



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 • (208) 525-7161 • Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 5, 2000

BEAR WORLD LTD LLC
PO BOX 413
REXBURG ID 83440

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT 01-319A, 22-653A

Dear Sir:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree

Jennifer Crabtree
Technical Records Specialist

Enclosure

~ Call Attention to the Contents of Enclosure 1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 ~

ALLIANCE

5-12490

WARRANTY DEED

For Value Received

ROBERT R. LEE and GWEN J. LEE, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

BEAM CREST LIMITED L.L.C.

whose current address is

P.O. BOX 160
REXBURG, IDAHO 83440

the grantee(s), the following described premises, in MADISON County IDAHO, to wit:

SEE ATTACHED "EXHIBIT A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee(s) that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Subject to all existing patent reservations, easements, right of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: April 10, 1998


ROBERT R. LEE


GWEN J. LEE

STATE OF ID. COUNTY OF MADISON

On this 10TH day of APRIL, 1998

before me, a Notary Public in and for said State, personally appeared

ROBERT R. LEE
GWEN J. LEE

known to me to be the person(s) whose name(s) subscribed to the within instrument and who he/she declared that they executed the same


Notary Public

Commission Expires 1/1/2001



Microfilm 1/0

271900

On MAY 01 1998

AT 11:00 AM

MADISON COUNTY RECORDER

Fee \$

Rec'd and Recorded

1/1/2001

NOTARY PUBLIC

JAN-24-2000 17:07

RST AMERICAN-RXBORG.

208 356 3669

P.08

EXHIBIT A

2-1000

PARCEL 1: A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING. THENCE SOUTH 00°14'02" EAST FOR A DISTANCE OF 1134.50 FEET TO THE WEST RIGHT OF WAY LINE FOR A DISTANCE OF 215.16 FEET, SOUTH 30°18'51" WEST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 215.16 FEET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 4 AND THE NORTHEAST CORNER OF LOT 3; THENCE SOUTH 89°44'11" WEST BETWEEN LOTS 3 AND 4 FOR A DISTANCE OF 87.40 FEET, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 4 AND THE NORTHWEST CORNER OF SECTION 28; SAID POINT ALSO BEING A CLOSING CORNER ON THE EAST AND WEST CENTER LINE OF SECTION 28 ON THE RESTORED ORIGINAL MEANDER LINE FOR THE RIGHT BANK OF THE SNAKE RIVER; THENCE NORTH 23°42'03" WEST ALONG SAID MEANDER LINE FOR A DISTANCE OF 156.39 FEET, SAID POINT BEING CALLED ANGLE POINT NUMBER 3 ON THE RESTORED ORIGINAL MEANDER LINE FOR THE RIGHT BANK OF THE SNAKE RIVER; THENCE NORTH 89°17'53" WEST ALONG SAID MEANDER LINE FOR A DISTANCE OF 369.36 FEET, SAID POINT BEING A CLOSING CORNER ON THE NORTH AND SOUTH CENTER LINE OF THE NORTHEAST QUARTER OF SECTION 28, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 4; THENCE NORTH 01°09'34" WEST ALONG SAID WEST LINE FOR A DISTANCE OF 942.47 FEET TO AN EXISTING B.L.M. BRASS CAP, SAID POINT BEING THE NORTHWEST CORNER OF LOT 4 AND ALSO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28; THENCE NORTH 89°52'58" FOR A DISTANCE OF 1317.48 FEET TO THE TRUE POINT OF BEGINNING.

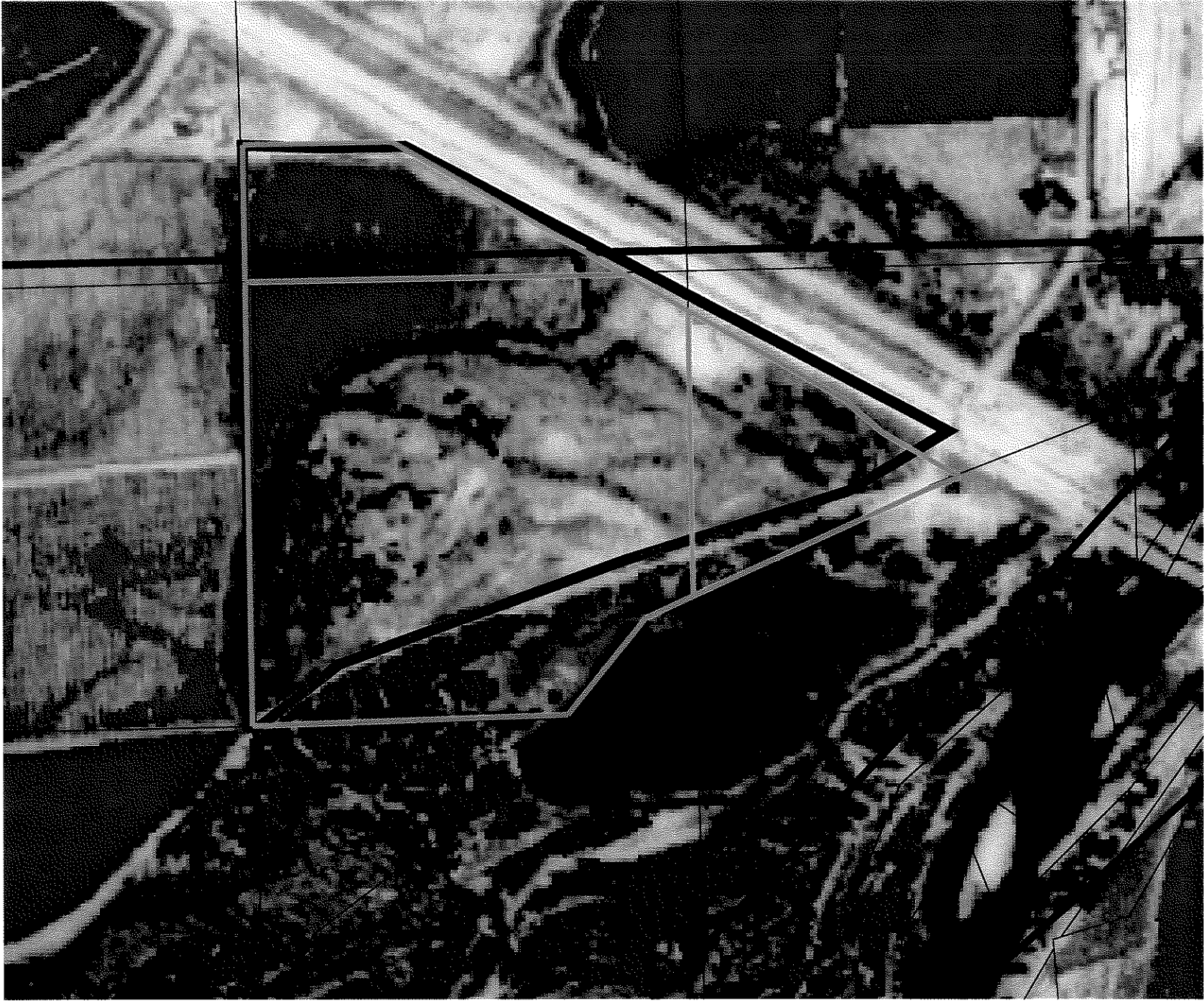
PARCEL 16: A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 28, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4, THENCE SOUTH 00°14'02" EAST FOR A DISTANCE OF 1134.50 FEET TO THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 191-20; THENCE SOUTH 30°18'51" WEST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 215.16 FEET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 4 AND THE NORTHEAST CORNER OF LOT 3, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING. THENCE SOUTH 30°18'51" WEST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 531.79 FEET TO AN EXISTING RIGHT OF WAY MARKER; THENCE SOUTH 30°18'51" WEST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 266.84 FEET TO AN EXISTING B.L.M. BRASS CAP, SAID CORNER BEING A WITNESS POINT ON THE RESTORED ORIGINAL MEANDER LINE FOR THE RIGHT BANK OF THE SNAKE RIVER; THENCE NORTH 18°23'51" WEST ALONG SAID MEANDER LINE FOR A DISTANCE OF 103.13 FEET TO AN EXISTING B.L.M. BRASS CAP, SAID CORNER BEING ANGLE POINT NUMBER 2 ON THE RESTORED ORIGINAL MEANDER LINE FOR THE RIGHT BANK OF THE SNAKE RIVER; THENCE NORTH 23°42'03" WEST ALONG SAID MEANDER LINE FOR A DISTANCE OF 767.33 FEET, SAID POINT BEING A CLOSING CORNER ON THE EAST AND WEST CENTER LINE OF SECTION 28 ON THE RESTORED ORIGINAL MEANDER LINE FOR THE RIGHT BANK OF THE SNAKE RIVER; THENCE NORTH 89°44'11" EAST BETWEEN LOTS 3 AND 4 FOR A DISTANCE OF 87.40 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 11: A PARCEL OF LAND SITUATED IN MADISON COUNTY, STATE OF IDAHO, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SECTION 27, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST OF THE BOISE MERIDIAN, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING. THENCE SOUTH 00°14'02" EAST FOR A DISTANCE OF 1134.50 FEET TO THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY 191-20; THENCE NORTH 30°18'51" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 796.83 FEET, THENCE NORTH 00°14'01" WEST FOR A DISTANCE OF 446.90 FEET, SAID POINT OF BEGINNING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST, THENCE SOUTH 89°47'35" WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 404.00 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A RIGHT OF WAY OVER AND ACROSS THE WEST 30 FEET OF THE FOLLOWING DESCRIBED PROPERTY FOR INGRESS AND EGRESS AS RESERVED IN WARRANTY DEEDS 164911, 164912, 164913, 164914 AND 164915, RECORDED FEBRUARY 10, 1977, AS INSTRUMENT NOS. 164911, 164912, 164913, 164914 AND 164915, RECORDS OF MADISON COUNTY, IDAHO, TO WIT: COMMENCING AT A POINT 405 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 39 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT OF BEGINNING BEING LOCATED AT THE INTERSECTION OF THE WEST RIGHT OF

271900
WAY LINE OF THE OLD COUNTY ROAD AND THE NORTH BOUNDARY LINE OF THE AFORESAID
SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 37, AND RUNNING THENCE
SOUTH 200 FEET ALONG SAID COUNTY ROAD RIGHT OF WAY LINE; THENCE EAST 158.40 FEET,
MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF THE NEW U.S. HIGHWAY 30-191; THENCE
NORTH 30°18'41" EAST, ALONG SAID RIGHT OF WAY LINE TO ITS INTERSECTION WITH THE
AFORESAID NORTH BOUNDARY LINE OF THE OLD COUNTY ROAD; THENCE WEST 240 FEET,
MORE OR LESS, TO THE POINT OF BEGINNING.

Lee - Bear World Change of Ownership
Blue - Approximate claimed POU
Yellow/Green - Lands Conveyed in Deed





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MAY 8, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERT R LEE
1330 BARNEY DAIRY RD
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-00653A, A22-00319A

Dear Mr. Lee:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

DEL-5-7-97

STATE OF IDAHO

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES OIC, MAY 05 1997

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) Neison-Cory Ditch
 Adjudication Claim Number(s) A 22-00653A (1987) A 01-00319A 1939
OK AT

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

- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 OR
 C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Sheryl B. Nelson
727 Park Lane, Locust, Idaho 83201

4. New Owner/Claimant(s) Robert R. Lee and Gwen J. Lee
 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address 1530 Barney Dairy Rd.

City, State and ZIP Code Reeburg, Idaho 83740
 New Telephone Number (208) 356-9506

5. Date you acquired the property April 4, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 47 Number and type of stock _____

Diversion rate in CFS 2.0 Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Robert R. Lee Date 5/3/97
Gwen J. Lee Date 5/3/97

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

For Value Received Sheryl B. Nelson, a married man dealing with his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

Robert R. Lee and Gwen J. Lee, husband and wife

whose address is: 1330 Barney Dairy Road, Rexburg, ID 83440

Hereinafter called the Grantee, the following described premises situated in Madison County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

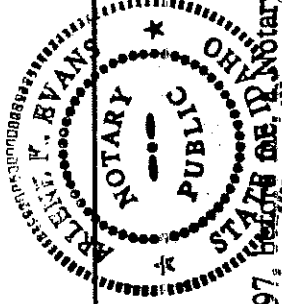
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 31, 1997

Sheryl B. Nelson
Sheryl B. Nelson

STATE OF IDAHO)
COUNTY OF Teton) SS



On This 1st day of March, in the year 1997, before me, Notary Public in and for said State, personally appeared Sheryl B. Nelson, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.

Sheryl B. Nelson
Notary Public of Idaho
Residing at: Chenabille, Idaho
Commission Expires: 8/29/98

M-23252-4

WARRANTY DEED

For Value Received Norma Karen Sanders, a married woman dealing with her sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

Robert R. Lee and Gwen J. Lee, husband and wife

whose address is: 1330 Barney Dairy Road, Rexburg, ID 83440

Hereinafter called the Grantee, the following described premises situated in Madison County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: March 31, 1997

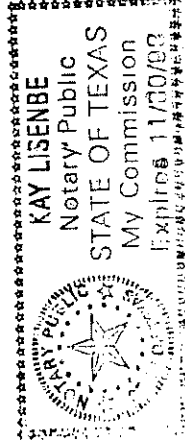
Norma Karen Sanders
Norma Karen Sanders

STATE OF TEXAS)

COUNTY OF) : ss)

On This 1st day of APRIL ~~March~~, in the year 1997, before me, a Notary Public in and for said State, personally appeared Norma Karen Sanders, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.

Kay Lisenbe
Notary Public of Texas
Residing at:
Commission Expires:



M-23252-4

WARRANTY DEED

For Value Received **Joan Snell, Trustee of The Snell Family Trust**

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

Robert R. Lee and Gwen J. Lee, husband and wife

whose address is: **1330 Barney Dairy Road, Rexburg, ID 83440**

Hereinafter called the Grantee, the following described premises situated in **Madison County, Idaho**, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: **March 31, 1997**

The Snell Family Trust

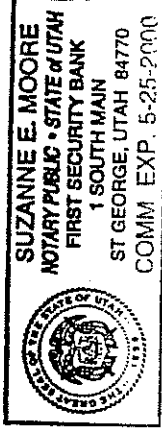
Joan Snell, Trustee
Joan Snell, Trustee

STATE OF UTAH)

COUNTY OF) Washington : ss

On This 1st day of ~~March~~ April, in the year 1997, before me, a Notary Public in and for said State, personally appeared Joan Snell, known or identified to me to be the person ~~(s)~~ whose name ~~(s)~~ is subscribed to the within Instrument as Trustee for The Snell Family Trust, and acknowledged to me that she executed the same.

Suzanne E Moore
Notary Public of Utah
Residing at: St George
Commission Expires: 5/25/2000



14-83252-41

WARRANTY DEED

For Value Received **Jack W. Nelson**, a married man dealing with his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

Robert R. Lee and Gwen J. Lee, husband and wife

whose address is: **1330 Barney Dairy Road, Rexburg, ID 83440**

Hereinafter called the Grantee, the following described premises situated in **Madison** County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

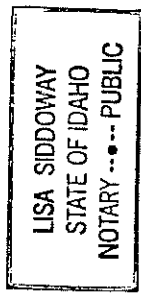
Dated: **March 31, 1997**

Jack W. Nelson, by [Signature]
Jack W. Nelson

STATE OF IDAHO)
COUNTY OF *Madison*) : ss

On This 1st day of *April*, in the year 1997, before me, a Notary Public in and for said State, personally appeared Phillip Joel Norris, Jr., known or identified to me to be the person whose name is subscribed to the within Instrument as the attorney-in-fact of Jack W. Nelson, and acknowledged to me that he subscribed the name of Jack W. Nelson thereto as principal and his own name as attorney-in-fact.

Lisa Siddoway
Notary Public of Idaho
Residing at: *Rexburg*
Commission Expires: *8 11-19-99*



M-23252-4

WARRANTY DEED

For Value Received **Michael Mart Nelson**, a married man dealing with his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to

Robert R. Lee and Gwen J. Lee, husband and wife

whose address is: **1330 Barney Dairy Road, Rexburg, ID 83440**

Hereinafter called the Grantee, the following described premises situated in **Madison County, Idaho**, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: **March 31, 1997**

Michael Mart Nelson
Michael Mart Nelson

STATE OF IDAHO)
COUNTY OF **Cassia**) ss

On This 31st day of March, in the year 1997, before me, a Notary Public in and for said State, personally appeared **Michael Mart Nelson**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.

Doris J. Dwyer
Notary Public of Idaho
Residing at: **Rexburg, Idaho**
Commission Expires: **12-31-2000**

m-23252-4

WARRANTY DEED

For Value Received **Kathy Lynn Wilcox** formerly known as **Kathy Lynn Nelson**, a married woman dealing with her sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells & conveys to *

Robert R. Lee and Gwen J. Lee, husband and wife

whose address is: **1330 Barney Dairy Road, Rexburg, ID 83440**

Hereinafter called the Grantee, the following described premises situated in **Madison** County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A".

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: **March 31, 1997**

Kathy Lynn Wilcox
Kathy Lynn Wilcox

STATE OF IDAHO)
COUNTY OF Madison) : ss

On This 3rd day of March, in the year 1997, before me, a Notary Public in and for said State, personally appeared **Kathy Lynn Wilcox** formerly known as **Kathy Lynn Nelson**, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that she executed the same.

Lisa Siddoway
Notary Public of Idaho
Residing at: Rexburg
Commission Expires: 11-19-99

LISA SIDDOWAY
STATE OF IDAHO
NOTARY --- PUBLIC

RECORD OF SURVEY	
TOWNSHIP 5 NORTH, RANGE 35 EAST 34N	
SECTION 27 & 28, MADISON COUNTY, IDAHO	
PROJECT: LARRY CHAPPLE	JOB NUMBER: 96035
DATE: 11-12-96	SURVEYOR: L.I.T.
DRAWN BY: K.L.T.	CHECKED BY: L.I.T.
SHEET 1	OF 1

NOVEMBER 12, 1996
 LYLE I. THOMPSON
 LICENSE NO. 854

CERTIFICATE OF SURVEY
 I, LYLE I. THOMPSON, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, THAT THE ATTACHED PLAT WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

RECORDED IN MADISON COUNTY, IDAHO
 DATE: 1-27-97
 TIME OF DAY: 1:24
 INSTRUMENT NO. 264744
 RECORDERS CERTIFICATE

THOMPSON ENGINEERING INC.
CONSULTING ENGINEERS
 RIGBY, IDAHO 83442

- LEGEND**
- × FENCE
 - AP ANGLE POINT
 - CC CLOSING CORNER
 - SET 1/2" X 24" IRON ROD
 - SET 5/8" X 24" IRON ROD
 - FD. EXISTING BLK BRASS CAP
 - STATE HIGHWAY 191-20 10' EASEMENT
 - STATE HIGHWAY 191-20 RIGHT OF WAY
 - BANK OF THE SNAKE RIVER
 - RESTORED MEANDER LINE ON THE RIGHT

NOTES:
 NOTE 1: THERE IS APPROXIMATELY 7.5 ACRES OF LAND ON THE WEST SIDE OF THE DIKE.
 NOTE 2: ALL BRASS CAPS WERE SET BY CADASTRAL SURVEYOR GERALD W. HOCHSTRASSER IN 1979 ON A RESURVEY OF THE RESTORED MEANDER LINE FOR THE RIGHT BANK OF THE SNAKE RIVER.

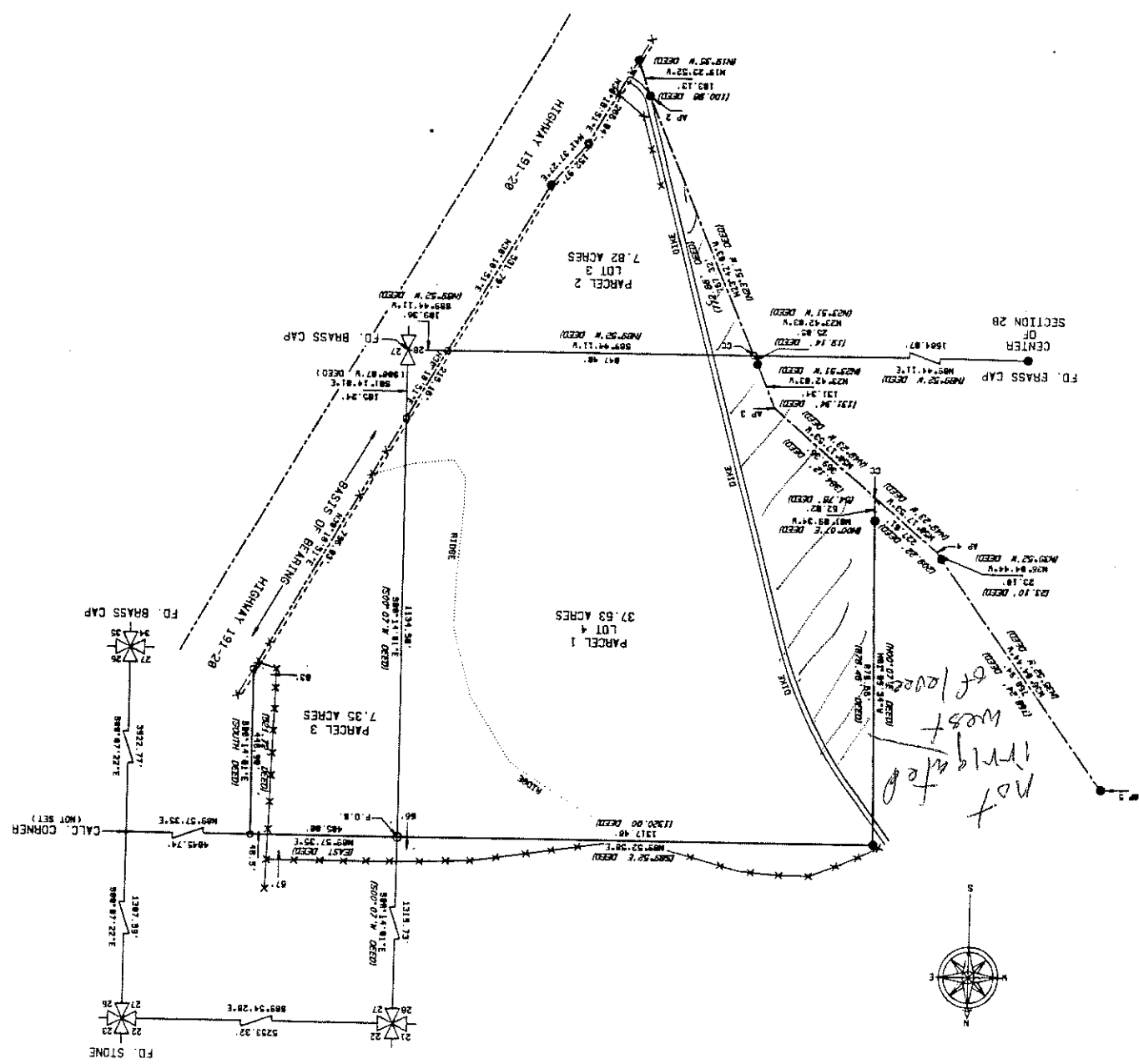


EXHIBIT "A"

PARCEL I:

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 28, more particularly described as follows: beginning at the Northeast Corner of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 5 North, Range 39 East of the Boise Meridian, said point also being the Northeast Corner of Lot 4, said point also being the true point of beginning.

Thence S00°14'02"E for a distance of 1134.50 feet to the West right-of-way line of U.S. Highway 191-20;

Thence S30°18'51"W along said West right-of-way line for a distance of 215.16 feet, said point also being the Southeast Corner of Lot 4 and the Northeast Corner of Lot 3;

Thence S89°44'11"W between Lots 3 and 4 for a distance of 847.40 feet, said point being the Southwest Corner of Lot 4 and the Northwest Corner of Lot 3, said point also being a closing corner on the East and West Center Line of Section 28 on the restored original meander line for the right bank of the Snake River;

Thence N23°42'03"W along said meander line for a distance of 156.39 feet, said point being called angle point number 3 on the restored original meander line for the right bank of the Snake River;

Thence N50°17'53"W along said meander line for a distance of 369.36 feet, said point being a closing corner on the North and South Center Line of the Northeast Quarter (NE1/4) of Section 28, said point also being on the West Line of Lot 4;

Thence N01°09'34"W along said West Line for a distance of 942.47 feet to an existing B.L.M. brass cap, said point being the Northwest Corner of Lot 4 and also the Northwest Corner of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 28;

Thence N89°52'58"E for a distance of 1317.48 feet to the true point of beginning.

PARCEL II:

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 28, more particularly described as follows: beginning at the

Northeast Corner of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 5 North, Range 39 East of the Boise Meridian, said point also being the Northeast Corner of Lot 4.

Thence S00°14'02"E for a distance of 1134.50 feet to the west right-of-way line of U.S. Highway 191-20;

Thence S30°18'51"W along said West Right-of-Way Line for a distance of 215.16 feet, said point also being the Southeast Corner of Lot 4 and the Northeast Corner of Lot 3, said point also being the true point of beginning.

Thence S30°18'51"W along said West Right-of-Way line for a distance of 531.79 feet to an existing right-of-way marker;

Thence S41°37'27"W along said West right-of-way line for a distance of 152.97 feet to an existing right-of-way marker;

Thence S30°18'51"W along said West right-of-way line for a distance of 266.84 feet to an existing B.L.M. brass cap, said corner being a witness point on the restored original meander line for the right bank of the Snake River;

Thence N19°23'52"W along said meander line for a distance of 103.13 feet to an existing B.L.M. brass cap, said corner being angle point number 2 on the restored original meander line for the right bank of the Snake River;

Thence N23°42'03"W along said meander line for a distance of 767.32 feet, said point being a closing corner on the East and West Center Line of Section 28 on the restored original meander line for the right bank of the Snake River;

Thence N89°44'11"E between Lots 3 and 4 for a distance of 847.40 feet to the true point of beginning.

Legal description continued

PARCEL III:

A parcel of land situated in Madison County, State of Idaho, Township 5 North, Range 39 East of the Boise Meridian, Section 27, more particularly described as follows: Beginning at the Northwest corner of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 27, Township 5 North, Range 39 East of the Boise Meridian, said point also being the Northeast Corner of Lot 4, said point also being the true point of beginning.

Thence S00°14'02"E for a distance of 1134.50 feet to the West right-of-way line of U.S. Highway 191-20;
Thence N30°18'51"E along said West right-of-way line for a distance of 796.83 feet;

Thence N00°14'01"W for a distance of 446.90 feet, said point of beginning on the North Line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 27, Township 5 North, Range 39 East.

Thence S89°57'35"W along said North Line for a distance of 405.00 feet to the true point of beginning.

Together with a right-of-way over and across the West 30 feet of the following described property for ingress and egress as reserved in Warranty Deeds recorded February 10, 1977, as Instrument No.'s 164911, 164912, 164913, 164914 and 164915, records of Madison County, Idaho, to wit:

Commencing at a point 405 feet East of the Northwest Corner of the Southwest Quarter of the Northwest Quarter of Section 27, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, said point of beginning being located at the intersection of the West right-of-way line of the old county road and the North boundary line of the aforesaid Southwest Quarter of the Northwest Quarter of Section 27, and running thence South 200 feet along said county road right-of-way line; thence East 158.10 feet, more or less, to the West right-of-way line of the New U.S. Highway 20-191; thence North 30°18'51" East, along said right-of-way line to its intersection with the aforesaid North boundary line of the old county road; thence West 240 feet, more or less, to the point of beginning.