

OK  
JC  
12-22-05

# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split                               | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------------------------------------|-----------------------|------------------------------|-------|
| _____                 | 27-11330                     | <input checked="" type="checkbox"/> | _____                 | _____                        | _____ |
| _____                 | 27-45                        | <input checked="" type="checkbox"/> | _____                 | _____                        | _____ |
| _____                 | 27-12002                     | <input checked="" type="checkbox"/> | _____                 | _____                        | _____ |
| _____                 | 27-12010                     | <input checked="" type="checkbox"/> | _____                 | _____                        | _____ |
| _____                 | _____                        | _____                               | _____                 | _____                        | _____ |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).  
**OR**  
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) ROLAND ALLEN LAND AND LIVESTOCK, INC.  
1019 Oakley Avenue, Burley, ID 83318
4. New Owner/Claimant(s) HUNSAKER RANCHING, INC.  
 Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address 3804 Blackfoot River Road, P.O. Box 324  
 City, State and ZIP Code Soda Springs, Idaho 83276  
 New Telephone Number (208) 547-3857
5. Date you acquired the property 12/15/05

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number _____                                                                      |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s) \_\_\_\_\_  
(include title if applicable) *Hammer Ranching, Inc.*  
*by: Keith Hammer Pres.*  
*Carolyn Oensatke - Sec*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

**For Office Use Only**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

## WARRANTY DEED

For Value Received, **Roland Allen Land and Livestock Inc.**, an Idaho corporation, as Grantor, does hereby grant, bargain, sell and convey unto, **Hunsaker Ranching, Inc.**, an Idaho corporation, as Grantee, whose address is:

Hunsaker Ranching, Inc.  
Keith and Carolyn Hunsaker  
P.O. Box 324  
Soda Springs, ID 83276

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

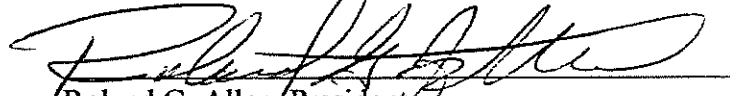
The premises are legally described in Exhibit A.

**TO HAVE AND TO HOLD** the said premises, with their appurtenances unto the said Grantee and its heirs and assigns forever. The Grantor does hereby covenant to and with the said Grantee, that, except as otherwise provided below with respect to Tract II, Grantor is the owner in fee simple of said premises, that the premises are free from all encumbrances and, except as otherwise provided below, Grantor will forever warrant the title to said premises. This conveyance is subject to the following:

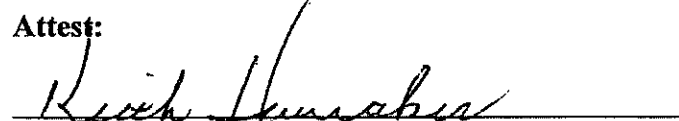
- A. Federal patents; building and use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way and easements claimed, established or of record; accruing taxes and assessments; encumbrances which are not shown by public records and which were created prior to Grantor's ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; unpatented mining claims and claims or title to water or water rights.
- B. The interests in Tract II, described in Exhibit A, claimed or owned by Preston R. Allen and Connie W. Allen, husband and wife; Kent P. Allen and Christine A. Allen, husband and wife; Scot F. Allen and Debra D. Allen, husband and wife; and Tony L. Allen and Cindy G. Allen, husband and wife.
- C. Those matters listed in Exhibit B to this warranty deed, with the exception that Grantor represents that the encumbrance identified in item 14 of Exhibit B has been released.

DATED this 15 day of December, 2005.

**Roland Allen Land and Livestock Inc.**

  
\_\_\_\_\_  
Roland G. Allen, President

**Attest:**

  
\_\_\_\_\_  
Keith Hunsaker, Vice-President

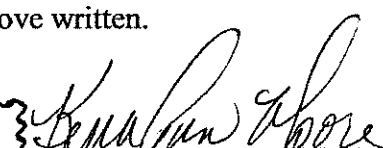
STATE OF IDAHO )

:SS

County of Caribou )

On this 15<sup>th</sup> day of December, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Roland G. Allen and Keith Hunsaker**, known to me to be the President and Vice- President, respectively, of the corporation that executed the within instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

|                                                                                                                            |                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div data-bbox="168 741 660 917" data-label="Text"><p>KENA ANN MOORE<br/>NOTARY PUBLIC<br/>(SEAL) STATE OF IDAHO</p></div> | <div data-bbox="660 651 1214 917" data-label="Text"><p><br/>_____<br/>NOTARY PUBLIC STATE OF IDAHO<br/>Residing at: <u>Soda Springs, ID</u><br/>My commission expires: <u>7/18/09</u></p></div> |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## EXHIBIT A

The following described premises located in Caribou County, Idaho, to-wit:

Tract I:  
Township 7 South, Range 43 East of the Boise Meridian:

Section 25: NEX, S $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$ .  
ALSO, Beginning at a point 115.0 feet South of the Northwest Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 25, said point being on the West line of said Section 25, and running thence South along said Section line 165 feet, more or less, to an intersection with the right of way fence of a County Road;  
thence Northeasterly along said right of way fence to a point 200 feet, more or less, North 89°06' East from the point of beginning;  
thence South 89°06' West 200 feet, more or less, to the Point of Beginning.  
ALSO, Beginning at the Northwest corner of the S $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 25, and running thence East along the North line of the S $\frac{1}{4}$ SW $\frac{1}{4}$  1,598.1 feet, more or less, to the Northerly right of way line of Dry Valley Mine Road;  
thence South 77°44' West along said right of way line 458.0 feet;  
thence South 89°06' West along said right of way line 1,150.6 feet, more or less, to the West line of said Section 25;  
thence North along said West line 115.0 feet, more or less, to the Point of Beginning.

Township 8 South, Range 43 East of the Boise Meridian:

Section 23: NEX, E $\frac{1}{4}$ SE $\frac{1}{4}$ .  
Section 24: W $\frac{1}{4}$ .

EXCEPT THEREFROM all that portion thereof lying within the right of way of the Union Pacific Railroad, Dry Valley Branch, as disclosed by that certain Release and Quit Claim Deed executed by El Paso Products Service Company to Oregon Short Line Railroad Company, and its lessee, Union Pacific Railroad Company, dated May 19, 1972, recorded November 3, 1976, under Recorder's Instrument No. 88856, records of Caribou County, Idaho.

Tract II:  
Township 7 South, Range 43 East of the Boise Meridian:

Section 26: That part of the NEX of Section 26, lying Southerly and Westerly of El Paso Products Company Railroad right of way, more or less, EXCEPTING THEREFROM, a tract of land being .5 acres, more or less, described as Parcel No. 2 in Deed dated September 7, 1965, from George Melvin Butterfield, recorded as instrument No. 55246, records of Caribou County, Idaho.

EXHIBIT

A

# COMMITMENT FOR TITLE INSURANCE

## SCHEDULE B - SECTION I

File Number: 17031

Page:

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

A. 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.

B. General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.\*
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.\*
- (3) Easements, or claims of easements, 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) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.\*
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.\*

\*Paragraphs 1, 2, 3, 4, 5 and 6 will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed as a Special Exception in Schedule B-Section 2.

C. Special Exceptions:

(See Schedule B-Section 2 beginning on next page)

NOTE: In the event this transaction fails to close and this Commitment is cancelled, a fee will be charged to comply with the State Insurance Code.

## SCHEDULE B - SECTION 2

File Number: 17031

### Special Exceptions:

1. General taxes for the year 2005 in the original sums of \$697.30, \$306.60, \$530.76, \$101.44 and \$752.18, see Tax Receipt Nos. 1502, 1502A, 1502B, 1504 and 1737, shows the first half due and payable on or before December 20, 2005.

2. Reservations and exceptions in the United States Patent, and in the Act authorizing the issuance thereof, recorded September 30, 1899, in Book 1 of Patents, at page 39, records of Caribou County, Idaho. Said patent affects the N~~X~~SW~~X~~, S~~X~~NW~~X~~, NE~~X~~, and the N~~X~~SE~~X~~ of Section 25, T. 7 S., R. 43 E., B.M.

Reservations and exceptions in the United States Patent, and in the Act authorizing the issuance thereof, recorded February 9, 1926, in Book of Patents, at page 520, under Recorder's Instrument No. 7504, records of Caribou County, Idaho. Said patent affects the S~~X~~SW~~X~~ of Section 25, T. 7 S., R. 43 E., B.M.

Reservations and exceptions in the State of Idaho Deed, and in the Act authorizing the issuance thereof, recorded February 23, 1917, in Book 5 of Deeds, at page 523, under Recorder's Instrument No. 52928, records of Caribou County, Idaho. Said patent affects the NE~~X~~NW~~X~~ of Section 24, T. 7 S., R. 43 E., B.M.

3. Rights of the public in and to that portion of said premises lying within Blackfoot River Road, Slug Creek Road, and Dry Valley Road.

4. Rights of the public in and to that portion of said premises covered by Blackfoot River and Slug Creek, or otherwise covered by water.

5. Right, title, and interest of R.W. Slemaker, and those claiming under him, in and to an "... undivided 15/16ths interest in, to and of all oil, gas and other mineral, whether similar or dissimilar, on, in, under and that may be produced..." disclosed by instrument executed by H.H. Allen and Rada Allen, his wife, to R.W. Slemaker, dated September 20, 1948, recorded September 27, 1948, in Book 12 of Deeds, at page 24, under Recorder's Instrument No. 24545, records of Caribou County, Idaho. Said instrument affects all the above described property.

6. Right, title and interest of the heirs of Walter Largilliere, Jr., deceased, in and to the minerals disclosed by Quit Claim Deed executed by Jay Beus and Isabelle Beus, his wife, dated November 5, 1950, recorded January 4, 1951, in Book 13 of Deeds, at page 311, under Recorder's Instrument No. 28203, records of Caribou County, Idaho. Said instrument affects the S~~X~~S~~X~~ of Section 25, and the S~~X~~SE~~X~~ of Section 35, T. 7 S., R. 43 E., B.M.

7. Right of Way, and all rights incidental thereto, granted by Roland R. Allen and Margaret Allen, his wife, to Western Fertilizer Association, a Utah corporation, by instrument dated March 21, 1952, recorded March 22, 1952, in Book 37 of Deeds, at page 201, under Recorder's Instrument No. 30532, records of Caribou County, Idaho. Said instrument affects the N~~X~~S of Section 25, T. 7 S., R. 43 E., B.M., but the exact location of said

SCHEDULE B - SECTION 2 This Commitment is not valid without Schedule B - Section 1

Commitment

Reorder Form No. 11122

17031

right of way is not disclosed.

8. Pole Line Easement, and all rights incidental thereto, granted by Roland R. Allen and Margaret V. Allen, his wife, to Utah Power & Light Company, a corporation, by instrument dated June 9, 1965, recorded August 20, 1965, under Recorder's Instrument No. 55111, in the records of Caribou County, Idaho. Said instrument affects the NW1/4SW1/4 of Section 23, and the NE1/4SE1/4 of Section 26, T. 7 S., R. 43 E., B.M.

9. Easement and all rights incidental thereto, granted by Roland Allen and Margaret V. Allen, husband and wife, to Caribou County, a political subdivision of the State of Idaho, dated April 6, 1967, recorded April 10, 1967, under Recorder's Instrument No. 60261, in the records of Caribou County, Idaho. Said instrument affects that portion of the NW1/4SW1/4 of Section 25, T. 7 S., R. 40 E., B.M.

10. Pole Line Easement, and all rights incidental thereto, granted by Roland R. Allen and Margaret V. Allen, his wife, to Utah Power & Light Company, a corporation, by instrument dated July 6, 1967, recorded January 4, 1968, under Recorder's Instrument No. 62470, in the records of Caribou County, Idaho. Said instrument affects the NW1/4SW1/4 of Section 25, and the NE1/4SE1/4 of Section 26, T. 7 S., R. 43 E., B.M.

11. Right of Way for a power line and replacing and removing a telephone cable, and all rights incidental thereto, contained in a Warranty Deed from Stauffer Chemical Company, a Delaware Corporation, to Roland R. Allen and Margaret V. Allen, husband and wife, dated February 26, 1968, recorded July 8, 1968, under Recorder's Instrument No. 64055, in the records of Caribou County, Idaho. Said instrument affects that portion of the NE1/4 of Section 26, T. 7 S., R. 43 E., B.M.

12. Burdens and all rights incidental thereto, imposed by that certain two Memorandum Agreement, and all rights incidental thereto, executed by Roland R. Allen and Margaret V. Allen, husband and wife, to Kent P. Allen and Christine A. Allen, husband and wife, Scot F. Allen and Debra D. Allen, husband and wife, Tony L. Allen and Cindy G. Allen, husband and wife, both dated, May 16, 1980, the first recorded June 3, 1980, under Recorder's Instrument No. 105122, and the second recorded June 23, 1980 under Recorder's Instrument No. 105326, both in the records of Caribou County, Idaho. Said instrument affects that portion of the NE1/4 of Section 26, T. 7 S., R. 43 E., B.M.

13. Right of Way Easement, and all rights incidental thereto, granted by Roland Allen Land & Livestock, to The Mountain States Telephone and Telegraph Company, a Colorado corporation, dated March 16, 1983, recorded May 20, 1983, under Recorder's Instrument No. 116451, in the records of Caribou County, Idaho. Said instrument affects the NW1/4 of Section 25, T. 7 S., R. 43 E., B.M.

14. Deed of Trust executed by Roland Allen Land and Livestock, Inc.,

17031

to Alliance Title & Escrow Corp., as Trustee, and Roland Gordon Allen, as Beneficiary, to secure the payment of \$85,000.00 together with interest and any other obligations secured thereby, dated November 15, 2001, recorded November 19, 2001, under Recorder's Instrument No. 164777, records of Caribou County, Idaho.

15. Any dispute about the location of the boundary between the land covered herein and the parcel of land excepted from the description in Section A because of the uncertainty of the description of the excepted land. Affects Tract II.

16. Easement, and all rights in incidental thereto, executed by Roland Allen Land & Livestock Inc., to Preston R Allen & Sons, a general partnership, dated April 14, 2004, recorded April 14, 2004, under Recorder's Instrument No. 170833, records of Caribou County, Idaho. Said easement affects the property in Section 23 and 24, T. 8 S., R. 43 E., B. M.

17. Burdens, and all rights incidental thereto, disclosed by Joint Use Agreement, between Preston R. Allen & Sons, a general partnership and Roland Allen and Livestock Inc., an Idaho corporation, dated April 14, 2004, recorded April 14, 2004, under Recorder's Instrument No. 170834, records of Caribou County, Idaho. Said agreement affects Section 23 and 24, T. 8 S., R. 43 E., B.M. and Section 25, T. 7 S., R. 43 E., B.M.

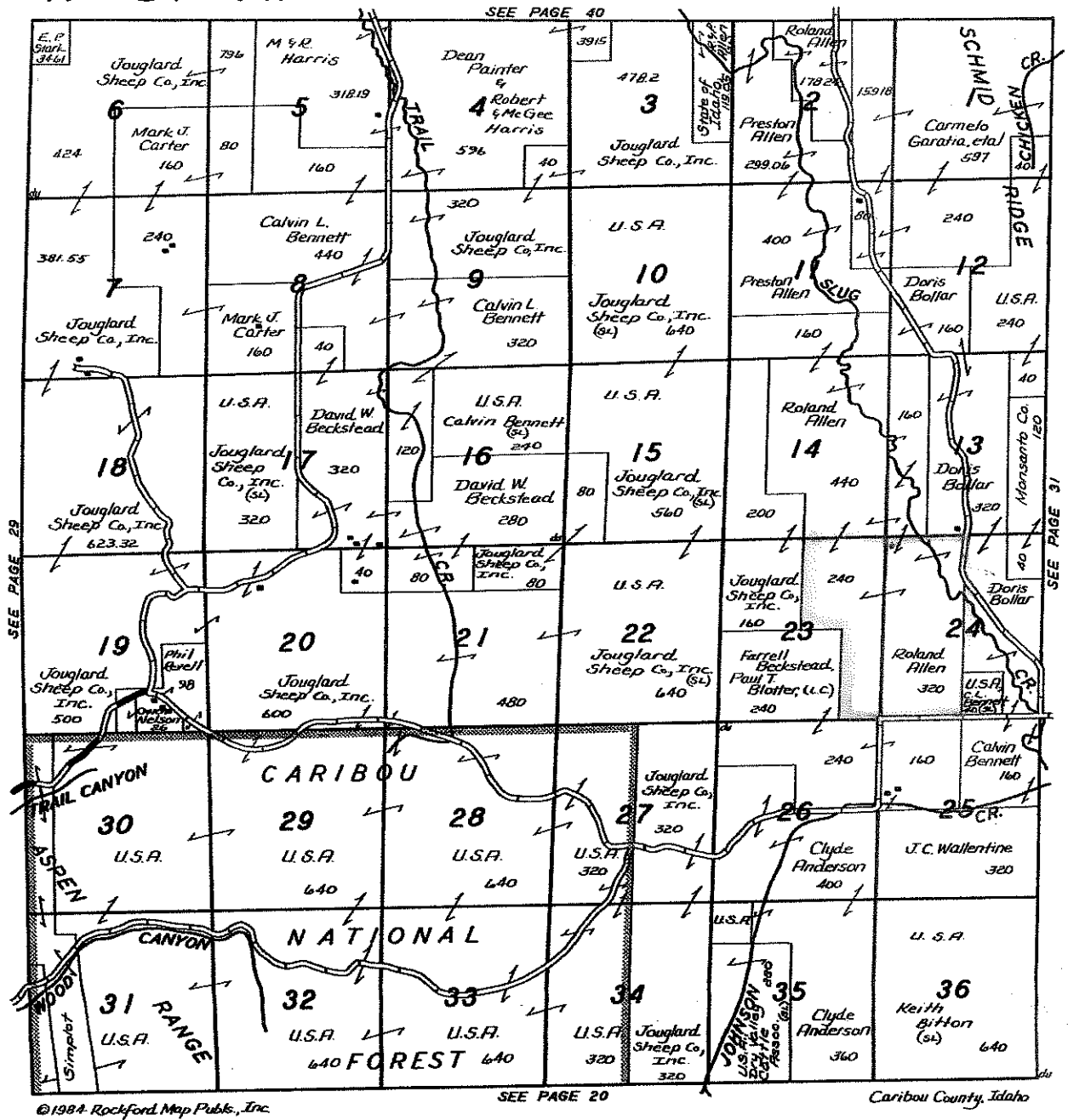
18. Financing Statements, Seed and Farm Laborer's Liens against crops which are filed in the office of the Secretary of State.

19. State Liens, if any, filed in the office of the Secretary of State pursuant to Chapter 19, Title 45 of the Idaho Code.

NOTE: This Company will require an original or certified copy of the Corporate Resolution, for Hunsaker Ranch, Inc., authorizing the purchase of the above described property.

NOTE: This Company will require an original or certified copy of the Corporate Resolution, for Roland Allen Land & Livestock, Inc., authorizing the sale of the above described property.

T.8S. R.43E.



## CONDA PARTNERSHIP

P.O. BOX 37 - CONDA, IDAHO 83230

Phone: (208) 547-4381

TWX (910) 978-5768



**BEKER  
INDUSTRIES CORP.  
PARTNER**



**WESTERN CO-OPERATIVE  
FERTILIZERS (U.S.) INC.  
PARTNER**

## T.7S.-R.43E.

