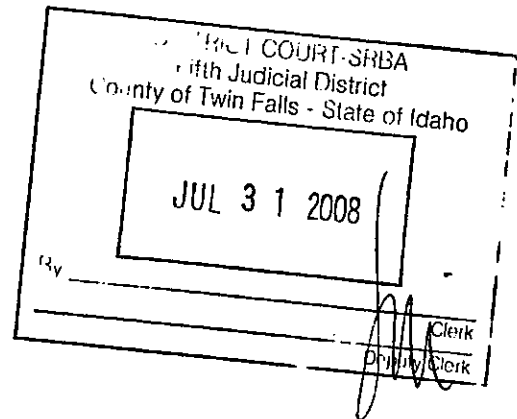


John M. Marshall, ISB # 5678
 Givens Pursley LLP
 601 W. Bannock Street
 P.O. Box 2720
 Boise, Idaho 83701-2720
 Telephone: 208-388-1200
 Facsimile: 208-388-1300

Attorneys for Sarah Jane Smith



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re: SRBA

Subcase No.: 63-7539

Case No. 39576

**AFFIDAVIT OF DAVID W. VASTINE,
 M.D. IN SUPPORT OF SARA JANE
 SMITH'S MOTION FOR SUMMARY
 JUDGMENT**

STATE OF CALIFORNIA)
) ss.
 County of Alameda)

DAVID W. VASTINE, M.D., being first duly sworn, deposes and says:

1. I am over 18 years old and otherwise competent to testify in this matter and make this affidavit based upon my own personal knowledge.

2. I owned the parcel located in the SW ¼ of Section 14 and the NW ¼ of Section 23 that is currently owned by Sara Jane Smith ("SJ Smith Parcel") from 1987 though 1992.

3. On July 17, 1992, I sold the SJ Smith Parcel to Canyon Cattle Company, Inc. Before purchasing the SJ Smith Parcel, Canyon Cattle Company, Inc. rented the SJ Smith Parcel from me, therefore, I was familiar with its operation on the property. Attached hereto as Exhibit A is a true and correct copy of the Warranty Deed, dated July 17, 1992, Canyon County Instrument No. 9217150, conveying the SJ Smith Parcel from me and my wife to the Canyon Cattle Company, Inc.

4. After I sold the SJ Smith Parcel to Canyon Cattle Company, Inc., I continued to own land adjacent to the SJ Smith Parcel and visited this land and observed Canyon Cattle Company, Inc.'s operation on the SJ Smith Parcel and spoke with representatives of the Canyon Cattle Company, Inc. and other neighbors concerning its operation and use of the SJ Smith Parcel.

5. When I purchased the SJ Smith Parcel in 1987, it was my understanding that I was also purchasing water rights for 0.40 cfs of groundwater that was appurtenant to the SJ Smith Parcel. Attached hereto as Exhibit B is a true and correct copy of the Warranty Deed, dated December 31, 1987, Canyon County Instrument No. 8727027, conveying the SJ Smith Parcel from Edward T. Evans and Chrystal R. Evans to me. One of the points of diversion for this water right was a well located on a parcel adjacent to the SJ Smith Parcel (the "Well"). It was my understanding that I was also purchasing a small ten by ten foot square parcel of land surrounding the Well and a permanent easement and right-of-way for the purpose of conveying the water through pipelines to the SJ Smith Parcel in addition to a permanent easement for maintaining, servicing and repairing the well and pipelines. This ten by ten foot parcel and easement were included in my deed when I purchased the SJ Smith Parcel.

6. Because it was my belief and understanding that I owned the Well, I never sought, nor was I granted, permission from the owner of the parcel surrounding the Well to use the Well or water from the Well.

7. I understand the Well is now the subject of a dispute between Mr. Whitted and Sara Jane Smith.

8. When I owned the SJ Smith Parcel, I made exclusive use of the Well for the purpose of pumping water that was used on the SJ Smith Parcel. Mr. Peavy, when he rented the

SJ Smith Parcel from me did the same. To my knowledge, no other individual, including the owner of the parcel surrounding the Well, ever used the Well while I owned the SJ Smith Parcel. If anyone had tried to use the Well, I would have informed them that the Well and water right were mine and that I had exclusive ownership of both the Well and an easement to transport the water and maintain the well. I did not allow, and would not have allowed, anyone else to use the Well because I understood it was my property as a result of the purchase of the SJ Smith Parcel.

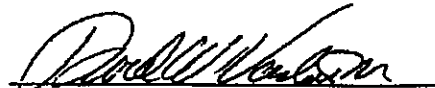
9. When I sold the SJ Smith Parcel to Canyon Cattle Company, Inc., I intended to convey, and in fact did convey, the full 0.40 cfs water right and the Well and the permanent and right-of-way related to the Well.

10. To the best of my knowledge, based upon my personal observations and conversations with representatives of Canyon Cattle Company, Inc., it continued to exclusive use the Well for its operations on the SJ Smith Parcel until he sold the parcel to Ms. Smith.

11. To the best of my knowledge, Mr. Whitted, nor his predecessors in interest ever used the Well while I owned it.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

Dated this 30 day of July, 2008


David W. Vastine, M.D.

SUBSCRIBED AND SWORN before me this _____ day of July 2008.

Notary Public

Residing at: _____

My Commission Expires: _____

** See attached Certificate
7-30-08*

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], *not* Notary)

1
2
3
4
5
6

Signature of Document Signer No. 1 _____ Signature of Document Signer No. 2 (if any) _____

State of California

County of Alameda

Subscribed and sworn to (or affirmed) before me on this

30th day of July, 2008, by
Date Month Year

(1) DAVID WILLIAM VASTINE
Name of Signer

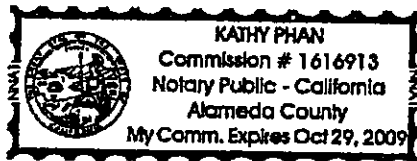
proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (.)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature [Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

*Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.*

Further Description of Any Attached Document

Title or Type of Document: Affidavit of David W. Vastine, M.D.

Document Date: July 30, 2008 Number of Pages: 6

Signer(s) Other Than Named Above: no other signer

RIGHT THUMBPRINT
OF SIGNER #1
Top of thumb here

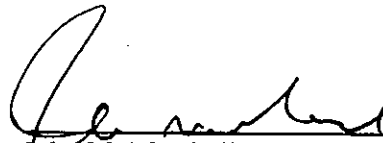
RIGHT THUMBPRINT
OF SIGNER #2
Top of thumb here

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2008, I caused to be served a true and correct copy of the foregoing document by the method indicated below and addressed to the following:

Craig Whitted
7144 Warren Spur Road
Melba, Idaho 83641-5228

☒ U.S. Mail
☐ By hand
☐ Overnight
☐ Facsimile


John M. Marshall

PK 23141

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION

INSTRUMENT NO. 9217150

WARRANTY DEED

INSTRUMENT NO. 9306499

FOR VALUE RECEIVED DAVID W. VASTINE and MARCIA JANE VASTINE,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto CANYON CATTLE COMPANY, INC.,

the Grantee, whose address is 7511 WARREN SPUR RD., MELBA, ID 83641

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS
REFERENCE.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns
Forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners
in fee simple of said premises, that said premises are free from all encumbrances, except for general taxes and assessments for
the year 1992 and subsequent years, covenants, conditions, restrictions and easements of record,
and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: July 17, 1992

David W. Vastine
DAVID W. VASTINE

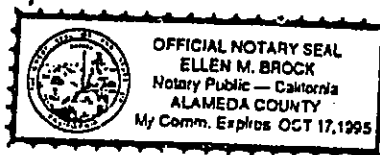
Marcia Jane Vastine
MARCIA JANE VASTINE

STATE OF CALIFORNIA

COUNTY OF Alameda

On this 17th day of July, 1992, before me a
notary public, personally appeared DAVID W. VASTINE AND
MARCIA JANE VASTINE, known or identified to me to be
the person(s) who(see) name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they
have executed the same.

Ellen M. Brock
Notary Public
Residing at Piedmont, California
My commission expires: 10-17-92



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
Nampa, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

EXHIBIT

A

EXHIBIT "A"

A tract of land situated in a part of the Southwest Quarter, Section 14, and Northwest Quarter and Southwest Quarter, Section 23, Township 1 South, Range 2 West, Bolso Meridian, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at the Quarter Section Corner common to Sections 14 and 23, said corner monumented with a 3 inch diameter brass disk; thence

North 90° 00' 00" West, a distance of 300.00 feet along the boundary common to said Sections 14 and 23 to a point on the centerline of an abandoned railroad tracks, said point monumented with a 1/2 inch diameter iron pin; thence

South 0° 00' 00" West, a distance of 115.00 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" West, a distance of 125.00 feet to a 1/2 inch diameter iron pin; thence

North 55° 07' 18" West, a distance of 800.00 feet to a 1/2 inch diameter iron pin; thence

South 29° 43' 50" West, a distance of 267.11 feet to a point on the Northerly shoulder of Warren Spur Road, said point monumented with a 2 inch PK nail and brass washer; thence

North 50° 07' 00" West, a distance of 506.52 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and brass washer; thence

North 59° 16' 25" West, a distance of 661.48 feet along the Northerly shoulder of said Warren Spur Road to a 2 inch PK nail and washer; thence

South 0° 54' 57" West, a distance of 723.43 feet to a point on the centerline of an existing powerline, said point monumented with a 1/2 inch diameter iron pin; thence

North 87° 34' 56" West, a distance of 165.42 feet along the centerline of said powerline to a 1/2 inch diameter iron pin; thence

South 13° 57' 40" East, a distance of 956.02 feet to a point at the base of a Butte, said point monumented with a 1/2 inch diameter iron pin; thence along the base of said Butte as follows:

South 26° 20' 34" West, a distance of 139.54 feet;

South 12° 38' 18" West, a distance of 226.30 feet;

South 19° 06' 43" East, a distance of 242.21 feet;

South 10° 45' 12" West, a distance of 160.19 feet;

South 25° 47' 38" East, a distance of 211.79 feet;

South 43° 14' 29" East, a distance of 447.97 feet;

North 84° 29' 44" East, a distance of 230.87 feet; thence leaving the base of said Butte

South 6° 18' 03" East, a distance of 712.84 feet to a 1/2 inch diameter iron pin; thence

North 65° 43' 06" East, a distance of 721.60 feet to a 1/2 inch diameter iron pin; thence

South 37° 24' 48" East, a distance of 185.07 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" East, a distance of 701.68 feet to a point on the mid-section line of said Section 23, said point monumented with a 1/2 inch diameter iron pin; thence

North 0° 00' 00" East, a distance of 2,656.35 feet along said mid-section line to the POINT OF BEGINNING.

9217150

RECORDED

'92 JUL 30 PM 3 28

NEED J. PERK

CANYON COUNTY RECORDER

by C. Smith

PIONEER — NAMP

REQUEST

TYPE *Hand* FILE *6*

REQUEST TYPE *Hand* FILE *6*

PIONEER — NAMP

CANYON COUNTY RECORDER

NEED J. PERK

CH 11 AM 13 JUL 92

RECORDED

6649086

INSTRUMENT NO. 8727027

8771375

WARRANTY DEED

EDWARD T. EVANS, CHRYSTAL R. EVANS, a/k/a CHRYSTAL J. EVANS, husband and wife, CATHERINE L. EVANS, a/k/a CATHERINE E. CAVAIANI, REX E. EVANS and MARYON E. EVANS individually and collectively as their interest appears of record, Grantors, hereby convey, grant and warrant to DAVID W. VASTINE and MARCIA JANE VASTINE, husband and wife, Grantees, whose address is 491 Thirteenth Street, Suite 101, Oakland, California 94609, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described real property, to wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

SUBJECT TO taxes and assessments for the year 1988 and all subsequent years, together with any and all existing easements and rights of way of record or visible on physical inspection, reservations of mineral rights of record and any claim arising from the difference in the high water line of the Snake River and the meander line as shown by the Government Survey.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims whatsoever.

RESERVING unto Grantors a non-assignable right to purchase, and right of first refusal to reacquire all or part of said real property should Grantees desire to sell the same, in part or in its entirety, as more specifically set forth in section 20.05 of the Real Estate Purchase and Sale Agreement dated December 1, 1987, as supplemented December 31, 1987, by and between Grantors and Grantees relating to said real property, which section is by this reference incorporated herein.

EXHIBIT

B

WITNESS the hand of said Grantors this 31st day of
December, 1987.

Edward T. Evans
Edward T. Evans

Chrystal B. Evans

Chrystal J. Evans
Chrystal B. Evans a/k/a
Chrystal J. Evans

Catherine L. Evans
Catherine L. Evans a/k/a
Catherine E. Cavaiani

Rex E. Evans
Rex E. Evans

Maryon E. Evans
Maryon E. Evans

"Grantors"

Ada County, Idaho, ss
Request of

Ronald A. Phelan

TIME 2:33 P M

DATE 12-31-87

JOHN BASTIDA

RECORDER

By *A. J. [Signature]*

18.00 Deputy

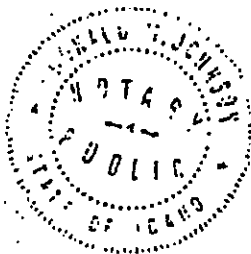
STATE OF IDAHO)

County of Canyon)

ss.

On this 31st day of December, 1987, before me, Ronald M. Johnson, a Notary Public in and for said state, personally appeared EDWARD T. EVANS, CRYSTAL R. EVANS, a/k/a CRYSTAL J. EVANS, CATHERINE L. EVANS, a/k/a CATHERINE E. CAVAIAN, REX E. EVANS and MARYON E. EVANS, 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.

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



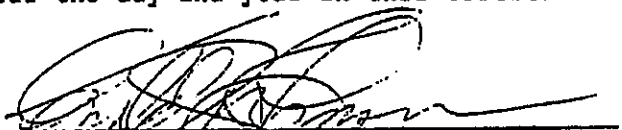

Notary Public for Idaho
Residing at 1111 1/2, Idaho
My commission expires on Aug 16, 1991

EXHIBIT "A"

PARCEL 1:

All that certain real property situate in Canyon County, State of Idaho, and more particularly described as follows:

In Township 1 South, Range 2 West, Boise Meridian;

Section 23: That portion of the Southwest Quarter lying Easterly of the line hereinafter described;

South Half of the Southeast Quarter.

Section 24: South Half of the Southwest Quarter.

Section 25: North Half of the Southwest Quarter;

Southwest Quarter of the Northwest Quarter;

North Half of the Southwest Quarter.

Section 26: That portion of the Northwest Quarter and of the Northeast Quarter and of the Northeast Quarter of the Southeast Quarter lying Easterly of the line hereinafter described.

The line hereinabove referred to is described as follows:

BEGINNING at the Quarter section corner common to Sections 15 and 22, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

East a distance of 482 feet to the Westerly right of way line of the oiled County Road, the TRUE POINT OF BEGINNING; thence

South $25^{\circ} 30'$ East a distance of 417 feet along the Westerly right of way line of said road to a point; thence

South $54^{\circ} 40'$ East a distance of 1,074 feet along the Southwesterly right of way line of said road to a point; thence

South $83^{\circ} 10'$ East a distance of 86 feet along the Southwesterly right of way line of said road to a point; thence

North $74^{\circ} 20'$ East a distance of 167.6 feet along the Southerly right of way line of said road to a point; thence

South $31^{\circ} 55'$ East a distance of 700 feet to the top of the ridge East of Thomason Lake, also known as Jensen Lake; thence

South $17^{\circ} 30'$ East a distance of 2,405.3 feet along the ridge top to a point on the Westerly line of the Nampa-Murphy Branch of the Oregon Short Line Railroad right of way, said point being on a curve; thence along the curve on said railroad right of way, said curve being 5° left, having a central angle of $75^{\circ} 39'$ and tangent of 889.9 feet, length of curve 1,513 feet to a point on a tangent; thence

South $56^{\circ} 32'$ East a distance of 3,968.8 feet to a point on a curve; thence along the curve $2^{\circ} 00'$ right, having a central angle of $16^{\circ} 37'$, length of 830.8 feet and tangent 418.4 feet; thence

South $36^{\circ} 54'$ East a distance of 2,251.4 feet to a point on a curve; thence along $4^{\circ} 00'$ curve right, having a central angle of $4^{\circ} 00'$, a distance of 100 feet; thence along $8^{\circ} 00'$ curve right, having a central angle of $61^{\circ} 30'$, a distance of 770.4 feet; thence along $4^{\circ} 00'$ curve right, having a central angle of $4^{\circ} 00'$, a distance of 100 feet to a point; thence

South $30^{\circ} 00'$ West a distance of 278.9 feet to the banks of the Snake River.

Section 36: Lots 1 and 2

PARCEL 1A:

In Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

Section 11: Southeast Quarter of the Southwest Quarter.

Section 14: Northeast Quarter of the Northwest Quarter.

PARCEL 2:

South Half of the Southwest Quarter of Section 10, and the South Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 9, all in Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL 3:

In Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, Sections 14 and 23;

BEGINNING at the Quarter corner common to Sections 14 and 23, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

Westerly along the section line common to Sections 14 and 23 a distance of 335 feet, more or less, to the point where said section line intersects the centerline of the old Union Pacific Railroad grade; thence

Southerly along said centerline a distance of 115 feet, more or less, to the point where the centerline of said railroad grade intersects with the centerline of the oiled highway or Warrens Spur Road; thence

Westerly along said highway 125 feet, more or less, to a bolt set in the center of said highway; thence

Northwesterly along a service road 800 feet, more or less, to a spike set in concrete in the shoulder of said road; thence

Southwesterly 300 feet, more or less, to a steel post set in concrete on the Northerly shoulder of the oiled highway; thence

Northwesterly along the Northerly edge of said oiled highway 1,168 feet, more or less, to a steel post set in concrete; thence

Southerly 722 feet, more or less, to a steel post set in concrete; thence

Westerly 167 feet, more or less, to a steel post set in concrete; thence

Southerly 800 feet, more or less, to a steel post set in concrete at the foot of a butte which extends in an Easterly direction; thence in a

Southeasterly direction following the base of said butte a distance of 1,800 feet, more or less, to a steel post set in concrete at the North end of a North-South fence line; thence

Southerly along said fence line 700 feet, more or less, to the point where said fence intersects the South boundary of the Northwest Quarter of Section 23; thence

Easterly along said South boundary to the Southeast corner of said Northwest Quarter of Section 23; thence

Northerly along the East boundary of the Northwest Quarter of Section 23 to the Quarter corner common to Sections 14 and 23, the POINT OF BEGINNING.

Section 14: A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of said Section 14, and which well is connected by pipelines to the property first described hereinabove.

So in the SE SW SW

EXHIBIT A

PARCEL 1B

ALL THAT CERTAIN PROPERTY SITUATED IN ADA COUNTY, STATE OF IDAHO,
AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN TOWNSHIP 1 SOUTH, RANGE 1 WEST OF BOISE MERIDIAN:

THE WEST HALF OF THE NORTHWEST QUARTER AND LOTS 3 AND 4 IN SECTION
33, RECORDS OF ADA COUNTY, IDAHO.

8727027

RECORDED

'87 DEC 31 PM 4 32

GILL A. STAKER

CANYON CITY, RECORDER

BY *Christ*

REQUEST PIONEER TITLE CO

TYPE *Reel 18*

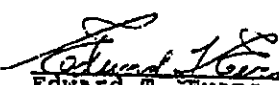
C-12659
INSTRUMENT NO. 8800920

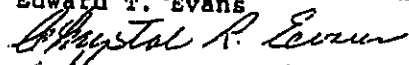
CORRECTION TO WARRANTY DEED

This Correction to Warranty Deed, is made and entered into effective December 31, 1987, by the undersigned EDWARD T. EVANS, CRYSTAL R. EVANS, a/k/a CRYSTAL J. EVANS, husband and wife, CATHERINE L. EVANS, a/k/a CATHERINE E. CAVAIANI, REX E. EVANS and MARYON E. EVANS individually and collectively as their interest appears of record, Grantors, and hereby corrects the legal description of the real property located in Canyon County, State of Idaho, set forth in that certain Warranty Deed dated December 31, 1987, recorded December 31, 1987, as Instrument Number 8727027, records of Canyon County, State of Idaho, by deleting Exhibit "A" therefrom and substituting therefor Exhibit "A" attached hereto.

Except as hereinabove amended and corrected, all of the terms and provisions of the above referenced Warranty Deed shall be and remain in full force and effect.

WITNESS the hand of said Grantors effective this 31st day of December, 1987.

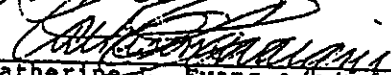

Edward T. Evans


Crystal R. Evans

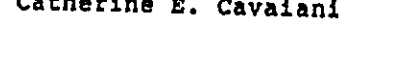

Crystal J. Evans

Chrystal R. Evans a/k/a
Chrystal J. Evans


Catherine L. Evans


Catherine E. Cavaiani

Catherine L. Evans a/k/a
Catherine E. Cavaiani


Rex E. Evans


Maryon E. Evans

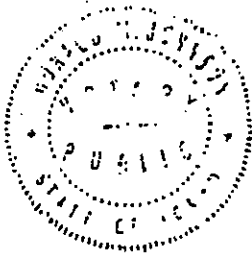

Maryon E. Evans

"Grantors"

STATE OF IDAHO)
County of Carleton) ss.

On this 13th day of January, 1988, before me, Ronald M. Johnson, a Notary Public in and for said state, personally appeared EDWARD T. EVANS, CHRYSTAL R. EVANS, a/k/a CHRYSTAL J. EVANS, CATHERINE L. EVANS, a/k/a CATHERINE E. CAVAIAN, REX E. EVANS and MARYON E. EVANS, 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.

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 for Idaho
Residing at Notary, Idaho
My commission expires on Aug 16, 1991

EXHIBIT "A"

PARCEL 1:

All that certain real property situate in Canyon County, State of Idaho, and more particularly described as follows:

In Township 1 South, Range 2 West, Boise Meridian;

Section 23: That portion of the Southwest Quarter lying Easterly of the line hereinafter described;

South Half of the Southeast Quarter.

Section 24: South Half of the Southwest Quarter.

Section 25: North Half of the Northwest Quarter;

Southwest Quarter of the Northwest Quarter;

North Half of the Southwest Quarter.

Section 26: That portion of the Northwest Quarter and of the Northeast Quarter and of the Northeast Quarter of the Southeast Quarter lying Easterly of the line hereinafter described.

The line hereinabove referred to is described as follows:

BEGINNING at the Quarter section corner common to Sections 15 and 22, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

East a distance of 482 feet to the Westerly right of way line of the oiled County Road, the TRUE POINT OF BEGINNING; thence

South 25° 40' East a distance of 417 feet along the Westerly right of way line of said road to a point; thence

South 54° 40' East a distance of 1,074 feet along the Southwesterly right of way line of said road to a point; thence

South 83° 10' East a distance of 86 feet along the Southwesterly right of way line of said road to a point; thence

North 74° 20' East a distance of 167.6 feet along the Southerly right of way line of said road to a point; thence

South 31° 55' East a distance of 700 feet to the top of the ridge East of Thomason Lake, also known as Jensen Lake; thence

South 17° 30' East a distance of 2,405.3 feet along the ridge top to a point on the Westerly line of the Nampa-Murphy Branch of the Oregon Short Line Railroad right of way, said point being on a curve; thence along the curve on said railroad right of way, said curve being 5° left, having a central angle of 75° 39' and tangent of 888.9 feet, length of curve 1,513 feet to a point on a tangent; thence

South 56° 32' East a distance of 3,968.8 feet to a point on a curve; thence along the curve 2° 00' right, having a central angle of 16° 37', length of 830.8 feet and tangent 418.4 feet; thence

South 36° 54' East a distance of 2,251.4 feet to a point on a curve; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet; thence along 8° 00' curve right, having a central angle of 61° 30', a distance of 770.4 feet; thence along 4° 00' curve right, having a central angle of 4° 00', a distance of 100 feet to a point; thence

South 30° 00' West a distance of 278.9 feet to the banks of the Snake River.

Section 36: Lots 1 and 2

PARCEL 1A:

In Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

Section 11: Southeast Quarter of the Southwest Quarter.

Section 14: Northeast Quarter of the Northwest Quarter.

PARCEL 2:

South Half of the Southwest Quarter of Section 10, and the South Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 9, all in Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho.

PARCEL 3:

In Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho, Sections 14 and 23;

BEGINNING at the Quarter corner common to Sections 14 and 23, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

Westerly along the section line common to Sections 14 and 23 a distance of 335 feet, more or less, to the point where said section line intersects the centerline of the old Union Pacific Railroad grade; thence

Southerly along said centerline a distance of 115 feet, more or less, to the point where the centerline of said railroad grade intersects with the centerline of the oiled highway or Warrens Spur Road; thence

Westerly along said highway 125 feet, more or less, to a boll set in the center of said highway; thence

Northwesterly along a service road 800 feet, more or less, to a spike set in concrete in the shoulder of said road; thence

Southwesterly 300 feet, more or less, to a steel post set in concrete on the Northerly shoulder of the oiled highway; thence

Northwesterly along the Northerly edge of said oiled highway 1,168 feet, more or less, to a steel post set in concrete; thence

Southerly 722 feet, more or less, to a steel post set in concrete; thence

Westerly 167 feet, more or less, to a steel post set in concrete; thence

Southerly 800 feet, more or less, to a steel post set in concrete at the foot of a butte which extends in an Easterly direction; thence in a

Southeasterly direction following the base of said butte a distance of 1,800 feet, more or less, to a steel post set in concrete at the North end of a North-South fence line; thence

Southerly along said fence line 700 feet, more or less, to the point where said fence intersects the South boundary of the Northwest Quarter of Section 23; thence

Easterly along said South boundary to the Southeast corner of said Northwest Quarter of Section 23; thence

Northerly along the East boundary of the Northwest Quarter of Section 23 to the Quarter corner common to Sections 14 and 23, the POINT OF BEGINNING.

Section 14: A 10-foot by 10-foot parcel on which is located a well enclosed in a cement housing, which parcel is located approximately in the Southeast corner of the Southwest Quarter of said Section 14, and which well is connected by pipelines to the property first described hereinabove.

LAWYERS TITLE INSURANCE CORPORATION

This Commitment is invalid unless the Insuring
Provisions and Schedules A and B are attached.
Form No. 91-99(B-1)035-1-088-0001/4

EXHIBIT A

PARCEL 1B

ALL THAT CERTAIN PROPERTY SITUATED IN ADA COUNTY, STATE OF IDAHO,
AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IN TOWNSHIP 1 SOUTH, RANGE 1 WEST OF BOISE MERIDIAN:

THE WEST HALF OF THE NORTHWEST QUARTER AND LOTS 3 AND 4 IN SECTION
33, RECORDS OF ADA COUNTY, IDAHO.

8800920

RECORDED

'88 JAN 14 PM 4 38

GILL A. STAKER
CANYON CITY, RECORDER
BY *Chick*

REQUEST

PIONEER TITLE CO

Tim Miller 15-02