

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

RECEIVED
 MAR 16 2006
 WATER RESOURCES
 WESTERN REGION

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 Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	3-4017	☒			
	3-4018	☐			
		☐			
		☐			
		☐			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. **NO FEE**
- 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).

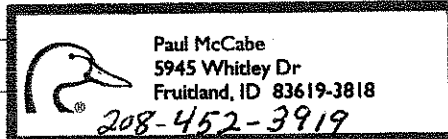
OR

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)



Beverly J McCabe
 Peter J McCabe 452-4475
 5951 Whitley Dr
 Fruitland ID 83619-3764



4. New Owner/Claimant(s)

Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

Peter and Karen Ciraulo
 PO Box 2465

City, State and ZIP Code

Gilroy, CA 95021

New Telephone Number

408-842-6313

5. Date you acquired the property

November 24, 2004

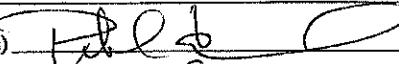
RECEIVED
 MAR 21 2006
 DEPARTMENT OF
 WATER RESOURCES

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 (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)




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 _____

322504

PK
KE

2503
LIMITED LIABILITY COMPANY DEED

FOR VALUE RECEIVED, PETER McCABE AND PAUL McCABE BROTHERS, L.L.C., a Limited Liability Company organized pursuant to the laws of the State of Idaho, consisting of PETER J. McCABE AND PAUL E. McCABE, does hereby grant, bargain, sell, convey and quit claim over to PETER I. CIRAULO and KAREN CIRAULO, husband and wife, of P.O. Box 2465, Gilroy, California, 95021, all right, title and interest in and to that real property located in the County of Payette, Idaho, which is more particularly described as follows:

In Sec. 8, Twp. 7 N., R. 5 W., B.M., Payette County, Idaho, more particularly described as follows:

Beginning at the ~~SE~~ ^{SE 1/4} corner of Government Lot 2 of said Sec.;
thence N., 00°70'00" W., 571.00 feet to the TRUE POINT OF BEGINNING;
thence N. 00°70'00" W., 440.00 feet;
thence West parallel to the Southerly line of said Government Lot 2, 200.00 feet;
thence S. 00°70'00" E., 440.00 feet;
thence Easterly, parallel to the Southerly line of said Government Lot 2, 200.00 feet, more or less, to the TRUE POINT OF BEGINNING.

Together with any and all water, water rights, ditches, ditch rights, minerals, mineral leases and any and all irrigation rights appurtenant to said lands or in anywise connected therewith.

Subject to all outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, the heirs and assigns forever.

Dated this ____ day of November, 2004.

PETER McCABE AND PAUL McCABE BROTHERS, L.L.C.

By: *Peter J. McCabe*
PETER J. McCABE Member

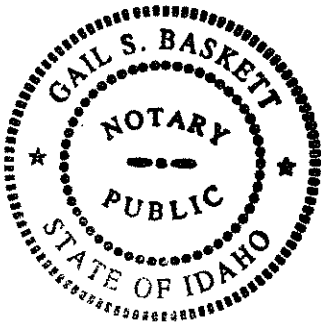
By: *Paul E. McCabe*
PAUL E. McCABE Member

322504

STATE OF IDAHO)
 : ss.
County of Payette)

On this 8th day of November 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared PETER J. McCABE and PAUL E. McCABE, known to me to be Members of PETER McCABE and PAUL McCABE BROTHERS, L.L.C., the Idaho Limited Liability Company named herein, and severally acknowledged before me that they executed the foregoing Deed as such officers in the name of and for and on behalf of the said L.L.C.

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



Gail S. Baskett
Notary Public of Idaho
Residing at: Payette
My Comm Expires: 8/1/07

Instrument # 322504

PAYETTE COUNTY

2004-11-24

12:37:00 No. of Pages: 2

Recorded for : ALLIANCE TITLE & ESCROW

BETTY J DRESSEN

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: DEED

[Signature]
Deed

2503
LIMITED LIABILITY COMPANY DEED

SEND TAX STATEMENTS TO:
PETER I. CIRAULO
KAREN CIRAULO
P.O. Box 2465, Gilroy, CA., 95021

AFTER RECORDING RETURN TO:
Bert L. Osborn, Chtd.
P. O. Box 158
Payette, ID 83661

The true and actual consideration for this conveyance, stated in the terms of dollars, is: \$261,815.00.

PETER MCCABE AND PAUL MCCABE BROTHERS, L.L.C., a Limited Liability Company organized pursuant to the laws of the State of Idaho, consisting of PETER J. MCCABE AND PAUL E. MCCABE, and it's successors in office, Grantor, does grant, bargain, sell and convey to PETER I. CIRAULO and KAREN CIRAULO, husband and wife, of P.O. Box 2465, Gilroy, California, 95021, Grantees, the following described real property located in Payette County, Idaho, free of encumbrances except as specifically set forth herein, and Grantor shall warrant and defend the same from all lawful claims whatsoever:

PARCEL A:

In Twp. 7 N., R. 5 W., B.M., Payette Co., Idaho:
Sec. 5: Govt. Lot 5, lying Southeasterly of the existing Snake River as it is now located.
Sec. 8: Govt. Lots 1 and 2.

ALSO all the lands of the old riverbed of the Snake River as Deeded by the State of Idaho under Deed Instrument No. 280327, being bounded on the Easterly side by the above described Government Lots and on the South by the extension of the South line of said Govt. Lot 2, Sec. 8, Westerly to the thread of the original bed of the Snake River and being bounded on the Westerly side by the thread of the original bed of the Snake River and lying Southerly of the mean High Water Line of the Snake River as it now exists along the Northerly side as shown by the Record of Survey filed in the Payette County Recorder's Office in Book 5 of Surveys, at Page 152, under Instrument No. 281945.

EXCEPTING FROM the above described lands the following five (5) parcels:

PARCEL I:

A portion of the NE~~1~~/~~4~~NE~~1~~/~~4~~ of Sec. 8, Twp. 7 N., R. 5 W., B.M., Payette Co., Idaho, described as follows:

322505

BEGINNING at the NE corner of said Sec. 8;
thence S. 00°10'00" E., along the East line of said Sec. 8, a distance of 400.00 feet;
thence N. 90°00'00" W., a distance of 208.00 feet;
thence S. 00°10'00" E., a distance of 70.00 feet;
thence N. 90°00'00" W., a distance of 372.00 feet to a point in an existing slough;
thence Northerly along said slough the following three calls:
N. 23°18'30" E., 166.02 feet;
N. 04°44'37" E., 221.58 feet;
N. 17°26'31" W., 101.36 feet;
thence leaving said slough a heading S. 90°00'00" E., a distance of 525.00 feet to the POINT OF BEGINNING.

PARCEL II:

A portion of Government Lot 5 of Sec. 5 Twp. 7 N., R. 5 W., B.M. Payette County, Idaho, described as follows:

Commencing at the SE corner of said Sec. 5;
thence N. 00°00'00" E., along the East line of said Government Lot 5, a distance of 537.84 feet, to a 5/8 " rebar with a plastic cap stamped 6605, and to the POINT OF BEGINNING;
thence S. 00°00'00" W., along said East line, a distance of 80.00 feet;
thence N. 89°20'21" W., a distance of 551.65 feet;
thence N. 19°50'10" W., a distance of 85.41 feet, to a 5/8" rebar with a plastic cap stamped LS 6605;
thence N. 19°50'10" W., a distance of 568.92 feet, to a 5/8" rebar with a plastic cap stamped LS 6605, also being on the mean High Water Line of the Snake River as it now exists;
thence along said mean High Water Line, N. 03°24'28" W., a distance of 155.46 feet, to a 5/8" rebar with a plastic cap stamped LS 6605;
thence continuing along said mean High Water Line, N. 22°38'12" E., a distance of 92.21 feet, to a 5/8" rebar with a plastic cap stamped LS 6605, said point also being on the North line of said Govt. Lot 5;
thence along said North line, N. 90°00'00" E., a distance of 747.40 feet, to the NE corner of said Govt. Lot 5;
thence along said East line of said Govt. Lot 5, S. 00°00'00" E., a distance of 782.16 feet to the POINT OF BEGINNING.

PARCEL III:

A portion of Govt. Lot 5 lying East of the main channel of the Snake River in Sec. 5, Twp. 7 N., R. 5 W., B.M., Payette Co., Idaho, described as follows:
Beginning at the Southeast corner of said Govt. Lot 5;
thence West along the South line of said Govt. Lot 5 a distance of 208.75 feet;
thence North and parallel to the East side line of said Govt.

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Lot 5 a distance of 273.75 feet;
thence East and parallel to the South line of said Govt. Lot
5 a distance of 208.75 feet to the East line thereof;
thence South along said East line to the POINT OF BEGINNING.

EXCEPTING THEREFROM the South 35 feet of the West 188.75 feet
to the East 208.75 feet of the above described land.

PARCEL IV:

A parcel of land situated in Government Lot 5 of Sec. 5, Twp.
7 N., R. 5 W., B.M., Payette County, Idaho, lying North of
the following described line:

Commencing at the Southeast corner of said Sec. 5, marked by
a G.L.O. Brass Cap Monument;

thence along the East line of said Sec. and Lot, N. 0°00'00"
West, a distance of 537.84 feet to a 5/8" rebar with a plas-
tic cap stamped LS 6605;

thence North 89°20'21" West, a distance of 580.64 feet to a
5/8" rebar with a plastic cap stamped LS 6605;

thence North 19°50'10" West, a distance of 568.92 feet to a
5/8" rebar with a plastic cap stamped LS 6605, also being a
point on the mean high water line of the Snake River as shown
on Record of Survey Instrument No. 281945, being the True
Point of Beginning;

thence South 81°51'29" West, a distance of 139.70 feet to a
5/8" rebar with a plastic cap; thence South 51°36'06" West, a
distance of 160.86 feet, to the Point of Terminus.

PARCEL V:

In Sec. 8, Twp. 7 N., R. 5 W., B.M., Payette County, Idaho,
more particularly described as follows:

Beginning at the Southwest ^{east} corner of Government Lot 2 of said
Sec.;

thence N., 00°70'00" W. ^{east} 571.00 feet to the True Point of
Beginning;

thence N. 00°70'00" W., 440.00 feet;

thence West parallel to the Southerly line of said Government
Lot 2, 200.00 feet;

thence S. 00°70'00" E., 440.00 feet;

thence Easterly, parallel to the Southerly line of said
Government Lot 2, 200.00 feet, more or less, to the True
Point of Beginning.

PARCEL B:

In Sec. 8 Twp 7 N., R. 5 W., B.M., Payette County, Idaho,
more particularly described as follows:

Beginning at the Southwest ^{east} corner of Government Lot 2 of said
Sec.;

thence N. 00°70'00" W. ^{east} 571.00 feet to the True Point of

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Beginning;
thence N. 00°70'00" W., 440.00 feet;
thence West parallel to the Southerly line of said Government Lot 2, 200.00 feet;
thence S., 00°70'00" E., 440.00 feet;
thence Easterly, parallel to the Southerly line of said Government Lot 2, 200.00 feet, more or less, to the True Point of Beginning.

PARCEL C:

All of the above described parcels located in Payette County, Idaho are transferred subject to the following easement which is retained in the grantor:

An easement for a pump and existing irrigation pipe line, together with access thereto for maintenance, repair and replace, in a portion of the NE~~1~~⁴/₄ of Sec. 8, and Government Lot 5, of Sec. 5, Twp. 7 N., R. 5 W., B.M., Payette County, Idaho, varying in width and location along the following described line as follows:

Commencing at the NE corner of said Sec. 8;
thence S. 00°10'00" E., along the East line of said Sec. 8, a distance of 470.00 feet;
thence N. 90°00'00" W., a distance of 580.00 feet, to the POINT OF BEGINNING of this easement;
said easement being 40 feet wide at this point, 20 feet to the right and 20 feet to the left of said point and along the following line, S. 90° 00'00" E., a distance of 47.00 feet to a point;
at this point the easement is reduced to 15 feet wide, being 7.5 feet on either side and along the following line, continuing S. 90°00'00" E., a distance of 533.00 feet to a point on the East line of said Sec. 8;
at this point the easement is enlarged to 20 feet wide, being all on the left side of the following two lines, N. 00°10'00" W., along the said East line Sec. 8, a distance of 470.00 feet to the NE corner of said Sec. 8 and thence N. 0°00'00" W., along the East line of said Sec. 5, a distance of 35.00 feet to a point;
at this point the easement is reduced to 10 feet wide, all being on the left side of the following three lines:
N. 90°00'00" W., 208.75 feet; N. 00°00'00" W., 238.75 feet; S., 90°00'00 E., 208.75 feet, to a point on the said East line of said Sec. 5;
at this point the easement is enlarged to 20 feet wide, all being on the left side of the following line, N. 00°00'00" W., along said East line, a distance of 264.84 feet to the POINT OF TERMINUS of this Easement.

Together with any and all water, water rights, ditches, ditch

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rights, minerals, mineral leases and any and all irrigation rights appurtenant to said lands or in anywise connected therewith.

Subject to all outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

ALSO EXCEPTING THAT LIFE ESTATE GRANTED UNTO Paul E. McCabe, for the benefit and use of Paul E. McCabe during the remainder of his life or until such time as he may subsequently release the life estate by a written release on the following described property:

A portion of the NE~~1~~/~~4~~NE~~1~~/~~4~~ of Sec. 8, Twp. 7 N., R. 5 W., B.M., Payette Co., Idaho, described as follows:

Commencing at the NE corner of said Section 8;
thence S. 00°10'00" E., along the East line of said Sec. 8, a distance of 400.00 feet to the POINT OF BEGINNING;
thence continuing S. 00°10'00" E., along said East line, a distance of 70.00 feet;
thence N. 90°00'00" W., a distance of 208.00 feet;
thence N. 00°10'00" W., a distance of 70.00 feet;
thence S. 90°00'00" E., a distance of 208.00 feet to the POINT OF BEGINNING.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this 8th day of November , 2004.

GRANTOR

PETER McCABE AND PAUL McCABE BROTHERS, L.L.C.

By: Peter J. McCabe
PETER J. McCABE Member

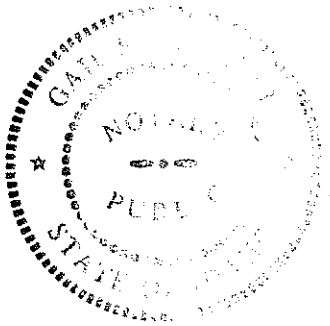
By: Paul E. McCabe
PAUL E. McCABE Member

322505

STATE OF IDAHO)
 : SS.
County of Payette)

On this 8th day of November, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared PETER J. McCABE and PAUL E. McCABE, known to me to be Members of PETER McCABE and PAUL McCABE BROTHERS, L.L.C., the Idaho Limited Liability Company named herein, and severally acknowledged before me that they executed the foregoing Limited Liability Company Deed as such officers in the name of and for and on behalf of the said L.L.C.

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



Gail S. Laskett
Notary Public of Idaho
Residing at: Payette
My Comm Expires: 8/1/07

Instrument # 322505

PAYETTE COUNTY

2004-11-24

12:40:00 No. of Pages: 6

Recorded for : ALLIANCE TITLE & ESCROW

BETTY J DRESSEN

Fee: 18.00

Ex-Officio Recorder Deputy

Index to: DEED

Kathryn Warner
Deeds

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, That on this 8th day of November, 2004, PETER McCABE AND PAUL McCABE BROTHERS, L.L.C., a Limited Liability Company organized pursuant to the laws of the State of Idaho, consisting of PETER J. McCABE AND PAUL E. McCABE, the Party of the First Part, does hereby grant, bargain, sell, setover and convey unto PETER I. CIRAULO and KAREN CIRAULO, husband and wife, of P.O. Box 2465, Gilroy, California, 95021, the Party of the Second Part, the successors and assigns, all right title and interest into that equipment and personal property listed as follows:

One (1) Seven Devils pump - 12 feet long with 10 inch outlet and 20 HP motor

One (1) Parma pump - 12 feet long with 12 inch outlet and 20 HP motor

One (1) reserve pump - Parma pump - 12 feet long with 10 inch outlet

One reserve pump - Parma pump - 12 feet long with 12 inch outlet

Approximately 300 siphon tubes

Twenty (20) plastic dams

Consideration: Total consideration for the sale is the sum of \$6,000.00. To be paid in accordance with the terms and conditions of that Mortgage and Note dated November 8, 2004.

To have and to hold said personal property unto the Party of the Second Part, Its successors and assigns forever.

Reserving unto the Party of the First Part and granting by the Party of the Second Part to the First Party, a purchase Money Security interest in and to the personal property described herein.

PETER McCABE AND PAUL McCABE BROTHERS, L.L.C.

By: Peter J. McCabe
PETER J. McCABE Member

By: Paul E. McCabe
PAUL E. McCABE Member

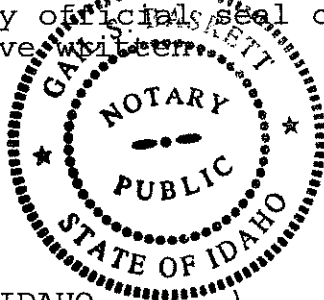
PETER I. CIRAULO

KAREN CIRAULO

STATE OF IDAHO)
: ss.
County of Payette)

On this 8th day of November, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared PETER J. MCCABE and PAUL E. MCCABE, known to me to be Members of PETER MCCABE and PAUL MCCABE BROTHERS, L.L.C., the Idaho Limited Liability Company named herein, and severally acknowledged before me that they executed the foregoing Bill of Sale as such officers in the name of and for and on behalf of the said L.L.C.

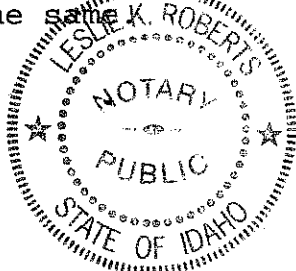
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year in this certificate first above written.



Gail S Baskett
Notary Public of Idaho
Residing at: Payette
My Comm Expires: 8/1/07

STATE OF IDAHO)
: ss.
County of Payette)

On this 23 day of November, in the year 2004, before me a Notary Public, personally appeared PETER I. CIRAULO and KAREN CIRAULO, husband and wife, the Party of the First Part, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Leslie K Roberts
Notary Public for Idaho
Residing at: Payette
My Comm. Expires: 1-12-07

x *PA*
Ke

8331

FATCO 21129

LIMITED LIABILITY COMPANY DEED

SEND TAX STATEMENTS TO:
PETER I. CIRAULO
KAREN CIRAULO
P.O. Box 2465, Gilroy, CA., 95021

AFTER RECORDING RETURN TO: *FATCO*
Bert L. Osborn, Chtd.
P. O. Box 158
Payette, ID 83661

The true and actual consideration for this conveyance, stated in the terms of dollars, is: \$448,185.00.

PETER McCABE AND PAUL McCABE BROTHERS, L.L.C., a Limited Liability Company organized pursuant to the laws of the State of Idaho, consisting of PETER J. McCABE AND PAUL E. McCABE, and it's successors in office, Grantor, does grant, bargain, sell and convey to PETER I. CIRAULO and KAREN CIRAULO, husband and wife, of P.O. Box 2465, Gilroy, California, 95021, Grantees, the following described real property located in Malheur County, Oregon, free of encumbrances except as specifically set forth herein, and Grantor shall warrant and defend the same from all lawful claims whatsoever:

TITLE A:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 27: Govt. Lot 2.

Sec. 28: Govt. Lot 8.

Sec. 33: Govt. Lot 1, 2, 3 and 4 lying Easterly of the existing Snake River as it is now located.

Sec. 34: Govt. Lots 1 and 2.

Code No.: *13*

Map No. *1847D* & *1847C*

Tax Lot No. 1200 *9201*

TITLE B:

ALSO all the lands of the old riverbed of the Snake River as Deeded by the State of Oregon under Quit Claim Deed Instrument No. 99-3030, being bounded on the West and North sides by the above described Government Lots and on the South by the extension of the South line of said Govt. Lot 4, Sec. 33, Easterly to the tread of the original bed of the Snake River and being bounded on the Easterly side by the tread of the original bed of the Snake River and lying Southerly of the mean High Water Line of the Snake River as it now exists along the Northerly side as shown by record of survey filed in the Malheur County Surveyor's office under Survey Instrument No. 18-47-0704.

Together with any and all water, water rights, ditches, ditch rights, minerals, mineral leases and any and all irrigation rights appurtenant to said lands or in any-wise connected therewith.

Code No.

Map No.

Tax Lot No. 9201

SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. Taxes or 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.

2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

4. Any other lands heretofore transferred from the above described parcel.

This transfer is not intended to combine any parcels into a single parcel for zoning purposes.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

EXCEPTING FROM the above described lands the following described parcel in Malheur County, Oregon more particularly as follows: All that Portion of Government Lot 4 and the old river bed of the Snake River obtained in deed Instrument No. 99-3030 of Section 33, Township 18 South, Range 47 East, Willamette Meridian, lying Easterly of the Mean High Water of the Snake River as it now exists, Westerly of the thread of the Original Bed of the Snake River, Northerly of the South

line of said Government Lot 4 extended to the thread of the Original Snake River and Southerly of the existing usage line being marked by a drain ditch and fencing and being approximately the extension of the South line of Government Lot 2 of Section 8, Twp. 7 N., R. 5 W., B.M., State of Idaho and for approximate acreage purposes described as follows: Commencing at the SW Corner of said Section 33; thence N. 00° 00' 00" E., 2633.22 feet; thence N. 90° 00' 00" E., 2408.34 feet to a point on the South line of said Government Lot 4 of Section 33 and the Original Meander line of the West bank of the Snake River, said point being the POINT OF BEGINNING; thence N. 89° 49' 52" W., a distance of 248.97 feet to a point on the East bank of the Snake River as it now exists; thence along said East bank N. 26° 34' 36" W., a distance of 148.52 feet; thence along said East bank N. 23° 07' 39" W., a distance of 37.45 feet to a point on the existing usage line as mentioned above; thence along said usage line N. 90° 00' 00" E., a distance of 2265.65 feet to a point on the thread of the original Snake River; thence S. 50° 46' 36" W., a distance of 273.72 feet to a point on the extension of the South line of said Government Lot 4; thence along said South line, N. 89° 49' 52" W, a distance of 1723.49 feet to the POINT OF BEGINNING. Containing 8.29 Acres, more or less.

Code No:

Map No:

Tax Lot No:

Together with any and all water, water rights, ditches, ditch rights, minerals, mineral leases and any and all irrigation rights appurtenant to said lands or in anywise connected therewith.

Subject to all outstanding reservations, easements, rights-of-way, restrictions, dedications, mineral leases, mineral reservations and mineral conveyances of record.

DATED this 8th day of November , 2004.

GRANTOR

PETER McCABE AND PAUL McCABE BROTHERS, L.L.C.

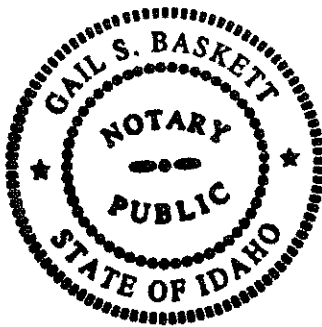
By: Peter J. McCabe
PETER J. McCABE Member

By: Paul E. McCabe
PAUL E. McCABE Member

STATE OF IDAHO)
 : ss.
County of Payette)

On this 8th day of November 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared PETER J. McCABE and PAUL E. McCABE, known to me to be Members of PETER McCABE and PAUL McCABE BROTHERS, L.L.C., the Idaho Limited Liability Company named herein, and severally acknowledged before me that they executed the foregoing Bargain and Sale Deed as such officers in the name of and for and on behalf of the said L.L.C.

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

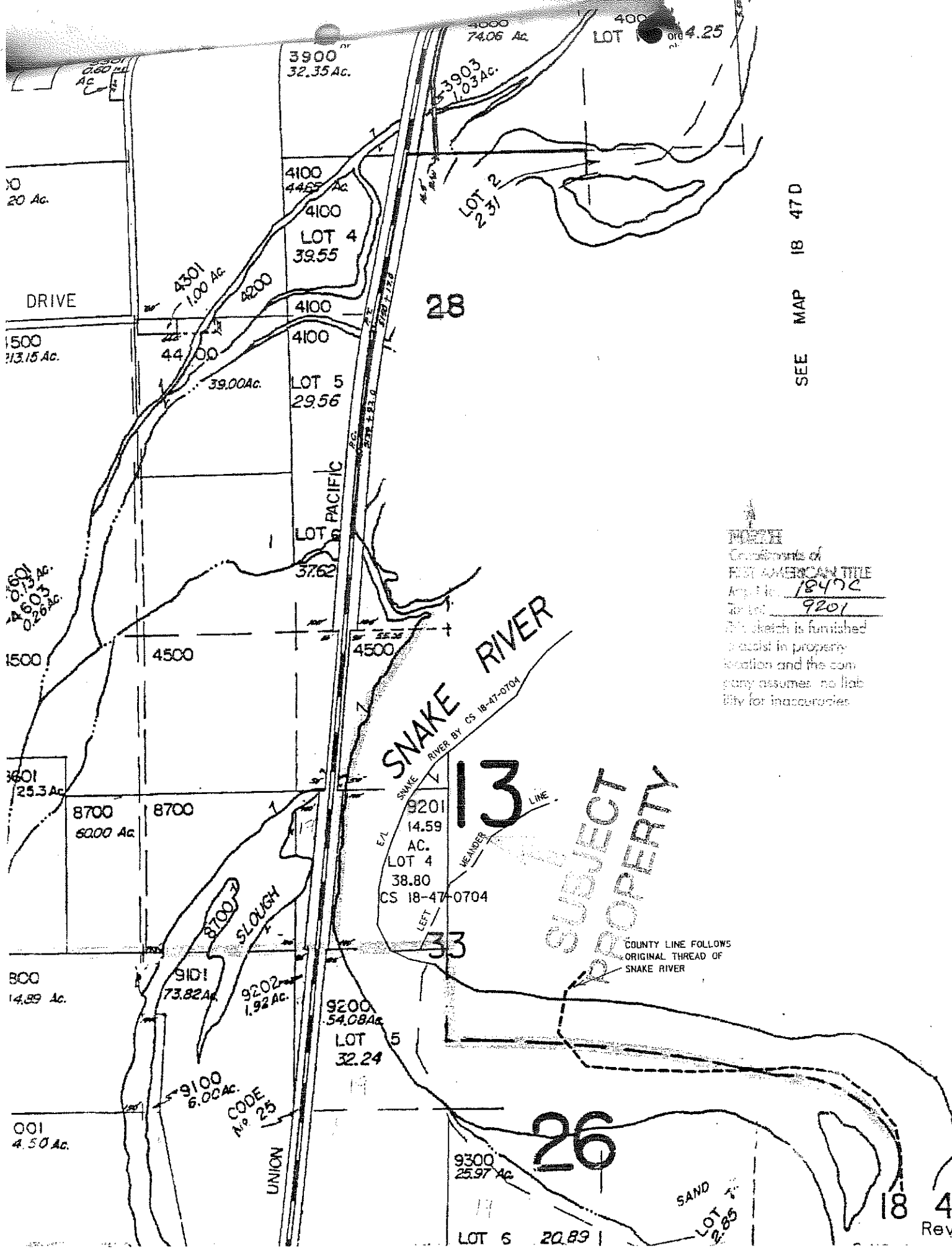


Gail S Baskett
Notary Public of Idaho
Residing at: Payette
My Comm Expires: 8/1/07

LIMITED LIABILITY COMPANY
DEED
gsb 04-154 llcwarde

- 4 -

Inst. No. 2004-8336
I certify that the within Instrument of writing was received for record on the 24 day of Nov, 20 04 at 3:41 O'clock P.M. FEE #36
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk
By: Deborah R DeLong Deputy



SEE MAP 18 47 D

NORTH
Confrontments of
FIRST AMERICAN TITLE
App. No. 18472
To Lot 9201
This sketch is furnished
to assist in property
location and the com-
pany assumes no liab-
ility for inaccuracies

**SUBJECT
PROPERTY**

COUNTY LINE FOLLOWS
ORIGINAL THREAD OF
SNAKE RIVER

