

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

MAR 28 2025

CIVIL CASE NUMBER: 79576

Claim ID: 13-76338

Date Received: 3/28/25

Receipt No: 7001962

Claim Fee: \$56 By: mg

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) Spring water from 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"

SCANNED

6. Water is claimed for the following purposes:

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

For Domestic purposes from 01/01 to 12/31 amount .06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (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.) Domestic for 2 households

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															D		

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

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 13-7633

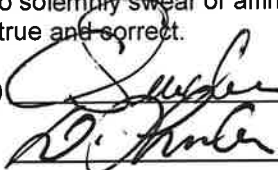
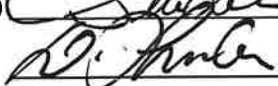
15. **Signature(s)**

(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: 03 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)

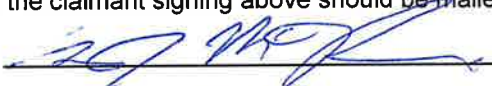
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

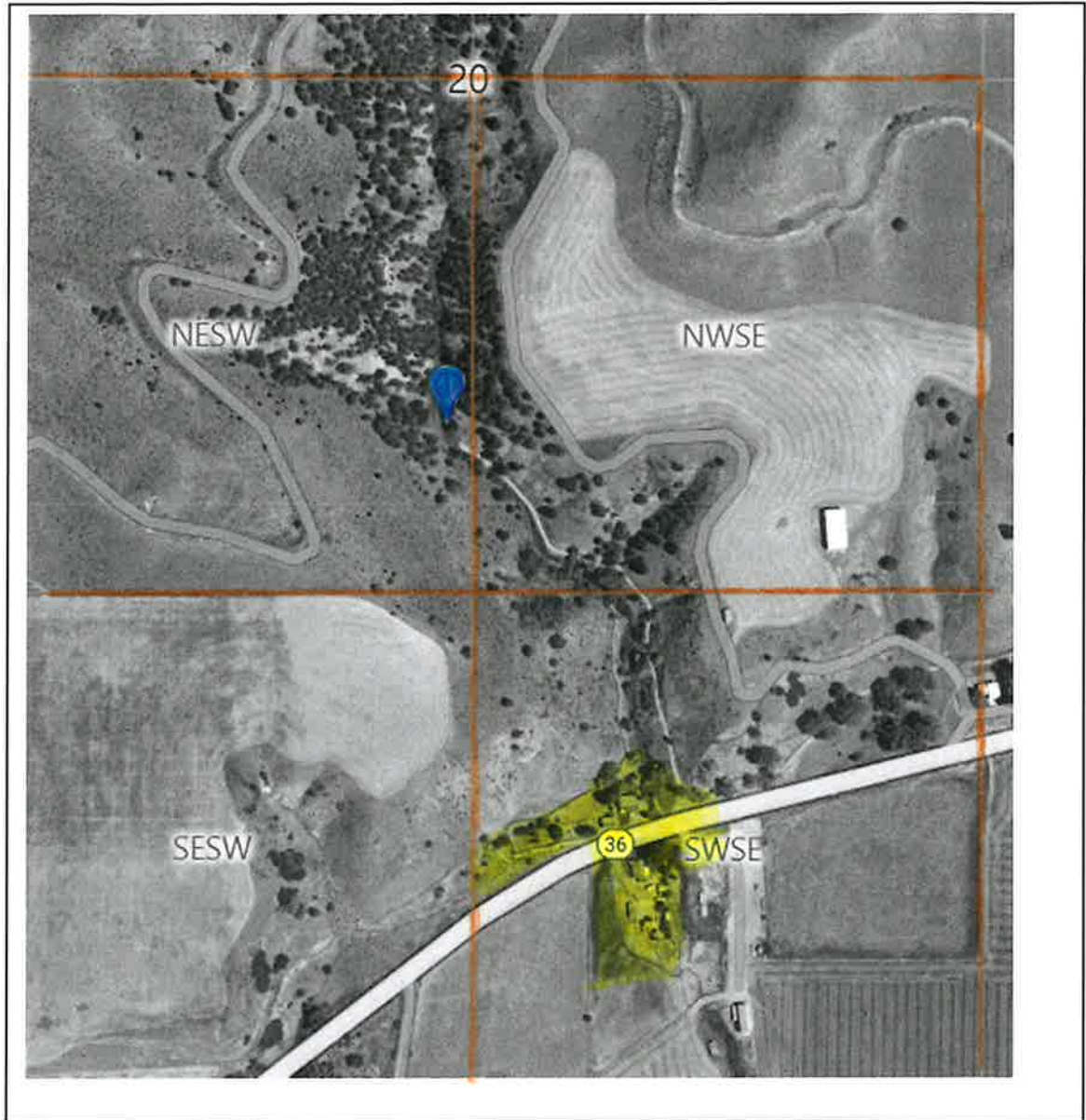
Notice is hereby given that I, (please print) Adam J. McKenzie, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 3-27-25

Address 130 W State, Preston ID 83263

Name of claimant(s) Walter Surber & 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:

Spring water from an unnamed spring that feeds into unnamed stream, known locally as Water Hollow Creek, is collected in a concrete cistern, approximately four to five feet in diameter and of an unknown depth, the water is then transported by gravity in a pipe system to feed domestic water to the Claimants' residence and another residence owned by Claimants. Pictures of the cistern are attached as Exhibit "B".

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

The claimants' use a well for domestic water use at their residence, located at 2913 E Hwy 36, Preston, Idaho 83263. It is identified as Well ID 430322, Permit ID 861004. The well only provides water to this residence.

13. Remarks: Water right 13-7633 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 that were split from 13-7633 is used for irrigation. The domestic use associated with 13-7633 has not been split. The primary use for the remaining right for 13-7633 is for domestic purposes. This right provides water to two residences, located at 2913 E Hwy 36, Preston, Idaho 83263 and 2904 E Hwy 36, Preston, Idaho 83263, identified on the attached map. At the time the Surber's purchased the property located at 2904 E Hwy 36, Preston, Idaho 83263, the purchase and sale agreement included the water rights for domestic uses that are part of water right No. 13-7633, as shown in the attached Real Estate Purchase and Sale Agreement. (attached as Exhibit "C"). Water right 13-7633 has historically been used to provide domestic water to several residences, since its initial diversion. The water system provides water to a residence at 2904 E Hwy 36, Preston, Idaho 83263, this home was built in 1910. The second residence is the Claimants' home, located at 2913 E Hwy 36, Preston, Idaho 83263. This home has been remodeled over the years, but it has been connected to the water diversion system since its construction, in the 1930's. The land was part of the original homestead of Abraham Davis, recorded in 1894. It came to be owned by the Wendell Smith and his Trust, as shown in the Deeds attached as Exhibit "D". The water associated with right No. 13-7633, has been used for domestic purposes at the current homes since they were constructed.

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"

NTF-58572
Walter Surber
2913 East Highway 36
Preston, ID 83263

252799 1-3

Recorded at the request of
Northern Title

11:36 a.m. SEP 20 2011 p.m. ____

WARRANTY DEED

SHAUNA T. GEDDES, RECORDER
By C. Rawn Deputy
FRANKLIN COUNTY, IDAHO

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

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

Walter Surber and Claudia 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 September 15, 2011.

Gayle DeAnn Smith Condie, TTE
Gayle DeAnn Smith Condie, Trustee

State of Idaho)
County of Franklin)

On September 15, 2011, personally appeared before me, 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, the signer(s) of the within instrument, who duly acknowledged to me that she executed the same.



Janice Shumway
Notary Public

Resides: Preston, Idaho
Expires: 03/12/2017

252799 2-3

EXHIBIT A

Parcel 2:

A parcel of land located in 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 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 North 89°23'10" East along the North boundary line of said Southwest quarter of the Southeast quarter for a distance of 656.34 feet (660' by record) to the Northeast corner of the West half of said Southwest quarter of the Southeast quarter; Thence South 00°30'59" West along the East boundary line of said West half for a distance of 978.00 feet (990' by record) to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southeast corner of the lands described in Warranty Deed Instrument No. 105230 recorded in the official records of Franklin County, Idaho; Thence South 89°10'04" West along the south boundary line of said lands for a distance of 100.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of said lands, the True Point of Beginning;

Thence South 89°10'04" West for a distance of 146.09 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";

Thence North 07°32'11" West for a distance of 219.35 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence line;

Thence North 32°04'46" West along said fence line for a distance of 72.36 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36, the same being a point on a 1407.39 foot radius non tangent curve whose center bears South 21°38'04" East;

Thence northeasterly along said curve to the right through a central angle of 02°48'07" for an arc distance of 68.82 feet (cb N 69°45'59" E 68.82') to a found 3 inch Brass cap right of way monument, Idaho Transportation Department;

Thence North 80°46'29" East non tangent to the previous curve along said right of way line for a distance of 104.19 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Northwest corner of the lands described in said Instrument No. 105230;

Thence South 08°13'40" East along the Southwesterly boundary line of said lands for a distance of 320.45 feet to the True Point of Beginning.

Subject to the following:

A 15.00 foot wide easement for the purposes of ingress and egress located in 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 across 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, said easement being 7.50 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°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 North 89°23'10" East along the North boundary line of said Southwest quarter of the Southeast quarter for a distance of 656.34 feet (660' by record) to the Northeast corner of the West half of said Southwest quarter of the Southeast quarter; Thence South 00°30'59" West along the East boundary line of said West half for a distance of 978.00 feet (990' by record) to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southeast corner of the lands described in Warranty Deed Instrument No. 105230 recorded in the official records of Franklin County, Idaho; Thence South 89°10'04" West along the South boundary line of said lands for a distance of 100.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of said lands; Thence South 89°10'04" West for a distance of 138.59 feet to a point on the centerline of said easement, the True Point of Beginning;

Thence North 05°15'48" East for a distance of 104.49 feet;

Thence North 04°48'01" West for a distance of 39.85 feet;

Thence North 24°57'19" West for a distance of 85.13 feet;

Thence North 32°04'46" West for a distance of 71.42 feet to a point on the Southeasterly right of way line of the State Highway 36, the terminus of this easement.

The sidelines of this easement are to lengthen and shorten as needed to terminate on said boundary.

Parcel 3:

252799 3-3

A parcel of land located in 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 a portion of the lands described in Correcting Quitclaim Deed Instrument Number 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 North 89° 23' 10" East along the North boundary line of said Southwest quarter of the Southeast quarter for a distance of 656.34 feet (660' by record) to the Northeast corner of the West half of said Southwest quarter of the Southeast quarter; thence South 00° 30' 59" West along the East boundary line of said West half for a distance of 978.00 feet (990' by record) to a 5/8" rebar with cap tagged "GVS PLS 9169" set at the Southeast corner of the lands described in Warranty Deed Instrument Number 105230 recorded in the official records of Franklin County, Idaho, the True Point of Beginning;

Thence continuing South 00° 30' 59" West along said boundary line for a distance of 74.94 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on a fence line; thence along said fence line for the following Four (4) courses:

1. South 77° 25' 55" West for a distance of 54.80 feet;
2. Thence South 63° 30' 21" West for a distance of 21.68 feet;
3. Thence South 53° 49' 46" West for a distance of 354.05 feet;
4. Thence North 00° 00' 00" East for a distance of 556.15 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the Southeasterly right of way line of State Highway 36;

Thence North 54° 37' 23" East along said right of way line for a distance of 23.14 feet to a found 3 inch brass cap right of way monument, Idaho Transportation Department marking a point on a 1407.39 foot radius non tangent curve whose center bears South 22° 49' 58" East;

Thence Northeasterly along said curve to the right through a central angle of 01° 11' 53" for an arc distance of 29.43 feet (cb North 67° 45' 59" East 29.43') to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner;

Thence South 32° 04' 46" East along a fence line for a distance of 72.36 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";

Thence South 07° 32' 11" East for a distance of 219.35 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";

Thence North 89° 10' 04" East for a distance of 246.09 feet to the True Point of Beginning.

A 15.00 foot wide easement for the purposes of ingress and egress located in 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 across the lands described in Correcting Quitclaim Deed Instrument Number 236762 of the Wendell H. Smith Family Trust as recorded in the official records of Franklin County, Idaho, said easement being 7.50 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° 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 North 89° 23' 10" East along the North boundary line of said Southwest quarter of the Southeast quarter for a distance of 656.34 feet (660' by record) to the Northeast corner of the West half of said Southwest quarter of the Southeast quarter; thence South 00° 30' 59" West along the East boundary line of said West half for a distance of 978.00 feet (990' by record) to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southeast corner of the lands described in Warranty Deed Instrument Number 105230 recorded in the official records of Franklin County, Idaho; thence South 89° 10' 04" West along the South boundary line of said lands for a distance of 100.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of said lands; thence South 89° 10' 04" West for a distance of 138.59 feet to a point on the centerline of said easement, the True Point of Beginning;

Thence North 05° 15' 48" East for a distance of 104.49 feet;

Thence North 04° 48' 01" West for a distance of 39.85 feet;

Thence North 24° 57' 19" West for a distance of 85.13 feet;

Thence North 32° 04' 46" West for a distance of 71.42 feet to a point on the Southeasterly right of way line of the State Highway 36, the terminus of this easement.

The sidelines of this easement are to lengthen and shorten as needed to terminate on said boundary

REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING. IF ANY QUESTIONS, CONSULT YOUR ATTORNEY.

Preston, Idaho, September 15, 2011

WALTER SURBER AND CLAUDIA ANITA SURBER

(hereinafter called "BUYER") agrees to purchase, and the undersigned agrees to sell the following described real estate hereinafter referred to as "PREMISES" located in Preston, County of Franklin, State of Idaho, commonly known as:

2904 East Highway 36, Preston, Idaho 83263

legally described as: (see Exhibit A attached)

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER.)

1. TOTAL PURCHASE PRICE IS ONE HUNDRED TWO THOUSAND THREE HUNDRED FORTY DOLLARS AND 82 CENTS (\$102,340.82) payable as follows:

A. Earnest Money

(a) Buyer hereby deposits and a receipt is hereby acknowledged of N/A Dollars (\$N/A) evidenced by: N/A Cash Personal Check Cashiers Check Note Due or paid or delivered as earnest money in part payment of the purchase price for the premises.

(b) All Earnest Money shall be held by N/A for the benefit of the parties hereto. **If Northern Title Company holds the earnest money the following applies:**

(Escrow Agent (1) is not a party to the Earnest Money Contract, (2) has no liability on a check until the check has cleared, (3) shall not be liable for any interest or other charge on the Earnest Money and shall be under no duty to invest or reinvest funds held by it at any time, (4) does not represent the allowable use or activity on the Property, (5) does not promise to deliver the Commitment within the time stated in the Earnest Money Contract, and (6) requires that Buyer make written request of the Escrow Agent for copies of covenants and documents. Funds are held in an FDIC insured institution.

© In the event this transaction is cancelled, the earnest money will be:
(Check applicable box)

1. Earnest money non-refundable and paid to seller { }
2. Earnest money refunded to buyer { }

B. Balance of purchase price to be paid as follows:

Down Payment of \$4,000.00 (\$3,787.37 principle and \$212.63 interest) @ closing with \$98,553.45 carry back note @ 3.75% interest to be paid according to the following schedule:

<u>Payment due date</u>	<u>Payment Amount</u>
September 30, 2012	\$12,000.00
September 30, 2013	\$12,000.00
September 30, 2014	\$12,000.00
September 30, 2015	\$12,000.00
September 30, 2016	\$12,000.00
September 30, 2017	\$12,000.00
September 30, 2018	\$12,000.00
September 30, 2019	\$12,000.00
September 30, 2020	\$12,000.00
September 30, 2021	\$12,000.00

Payments may be made early. If more money than \$12,000.00 is paid before a scheduled due date, the extra money will go towards payment of the last remaining scheduled payment. Each scheduled payment must be paid in full (\$12,000.00) regardless of when it is paid.

2. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of _____. If seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3. Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are:

N/A

REAL ESTATE PURCHASE AND SALE AGREEMENT

4. The Seller shall, within a reasonable time after closing, furnish to the buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title company showing the condition of the title to said premises. The parties agree that **NORTHERN TITLE COMPANY** shall provide said title policy and preliminary report or commitment.

It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to complete the sale as herein agreed, such failure shall constitute a default and the **Earnest Money shall be returned to (See Item 1c)**. The Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5. It is hereby agreed that the "closing agent" for this agreement shall be **NORTHERN TITLE COMPANY**. Where not otherwise proved by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be on September 15, 2011.

6. On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale.

7. Seller shall deliver possession to Buyer on or before @ Closing and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of September 15, 2011 except as follows:

8. The parties agree that this agreement contains the following additional terms and conditions:
*Property and Home being sold "As Is" with no home warranty
*0.06 cfs share of the Wendell H Smith Family Trust share of the irrigation part of Idaho Department of Water Resources (IDWR) Water Permit #13-7633 (Subject to IDWR approval)
*100% share of the Domestic and Stock Water share of the Wendell H Smith Family Trust share of IDWR Water Permit #13-7633 (Subject to IDWR approval)

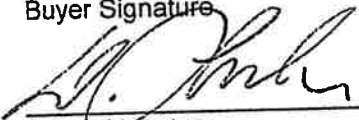
9. The following items of property now on the premises are specifically **EXCLUDED** from the sale: _____

The following items of personal property are specifically **INCLUDED** in the sale: Refrigerator, Electric Stove, Window Coverings, Microwave Oven, Wood Burning Stove.

10. IMPORTANT: THE RESERVE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full.


Buyer Signature

2913 E Hwy 36, Preston, ID 83263
Buyer's Address


Buyer Signature

Buyer's Phone


Seller Signature

Seller's Address

Seller Signature

Seller's Phone

Exhibit "A"

Parcel 2:

A parcel of land located in 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 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 North 89°23'10" East along the North boundary line of said Southwest quarter of the Southeast quarter for a distance of 656.34 feet (660' by record) to the Northeast corner of the West half of said Southwest quarter of the Southeast quarter; Thence South 00°30'59" West along the East boundary line of said West half for a distance of 978.00 feet (990' by record) to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southeast corner of the lands described in Warranty Deed Instrument No. 105230 recorded in the official records of Franklin County, Idaho; Thence South 89°10'04" West along the south boundary line of said lands for a distance of 100.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of said lands, the True Point of Beginning;

Thence South 89°10'04" West for a distance of 146.09 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";

Thence North 07°32'11" West for a distance of 219.35 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence line;

Thence North 32°04'46" West along said fence line for a distance of 72.36 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on the southeasterly right of way line of State Highway 36, the same being a point on a 1407.39 foot radius non tangent curve whose center bears South 21°38'04" East;

Thence northeasterly along said curve to the right through a central angle of 02°48'07" for an arc distance of 68.82 feet (cb N 69°45'59" E 68.82') to a found 3 inch Brass cap right of way monument, Idaho Transportation Department;

Thence North 80°46'29" East non tangent to the previous curve along said right of way line for a distance of 104.19 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Northwest corner of the lands described in said Instrument No. 105230;

Thence South 08°13'40" East along the Southwesterly boundary line of said lands for a distance of 320.45 feet to the True Point of Beginning.

Subject to the following:

A 15.00 foot wide easement for the purposes of ingress and egress located in 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 across 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, said easement being 7.50 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°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 North 89°23'10" East along the North boundary line of said Southwest quarter of the Southeast quarter

for a distance of 656.34 feet (660' by record) to the Northeast corner of the West half of said Southwest quarter of the Southeast quarter; Thence South 00°30'59" West along the East boundary line of said West half for a distance of 978.00 feet (990' by record) to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southeast corner of the lands described in Warranty Deed Instrument No. 105230 recorded in the official records of Franklin County, Idaho; Thence South 89°10'04" West along the South boundary line of said lands for a distance of 100.00 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at the Southwest corner of said lands; Thence South 89°10'04" West for a distance of 138.59 feet to a point on the centerline of said easement, the True Point of Beginning;

Thence North 05°15'48" East for a distance of 104.49 feet;

Thence North 04°48'01" West for a distance of 39.85 feet;

Thence North 24°57'19" West for a distance of 85.13 feet;

Thence North 32°04'46" West for a distance of 71.42 feet to a point on the Southeasterly right of way line of the State Highway 36, the terminus of this easement.

The sidelines of this easement are to lengthen and shorten as needed to terminate on said boundary.

Parcel 3:

A parcel of land located in 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 a portion of the lands described in Correcting Quitclaim Deed Instrument Number 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 North 89° 23' 10" East along the North boundary line of said Southwest quarter of the Southeast quarter for a distance of 656.34 feet (660' by record) to the Northeast corner of the West half of said Southwest quarter of the Southeast quarter; thence South 00° 30' 59" West along the East boundary line of said West half for a distance of 978.00 feet (990' by record) to a 5/8" rebar with cap tagged "GVS PLS 9169" set at the Southeast corner of the lands described in Warranty Deed Instrument Number 105230 recorded in the official records of Franklin County, Idaho, the True Point of Beginning;

Thence continuing South 00° 30' 59" West along said boundary line for a distance of 74.94 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169" set on a fence line; thence along said fence line for the following Four (4) courses:

1. South 77° 25' 55" West for a distance of 54.80 feet;
2. Thence South 63° 30' 21" West for a distance of 21.68 feet;
3. Thence South 53° 49' 46" West for a distance of 354.05 feet;
4. Thence North 00° 00' 00" East for a distance of 556.15 feet to a 5/8" rebar with cap tagged,

"GVS PLS 9169" set on the Southeasterly right of way line of State Highway 36; Thence North 54° 37' 23" East along said right of way line for a distance of 23.14 feet to a found 3 inch brass cap right of way monument, Idaho Transportation Department marking a point on a 1407.39 foot radius non tangent curve whose center bears South 22° 49' 58" East;

Thence Northeasterly along said curve to the right through a central angle of 01° 11' 53" for an arc distance of 29.43 feet (cb North 67° 45' 59" East 29.43') to a 5/8" rebar with cap tagged, "GVS PLS 9169" set at a fence corner;

Thence South 32° 04' 46" East along a fence line for a distance of 72.36 feet to a 5/8" rebar with cap tagged, "GVS PLS 9169";

Exhibit "D"

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. J. Ross 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 *Orford Idaho Territory*, whereby it appears that, pursuant to the Act of Congress approved 30th 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, Township Nine, and the Northwest Quarter of the Northwest Quarter of Section Twenty-eight, in Township Nine, South of Range Four East of Boise Meridian, in Idaho Territory, containing one hundred and fifty 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:

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.

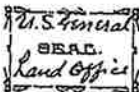
Given under my hand, at the City of Washington, the *Eighteenth* day of

April, in the year of our Lord one thousand eight hundred and *eighty-eight*, and of the Independence of the United States the *one hundred and twenty-sixth*

BY THE PRESIDENT, *Grover Cleveland*

By *Robert Ross* Secretary.

Robert Ross
Recorder of the General Land Office.



Recorded at *Idaho*, Page *446*

Abraham & David

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 Farwell 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 therunto belonging, or in anywise appertaining, and the rents, issues and profits thereof: and also all the estate, right, 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, defend, 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. Whitaker

Abraham Davis
 Charlotte Davis

Witness
 Witness

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 foregoing 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 use and purpose
 therein mentioned.

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

James H. Smith
 Justice of the Peace for
 Franklin
 Conf. Sec.

Recorded at the request of H. J. Smith
 November 12th 1894 at 4³⁰ P.M.

C. L. K. 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,

SS.

County of Franklin.

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

64
Compared

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 Appraisement, 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 south-west quarter and the south-west 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 south-west 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 2 acres more or less.

The south-west quarter of the South-east of ~~Section~~ 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 80 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 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 Johnson
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 the 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 M. Housser, 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) ss.
County of Franklin)

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 William M. Callahan Deputy

10.
-- 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 Myrum W. Smith and wife Christine L. Smith of Preston County of Franklin State of Idaho the parties of the first part, and Wendell H. 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

Myrum W. Smith (SEAL)

Christine L. Smith (SEAL)

STATE OF IDAHO) ss.
County of Franklin)

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 Myrum 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 INSTRUMENT, made this 14th day of October
In the year of our Lord one thousand nine hundred and Fifty-seven between
Lyrum 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 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 1/2 27 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 thereto 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 and seal
and seal 9 the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Lyrum W. Smith (SEAL)
Christina Smith (SEAL)
(SEAL)
(SEAL)
(SEAL)

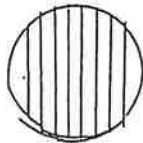
THIS INSTRUMENT, made this 26th day of November
In the year of our Lord one thousand nine hundred and Forty-nine between
Hyrum W. Smith and his wife Christine Smith

of Riverdale 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 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
\$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, 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 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 have hereunto set their hand and
sent the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Hyrum W. Smith (SEAL)
Christine Smith (SEAL)

(SEAL)

(SEAL)

(SEAL)

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

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

of Riverdale County of Franklin
State of Iowa the parties 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 100/100 - - - - - 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 Boise Meridian, and running the section line 20 rods; thence North 8 rods; thence West along 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 ... 103 ... 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 1.00 of the second part, and to their heirs and assigns forever, And the said part 1.00 of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said part 1.00 of the second part 1.00 to their heirs and assigns, against the said part 1.00 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: 109 of the first part has hereunto set their hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Kyrum M Smith (SEAL)
 Christina L 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"

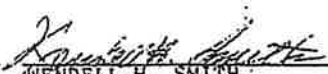
The surviving Trustee and successor Trustees have full rights to sell or encumber the property herein set forth.

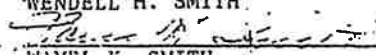
Substitute Trustee: In the event a vacancy exists, for any reason, in the office of trustee, the following persons shall act as substitute trustees, successively in the order named: The surviving spouse as sole trustee; DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs,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

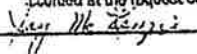

 WAVEL K. SMITH

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,

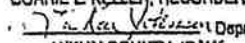
known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.


 Notary Public
 Residing at 1113 Preston, Idaho
 Comm. Expires 11/16/91

Witness at the request of


JAN 23 1987 4:55 p.m.

CORRIE L. KEELER, RECORDER


 CLERK OF DISTRICT COURT
 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 $4^{\circ}34'43''$ West 363.08 feet to the TRUE POINT OF BEGINNING, thence generally along an existing fence line the following courses: South $64^{\circ}58'59''$ West 546.25 feet; North $35^{\circ}18'40''$ West 485.28 feet; thence North $39^{\circ}43'12''$ West 257.42 feet; thence North $25^{\circ}49'08''$ East 377.70 feet; thence North $16^{\circ}39'05''$ West 547.07 feet; thence North $42^{\circ}17'00''$ West 2013.98 feet; thence North $0^{\circ}20'58''$ West 820.02 feet; thence North $69^{\circ}34'02''$ East 1088.49 feet; thence North $0^{\circ}00'00''$ East 90.00 feet; thence North $77^{\circ}00'19''$ West 533.67 feet; thence North $4^{\circ}14'11''$ West 812.22 feet; thence North $14^{\circ}02'10''$ West 577.24 feet; thence North $60^{\circ}19'01''$ East 575.52 feet; thence North $47^{\circ}58'53''$ West 679.74 feet; thence North $1^{\circ}54'33''$ East 300.17 feet; thence North $38^{\circ}15'16''$ West 331.10 feet; thence North $15^{\circ}15'18''$ East 399.06 feet; thence South $81^{\circ}42'10''$ East 727.62 feet; thence South $0^{\circ}36'50''$ East 1400.38 feet; thence South $89^{\circ}34'21''$ East 2680.07 feet; thence South $0^{\circ}00'00''$ East 2680.00 feet; thence South $89^{\circ}45'11''$ West 1160.00 feet; thence South $3^{\circ}03'18''$ West 3002.27 feet to the true point of beginning.

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

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

Section 25: ~~SW~~^{SW}₄. ALSO, Beginning at a point 40 rods South of the Northeast corner of the ~~NW~~^{NW}₄ of Section 25, and running thence Southwesterly to the Southwest corner of the ~~NW~~^{NW}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&NE

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&NW of Section 31, and the SE&SW 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&SW of Sec. 30; thence North along the said East boundary of the said SE&SW of Section 30, 960 feet, more or less, to an intersection with the Easterly R/W of the said Mink Creek Road, this point is approximately 322 feet South of the NE corner of the said SE&SW of Section 30; thence S. 42°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&NW Sec. 31 and SE&SW 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&NW 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&W 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 31° 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, 14½ feet North of the Southeast corner of the S½ of Section 23, and running thence North 15 rods, 10½ feet; thence East 2 rods; thence South 15 rods, 10½ feet; thence West 2 rods to the point of beginning.

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 $46\frac{1}{2}$ rods; thence East 40 rods; thence North 46 rods to the place of beginning.

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

PARCEL 11:

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

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

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

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

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

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

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 Seddes Deputy

FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

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

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

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

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

the following described premises, to-wit:

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

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

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

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

The successor trustees of the Trust are the following, successively in the order named: 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

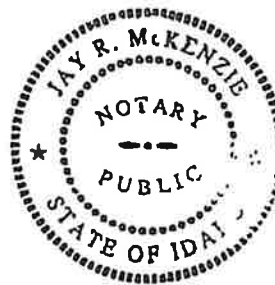
DATED this 12th day of October, 2005.

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;

231608 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~~1~~SE~~1~~

Also commencing at the NE corner of the SE~~1~~SE~~1~~ 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~~1~~SE~~1~~ of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

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

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

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

Sections 2,

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

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

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

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

Section 25: 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:

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

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

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

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

PARCEL 6:

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

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

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

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

PARCEL 7:

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

PARCEL 8:

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

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

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

PARCEL 9:

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

Franklin County, Idaho:

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

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

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

PARCEL 10:

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

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

PARCEL 11:

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

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

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

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

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

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Recorded at the request of

JAY R. Mckenzie

____ a.m. OCT 13 2005 p.m. ^{2:25}

QUITCLAIM DEED

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

FOR VALUE RECEIVED

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

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

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

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

the following described premises, to-wit:

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

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

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

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DATED this 12th day of October, 2005.

Wendell H. Smith
WENDELL H. SMITH, Trustee

STATE OF IDAHO)
) ss.
COUNTY OF FRANKLIN)

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

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



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EXHIBIT "A"

PARCEL 1:

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

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

PARCEL 2:

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

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

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

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

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

PARCEL 3:

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

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

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

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

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

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

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

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

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

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

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

Section 35: NE~~SE~~₄

Also commencing at the NE corner of the SE~~SE~~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~~SE~~₄ of said Section 35; thence N. 65 rods; thence E. 80 rods to the place of beginning.

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

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

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

Sections 2,

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

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

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

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

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

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

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

PARCEL 4:

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

PARCEL 5:

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

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

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

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

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

PARCEL 6:

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

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

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

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

PARCEL 7:

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

PARCEL 8:

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

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

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

PARCEL 9:

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

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Franklin County, Idaho:

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

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

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

PARCEL 10:

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

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

PARCEL 11:

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

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

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

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

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

236762-7

Recorded at the request of
JAY R. MCKENZIE

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

V. ELLIOTT LARSEN, RECORDER
By Camille Jensen 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. 50¼ shares of water stock in the Nelson Ditch Company, evidenced by Water Stock Certificate No. 49

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

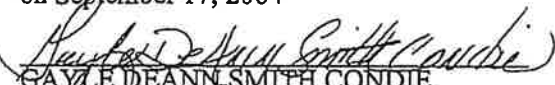
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The successor trustees of the Trust are the following: DIXIE KAY SMITH RASMUSSEN of Preston, Idaho, GAYLE DEANN SMITH CONDIE of Soda Springs, Idaho, VICKY LYNN SMITH WHEELER of Sandy, Utah, and KRISTIE SMITH of Salt Lake City, Utah, as co-trustees.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

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

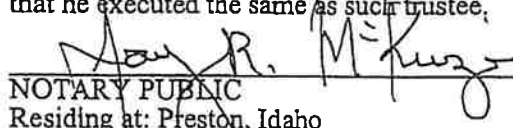
DATED this 13 day of October, 2006.

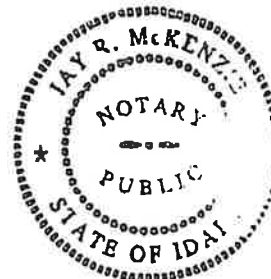

GAYLE DEANN SMITH CONDIE,
Trustee of The Wendell H. Smith Marital Trust
created upon the death of Wavel K. Smith
on September 17, 2004


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.

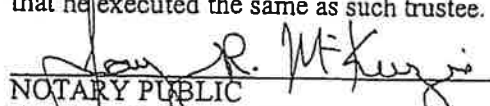

NOTARY PUBLIC
Residing at: Preston, Idaho
My Commission Expires: 11-21-2009

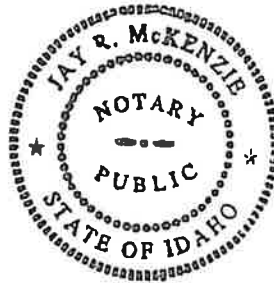


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STATE OF IDAHO)
COUNTY OF FRANKLIN) ss.

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


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



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EXHIBIT "A"

Township 13 South, Range 40 East of the Boise Meridian

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

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

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

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

Section 35: E1/2

Section 36: W1/2NW1/4

Township 13 South, Range 41 East of the Boise Meridian

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

Section 6: SE1/4SE1/4

Section 7: E1/2NE1/4

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

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

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

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Township 14 South, Range 40 East of the Boise Meridian

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

EXCEPTING THEREFROM:

Township 13 South, Range 40 East of the Boise Meridian

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

ALSO EXCEPTING THEREFROM:

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

Sections 2,

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

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Township 14 South, Range 40 East of the Boise Meridian

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

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

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

Sections 20
& 29:

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

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

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

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

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

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

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

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

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

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

Township 15 South, Range 39 East of the Boise Meridian

Section 23: Commencing at a point 91 rods $14\frac{1}{2}$ 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.

Exhibit “E”

Amicable & correctees of Smith's

Agreement between Robert L. Smith

Philip Smith and H. W. Smith

and certify that C. H. Smith transfer to
R. L. & Philip Smith one third (1/3)

I first in the water of a stream known as
Water Hollow Creek with the intention of water
to fill a one inch pipe with a one foot pressure
The same was disposed to R. L. & Philip Smith.

and in consideration of their water power the
said R. L. & Philip Smith the right to convey the water
that he uses from Green River. known as the
now constructed across the meadows of the said
R. L. & Philip Smith.

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

Philip Smith
Robert L. Smith