retired 36 shares of stock in The Federal Land Bank of Spokane, which stock was owned by the Franklin County National Farm Loan Association, and pledged as security for the debt described in the complaint, and plaintiff thereupon credited the sum of \$175.00 on the indebtedness evidenced by the note and mortgage described in the complaint and herein referred to;

And it further appearing that the plaintiff herein at the time of the institution of this action caused to be filed and recorded in the office of the County Recorder of Franklin County, State of Idaho, a notice of the pendency of this suit containing the names of the parties hereto, the object thereof and also a true and correct description of the lands and premises affected thereby and hereinafter described;

And it further appearing that each and all of the allegations in plaintiff's complaint contained are true and correct;

IT IS ORDERED, ADJUDGED AND DECREED that after the application of said credit

Lorin W. Johnson (SEAL)

Charlotta W. Johnson (SEAL)

STATE OF IDAHO,
County of Franklin, ss.

On this 3rd day of March in the year 1944, before me, Clifford Warr, a Notary Public in and for said State, personally appeared Lorin W. Johnson and Charlotta Johnson, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Clifford Warr
Notary Public, Residing at Preston, Idaho

STATE OF IDAHO,
County of Franklin. ss.

I hereby certify that this instrument was filed for record at the request of Willard Johnson at 11:35 A. M., March 21, 1944.

C. L. Swenson, Ex-Officio Recorder

By Ramon Palmer Deputy

Fees: \$1.20

Compared
00000000

Inst. No. 70054

DEED

#20821-Thomas, Daniel P.
k

THIS INDENTURE, made this 29th day of November, 1943, between THE FEDERAL LAND BANK OF SPOKANE, a corporation organized and existing under the Act of Congress known as the Federal Farm Loan Act, as amended, with its principal place of business in the City of Spokane, County of Spokane, State of Washington, the party of the first part, and WILFORD L. BOSWORTH and JANNETTE BOSWORTH, husband and wife, of Treasureton, Idaho, parties of the second part,

WITNESSETH: That the party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, receipt of which is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Warrant to the parties of the second part, and to their heirs and assigns forever, the following described real estate, situate in the County of Franklin, State of Idaho, to-wit:

The Southwest Quarter of the Northeast Quarter, and the South Half of the Northwest Quarter of Section Thirty-five; the Southeast Quarter of the Northeast Quarter of Section Thirty-four; Also, commencing at the Northeast corner of the Southeast Quarter of Section Thirty-four, and running thence West 40 rods; thence South 40 rods; thence East 40 rods; thence North 40 rods to the place of beginning; all being in Township Thirteen South, Range Thirty-nine East of the Boise Meridian.

(\$4.40 U. S. I. R. Stamps Affixed and duly cancelled).

Together with all the tenements, hereditaments, rights, privileges and appurtenances thereunto belonging, and all waters and water rights, and all watering and irrigating apparatus and fixtures which are appurtenant to or incident to the ownership of said premises; but nothing herein contained shall be construed as a warranty of any water right.

To Have and To Hold said premises unto the parties of the second part, their heirs and assigns forever, subject to the following:

1. Unpaid taxes, assessments and water charges, including but not limited to those levied or imposed by the United States Reclamation or Indian Service or by any water or irrigation or drainage district or company, and all other unpaid charges, liens or assessments imposed by law on the above described property, becoming due subsequent to the year 1939.

2. Any lien imposed by law by reason of the outstanding indebtedness of any drainage, irrigation or other special improvement district; and any lien or encumbrance revived or placed on said property by, through or under the parties of the second part.

3. The exceptions, provisions and reservations contained in patents or deeds from the United States of America, or the state in which said land is situate, or in deeds from railway companies; and any and all easements, rights of way for railroads, roads or highways or other servitudes.

The party of the first part hereby covenants that, except as hereinabove stated, it will forever Warrant and Defend the title to said premises and the quiet and peaceable possession thereof unto the said parties of the second part, or their assigns, against all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the party of the first part has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed by its proper and duly authorized officers.

(CORP SEAL) THE FEDERAL LAND BANK OF SPOKANE

By S. C. Fish
S. C. FISH
Vice-President

ATTEST:

Willard M. Rees
WILLARD M. REES
Assistant Secretary

STATE OF WASHINGTON,
ss.
County of Spokane.

On this 29th day of November 1943, before me (a Notary Public in and for the above named state) personally appeared S. C. Fish, to me known to be the Vice-President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and that it executed the same, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

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

(SEAL) Ethlyn DeComp
Notary Public in and for the State
of Washington Residing at Spokane,
Washington.

My commission expires January 7, 1947.

STATE OF IDAHO,
ss.
County of Franklin.

I hereby certify that this instrument was filed for record at the request of Wilford L. Bosworth at 1:20 P. M., March 21, 1944.

C. L. Swenson, Ex-Officio Recorder
By R. J. Swenson Deputy

Fees: \$1.20

Compared
00000000

148128

NOTIFICATION
OF
CONTRACT

BE IT KNOWN TO ALL MEN BY THESE PRESENTS, that on
the 3rd day of August, 1972,
WILFORD L. BOSWORTH and JANNETTE B. BOSWORTH, husband and wife,
of Preston, Franklin County, Idaho,
as "SELLER", and
69 FARMS, INC., an Idaho Corporation,
of Preston, Franklin County, Idaho
as "BUYER", entered into a contract for the purchase of the
property as described below:

SEE EXHIBIT "A" ATTACHED HERETO.

RECORDED
INDEXED

Recorded at the request of

Williams & Co. Ltd.

NOV 28 1978

MICHAEL D. KUNZ, RECORDER

By Debra M. Atkinson Deputy
FRANKLIN COUNTY, IDAHO

"SELLERS"

Wilford L. Bosworth
Jannette B. Bosworth

STATE OF IDAHO

County of Franklin

"BUYERS"

Heber C. Swainston
Paul B. Swainston

On the 27th day of November, 1978, personally
appeared before me, a Notary Public in and for the State of
Idaho, WILFORD L. BOSWORTH and JANNETTE B. BOSWORTH, husband and wife,
and HEBER C. SWAINSTON and PAUL B. SWAINSTON, officers of 69 FARMS, INC.,
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 above day and year in this
certificate written:

BUYERS ADDRESS:

Route 3
Preston, Idaho 83263

Debra M. Atkinson
NOTARY PUBLIC for State of Idaho
Residing at Preston, Idaho

STATE OF IDAHO,

County of Franklin ss.
On this 27th day of November, in the year 1978, before me,
the undersigned, a Notary Public for said State,
personally appeared HEBER C. SWAINSTON and GENEAL B. SWAINSTON,
known to me (or proved to me on the oath of _____)
to be the person whose name subscribed to _____
President and Secretary of the corporation that executed the within instrument,
(President or Vice President, Secretary, or Asst. Secretary)
and acknowledged to me that such corporation executed the same.
(he, they or such corporation)

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

Lewell D. Carter
Notary Public for the State of Idaho,
Residing at Preston, Idaho.

EXHIBIT A

S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, Township 13 S., Range 39 E. B. M.; E $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, Township 13 S., Range 39 E. B. M.; S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 35, Township 13 S., Range 39 E. B. M. except: beginning at the SE corner SE $\frac{1}{4}$ SE $\frac{1}{4}$, thence N 1171 ft., thence N 79 deg. W 480 ft., thence S 2 deg. W 910 ft., thence SEly to point of beginning.

Lots 1, 2, 3, & 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2, Township 14 S., Range 39 E. B. M.; beginning at the NE corner, thence W 10 rods, thence SWly 21 rods, 3 $\frac{1}{4}$ ft. to a point 18 rods S & 23 $\frac{1}{4}$ rods W of the place of beginning, thence S 24 $\frac{1}{4}$ rods, thence SEly to a point 80 rods S of the place of beginning, thence N 80 rods to a point of beginning.

Tr. NE $\frac{1}{4}$ SE $\frac{1}{4}$, Tax 3, 27 acres; SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$, 80 acres.

Tr. SW $\frac{1}{4}$ NW $\frac{1}{4}$, Tax 1, 13 acres.

N $\frac{1}{4}$ NW NE NE 120 A, Section 26, Township 13, Range 39 E. B. M.

N $\frac{1}{4}$ SE 480 A, Section 34, Township 13, Range 39 E. B. M.

SWNE, S $\frac{1}{4}$ NW, N $\frac{1}{4}$ SW S $\frac{1}{4}$ SW less TM 1 262 A, Section 35, Township 13, Range 39 E. B. M.

SENE 40 A, Section 12, Township 14, Range 39 E. B. M.

Tn. 1 2, 137 A, Section 3, Township 14, Range 39 E. B. M.

The North half of the South half of the Northeast quarter of Section 32, Township 14 South of Range 39 East of the B. M., containing 40 acres, more or less.

The Southwest quarter of the Southeast quarter of Section 32, Township 14 South of Range 39 East of the B. M. Also lot 2 of Section 5 in Township 15 South of Range 39 East of the B. M., containing in all 80 acres more or less. Excepting therefrom the following described tract of land to-wit: Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 32, Township 14 South, Range 39 East of the B. M., and running thence South 160 rods; more or less to SW corner of said Lot 2; thence East 80 rods; thence North 1221 feet; thence Northwest to a point 254 feet East and 1200 feet South of the place of beginning, thence North 1200 feet; thence West 254 feet, to beginning and together with a right of way deeded as follows: Beginning at the Northeast corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 14 S, Range 39 E. B. M., and running thence S 1419 feet thence W 1 rod; thence N 1419 feet; thence East 1 rod to the place of beginning.

Tr. 1: the N $\frac{1}{4}$ of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, Township 14 S, Range 39 E. B. M.

Tract 2: The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 14 S, Range 39 E. B. M. Also, Lot 2 of Section 5, Township 15, Range 39 E. B. M., containing in all 80 acres, more or less. Excepting therefrom the following described tract of land, to-wit: Commencing at the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 14 S, Range 39 E. B. M., and running thence S 160 rods, more or less, to the SW corner of said Lot 2, thence E 80 rods; thence N 1221 feet, thence NW to a point 254 feet E and 1200 feet S of the place of beginning, thence N 1200 feet, thence W 254 feet to the place of beginning and together with a right of way deeded as follows: Beginning at the NE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32, Township 14 S, Range 39 E. B. M., and running thence S 1419 feet, thence W 1 rod, thence N 1419 feet, thence E 1 rod to the place of beginning.

And including all of our right, title, and interest in and to any and all livestock on said premises.

RE 266754 1-5

RE-Recorded at the request of
Mckenzie & Mckenzie
Time 4:18 Amount \$ 22.00

FEB 10 2016

SHAUNA T. GEDDES, RECORDER
By C. Carter Deputy
Franklin County, Idaho

192592 1-5

QUITCLAIM DEED

Recorded at the request of

Jay R. McKenzie

4:45
—a.m. JAN 03 1995 —p.m.

LERAE E. JOHNSON, RECORDER

By Ruth K. Rawlings Deputy
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

69 FARMS, INC., an Idaho Corporation,

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

**HEBER C. SWAINSTON, Trustee, and his successors, in trust, of THE HEBER C.
SWAINSTON FAMILY TRUST, dated February 23, 1990, as amended,**

whose current address is: 3815 North 1600 West
Preston, Idaho 83263

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

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY
REFERENCE**

together with their appurtenances.

DATED this 29th day of December, 1994.

69 FARMS, INC.

Heber C. Swainston
HEBER C. SWAINSTON, President

ATTEST:

Beckie P. Swainston
BECKIE P. SWAINSTON, Secretary

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

On this 29th day of December, 1994, before me, a Notary Public in and for said State, personally appeared HEBER C. SWAINSTON and BECKIE P. SWAINSTON, known or identified to me to be the President and Secretary, respectively, of 69 FARMS, INC., that executed the within instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Jay R. McKenzie
NOTARY PUBLIC

Residing at: Preston, Idaho

My Commission Expires: 11-16-97

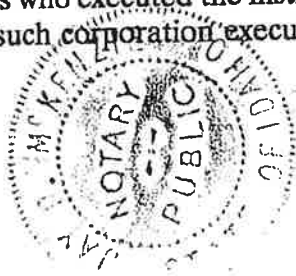


EXHIBIT "A"

S1/2 SW1/4, Section 27, Township 13 South, Range 39 East of the Boise Meridian; E1/2 NW1/4, Section 34, Township 13 South, Range 38 East of the Boise Meridian; S1/2 NW1/4, SW1/4 NE1/4, SW1/4, Section 35, Township 13 South, Range 39 East of the Boise Meridian, except: beginning at the Southeast corner of SE1/4 SE1/4, thence North 1121 feet, thence North 79° West 480 feet, thence South 2° West 910 feet, thence Southeasterly to the point of beginning.

Lots 1, 2, 3, and 4, SW1/4 NE1/4, SE1/4 NW1/4, Section 2, Township 14 South, Range 39 East of the Boise Meridian; beginning at the Northeast corner of said Section, thence West 10 rods, thence Southwesterly 21 rods, 3-1/2 feet, to a point 18 rods South and 23-1/2 rods West of the place of beginning, thence South 24-1/2 rods, thence Southeasterly to a point 80 rods South of the place of beginning, thence North 80 rods to a point of beginning.

Tr. NE1/4 SE1/4, Tax 3, 27 acres; SE1/4 NE1/4 and NW1/4 SE1/4, 80 acres.

Tr. SW1/4 NW1/4, Tax 1, 13 acres.

N1/2 NW1/4, ^{NW 1/4} ~~NE1/4~~ NE1/4, 120 acres, Section 26, Township 13 South, Range 39 East of the Boise Meridian.

N1/2, SE1/4, 480 acres, Section 34, Township 13 South, Range 39 East of the Boise Meridian.

SW1/4 NE1/4, S1/2 NW1/4, N1/2 SW1/4, S1/2 SW1/4, less TN 1, 262 acres, Section 35, Township 13 South, Range 39 East of the Boise Meridian.

SE1/4 NW1/4, 40 acres, Section 12, Township 14 South, Range 39 East of the Boise Meridian.

Tn. 18, 137 acres, Section 3, Township 14 South, Range 39 East of the Boise Meridian.

The North half of the South half of the Northeast quarter of Section 32, Township 14 South, Range 39 East of the Boise Meridian, containing 40 acres, more or less.

The Southwest quarter of the Southeast quarter of Section 32, Township 14 South, Range 39 East of the Boise Meridian. Also Lot 2 of Section 5 in Township 15 South of Range 39 East of the Boise Meridian, containing in all 80 acres more or less. Excepting therefrom the following described tract of land, to-wit: Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 32, Township 14 South, Range 39 East of the Boise Meridian, and running thence South 160 rods; more or less to the Southwest corner of said Lot 2; thence East 80 rods; thence North 1221 feet; thence Northwest to a point 254 feet East and 1200 feet South of the place of beginning, thence North 1200 feet; thence West 254 feet, to beginning and together with a right-of-way deeded as follows: Beginning at the Northeast corner of the

Southwest quarter of the Southeast quarter of Section 32, Township 14 South, Range 39 East of the Boise Meridian, and running thence South 1419 feet, thence West 1 rod; thence North 1419 feet; thence East 1 rod to the place of beginning.

Tr 1: The N1/2 of the S1/2 of the NE1/4 of Section 32, Township 14 South, Range 39 East of the Boise Meridian.

ALSO: Township 14 South, Range 39 East of the Boise Meridian in Franklin County, Idaho

Section 28: All of the land lying East of the State Highway included in the following described tract of land, to-wit: Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter of Section 28, thence running East 42 rods; thence North 330 feet; thence West 42 rods; thence South 330 feet to the place of beginning.

Section 29: SW1/4SW1/4: ALSO, Commencing at a point 182 rods West of the Southeast corner of Section 29, and running thence North 80 rods; thence West 58 rods; thence South 80 rods; thence East 58 rods to the place of beginning.

Section 32: N1/2NE1/4; NE1/4NW1/4.

TOGETHER WITH 206 shares of water stock in the Twin Lakes Canal Company.

ALSO: Township 14 South, Range 39 East of the Boise Meridian in Franklin County, Idaho

Section 29: Commencing at the Southeast corner of Section 29, and running thence West 442.5 feet; thence North 348.5 feet; thence East 442.5 feet; thence South 348.5 feet to the place of beginning.

ALSO: Township 14 South, Range 39 East of the Boise Meridian in Franklin County, Idaho

Sections 20 and 29:

Commencing at a point 297 feet South of the Northeast corner of the Southwest quarter of the southeast quarter of Section 20, and running thence West 75 feet, thence South 70 feet, thence West 1245 feet to quarter section line, thence South 953 feet to the section line, thence East 80 rods along the section line, thence North 1023 feet to the point of beginning.

Also, the Northwest quarter of the Northeast quarter of Section 29.

Easements located in Franklin County, Idaho:

(1). A 24 foot easement across the below-described property along an existing driveway running South from the North side of the County Road known as Twin Lakes Road, through approximately the center of the below-described property, for any and all use or uses grantee deems appropriate, including but not limited to use as a means of ingress and egress for all vehicles (including school bus), moving equipment and farm product, and other use consistent with farming:

Commencing at the Northeast corner of the SW1/4SE1/4, of Section 20, Township 14 South, Range 39 East, and running thence West 200 feet; thence South 100 feet; thence East 75 feet; thence South 60 feet; thence East 125 feet; thence North 160 feet to the place of beginning.

(2). An easement across and under the below-described property for the construction, replacement, and maintenance of a 10-inch underground irrigation mainline along the East boundary of the below-described property, together with the right of ingress and egress over adjacent lands of grantor for maintenance, repair, inspection and replacement of said irrigation line:

Commencing at the Northeast corner of the SW1/4SE1/4, of Section 20, Township 14 South, Range 39 East, and running thence West 200 feet; thence South 100 feet; thence East 75 feet; thence South 60 feet; thence East 125 feet; thence North 160 feet to the place of beginning.

(3). A 30-foot easement across the below-described property along the route of an existing farm road as the same has been traveled, for any and all use and uses grantee deems appropriate, including but not limited to use as a means of ingress and egress for all farm vehicles, moving equipment, and farm products, and other use consistent with farming:

Section 20, Township 14 South, Range
39 East of the Boise Meridian:
SW1/4SE1/4.

Township 14 South, Range 39 East of the Boise Meridian in Franklin County, Idaho

Section 32: Commencing at the Southeast corner of NW1/4SE1/4 of Section 32, and running thence West 40 rods; thence North 79 rods; thence East 40 rods; thence South 79 rods to the place of beginning.

TOGETHER WITH 10 shares of water stock in the Twin Lakes Canal Company.

LESS AND EXCEPTING: Township 14 South, Range 39 East of the Boise Meridian:

Section 32: Commencing at a point 660 feet North of the Southeast corner of NE1/4 of Section 32, and running thence North 240 feet; thence West 363 feet; thence South 240 feet; thence East 363 feet to the place of beginning.

.....

STATE OF IDAHO.

COUNTY OF *TETON*

}

ss:

On this

3-8

day of

*August*in the year 19 *72*, before me

in and for said County and

a

State, personally appeared

WILLIAM L. BOWMAN & THOMAS B. BOWMAN

known to me to be the person & whose name <

subscribed to the within instrument, and acknowledged to me that he executed the same.

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

[Signature]

Notary Public

Residence.....

WARRANTY DEED

TO

Dated.....

19

STATE OF IDAHO,

COUNTY OF.....

}

ss:

I hereby certify that this instrument was filed for record at the request of

at minutes past

o'clock..... M., this

day of

A. D. 19

at my office and duly recorded in Book

of Deeds at page.....

Ex-Officio Recorder

By.....

Deputy

Fee, \$.....

247143 1-3

AFTER RECORDING MAIL TO:

Heber C. Swainston & Sons Land Co., LLC
3815 N 1600 W, Preston, Idaho 83263
Preston, ID 83263

Recorded at the request of
Northwest Farm Credit

____ a.m. NOV 06 2009 p.m. 2:11

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

QUITCLAIM DEED

For Value Received, **69 Farms, LLC**, do(es) hereby convey, release, remise, and forever quit claim unto **Heber C. Swainston & Sons Land Co., LLC**, whose address is **3815 N 1600 W, Preston, Idaho 83263**, herein after called the Grantee, the following described premises situated in **Franklin County, Idaho**, to-wit:

Legal Description:

Township 14 South, Range 39 East of the Boise Meridian, Franklin County, Idaho

Section 30: East half of the Southeast quarter.

Section 31: Northeast quarter of the Northeast quarter.

Section 32: Northwest quarter of the Northwest quarter.

together with its appurtenances.

Dated: 11/5/09

Allan H. Swainston

Allan H. Swainston, a member

Quitclaim Deed - continued



Heber C. Swainston, a member

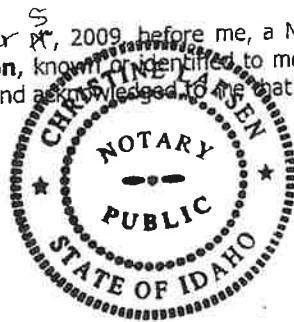


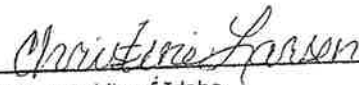
Kay B. Swainston, a member

STATE OF Idaho)
SS.

COUNTY OF Franklin)

On this November 5th, 2009, before me, a Notary Public in and for said State, personally appeared **Allan H. Swainston**, known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he executed the same.



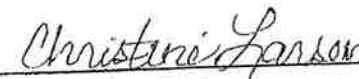

 Notary Public of Idaho
 Residing at: Preston
 Commission Expires: 2-19-2014

STATE OF Idaho)
SS.

COUNTY OF Franklin)

On this November 5th, 2009, before me, a Notary Public in and for said State, personally appeared **Heber C. Swainston**, known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he executed the same.




 Notary Public of Idaho
 Residing at: Preston
 Commission Expires: 2-19-2014

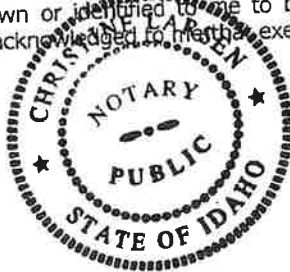
247143

3-3

Quitclaim Deed - continued

STATE OF Idaho)
)
COUNTY OF Franklin)

On this November 4, 2009, before me, a Notary Public in and for said State, personally appeared **Kay B. Swainston**, known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he executed the same.



Christine Larson
Notary Public of Idaho
Residing at: Preston
Commission Expires: 2-19-2014



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 6, 2022

HEBER C SWAINSTON & SONS LAND CO LLC
4035 N 1600 W
PRESTON ID 83263

RE: Change in Ownership
Water Rights: 13-2042

Dear Sir/Madam:

On April 26, 2022, you filed a Notice of Change in Water Right Ownership (ownership change) with the Idaho Department of Water Resources (IDWR), seeking to update the ownership records for the water rights listed above. After an initial review, we determined that you needed to provide additional evidence of ownership. On July 26, 2022, we sent a letter requesting the additional information. The additional information was to be provided within 30 days.

IDWR has never received a response to the request. Without the requested documents, we cannot verify ownership of the water right and cannot complete the ownership change. We are therefore returning your original ownership change and have initiated a refund of your filing fee (\$25.00). The refund from the state of Idaho will arrive at the address listed above within a couple of weeks.

Please feel free to re-file your change in ownership any time in the future. Because your filing fee is being refunded, you will need to determine and provide the proper filing fee at the time you re-file the Assignment.

If you have any questions, feel free to contact me at (208) 525-7161.

Respectfully submitted,

Jonie Barg
Technical Records Specialist

Enclosure(s)

From: [Barg, Jonie](#)
To: [IdwrPayable](#)
Subject: Refund Request
Date: Thursday, September 1, 2022 12:25:00 PM
Attachments: [Receipt\(4\).PDF](#)

Good afternoon!

I have a refund request as follows:

Receipt number: E048063
Amount: \$25
Payable to 69 FARMS LLC
4035 N 1600 W
PRESTON ID 83263

Reason: Ownership Change additional information requested. Information was not received; therefore, the application is being returned unprocessed. The applicant is entitled to a refund of this receipt.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!

 IDAHO DEPARTMENT OF
WATER RESOURCES
Jonie Barg | Technical Records Specialist
900 N Skyline Drive Ste. A, Idaho Falls, ID 83402
Phone number: (208) 525-7161
Fax number: (208) 525-7177
Email: jonie.barg@idwr.idaho.gov
Website: www.idwr.idaho.gov

Cefalo, James

From: Cefalo, James
Sent: Tuesday, July 26, 2022 3:49 PM
To: allan.swainston@gmail.com
Subject: Notice of Change in Water Right Ownership - Water Right 13-2042

Allan,

In April of this year, you filed a Notice of Change in Water Right Ownership, seeking to update the ownership records for water right 13-2042. According to the notice, the new owner should be Heber C. Swainston & Sons Land Company LLC. You provided deeds tracing ownership of the subject property from the original water right owner (Daniel Thomas) up to the Heber Swainston Family Trust but did not provide the final deed (from Swainston Family Trust to Swainston & Sons Land Company LLC). It appears you were working with Jonie to address this deficiency. Jonie will be out of the office for a couple of months and I am reviewing her files. When you get a moment, can you please provide an update on your efforts to find the missing deed. Once the deed is provided, we will be able to complete the ownership change.

James

 IDAHO DEPARTMENT OF
WATER RESOURCES
James Cefalo | Regional Manager
900 N Skyline Drive, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov