

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM**
RECEIVED

CIVIL CASE NUMBER: 79576

Claim ID: 13-8025

Date Received: 3/28/25

Receipt No: P001962

Claim Fee: \$55 By: MB

MAR 28 2025

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of claimant(s) Walter Surber and Claudia Anita Surber Phone (208) 281-7920
Mailing address 2913 East Highway 36 Preston Idaho Zip 83263
Street or Box City State
Email address (optional) claudia.surber@gmail.com
2. Date of priority: (Only one per claim) 11/12/1888 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Unnamed stream
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township 14 S, Range 40 E, Section 20,
NE 1/4 of SW 1/4, Govt. Lot _____, BM, County of Franklin
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

SEE ATTACHED EXHIBIT "A"

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/01 to 11/01 amount .100 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .100 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	40E	20															5.0		5.0

Parcel no(s). _____ Total number of acres irrigated 5.0

10. In which county(ies) are lands listed above as place of use located? Franklin

11. Do you own the property listed above as place of use? Yes (☒) No (☐)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
SEE ATTACHED EXHIBIT "A" or None (☐)

13. Remarks (Include an explanation of the priority date selected):
SEE ATTACHED EXHIBIT "A"

Name of claimant(s) Walter Surber and Claudia Surber Claim ID _____

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-8025

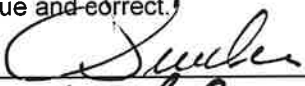
15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do (☐) do not (☐) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 58 pages

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)  Date: 21. March 2025

 Date: 21. March 2025

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

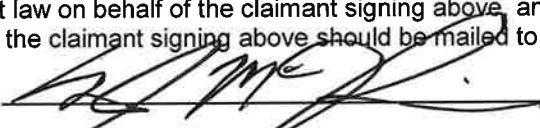
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Adam J. McKenzie, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 3-27-25

Address 130 North State Street, Preston, ID 83263

Name of claimant(s) Walter Surber and Claudia Surber Claim ID _____

Section 20, Township 14S, Ranger 40 E of the Boise Meridian
Franklin County, Idaho



SECTION LINES: 

POINT OF DIVERSION: 

PLACE OF BENEFICIAL USE: 

EXHIBIT "A"

5. Description of existing diversion works:

Water from an unnamed stream, known locally as Water Hollow Creek, that flows and empties into Bear River, is diverted by use of an old concrete headgate into a ditch that conveys water to Claimants' property where they flood irrigate approximately 5 acres, which include an orchard. A picture of the concrete headgate used to divert the water into the ditch is attached hereto as Exhibit "B".

12. Describe any other water rights used at the same place and for the same purpose as described above.

This water right was the product of a split of water right 13-4274. Water right 13-7633 was later split to create 13-8025 and 13-8053, the water for these two rights split from 13-7633, is used for irrigation, though the water is used in different locations. In addition to these two rights, 13-7634 which was split from 13-4274, is also used for irrigation purposes that comes from this same source.

13. Remarks: In 1983 Wendell H. Smith filed a claim for the water that has since become part of 13-7633. Wendell H. Smith obtained the ground that the water from 13-8025 irrigates from his father, who obtained the property from his father, Hyrum W. Smith, who obtained the property from his father, Hyrum J. Smith, who obtained the property from Abraham Davis, who homesteaded the property. (See the documents attached hereto as Exhibit "C". The water rights circled in the Deeds from Wendell H. Smith to his Trust and subsequent Deed from the Trust, do not apply to this water right.) The waters from the unnamed stream known locally as Water Hollow Creek have been used for irrigation as far back as 1894, when the land was homesteaded. One Deed to Hyrum W. Smith identified as Instrument No. 8788, dated March 29, 1918, which transferred the property where the diversion for 13-8025 is located, transfers "all ditch and water-rights." Evidencing the existence of ditches and other diversions on the property. (See attached Exhibit "D") The water has been used for irrigation of the claimants' 5 acres, and is the only source of water for the ground in question.

Also attached as Exhibit "E" is an agreement that appears to be dated May 8, 1912, that references the water from "Water Hollow Creek". The agreement references that the water is being put to beneficial use.

Exhibit “B”



Exhibit "C"

HOMESTEAD RECORD

THE UNITED STATES OF AMERICA

Abraham Davis

Filed for Record and Recorded this *12th* day of

November 1894 at 5 o'clock P.M.

C. T. Brown Recorder.

By

Deputy Recorder.

HOMESTEAD CERTIFICATE No. *452*

APPLICATION *16*

THE UNITED STATES OF AMERICA.

To all to Whom these Presents shall come, Greeting:

WHEREAS, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at *Oxford Idaho Territory* whereby it appears that, pursuant to the Act of Congress approved 20th May, 1882, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of *Abraham Davis*

has been established and duly consummated, in conformity to law, for the

South half of the Southeast Quarter of Section Twenty, and the Northeast Quarter of the Northwest Quarter of Section Twenty, and the Northeast Quarter of the Northwest Quarter of Section Twenty, in Township South of Range Forty East of Boise Meridian, in Idaho Territory, containing one hundred and six acres.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

Now Know Ye, that there is, therefore, granted by the UNITED STATES unto the said *Abraham Davis*

the Tract of Land above described:

That he Have and to Hold the said Tract of Land, with the appurtenances thereto, unto the said *Abraham Davis*,

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In Testimony Whereof, I, *Grover Cleveland*

PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *eighteenth* day of

April, in the year of our Lord one thousand eight hundred and *eighty-eight*, and of the Independence of the United States the *cent-thirteenth* and *twelfth*

BY THE PRESIDENT, *Grover Cleveland*

By *Wm. McKean* Secretary.

Robert H. Ross
Recorder of the General Land Office.

Recorded *Nov 1*, Page *446*



23
Abraham & David
To
H. J. Smith

This Indenture, Made the tenth day of June, in the year of our Lord one thousand eight hundred and eighty seven between Abraham Davis and Charlotte Davis, his wife of Farrow in the County of Oneida and Territory of Idaho, party of the first part and H. J. Smith of Falls Oneida County, Idaho Territory the party of the second part. Witnesseth: That the said parties of the first part, for and in consideration of the sum of one hundred 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, has granted, bargained, sold, aliened, released, remised, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, remise release, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain piece or parcel of land known and described as follows, to-wit:

All of the South West quarter of the South East quarter of section twenty in Township fourteen South of Range forty East of Boise Meridian lying and being on the North side of Bear River the same containing forty acres.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof: and also all the estate, rights, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part, of in or to said premises, and every part and parcel thereof, with the appurtenances.

To Have and to Hold, all and singular, the said premises, together with the appurtenances unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against any and all persons whomsoever lawfully claiming, or to claim the same, shall and will warrant, and by these presents forever defend.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of
John C. Egbert
W. L. Webster

Abraham Davis
Charlotte Davis

United States of America
Territory of Idaho } ss.
County of Blaine }

On this 11th day of June A.D. one thousand
eight hundred and eighty seven personally appeared
before me a Justice of the Peace in and for said
County, duly appointed and qualified, Abraham & Charlotte
Davis whose names are subscribed to the annexed instru-
ment as parties thereto, personally known to me to be the
person described in, and who executed the foregoing in-
strument, who acknowledged to me that they executed the
same freely and voluntarily, and for the uses and purposes
therein mentioned.

In Witness Whereof I have hereunto set my
hand and affixed my official seal at
my office in Franklin Idaho this day
and year in this certificate first so
written

James H. Smith
Justice of the Peace for
Franklin
Crap Store

Recorded at the request of H. J. Smith
November 12th 1894 at 4⁰⁰ P.M.

C. L. Rogers
County Recorder

Commencing at a point 60 rods, 6 feet East of the Southwest corner of the Southwest quarter of Section 23, Township 15 South, Range 39 East of Boise Meridian, and running thence East 12 feet; thence North 13 rods; thence West 12 feet; thence South 13 rods to the place of beginning;

That as the survivor of the community, the said David P. Evans became the owner of said property and the whole thereof on the death of his wife, said Sarah S. Evans; and that Samuel S. Evans is now the owner of said property through conveyance of the same to him by the said David P. Evans since the death of said Sarah S. Evans.

Dated November 13th, 1934.

(Seal)

D.G. Eames
Probate Judge.

State of Idaho,
County of Franklin. SS.

I, D.G. Eames, Probate judge and Ex-Officio Clerk of the Probate Court of Franklin County, Idaho, hereby certify that the above and foregoing is a true and correct copy of a decree entered in the within entitled matter as appears from a comparison with the original decree on file and of record in my office.

Witness my hand and the seal of said Probate Court this 13th day of November, 1934.

(Seal)

D.G. Eames
Probate Judge and Ex-Officio Clerk
of Probate Court, Franklin County,
Idaho.

I hereby certify that this instrument was filed for record at request of F.W. Nielsen at 35 Minutes past 4 o'clock P.M. this 28th day of May A.D. 1935 in my office.

Fees, \$1.20

CH
Compared
corrected

Ex-Officio Recorder

Instr. No. 46906

IN THE PROBATE COURT OF FRANKLIN COUNTY IDAHO

IN THE MATTER OF THE ESTATE
OF HYRUM J. SMITH, DECEASED,

: Final Decree and setting apart
Property to widow of Decedent.

This cause came on regularly for hearing this 11th day of May, 1935, in pursuance to an order this day made and filed herein, and notice given of said hearing as provided by law, Arthur W. Hart, Attorney at Law, appearing for and behalf of the petitioner herein, and no one appearing in opposition thereto, and the Court being fully advised in the premises finds that all the allegations set forth in the petition praying for the decree of distribution of the property and setting apart the property to the widow of said decedent are true and correct; that Elvira Smith is the widow of Hyrum J. Smith, deceased, and that she is entitled to have the real estate set apart to her for her sole use and benefit; that said petitioner is the duly appointed, qualified and acting administratrix of the estate of Hyrum J. Smith, deceased; that she caused notice to creditors to be given by publication of notice in the Franklin County Citizen, a weekly news paper of general circulation published at Preston, Franklin County, Idaho, for a full period of time as required by law; that no bills, claims or other evidence of indebtedness has been filed against said estate, or filed with said petitioner herein, and the legal time for the presentation of claims has expired; that the real estate hereinafter described was the community property of said petitioner and said decedent, and was acquired by them during their coverture, that is to say, after their marriage and before the death of said decedent and is of the approximate value of \$4800.00, and your said petitioner has no separate property or means of support other than the property of said estate; that she has paid or caused to be paid all indebtedness against said estate, including, taxes, assessments, expenses of the last illness and the burial expenses of said decedent; of said decedent; that she has paid the costs and expenses of the probating of said estate

that she has filed herein her final account, which said final account has been accepted by this Court; and she has filed or caused to be filed the Inventory and Appraisalment, and the said estate is now in a condition to be closed, and it is desired by all of the heirs at law who are present at this hearing that the whole of said estate be set apart to their mother, the said administratrix of said estate, and the widow of said deceased, for her sole use and benefit.

It is therefore ordered, adjudged and decreed and this does order adjudge and decree that the following described real estate together with the improvements thereon including the water right to be set apart to

ELVIRA SMITH

the widow of Hyrum J. Smith, for her sole use and benefit, to have and to hold the same, which said premises are described as follows, to-wit:

The south-east quarter of the southwest quarter and the southwest quarter of the south-east quarter of the Section 15 Twp. 14 South Range 40 East of the Boise Meridian, containing ⁸⁰40 acres.

All that certain portion of the south-east quarter of the southwest quarter of Section 21, Township 14 south, Range 40 east of the Boise Meridian, lying and being on the north-side of Bear River, the same about 8 acres more or less.

The south-west quarter of the South-east of ~~XXXXXX~~ Section 20 Township 14 south, Range 40 east of the Boise Meridian, lying and being on the north side of Bear River, containing about 40 acres.

Also commencing at the center of Section 21, Township 14 south. South 80 rods thence West 8 rods thence North 80 rods to range 40 east of the Boise Meridian, and running thence east 8 rods to place of beginning, containing 4 acres.

Commencing at the north-west corner of the north-east quarter of Section 29 Township 14 south Range 40 east of the Boise Meridian and running thence south 46 rods; thence east 30 rods; thence north 46 rods; thence west 80 rods to place of beginning, containing 23 acres.

The south-east quarter of the north-west quarter of Section 21 Township 15 south Range 40 East of the Boise Meridian, containing 40 acres.

The north-half of the South-west quarter and the south-west quarter of the south-west quarter of section 21 and the north-east ^{half} quarter of the south-east quarter of section 20 Township ~~20~~ 14 south Range 40 east of the Boise Meridian, containing 160 acres.

The south-east quarter of the north-east quarter of Section 20 and the south-west quarter of the north-west quarter of Section 21 Township 14 south Range 40 east of the Boise Meridian, containing 80 acres. and

Dated this 11th day of May 1935.

(Seal)

James Johnsen
Probate Judge.

State of Idaho

County of Franklin (ss

I, James Johnson, Probate Judge of Franklin County, Idaho, do hereby certify and declare that the within and foregoing is a true and correct copy of the Records and files in the Probate Court of Franklin County, State of Idaho, in the above entitled cause.

Dated this 11th day of May 1935.

(Seal) ✓

James Johnson
Probate Judge.

I hereby Certify that this instrument was filed for record at

DEED RECORD

INST. NO. 22929.

THIS INDENTURE, Made this 25th day of April in the year of our Lord one thousand nine hundred and twelve, between Hyrum J. Smith and his wife Elvira Smith of Riverdale County of Oneida, State of Idaho, the parties of the first part, and Hyrum W. Smith of Riverdale County of Oneida, State of Idaho, the party of the second part,

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

Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section twenty (20) Township fourteen (14) South of Range forty (40) East of Boise Meridian Idaho, and running thence East forty (40) rods, thence South sixty (60) rods, thence West sixteen (16) rods, thence North twenty (20) rods, thence West twenty-four (24) rods, thence North forty (40) rods to the place of beginning containing twelve (12) acres.

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

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

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

Signed, sealed and delivered in the presence of

A. W. Hart

T. W. Smith

Hyrum J. Smith (SEAL).

Elvira Smith (SEAL).

(SEAL).

(SEAL).

STATE OF IDAHO, }
County of Oneida, } ss.

On this 25th day of April in the year 1912, before me, Arthur W. Hart, a Notary Public in and for said county, personally appeared Hyrum J. Smith and his wife Elvira Smith,

known to me to be the person whose name 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.

Arthur W. Hart,

Notary Public.

(SEAL)
Commission Expires Jan. 19th, 1916.

Filed for record this 12th day of December A. D. 1912 at 1:10 o'clock P. M.

John J. Evans,

By

State, personally appeared Chloe N. Heusser, a widow known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Seal

James P. Tasso

Notary Public, Residing at Montpelier, Idaho

STATE OF IDAHO)
County of Franklin) ss.

Recorded at the request of Star Co. at 4:20 P.M., June 10, 1966.

Fee: \$1.80

C. L. Swenson: Ex-Officio Recorder

By *[Signature]* Deputy

-- Compared --

Inst. No. 118907

*

WARRANTY DEED

THIS INDENTURE, made this 15th day of April in the year of our Lord one thousand nine hundred and Sixty-three between Hyrum W. Smith and wife Christine L. Smith of Preston County of Franklin State of Idaho the parties of the first part, and Wendell M. Smith of Preston County of Franklin State of Idaho the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of \$1.00 and other good and valuable considerations lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and their heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 427 feet South of the NW corner SW1/4SE1/4 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 SW1/4SW1/4SE1/4 of said Section 20; running thence East 150 feet; thence North 233 feet; thence West 40 rods to the place of beginning.

The grantors herein reserve unto themselves a life estate in and to the home and lot they are presently occupying on the above described land.

Excepting from the above described land any and all property deeded for roadway purposes, and right of way, that are now in existence.

Together with all water and water rights appertaining thereto.
(\$2.20 U.S.I.R. Stamp duly affixed and cancelled)

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 said property, as well in law as in equity of the said parties of the first part.

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Hyrum W. Smith (SEAL)

Christine L. Smith (SEAL)

STATE OF IDAHO)
County of Franklin) ss.

On this 15th day of April in the year 1963, before me Ted B. Larsen a Notary Public in and for said State, personally appeared Hyrum W. Smith and wife Christine L. 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.

Seal

Ted B. Larsen

Notary Public, Residing at Preston, Idaho

THIS INDEMTURE, made this 14th day of October
in the year of our Lord one thousand nine hundred and Fifty-seven between
Wyrum W. Smith and Christina Smith his wife

of Preston County of Franklin
State of Idaho the part ies of the first part, and
Wendell H. Smith and Wavel K. Smith, his wife

of Preston County of Franklin
State of Idaho the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
- - - - - FIFTY AND NO/100 DOLLARS (\$50.00) - - - - -
lawful money of the United States of America, to them in hand paid by the said part ies of the second
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and
assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 427 feet 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, Idaho and running
thence East 160 feet; thence South 160 feet; thence West 160 feet;
thence North 160 feet to the place of beginning.

Also: Commencing at a point 667 feet South and 343 feet East from the
Northwest corner of the Southwest quarter of the Southeast quarter
of Section 20, Township 14 South, Range 40 East of the Boise Meridian,
Idaho, which point is on the South side of the County Road right of
way and running thence South 156 feet, thence East 121 feet, thence
Northwesterly 176 feet, more or less, to a point 37 feet East of the
place of beginning, thence West 37 feet to the point of beginning.



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

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF Wyrum W. Smith (SEAL)
Christina Smith (SEAL)

_____ (SEAL)

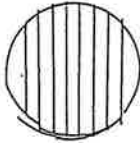
THIS INSTRUMENT, made this 26th day of November
in the year of our Lord one thousand nine hundred and Forty-nine between
Myrum W. Smith and his wife Christine Smith

of Rivardale County of Franklin
State of Idaho the part ies of the first part, and
Wendell H. Smith and his wife Wavel Smith, joint tenants by entirety
with full rights vested in the survivor and not as tenants in common,
of Rivardale County of Franklin
State of Idaho the part ies of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of the sum of
\$1.00 and other valuable consideration
lawful money of the United States of America, to them in hand paid by the said part ies of the second
part, the receipt whereof is hereby acknowledged, he VE granted, bargained and sold, and by these presents do
grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and
assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 627 feet South and 160 feet East from
the Northwest corner of the Southwest quarter of the Southeast
quarter of Section 20, Township 14, South, Range 40 East of the Boise
Meridian, Idaho, and running thence North 200 feet; thence East 500
feet; more or less, to the 40 rods line; thence South 200 feet;
thence West 500 feet, more or less, to the place of beginning.

A right of way, running North and South through the above
described land, being approximately 375 feet East of the place of
beginning, is hereby reserved for the use of the grantors herein.



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 said property, as well in law as in equity, of the said part ies
of the first part.

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

IN WITNESS WHEREOF, The said part ies of the first part ha VE hereunto set their hand s and
sent s the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Myrum W. Smith (SEAL)
Christine Smith (SEAL)
(SEAL)
(SEAL)
(SEAL)

THIS INSTRUMENT, made this 25th day of November
in the year of our Lord one thousand nine hundred and Fifty-nine
Myrum W. Smith and Christine Smith between

of Riverdale County of Franklin
State of Idaho the part ies of the first part, and
Wendell H. Smith and Wavel K. Smith

of Riverdale County of Franklin
State of Idaho the part ies of the second part.

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

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

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

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

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Myrum W. Smith (SEAL)
Christine S. Smith (SEAL)

(SEAL)

(SEAL)

(SEAL)

QUITCLAIM DEED

For Value Received

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

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

WENDELL H. SMITH and WAVEL K. SMITH, trustees, or their successors in Trust, of THE WENDELL H. SMITH FAMILY TRUST established by a Trust Agreement dated January 23, 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"

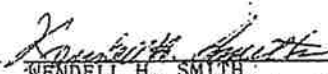
The surviving Trustee and successor Trustees have full rights to sell or encumber the property herein set forth.

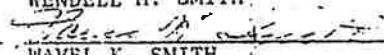
Substitute Trustee: In the event a vacancy exists, for any reason, in the office of trustee, the following persons shall act as substitute trustees, successively in the order named: The surviving spouse as sole trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, 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 23, 1987


 WENDELL H. SMITH

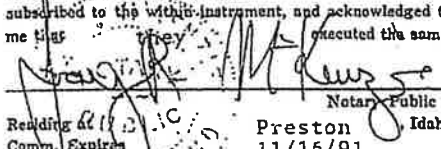

 WAVEL K. SMITH

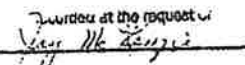
STATE OF IDAHO, COUNTY OF FRANKLIN,

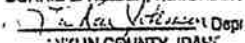
On this 23rd day of January, 1987,
 before me, a notary public in and for said State, personally
 appeared

WENDELL H. SMITH and
 WAVEL 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
 Residing at 1111 C Preston Idaho
 Comm. Expires 11/16/91

Witness at the request of

 JAN 23 1987 4:55 p.m.

CORRIE L. KEELER, RECORDER

 FRANKLIN COUNTY, IDAHO

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

174698 29

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 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;

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 257.62 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: 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 1/4 NE 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 71° 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 NW 1/4 of Section 31, and the SE 1/4 SW 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 SW 1/4 of Sec. 30; thence North along the said East Boundary of the SE 1/4 SW 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 332 feet South of the NE corner of the said SE 1/4 SW 1/4 of Section 30; thence S. 72°54' 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 NW 1/4 Sec. 31 and SE 1/4 SW 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 1/4 NW 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 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;

174698 9-7

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.

231608 1-9

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 Scobles 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 WAVELE 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: 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.

231608 2-9

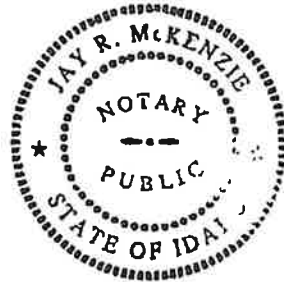
DATED this 12th day of October, 2005.

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



231608 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 $\frac{1}{2}$ 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"

231608 5-9

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:

231608 7-9

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:

231608 8.9

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 1A

Recorded at the request of

JAY R. Mckenzie

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

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 WAVELE 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. 50¾ 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.

231610 2-9

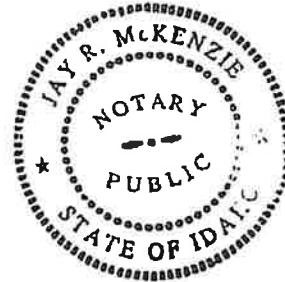
DATED this 12th day of October, 2005.

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 3-9

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

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;

231610 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 $\frac{1}{4}$ 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"

231610 5-9

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:

231610 6-9

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:

231610 7-9

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.

231610 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.

2367621-7

Recorded at the request of
JAY R. MCKENZIE

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

V. ELLIOTT LARSEN, RECORDER
By Camille Larsen 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.

236762 2-7

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.

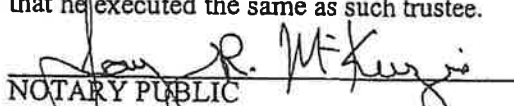
Jay R. McKenz
NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-21-2009

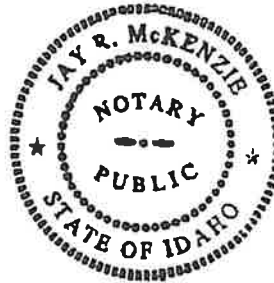


236762 3-7

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.


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



236762 4-7

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.

236762 5-7

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.

236762 6-7

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;

236762 7-7

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 $14\frac{1}{2}$ 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 $\frac{2}{3}$ 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:

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, $14\frac{1}{2}$ feet North of the Southeast corner of the SW1/4 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.

NTP-54994
Walter Surber
Dorfstrasse 28
9508 Weingarten
Switzerland

RECEIVED

JAN 10 2011

Department of Water Resources
Eastern Region

249661 1-3

Recorded at the request of

Northern Title Co.

2:45
a.m. AUG 26 2010 p.m.

WARRANTY DEED

V. ELLIOTT LARSEN, RECORDER
By Ruth Rawlings Deputy
FRANKLIN COUNTY IDAHO

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

Grantor(s) of Preston, County of Franklin, State of ID hereby *CONVEY AND WARRANT* to

Walter Surber and Claudin Anita Surber, Husband and Wife

Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

See Exhibit A

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this August 26, 2010.

Gayle DeAnn Smith Condie, Trustee
Gayle DeAnn Smith Condie, Successor Trustee

State of Idaho)
County of Franklin)

On August 26, 2010, personally appeared before me, 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, the signer(s) of the within instrument, who duly acknowledged to me that he/she/they executed the same.



Joanne Shumway
Notary Public

Resides: Preston, Idaho
Expires: 3-12-2011

Exhibit "A"

A parcel of land located in the Northwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, Franklin County Idaho, the same being a portion of the lands described in Correcting Quitclaim deed instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North 00° 29' 38" East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; thence South 00° 29' 38" West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the above described lands and the Southwest corner of the lands described in Warranty Deed Instrument No. 230701 as recorded in the official records of said County, the True Point of Beginning; Thence North 89° 17' 30" East along the common boundary line of said lands for a distance of 572.79 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Northeasterly right of way line of State Highway 36; Thence South 28° 28' 56" West along said right of way line for a distance of 200.09 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department marking a point on a 1462.39 foot radius non tangent curve whose center bears South 15° 02' 17" East; Thence Southwesterly along said curve to the left through a central angle of 07° 07' 00" for an arc distance of 181.64 feet (cb S 71° 24' 13" W 181.52') to a 5/8" rebar with cap tagged, "GVS PLS 9169"; thence South 89° 14' 26" West for a distance of 307.30 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of the Northwest quarter of the Southwest quarter of the Southeast quarter of said section; Thence North 00° 29' 38" East along the West boundary line of the Southwest quarter of the Southeast quarter for a distance of 230.76 feet to the True Point of Beginning.

Also,

A parcel of land located in the Southeast quarter of the Southwest quarter and in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being a portion of the lands described in Warranty deed instrument No. 199144 of the David H. and Ruth P. Smith Family Trust as recorded in the official records of Franklin County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North 00°29'38" East for a distance of 653.6 feet from the Southwest corner of the Southeast quarter of said Section 20. Thence North 89°14'26" East along the north line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a 5/8" rebar with cap tagged, GVS PLS 9169" set on the Northwesterly right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South 22°09'17" East, Thence along said right of way line for the following Six (6) courses:

1. Southwesterly along said curve to the left through a central angle of 00°40'41" for an arc distance of 17.30 feet (cb S 67°30'23" W 17.30') to a 5/8 rebar with cap tagged, "GVS PLS 9169",
2. Thence South 71°45'05" West nontangent to the previous curve for a distance of 51.38 feet to the beginning of a 1467.39 foot radius nontangent curve whose center bears South 24° 49'58" East.
3. Thence Southwesterly along said curve to the left through a central angle of 12°59'17" for an arc distance of 332.63 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department at the point of tangency (cb S 58°40'24" W 331.92'),
4. Thence South 52°10'45" West for a distance of 323.30 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department.
5. Thence South 57°53'23" West for a distance of 150.75 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169",

6. Thence South $52^{\circ}10'45''$ West for a distance of 100.00 feet to a found 3 inch Brass cap right of way monument, Idaho Transportation Department, the same being on the southeasterly boundary line of the lands described in the Correcting Quitclaim deed Instrument No. 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho.

Thence North $50^{\circ}19'26''$ East along said boundary line for a distance of 652.39 feet to a $5/8''$ rebar with cap tagged, "GVS PLS 9169" set on the west boundary line of the Southwest quarter of the Southwest quarter of the Southeast quarter of said Section; Thence North $00^{\circ}29'38''$ East along said boundary line for a distance of 114.39 feet to the True Point of Beginning.

Retaining unto Grantor:

A 20.00 foot wide easement for the purposes of ingress and egress located in the Southwest quarter of the Southwest quarter of the Southeast quarter and in the Southeast quarter of the Southwest quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument number 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:

Beginning at the Northwest corner of the Southwest quarter of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap monument, the same being North $00^{\circ}29'38''$ East for a distance of 653.67 feet from the Southwest corner of the Southeast quarter of said Section 20;
Thence North $89^{\circ}14'26''$ East along the North line of the Southwest quarter of the Southwest quarter of the Southeast quarter for a distance of 307.30 feet to a $5/8''$ rebar with cap tagged, "GVS PLS 9169" set on the Northwestern right of way line of State Highway 36, the same being on a 1462.39 foot radius nontangent curve whose center bears South $22^{\circ}09'17''$ East; thence along said right of way line Southwesterly along said curve to the left through a central angle of $00^{\circ}40'41''$ for an arc distance of 17.30 feet (ed S $67^{\circ}30'23''$ W $17.30'$) to a $5/8''$ rebar with cap tagged, "GVS PLS 9169", the same being a point on the centerline of an access road as presently located, the True Point of Beginning;
Thence along the centerline of said road for the following Six (6) courses;

1. Thence South $76^{\circ}31'13''$ West for a distance of 82.16 feet;
 2. Thence South $71^{\circ}17'22''$ West for a distance of 35.17 feet;
 3. Thence South $64^{\circ}33'38''$ West for a distance of 34.49 feet;
 4. Thence South $58^{\circ}59'29''$ West for a distance of 33.91 feet;
 5. Thence South $56^{\circ}21'41''$ West for a distance of 158.00 feet;
 6. Thence South $61^{\circ}39'27''$ West for a distance of 13.68 feet to a point on the Westerly boundary line of Parcel 7 as depicted on said record of survey the terminus of this easement.
- the sidelines of this easement are to lengthen and shorten as needed to terminate on said boundary line.

Retaining unto Grantor:

A 20.00 foot wide easement for the purposes of installing, operating and maintaining a Culinary Waterline located in the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, and depicted upon that record of survey instrument No. 244330 in the records of Franklin County, Idaho, said easement being 10.00 feet wide on each side of the following described centerline:

Commencing at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20, Township 14 South, Range 40 East, Boise Meridian, the same being marked and witnessed by a 2 inch Aluminum cap, the same being North $00^{\circ}29'38''$ East a distance of 1307.33 feet from the Southwest corner of the Southwest quarter of the Southeast quarter of said Section; Thence South $00^{\circ}29'38''$ West along the West boundary line of said Southwest quarter of the Southeast quarter for a distance of 422.90 feet to a $5/8''$ rebar with cap tagged, "GVS PLS 9169", the same being the Northwest corner of the lands described in Warranty Deed Instrument number 236762 as recorded in the official records of said county; Thence North $89^{\circ}17'30''$ East along the Northerly boundary line of said lands for a distance of 504.03 feet to a point on the centerline of a Culinary Waterline as presently located, the True Point of Beginning;

Thence along said waterline for the following Four (4) courses;

1. South $11^{\circ}39'10''$ East for a distance of 77.61 feet to a point 10.00 feet perpendicular distant from the Northerly right of way line of State Highway 34;
 2. Thence South $28^{\circ}28'56''$ West for a distance of 59.24 feet along said right of way line, parallel with and 10.00 feet perpendicular distant;
 3. Thence South $78^{\circ}49'47''$ West for a distance of 31.65 feet;
 4. Thence South $01^{\circ}59'57''$ East for a distance of 45.06 feet to a point on the Northerly right of way line of State Highway 36 the terminus of this easement,
- The sidelines of this easement are to lengthen and shorten as needed to terminate on said right of way line.

When recorded mail to:
Walter Surber and Claudia Anita Surber
Dorfstrasse 28
9508 Weingarten
Switzerland

251219

Recorded at the request of

William Condie

11:25

— a.m. FEB 10 2011 p.m. —

SHAUNA T. GEDDES, RECORDER

By Ruth Rawlings Deputy
FRANKLIN COUNTY, IDAHO

QUIT CLAIM DEED

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

Grantor(s) of Preston, County of Franklin, State of ID hereby Quit Claims to:

Walter Surber and Claudia Anita Surber, Husband and Wife

Grantee(s) of Preston, County of Franklin, State of Idaho for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

Twenty-five (25%) percent share of the Wendell H. Smith Family Trust share of IDWR Irrigation Water Right Number 13-7633 (Subject to IDWR approval)

Zero (0%) percent share of the Domestic and Stock Water, Water Right Number 13-7633

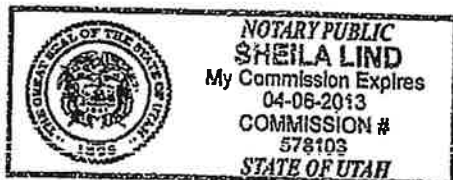
Subject to easements, restrictions and rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said grantor(s), this 4th Day of FEBRUARY 2011.

Gayle DeAnn Smith Condie, etc
Gayle DeAnn Smith Condie, Successor Trustee

State of Utah)
County of Cache)ss:

On Feb. 4, 2011, personally appeared before me, 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, who duly acknowledged to me that she executed the same.



Sheila Lind
Notary Public
Expires: 4/6/13

Exhibit "D"

party of second part, and to his heirs and assigns forever all that certain lot, piece or parcel of land situated, lying and being in the County of Franklin and state of Idaho, and bounded and described as follows, to-wit:

Commencing at the Northwest corner of the Northwest Quarter of Section Twenty-nine (29) in Township (14) South of Range forty (40) East Boise Meridian, and running thence East 160 rods; thence South to the center of the Bear River, thence West along said river to a point in the center of the river on the west line of the named section, thence North to the place of beginning. This conveyance hereby made covers all land in said quarter section north of the Bear River containing 80 acres more or less.

(\$2.00 Internal revenue stamps duly cancelled.)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the rents, issues and profits thereof, together with all ditch and water-rights of every nature, however evidenced, used with said land or belonging to same.

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

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

Signed, Sealed and delivered in the presence of

A.W. Hart

Leslie A. Neeley (seal)

STATE OF IDAHO)
(ss.
COUNTY OF FRANKLIN

Mary E. Neeley (seal)

On this 30th day of March, in the year 1918, before me Arthur W. Hart a notary public in and for said County and State, personally appeared Leslie A. Neeley and his wife Mary E. Neeley known to me to be the persons whose names are subscribed to the within and foregoing 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 first above written.

(SEAL)

Arthur W. Hart, Notary Public,
Preston, Idaho.

My Commission expires March 1, 1920

Recorded at request of Samuel L. Smith at 3:30 P.M. this 30th day of March, 1918.

John A. Koford
John A. Koford, County Recorder

Fees, \$1.25

By Wm. M. Daines, Deputy

Compared *m. m.*

WARRANTY DEED

NO 8788

THIS INDENTURE made the 29th day of March in the year of our Lord, one thousand nine hundred and eighteen between Francis J. Waters of the County of Franklin and State of Idaho the party of the first part, and Hyrum W. Smith of the County of Franklin and the 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 Nine hundred and no/100 Dollars lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged,

does by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever all the certain lot, piece or parcel of land situated, lying and being in the County of Franklin and state of Idaho, and bounded and described as follows, to-wit:

The Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section Twenty (20) Township fourteen (14) South of Range forty (40) East of the Boise Meridian, Idaho containing eighty (80) acres.

(\$1.00 Internal revenue stamps duly cancelled)

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging or in any wise appertaining, and the rents, issues and profits thereof, together with all ditch and water-rights of every nature, however evidenced, used with said land or belonging to same.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part, and to his heirs and assigns forever, and the said party of the first part and his heirs, the said premises in a quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said party of the first part and his heirs, and against all and every person 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 his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

A.W. Hart

Francis J. Waters (seal)

STATE OF IDAHO

COUNTY OF FRANKLIN

)
(SS.
)

On this 30th day of March in the year 1918 before me Arthur W. Hart a notary public in and for said County, and State personally appeared Francis J. Waters, known to me to be the person whose name is subscribed to the within and foregoing 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 first above written.

(SEAL)

Arthur W. Hart, Notary Public Preston
Idaho.

My Commission expires Feb. 1, 1920

STATE OF IDAHO

COUNTY OF FRANKLIN

)
(SS.
)

Francis J. Waters being first duly sworn deposes and says that he is the grantor in the within deed; that the land therein described was his separate estate, the said land having come to him through inheritance from his mother's estate; that it was never used as a homestead and it is not community property, and that said wife has no interest whatever in the said land, that it is his sole and separate estate and as such he makes this warranty deed to the grantee named herein.

Francis J. Waters.

Subscribed and sworn to before me this 30th day of March 1918.

Arthur W. Hart, Notary Public

Recorded at request of Hyrum W. Smith at 3:35 P.M. this 30th day of March 1918.

John A. Kofoed
John A. Kofoed, County Recorder

Fees, \$1.25

By Wm. M. Daines, Deputy.

Compared *W. M.*

Exhibit “E”

Amidale Co. & Co. of Canada

Agreement between Robert L. Smith

William Smith and H. W. Smith

This certifies that C. F. Smith transferred to
R. L. & William Smith in China (1/3)

Interest in the water of a stream known as
Waterfall Creek, with the exception of water
to fill a one inch pipe, with a one foot pressure
The same was disposed of to H. W. Smith.

And in consideration of this water grant the
said H. W. Smith the right to convey the water
that he uses from Bear River. Known as the
new construction across the possessions of the said
R. L. & William Smith.

In testimony whereof we have hereunto set our hands
and seals this the 8th, day of May. A.D. 1900.

William Smith
Robert L. Smith