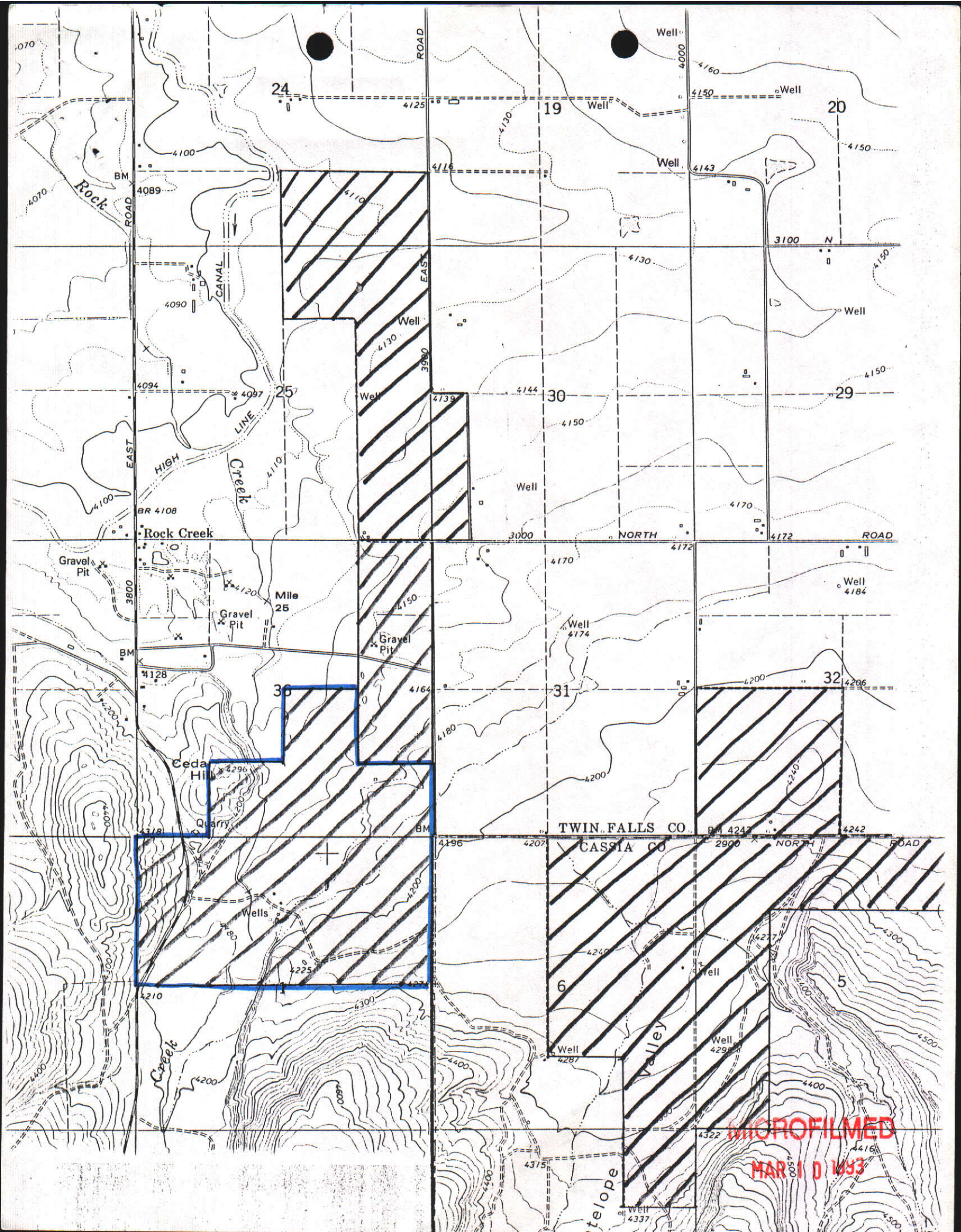
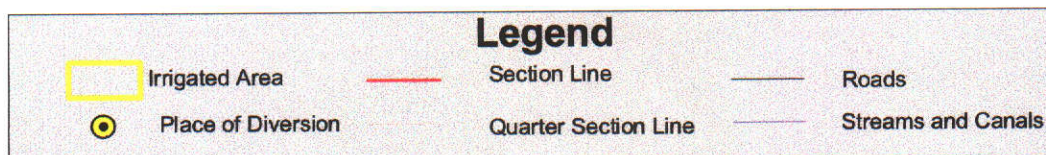
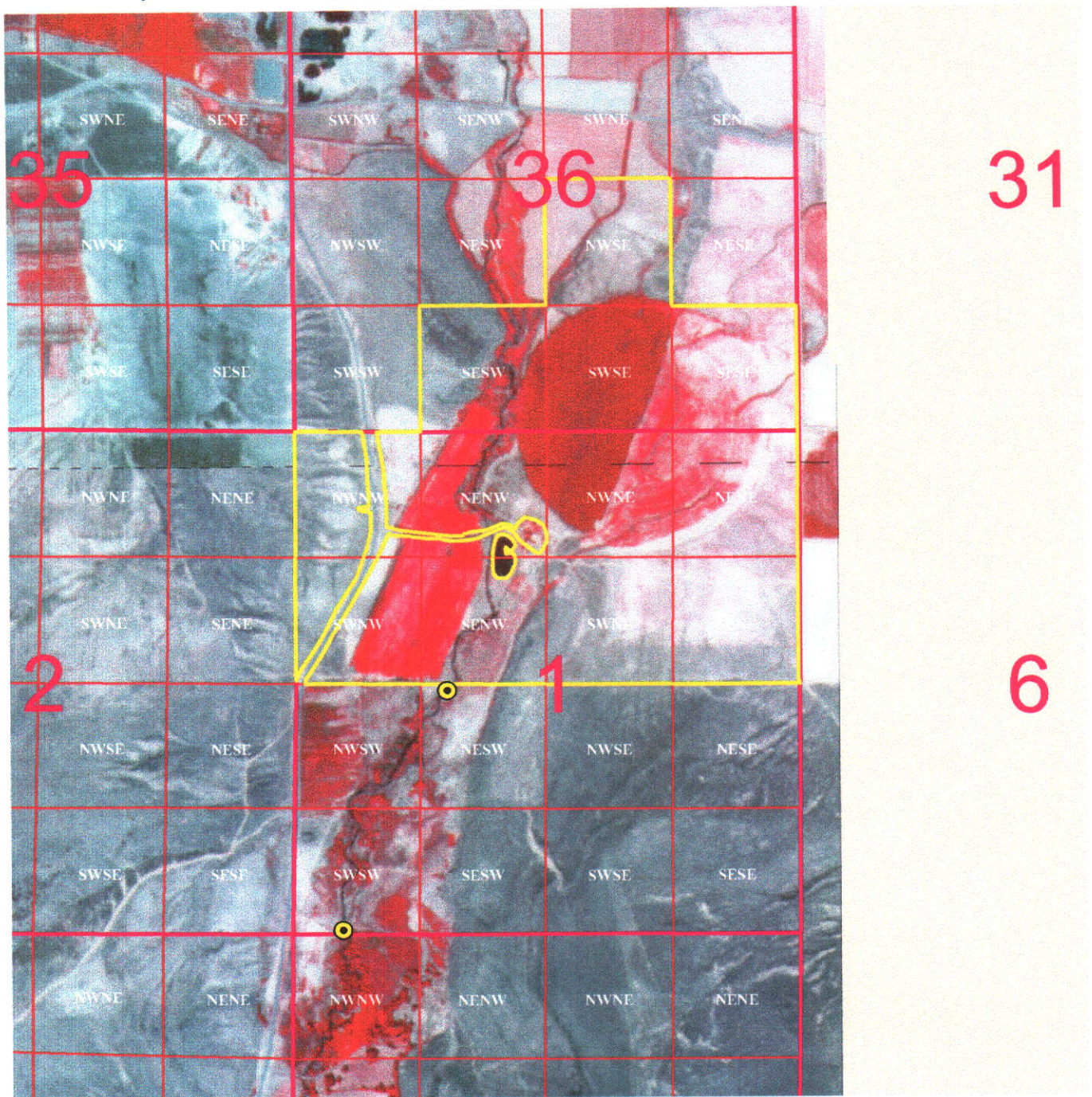




10/13/2000

Water Right Claim Number A47-00140 and A47-00141 Townships , 11S18E, 12S18E

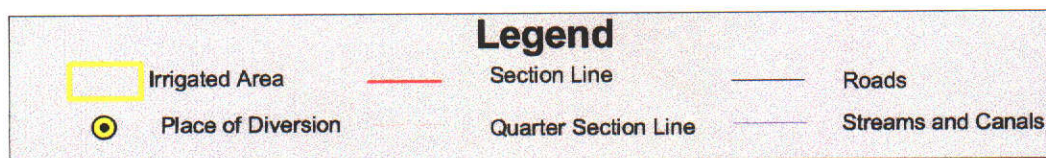
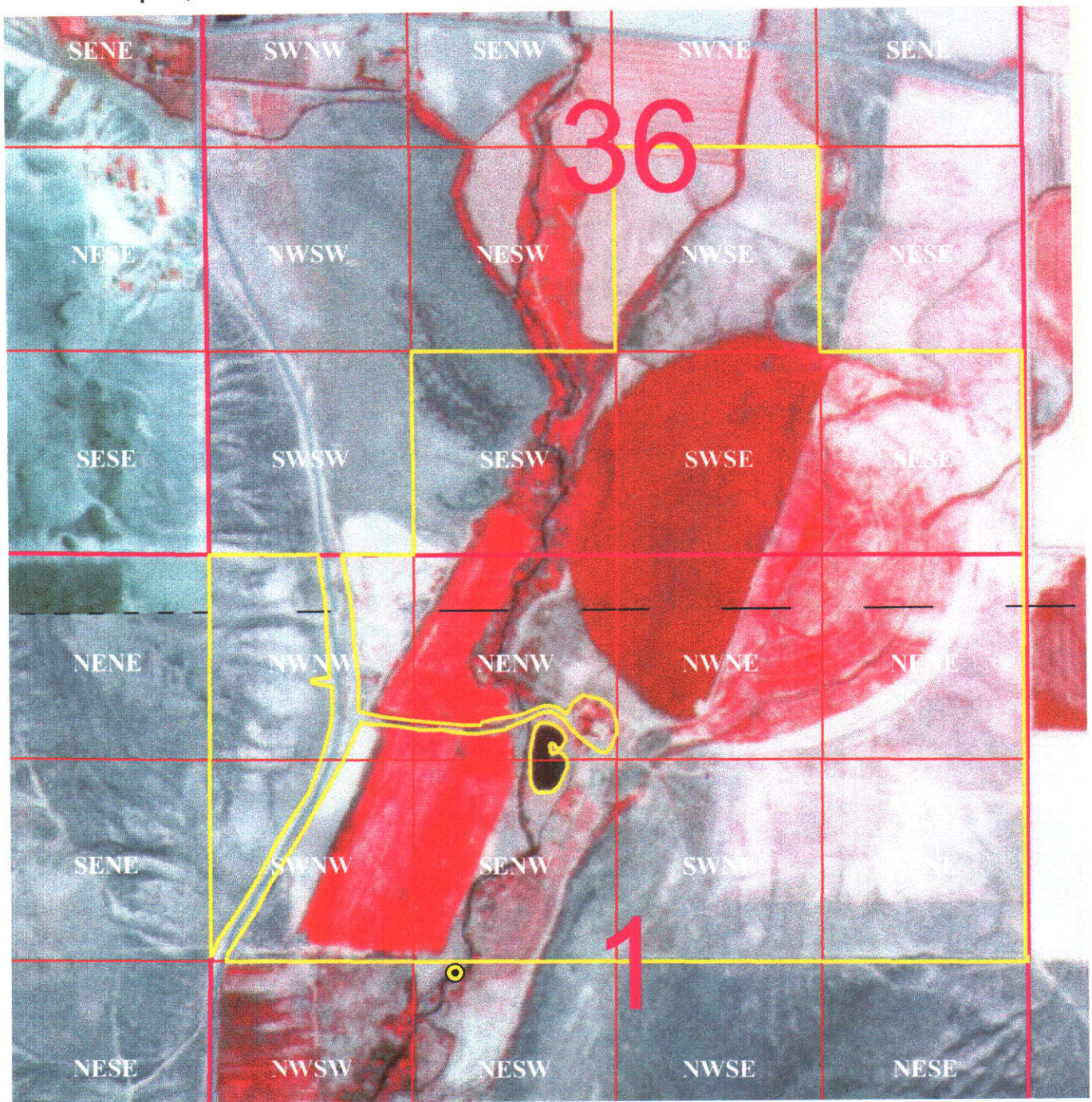


900 0 900 1800 Feet



10/13/2000

Water Right Claim Number A47-00140 and A47-00141
Townships , 11S18E, 12S18E

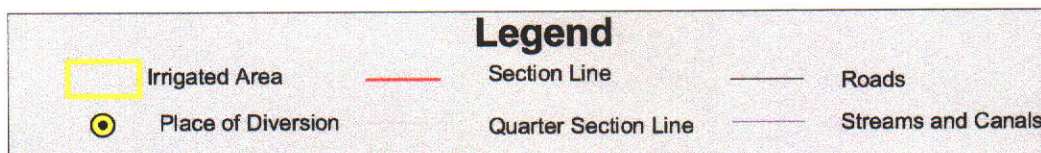
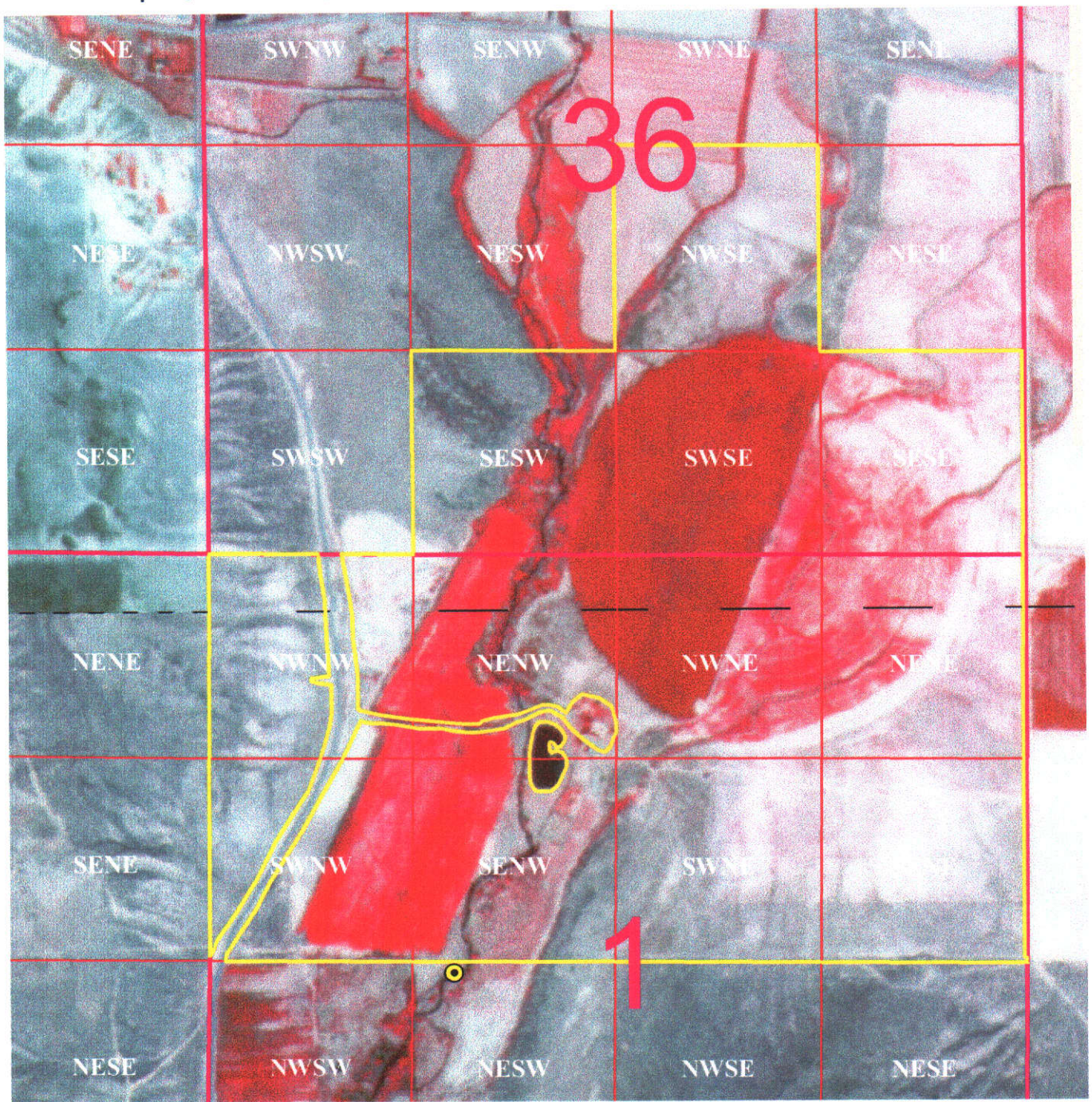


600 0 600 1200 Feet



10/13/2000

Water Right Claim Number A47-00140 and A47-00141
Townships , 11S18E, 12S18E

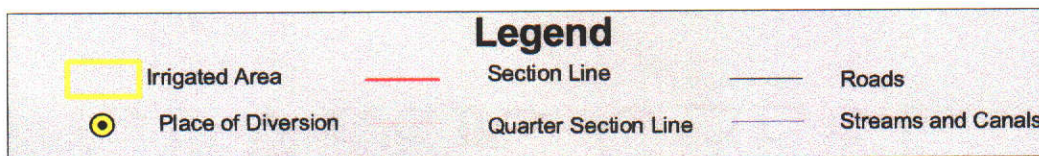
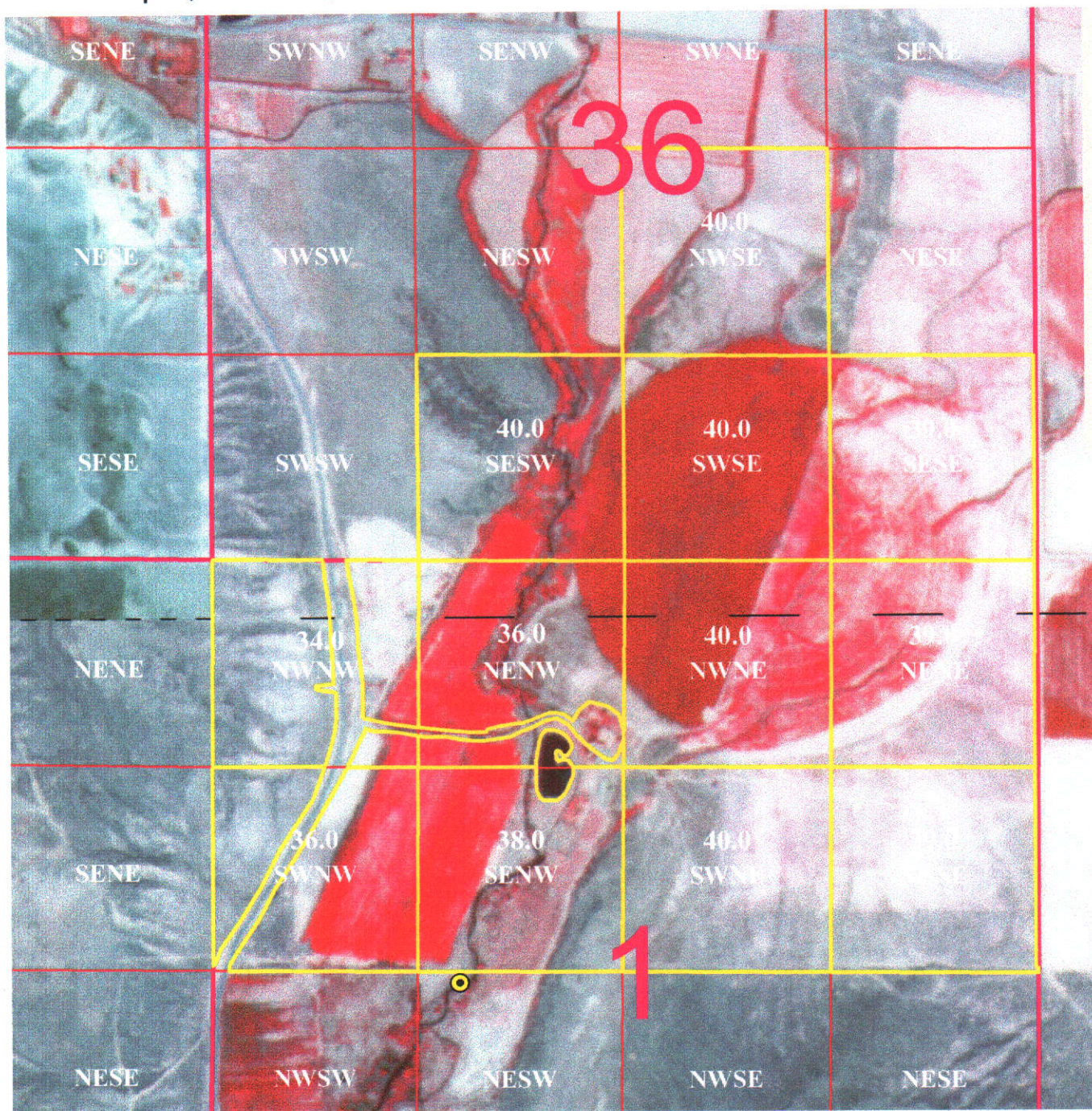


600 0 600 1200 Feet



10/13/2000

Water Right Claim Number A47-00140 and A47-00141
Townships , 11S18E, 12S18E



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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-00140
Date Received: 1/19/1989
Receipt No: S006099
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WINDING BROOK CORPORATION 208-466-0419
Address: C/O RODNEY MOORE
PO BOX 53
NAMPA ID 83653

2. Date of Priority: MAY 30, 1874

3. Source: ROCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	18E	1		NE	SW		TWIN FALLS
				SW	SW		TWIN FALLS

5. Description of diverting works:
HEADGATES, WEIRS, PUMPS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	18E	36	SE	SW		IRR	40.0
			NW	SE		IRR	36.0
			SW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	36	SE	SE		IRR	40.0
						Section Acres	156.0
12S	18E	1	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	33.0
			SW	NW		IRR	33.0
			SE	NW		IRR	33.0
						Section Acres	299.0
						Total Acres	455.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A47-02566,02511,02491,00142,00143,02546,00141,00157A

14. Remarks:

6.16CFS GROUNDWATER, 2.94CFS DECREED ROCK CREEK WATER, & 4.25CFS
DECREED ROCK CREEK FLOOD RIGHT USED ON 455 ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/19/1892

A.D. NORTON ET AL
Decree Plaintiff

PATRICK GARRITY ET AL
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____ Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor PHIL BATT

R. KEITH HIGGINSON
Director

March 15, 1995

WINDING BROOK CORPORATION
C/O RODNEY MOORE
PO BOX 53
NAMPA ID 83653

RE: RENUMBER & CHANGE OF OWNERSHIP SRBA CLAIM NOS.:

(A45-02306) Renumbered A47-08379
(A47-02515) Renumbered A47-16390
(A45-10283) Renumbered A47-16379
(A47-00163) Renumbered A47-16392

A47-02566	A47-07526	A47-14468
A47-14469	A47-02491	A47-02511
A47-02526	A47-02544	A47-02546
A47-02534	A47-02557	A47-02554
A47-02556	A47-02552	A47-02536
A47-14470	A47-00140	A47-00141
A47-00142	A47-00143	

DEAR CLAIMANTS,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

MAR 28 1995

RECEIVED



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP JAN 30 1995

Please print or type
(see instructions on back of page)

Department of Water Resources
Southern Region

DATE OF CLOSING: 8-15-94

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet. See Warranty Deed.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) A47-00140; A47-00141; A47-00142;
Assigned by IDWR: A47-00143; A47-00163 Rock Creek Rights

☒ Name and Address of Former Owner/Claimant(s)(Seller): B & H Farming, an Idaho partnership
P. O. Box 123

☒ New Owner/Claimant (Purchaser): Rupert, Idaho, 83350
Winding Brook Corporation

☒ New Mailing Address: c/o Rodney Moore
P. O. Box 53
Nampa, Idaho, 83653

☒ New Telephone Number: (208) 466 - 0419

☒ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: Warranty Deeds X

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) WINDING BROOK CORP. Date 1-25-95
by Rodney H. Moore, V.P. Date _____

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1-30-95 By: SA

Further Action Needed:

Further Action Taken

Date: 3-10-95 By: SA

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

(Hand del. John Kitchie) CLAIM A47-00163 renumbered TO: A47-16392

ALL DOCUMENTS FILED w/ A47-00140
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

NOV 28 1996

OWNERSHIP:
VAN DIEST to WLLIG to B.H. to WINDING BROOK

Recorded at the request of
Benoit, Alexander, Sinclair,
Harwood & High
126 2nd Avenue North, P.O. Box 366
Twin Falls, Idaho 83303-0366

Mail original to Benoit, Alexander,
Sinclair, Harwood & High

Mail tax notices to:

Phillip C. Uhlig
4434 East 3500 North
Murtaugh, ID 83344

TWIN FALLS COUNTY, IDAHO

RECORDED FOR

TITLEFACT, INC.

1993 JUL 13 P 2:47

1993009823

ROBERT S. FORT

#33579-FF

FEE: WARRANTY DEED

FOR VALUE RECEIVED, Van Diest Family Partnership, an Idaho general partnership, hereinafter called "Grantor" hereby grants, bargains, sells and conveys unto Phillip C. Uhlig, whose mailing address is 4434 East 3500 North, Murtaugh, Idaho 83344, hereinafter called "Grantee," the property described on Exhibit "A" hereto, hereinafter called the "premises",

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor, respectively, does hereby covenant to and with the said Grantee, that the Grantor is the owners in fee simple of said premises; that they are free from encumbrances except existing easements and rights of way of record, a \$1,536,000.00 amount (as of June 1, 1993) of the mortgage to Mutual of New York dated 15 April 1991, recorded April 18, 1991, being Instrument No. 212987, and that Grantors will warrant and defend the premises from all lawful claims whatsoever.

DATED this 13 day of July, 1993.

NOV 28 1993

VAN DIEST FAMILY PARTNERSHIP

By Ernest Van Diest
Ernest Van Diest
General Partner

By Martin E. Van Diest
Martin E. Van Diest
General Partner

By Ernest William Van Diest
Ernest William Van Diest
General Partner

STATE OF IDAHO)
County of Twin Falls) ss.

On this 2 day of July, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Ernest Van Diest, Martin E. Van Diest and Ernest William Van Diest, known to me to be the General Partners of Van Diest Family Partnership, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same on behalf of the partnership.

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



Ernest E. Clifton
NOTARY PUBLIC
Residence: Twin Falls
My commission expires: 1-20-98

EXHIBIT A

Parcel A: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho

Section Thirty-six (36): The Southeast Quarter of the Southwest Quarter; the Northeast Quarter of the Southeast Quarter; the South Half of the Southeast Quarter; the East Half of the Northeast Quarter and that part of the Northwest Quarter of the Southeast Quarter described as: beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section and extending North 219 feet; THENCE North 39 degrees 39' East a distance of 848 feet; THENCE South 68 degrees 21' East 826 feet; thence Southerly along the Eastern border 573 feet; THENCE Westerly along the Southern border 1,316 feet to the place of beginning.

Parcel B: Township Twelve (12) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho

Section One (1): Lots 1, 2, 3, 4, the South Half of the Northeast Quarter; the South Half of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter EXCEPT a parcel of land located in the Southwest Quarter of the Northwest Quarter and also located in Lot 4, of Section One (1), Township Twelve (12) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho, as shown on the plans of the Lower Rock Creek Road Federal Aid Secondary Project RS 2739(4), more particularly described as follows: Beginning at a point on the Northerly boundary of said Lot 4, said point also being on said highway centerline station 32+34.36; THENCE along the Northerly boundary of said Lot 4 South 89 degrees 30' 56" East 40.19 feet; THENCE along a line 40.00 feet Easterly of and parallel to said highway centerline South 5 degrees 06' 26" East 733.09 feet, more or less, to a point 40.00 feet Easterly of and at right angles to said highway centerline Station P.C. 39+71.37; THENCE along a line perpendicular to said highway centerline South 84 degrees 33' 34" West 5.00 feet; THENCE Southwesterly for 962.07 feet on the arc of a curve to the right having a delta angle of 35 degrees 16' 11", radius of 1,562.89 feet, and a chord which bears South 12 degrees 31' 40" West 946.95 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE along a line 35.00 feet Easterly of and parallel to said highway centerline South 30 degrees 09' 45" West 887.05 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE Southwesterly for 230.34 feet on the arc of a curve to the left having a delta angle of 11 degrees 52' 48", radius of 1,110.92 feet, and a chord which bears South 24 degrees 13' 21" West 229.93 feet, more or less, to a point 35.00 feet Easterly of and at right angles to said highway centerline station 60+36.54, said point also lying on the Southerly boundary of said Southwest Quarter of the Northwest Quarter; THENCE along the southerly boundary of the Southwest Quarter of the Northwest Quarter North 39 degrees 25' 24" West 72.10 feet, more or less, to a point lying 33.89 feet Westerly of and at right angles to said highway centerline station 60+57.84, said point also being the Southwest corner of said Southwest Quarter of the Northwest Quarter; THENCE along the Westerly boundary of said Southwest Quarter of the Northwest Quarter North 0 degrees 21' 04" East 20.50 feet, more or less to a point 40.00 feet Westerly of and at right angles to said highway centerline station 60+38.88; THENCE Northeasterly 248.31 feet along the arc of a curve to the right having a delta angle of 11 degrees 59' 49", radius of 1,185.92 feet, and a chord which bears North 24 degrees 09' 30" East 247.86 feet, more or less, to a point 40.00 feet Westerly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE North 27 degrees 46' 28" East 599.46 feet to a point 65.00 feet Westerly of and at right angles to said

POOR ORIGINAL

500
2/2/77

highway centerline station 52+00; THENCE North 34 degrees 08' 01" East 288.80 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE Northeasterly 912.83 feet along the arc of a curve to the left having a delta angle of 35 degrees 16' 11", radius of 1,562.89 feet, and a chord which bears North 12 degrees 31' 40" East 898.48 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.C. 39+71.37; THENCE along a line 45.00 feet Westerly of and parallel to said highway centerline North 5 degrees 06' 26" West 741.42 feet, more or less, to a point on the Northerly boundary of said Lot 4; THENCE along the Northerly boundary of said Lot 4 South 89 degrees 30' 56" East 45.22 feet, more or less, to the real point of beginning.

Parcel C: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho
Section Twenty-five (25): The East Half of the Southeast Quarter, the North Half of the Northeast Quarter; the Southeast Quarter of the Northeast Quarter

Parcel D: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho
Section Twenty-four (24): The South Half of the Southeast Quarter

Parcel E: Township Eleven (11) South, Range Nineteen (19) East, B.M., Twin Falls County, Idaho
Section Thirty (30): Lots 3 and 4

Parcel F: Township Eleven (11) South, Range Nineteen (19) East, B.M., Twin Falls County, Idaho
Section Thirty-two (32): Southwest Quarter.

EXCEPT all minerals in or under Parcels A through F including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied.

Parcel G: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho
Section Twenty-five (25): The Southwest Quarter of the Northeast Quarter.

ALL SUBJECT TO: Twin Falls County Highway Right-of-way

Parcel No. 1: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho
Section Five (5): Lots 1, 2, 3, 4, and the Southwest Quarter of the Northwest Quarter and the West Half of the Southwest Quarter
Section Six (6): Lots 1, 2, the South Half of the Northeast Quarter, the North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter
Section Seven (7): the Northeast Quarter of the Northeast Quarter

Parcel No. 2: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho
Section Six (6): The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter
Section Seven (7): The West Half of the Northeast Quarter, the East Half of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter

Parcel No. 3: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho
Section Six (6): Lots 3, 4 and 5, the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter

Parcel No. 4: A well site located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section Six (6), Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho and easement for ingress and egress more fully described in Warranty Deed dated September 15, 1975 and recorded October 20, 1975 as Instrument No. 86300 on Film No. 98, records of Cassia County, Idaho.

POBLY ORIGINAL

8000
1000
1000

Recorded at the request of
Dennis, Alexander, Sinclair,
Sarwood & Slight
126 2nd Avenue North, P.O. Box 300
Twin Falls, Idaho 83301-0300

Mail original to Dennis, Alexander,
Sinclair, Sarwood & Slight

Mail tax notices to

Phillip C. Uhlig
4434 East 3500 North
Murtaugh, ID 83344

IDAHO COUNTY, IDAHO
RECORDED FOR

1994 AUG 15 P 2 32 TITLEFACT, Inc.

RECEIVED S. FORT
EX-OFFICIO RECORDER
FEE 1/5 DEPUTY

1994014583

SPACE ABOVE THIS LINE FOR RECORDER'S USE

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS,

That the DUNFORD & McCALL, an Idaho general partnership,
and JACK McCALL, individually and as general partner of the
partnership, hereby conveys, releases, demises and forever
quitclaims all of their right, title and interest unto Phillip C.
Uhlig, whose address is 4434 East 3500 North, Murtaugh, Idaho
83344, in and to the mineral rights in the 2000 property described
on Exhibit "A" hereto.

IN WITNESS WHEREOF, Jack McCall has set his hand hereto
this 11th day of April, 1994.

DUNFORD & McCALL

By Jack McCall - general partner
JACK McCALL
General Partner

Jack McCall
JACK McCALL
Individually

QUITCLAIM DEED\1

POOR ORIGINAL

NOV 28 1994

STATE OF IDAHO

County of Twin Falls

} ss.

On this 11th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack McCall acknowledged to me to be a general partner of the Dunford & McCall Partnership and the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the partnership.

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

Laura D. Felt
NOTARY PUBLIC

Residence: Twin Falls

My Commission Expires: 2/21/97

21780

STATE OF IDAHO

County of Twin Falls

} ss.

On this 11th day of April, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack McCall, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Laura D. Felt
NOTARY PUBLIC

Residence: Twin Falls

My Commission Expires: 2/21/97

(u-99\quitclai.doc)

QUITCLAIM DEED\2

POOR ORIGINAL

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Parcel A: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho

Section Thirty-six (36): The Southeast Quarter of the Southwest Quarter; the Northeast Quarter of the Southeast Quarter; the South Half of the Southeast Quarter; the East Half of the Northeast Quarter and that part of the Northwest Quarter of the Southeast Quarter described as: beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section and extending North 219 feet; THENCE North 39 degrees 39' East a distance of 912 feet; THENCE South 68 degrees 21' East 826 feet; thence Southerly along the Eastern border 573 feet; THENCE Westerly along the Southern border 1,316 feet to the place of beginning.

Parcel B: Township Twelve (12) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho

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POOR ORIGINAL

NOV 28 1986

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Section Twenty-four (24): The South Half of the Southeast Quarter

Parcel E: Township Eleven (11) South, Range Nineteen (19) East, B.M. Twin Falls County, Idaho

Section Thirty (30): Lots 3 and 4

Parcel F: Township Eleven (11) South, Range Nineteen (19) East, B.M. Twin Falls County, Idaho

Section Thirty-two (32): Southwest Quarter.

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ALL SUBJECT TO: Twin Falls County Highway Right-of-way

Parcel No. 1: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho

Section Five (5): Lots 1, 2, 3, 4, and the Southwest Quarter of the Northwest Quarter and the West Half of the Southwest Quarter

Section Six (6): Lots 1, 2, the South Half of the Northeast Quarter, the North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter

Section Seven (7): the Northeast Quarter of the Northeast Quarter

Parcel No. 2: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho

Section Six (6): The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter

Section Seven (7): The West Half of the Northeast Quarter, the East Half of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter

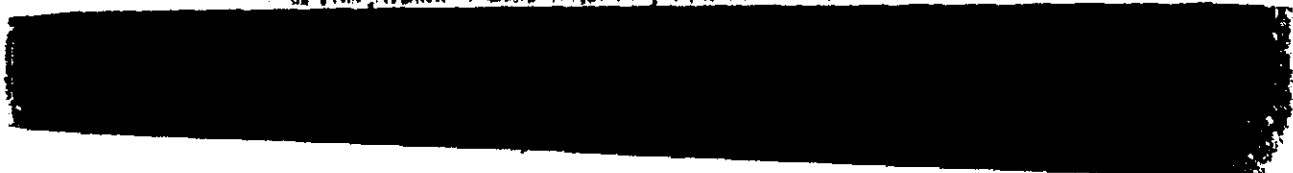
**Parcel No. 3: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho
Section Six (6): Lots 3, 4 and 5, the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter**

Parcel No. 4: A well site located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section Six (6), Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho and easement for ingress and egress more fully described in Warranty Deed dated September 15, 1975 and recorded October 20, 1975 as Instrument No. 86300 on Film No. 98, records of Cassia County, Idaho.

1.

POOR

Page 3 of 3 Pages



NOV 28 1996

TWIN FALLS COUNTY, IDAHO

RECORDED FOR TITLEFACT, Inc.

WARRANTY DEED
1994 AUG 15 10 2 55

1994014585

FOR VALUE RECEIVED ^{ROBERT S. FORT} ~~PHILIP C. Uhlig~~, hereinafter called
"Grantor" hereby grants ^{13.2} ~~5.0~~ ^{and} ~~conveys~~ unto B & H
FARMING, an Idaho general partnership, consisting of Randy A.
Bauscher and Thomas R. Haynes, P.O. Box 123, Rupert, Idaho 83350,
hereinafter called "Grantee," the property described on Exhibit "A"
hereto, hereinafter called the "premises",

TO HAVE AND TO HOLD the said premises, with their
appurtenances unto the said Grantee and to the Grantee's heirs and
assigns forever. And the said Grantor, respectively, does hereby
covenant to and with the said Grantee, that the Grantor is the
owners in fee simple of said premises; that they are free from
encumbrances except existing easements and rights of way of record,
a mortgage to Mutual of New York dated 15 April 1991, recorded
April 18, 1991 in Cassia County, Idaho as Instrument No. 212987 and
recorded April 18, 1991 in Twin Falls, County, Idaho as Instrument
No. 91-001076 and that Grantors will warrant and defend the
premises from all lawful claims whatsoever.

DATED this 15 day of July, 1994.



Philip C. Uhlig

POOR ORIGINAL

NOV 28 1994

STATE OF IDAHO

County of Twin Falls

} ss.

On this 13 day of July, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared Phillip C. Uhlig, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Francis C. Cuytor
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 1-20-98

(u-f\warranty.ckh)

WARRANTY DEED\2

POOR ORIGINAL

28 1998

EXHIBIT A

Parcel A: Township Eleven (11) South, Range Eighteen (18) East, B.M. Twin Falls County, Idaho

Section Thirty-six (36): The Southeast Quarter of the Southwest Quarter; the Northeast Quarter of the Southeast Quarter; the South Half of the Southeast Quarter; the East Half of the Northeast Quarter and that part of the Northwest Quarter of the Southeast Quarter described as: beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section and extending North 219 feet; THENCE North 39 degrees 39' East a distance of 848 feet; THENCE South 68 degrees 21' East 826 feet; thence Southerly along the Eastern border 573 feet; THENCE Westerly along the Southern border 1,316 feet to the place of beginning.

Parcel B: Township Twelve (12) South, Range Eighteen (18) East, B.M. Twin Falls County, Idaho

Section One (1): Lots 1, 2, 3, 4, the South Half of the Northeast Quarter; the South Half of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter EXCEPT a parcel of land located in the Southwest Quarter of the Northwest Quarter and also located in Lot 4, of Section One (1), Township Twelve (12) South, Range Eighteen (18) East, B.M. Twin Falls County, Idaho, as shown on the plans of the Lower Rock Creek Road Federal Aid Secondary Project RS 2739(4), more particularly described as follows: Beginning at a point on the Northerly boundary of said Lot 4, said point also being on said highway centerline station 32+34.36; THENCE along the Northerly boundary of said Lot 4 South 89 degrees 30' 56" East 40.19 feet; THENCE along a line 40.00 feet Easterly of and parallel to said highway centerline South 5 degrees 06' 26" East 733.09 feet, more or less, to a point 40.00 feet Easterly of and at right angles to said highway centerline Station P.C. 39+71.37; THENCE along a line perpendicular to said highway centerline South 84 degrees 33' 34" West 5.00 feet; THENCE Southwesterly for 962.07 feet on the arc of a curve to the right having a delta angle of 35 degrees 16' 11", radius of 1,362.89 feet, and a chord which bears South 12 degrees 31' 40" West 946.95 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE along a line 35.00 feet Easterly of and parallel to said highway centerline South 30 degrees 09' 45" West 887.05 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE Southwesterly for 230.34 feet on the arc of a curve to the left having a delta angle of 11 degrees 52' 48", radius of 1,110.92 feet, and a chord which bears South 24 degrees 13' 21" West 229.93 feet, more or less, to a point 35.00 feet Easterly of and at right angles to said highway centerline station 60+36.54, said point also lying on the Southerly boundary of said Southwest Quarter of the Northwest Quarter; THENCE along the southerly boundary of the Southwest Quarter of the Northwest Quarter North 89 degrees 25' 24" West 72.10 feet, more or less, to a point lying 33.89 feet Westerly of and at right angles to said highway centerline station 60+57.84, said point also being the Southwest corner of said Southwest Quarter of the Northwest Quarter; THENCE along the Westerly boundary of said Southwest Quarter of the Northwest Quarter North 0 degrees 21' 04" East 20.50 feet, more or less to a point 40.00 feet Westerly of and at right angles to said highway centerline station 60+38.88; THENCE Northeasterly 248.31 feet along the arc of a curve to the right having a delta angle of 11 degrees 59' 49", radius of 1,183.92 feet, and a chord which bears North 24 degrees 09' 50" East 247.86 feet, more or less, to a point 40.00 feet Westerly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE North 27 degrees 46' 28" East 399.46 feet to a point 65.00 feet Westerly of and at right angles to said

ORIGINAL

highway centerline station 52+00; THENCE North 34 degrees 08' 01" East 288.80 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE Northeasterly 912.83 feet along the arc of a curve to the left having a delta angle of 35 degrees 16' 11", radius of 1,562.89 feet, and a chord which bears North 12 degrees 31' 40" East 898.48 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.C. 39+71.37; THENCE along a line 45.00 feet Westerly of and parallel to said highway centerline North 5 degrees 06' 26" West 741.42 feet, more or less, to a point on the Northerly boundary of said Lot 4; THENCE along the Northerly boundary of said Lot 4 South 89 degrees 30' 56" East 45.22 feet, more or less, to the real point of beginning.

Parcel C: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho

Section Twenty-five (25): The East Half of the Southeast Quarter; the North Half of the Northeast Quarter; the Southeast Quarter of the Northeast Quarter

Parcel D: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho

Section Twenty-four (24): The South Half of the Southeast Quarter

Parcel E: Township Eleven (11) South, Range Nineteen (19) East, B.M., Twin Falls County, Idaho

Section Thirty (30): Lots 3 and 4

Parcel F: Township Eleven (11) South, Range Nineteen (19) East, B.M., Twin Falls County, Idaho

Section Thirty-two (32): Southwest Quarter.

EXCEPT all minerals in or under Parcels A through F including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied.

Parcel G: Township Eleven (11) South, Range Eighteen (18) East, B.M., Twin Falls County, Idaho

Section Twenty-five (25): The Southwest Quarter of the Northeast Quarter.

ALL SUBJECT TO: Twin Falls County Highway Right-of-way

Parcel No. 1: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho

Section Five (5): Lots 1, 2, 3, 4, and the Southwest Quarter of the Northwest Quarter and the West Half of the Southwest Quarter

Section Six (6): Lots 1, 2, the South Half of the Northeast Quarter, the North Half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter

Section Seven (7): the Northeast Quarter of the Northeast Quarter

Parcel No. 2: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho

Section Six (6): The Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter

Section Seven (7): The West Half of the Northeast Quarter, the East Half of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter

ORIGINAL

Parcel No. 10
Meridian, Cassia County, Idaho
Section Six (6): The Northeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter
Section Seven (7): The West Half of the Northeast Quarter, the East of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter

Page 2 of 3 Pages

Parcel No. 3: Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho
Section Six (6): Lots 3, 4 and 5, the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter

Parcel No. 4: A well site located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section Six (6), Township Twelve (12) South, Range Nineteen (19) East of the Boise Meridian, Cassia County, Idaho and easement for ingress and egress more fully described in Warranty Deed dated September 15, 1975 and recorded October 20, 1975 as Instrument No. 86300 on Film No. 98, records of Cassia County, Idaho.

PC

Page 3 of 3 Pages

NOV 28 1996

POC

TWIN FALLS COUNTY, IDAHO
RECORDED FOR:

TITLEFACT, Inc.

1994 AUG 15 P 2:33

19940145861

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

ROBERT S. FORT
CH-OFFICIO RECORDER

FEE: *60* DEPUTY *SW*

**** SPACE ABOVE FOR RECORDER ****

35791A-ml&sm

QUITCLAIM DEED

For Value Received PHILLIP C. UHLIG, does hereby convey, remise and forever quit claim unto B & H FARMING, whose address is: P.O. BOX 123, RUPERT, IDAHO, 83350, the following described premises, to-wit:

Any and all mineral rights of the Grantors in or under the following described parcels including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied.

PARCEL A

Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho

Section 36: SE4SW4; NE4SE4; S4SE4; E1/4NE4 and that part of the NW4SE4; described as:

BEGINNING at the Southwest corner of the NW4SE4 of said Section and extending North 219 feet;

THENCE North 39°39' East a distance of 848 feet;

THENCE South 68°21' East 826 feet;

THENCE Southerly along the eastern border 573 feet;

THENCE Westerly along the southern border 1316 feet to the PLACE OF BEGINNING.

PARCEL B

Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho

Section 1: Lots 1, 2, 3, 4, S1/4NE4; S1/4NW4; NE4SW4

EXCEPT: A parcel of land located in the SW4NW4 and also located in Lot 4, of Section 1, Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho, as shown on the plans of the Lower Rock Creek Road Federal Aid Secondary Project RS 2739(4), more particularly described as follows:

BEGINNING at a point on the Northerly boundary of said Lot 4, said point also being on said highway centerline station 32+34.36;

THENCE along the Northerly boundary of said Lot 4 South 89°30'56" East 40.19 feet;

THENCE along a line 40.00 feet Easterly of and parallel to said highway centerline South 5°06'26" East 733.09 feet, more or less, to a point 40.00 feet Easterly of and at right angles to said highway centerline Station P.C. 39+71.37;

THENCE along a line perpendicular to said highway centerline South 84°53'34" West 5.00 feet;

THENCE Southwesterly for 962.07 feet on the arc of a curve to the right having a delta angle of 35°16'11", radius of 1,562.89 feet, and a chord which bears South 12°31'40" West 946.95 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.T. 49+11.89;

THENCE along a line 35.00 feet Easterly of and parallel to said highway centerline South 30°09'45" West 887.05 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.C. 57+98.94;

THENCE Southwesterly for 230.34 feet on the arc of a curve to the left having a delta angle of 11°52'48", radius of 1,110.92 feet, and a chord which bears South 24°13'21" West 229.93 feet, more or less, to a point 35.00 feet Easterly of and at right angles to said highway centerline station 60+36.34, said point also lying on the Southerly boundary of said SW4NW4;

THENCE along the Southerly boundary of SW4NW4 North 89°25'24" West 12.10 feet, more or less, to a point lying 33.89 feet Westerly of and at right angles to said highway centerline station 60+37.84, said point also being the Southwest corner of said SW4NW4;

THENCE along the Westerly boundary of said SW4NW4 North 0°21'04" East 20.50 feet, more or less to a point 40.00 feet Westerly of and at right angles to said highway centerline station 60+38.88;

THENCE Northeasterly 248.31 feet along the arc of a curve to the right having a delta angle of 11°59'49", radius of 1,185.92 feet, and a chord which bears North 24°00'50" East 247.86 feet, more or less, to a point 40.00 feet Westerly of and at right angles to said highway centerline station P.C. 57+98.94;

THENCE North 27°46'20" East 399.46 feet to a point 65.00 feet Westerly of and at right angles to said highway centerline station 52+00;

THENCE North 24°08'01" East 288.80 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.T. 49+11.89;

THENCE Northeasterly 912.83 feet along the arc of a curve to the left having a delta angle of 35°16'11", radius of 1,562.89 feet, and a chord which bears North 12°31'40" East 198.48 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.C. 39+71.37;

NOV 29 1994

THENCE along a line 45.00 feet Westerly of and parallel to said highway centerline North 5°06'26" West 741.42 feet, more or less, to a point on the Northerly boundary of said Lot 4;
THENCE along the Northerly boundary of said Lot 4 South 99°30'56" East 45.22 feet, more or less, to the
REAL POINT OF BEGINNING.

PARCEL C
Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 25: E½SE¼; N½NE¼; SE¼NE¼

PARCEL D
Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 24: S½SE¼

PARCEL E
Township 11 South, Range 19 E., B.M., Twin Falls County, Idaho
Section 30: Lots 3 and 4

PARCEL F
Township 11 South, Range 19 E., B.M., Twin Falls County, Idaho
Section 32: SW¼

PARCEL G
Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 25: SW¼NE¼

ALL SUBJECT TO: Twin Falls County Highway Right of Way

together with their appurtenances.

Dated: August 10, 1994



PHILLIP C. UHLIG

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 12th day of AUGUST, 1994, before me, a Notary Public in and for said State, personally appeared PHILLIP C. UHLIG, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Notary Public for Idaho
Residing in: TWIN FALLS
Commission Expires: 11-28-96

POOR ORIGINAL

NOV 28 1996

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

TWIN FALLS COUNTY, IDAHO
RECORDED FOR:

1994 AUG 15 P 2:34

TITLEFACT, Inc.

POSS. ORIGINAL

1994014598

ROBERT S. FORT
EX-OFFICIO RECORDER

DEPUTY *SFW*

***** SPACE ABOVE FOR RECORDER *****
35791-ml/am

WARRANTY DEED

FOR VALUE RECEIVED B & H FARMING, AN IDAHO GENERAL PARTNERSHIP, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto WINDING BROOK CORPORATION, a Massachusetts corporation, hereinafter called grantee, whose address is: P.O. Box 53, Nampa ID 83653 the following described premises, in Twin Falls County, Idaho, and Cassia County, Idaho to-wit:

PARCEL A

Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 36: NW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$ and that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$; described as: BEGINNING at the Southwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section and extending North 219 feet;
THENCE North 39°39' East a distance of 848 feet;
THENCE South 68°21' East 826 feet;
THENCE Southerly along the eastern border 573 feet;
THENCE Westerly along the southern border 1316 feet to the PLACE OF BEGINNING.

PARCEL B

Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 1: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$
EXCEPT

A parcel of land located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 1 and more particularly described as follows:

COMMENCING at the North quarter corner of said Section 1;
THENCE South 00°44'15" West along the West boundary of the NE $\frac{1}{4}$ of Section 1 for a distance of 1305.55 feet to the TRUE POINT OF BEGINNING;
THENCE South 72°10'26" East for a distance of 123.29 feet;
THENCE South 55°37'00" East for a distance of 92.15 feet;
THENCE South 12°33'39" East for a distance of 583.59 feet;
THENCE North 89°14'29" West for a distance of 328.80 feet to a point on the West boundary of the NE $\frac{1}{4}$ of Section 1;
THENCE North 00°44'15" East along the West boundary of the NE $\frac{1}{4}$ of Section 1 for a distance of 655.11 feet to the TRUE POINT OF BEGINNING.

AND

(WATER STORAGE POND) A parcel of land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1, Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

COMMENCING at the North quarter corner of said Section 1;
THENCE South 00°44'15" West along the East boundary of the NW $\frac{1}{4}$ of Section 1 for a distance of 1374.90 feet;
THENCE North 89°15'45" West for a distance of 349.45 feet to the TRUE POINT OF BEGINNING;
THENCE South 19°57'04" West for a distance of 52.24 feet;
THENCE South 29°05'48" West for a distance of 37.58 feet;
THENCE South 17°17'43" West for a distance of 52.62 feet;
THENCE South 47°56'55" West for a distance of 44.97 feet;
THENCE South 67°51'39" West for a distance of 31.12 feet;
THENCE South 89°38'58" West for a distance of 90.27 feet;
THENCE North 56°41'08" West for a distance of 30.93 feet;
THENCE North 18°43'43" West for a distance of 38.36 feet;
THENCE North 03°30'35" West for a distance of 112.03 feet;
THENCE North 00°30'55" East for a distance of 80.37 feet;

POWELL

THENCE North 08°17'39" East for a distance of 155.56 feet;
THENCE North 30°25'03" West for a distance of 106.73 feet;
THENCE South 46°28'49" East for a distance of 93.13 feet;
THENCE North 55°47'25" East for a distance of 45.91 feet;
THENCE North 86°23'15" East for a distance of 47.44 feet;
THENCE South 68°51'58" East for a distance of 45.73 feet;
THENCE South 44°05'37" East for a distance of 49.56 feet;
THENCE South 26°44'31" East for a distance of 71.71 feet;
THENCE South 06°18'09" West for a distance of 38.53 feet;
THENCE South 48°28'31" West for a distance of 26.90 feet;
THENCE South 05°27'54" West for a distance of 24.41 feet;
THENCE South 37°34'15" East for a distance of 57.00 feet;
THENCE South 13°48'41" East for a distance of 41.02 feet to the TRUE POINT OF BEGINNING.

AND

(NORTH WELL SITE) A parcel of land located in the SE¼NW¼ of Section 1, Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

A circular parcel of land with a 10.0 foot radius and being more particularly described as follows:

COMMENCING at the North quarter corner of said Section 1;

THENCE South 00°44'15" West along the East boundary of the NW¼ of Section 1 for a distance of 1502.75 feet;

THENCE North 89°15'45" West for a distance of 315.60 feet to the radius point of the circular parcel of land, said parcel includes the well and all the land that lies within the 10.0 foot radius which has a delta angle of 360 degrees.

AND

(SOUTH WELL SITE) A parcel of land located in the SE¼NW¼ of Section 1, Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

A circular parcel of land with a 10.0 foot radius and being more particularly described as follows:

COMMENCING at the North quarter corner of said Section 1;

THENCE South 00°44'15" West along the East boundary of the NW¼ of Section 1 for a distance of 2581.71 feet;

THENCE North 89°14'45" West for a distance of 859.33 feet to the radius point of the circular parcel of land, said parcel includes the well and all the land that lies within the 10.0 foot radius which has a delta angle of 360 degrees.

AND

(PIPELINE RIGHT OF WAY) A parcel of land located in the SE¼NW¼ of Section 1, Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho, more particularly described as follows:

A strip of land 20.0 feet wide and being 10.0 feet on each side of the following described line:

COMMENCING at a point that is located South 00°44'15" West, 1478.19 feet;

THENCE North 89°14'45" West, 390.70 feet from the North quarter corner of said Section 1 and being the TRUE POINT OF BEGINNING;

THENCE South 61°11'40" East for a distance of 138.43 feet;

THENCE South 56°30'31" East for a distance of 51.69 feet;

THENCE South 63°00'12" East for a distance of 111.58 feet;

THENCE North 51°00'18" East for a distance of 89.21 feet;

THENCE North 80°29'12" East for a distance of 55.16 feet;

THENCE North 80°11'44" East for a distance of 99.72 feet;

THENCE North 80°01'25" East for a distance of 119.80 feet to the East boundary of Parcel

No. 42 of Rock Creek Ranches and being the terminus of said Deeded right of way.

SUBJECT TO: Access easement as shown on the recorded Miscellaneous Plat of Rock Creek Ranches.

NOV 28 1965

POOL ORIGINAL

TOGETHER WITH: A permanent easement over and across a parcel of land located in the E1/4NW1/4 of Section 1, Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho and more particularly described as follows:

A 20.0 foot wide permanent easement for the purpose of ingress and egress and for the use and maintenance of a buried irrigation pipeline and ditch and/or their associated hardware, said easement location being centered on the following describe line:

COMMENCING at a point that is located South 00°44'15" West, 2581.71 feet;

THENCE North 89°15'45" West, 859.33 feet;

THENCE North 25°34'48" East, 10.0 feet from the North quarter corner of said Section 1 and being the TRUE POINT OF BEGINNING on the Northerly boundary of the South Well parcel:

THENCE continuing North 25°34'48" East for a distance of 965.90 feet;

THENCE North 24°47'46" East for a distance of 112.41 feet;

THENCE North 29°57'04" East for a distance of 109.83 feet;

THENCE North 21°41'23" East for a distance of 68.15 feet;

THENCE North 09°48'48" East for a distance of 51.58 feet;

THENCE North 24°33'31" West for a distance of 28.24 feet;

THENCE North 29°55'15" West for a distance of 112.65 feet to the intersection with the Easterly boundary of the pond Parcel and being the Terminus of said Easement.

AND TOGETHER WITH: A permanent easement over and across a parcel of land located in the E1/4SW1/4 of Section 1, Township 12 South, Range 18 E., B.M., Twin Falls County, Idaho, and more particularly described as follows:

A 20.0 foot wide permanent easement for the purpose of ingress and egress and for the use and maintenance of a buried irrigation pipeline and/or its associated hardware, said easement location being centered on the following described line:

COMMENCING at a point on the East boundary of the NW1/4 of Section 1 that is located South 00°44'15" West, 1180.43 feet from the North quarter corner of said Section 1 and being the TRUE POINT OF BEGINNING;

THENCE South 57°41'38" West for a distance of 209.34 feet;

THENCE South 32°41'19" West for a distance of 240.68 feet;

THENCE South 73°30'51" West for a distance of 3.35 feet to the intersection with the Easterly boundary of the North Well Parcel and being the TERMINUS OF SAID EASEMENT.

PARCEL C

Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 25: E1/4SE1/4; NE1/4

PARCEL D

Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 24: S1/4SE1/4

PARCEL E

Township 11 South, Range 19 E., B.M., Twin Falls County, Idaho
Section 30: Lots 3 and 4

PARCEL F

Township 11 South, Range 19 E., B.M., Twin Falls County, Idaho
Section 32: SW1/4

EXCEPT: All minerals in or under Parcels A through F including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied.

ALL SUBJECT TO: Twin Falls County Highway Right of Way

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

NOV 28 1996

POWER OF ATTORNEY

Section 5: Lots 1,2,3,4, and SW1/4NW1/4 and W1/2SW1/4

Section 6: Lots 1,2, S1/2NE1/4,N1/2SE1/4 and SE1/4SE1/4

Section 7: NE1/4NE1/4

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 6: SE1/4SW1/4,SW1/4SE1/4

Section 7: W1/2NE1/4,E1/2NW1/4,NE1/4SW1/4,NW1/4SE1/4

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY IDAHO

Section 6: Lots 3,4, & 5, SE1/4NW1/4 and NE1/4SW1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 11, 1994

B & H FARMING

BY: RANDY A. BAUSCHER

BY: THOMAS R. HAYNES

STATE OF IDAHO
County of Twin Falls

On this 11th day of August, 1994, before me, a Notary Public, personally appeared RANDY A. BAUSCHER AND THOMAS R. HAYNES, known or identified to me to be the General Partner or partners in B & H FARMING, a partnership, and the partners who subscribed said partnership name to the foregoing instrument and acknowledged to me that they executed the same in said partnership name.

Susan M. [Signature]
Notary Public for Idaho
Residing in TWIN FALLS
Commission Expires 11-28-96

NOV 28 1994

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

January 19, 1995 2:47pm

NAME:
JOHN RITCHIE

CALL IN

RE:
UHLIG DEEDS REQUEST

HE SAYS THEY HAVE COPIES OF THE DEEDS FROM VAN DIEST TO UHLIG AND WILL SEND OVER COPIES TO OUR OFFICE TODAY. THE OTHERS WERE NOT PART OF THE WORK HE HAS COVERED AND I WILL NEED TO GET THEM DIRECTLY FROM UHLIG HIMSELF. I WILL SEND LETTER TO UHLIG REQUESTING WARRANTY DEEDS FOR THE REST. SHOULD BE ABLE TO SUBMIT THE CHANGE OF OWNERSHIP FOR WINDING BROOK VERY SOON, IF INITIAL REVIEW GOES WELL TOMORROW WHEN THEY MEET.

AA7-00140

NOV 28 1996

MEMO

TO: FILE
FROM: STEVE CLELLAND
DATE: January 18, 1995

RE: UHLIG OWNERSHIP CHANGES PENDING

=====

HERE IS A LISTING OF THE CLAIMS INVOLVED:

A45-02306~	VIESELMEYER TO UHLIG (CLAIM NEEDS RENUMBERED TO BASIN 47)
A47-02566	VAN DIEST FAMILY PARTNERSHIP TO UHLIG
A47-07526	" " "
A47-14468	"
A47-14469	"
A47-02491	"
A47-02511	"
A47-02515	"
A47-02526	"
A47-02544	"
A47-02546	VAN DIEST FAMILY PARTNERSHIP TO UHLIG
A47-02534	LARSEN TO UHLIG
A47-02557~	DEGNER TO UHLIG
A47-02554~	" "
A45-10283	DEGNER TO UHLIG (CLAIM NEEDS RENUMBERED TO BASIN 47)
A47-02556~	VAN DIEST FAMILY PARTNERSHIP TO UHLIG
A47-02552~	"
A47-02536~	"
A47-14470	VAN DIEST FAMILY PARTNERSHIP TO UHLIG

THOSE RIGHTS WITH THE TILDE (~) ARE ALSO LISTED IN THE PENDING TRANSFER #4412 UNDER THE NAME PHILIP UHLIG TO ADD A POINT OF DIVERSION. PROOF OF OWNERSHIP SUBMITTED IS TAX NOTICES FROM 1993.

NOV 28 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

January 30, 1995 11:23am

NAME:
JOHN RITCHIE

CAMEIN

RE:
CHANGE OF OWNERSHIP

HE DROPPED OFF THE FORMS TO CHANGE THE UHLIG FILES FROM B.H. FARMS TO WINDING BROOK ALONG WITH THE SUPPORTING DOCUMENTS OF OWNERSHIP. STILL WAITING ON UHLIG'S RESPONSE TO MY LETTER FOR DOCUMENTATION OF THE REMAINING CHANGES OF OWNERSHIP.

WE DISCUSSED THE RENUMBERING OF THE TWO BASIN 45 CLAIMS AND I TOLD HIM THIS IS IN PROCESS WITH IDWR STAFF.

HE POINTED OUT SOME OTHER COMBINED RIGHT CLAIMS; A47-00163 IS COMBINED W/ -00164 AND A47-02515 IS COMBINED W/ -02516. HE NOTED THE CONFUSION IN RESOLVING THIS AND I INFORMED HIM THAT I WILL RENUMBER BOTH THESE CLAIMS TO BETTER SHOW THE COMBINED RIGHTS INVOLVED.

NOV 28 1996

COLEMAN, RITCHIE & ROBERTSON

ATTORNEYS AT LAW
156 SECOND AVE. WEST
P.O. BOX 525
TWIN FALLS, IDAHO 83303-0525

JOHN R. COLEMAN
JOHN S. RITCHIE
THOMAS M. ROBERTSON

TELEPHONE (208) 734-1224

FAX (208) 734-3983

January 19, 1995

RECEIVED

JAN 20 1995

Department of Water Resources
Southern Region

Steve Clelland
Water Right Agent
State of Idaho
Department of Water Resources
222 Shoshone Street East
Twin Falls ID 83301

Re: Uhlig/B & H/Winding Brook Corporation

Dear Steve:

Thank you for your letter of January 17, 1995, and your Memos of January 13 and 17, 1995, outlining the Uhlig ownership changes pending. In response to your inquiry regarding ownership, I am enclosing copies of the following:

1. Warranty Deed from Van Diest Family Partnership to Phillip C. Uhlig.
2. Quitclaim Deed from Dunford & McCall and Jack McCall to Phillip C. Uhlig.
3. Warranty Deed from Phillip C. Uhlig to B & H Farming.
4. Quitclaim Deed from Phillip C. Uhlig to B & H Farming.
5. Warranty Deed from B & H Farming to Winding Brook Corporation.

I believe those deeds chase the chain of title from Van Diest to Winding Brook. It is my understanding that you will contact Phil Uhlig regarding the deeds from Vieselmeyer, Larsen and Degner to Uhlig. Please let me know if you have a problem in that latter regard and I will see if I can be of assistance.

NOV 28 1996

COLEMAN, RITCHIE & ROBERTSON

Steve Clelland

Page 2

January 19, 1995

I anticipate filing the Notice of Change of Water Right Ownership forms on behalf of Winding Brook in the near future and I look forward to working with you to conclude this matter.

Sincerely yours,



JOHN S. RITCHIE

JSR/sl

Encls.

cc: Rodney Moore

NOV 28 1995

TO: File

DATE: April 14, 1997

FROM: Jim Stanton

SUBJECT: Claims A47-00140, 00141, Winding Brook Corp.

Based on the attached letter, it appears that these claims are now owned by Kevin Guthrie, 2872 Rock Creek Rd., Hansen, ID, 83334. He bought a small portion of the Rock Creek Ranch in February of 1995. I have tried to contact Guthrie concerning the water rights on his land, but have received no response. So I am annotating the proper files for later follow-up by SRBA staff.

Most of the irrigated land bought by Guthrie is on the west side of Rock Creek, and is only irrigated with groundwater. He also bought a little land that is watered from the primary irrigation system of the Rock Creek Ranch using both Rock Creek water and groundwater. This system has not changed so far, and I don't know what will happen when the Guthrie land is split off in 3 years or so. The sale followed 40 lines, but makes no sense in terms of the water system, as he bought a portion of a pivot. Supposedly the pivot will eventually be removed. The only way for Guthrie to take his creek water separately would be to pump directly into his own sprinkler system, which would require a transfer to change p/d.

File A47-02491 has copies of all the deeds relating to this sale, from the original claimant to Mr. Guthrie. The attached ASCS photo shows what he bought.

COLEMAN, RITCHIE & ROBERTSON

ATTORNEYS AT LAW
156 SECOND AVE. WEST
P.O. BOX 525
TWIN FALLS, IDAHO 83303-0525

JOHN R. COLEMAN
JOHN S. RITCHIE
THOMAS M. ROBERTSON

TELEPHONE (208) 734-1224

FAX (208) 734-3983

February 9, 1996

RECEIVED

FEB 12 1996

James E. Stanton
Senior Water Resource Agent
State of Idaho
Department of Water Resources
222 Shoshone Street East
Twin Falls ID 83301

Department of Water Resources
Southern Region

Re: My Client: Winding Brook Corporation
Water Right Nos. A47-00140 & A47-00141

Dear Jim:

After meeting with you on January 25, 1996, I have reviewed the ownership of water rights with Rodney Moore of the Winding Brook Corporation regarding the sale of adjoining property to Kevin L. Guthrie and Ann Guthrie.

The points of diversion for the two water rights referenced above are on land not purchased by the Winding Brook Corporation and the Winding Brook Corporation does not claim the right to use the water from those wells. Accordingly, those water rights should be transferred to the Guthries and the Winding Brook Corporation will sign the necessary documentation to effect that transfer.

Sincerely yours,


JOHN S. RITCHIE

JSR/sl
cc: Rodney Moore

5
2

131785
4239

Guthrie
15 NW
15.6

Guthrie
18 NW
74.2

19
93.3

20 NW
36.0

Guthrie

16 NW
37.2

17 NW
60.9

18.7

NC

10 NW

12

6 NW
1.0

NW

36

NW

x

x



Charge Of Ownership

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-00140
Date Received: 1/19/1989
Receipt No: S006099
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VAN DIEST FAMILY PARTNERSHIP 208-423-4211
Address: ROCK CREEK RANCH
2872 ROCK CREEK ROAD
HANSEN, ID 83334

2. Date of Priority: MAY 30, 1874

3. Source: ROCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	18E	1	NE	SW			TWIN FALLS
			SW	SW			TWIN FALLS

5. Description of diverting works:
HEADGATES, WEIRS, PUMPS, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	36	SE	SW		IRR	40.0
			NW	SE		IRR	36.0

A47-00140

Page 1

Date: 03/05/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	36	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							156.0
12S	18E	1	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	33.0
			SW	NW		IRR	33.0
			SE	NW		IRR	33.0
Section Acres							299.0
Total Acres							455.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A47-02566,02511,02491,00142,00143,02546,00141,00157A

14. Remarks:

6.16CFS GROUNDWATER, 2.94CFS DECREED ROCK CREEK WATER, & 4.25CFS
DECREED ROCK CREEK FLOOD RIGHT USED ON 455 ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/19/1892

A.D. NORTON ET AL

Decree Plaintiff

vs

PATRICK GARRITY ET AL

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): A47-00140

[] Name and Address of
Former Claimant: Rock Creek Farms
c/o McCall & Dunford
P. O. Box 1598
Twin Falls, Idaho 83303

[] New Claimant(s): Van Diest Family Partnership

RECEIVED

[] New Mailing Address: Rock Creek Ranch FEB 27 1990
2872 Rock Creek Road Department of Water Resources
Hansen, Idaho 83334 Southern Region Office

New Telephone Number: (208) 423 - 4211

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

[X] Attach proof of ownership

Describe proof attached: See bottom of this page

[] Signature of New Claimant(s): 

Managing Partner of Van Diest
Family Partnership

Martin E. Van Diest

Date: February 23, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/28/90 By: lw

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Special Warranty Deed and Bill of
Sale from:

1. Dunford & McCall to Exchange Control
2. Exchange Control to Rena and Ernest Van Diest
3. Rena and Ernest Van Diest to Van Diest Family Partnership

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MAR 10 1993

204010 20324
SPECIAL WARRANTY DEED AND BILL OF SALE

THIS INDENTURE, made this 15th day of September, 1989, between DUNFORD & MCCALL, a partnership, as to an undivided one-fifth interest; M. DON McFARLAND and CAROL McFARLAND, as to an undivided one-fifth interest; MARSHALL J. McFARLAND, a single man, as to an undivided one-fifth interest; RANDY A. BAUSCHER and DEBRA L. BAUSCHER, husband and wife, as to an undivided one-fifth interest; KEVIN GUTHRIE and ANNE C. GUTHRIE, the Grantors, as to an undivided one-fifth interest and Exchange Control, Inc., a California corporation, the Grantee,

W I T N E S S E T H:

That the said Grantors, for and in consideration of the payment to them of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, by the said Grantee, the receipt and sufficiency whereof are hereby acknowledged, have granted, bargained, and sold, and by these present do grant, bargain, sell, convey and confirm unto the said Grantee, and to its successors and assigns forever, the following described real estate situate in the Counties of Cassia and Twin Falls, State of Idaho, to-wit:

PARCEL A

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, and that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as Beginning at the Southwest corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section and extending North 219 feet; THENCE North 39°39' East a distance of 848 feet; THENCE South 68°21' East 826 feet; THENCE Southerly along eastern border 573 feet; THENCE Westerly along southern border 1316 feet to the Place of Beginning.

SPECIAL WARRANTY DEED AND BILL OF SALE\1

COPY
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MAR 10 1993

PARCEL B

TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

Section 1: Lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
EXCEPT a parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and also
located in Lot 4 of Section 1, Township 12 South, Range
18 East of the Boise Meridian, Twin Falls County,
Idaho, as shown on the plans of the Lower Rock Creek
Road Federal Aid Secondary Project RS 2739(4), more
particularly described as follows:

BEGINNING at a point on the Northerly boundary of said Lot
4, said point also being on said highway centerline station
32+34.36; THENCE along the Northerly boundary of said Lot 4
South 89°30'56" East 40.19 feet; THENCE along a line 40.00
feet Easterly of and parallel to (with) said highway
centerline South 5°06'26" East 733.09 feet, more or less, to
a point 40.00 feet Easterly of and at right angles to said
highway centerline station P.C. 39+71.37; THENCE along a
line perpendicular to said highway centerline South
84°53'34" West 5.00 feet; THENCE Southwesterly for 962.07
feet on the arc of a curve to the right having a delta angle
of 35°16'11", radius of 1,562.89 feet, and a chord which
bears South 12°31'40" West 946.95 feet to a point 35.00 feet
Easterly of and at right angles to said highway centerline
station P.T. 49+11.89; THENCE along a line 35.00 feet
Easterly of and parallel to (with) said highway centerline
South 30°09'45" West 887.05 feet to a point 35.00 feet
Easterly of and at right angles to said highway centerline
station P.C. 57+98.94; THENCE Southwesterly for 230.34 feet
on the arc of a curve to the left having a delta angle of
11°52'48", radius of 1,110.92 feet, and a chord which bears
south 24°13'21" West 229.93 feet, more or less, to a point
35.00 feet Easterly of and at right angles to said highway
centerline station 60+36.54, said point also lying on the
Southerly boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE along the
Southerly boundary of SW $\frac{1}{4}$ NW $\frac{1}{4}$ North 89°25'24" West 72.10
feet, more or less, to a point lying 33.89 feet Westerly of
and at right angles to said highway centerline station
60+57.84, said point also being the Southwest corner of
said SW $\frac{1}{4}$ NW $\frac{1}{4}$; THENCE along the Westerly boundary of said
SW $\frac{1}{4}$ NW $\frac{1}{4}$ North 0°21'04" East 20.50 feet, more or less, to a
point 40.00 feet Westerly of and at right angles to said
highway centerline station 60+38.88; THENCE Northeasterly
248.31 feet along the arc of a curve to the right having a
delta angle of 11°59'49", radius of 1,185.92 feet, and a
chord which bears North 24°09'50" East 247.86 feet, more or
less, to a point 40.00 feet Westerly of and at right angles
to said highway centerline station P.C. 57+98.94; THENCE

SPECIAL WARRANTY DEED AND BILL OF SALE\2

MICROFILMED

MAR 10 1993

North 27°46'20" East 599.46 feet to a point 65.00 feet Westerly of and at right angles to said highway centerline station 52+00; THENCE North 34°08'01" East 288.80 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE Northeasterly 912.83 feet along the arc of a curve to the left having a delta angle of 35°16'11", radius of 1,562.89 feet, and a chord which bears North 12°31'40" East 898.48 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.C. 39+71.37; THENCE along a line 45.00 feet Westerly of and parallel to (with) said highway centerline North 5°06'26" West 741.42 feet, more or less, to a point on the Northerly boundary of said Lot 4; THENCE along the Northerly boundary of said Lot 4 South 89°30'56" East 45.22 feet, more or less, to the Real Point of Beginning.

PARCEL C

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 25: E $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL D

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 24: S $\frac{1}{2}$ SE $\frac{1}{4}$.

PARCEL E

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 30: Lots 3 and 4.

PARCEL F

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 32: SW $\frac{1}{4}$.

PARCEL G

TOWNSHIP 12 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

SECTION 5: Lots 1, 2, 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.

SECTION 6: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

SPECIAL WARRANTY DEED AND BILL OF SALE\3

MICROFILMED

MAR 10 1993

SECTION 7: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

EXCEPT one-half of all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easements rights or other matters relating thereto whether expressed or implied.

Water Rights described in Exhibit A and attached hereto;

Irrigation equipment and appurtenances and additions thereto and replacements thereof, located on the real property hereinbefore described on the date of delivery of this instrument, which personal property is more particularly described in Exhibit B, attached hereto and by this reference made a part hereof;

ALL IRRIGATION EQUIPMENT AND APPURTENANCES THERETO TRANSFERRED BY THIS INSTRUMENT ARE SOLD BY THE GRANTOR AND ACCEPTED BY THE GRANTEE IN THEIR PRESENT CONDITION, AND THE GRANTOR HAS NO OBLIGATION TO REPAIR, MODIFY OR REPLACE ANY OF THE IRRIGATION EQUIPMENT, EXCEPT AS EXPRESSLY PROVIDED IN PARAGRAPH 1.2 OF THE AGREEMENT (Agricultural Carry Back Contract) BETWEEN THE GRANTOR AND THE GRANTEE.

Said described property is conveyed subject to (1) all taxes and assessments for the year 1989 and subsequent years, (2) all reservations in patents or deeds in the chain of title, (3) all easements and rights of way visible on the property or appearing of record in the offices of the County Recorders of Cassia or Twin Falls Counties, Idaho, and (4) all covenants and restrictions appearing of record in the offices of said Recorders, and (5) all items listed as exceptions in Commitment for Title Insurance Case No. 27861 issued by Titlefact, Inc. Title Company on March 10, 1989, and any updates thereto, and all items as excepted in Commitment for Title Insurance Order No. 20324 issued by Land Title and Escrow, Inc. on March 15, 1989, and any updates thereto, and all items as shown in the copies of Schedule B-Sections 1 and 2 of said title commitment thereof which are attached hereto and made a part hereof.

SPECIAL WARRANTY DEED AND BILL OF SALE\4

MICROFILMED

MAR 10 1993

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

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances unto the Grantee, and to its successors and assigns forever.

Grantors warrant to the Grantee, and its successors in title, that Grantors have not created or permitted to be created any lien, charge or encumbrance against said real estate which is not shown or referred to herein, and Grantors covenant that they will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantors have hereunto caused their names to be subscribed as of the day and year herein first above written.

DUNFORD & MCCALL,
a Partnership

By Jack McCall
Jack McCall, Partner

By Joseph Wm. Dunford
Joseph Wm. Dunford, Partner

SPECIAL WARRANTY DEED AND BILL OF SALE\5

MICROFILMED
MAR 10 1993

M. Don McFarland
M. Don McFarland

Carol McFarland
Carol McFarland

Marshall J. McFarland
by M. Don McFarland for
Marshall J. McFarland AS HIS
ATTORNEY-IN-FACT

Randy A. Bauscher
Randy A. Bauscher

Debra L. Bauscher
Debra L. Bauscher

Kevin Guthrie
Kevin Guthrie

Anne C. Guthrie
Anne C. Guthrie

STATE OF IDAHO)
) ss.
County of Twin Falls)

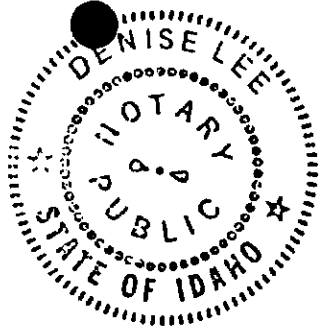
On this 12th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph Wm. Dunford, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

SPECIAL WARRANTY DEED AND BILL OF SALE\6

MICROFILMED

MAR 10 1993



Denise Lee
 NOTARY PUBLIC
 Residence: Twin Falls
 My Commission Expires: 11-4-94

STATE OF IDAHO)
) ss.
 County of Twin Falls)

On this 13th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack McCall, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

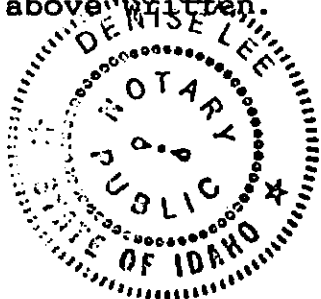
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Christine L. Hinton
 NOTARY PUBLIC
 Residence: Twin Falls, Id
 My Commission Expires: 9-3-95

STATE OF IDAHO)
) ss.
 County of Twin Falls)

On this 12th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared M. Don McFarland, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Denise Lee
 NOTARY PUBLIC
 Residence: Twin Falls
 My Commission Expires: 11-4-94

SPECIAL WARRANTY DEED AND BILL OF SALE\7

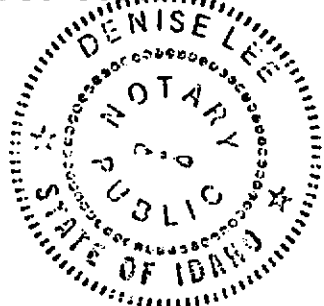
MICROFILMED

MAR 10 1993

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 17th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Carol McFarland, known to me to be the person whose name is subscribed to the foregoing 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.

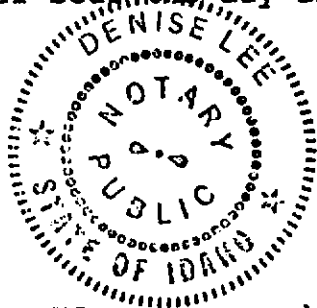


Denise Lee
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 11-4-94

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 17th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Marshall J. McFarland by and through M. Don McFarland, as his attorney-in-fact, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as Marshall J. McFarland's attorney-in-fact.

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



Denise Lee
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 11-4-94

STATE OF IDAHO)
) ss.
County of Twin Falls)

SPECIAL WARRANTY DEED AND BILL OF SALE\8

MICROFILMED
MAR 10 1993

On this 12th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Randy A. Bauscher, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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

Christine L. Hinton
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 9-3-95

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 12th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Debra L. Bauscher, known to me to be the person whose name is subscribed to the foregoing 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.

Christine L. Hinton
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 9-3-95

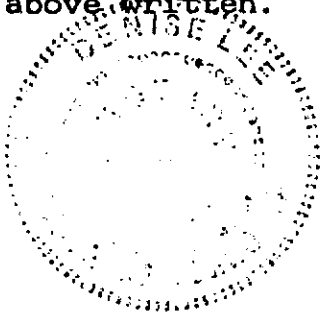
SPECIAL WARRANTY DEED AND BILL OF SALE\9

MICROFILMED
MAR 10 1993

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 11th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Kevin Guthrie, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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



Denise Lee
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 11/4/94

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 12th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Anne C. Guthrie, known to me to be the person whose name is subscribed to the foregoing 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.

Christine L. Hinton
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 9-3-95

(WarrDeed.2.JWS/d1)

SPECIAL WARRANTY DEED AND BILL OF SALE\10

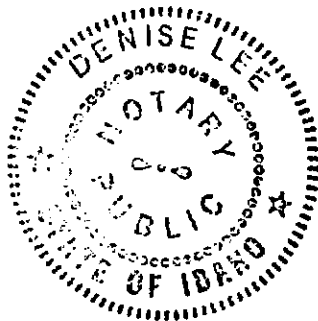
MICROFILMED

MAR 10 1993

STATE OF IDAHO)
) ss.
County of Twin Falls)

On this 13th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Jack McCall and Joseph Wm. Dunford, known to me to be the partners of Dunford & McCall, the partnership whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same on behalf of the partnership.

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



Denise Lee
NOTARY PUBLIC
Residence: Twin Falls
My Commission Expires: 11-4-94

(WarrDeed.2.JWS/d1)

SPECIAL WARRANTY DEED AND BILL OF SALE\11

MICROFILMED
MAR 10 1993

The Idaho Department of Water Resources records in Boise, Idaho, were researched for licenses or applications to appropriate the Public Waters of the State of Idaho on the subject property.

The following data is a summary of these findings:

Decreed Rights Rock Creek

<u>NUMBER</u>	<u>DECREED OWNER</u>	<u>C.F.S.</u>	<u>PRIORITY</u>
#47-0140 #45-0367	Patrick Garrity Land List T12S, R18E, B.M., Section 1, NE1/4 SW1/4, S1/2 NW1/4, and Lot 3	.40	05/30/1874
#47-0141 #45-0388	Patrick Garrity Land List T12S, R18E, B.M., Section 1, NE1/4 SW1/4, S1/2 NW1/4, and Lot 3	1.60	05/31/1878
#47-0142 #45-0389	Patrick Garrity Land List T12S, R18E, B.M., Section 1, Lot, SW1/4 NE 1/4	.24	04/30/1888
#47-0143 #45-0390	Patrick Garrity Land List T11S, R18E, B.M., Section 36, E1/2 SW1/4	.70	04/30/1874
#47-0157 #45-0351	A.J. Harrell Land List T11S, R18E, B.M., Section 23, SW1/4 NE1/4, E1/2 SE1/4, NW1/4 SE1/4, SW1/4; Section 26, N1/2 NE1/4, NW1/4, N1/2 SW1/4; Section 36, SW1/4 SE1/4; T12S, R18E, B.M. Section 1, NE1/4 SW1/4, S1/2 NW1/4, Lots 2 & 3 ***Portion of lands are appurtenant, but no record can be substantiated***	9.50	03/14/1892
#47-0163 #45-0357	A.B. Norton Land List T11S, R18E, B.M., Section 25, E1/2 SE1/4, SE1/4 NE1/4; T11S, R19E, B.M., Section 30, Lots 3 & 4	2.40	03/14/1892
#47-0164 #45-0358	Edward Domrose Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4, Section 25, N1/2 NE1/4	2.40	03/14/1892

7.74 CFS X 50 = 387 INCHES

#47-0157 EXCLUDED

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MAR 10 1993

Ground Water Rights

<u>License #</u>	<u>Licensee</u>	<u>C.F.S.</u>	<u>Priority</u>	<u>Acres</u>
#47-2491 #14735	W.A. Coiner Point of Diversion; T12S, R18E, B.M., Section 1, NW1/4 NW1/4 Land List T11S, R18E, B.M., Section 36, SE1/4 SW1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4; T12S, R18E, B.M., Section 1, NW1/4 NE1/4, NE1/4 NW1/4, S1/2 NW1/4 ***Covered under transfer (768)***	1.10	05/25/1920	260
#47-2511 #20101	W.A. Coiner Point of Diversion; T12S, R18E, B.M., Section 1, SE1/4 NW1/4 Land List T11S, R18E, B.M., Section 36, S1/2 NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SW1/4; T12S, R18E, B.M., Section 1, NE1/4 NW1/4, NW1/4 NE1/4 0.80 CFS X 50 = 40 INCHES	0.80	09/03/1947	
#47-2515 #20280	W.A. Coiner Point of Diversion; T11S, R19E, B.M., Section 30, SW1/4 SW1/4 Land List T11S, R18E, B.M., Section 25, SE1/4 NE1/4, NW1/4 SE1/4, SE1/4 SE; T11S, R19E, B.M., Section 30, Lots 3 & 4	1.19	02/02/1948	160
#47-2516 #20281	W.A. Coiner Point of Diversion; T11S, R18E, B.M., Section 25, NE1/4 NE1/4 Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4; Section 25, N1/2 NE1/4	1.49	02/02/1948	160
#47-2526 #21161	W.A. Coiner Point of Diversion; T11S, R18E, B.M., Section 36, NE1/4 SE1/4 Land List T11S, R18E, B.M., Section 36, E1/2 NE1/4, NE1/4 SE1/4	2.00	07/18/1949	100
#47-2536 #21737	J. Woodson Creed Point of Diversion; T12S, R19E, B.M., Section 6, three wells in SE1/4 NE1/4, NW1/4 SE1/4, SE1/4 SE1/4 Land List T12S, R19E, B.M., Section 6, NE1/4, NE1/2 SE1/4, SE1/4 SE1/4; Section 7, NE1/4 NE1/4	3.33	10/05/1950	258
#47-2544 #G-22255	***W.A. Coiner Point of Diversion; T11S, R19E, B.M., Section 30, Lot 3 Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4; Section 25, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, N1/2 SE1/4 SE1/4	3.35	07/14/1951	290

MICROFILMED

MAR 10 1993

#47-2546
#G22345

● A. Coiner 1.76 ● 08/29/1951 88
Point of Diversion; T12S, R18E, E.M., Section 1,
SW1/4 NE1/4
Land List T12S, R18E, E.M., Section 1, NE1/4;
T11S, R18E, B.M., Section 36, S1/2 SE1/4

#47-2252
#G-26055

J. Woodson Creed 0.34 11/07/1955 109
Point of Diversion; T12S, R19E, B.M., Section 6,
SE1/4 NE1/4
Land List T11S, R19E, B.M., Section 32, SW1/4

#47-2536
#G-27953

Norma M. Creed 2.92 05/28/1959 162
Point of Diversion (3 Wells); T12S, R19E, B.M.,
Section 5, NW1/4 SW1/4; Section 6, SE1/4 NE1/4,
SE1/4 SE1/4
Land List T12S, R19E, B.M., Section 5, Lots 1, 2,
3, and 4, W1/2 SW1/4

#47-2566
#18265

*W.A. Coiner 2.5 06/23/1936 180
Point of Diversion; T12S, R18E, B.M., Section 1,
SE1/4 NW1/4
Land List T11S, R18E, B.M., Section 36,
S1/2 NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SW1/4;
T12S, R18E, B.M., Section 1, NE1/4 NW1/4
Covered under transfer (769)

2.5 CFS X 50 = 125 INCHES

#47-2567
#G-22255

***W.A. Coiner 3.35 07/14/1951 290
Point of Diversion; T11S, R19E, B.M., Section 30,
Lot 3
Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4;
Section 25, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4,
N1/2 SE1/4 SE1/4

#47-7526
#45-7188

** Taylor Cattle Co 3.2 08/19/1974 160
Point of Diversion; T11S, R18E, B.M., Section 25,
NW1/4 NE1/4
Land List T11S, R18E, B.M., Section 25, N1/2 NE1/4;
Section 24, S1/2 SE1/4

#47-7558

** Kueny/MacFarlane 40.0 07/10/1979 N.A.
Point of Diversion; T12S, R18E, B.M., Section 1,
SE1/4 NW1/4
For Commercial Fish propagation
Source of Water: Rock Creek

MICROFILMED

MAR 10 1993

#47-7673

** Kueny/MacFarlane 8.61 10/10/1980 760

Point of Diversion: T12S, R18E, B.M., Section 1,
SE1/4 NW1/4

Land List T11S, R19E, B.M., Section 5, Lots 1, 2, 3,
and 4, SW1/4 NW1/4, W1/2 SW1/4; Section 6, Lots 1 and
2, S1/2 NE1/4, N1/2 SE1/4, SE1/4 SE1/4; Section 7,
NE1/4 NE1/4

8.61 CFS X 50 = 430.50 INCHES

* TRANSFER

** APPLICATION

*** #47-2544 and #47-2567 are the same right.

MICROFILMED

MAR 10 1993

TAYLOR PROPERTY

WELL # QUANTITY

1	1	30 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 665279
1	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 46323
4	1	25 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. 6516933 YB
4	1	AURORA VERTI-LINE DEEP WELL TURBINE PUMP S.N. 3X1-72276
3	1	100 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. JKJ911149
3	1	AURORA VERTI-LINE DEEP WELL TURBINE PUMP S.N. 70201
2	1	100 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. DJJ404133
2	1	DEEP WELL TURBINE PUMP NO SERIAL NUMBER
5	1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 885078
5	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 16250

10	1	FAIRBANKS DEEP WELL TURBINE PUMP S.N. PK923
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6	1	100 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 85-01739
6	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 15955
7	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 863431
7	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 45865 (NEED BARREL FOR OIL)

8	1	60 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. TD6710317
8	1	AURORA DEEP WELL TURBINE PUMP S.N. 37570222
9	1	50 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. XE6820781
9	1	AURORA DEEP WELL TURBINE PUMP 375707-34

ROCK CREEK SUMP

1	50 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2141931
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170176
1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2143699M
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170175
1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2143776M
1	125 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2136708MM
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170174

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc. used in conjunction with or pertaining to the above listed pumps and motors.

3	REINKE ELECTROGATOR PIVOTS - (COMPLETE)
1	3/8 MILE HARVEST KING SIDE-ROLL ALUMINUM WHEELLINE
2	1/4 MILE A&M SIDE-ROLL ALUMINUM WHEELLINES (COMPLETE)
94	JOINTS 6"X 30' PORTABLE ALUMINUM MAINLINE

23	JOINTS 4"X 40' PORTABLE ALUMINUM HANDLINE
254	JOINTS 3"X 40' ALUMINUM HANDLINE WITH CENTER RISERS

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MAR 10 1993

CREED PROPERTY

WELL # QUANTITY

1	1	125 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 1243844
1	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 27104
3	1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 819028
3	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 85303
4	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 8634
4	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 15953
2	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 1005378
2	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 21794
1	1	HORIZONTAL BOOSTER PUMP AND MOTOR

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used--in conjunction with or pertaining to the above listed pumps and motors.

15	1/4 MILE A&M SIDE-ROLL ALUMINUM WHEEL LINES (COMPLETE)
5	1/4 MILE HARVEST KING SIDE-ROLL ALUMINUM WHEEL LINES (COMPLETE)
1	APPROX. 800' HARVEST KING SIDE-ROLL ALUMINUM WHEEL LINE (COMPLETE)
92	JOINTS 8" & 6" X 50' PORTABLE ALUMINUM MAINLINE
442	JOINTS 3" X 40' ALUMINUM HANDLINE WITH CENTER RISERS
11	JOINTS 3" X 40' ALUMINUM HANDLINE TO BE REPAIRED OR JUNKED

Together with all buried mainline, valves, reducers, sprinkler heads, gasoline motors, etc., used in conjunction with or pertaining to the above listed irrigation equipment.

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MAR 10 1993

20

JOINTS 3"X 40' ALUMINUM HANDLINE WITH
END RISERS (SOLID SET TYPE)

1

RAINBIRD BIG GUN WITH STAND (COMPLETE)

VARIOUS MISCELLANEOUS HAND AND WHEEL LINES THAT NEED
FIXING.

Together with all buried mainline, valves, risers, reducers,
sprinklers heads, gasoline motors, etc., used in conjunction with
or pertaining to the above listed pivots, wheel lines, buried and
portable mainline and handlines.

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MAR 10 1993

Lawyers Title Insurance Corporation

National Headquarters
Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

(1) Warranty Deed from DUNFORD & McCALL, a partnership, as to an undivided one-fifth interest; M. DON McFARLAND and spouse, as to an undivided one-fifth interest; MARSHALL J. McFARLAND, a single man, as to an undivided one-fifth interest; RANDY A. BAUSCHER and spouse, as to an undivided one-fifth interest; KEVIN GUTHRIE, and spouse, as to an undivided one-fifth interest conveying fee simple title to MARTIN Van DIEST and spouse, if any and WILLIAM Van DIEST and spouse, if any.

NOTE: Failure of DUNFORD & McCALL, a partnership, to constitute a legal entity capable of holding or conveying title to real property, by reason of its failure to record its certificate in the office of the Twin Falls County, Recorder, as required by Section 53-501, Idaho Code.

The taxes for 1988 were assessed as follows and are paid in full:

Receipt No. 25666, \$476.62
Receipt No. 25664, \$173.18
Receipt No. 26307, \$2,222.82
Receipt No. 25539, \$791.92
Receipt No. 25538, \$117.18
Receipt No. 25850, \$154.98
Receipt No. 25858, \$993.38

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MAR 10 1993

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes for the year 1989 and all subsequent years, which are an accruing lien, due and payable on or before December 20th of said year. Liability for added assessments and subsequent tax billings, if any, pursuant to Idaho Code Section 63-403 and 63-3906.
7. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
8. Easement from D.L. Armstrong to Rock Creek Highway District, dated February 16, 1923, recorded March 2, 1926, as Instrument No. 185080, in Book 73 of Deeds, page 471, records of Twin Falls County, Idaho. (over and across the NE1/4NE1/4 of Section 36, Township 11 South, Range 18 E., B.M.; SE1/4NE1/4 Section 25, Township 11 South, Range 18 E., B.M.; and Lots 3 and 4 of Section 30, Township 11 South, Range 19 E., B.M.)
9. Power Line Easement from Utah Construction Company to the Idaho Power Company, dated June 3, 1929, recorded August 26, 1929, as Instrument No. 219620, in Book 90 of Deeds, page 82, records of Twin Falls County, Idaho. (affecting the SW1/4NW1/4 of Section 1, Township 12 South, Range 10 E., B.M.)

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Exceptions numbered _____ are hereby omitted.

NONE

MAR 10 1993

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

Schedule B—Section 2—Page 1—No. 18010192

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-2 cont'd.

10. Power Easement from L.W. Madden and Ora Madden, brother and sister to Idaho Power Company, dated February 11, 1931, recorded May 29, 1933, as Instrument No. 250058, records of Twin Falls County, Idaho. (over and across a portion of Section 1, Township 12 South, Range 18 E., D.M.)

11. Power Line Easement from W.A. Colner and Marietta Colner, his wife to Idaho Power Company, dated June 27, 1947, recorded October 9, 1947, as Instrument No. 374992, in Book 155 of Deeds, page 343, records of Twin Falls County, Idaho. (over and across Section 1, Township 12 South, Range 18 E., D.M.)

12. Power Line Easement from W.A. Colner and Marietta Colner, his wife to Idaho Power Company, dated May 6, 1949, recorded June 1, 1950, as Instrument No. 399992, in Book 156 of Deeds, page 570, records of Twin Falls County, Idaho. (within the SE1/4NE1/4 of Section 25, Township 11 South, Range 18 E., D.M.)

13. Grant of Materials Right from Merle Wolverton and Margaret Wolverton, husband and wife to Twin Falls Canal Company, dated February 12, 1966, recorded February 17, 1966, as Instrument No. 550001, in Book 4 of Mining Claims, page 13, records of Twin Falls County, Idaho, which right was leased to the Idaho Department of Highways by a Materials Lease, dated April 10, 1968, recorded May 20, 1968, as Instrument No. 588790, records of Twin Falls County, Idaho. (Affecting portions of Lots 3 and 4, Section 1, Township 12 South, Range 18 E., D.M.)

14. Underground Power Line Easement from Taylor Cattle Company to Idaho Power Company, dated March 12, 1975, recorded August 22, 1975, as Instrument No. 684368, records of Twin Falls County, Idaho. (affects a portion of the SE1/4SE1/4 Section 24, Township 11 South, Range 18 E., D.M.)

15. Underground Power Line Easement from Taylor Cattle Company to Idaho Power Company, dated April 8, 1976, recorded August 30, 1976, as Instrument No. 701906, records of Twin Falls County, Idaho. (affecting a portion of the SE1/4 of Section 36, Township 11 South, Range 18 E., D.M.)

16. Power Line Easement from Taylor Cattle Co. to Idaho Power Company, dated November 2, 1976, recorded November 9, 1976, as Instrument No. 705038, records of Twin Falls County, Idaho. (affecting a portion of the SE1/4 of Section 36, Township 11 South, Range 18 E., D.M.)

17. Easements and right of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 737107, and re-recorded February 9, 1981, as Instrument No. 737107.

Schedule B-2 Page 2 No. 019192

MAR 10 1993

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-2 cont'd.

records of Twin Falls County, Idaho. (affecting SE1/4SW1/4 of Section 36, Township 11 South, Range 18 E., B.M.)

18. Easements and rights of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 770075, records of Twin Falls County, Idaho. (affecting portion of NE1/4SW1/4; SW1/4SE1/4 and NW1/4 of Section 1, Township 12 South, Range 18 E., B.M.)

19. Easements and rights of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey recorded October 19, 1979, as Instrument No. 770076, records of Twin Falls County, Idaho. (affecting S1/2NE1/4 of NE1/4SW1/4, Section 1, Township 12 South, Range 18 E., B.M.)

20. Power Line Easement from Thornton K. Taylor, Theodore K. Taylor, Gene A. Broadman, Patricia A. Broadman and Ida L. Taylor to Idaho Power Company, dated December 11, 1980, recorded April 3, 1981, as Instrument No. 800292, records of Twin Falls County, Idaho. (affecting land in Section 36, Township 11 South, Range 18 E., B.M.)

21. Easement from Patrick Kueny and LaRonna Kueny, husband and wife and Ralph MacFarlane and Ann MacFarlane, husband and wife to Twin Falls Highway District, dated March 26, 1981, recorded February 10, 1982, as Instrument No. 816763, records of Twin Falls County, Idaho. (affecting Lot 4, Section 1, Township 12 South, Range 18 E., B.M.)

22. Easement from Patricia Ann Broadman, a married woman dealing with her sole and separate property, Theodore K. Taylor, a married man dealing with his sole and separate property and Thornton K. Taylor and Ida L. Taylor, husband and wife, to Twin Falls Highway District, recorded February 10, 1982, as Instrument No. 816765, records of Twin Falls County, Idaho. (affecting Lot 4, Section 1, Township 12 South, Range 18 E., B.M.)

23. Easement over said land created by Partial Release of Mortgage and Easement in favor of the Travelers Insurance Company, dated May 11, 1982, recorded June 8, 1982, as Instrument No. 822574, records of Twin Falls County, Idaho and reciting, "Mortgagee however, specifically reserves from this release a mortgagee's interest in a perpetual nonexclusive easement to enter upon the real property to take water from well or wells located thereof for irrigation of the real property which is still encumbered by the Mortgage and to use and maintain the pipes and pumps already placed upon the real property to draw water from the well or wells, and the right to

Schedule B-2 Page 3 REF019192

INSURANCE CORPORATION
Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-2 cont'd.

enter upon the real property to lay further pipe or to maintain or replace pipe and pumps from the well or wells to the real property which is still encumbered. (affecting Parcels A thru E)

24. Power Line Easement from Patricia Ann Broadman, Ida L. Taylor, Thornton K. Taylor and Theodore K. Taylor to Idaho Power Company, dated May 17, 1982, recorded October 13, 1982, as Instrument No. 828773, records of Twin Falls County, Idaho. (affecting a portion of SE1/4NW1/4 of Section 1, Township 12 South, Range 18 E., B.M.)

25. Power Line Easement from Patrick and LaRonna Kuony and Ralph E. and Ann M. MacFarlane to Idaho Power Company, dated December 19, 1984, recorded August 29, 1985, as Instrument No. 837071, records of Twin Falls County, Idaho. (affecting land in Section 1, Township 12 South, Range 18 E., B.M.)

26. Mortgage, Security Agreement and Fixture Filing from Dunford & McCall, a partnership to The Travelers Insurance Company, dated January 20, 1989, recorded January 20, 1989, as Instrument No. 950321, records of Twin Falls County, Idaho.

27. UCC-1 Financing Statement from Dunford & McCall, a partnership to The Travelers Insurance Company, recorded January 20, 1989, as Instrument No. 950322, records of Twin Falls County, Idaho.

28. Right of Way Option from Jack C. McCall and Joseph W. Dunford, a partnership known as Rock Creek Farms, dated February 23, 1989, recorded March 6, 1989, as Instrument No. 952174, records of Twin Falls County, Idaho. (affecting portion of the S1/2N1/2, of Section 1, Township 12 South, Range 18 E., B.M.)

29. No liability is assumed for any Financing Statement filed in the Office of the Twin Falls County Recorder covering crops or fixtures attached to the subject land wherein the debtor is not within the record chain of title.

30. This commitment does not include a search for financing statements filed in the office of the Secretary of State.

NOTE: Persons who purchased or who were named insureds under policies of title insurance covering real estate in any one of thirteen states (Arizona, Connecticut, Idaho, Louisiana, Montana, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Wisconsin and Wyoming) issued between January 1, 1981, and December 31, 1985, may be entitled to certain benefits under a Final Order and Judgment entered in the Real Estate Title and Settlement Services Antitrust Litigation in the U.S. District Court for the District of Columbia.

Schedule B-2 Page 4 No. BF019192

FILED

MAR 10 1993

Line in U.S.A.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT OR BINDER ENDORSEMENT

Re: VANDIEST
BF019192

Case No. 27861

The Commitment or Binder in the above matter is hereby amended in the following respects:
Schedule B, Section 2, hereby includes the following:

31. Power Line Easement from Rock Creek Ranch Partnership to Idaho Power Company, dated March 8, 1989, recorded June 28, 1989, as Instrument No. 956781, records of Twin Falls County, Idaho. (Affecting Parcel No. B)

The total liability of the Company under said commitment or binder and under this and any prior endorsements thereto shall not exceed, in the aggregate, the amount of liability stated on the face of said commitment or binder as the same may be specifically amended in dollar amount by this or any prior endorsements, and the costs which the Company is obligated to pay under the Conditions and Stipulations of the policy committed for by said commitment or binder.

This endorsement is made a part of said commitment or binder and is subject to the schedules, terms, Conditions and Stipulations therein and in the policy committed for, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of the aforesaid commitment or binder unless otherwise expressly stated.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed and sealed as of the 15th day of September, 1989, to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Issued at Twin Falls, Idaho

COUNTERSIGNED

TITLE INSURANCE CORPORATION

Authorized Officer or Agent

Lawyers Title Insurance Corporation

By: Robert C. Dawson
President

Attest: L.W. J. [Signature]
Secretary.
MAR 10 1993

Lawyers Title Insurance Corporation

National Headquarters
Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Deed from Dunford & McCall, a partnership; M. Don McFarland and spouse; Marshall J. McFarland, a single man; Randy A. Bauscher and spouse; and Kevin Guthrie and spouse, to Martin Van Diest and William Van Diest.

NOTE: Quitclaim Deed from Joseph Wm. and Nola J. Dunford to Don McFarland, dated August 12, 1988 and recorded March 7, 1989 as Instrument No. 200637 on Film No. 205, records of Cassia County, Idaho.

- (c) Certificate of Assumed name or Partnership Agreement for Dunford & McCall, a partnership, must be recorded with the Cassia County Recorder.
- (d) Partial Release of Financing Statement No. 37764 between Brent Funk, as Debtor, and Idaho Bank & Trust Co., as Secured Party, filed April 9, 1986 as Instrument No. 177407 on Film No. 180, records of Cassia County, Idaho.
- (e) Partial Release of Mortgage from Dunford & McCall, a partnership, as Mortgagors, to The Travelers Insurance Company, as Mortgagee, dated January 20, 1989 and recorded January 23, 1989 as Instrument No. 199927 on Film No. 201, records of Cassia County, Idaho.
- (f) Partial Release of Financing Statement No. 39372 between Dunford & McCall, a partnership, as Debtors, and The Travelers Insurance Company, as Secured Party, filed January 23, 1989 as Instrument No. 199928 on Film No. 204, records of Cassia County, Idaho.

N O T E

The County Treasurer advises us that taxes for 1988 were assessed in the total sum of: \$836.84 - TR. #RP12S19E050000A, \$1,296.18 - TR. #RPS19E060000A, \$151.96 - TR. #RPS19E070000A

NOTE: Since the Title Company does not have adequate access to the records of security filings in the office of the Idaho Secretary of State, it assumes no responsibility for any filings.

UNRECORDED

MAR 10 1993

-Continued-

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-I cont'd.

or lack of filings as to any claimed security interest concerning goods, chattels, farm products, or fixtures that may affect the herein described real estate. The proposed insured is urged to check the records of the Secretary of State of Idaho.

COPY

NOTE: Persons who purchased or who were named insureds under policies of title insurance covering real estate in any one of thirteen states (Arizona, Connecticut, Idaho, Louisiana, Montana, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Wisconsin and Wyoming) issued between January 1, 1981 and December 31, 1985 may be entitled to certain benefits under a Final Order and Judgment entered in the Real Estate Title and Settlement Services Antitrust Litigation in the United States District Court for the Eastern District of Pennsylvania. These benefits may include the right to receive the last \$5,000.00 of title insurance at no charge. Please contact Land Title Escrow, Inc. for further information.

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Schedule B-I Page 2 No.

MAR 20 1983

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NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-II cont'd.

9. Power Line Easement From J. Woodson Creed and Noma Milton Creed, his wife, to Idaho Power Company, a corporation, dated May 3, 1960 and recorded November 9, 1960 as Instrument No. 208720 records of Cassia County, Idaho, covering the NW, SW, of Section 5, Township 12 South, Range 19 East of the Boise Meridian.
10. Right of Way Easement from Creed ConCern, Inc., to Idaho Power Company, a corporation, dated May 21, 1979, and recorded August 23, 1979, as Instrument No. 119464 on Film No. 128, records of Cassia County, Idaho.
11. Right of Way Option from Sanford & McCall, to Idaho Power Company, a corporation, dated February 23, 1989 and recorded March 7, 1989 as Instrument No. 200639 on Film No. 205, records of Cassia County, Idaho, for an easement over and across a portion of said property. (see attached copy)

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MAR 10 1993

Schedule B-II Page 2 No.

57-021996

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NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes for 1989 and subsequent years, a lien, but not yet due or payable.
7. Power Line Easement from J. Woodson Creed and Noma Creed, his wife, to Idaho Power Company, dated April 28, 1955, and recorded July 11, 1957 as Instrument No. 194111 in Book 15 of Miscellaneous on Page 481, records of Cassia County, Idaho, covering the SW1/4SW1/4 of Section 5, Township 12 South, Range 19 East of the Boise Meridian.
8. Power Line Easement from J. Woodson Creed and Noma M. Creed, his wife, to Idaho Power Company, a corporation, dated May 3, 1957, and recorded May 8, 1958 as Instrument No. 197154 in Book 15 of Miscellaneous, records of Cassia County, Idaho, covering the SE1/4NE1/4 and E1/4SE1/4 in Section 6, Township 12 South, Range 19 East of the Boise, Meridian, and the NW1/4SW1/4 in Section 5, Township 12 South, Range 19 East of the Boise Meridian.

-Continued-

NONE

Exceptions numbered _____ are hereby omitted.

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

Schedule B—Section 2—Page 1—No.

82-031994
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MAR 10 1993

Lawyers Title Insurance Corporation

TitleFact, Inc.
P.O. Box 486
Twin Falls, Idaho 83301

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT OR BINDER ENDORSEMENT

Re: Martin Van Diest

Case No. 20324

The Commitment or Binder in the above matter is hereby amended in the following respects:

Supplementing our Commitment issued under the above Order Number, you are advised that as of September 14, 1989 at 8:00 A.M., certain changes have been made in the title to the premises described in said Commitment as follows:

Requirement (d) of Schedule B-Section I is hereby eliminated.

204016

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM
SEP 21 3 23 PM '89
CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER
FEE \$300.00

960413
State of Idaho
County of Twin Falls
I hereby certify that this
instrument is a true and
correct copy of the original
as recorded in the
TitleFact, Inc.
SEP 21 1989
In my office and recorded
in Book _____
Richard A. Pender
Title Officer
Fee \$ 9.50
return to

The total liability of the Company under said commitment or binder and under this and any prior endorsements thereto shall not exceed, in the aggregate, the amount of liability stated on the face of said commitment or binder as the same may be specifically amended in dollar amount by this or any prior endorsements, and the costs which the Company is obligated to pay under the Conditions and Stipulations of the policy committed for by said commitment or binder.

This endorsement is made a part of said commitment or binder and is subject to the schedules, terms, Conditions and Stipulations therein and in the policy committed for, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of the aforesaid commitment or binder unless otherwise expressly stated.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed and sealed as of the 14th day of September, 1989, to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Issued at Burley, Idaho

COUNTERSIGNED:

LAND TITLE AND ESCROW, INC.

Joni Harris
Authorized Officer or Agent

Lawyers Title Insurance Corporation

By: Robert C. Dawson
President

Attest: L.W. Judd MICROFILMED
MAR 10 1993 Secretary.

20491

20324

SPECIAL WARRANTY DEED AND BILL OF SALE

THIS INDENTURE, made this 20th day of September, 1989, between EXCHANGE CONTROL, INC., a California corporation, the Grantor, and ERNEST VAN DIEST and RENA VAN DIEST, husband and wife, the Grantees,

W I T N E S S E T H:

That the said Grantor, for and in consideration of the payment to it of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, by the said Grantees, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, and sold, and by these present does grant, bargain, sell, convey and confirm unto the said Grantees, and to their successors and assigns forever, the following described real estate situate in the Counties of Cassia and Twin Falls, State of Idaho, to-wit:

PARCEL A

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$, and that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as Beginning at the Southwest corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section and extending North 219 feet; THENCE North 39°39' East a distance of 848 feet; THENCE South 68°21' East 826 feet; THENCE Southerly along eastern border 573 feet; THENCE Westerly along southern border 1316 feet to the Place of Beginning.

PARCEL B

TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

Section 1: Lots 1, 2, 3, 4, S $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
EXCEPT a parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and
located in Lot 4 of Section 1, Township 12 South, Range

MICROFILMED

MAR 30 1993

SPECIAL WARRANTY DEED AND BILL OF SALE\1

COPY

18 East of the Boise Meridian, Twin Falls County, Idaho, as shown on the plans of the Lower Rock Creek Road Federal Aid Secondary Project RS 2739(4), more particularly described as follows:

BEGINNING at a point on the Northerly boundary of said Lot 4, said point also being on said highway centerline station 32+34.36; THENCE along the Northerly boundary of said Lot 4 South 89°30'56" East 40.19 feet; THENCE along a line 40.00 feet Easterly of and parallel to (with) said highway centerline South 5°06'26" East 733.09 feet, more or less, to a point 40.00 feet Easterly of and at right angles to said highway centerline station P.C. 39+71.37; THENCE along a line perpendicular to said highway centerline South 84°53'34" West 5.00 feet; THENCE Southwesterly for 962.07 feet on the arc of a curve to the right having a delta angle of 35°16'11", radius of 1,562.89 feet, and a chord which bears South 12°31'40" West 946.95 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE along a line 35.00 feet Easterly of and parallel to (with) said highway centerline South 30°09'45" West 887.05 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE Southwesterly for 230.34 feet on the arc of a curve to the left having a delta angle of 11°52'48", radius of 1,110.92 feet, and a chord which bears south 24°13'21" West 229.93 feet, more or less, to a point 35.00 feet Easterly of and at right angles to said highway centerline station 60+36.54, said point also lying on the Southerly boundary of said SW¼NW¼; THENCE along the Southerly boundary of SW¼NW¼ North 89°25'24" West 72.10 feet, more or less, to a point lying 33.89 feet Westerly of and at right angles to said highway centerline station 60+57.84, said point also being the Southwest corner of said SW¼NW¼; THENCE along the Westerly boundary of said SW¼NW¼ North 0°21'04" East 20.50 feet, more or less, to a point 40.00 feet Westerly of and at right angles to said highway centerline station 60+38.88; THENCE Northeasterly 248.31 feet along the arc of a curve to the right having a delta angle of 11°59'49", radius of 1,185.92 feet, and a chord which bears North 24°09'50" East 247.86 feet, more or less, to a point 40.00 feet Westerly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE North 27°46'20" East 599.46 feet to a point 65.00 feet Westerly of and at right angles to said highway centerline station 52+00; THENCE North 34°08'01" East 288.80 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE Northeasterly 912.83 feet along the arc of a curve to the left having a delta angle of 35°16'11", radius of 1,562.89 feet, and a chord which bears North 12°31'40" East 898.48 feet to a point 45.00 feet Westerly of and at right angles

SPECIAL WARRANTY DEED AND BILL OF SALE\2

MICROFILMED

MAR 10 1993

to said highway centerline station P.C. 39+71.37; THENCE along a line 45.00 feet Westerly of and parallel to (with) said highway centerline North 5°06'26" West 741.42 feet, more or less, to a point on the Northerly boundary of said Lot 4; THENCE along the Northerly boundary of said Lot 4 South 89°30'56" East 45.22 feet, more or less, to the Real Point of Beginning.

PARCEL C

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 25: E $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL D

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 24: S $\frac{1}{2}$ SE $\frac{1}{4}$.

PARCEL E

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 30: Lots 3 and 4.

PARCEL F

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 32: SW $\frac{1}{4}$.

PARCEL G

TOWNSHIP 12 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

SECTION 5: Lots 1, 2, 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.

SECTION 6: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

SECTION 7: NE $\frac{1}{4}$ NE $\frac{1}{4}$.

EXCEPT one-half of all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easements rights or other matters relating thereto whether expressed or implied.

Water Rights described in Exhibit A and attached hereto;

SPECIAL WARRANTY DEED AND BILL OF SALE\3

MICROFILMED
MAR 10 1993

Irrigation equipment and appurtenances and additions thereto and replacements thereof, located on the real property hereinbefore described on the date of delivery of this instrument, which personal property is more particularly described in Exhibit B, attached hereto and by this reference made a part hereof;

ALL IRRIGATION EQUIPMENT AND APPURTENANCES THERETO TRANSFERRED BY THIS INSTRUMENT ARE SOLD BY THE GRANTOR AND ACCEPTED BY THE GRANTEEES IN THEIR PRESENT CONDITION, AND THE GRANTOR HAS NO OBLIGATION TO REPAIR, MODIFY OR REPLACE ANY OF THE IRRIGATION EQUIPMENT, EXCEPT AS EXPRESSLY PROVIDED IN PARAGRAPH 1.2 OF THE AGREEMENT (Agricultural Carry Back Contract) BETWEEN THE GRANTOR AND THE GRANTEEES.

Said described property is conveyed subject to (1) all taxes and assessments for the year 1989 and subsequent years, (2) all reservations in patents or deeds in the chain of title, (3) all easements and rights of way visible on the property or appearing of record in the offices of the County Recorders of Cassia or Twin Falls Counties, Idaho, and (4) all covenants and restrictions appearing of record in the offices of said Recorders, and (5) all items listed as exceptions in Commitment for Title Insurance Case No. 27861 issued by Titlefact, Inc. Title Company on March 10, 1989, and any updates thereto, and all items as excepted in Commitment for Title Insurance Order No. 20324 issued by Land Title and Escrow, Inc. on March 15, 1989, and any updates thereto, and all items as shown in the copies of Schedule B-Sections 1 and 2 of said title commitment thereof which are attached hereto and made a part hereof.

TOGETHER, With all and singular 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
SPECIAL WARRANTY DEED AND BILL OF SALE\4

MICROFILMED
MAR 10 1993

and to the said property, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances unto the Grantees, and to their successors and assigns forever.

Grantor warrants to the Grantees, and their successors in title, that Grantor has not created or permitted to be created any lien, charge or encumbrance against said real estate which is not shown or referred to herein, and Grantor covenants that it will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantor has hereunto caused its name to be subscribed by its authorized agent, as of the day and year herein first above written.

EXCHANGE CONTROL, INC.,
a California corporation

By Marilyn J. Kirsch
Authorized Agent

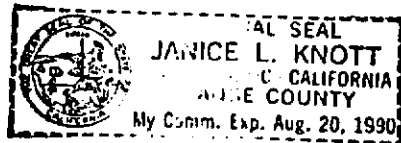
STATE OF CALIFORNIA)
County of Orange) ss.

On this 20th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Marilyn J. Kirsch, known to me to be an Authorized Agent of Exchange Control, Inc., the corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same on behalf of the corporation.

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

SPECIAL WARRANTY DEED AND BILL OF SALE\5

MICROFILMED
MAR 10 1993



Janice L. Knott
NOTARY PUBLIC
Residence: *Orange Co. California*
My Commission Expires: *8-20-90*



(WarrDeed.1.JWS/d1)

SPECIAL WARRANTY DEED AND BILL OF SALE\6

MICROFILMED
MAR 10 1993

The Idaho Department of Water Resources records in Boise, Idaho, were researched for licenses or applications to appropriate the Public Waters of the State of Idaho on the subject property.

The following data is a summary of these findings:

Decreed Rights Rock Creek

<u>NUMBER</u>	<u>DECREED OWNER</u>	<u>C.F.S.</u>	<u>PRIORITY</u>
#47-0140 #45-0387	Patrick Garrity <u>Land List</u> T12S, R18E, B.M., Section 1, NE1/4 SW1/4, S1/2 NW1/4, and Lot 3	.40	05/30/1874
#47-0141 #45-0388	Patrick Garrity <u>Land List</u> T12S, R18E, B.M., Section 1, NE1/4 SW1/4, S1/2 NW1/4, and Lot 3	1.60	05/31/1878
#47-0142 #45-0389	Patrick Garrity <u>Land List</u> T12S, R18E, B.M., Section 1, Lot, SW1/4 NE 1/4	.24	04/30/1888
#47-0143 #45-0390	Patrick Garrity <u>Land List</u> T11S, R18E, B.M., Section 36, E1/2 SW1/4	.70	04/30/1874
#47-0157 #45-0351	A.J. Harrell <u>Land List</u> T11S, R18E, B.M., Section 23, SW1/4 NE1/4, E1/2 SE1/4, NW1/4 SE1/4, SW1/4; Section 26, N1/2 NE1/4, NW1/4, N1/2 SW1/4; <u>Section 36, SW1/4 SE1/4; T12S, R18E, B.M. Section 1, NE1/4 SW1/4, S1/2 NW1/4, Lots 2 & 3</u> ***Portion of lands are appurtenant, but no record can be substantiated***	9.50	03/14/1892
#47-0163 #45-0357	A.B. Norton <u>Land List</u> T11S, R18E, B.M., Section 25, E1/2 SE1/4, SE1/4 NE1/4; T11S, R19E, B.M., Section 30, Lots 3 & 4	2.40	03/14/1892
#47-0164 #45-0358	Edward Domrose <u>Land List</u> T11S, R18E, B.M., Section 24, S1/2 SE1/4, Section 25, N1/2 NE1/4	2.40	03/14/1892

7.74 CFS X 50 = 387 INCHES

#47-0157 EXCLUDED

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MAR 10 1993

Ground Water Rights

License #	Licensee	C.F.S.	Priority	Acres
#47-2491 #14735	W.A. Coiner	1.10*	05/25/1920	260
	Point of Diversion; T12S, R18E, B.M., Section 1, NW1/4 NW1/4			
	Land List T11S, R18E, B.M., Section 36, SE1/4 SW1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4; T12S, R18E, B.M., Section 1, NW1/4 NE1/4, NE1/4 NW1/4, S1/2 NW1/4			
	Covered under transfer (768)			
#47-2511 #20101	W.A. Coiner	0.80	09/03/1947	
	Point of Diversion; T12S, R18E, B.M., Section 1, SE1/4 NW1/4			
	Land List T11S, R18E, B.M., Section 36, S1/2 NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SW1/4; T12S, R18E, B.M., Section 1, NE1/4 NW1/4, NW1/4 NE1/4			
	0.80 CFS X 50 = 40 INCHES			
#47-2515 #20280	W.A. Coiner	1.19	02/02/1948	160
	Point of Diversion; T11S, R19E, B.M., Section 30, SW1/4 SW1/4			
	Land List T11S, R18E, B.M., Section 25, SE1/4 NE1/4, NW1/4 SE1/4, SE1/4 SE; T11S, R19E, B.M., Section 30, Lots 3 & 4			
#47-2516 #20281	W.A. Coiner	1.49	02/02/1948	160
	Point of Diversion; T11S, R18E, B.M., Section 25, NE1/4 NE1/4			
	Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4; Section 25, N1/2 NE1/4			
#47-2526 #21161	W.A. Coiner	2.00	07/18/1949	100
	Point of Diversion; T11S, R18E, B.M., Section 36, NE1/4 SE1/4			
	Land List T11S, R18E, B.M., Section 36, E1/2 NE1/4, NE1/4 SE1/4			
#47-2536 #21737	J. Woodson Creed	3.33	10/05/1950	258
	Point of Diversion; T12S, R19E, B.M., Section 6, three wells in SE1/4 NE1/4, NW1/4 SE1/4, SE1/4 SE1/4			
	Land List T12S, R19E, B.M., Section 6, NE1/4, NE1/2 SE1/4, SE1/4 SE1/4; Section 7, NE1/4 NE1/4			
#47-2544 #G-22255	***W.A. Coiner	3.35	07/14/1951	290
	Point of Diversion; T11S, R19E, B.M., Section 30, Lot 3			
	Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4; Section 25, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, N1/2 SE1/4 SE1/4			

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#47-2546
#G22345

W.A. Coiner 1.76 08/29/1951 88
Point of Diversion: T12S, R18E, E.M., Section 1,
SW1/4 NE1/4
Land List T12S, R18E, B.M., Section 1, NE1/4;
T11S, R18E, B.M., Section 36, S1/2 SE1/4

#47-2252
#G-26055

J. Woodson Creed 0.34 11/07/1955 109
Point of Diversion: T12S, R19E, B.M., Section 6,
SE1/4 NE1/4
Land List T11S, R19E, B.M., Section 32, SW1/4

#47-2556
#G-27953

Norma M. Creed 2.92 05/28/1959 162
Point of Diversion (3 Wells); T12S, R19E, B.M.,
Section 5, NW1/4 SW1/4; Section 6, SE1/4 NE1/4,
SE1/4 SE1/4
Land List T12S, R19E, B.M., Section 5, Lots 1, 2,
3, and 4, W1/2 SW1/4

#47-2566
#18265

*W.A. Coiner 2.5 06/23/1936 180
Point of Diversion: T12S, R18E, B.M., Section 1,
SE1/4 NW1/4
Land List T11S, R18E, B.M., Section 36,
S1/2 NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SW1/4;
T12S, R18E, B.M., Section 1, NE1/4 NW1/4
Covered under transfer (769)

2.5 CFS X 50 = 125 INCHES

#47-2567
#G-22255

***W.A. Coiner 3.35 07/14/1951 290
Point of Diversion: T11S, R19E, B.M., Section 30,
Lot 3
Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4;
Section 25, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4,
N1/2 SE1/4 SE1/4

#47-7526
#45-7188

** Taylor Cattle Co 3.2 08/19/1974 160
Point of Diversion: T11S, R18E, B.M., Section 25,
NW1/4 NE1/4
Land List T11S, R18E, B.M., Section 25, N1/2 NE1/4;
Section 24, S1/2 SE1/4

#47-7558

** Kueny/MacFarlane 40.0 07/10/1979 N.A.
Point of Diversion: T12S, R18E, B.M., Section 1,
SE1/4 NW1/4
For Commercial Fish propagation
Source of Water: Rock Creek

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#47-7673

** Kueny/MacFarlane 8.61 10/10/1980 760
Point of Diversion: T12S, R18E, B.M., Section 1,
SE1/4 NW1/4
Land List T11S, R19E, B.M., Section 5, Lots 1, 2, 3,
and 4, SW1/4 NW1/4, W1/2 SW1/4; Section 6, Lots 1 and
2, S1/2 NE1/4, N1/2 SE1/4, SE1/4 SE1/4; Section 7,
NE1/4 NE1/4

8.61 CFS X 50 = 430.50 INCHES

* TRANSFER

** APPLICATION

*** #47-2544 and #47-2567 are the same right.

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TAYLOR PROPERTY

WELL # QUANTITY

1	1	30 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 665279
1	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 46323
4	1	25 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. 6516933 YB
4	1	AURORA VERTI-LINE DEEP WELL TURBINE PUMP S.N. 3X1-72276
3	1	100 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. JKJ911149
3	1	AURORA VERTI-LINE DEEP WELL TURBINE PUMP S.N. 70201
2	1	100 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. DJJ404133
2	1	DEEP WELL TURBINE PUMP NO SERIAL NUMBER
5	1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 885078
5	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 16250

10	1	FAIRBANKS DEEP WELL TURBINE PUMP S.N. PK923
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6	1	100 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 85-01739
6	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 15955
7	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 863431
7	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 45865 (NEED BARREL FOR OIL)

8	1	60 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. TD6710317
8	1	AURORA DEEP WELL TURBINE PUMP S.N. 37570222
9	1	50 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. XE6820781
9	1	AURORA DEEP WELL TURBINE PUMP 375707-34

ROCK CREEK SUMP

1	50 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2141931
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170176
1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2143699M
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170175
1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2143776M
1	125 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2136708MM
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170174

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc. used in conjunction with or pertaining to the above listed pumps and motors.

3	REINKE ELECTORGATOR PIVOTS - (COMPLETE)
1	3/8 MILE HARVEST KING SIDE-ROLL ALUMINUM WHEELLINE
2	1/4 MILE A&M SIDE-ROLL ALUMINUM WHEELLINES (COMPLETE)
94	JOINTS 6"X 30' PORTABLE ALUMINUM MAINLINE

23	JOINTS 4"X 40' PORTABLE ALUMINUM HANDLINE
254	JOINTS 3"X 40' ALUMINUM HANDLINE WITH CENTER RISERS

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MAR 10 1993

CREED PROPERTY

WELL # QUANTITY

1	1	125 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 1243844
1	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 27104
3	1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 819028
3	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 85303
4	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 8634
4	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 15953
2	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 1005378
2	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 21794
1	1	HORIZONTAL BOOSTER PUMP AND MOTOR

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used--in conjunction with or pertaining to the above listed pumps and motors.

15	1/4 MILE A&M SIDE-ROLL ALUMINUM WHEEL LINES (COMPLETE)
5	1/4 MILE HARVEST KING SIDE-ROLL ALUMINUM WHEEL LINES (COMPLETE)
1	APPROX. 800' HARVEST KING SIDE-ROLL ALUMINUM WHEEL LINE (COMPLETE)
92	JOINTS 8" & 6" X 50' PORTABLE ALUMINUM MAINLINE
442	JOINTS 3" X 40' ALUMINUM HANDLINE WITH CENTER RISERS
11	JOINTS 3" X 40' ALUMINUM HANDLINE TO BE REPAIRED OR JUNKED

Together with all buried mainline, valves, reducers, sprinkler heads, gasoline motors, etc., used in conjunction with or pertaining to the above listed irrigation equipment.

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20 JOINTS 3"X 40' ALUMINUM HANDLINE WITH
END RISERS (SOLID SET TYPE)

1 RAINBIRD BIG GUN WITH STAND (COMPLETE)

VARIOUS MISCELLANEOUS HAND AND WHEEL LINES THAT NEED
FIXING.

Together with all buried mainline, valves, risers, reducers,
sprinklers heads, gasoline motors, etc., used in conjunction with
or pertaining to the above listed pivots, wheel lines, buried and
portable mainline and handlines.

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Lawyers Title Insurance Corporation

National Headquarters

Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

(1) Warranty Deed from DUNFORD & McCALL, a partnership, as to an undivided one-fifth interest; M. DON McFARLAND and spouse, as to an undivided one-fifth interest; MARSHALL J. McFARLAND, a single man, as to an undivided one-fifth interest; RANDY A. BAUSCHER and spouse, as to an undivided one-fifth interest; KEVIN GUTHRIE, and spouse, as to an undivided one-fifth interest conveying fee simple title to MARTIN Van DIEST and spouse, if any and WILLIAM Van DIEST and spouse, if any.

NOTE: Failure of DUNFORD & McCALL, a partnership, to constitute a legal entity capable of holding or conveying title to real property, by reason of its failure to record its certificate in the office of the Twin Falls County, Recorder, as required by Section 53-501, Idaho Code.

The taxes for 1988 were assessed as follows and are paid in full:

Receipt No. 25856, \$479.62

Receipt No. 25664, \$173.18

Receipt No. 26387, \$2,222.82

Receipt No. 25539, \$791.92

Receipt No. 25530, \$317.18

Receipt No. 25850, \$154.98

Receipt No. 25050, \$995.39

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MAR 10 1993

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes for the year 1989 and all subsequent years, which are an accruing lien, due and payable on or before December 20th of said year. Liability for added assessments and subsequent tax billings, if any, pursuant to Idaho Code Section 63-403 and 63-3906.
7. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
8. Easement from D.L. Armstrong to Rock Creek Highway District, dated February 16, 1923, recorded March 2, 1926, as Instrument No. 185000, in Book 73 of Deeds, page 471, records of Twin Falls County, Idaho. (over and across the NE1/4NE1/4 of Section 36, Township 11 South, Range 18 E., B.M.; SE1/4NE1/4 Section 25, Township 11 South, Range 18 E., B.M.; and Lots 3 and 4 of Section 30, Township 11 South, Range 18 E., B.M.)
9. Power Line Easement from Utah Construction Company to the Idaho Power Company, dated June 3, 1929, recorded August 26, 1929, as Instrument No. 219620, in Book 90 of Deeds, page 82, records of Twin Falls County, Idaho. (affecting the SE1/4NE1/4 of Section 1, Township 12 South, Range 18 E., B.M.)

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Exceptions numbered _____ are hereby omitted.

NONE

MAR 10 1993

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

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Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-2 cont'd.

10. Power Easement from L.W. Madden and Ora Madden, brother and sister to Idaho Power Company, dated February 11, 1931, recorded May 29, 1933, as Instrument No. 250038, records of Twin Falls County, Idaho. (over and across a portion of Section 1, Township 12 South, Range 18 E., D.M.)

11. Power Line Easement from N.A. Colner and Marietta Colner, his wife to Idaho Power Company, dated June 27, 1947, recorded October 9, 1947, as Instrument No. 374992, in Book 155 of Deeds, page 343, records of Twin Falls County, Idaho. (over and across Section 1, Township 12 South, Range 18 E., D.M.)

12. Power Line Easement from W.A. Colner and Marietta Colner, his wife to Idaho Power Company, dated May 6, 1949, recorded June 1, 1950, as Instrument No. 399992, in Book 166 of Deeds, page 570, records of Twin Falls County, Idaho. (within the SE1/4NE1/4 of Section 25, Township 11 South, Range 18 E., D.M.)

13. Grant of Materials Right from Berle Wolverton and Margaret Wolverton, husband and wife to Twin Falls Canal Company, dated February 12, 1966, recorded February 17, 1966, as Instrument No. 560801, in Book 4 of Mining Claims, page 13, records of Twin Falls County, Idaho, which right was leased to the Idaho Department of Highways by a Materials Lease, dated April 10, 1968, recorded May 20, 1968, as Instrument No. 588790, records of Twin Falls County, Idaho. (Affecting portions of Lots 3 and 4, Section 1, Township 12 South, Range 18 E., D.M.)

14. Underground Power Line Easement from Taylor Cattle Company to Idaho Power Company, dated March 12, 1975, recorded August 22, 1975, as Instrument No. 684368, records of Twin Falls County, Idaho. (affects a portion of the SE1/4SE1/4 Section 24, Township 11 South, Range 18 E., D.M.)

15. Underground Power Line Easement from Taylor Cattle Company to Idaho Power Company, dated April 8, 1976, recorded August 30, 1976, as Instrument No. 701906, records of Twin Falls County, Idaho. (affecting a portion of the SE1/4 of Section 36, Township 11 South, Range 18 E., D.M.)

16. Power Line Easement from Taylor Cattle Co. to Idaho Power Company, dated November 2, 1976, recorded November 9, 1976, as Instrument No. 705030, records of Twin Falls County, Idaho. (affecting a portion of the SE1/4 of Section 36, Township 11 South, Range 18 E., D.M.)

17. Easements and right of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 770074 and re-recorded February 9, 1981, as Instrument No. 707187,

Schedule B-2 Page 2 No. BF019192

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MAR 10 1993

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-2 cont'd.

records of Twin Falls County, Idaho. (affecting SE1/4SW1/4 of Section 36, Township 11 South, Range 18 E., B.M.)

18. Easements and rights of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 770075, records of Twin Falls County, Idaho. (affecting portion of NE1/4SW1/4, SW1/4SE1/4 and NW1/4 of Section 1, Township 12 South, Range 18 E., B.M.)

19. Easements and rights of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 770076, records of Twin Falls County, Idaho. (affecting S1/2NE1/4, NE1/4SW1/4, Section 1, Township 12 South, Range 18 E., B.M.)

20. Power Line Easement from Thornton K. Taylor, Theodore K. Taylor, Gene A. Broadman, Patricia A. Broadman and Ida L. Taylor to Idaho Power Company, dated December 11, 1980, recorded April 3, 1981, as Instrument No. 800292, records of Twin Falls County, Idaho, (affecting land in Section 36, Township 11 South, Range 18 E., B.M.)

21. Easement from Patrick Kueny and LaRonna Kueny, husband and wife and Ralph MacFarlane and Ann MacFarlane, husband and wife to Twin Falls Highway District, dated March 26, 1981, recorded February 10, 1982, as Instrument No. 816763, records of Twin Falls County, Idaho. (affecting Lot 4, Section 1, Township 12 South, Range 18 E., B.M.)

22. Easement from Patricia Ann Broadman, a married woman dealing with her sole and separate property, Theodore K. Taylor, a married man dealing with his sole and separate property and Thornton K. Taylor and Ida L. Taylor, husband and wife, to Twin Falls Highway District, recorded February 10, 1982, as Instrument No. 816765, records of Twin Falls County, Idaho. (affecting Lot 4, Section 1, Township 12 South, Range 18 E., B.M.)

23. Easement over said land created by Partial Release of Mortgage and Easement in favor of the Travelers Insurance Company, dated May 11, 1982, recorded June 8, 1982, as Instrument No. 822574, records of Twin Falls County, Idaho, reciting, "Mortgagee however, specifically reserves from this release a mortgagee's interest in a perpetual nonexclusive easement to enter upon the real property to take water from the well or wells located thereof for irrigation of the real property which is still encumbered by the Mortgage and to use and maintain the pipes and pumps already placed upon the real property to draw water from the well or wells, and the right to

Schedule B-2 Page 3 RF019192

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MAR 10 1993

TRAVELERS COMPASS
Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

B-2
SCHEDULE B-2 cont'd.

enter upon the real property to lay further pipe or to maintain or replace pipe and pumps from the well or wells to the real property which is still encumbered. (affectings Parcels A thru E)

24. Power Line Easement from Patricia Ann Broadman, Ida L. Taylor, Thornton K. Taylor and Theodore K. Taylor to Idaho Power Company, dated May 17, 1982, recorded October 13, 1982, as Instrument No. 828773, records of Twin Falls County, Idaho. (affecting a portion of SE1/4NW1/4 of Section 1, Township 12 South, Range 18 E., B.M.)

25. Power Line Easement from Patrick and LaRonna Kuany and Ralph E. and Ann M. MacFarlane to Idaho Power Company, dated December 19, 1984, recorded August 29, 1985, as Instrument No. 897071, records of Twin Falls County, Idaho. (affecting land in Section 1, Township 12 South, Range 18 E., B.M.)

26. Mortgage, Security Agreement and Fixture Filing from Dunford & McCall, a partnership to The Travelers Insurance Company, dated January 20, 1989, recorded January 20, 1989, as Instrument No. 950321, records of Twin Falls County, Idaho.

27. UCC-1 Financing Statement from Dunford & McCall, a partnership to The Travelers Insurance Company, recorded January 20, 1989, as Instrument No. 950322, records of Twin Falls County, Idaho.

28. Right of Way Option from Jack C. McCall and Joseph W. Dunford, a partnership known as Rock Creek Farms, dated February 23, 1989, recorded March 6, 1989, as Instrument No. 953174, records of Twin Falls County, Idaho. (affecting portion of the S1/2N1/2, of Section 1, Township 12 South, Range 18 E., B.M.)

29. No liability is assumed for any Financing Statement filed in the Office of the Twin Falls County Recorder covering crops or fixtures attached to the subject land wherein the debtor is not within the record chain of title.

30. This commitment does not include a search for financing statements filed in the office of the Secretary of State.

NOTE: Persons who purchased or who were named insureds under policies of title insurance covering real estate in any one of thirteen states (Arizona, Connecticut, Idaho, Louisiana, Montana, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Wisconsin and Wyoming) issued between January 1, 1981, and December 31, 1985, may be entitled to certain benefits under a Final Order and Judgment entered in the Real Estate Title and Settlement Services Antitrust Litigation in the United States District Court for the District of Columbia.

B-2 4 BF019192
Schedule Page No.

PROFILMED
MAR 10 1993

Let's go USA

Lawyers Title Insurance Corporation

National Headquarters
Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Deed from Dunford & McCall, a partnership; M. Don McFarland and spouse; Marshall J. McFarland, a single man; Randy A. Bauscher and spouse; and Kevin Guthrie and spouse, to Martin Van Diest and William Van Diest.

NOTE: Quitclaim Deed from Joseph Wm. and Nola J. Dunford to Don McFarland, dated August 12, 1988 and recorded March 7, 1989 as Instrument No. 200637 on Film No. 205, records of Cassia County, Idaho.

- (c) Certificate of Assumed name or Partnership Agreement for Dunford & McCall, a partnership, must be recorded with the Cassia County Recorder.
- (d) Partial Release of Financing Statement No. 17764 between Brent Funk, as Debtor, and Idaho Bank & Trust Co., as Secured Party, filed April 9, 1986 as Instrument No. 177407 on Film No. 180, records of Cassia County, Idaho.
- (e) Partial Release of Mortgage from Dunford & McCall, a partnership, as Mortgagors, to The Travelers Insurance Company, as Mortgagee, dated January 20, 1989 and recorded January 23, 1989 as Instrument No. 199927 on Film No. 201, records of Cassia County, Idaho.
- (f) Partial Release of Financing Statement No. 39372 between Dunford & McCall, a partnership, as Debtors, and The Travelers Insurance Company, as Secured Party, filed January 23, 1989 as Instrument No. 199928 on Film No. 204, records of Cassia County, Idaho.

N O T E

The County Treasurer advises us that taxes for 1988 were assessed in the total sum of: \$836.84 - TR. #RP12S19E050000A, \$1.296.18 - TR. #RPS19E060000A, \$151.96 - TR. #RPS19E070000A

NOTE: Since the Title Company does not have adequate access to the records of security filings in the office of the Idaho Secretary of State, it assumes no responsibility for any filings

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-Continued-

This commitment is invalid unless the Insuring Provisions and Schedules A and B are attached.

Schedule B-Section 1-Page 1-Commitment No. 35-021994

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-I cont'd.

or lack of filings as to any claimed security interest concerning goods, chattels, farm products, or fixtures that may affect the herein described real estate. The proposed insured is urged to check the records of the Secretary of State of Idaho.

COPY

NOTE: Persons who purchased or who were named insureds under policies of title insurance covering real estate in any one of thirteen states (Arizona, Connecticut, Idaho, Louisiana, Montana, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Wisconsin and Wyoming) issued between January 1, 1981 and December 31, 1985 may be entitled to certain benefits under a Final Order and Judgment entered in the Real Estate Title and Settlement Services Antitrust Litigation in the United States District Court for the Eastern District of Pennsylvania. These benefits may include the right to receive the last \$5,000.00 of title insurance at no charge. Please contact Land Title Escrow, Inc. for further information.

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MAR 10 1983

67-021294

Schedule B-I Page 2 No.

Lawyer's Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes for 1989 and subsequent years, a lien, but not yet due or payable.
7. Power Line Easement from J. Woodson Creed and Nona Creed, his wife, to Idaho Power Company, dated April 28, 1955, and recorded July 11, 1957 as Instrument No. 194111 in Book 15 of Miscellaneous on Page 481, records of Cassia County, Idaho, covering the SW1/4NW1/4 of Section 5, Township 12 South, Range 19 East of the Boise Meridian.
8. Power Line Easement from J. Woodson Creed and Nona M. Creed, his wife, to Idaho Power Company, a corporation, dated May 3, 1957, and recorded May 8, 1958 as Instrument No. 197154 in Book 15 of Miscellaneous, records of Cassia County, Idaho, covering the SE1/4NW1/4 and E1/4SE1/4 in Section 6, Township 12 South, Range 19 East of the Boise, Meridian, and the NW1/4SW1/4 in Section 5, Township 12 South, Range 19 East of the Boise Meridian.

-Continued-

NONE

Exceptions numbered _____ are hereby omitted.

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

Schedule B—Section 2—Page 1—No.

BF-021994

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MAR 10 1993

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-II cont'd.

9. Power Line Easement From J. Woodson Creed and Norma Milton Creed, his wife, to Idaho Power Company, a corporation, dated May 3, 1960 and recorded November 9, 1960 as Instrument No. 208720 records of Cassia County, Idaho, covering the NW1/4SW1/4 of Section 5, Township 12 South, Range 19 East of the Boise Meridian.
10. Right of Way Easement from Creed Concern, Inc., to Idaho Power Company, a corporation, dated May 21, 1979, and recorded August 23, 1979, as Instrument No. 119464 on Film No. 128, records of Cassia County, Idaho.
11. Right of Way Option from Sanford & McCall, to Idaho Power Company, a corporation, dated February 23, 1989 and recorded March 7, 1989 as Instrument No. 200639 on Film No. 205, records of Cassia County, Idaho, for an easement over and across a portion of said property. (see attached copy)

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Schedule B-II Page 2 No.

57-021994

Lawyers Title Insurance Corporation

TitleFact, Inc.
P.O. Box 486
Twin Falls, Idaho 83301

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT OR BINDER ENDORSEMENT

Re: Martin Van Diest

Case No. 20324

The Commitment or Binder in the above matter is hereby amended in the following respects:

Supplementing our Commitment issued under the above Order Number, you are advised that as of September 14, 1989 at 8:00 A.M., certain changes have been made in the title to the premises described in said Commitment as follows:

Requirement (d) of Schedule B-Section I is hereby eliminated.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW, INC.

SEP 21 3 25 PM '89

CASSIA COUNTY, IDAHO
FRANK N. KEARNS
RECORDER
FEE \$200

State of Idaho)
County of Teton) ss
I, Clerk of the County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of Teton, Idaho.
WITNESS my hand and the seal of the County of Teton, Idaho, this 21st day of September, 1989.
In Each of the Counties of Idaho, the Clerk of the County is required to record the same in the name of the County of Teton, Idaho.
Fee \$ 7800 County return to
TitleFact, Inc.
1135
SEP 21 1989
MICROFILMED
JAN 1993

960414

The total liability of the Company under said commitment or binder and under this and any prior endorsements thereto shall not exceed, in the aggregate, the amount of liability stated on the face of said commitment or binder as the same may be specifically amended in dollar amount by this or any prior endorsements, and the costs which the Company is obligated to pay under the Conditions and Stipulations of the policy committed for by said commitment or binder.

This endorsement is made a part of said commitment or binder and is subject to the schedules, terms, Conditions and Stipulations therein and in the policy committed for, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of the aforesaid commitment or binder unless otherwise expressly stated.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed and sealed as of the 14th day of September, 1989, to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Issued at Burley, Idaho

COUNTERSIGNED:

LAND TITLE AND ESCROW, INC.

Joni Harris
Authorized Officer or Agent



Lawyers Title Insurance Corporation
By: Robert C. Dawson President
Attest: L.W. JAMES Secretary
MICROFILMED
JAN 1993

THIS ENDORSEMENT IS VOID IF THE ORIGINAL IS NOT FILED WITH THE RECORDING OFFICE OF THE COUNTY OF TETON, IDAHO.

SPECIAL WARRANTY DEED AND BILL OF SALE

THIS INDENTURE, made this 21st day of September, 1989, between ERNEST VAN DIEST and RENA VAN DIEST, the Grantors, and the VAN DIEST FAMILY PARTNERSHIP, a general partnership, the Grantee, address: c/o Rock Creek Ranch, 2872 Rock Creek Road, Hansen, Idaho 83334

W I T N E S S E T H:

That the said Grantors, for and in consideration of the payment to them of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATION, by the said Grantee, the receipt and sufficiency whereof are hereby acknowledged, have granted, bargained, and sold, and by these present do grant, bargain, sell, convey and confirm unto the said Grantee, and to its successors and assigns forever, the following described real estate situate in the Counties of Cassia and Twin Falls, State of Idaho, to-wit:

PARCEL A

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 36: SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$, and that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as Beginning at the Southwest corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section and extending North 219 feet; THENCE North 39°39' East a distance of 848 feet; THENCE South 68°21' East 826 feet; THENCE Southerly along eastern border 573 feet; THENCE Westerly along southern border 1316 feet to the Place of Beginning.

PARCEL B

TOWNSHIP 12 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 1: Lots 1, 2, 3, 4, S $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT a parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and also located in Lot 4 of Section 1, Township 12 South, Range

SPECIAL WARRANTY DEED AND BILL OF SALE\1

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COPY

18 East of the Boise Meridian, Twin Falls County, Idaho, as shown on the plans of the Lower Rock Creek Road Federal Aid Secondary Project RS 2739(4), more particularly described as follows:

BEGINNING at a point on the Northerly boundary of said Lot 4, said point also being on said highway centerline station 32+34.36; THENCE along the Northerly boundary of said Lot 4 South 89°30'56" East 40.19 feet; THENCE along a line 40.00 feet Easterly of and parallel to (with) said highway centerline South 5°06'26" East 733.09 feet, more or less, to a point 40.00 feet Easterly of and at right angles to said highway centerline station P.C. 39+71.37; THENCE along a line perpendicular to said highway centerline South 84°53'34" West 5.00 feet; THENCE Southwesterly for 962.07 feet on the arc of a curve to the right having a delta angle of 35°16'11", radius of 1,562.89 feet, and a chord which bears South 12°31'40" West 946.95 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE along a line 35.00 feet Easterly of and parallel to (with) said highway centerline South 30°09'45" West 887.05 feet to a point 35.00 feet Easterly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE Southwesterly for 230.34 feet on the arc of a curve to the left having a delta angle of 11°52'48", radius of 1,110.92 feet, and a chord which bears south 24°13'21" West 229.93 feet, more or less, to a point 35.00 feet Easterly of and at right angles to said highway centerline station 60+36.54, said point also lying on the Southerly boundary of said SW¼NW¼; THENCE along the Southerly boundary of SW¼NW¼ North 89°25'24" West 72.10 feet, more or less, to a point lying 33.89 feet Westerly of and at right angles to said highway centerline station 60+57.84, said point also being the Southwest corner of said SW¼NW¼; THENCE along the Westerly boundary of said SW¼NW¼ North 0°21'04" East 20.50 feet, more or less, to a point 40.00 feet Westerly of and at right angles to said highway centerline station 60+38.88; THENCE Northeasterly 248.31 feet along the arc of a curve to the right having a delta angle of 11°59'49", radius of 1,185.92 feet, and a chord which bears North 24°09'50" East 247.86 feet, more or less, to a point 40.00 feet Westerly of and at right angles to said highway centerline station P.C. 57+98.94; THENCE North 27°46'20" East 599.46 feet to a point 65.00 feet Westerly of and at right angles to said highway centerline station 52+00; THENCE North 34°08'01" East 288.80 feet to a point 45.00 feet Westerly of and at right angles to said highway centerline station P.T. 49+11.89; THENCE Northeasterly 912.83 feet along the arc of a curve to the left having a delta angle of 35°16'11", radius of 1,562.89 feet, and a chord which bears North 12°31'40" East 898.48 feet to a point 45.00 feet Westerly of and at right angles

SPECIAL WARRANTY DEED AND BILL OF SALE\2

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MAR 10 1993

to said highway centerline station P.C. 39+71.37; THENCE along a line 45.00 feet Westerly of and parallel to (with) said highway centerline North 5°06'26" West 741.42 feet, more or less, to a point on the Northerly boundary of said Lot 4; THENCE along the Northerly boundary of said Lot 4 South 89°30'56" East 45.22 feet, more or less, to the Real Point of Beginning.

PARCEL C

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 25: E½SE¼, N½NE¼, SE¼NE¼.

PARCEL D

TOWNSHIP 11 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 24: S½SE¼.

PARCEL E

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 30: Lots 3 and 4.

PARCEL F

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
TWIN FALLS COUNTY, IDAHO

SECTION 32: SW¼.

PARCEL G

TOWNSHIP 12 SOUTH, RANGE 19 EAST, BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

SECTION 5: Lots 1, 2, 3 and 4, SW¼NW¼, W½SW¼.

SECTION 6: Lots 1 and 2, S½NE¼, N½SE¼, SE¼SE¼.

SECTION 7: NE¼NE¼.

EXCEPT one-half of all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easements rights or other matters relating thereto whether expressed or implied.

Water Rights described in Exhibit A and attached hereto;

SPECIAL WARRANTY DEED AND BILL OF SALE\3

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MAR 10 1993

Irrigation equipment and appurtenances and additions thereto and replacements thereof, located on the real property hereinbefore described on the date of delivery of this instrument, which personal property is more particularly described in Exhibit B, attached hereto and by this reference made a part hereof;

ALL IRRIGATION EQUIPMENT AND APPURTENANCES THERETO TRANSFERRED BY THIS INSTRUMENT ARE SOLD BY THE GRANTOR AND ACCEPTED BY THE GRANTEE IN THEIR PRESENT CONDITION, AND THE GRANTOR HAS NO OBLIGATION TO REPAIR, MODIFY OR REPLACE ANY OF THE IRRIGATION EQUIPMENT, EXCEPT AS EXPRESSLY PROVIDED IN PARAGRAPH 1.2 OF THE AGREEMENT (Agricultural Carry Back Contract) BETWEEN THE GRANTOR AND THE GRANTEE.

Said described property is conveyed subject to (1) all taxes and assessments for the year 1989 and subsequent years, (2) all reservations in patents or deeds in the chain of title, (3) all easements and rights of way visible on the property or appearing of record in the offices of the County Recorders of Cassia or Twin Falls Counties, Idaho, and (4) all covenants and restrictions appearing of record in the offices of said Recorders, and (5) all items listed as exceptions in Commitment for Title Insurance Case No. 27861 issued by Titlefact, Inc. Title Company on March 10, 1989, and any updates thereto, and all items as excepted in Commitment for Title Insurance Order No. 20324 issued by Land Title and Escrow, Inc. on March 15, 1989, and any updates thereto, and all items as shown in the copies of Schedule B-Sections 1 and 2 of said title commitment thereof which are attached hereto and made a part hereof.

TOGETHER, With all and singular 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,
SPECIAL WARRANTY DEED AND BILL OF SALE\4

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MAR 10 1993

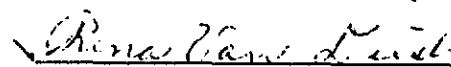
right, title and interest in and to the said property, as well in law as in equity, of the said Grantor.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances unto the Grantee, and to its successors and assigns forever.

Grantors warrant to the Grantee, and its successors in title, that Grantors have not created or permitted to be created any lien, charge or encumbrance against said real estate which is not shown or referred to herein, and Grantors covenant that they will defend said premises to the extent of the warranties made herein against the lawful claims of all persons.

IN WITNESS WHEREOF, the said Grantors have hereunto caused their names to be subscribed as of the day and year herein first above written.


Ernest Van Diest


Rena Van Diest

STATE OF CALIFORNIA)
) ss.
County of San Bernardino)

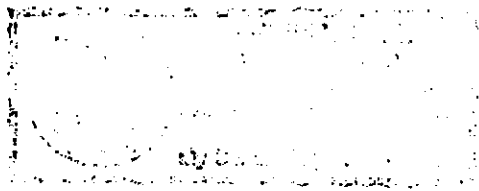
On this 13th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Ernest Van Diest, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

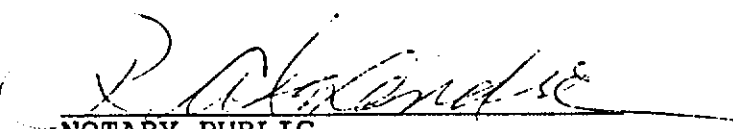
SPECIAL WARRANTY DEED AND BILL OF SALE\5

MICROFILMED

MAR 10 1993

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




NOTARY PUBLIC

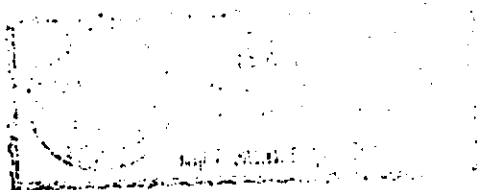
Residence: Chino, California

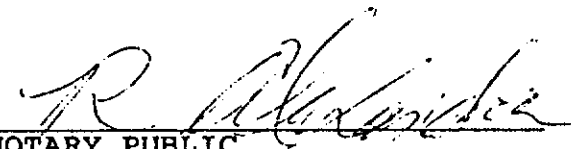
My Commission Expires: 3-26-93

STATE OF CALIFORNIA)
) ss.
County of San Bernardino)

On this 13th day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Rena Van Diest, known to me to be the person whose name is subscribed to the foregoing 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.




NOTARY PUBLIC

Residence: Chino, California

My Commission Expires: 3-26-93

(WarrDeed.3.JWS/d1)

SPECIAL WARRANTY DEED AND BILL OF SALE\6

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MAR 10 1993

The Idaho Department of Water Resources records in Boise, Idaho, were researched for licenses or applications to appropriate the Public Waters of the State of Idaho on the subject property.

The following data is a summary of these findings:

Decreed Rights Rock Creek

<u>NUMBER</u>	<u>DECREED OWNER</u>	<u>C.F.S.</u>	<u>PRIORITY</u>
#47-0140 #45-0387	Patrick Garrity <u>Land List</u> T12S, R18E, B.M., Section 1, NE1/4 SW1/4, S1/2 NW1/4, and Lot 3	.40	05/30/1874
#47-0141 #45-0388	Patrick Garrity <u>Land List</u> T12S, R18E, B.M., Section 1, NE1/4 SW1/4, S1/2 NW1/4, and Lot 3	1.60	05/31/1878
#47-0142 #45-0389	Patrick Garrity <u>Land List</u> T12S, R18E, B.M., Section 1, Lot, SW1/4 NE 1/4	.24	04/30/1888
#47-0143 #45-0390	Patrick Garrity <u>Land List</u> T11S, R18E, B.M., Section 36, E1/2 SW1/4	.70	04/30/1874
#47-0157 #45-0351	A.J. Harrell <u>Land List</u> T11S, R18E, B.M., Section 23, SW1/4 NE1/4, E1/2 SE1/4, NW1/4 SE1/4, SW1/4; Section 26, N1/2 NE1/4, NW1/4, N1/2 SW1/4; <u>Section 36, SW1/4 SE1/4; T12S, R18E, B.M. Section 1, NE1/4 SW1/4, S1/2 NW1/4, Lots 2 & 3</u> ***Portion of lands are appurtenant, but no record can be substantiated***	9.50	03/14/1892
#47-0163 #45-0357	A.B. Norton <u>Land List</u> T11S, R18E, B.M., Section 25, E1/2 SE1/4, SE1/4 NE1/4; T11S, R19E, B.M., Section 30, Lots 3 & 4	2.40	03/14/1892
#47-0164 #45-0358	Edward Domrose <u>Land List</u> T11S, R18E, B.M., Section 24, S1/2 SE1/4, Section 25, N1/2 NE1/4	2.40	03/14/1892

7.74 CFS X 50 = 387 INCHES

#47-0157 EXCLUDED

Ground Water Rights

<u>License #</u>	<u>Licensee</u>	<u>C.F.S.</u>	<u>Priority</u>	<u>Acres</u>
#47-2491 #14735	*W.A. Coiner Point of Diversion: T12S, R18E, B.M., Section 1, NW1/4 NW1/4 <u>Land List</u> T11S, R18E, B.M., Section 36, SE1/4 SW1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4; T12S, R18E, B.M., Section 1, NW1/4 NE1/4, NE1/4 NW1/4, S1/2 NW1/4 ***Covered under transfer (768)***	1.10*	05/25/1920	260
#47-2511 #20101	W.A. Coiner Point of Diversion: T12S, R18E, B.M., Section 1, SE1/4 NW1/4 <u>Land List</u> T11S, R18E, B.M., Section 36, S1/2 NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SW1/4; T12S, R18E, B.M., Section 1, NE1/4 NW1/4, NW1/4 NE1/4 0.80 CFS X 50 = 40 INCHES	0.80	09/03/1947	
#47-2515 #20280	W.A. Coiner Point of Diversion: T11S, R19E, B.M., Section 30, SW1/4 SW1/4 <u>Land List</u> T11S, R18E, B.M., Section 25, SE1/4 NE1/4, NW1/4 SE1/4, SE1/4 SE; T11S, R19E, B.M., Section 30, Lots 3 & 4	1.19	02/02/1948	160
#47-2516 #20281	W.A. Coiner Point of Diversion: T11S, R18E, B.M., Section 25, NE1/4 NE1/4 <u>Land List</u> T11S, R18E, B.M., Section 24, S1/2 SE1/4; Section 25, N1/2 NE1/4	1.49	02/02/1948	160
#47-2526 #21161	W.A. Coiner Point of Diversion: T11S, R18E, B.M., Section 36, NE1/4 SE1/4 <u>Land List</u> T11S, R18E, B.M., Section 36, E1/2 NE1/4, NE1/4 SE1/4	2.00	07/18/1949	100
#47-2536 #21737	J. Woodson Creed Point of Diversion: T12S, R19E, B.M., Section 6, three wells in SE1/4 NE1/4, NW1/4 SE1/4, SE1/4 SE1/4 <u>Land List</u> T12S, R19E, B.M., Section 6, NE1/4, NE1/2 SE1/4, SE1/4 SE1/4; Section 7, NE1/4 NE1/4	3.33	10/05/1950	258
#47-2544 #G-22255	***W.A. Coiner Point of Diversion: T11S, R19E, B.M., Section 30, Lot 3 <u>Land List</u> T11S, R18E, B.M., Section 24, S1/2 SE1/4; Section 25, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, N1/2 SE1/4 SE1/4	3.35	07/14/1951	290

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#47-2546

#G22345

.A. Coiner 1.76 08/29/1951 88
Point of Diversion: T12S, R18E, E.M., Section 1,
SW1/4 NE1/4
Land List T12S, R18E, B.M., Section 1, NE1/4;
T11S, R18E, B.M., Section 36, S1/2 SE1/4

#47-2252

#G-26055

J. Woodson Creed 0.34 11/07/1955 109
Point of Diversion: T12S, R19E, B.M., Section 6,
SE1/4 NE1/4
Land List T11S, R19E, B.M., Section 32, SW1/4

#47-2556

#G-27953

Norma M. Creed 2.92 05/28/1959 162
Point of Diversion (3 Wells); T12S, R19E, B.M.,
Section 5, NW1/4 SW1/4; Section 6, SE1/4 NE1/4,
SE1/4 SE1/4
Land List T12S, R19E, B.M., Section 5, Lots 1, 2,
3, and 4, W1/2 SW1/4

#47-2566

#18265

*W.A. Coiner 2.5 06/23/1936 180
Point of Diversion: T12S, R18E, B.M., Section 1,
SE1/4 NW1/4
Land List T11S, R18E, B.M., Section 36,
S1/2 NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SW1/4;
T12S, R18E, B.M., Section 1, NE1/4 NW1/4
Covered under transfer (769)

2.5 CFS X 50 = 125 INCHES

#47-2567

#G-22255

***W.A. Coiner 3.35 07/14/1951 290
Point of Diversion: T11S, R19E, B.M., Section 30,
Lot 3
Land List T11S, R18E, B.M., Section 24, S1/2 SE1/4;
Section 25, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4,
N1/2 SE1/4 SE1/4

#47-7526

#45-7188

** Taylor Cattle Co 3.2 08/19/1974 160
Point of Diversion: T11S, R18E, B.M., Section 25,
NW1/4 NE1/4
Land List T11S, R18E, B.M., Section 25, N1/2 NE1/4;
Section 24, S1/2 SE1/4

#47-7553

** Kueny/MacFarlane 40.0 07/10/1979 N.A.
Point of Diversion: T12S, R18E, B.M., Section 1,
SE1/4 NW1/4
For Commercial Fish propagation
Source of Water: Rock Creek

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#47-7673

** Kueny/MacFarlane 8.61 10/10/1980 760

Point of Diversion: T12S, R18E, B.M., Section 1,
SE1/4 NW1/4

Land List T11S, R19E, B.M., Section 5, Lots 1, 2, 3,
and 4, SW1/4 NW1/4, W1/2 SW1/4; Section 6, Lots 1 and
2, S1/2 NE1/4, N1/2 SE1/4, SE1/4 SE1/4; Section 7,
NE1/4 NE1/4

8.61 CFS X 50 = 430.50 INCHES

* TRANSFER

** APPLICATION

*** #47-2544 and #47-2567 are the same right.

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TAYLOR PROPERTY

WELL # QUANTITY

1	1	30 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 665279
1	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 46323
4	1	25 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. 6516933 YB
4	1	AURORA VERTI-LINE DEEP WELL TURBINE PUMP S.N. 3X1-72276
3	1	100 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. JKJ911149
3	1	AURORA VERTI-LINE DEEP WELL TURBINE PUMP S.N. 70201
2	1	100 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. DJJ404133
2	1	DEEP WELL TURBINE PUMP NO SERIAL NUMBER
5	1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 885078
5	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 16250

10	1	FAIRBANKS DEEP WELL TURBINE PUMP. S.N. PK923
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6	1	100 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 85-01739
6	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 15955
7	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 863431
7	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 45865 (NEED BARREL FOR OIL)

MICROFILMED

MAR 10 1993

8	1	60 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. TD6710317
8	1	AURORA DEEP WELL TURBINE PUMP S.N. 37570222
9	1	50 H.P. GENERAL ELECTRIC VERTICAL MOTOR S.N. XE6820781
9	1	AURORA DEEP WELL TURBINE PUMP 375707-34

ROCK CREEK SUMP

1	50 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2141931
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170176
1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2143699M
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170175
1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2143776M
1	125 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. R2136708MM
1	AURORA VERTI-LINE SHORT COUPLED TURBINE PUMP S.N. 38170174

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc. used in conjunction with or pertaining to the above listed pumps and motors.

3	REINKE ELECTORGATOR PIVOTS - (COMPLETE)
1	3/8 MILE HARVEST KING SIDE-ROLL ALUMINUM WHEELLINE
2	1/4 MILE A&M SIDE-ROLL ALUMINUM WHEELLINES (COMPLETE)
94	JOINTS 6"X 30' PORTABLE ALUMINUM MAINLINE

23	JOINTS 4"X 40' PORTABLE ALUMINUM HANDLINE
254	JOINTS 3"X 40' ALUMINUM HANDLINE WITH CENTER RISERS

MICROFILMED
MAR 10 1993

CREED PROPERTY

WELL # QUANTITY

1	1	125 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 1243844
1	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 27104
3	1	75 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 819028
3	1	PEERLESS DEEP WELL TURBINE PUMP S.N. 85303
4	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 8634
4	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 15953
2	1	60 H.P. U.S. ELECTRIC VERTICAL MOTOR S.N. 1005378
2	1	LAYNE AND BOWLER DEEP WELL TURBINE PUMP S.N. 21794
1	1	HORIZONTAL BOOSTER PUMP AND MOTOR

Together with all wiring, switch panels, column, shafting, tubing, bowls, suction pipe cones, valves, etc., used in conjunction with or pertaining to the above listed pumps and motors.

15	1/4 MILE A&M SIDE-ROLL ALUMINUM WHEEL LINES (COMPLETE)
5	1/4 MILE HARVEST KING SIDE-ROLL ALUMINUM WHEEL LINES (COMPLETE)
1	APPROX. 800' HARVEST KING SIDE-ROLL ALUMINUM WHEEL LINE (COMPLETE)
92	JOINTS 8" & 6" X 50' PORTABLE ALUMINUM MAINLINE
442	JOINTS 3" X 40' ALUMINUM HANDLINE WITH CENTER RISERS
11	JOINTS 3" X 40' ALUMINUM HANDLINE TO BE REPAIRED OR JUNKED

Together with all buried mainline, valves, reducers, sprinkler heads, gasoline motors, etc., used in conjunction with pertaining to the above listed irrigation equipment.

MAR 10 1993

20

JOINTS 3"X 40' ALUMINUM HANDLINE WITH
END RISERS (SOLID SET TYPE)

1

RAINBIRD BIG GUN WITH STAND (COMPLETE)

VARIOUS MISCELLANEOUS HAND AND WHEEL LINES THAT NEED
FIXING.

Together with all buried mainline, valves, risers, reducers,
sprinklers heads, gasoline motors, etc., used in conjunction with
or pertaining to the above listed pivots, wheel lines, buried and
portable mainline and handlines.

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MAR 10 1953

Lawyers Title Insurance Corporation

National Headquarters
Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

(1) Warranty Deed from DUNFORD & McCALL, a partnership, as to an undivided one-fifth interest; M. DON McFARLAND and spouse, as to an undivided one-fifth interest; MARSHALL J. McFARLAND, a single man, as to an undivided one-fifth interest; RANDY A. BAUSCHER and spouse, as to an undivided one-fifth interest; KEVIN GUTHRIE, and spouse, as to an undivided one-fifth interest conveying fee simple title to MARTIN Van DIEST and spouse, if any and WILLIAM Van DIEST and spouse, if any.

NOTE: Failure of DUNFORD & McCALL, a partnership, to constitute a legal entity capable of holding or conveying title to real property, by reason of its failure to record its certificate in the office of the Twin Falls County, Recorder, as required by Section 53-501, Idaho Code.

The taxes for 1988 were assessed as follows and are paid in full:

Receipt No. 25866,	\$476.62
Receipt No. 25664,	\$173.10
Receipt No. 26307,	\$2,222.82
Receipt No. 25539,	\$791.92
Receipt No. 25530,	\$317.18
Receipt No. 25850,	\$154.98
Receipt No. 25858,	\$995.30

MICROFILMED

MAR 10 1993

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes for the year 1982 and all subsequent years, which are an accruing lien, due and payable on or before December 20th of said year. Liability for added assessments and subsequent tax billings, if any, pursuant to Idaho Code Section 63-403 and 63-3906.
7. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
8. Easement from D.L. Armstrong to Rock Creek Highway District, dated February 16, 1923, recorded March 2, 1926, as Instrument No. 105030, in Book 73 of Deeds, page 471, records of Twin Falls County, Idaho. (over and across the NE1/4NE1/4 of Section 26, Township 11 South, Range 18 E., B.M.; SE1/4NE1/4 Section 26, Township 11 South, Range 18 E., B.M.; and Lots 3 and 4 of Section 30, Township 11 South, Range 19 E., B.M.)
9. Power Line Easement from Utah Construction Company to the Idaho Power Company, dated June 3, 1929, recorded August 26, 1929, as Instrument No. 219630, in Book 90 of Deeds, page 82, records of Twin Falls County, Idaho. (affecting the SW1/4NW1/4 of Section 1, Township 12 South, Range 18 E., B.M.)

Exceptions numbered _____ are hereby omitted.

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

Schedule B—Section 2—Page 1—No. _____
MICROFILMED
MAR 21 0 1993

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-2 cont'd.

10. Power Easement from L.W. Madden and Ora Madden, brother and sister to Idaho Power Company, dated February 11, 1931, recorded May 29, 1933, as Instrument No. 259058, records of Twin Falls County, Idaho. (over and across a portion of Section 1, Township 12 South, Range 18 E., D.M.)

11. Power Line Easement from W.A. Colner and Marietta Colner, his wife to Idaho Power Company, dated June 27, 1947, recorded October 9, 1947, as Instrument No. 374992, in Book 155 of Deeds, page 343, records of Twin Falls County, Idaho. (over and across Section 1, Township 12 South, Range 18 E., D.M.)

12. Power Line Easement from W.A. Colner and Marietta Colner, his wife to Idaho Power Company, dated May 6, 1949, recorded June 1, 1950, as Instrument No. 399992, in Book 166 of Deeds, page 570, records of Twin Falls County, Idaho. (within the SE1/4NE1/4 of Section 25, Township 11 South, Range 18 E., D.M.)

13. Grant of Materials Right from Marlo Wolverton and Margaret Wolverton, husband and wife to Twin Falls Canal Company, dated February 12, 1966, recorded February 17, 1966, as Instrument No. 560801, in Book 4 of Mining Claims, page 13, records of Twin Falls County, Idaho, which right was leased to the Idaho Department of Highways by a Materials Lease, dated April 10, 1968, recorded May 20, 1968, as Instrument No. 588790, records of Twin Falls County, Idaho. (Affecting portions of Lots 3 and 4, Section 1, Township 12 South, Range 18 E., D.M.)

14. Underground Power Line Easement from Taylor Cattle Company to Idaho Power Company, dated March 12, 1975, recorded August 22, 1975, as Instrument No. 684368, records of Twin Falls County, Idaho. (affects a portion of the SE1/4SE1/4 Section 24, Township 11 South, Range 18 E., D.M.)

15. Underground Power Line Easement from Taylor Cattle Company to Idaho Power Company, dated April 8, 1976, recorded August 30, 1976, as Instrument No. 701906, records of Twin Falls County, Idaho. (affecting a portion of the SE1/4 of Section 36, Township 11 South, Range 18 E., D.M.)

16. Power Line Easement from Taylor Cattle Co. to Idaho Power Company, dated November 2, 1976, recorded November 9, 1976, as Instrument No. 705030, records of Twin Falls County, Idaho. (affecting a portion of the SE1/4 of Section 36, Township 11 South, Range 18 E., D.M.)

17. Easements and right of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 770074 and re-recorded February 9, 1981, as Instrument No. 797107,

RECORDED
MAR 10 1993

Schedule B-2 Page 2 No. BF019192

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-2 cont'd.

records of Twin Falls County, Idaho. (affecting SE1/4SW1/4 of Section 36, Township 11 South, Range 18 E., B.M.)

18. Easements and rights of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 770075, records of Twin Falls County, Idaho. (affecting portion of NE1/4SW1/4, SW1/4SE1/4 and NW1/4 of Section 1, Township 12 South, Range 10 E., B.M.)

19. Easements and rights of way for roads, utilities, ditches and other easements and rights of way as may be shown on Record of Survey, recorded October 19, 1979, as Instrument No. 770076, records of Twin Falls County, Idaho. (affecting S1/2NE1/4, NE1/4SW1/4, Section 1, Township 12 South, Range 18 E., B.M.)

20. Power Line Easement from Thornton K. Taylor, Theodore K. Taylor, Gene A. Broadman, Patricia A. Broadman and Ida L. Taylor to Idaho Power Company, dated December 11, 1980, recorded April 3, 1981, as Instrument No. 800292, records of Twin Falls County, Idaho, (affecting land in Section 36, Township 11 South, Range 10 E., B.M.)

21. Easement from Patrick Kueny and LaRonna Kueny, husband and wife and Ralph MacFarlane and Ann MacFarlane, husband and wife to Twin Falls Highway District, dated March 26, 1981, recorded February 10, 1982, as Instrument No. 816753, records of Twin Falls County, Idaho. (affecting Lot 4, Section 1, Township 12 South, Range 18 E., B.M.)

22. Easement from Patricia Ann Broadman, a married woman dealing with her sole and separate property, Theodore K. Taylor, a married man dealing with his sole and separate property and Thornton K. Taylor and Ida L. Taylor, husband and wife, to Twin Falls Highway District, recorded February 10, 1982, as Instrument No. 816765, records of Twin Falls County, Idaho. (affecting Lot 4, Section 1, Township 12 South, Range 18 E., B.M.)

23. Easement over said land created by Partial Release of Mortgage and Easement in favor of the Travelers Insurance Company, dated May 11, 1982, recorded June 8, 1982, as Instrument No. 822574, records of Twin Falls County, Idaho and reciting, "Mortgagee however, specifically reserves from this release a mortgagee's interest in a perpetual nonexclusive easement to enter upon the real property to take water from the well or wells located thereof for irrigation of the real property which is still encumbered by the Mortgage and to use and maintain the pipes and pumps already place upon the real property to draw water from the well or wells, and the right to

Schedule B-2 Page 3 OF 19192

TRAVELERS COMPASS
Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

B-2
SCHEDULE B-2 cont'd.

enter upon the real property to lay further pipe or to maintain or replace pipe and pumps from the well or wells to the real property which is still encumbered. (affectings Parcels A thru E)

24. Power Line Easement from Patricia Ann Broadman, Ida L. Taylor, Thornton K. Taylor and Theodore K. Taylor to Idaho Power Company, dated May 17, 1982, recorded October 13, 1982, as Instrument No. 828773, records of Twin Falls County, Idaho. (affecting a portion of SE1/4NW1/4 of Section 1, Township 12 South, Range 18 E., B.M.)

25. Power Line Easement from Patrick and LaRonia Kuony and Ralph E. and Ann M. MacFarlane to Idaho Power Company, dated December 19, 1984, recorded August 29, 1985, as Instrument No. 837071, records of Twin Falls County, Idaho. (affecting land in Section 1, Township 12 South, Range 18 E., B.M.)

26. Mortgage, Security Agreement and Fixture Filing from Dunford & McCall, a partnership to The Travelers Insurance Company, dated January 20, 1989, recorded January 20, 1989, as Instrument No. 950321, records of Twin Falls County, Idaho.

27. UCC-1 Financing Statement from Dunford & McCall, a partnership to The Travelers Insurance Company, recorded January 20, 1989, as Instrument No. 950322, records of Twin Falls County, Idaho.

28. Right of Way Option from Jack E. McCall and Joseph W. Dunford, a partnership known as Rock Creek Farms, dated February 23, 1989, recorded March 6, 1989, as Instrument No. 952174, records of Twin Falls County, Idaho. (affecting portion of the S1/2N1/2, of Section 1, Township 12 South, Range 18 E., B.M.)

29. No liability is assumed for any Financing Statement filed in the Office of the Twin Falls County Recorder covering crops or fixtures attached to the subject land wherein the debtor is not within the record chain of title.

30. This commitment does not include a search for financing statements filed in the office of the Secretary of State.

NOTE: Persons who purchased or who were named insureds under policies of title insurance covering real estate in any one of thirteen states (Arizona, Connecticut, Idaho, Louisiana, Montana, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Wisconsin and Wyoming) issued between January 1, 1981, and December 31, 1985, may be entitled to certain benefits under a Final Order and Judgment entered in the Real Estate Title and Settlement Services Antitrust Litigation in the United States District Court for the District of Columbia.

PROFILMED
MAR 10 1993

B-2 Page 4
Schedule B-2 No. BF019192

SCHEDULE _____ cont'd.

CONDITIONS - 10 - 101 L. 1. 1. 1.

- Schedule _____ Page _____ No _____

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT OR BINDER ENDORSEMENT

Re: VanDIEST
BF019192

Case No. 27051

The Commitment or Binder in the above matter is hereby amended in the following respects:
Schedule B, Section 2, hereby includes the following:

31. Power Line Easement from Rock Creek Ranch Partnership to Idaho Power Company, dated March 8, 1989, recorded June 28, 1989, as Instrument No. 956781, records of Twin Falls County, Idaho. (Affecting Parcel No. B)

The total liability of the Company under said commitment or binder and under this and any prior endorsements thereto shall not exceed, in the aggregate, the amount of liability stated on the face of said commitment or binder as the same may be specifically amended in dollar amount by this or any prior endorsements, and the costs which the Company is obligated to pay under the Conditions and Stipulations of the policy committed for by said commitment or binder.

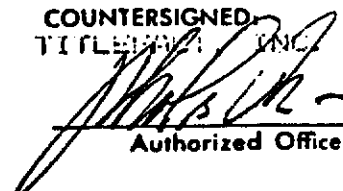
This endorsement is made a part of said commitment or binder and is subject to the schedules, terms, Conditions and Stipulations therein and in the policy committed for, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of the aforesaid commitment or binder unless otherwise expressly stated.

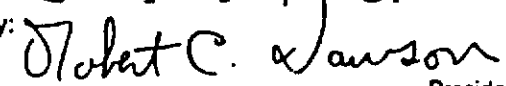
IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed and sealed as of the 15th day of September, 1989, to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

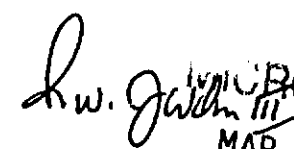
Issued at Twin Falls, Idaho

COUNTERSIGNED
TITLES


Authorized Officer or Agent

Lawyers Title Insurance Corporation

By: 
President

Attest: 
Secretary.
MAR 10 1993

Lawyers Title Insurance Corporation

National Headquarters
Richmond, Virginia

SCHEDULE B—Section 1

Requirements

The following are the requirements to be complied with:

Item (a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Item (b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. Deed from Dunford & McCall, a partnership; M. Don McFarland and spouse; Marshall J. McFarland, a single man; Randy A. Bauscher and spouse; and Kevin Guthrie and spouse, to Martin Van Diest and William Van Diest.

NOTE: Quitclaim Deed from Joseph Wm. and Nola J. Dunford to Don McFarland, dated August 12, 1988 and recorded March 7, 1989 as Instrument No. 200637 on Film No. 205, records of Cassia County, Idaho.

- (c) Certificate of Assumed name or Partnership Agreement for Dunford & McCall, a partnership, must be recorded with the Cassia County Recorder.
- (d) Partial Release of Financing Statement No. 17764 between Brent Funk, as Debtor, and Idaho Bank & Trust Co., as Secured Party, filed April 9, 1986 as Instrument No. 177407 on Film No. 180, records of Cassia County, Idaho.
- (e) Partial Release of Mortgage from Dunford & McCall, a partnership, as Mortgagors, to The Travelers Insurance Company, as Mortgagee, dated January 20, 1989 and recorded January 23, 1989 as Instrument No. 199927 on Film No. 201, records of Cassia County, Idaho.
- (f) Partial Release of Financing Statement No. 39372 between Dunford & McCall, a partnership, as Debtors, and The Travelers Insurance Company, as Secured Party, filed January 23, 1989 as Instrument No. 199928 on Film No. 204, records of Cassia County, Idaho.

N O T E

The County Treasurer advises us that taxes for 1988 were assessed in the total sum of: \$836.84 - TR. #RF12S19EC50000A, \$1,296.18 - TR. # RPS19E060000A, \$151.96 - TR. #RPS19E070000A

NOTE: Since the Title Company does not have adequate access to the records of security filings in the office of the Idaho Secretary of State, it assumes no responsibility for any filings.

-Continued-

MICROFILMED

MAR 10 1993

Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-I cont'd

or lack of filings as to any claimed security interest concerning goods, chattels, farm products, or fixtures that may affect the herein described real estate. The proposed insured is urged to check the records of the Secretary of State of Idaho.

COPY

NOTE: Persons who purchased or who were named insureds under policies of title insurance covering real estate in any one of thirteen states (Arizona, Connecticut, Idaho, Louisiana, Montana, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Wisconsin and Wyoming) issued between January 1, 1981 and December 31, 1985 may be entitled to certain benefits under a Final Order and Judgment entered in the Real Estate Title and Settlement Services Antitrust Litigation in the United States District Court for the Eastern District of Pennsylvania. These benefits may include the right to receive the last \$5,000.00 of title insurance at no charge. Please contact Land Title Escrow, Inc. for further information.

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MAR 10 1993

Schedule B-I Page 2 No. 82-021994

Lawlers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B—Section 2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Taxes for 1989 and subsequent years, a lien, but not yet due or payable.
7. Power Line Easement from J. Woodson Creed and Nona Creed, his wife, to Idaho Power Company, dated April 29, 1955, and recorded July 11, 1957 as Instrument No. 194111 in Book 15 of Miscellaneous on Page 481, records of Cassia County, Idaho, covering the SW1/4 of Section 5, Township 12 South, Range 19 East of the Boise Meridian.
8. Power Line Easement from J. Woodson Creed and Nona M. Creed, his wife, to Idaho Power Company, a corporation, dated May 3, 1957, and recorded May 8, 1958 as Instrument No. 197154 in Book 15 of Miscellaneous, records of Cassia County, Idaho, covering the SE1/4 and E1/2 in Section 6, Township 12 South, Range 19 East of the Boise, Meridian, and the NW1/4 in Section 5, Township 12 South, Range 19 East of the Boise Meridian.

-Continued-

NONE

Exceptions numbered _____ are hereby omitted.

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MAR 10 1993

The Owner's Policy to be issued, if any, shall contain the following items in addition to the ones set forth above:

- (1) The Deed of Trust, if any, required under Schedule B—Section 1, Item (b).
- (2) Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing issuance thereof; water rights, claims or title to water.
- (3) Any and all unpaid taxes, assessments and unredeemed tax sales.

BF-021994

Schedule B—Section 2—Page 1—No.

Lawyers Title Insurance Corporation

NATIONAL HEADQUARTERS

RICHMOND, VIRGINIA

SCHEDULE B-II cont'd.

9. Power Line Easement From J. Woodson Creed and Norma Milton Creed, his wife, to Idaho Power Company, a corporation, dated May 3, 1960 and recorded November 9, 1960 as Instrument No. 208720 records of Cassia County, Idaho, covering the NW1/4SW1/4 of Section 5, Township 12 South, Range 19 East of the Boise Meridian.
10. Right of Way Easement from Creed ConCern, Inc., to Idaho Power Company, a corporation, dated May 21, 1979, and recorded August 23, 1979, as Instrument No. 119464 on Film No. 128, records of Cassia County, Idaho.
11. Right of Way Option from Sunford & McCall, to Idaho Power Company, a corporation, dated February 23, 1989 and recorded March 7, 1989 as Instrument No. 200639 on Film No. 205, records of Cassia County, Idaho, for an easement over and across a portion of said property. (see attached copy)

MICROFILMED

MAR 10 1993

Lawyers Title Insurance Corporation

TitleFact, Inc.
P.O. Box 486
Twin Falls, Idaho 83301

NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

COMMITMENT OR BINDER ENDORSEMENT

Re: Martin Van Diest

Case No. 20324

The Commitment or Binder in the above matter is hereby amended in the following respects:

Supplementing our Commitment issued under the above Order Number, you are advised that as of September 14, 1989 at 8:00 A.M., certain changes have been made in the title to the premises described in said Commitment as follows:

Requirement (d) of Schedule B-Section I is hereby eliminated.

204018
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW, INC.
FILM
SEP 21 3 27 PM '89
CASSIA COUNTY, IDAHO
FRANK J. KEARNS
RECORDER
FEE \$2.00

960415
State of Idaho }
County of Cassia }
I hereby certify that this
instrument was recorded at
the request of
TITLEFACT, INC.
14-SEP-1989 this
SEP 21 1989
In my office and recorded
in Book _____
Richard A. Peterson
County Clerk
FEE \$3.00
Return to
J. M. Peterson
Deputy

The total liability of the Company under said commitment or binder and under this and any prior endorsements thereto shall not exceed, in the aggregate, the amount of liability stated on the face of said commitment or binder as the same may be specifically amended in dollar amount by this or any prior endorsements, and the costs which the Company is obligated to pay under the Conditions and Stipulations of the policy committed for by said commitment or binder.

This endorsement is made a part of said commitment or binder and is subject to the schedules, terms, Conditions and Stipulations therein and in the policy committed for, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of the aforesaid commitment or binder unless otherwise expressly stated.

IN WITNESS WHEREOF, the Company has caused this Endorsement to be signed and sealed as of the 14th day of September, 1989, to be valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws.

Issued at Burley, Idaho

COUNTERSIGNED:

LAND TITLE AND ESCROW, INC.

Joni Harris
Authorized Officer or Agent

Lawyers Title Insurance Corporation

By: Robert C. Dawson
President

Attest: L.W. J. [Signature]
MICROFILMED
MAR 7 1989
Secretary

LAW OFFICES

**BENOIT, ALEXANDER, SINCLAIR,
DOERR, HARWOOD & HIGH**

HARRY BENOIT 1893-1966

EDWARD L. BENOIT
OF COUNSEL

J. ROBERT ALEXANDER

J. WALTER SINCLAIR

JOHN A. DOERR

ROBERT M. HARWOOD

THOMAS B. HIGH

FRITZ A. WONDERLICH

JACQUELINE WAKEFIELD

PATRICK M. ANDERSON

ROGER B. HARRIS

126 SECOND AVENUE NORTH

POST OFFICE BOX 366

TWIN FALLS, IDAHO 83303-0366

TELEPHONE (208) 733-5463

FACSIMILE No. (208) 734-1438

February 26, 1990

KETCHUM OFFICE

POST OFFICE BOX 2246

KETCHUM, ID 83340-2246

TELEPHONE (208) 726-4900

RECEIVED

FEB 27 1990

Department of Water Resources
Southern Region Office

Department of Water Resources
2148 4th Ave E
Twin Falls, Idaho 83301

Regarding: Water Adjudication

Dear Water Resources:

Enclosed please find 21 changes in ownership of notice of claim. Changing from Rock Creek Farms to Van Diest Family partnership.

Thank you for processing same at your earliest convenience.

Sincerely,


J. Walter Sinclair

JWS/mjp

MICROFILMED

MAR 10 1993

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-00140
Date Received: 1/19/89
Receipt No: 5006099
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROCK CREEK FARMS 208-734-6622
Address: %MCCALL & DUNFORD
P.O. BOX 1598
TWIN FALLS, ID 83303
2. Date of Priority: MAY 30, 1874
3. Source: ROCK CREEK Trib. to: SNAKE RIVER
4. Point of Diversion:
- | | | | | | | | |
|----------|-------|---------|--------|--------|-----|-----|------------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 12S | 18E | 1 | | NE | SW | | TWIN FALLS |
| | | | | SW | SW | | TWIN FALLS |
5. Description of diverting works:
HEADGATES, WEIRS, PUMPS, SPRINKLERS
6. Water is used for the following purposes:
- | | | | | | |
|------------|-------|-------|-------|------|--------|
| Purpose | From | To | C.F.S | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.400 | | |
7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	36	SE	SW		IRR	40.0
			NW	SE		IRR	36.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	18E	36	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				156.0
12S	18E	1	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	33.0
			SW	NW		IRR	33.0
			SE	NW		IRR	33.0
			Section Acres				299.0
			Total Acres				455.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A47-02566,02511,02491,00142,00143,02546,00141,00157A

14. Remarks:

6.16CFS GROUNDWATER, 2.94CFS DECREED ROCK CREEK WATER, & 4.25CFS
DECREED ROCK CREEK FLOOD RIGHT USED ON 455 ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/19/1892

A.D. NORTON ET AL

Decree Plaintiff

vs

PATRICK GARRITY ET AL

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Owner of
Rock Creek Farms, that I have signed the foregoing
Organization
document in the space below as Owner of
Title
Rock Creek Farms and that the statements contained in the
Organization
foregoing document are true and correct.

Jack C McCall
Signature of Authorized Agent
Pontre
Title and Organization
1/17/89
Date

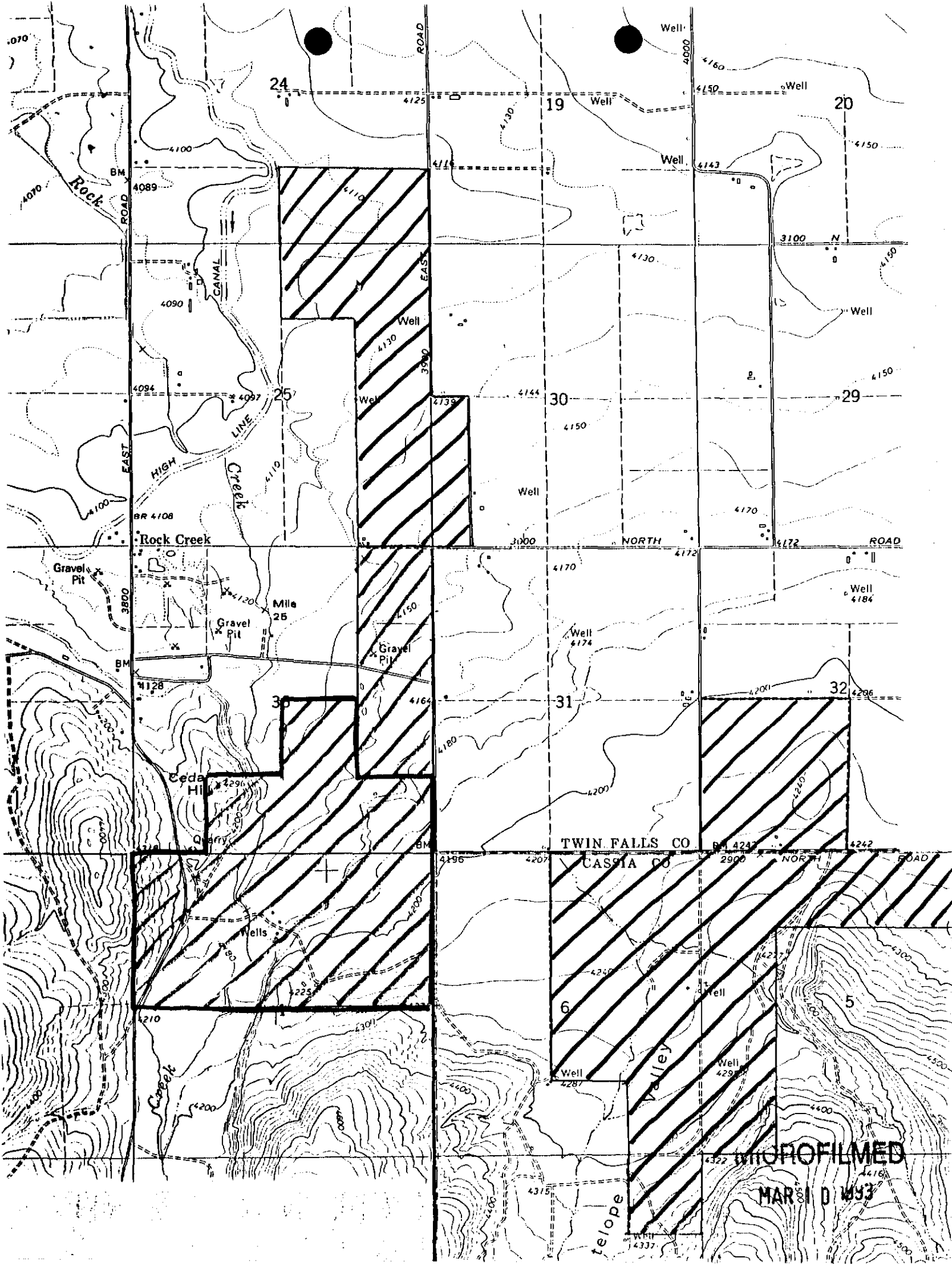
State of Idaho)
County of Swain Falls) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of January 19 89

Christine L. Henton
Notary Public

Seal

Residing at 1115 11th Ave E
Swain Falls, Idaho
My Commission Expires 1-3-95



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MAR 10 1993

Date Received 01/11/1989

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

ROCK CREEK FARMS

Name of Claimant

P.O. BOX 1598

Post Office Address

TWIN FALLS, ID 83303

City, State, Zip Code

TWIN FALLS

County(s) where Place of Use is located

JANUARY 11, 1989

Date Claim Originally Due

A47-02515, 07526, 02526, 14470, 14469, 14468,

A47-02536, 02556, 00163, 02566, 02546, 00141, 00142, 00143, 02511, 02491, 00140, 00157A, 02544,
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

CLAIMANT ATTEMPTED TO FILE CLAIMS ON DAY OF DEADLINE BUT WATER AGENT (LORI WHITE) DID NOT HAVE ENOUGH TIME TO ENTER AND MAP OUT ALL THEIR CLAIMS.

EXTENSION OF TIME REQUESTED BY DEPARTMENT

Claimant requests an extension to _____, 19__.

Rock Creek Farms By Jack McCall

Signature

Partner & Owner

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

✓ granted denied,
and the filing deadline extended to 1/17, 1989.

Signed this 17 day of January, 1989

David B Shaw
Director or his designated agent

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MAR 10 1993

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

October 2, 1997 1145am

NAME:

JIM KIENLEN

CAME IN

RE:

NEEDED PROFILE REPORTS

HE ASKED FOR A QUERY ON 'GUTHRIE' FOR THE LEGAL T12S, R18E, S01, NW1/4. NO CLAIMS BY THAT NAME FOUND... PRINTED OUT COPIES FOR THE RIGHTS LISTED IN THAT LEGAL, MOST IN THE NAME OF WINDING BROOK CORP.

CLAIMS: A47-02491, A47-02546, A47-02566, A47-02511, A47-00157A, A47-00127A, A47-00140, A47-00141, A47-00142, A47-00143, A47-14630 & A47-14468

Log for claim A47-00140

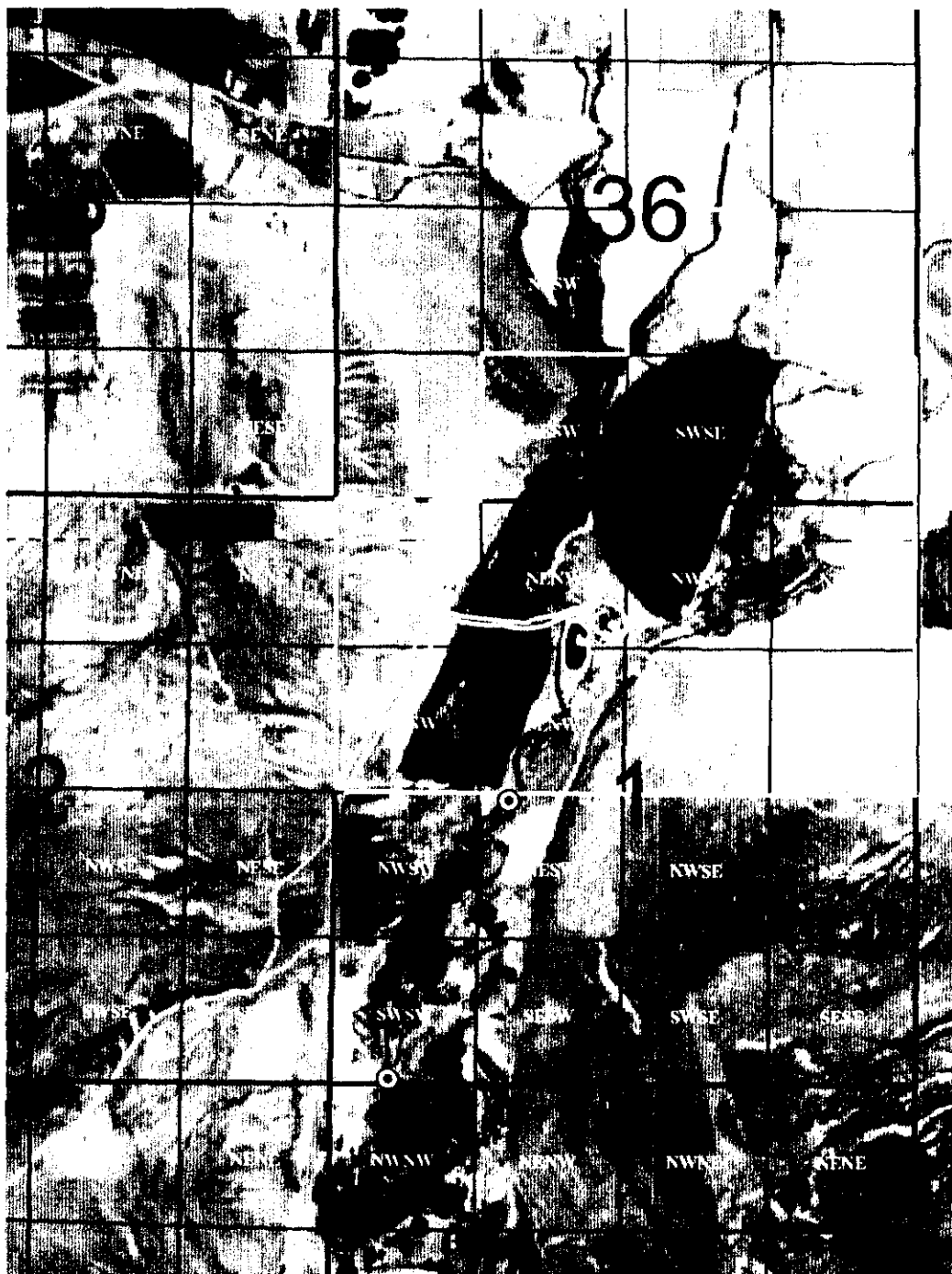
Spatial Dynamics LTD

10/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s18e	36	SESW	40	40	
11s18e	36	NWSE	36	40	
11s18e	36	SWSE	40	40	
11s18e	36	SESE	40	39	
12s18e	1	NENE	40	39	
12s18e	1	NWNE	40	40	
12s18e	1	SWNE	40	40	
12s18e	1	SENE	40	39	
12s18e	1	NENW	40	36	
12s18e	1	NWNW	33	34	
12s18e	1	SWNW	33	36	
12s18e	1	SENW	33	38	
Totals:			455	461	

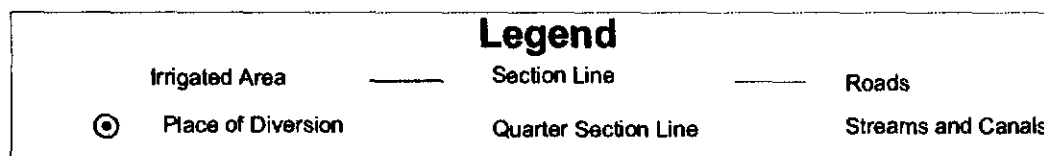
10/13/2000

Water Right Claim Number A47-00140 and A47-00141
Townships , 11S18E, 12S18E



31

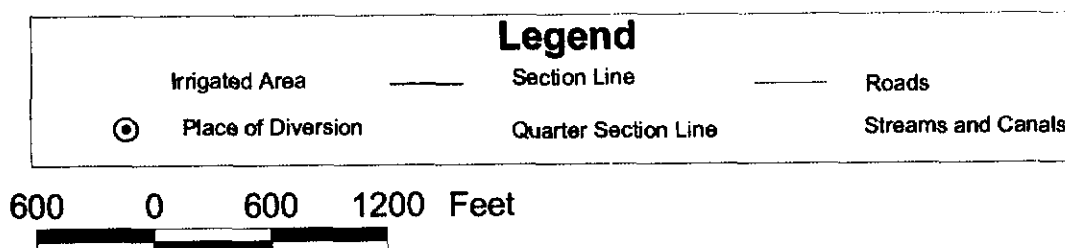
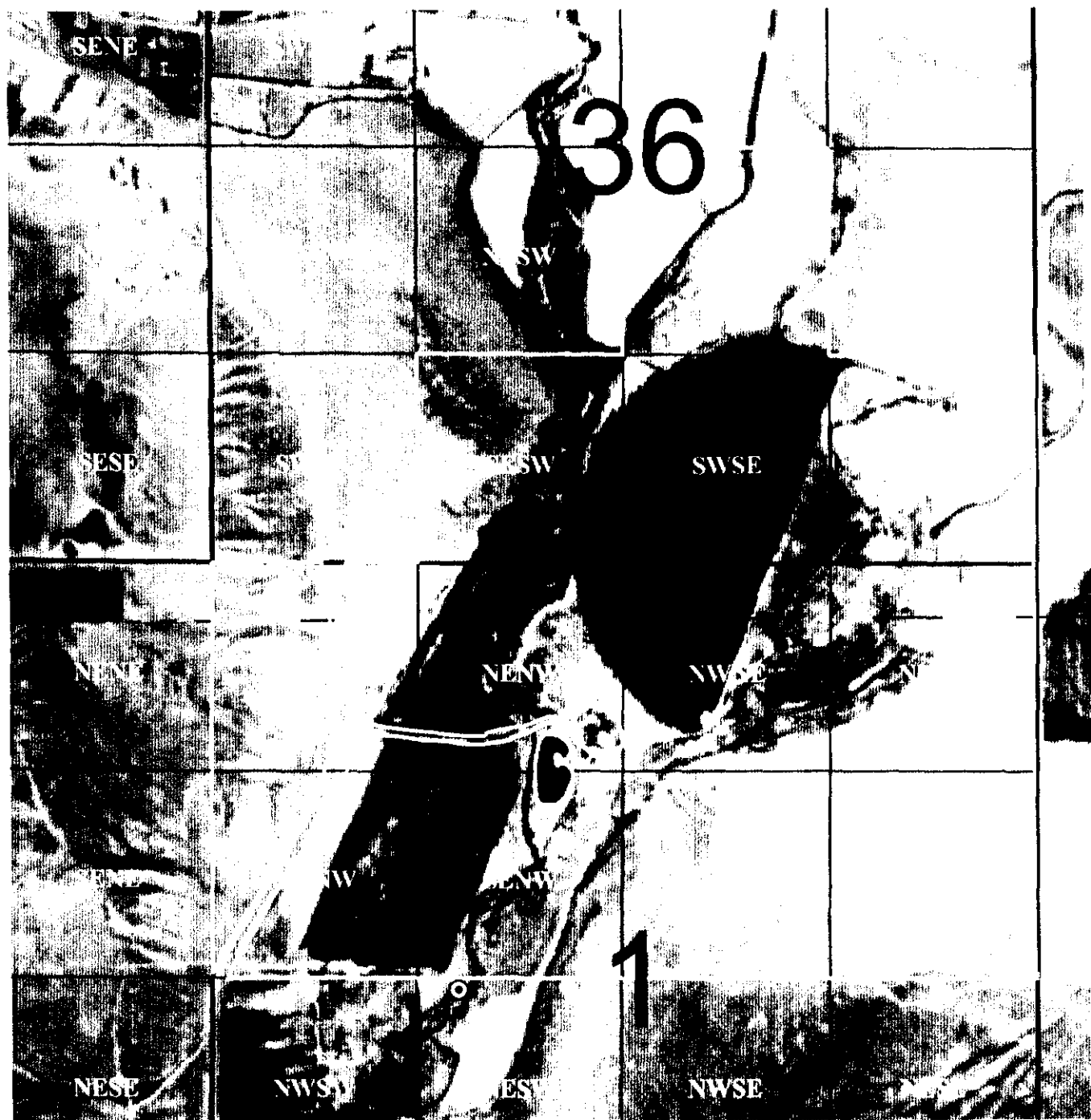
6



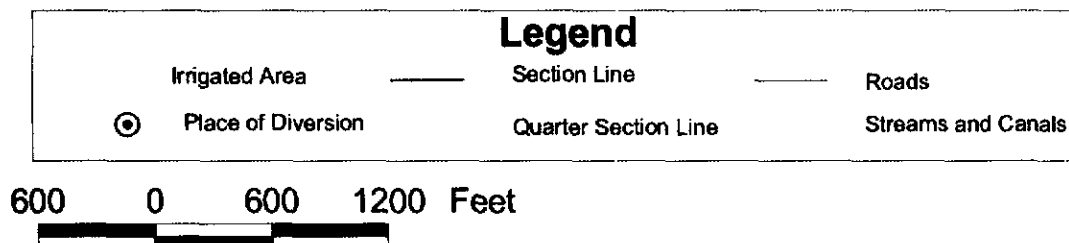
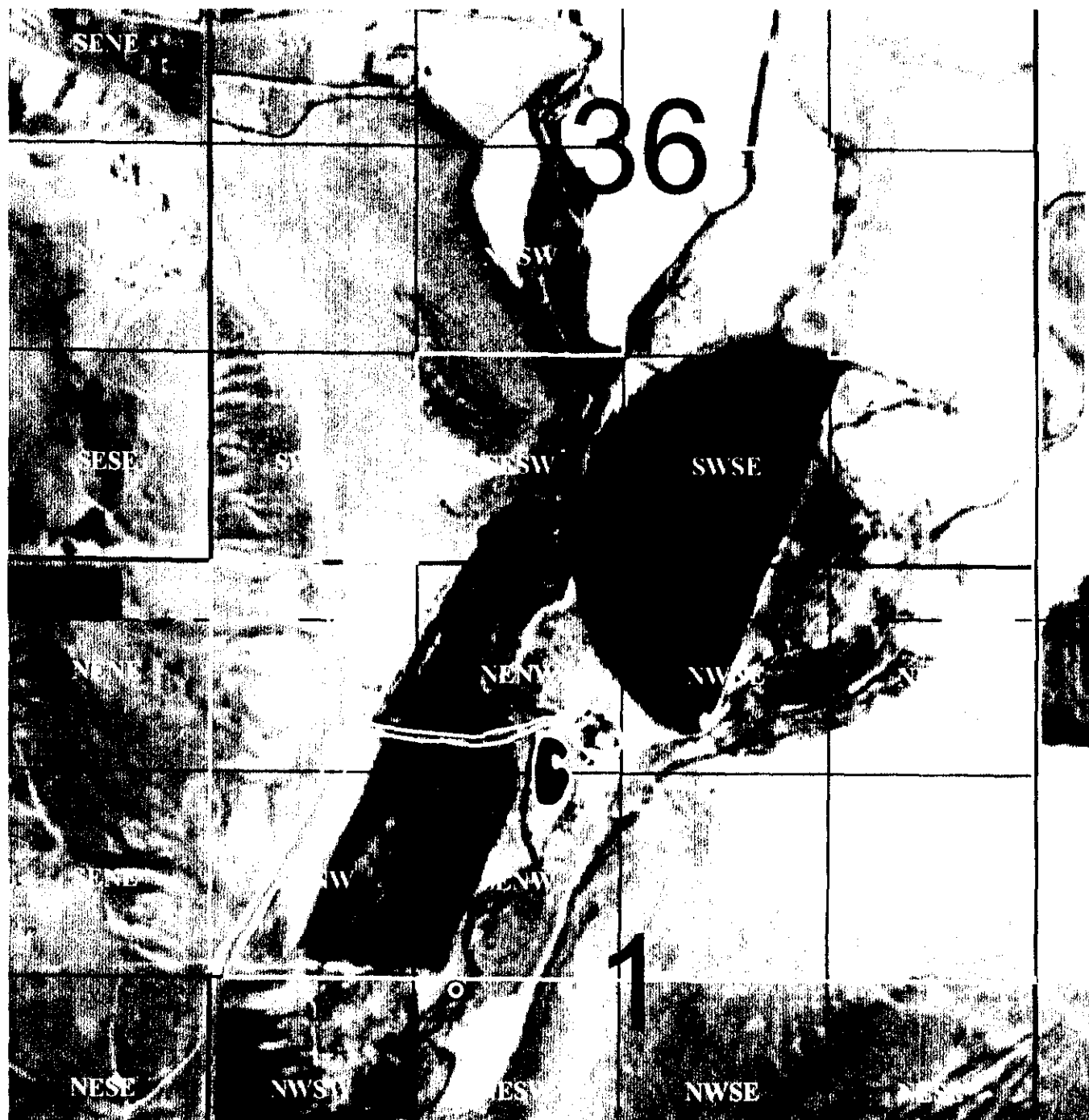
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**Water Right Claim Number A47-00140 and A47-00141
Townships , 11S18E, 12S18E**

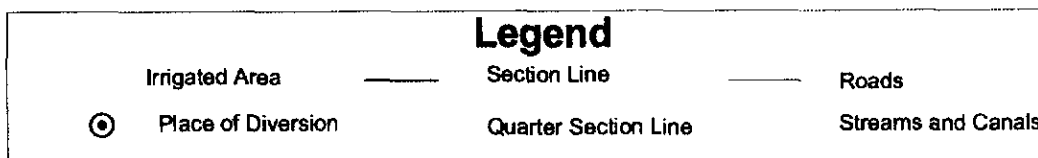
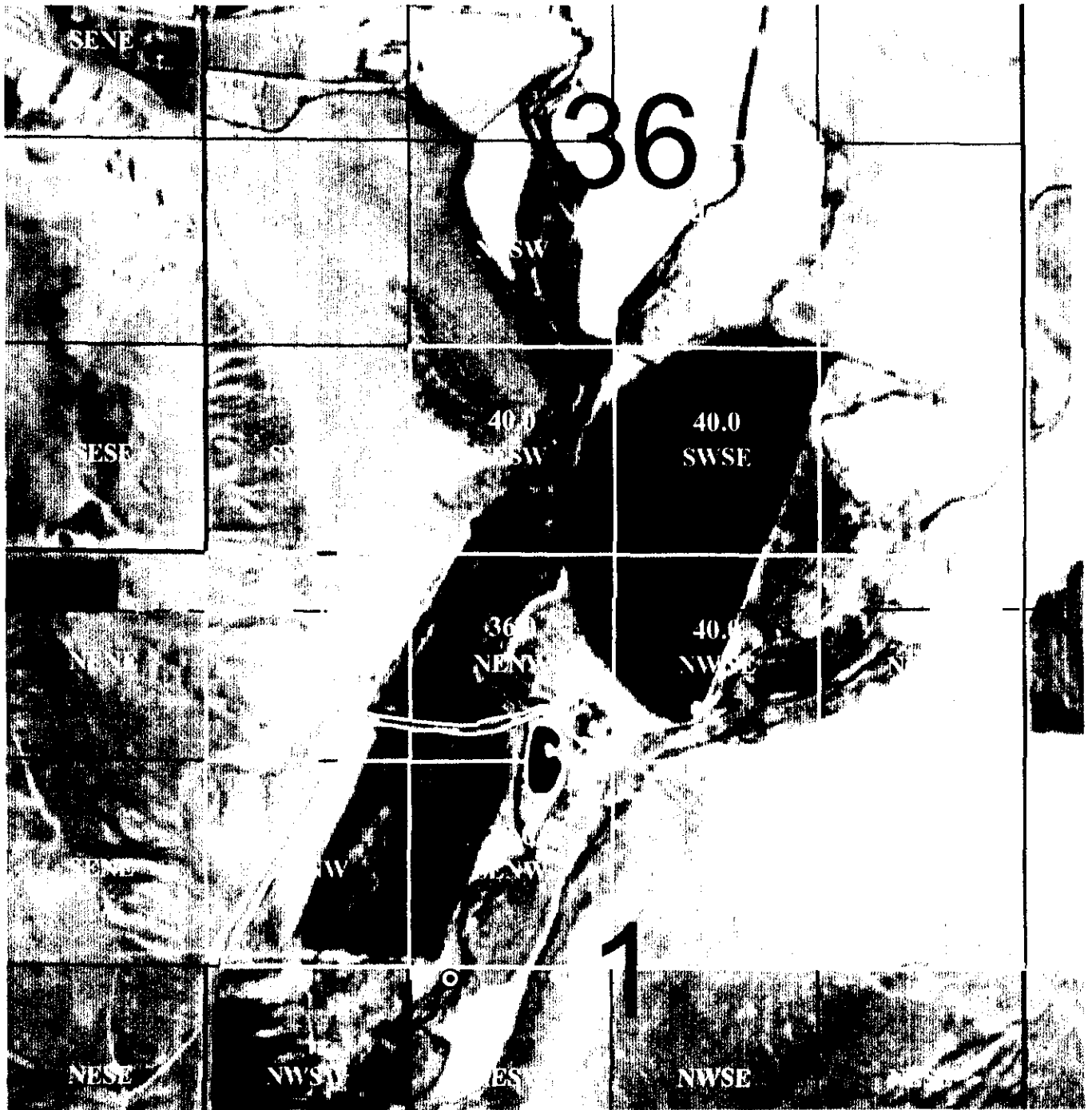


Water Right Claim Number A47-00140 and A47-00141
Townships , 11S18E, 12S18E



10/13/2000

Water Right Claim Number A47-00140 and A47-00141
Townships , 11S18E, 12S18E



600 0 600 1200 Feet



AJ5809NP
No. A47-00140

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/03/00
PAGE: 72

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OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WINDING BROOK CORP C/O RODNEY MOORE PO BOX 53 NAMPA ID 83653 (208) 466-0419	05/30/1874	IRRIGATION	03-15 11-15	0.400 CFS	
					TOTAL DIVERSION:	0.400 CFS

Water Source: ROCK CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T12S R18E S01 NESW SWSW TWIN FALLS County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE							
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
11S	18E	36	:																								
12S	18E	1	:	40		40		40		40	:	40		33		33		33			:						
																								TOTAL ACRES	455.0		

POU County: TWIN FALLS

Other Rights: A47-02566,02511,02491,00142,00143,02546,00141,00157A

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A47-00127A	A47-00137A	A47-00137B	A47-00141	A47-00142	A47-00147B	A47-00168	A47-00169	A47-00170	A47-00171
A47-00173	A47-00174	A47-00175	A47-00176	A47-00177B	A47-00177D	A47-00177E	A47-00177F	A47-00177G	A47-00178
A47-00179	A47-00180	A47-00181	A47-00182	A47-00183	A47-00184A	A47-00184B	A47-00187	A47-00188	A47-00189
A47-00190	A47-00191	A47-00192	A47-00193	A47-02484A	A47-07529	A47-14630	A47-16640B	A47-16640D	A47-16640E
A47-16640F	A47-16640G	A47-00137B	A47-00183	A47-00184A	A47-02484A				

Other Water Rights Listing Overlapping Place(s) of Use:

A47-00121	A47-00122	A47-00124B	A47-00127A	A47-00138	A47-00141	A47-00142	A47-00143	A47-00157	A47-00157A
A47-00158	A47-02491	A47-02511	A47-02546	A47-02551	A47-02566	A47-10693			

Remarks: GEN 6.16CFS GROUNDWATER, 2.94CFS DECREED ROCK CREEK WATER, & 4.25CFS
DECREED ROCK CREEK FLOOD RIGHT USED ON 455 ACRES.
ADDRESSES 3/29/95 DMS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 470 Field Inspection Flag:
Presumption Flag: D

Audit: 01/16/89 WHITE 03/05/90 WHITE 03/10/95 SCLELLAN 03/29/95 DSMITH
03/30/95 POST-STD