

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

SEP 10 2008

By _____ Clerk
_____ Deputy Clerk

South Half of the Southeast Quarter of Section 14, Township 1 South, Range 2 West, Boise Meridian, Canyon County, Idaho (the "Whitted Property").

3. Attached hereto as Exhibits A-1, A-2, and A-3, are true and correct copies of site plans and photographs properly depicting the location of the Whitted Property.

4. Your affiant's grandfather-in-law and grandmother-in-law, namely, Earl L. Cusic, and Doris I. Cusic, husband and wife, acquired the Whitted Property on or about July 17, 1951, pursuant to a quitclaim deed executed by George F. Sanders and Ada L. Sanders, husband and wife, as grantors, in favor of Earl L. Cusic and Doris I. Cusic, husband and wife, as grantees, which quitclaim deed was recorded with the Canyon County Recorder's office on February 4, 1952, as instrument no. 385366 (the "Cusic Quitclaim Deed").

5. A true and correct copy of the Cusic Quitclaim Deed is attached hereto as Exhibit B, and by this reference incorporated herein as though set forth in full.

6. The Cusics were the fee simple owners of the Whitted Property continuously from July 17, 1951, through January 4, 1990, when it was conveyed to Sheilla Whitted and your affiant, but Mr. Cusic passed away in 1980, and his interest was transferred to Ms. Cusic.

7. My spouse Sheilla Whitted and your affiant acquired the Whitted Property on or about January 4, 1990, pursuant to a certain warranty deed executed by Doris Irene Cusic, as grantor, in favor of Sheilla Whitted and your

affiant, which warranty deed was recorded with the Canyon County Recorder's office on June 30, 1990, as instrument no. 9001773 (the "Whitted Warranty Deed").

8. A true and correct copy of the Whitted Warranty Deed is attached hereto as Exhibit C, and incorporated herein by reference.

9. That Sheilla Whitted and your affiant have been the owners of the Whitted Property continuously since we acquired it on January 4, 1990.

The Smith Property Chain of Title

10. That on or about December 31, 1987, David W. Vastine and Marsha Jane Vastine, husband and wife, acquired the Smith Property from Edward Evans, et al., which Property is described on Exhibit D attached hereto, and which property is adjacent to the Whitted Property (the "Smith Property").

11. That Jesse Peavey and Pearl Peavey, individually and then later as owners of Canyon Cattle Co., Inc., an Idaho corporation, leased all or a portion of the Smith Property from the 1960s up through July 17, 1992, and operated a cattle feedlot on the Smith Property.

12. On or about July 17, 1992, David W. Vastine and Marsha J. Vastine, husband and wife, as grantors, conveyed the Smith Property to Canyon Cattle Co., Inc. pursuant to a certain warranty deed recorded with the Canyon County Recorder's office on July 30, 1992, as instrument no. 9217150 (the "Canyon Cattle Warranty Deed").

13. A true and correct copy of the Canyon Cattle Warranty Deed is attached hereto as Exhibit D, and incorporated herein by reference.

14. On or about June 15, 1999, the Canyon Cattle Co., Inc., as grantor,

executed a certain warranty deed on the Smith Property in favor of Casey McKee, an unmarried person, and Cody McKee, a married man, as grantees, which warranty deed was recorded with the Canyon County Recorder's office on June 24, 1999, as instrument no. 9924708 (the "McKee Warranty Deed").

15. A true and correct copy of the McKee Warranty Deed is attached hereto as Exhibit E, and incorporated herein by reference.

16. On or about March 23, 2000, Casey McKee and Cody McKee, as grantors, executed a certain warranty deed on the Smith Property in favor of Joe Donaldson, as grantee, which warranty deed was recorded with the Canyon County Recorder's office on or about March 23, 2000, as instrument no. 200014029 (the "Donaldson Warranty Deed").

17. A true and correct copy of the Donaldson Warranty Deed is attached hereto as Exhibit F, and incorporated herein by reference.

18. On or about September 27, 2002, Joe Donaldson, as grantor, executed a certain quitclaim deed on the Smith Property in favor of the David Joseph Donaldson Revocable Trust dated June 29, 1999, which quitclaim deed was recorded with the Canyon County Recorder's office on or about October 11, 2002, as instrument no. 200248079 (the "Trust Quitclaim Deed").

19. A true and correct copy of the Trust Quitclaim Deed is attached hereto as Exhibit G, and incorporated herein by reference.

20. On or about June 1, 2004, the David Joseph Donaldson Revocable Trust dated June 29, 1999, as grantor, executed on the Smith Property in favor of Sarah Jane Smith, as grantee, a certain warranty deed to the Smith Property, which

warranty deed was recorded with the Canyon County Recorder's office on June 2, 2004, as instrument no. 200429614 (the "Smith Warranty Deed").

21. A true and correct copy of the Smith Warranty Deed is attached hereto as Exhibit H, and incorporated herein by reference.

Permissive Use of the Well

22. That your affiant resided on the Whitted Property in 1982 and 1983, and then commencing in 1985, your affiant resided on the Whitted Property continuously to the present date. During such period of time, your affiant raised livestock and raised crops on the Whitted Property.

23. The subject well was drilled in the 1960s, and is located on the Whitted Property (the "Well").

24. At the time the Well was drilled, the Cusics, your affiant, and Jesse Peavey and Pearl Peavey, who were the tenants of the Smith Property, all recognized that the Well was drilled on the Whitted Property and was in the wrong location. Nevertheless, the Cusics gave the Peaveys permission to use the well on a non-exclusive basis.

25. The Peaveys utilized the Well on this permissive basis up until they acquired the Smith Property in 1992.

26. In 1992, Jesse Peavey came to your affiant and inquired about purchasing the Well since he did not acquire it with his land purchase of the Smith Property from the Vastines.

27. Sheilla Whitted and your affiant decided only to give the Peaveys permission to the non-exclusive use of the Well until the Peaveys sold the Smith Property or drilled their own well, which the Peaveys intended to do.

28. Upon Sarah Jane Smith commencing to operate the feedlot on the Smith Property, which was before she acquired the Smith Property, your affiant had a conversation with her and agreed to give her permission to use the well on a non-exclusive basis. This is when Sarah Jane Smith allegedly learned for the first time that the Well was on the Whitted Property.

29. At no time was use of the Well by an owner or occupant of the Smith Property adverse or under a claim of right. Rather, all such use was on a permissive basis granted by the owner(s) of the Whitted Property.

30. That attached hereto as Exhibit I is a true and correct copy of a photograph that your affiant took in August, 2008, depicting the Well and the partially buried hoses coming out of the Well that were utilized by your affiant to obtain water from the Well for purposes of watering livestock and other uses.

31. That at no time did any owner or occupant of the Smith Property pay any property taxes relating to the Whitted Property or the Well on the Whitted Property.

32. That at no time did any owner or occupant of the Smith Property own any right, title or interest in and to the Whitted Property or the Well.

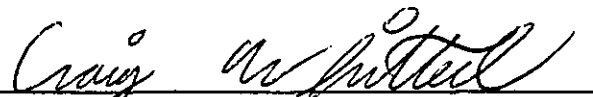
33. That your affiant has always been a good neighbor and worked cooperatively with the owners of the Smith Property, but upon Sarah Jane Smith learning the Well was not on the Smith Property and thus would affect her ability to

assert a water right, the mutual cooperation came to an abrupt end through no fault of your affiant and Ms. Smith suddenly asserted an interest in the Whitted Property in an attempt to adjudicate claimed water rights.

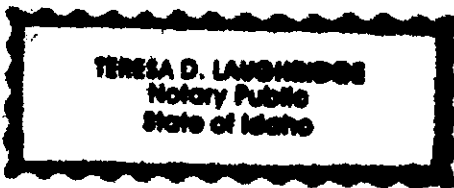
34. That Sarah Jane Smith has no water rights originating from the Whitted Property.

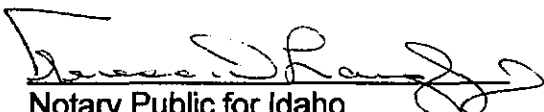
FURTHER YOUR AFFIANT SAITH NOT.

DATED this 8 day of September, 2008.


CRAIG WHITTED

SUBSCRIBED AND SWORN to before me this 8 day of September, 2008.

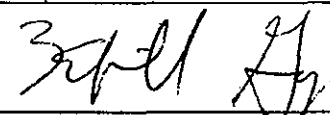



Notary Public for Idaho
Residing at Meridian
Commission expires: 1-22-2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2008, a true and correct copy of the foregoing document was served as follows:

John M. Marshall J. Will Varin GIVENS PURSLEY LLP PO Box 2720 Boise, ID 83701-2720	☐ First Class Mail ☒ Hand Delivery ☐ Facsimile ☐ Overnight Delivery
--	---


Kimbell D. Gourley

Whitted 80 acres in Section 14



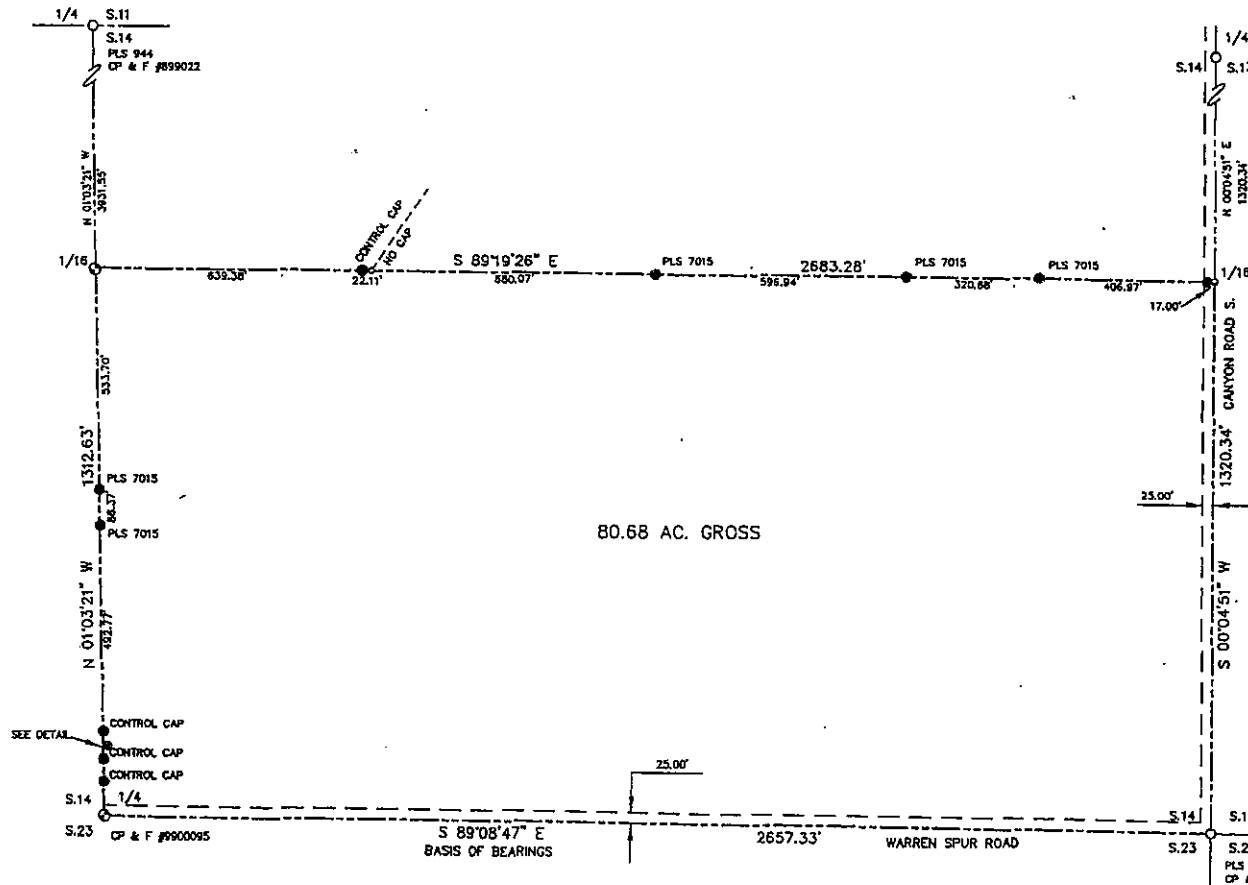
EXHIBIT

A-1

tabbies

INST # 2008032075

RECORD OF SURVEY FOR
CRAIG WHITTED
LOCATED IN THE SE 1/4 OF SECTION 14,
T.1S., R.2W., B.M., CANYON COUNTY, IDAHO
2008



SCALE: 1" = 200'

LEGEND

- SET 1/2" x 24" IRON PIN WITH CAP, PLS 7015, UNLESS OTHERWISE NOTED
- SET P.K. NAIL
- FOUND BRASS CAP MONUMENT
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- △ CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- PARCEL LINE

COUNTY RECORDER'S CERTIFICATE

INST. NO. _____
STATE OF IDAHO, COUNTY OF CANYON, SS.
FILED FOR RECORD AT THE REQUEST OF CRAIG WHITTED
MIN. PAST _____ O'CLOCK A.M. THIS _____ DAY OF _____ 20____
J. DAVID NAVARRO, RECORDER
BY _____ DEPUTY
FEE \$ _____

RECORDING INDEX NUMBER: 123-14-2-0-0-00-000

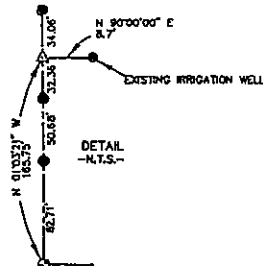
CERTIFICATE OF LAND SURVEYOR

I, PATRICK J. SCHEFFLER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

PATRICK J. SCHEFFLER



LICENSE NO. 7015



tabbles

EXHIBIT

A-2



IDAHO
SURVEY
GROUP, P.C.

1450 E. WATERTOWER ST.
SUITE 150
MERIDIAN, IDAHO 83642
(208) 846-8570

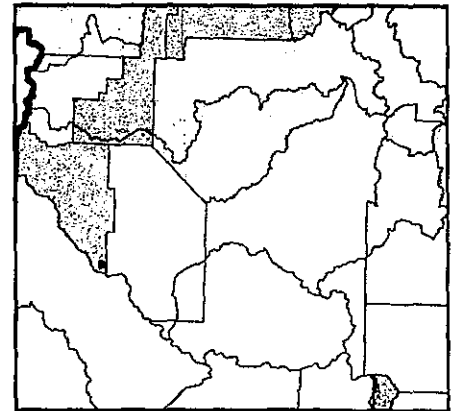


Idaho Department of Water Resources

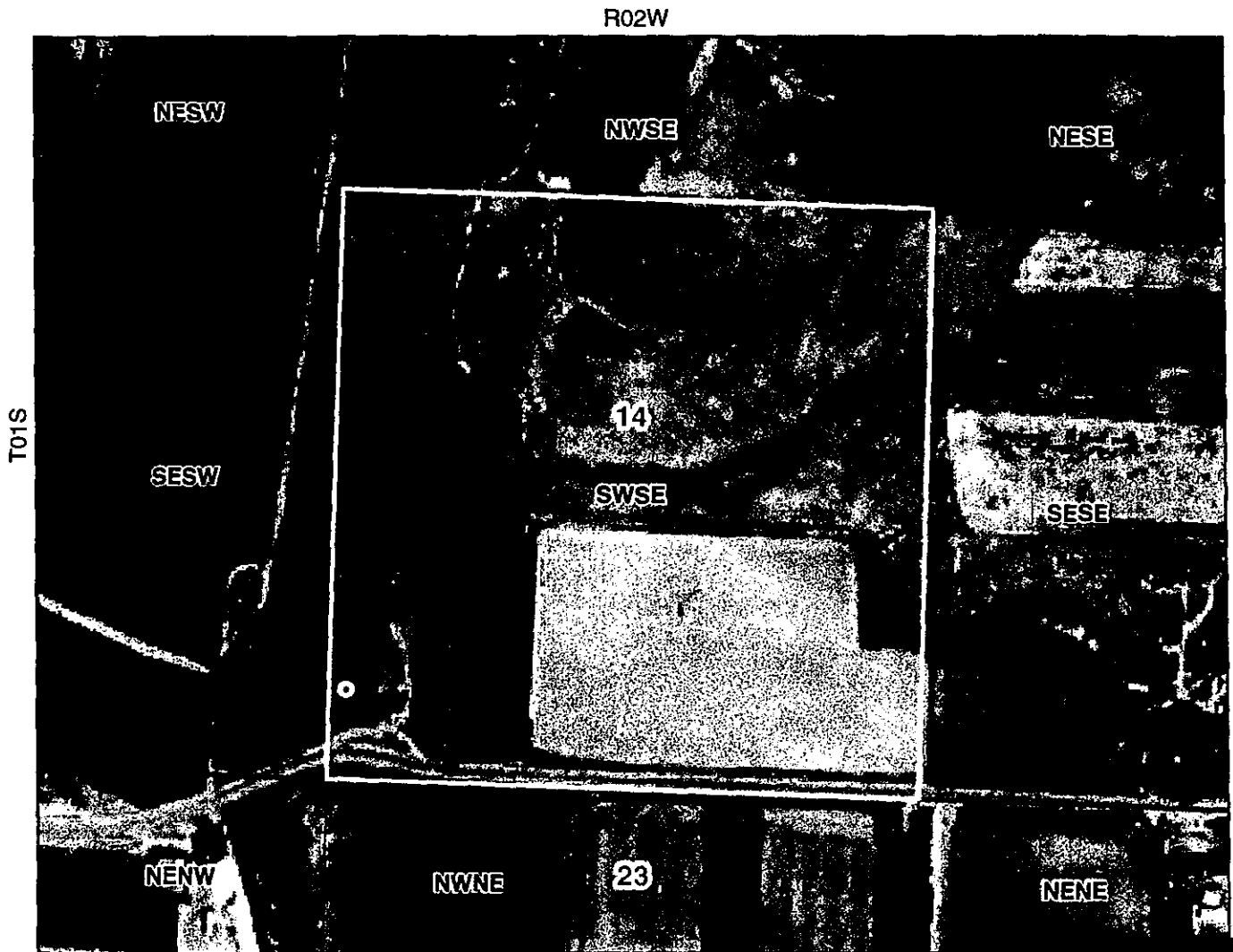
Water Right
63-20952
(STOCKWATER)

Legend

- ⊙ Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



Prepared by Don Shaff
On August 05, 2008
2006 Aerial Photography

0 0.05 0.1 0.2 Miles

EXHIBIT

tabbies

A-3

INSTRUMENT NO. 385366

QUITCLAIM DEED

THIS INDENTURE, Made the 17th day of July
in the year of our Lord one thousand nine hundred and fifty-one, between

GEORGE F. SANDERS and ADA L. SANDERS, husband and wife,

of Caldwell, County of Canyon, State of Idaho

the parties of the first part, and

EARL L. CUSIC and DORIS I. CUSIC, husband and wife,

of Melba, County of Canyon, State of Idaho

the parties of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
TEN AND NO/100 DOLLARS,
together with other valuable consideration
lawful money of the United States of America, to them

in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, do
by these presents remise, release and forever QUITCLAIM, unto the said parties of the second part, and
to their heirs and assigns, all those certain lots, pieces or
parcels of land situate, lying and being in the Canyon
State of Idaho, bounded and particularly described as follows, to-wit:

The South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$)
of Section 14, Township 1 South, Range 2 West
of the Boise Meridian.

Together with all water, water rights, ditches and
rights of way for ditches thereunto belonging or in
anywise appertaining.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents,
issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances,
unto the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their
hands and seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of

PLATTED

FEB 5 - 1952

EARL PALMER

CLERK

George F. Sanders
Ada L. Sanders (SE)

(SE)

(SE)

EXHIBIT

B

STATE OF IDAHO,
County of Canyon } ss.

On this 18th day of July, in the year 1951, before me, the undersigned _____, Notary Public in and for said State, personally appeared George F. Sanders and Ada L. Sanders, husband and wife, known 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.



William F. Gioray, Jr.
Notary Public residing at Caldwell, Idaho.

385366

No. _____
QUITCLAIM DEED

George F. Sanders, et al.
Carl P. Quinn, et al.

Dated _____, 19____
I hereby certify that this instrument was filed for record at the request of *Grant E. Meek* at 20 minutes past 1 o'clock P. M., this 4 day of Feb. A.D. 1951, in my office, and duly recorded in Book 213 of *Dudo* at page 44. SFOH
By *M. Powell*, Deputy. Office Recorder.
Fees, \$ 1.25

Bot 17
Patricia

21

PN-17990

WARRANTY DEED

FOR VALUE RECEIVED, Doris Irene Cusic, a widow,

the Grantor, does hereby grant, bargain, sell and convey unto Craig Whitted and Sheila Whitted, husband and wife,

the Grantees, whose address is 7144 Warren Spur Road, Melba, Idaho 83641

the following described premises, to-wit:

51SE1, Section 14, Township 1 South, Range 2,
West of the Boise Meridian, Canyon County, Idaho.

TOGETHER with all water, water rights, ditches
and rights-of-way for ditches thereunto appertaining,
or used in connection therewith.

SPECIFICALLY RESERVING unto the Grantor herein
a life estate in, and possession of, the use and
occupancy of her residence, lawns, garden plots,
the domestic well and sufficient irrigation water
the reserved parts of the farmstead, for the remainder
of her natural life, unless sooner terminated by her.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor do es hereby covenant to
and with the said Grantees, that she is the owner in fee simple of said premises; that
said premises are free from all encumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: January 4, 1990.

Doris Irene Cusic
Doris Irene Cusic

STATE OF IDAHO, COUNTY OF Canyon

On this 29th day of January, 1990,
before me, a Notary Public in and for said State, personally
appeared Doris Irene Cusic, a widow,

known to me to be the person who ~~her name~~ is
described in the within instrument, and acknowledged to
me that she executed the same.

[Signature]
Notary Public
Residing in Nampa, Idaho
My Comm. Expires May 21, 1992.

90 JUN 30 PM 12 06
RECORDED
NED J KERR
CANYON CNTY RECORDER
BY *[Signature]*
REQUEST
TYM *[Signature]* 3-1
FRONTIER - Nampa

9001773

RICHARD L. BORDAN
ATTORNEY AT LAW
BOX 946
Nampa, IDAHO 83651

EXHIBIT

C

7

7
000000

PN 23141

INSTRUMENT NO. 9217150
WARRANTY DEED

John

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

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

the Grantor, 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.

DO HAVE AND DO HOLD the said premises, with their appurtenances unto the said Grantor, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantor, that they are the owners of the whole of said premises, that said premises are free from all encumbrances, except the 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.

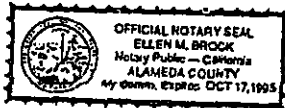
DATED: July 17, 1992

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) whose 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
NADINA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

EXHIBIT

D

tabbles

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, DeSoto 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 65° 07' 10" West, a distance of 600.00 feet to a 1/2 inch diameter iron pin; thence

South 20° 49' 50" West, a distance of 267.11 feet to a point on the Northernly 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 506.62 feet along the Northernly shoulder of said Warren Spur Road to a 2 inch PK nail and brass washer; thence

North 59° 16' 25" West, a distance of 561.48 feet along the Northernly 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 856.02 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 211.78 feet;

South 43° 14' 29" East, a distance of 230.07 feet;

North 84° 28' 44" East, a distance of 230.07 feet; thence leaving the base of said Butte

South 0° 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 721.86 feet to a 1/2 inch diameter iron pin; thence

South 37° 24' 48" East, a distance of 105.07 feet to a 1/2 inch diameter iron pin; thence

North 90° 00' 00" East, a distance of 701.88 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.

RECORDED
PIONEER - MAMPA
TYPE *Handwritten*

CANYON CO. RECORDER
C. Smith

92 JUL 30 PM 3 28

RECORDED

9217150

9924708

PN 53909

WARRANTY DEED

(CORPORATE FORM)

CANYON CATTLE COMPANY, INC., a corporation organized and existing under the laws of the State of Idaho, with its principal office at MELBA of County of CANYON grantor, hereby CONVEYS or GRANTS and WARRANTS TO **CASEY MCKEE**, an unmarried person and **CODY MCKEE**, a married man as his separate property grantee of P.O. Box 52, Savery, WY 82332

for the sum of —TEN AND OTHER GOOD AND VALUABLE CONSIDERATION DOLLARS, the following described tract(s) of land in CANYON County, State of Idaho:

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

Location of above described property 7702 WARREN SPUR ROAD, MELBA, ID 83641

The officers who sign this deed hereby certify that this deed and the transfer represented thereby was duly authorized under a resolution duly adopted by the board of directors of the grantor at a lawful meeting duly held and attended by a quorum.

In witness whereof, the grantor has caused its corporate name and seal to be hereunto affixed by its duly authorized officers this June 15, 1999.

CANYON CATTLE COMPANY, INC.

BY Pearl M. Peavey, Sec. Treas.

ITS

BY Anna M. Davis, pres

ITS

STATE OF IDAHO

COUNTY OF CANYON

On this 15th day of June, 1999, before me, a notary public appeared ANNA M. DAVIS and PEARL M. PEAVEY who being by me duly sworn did say, each for him/herself, that he/she, the said ANNA M. DAVIS is the president, and PEARL M. PEAVEY is the secretary of CANYON CATTLE COMPANY, INC., a corporation, and that the within and foregoing instrument was signed on behalf of said corporation by authority of a resolution of its board of directors and said ANNA M. DAVIS and PEARL M. PEAVEY each duly acknowledged to me that said corporation executed the same and that the seal affixed is the seal of said corporation.

Elmer R. O'Neil

Residing at Nampa, Idaho

My commission expires: 4/17/2003

PUBLIC

423 SOUTH KIMBALL
CALDWELL, IDAHO 83605

PIONEER TITLE COMPANY
OF CANYON COUNTY

423 SOUTH KIMBALL
CALDWELL, ID 83605

REQUEST **PIONEER — NAMPA**

TYPE Deed 6-15

BY

CANYON CNTY RECORDER

G NOEL HALES

39 JUN 24 AM 11 09

RECORDED

9924708

EXHIBIT

E

10

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, Boise 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.

Inst. # 200014029

ON 58286

WARRANTY DEED

FOR VALUE RECEIVED CASEY McKEE, AN UNMARRIED PERSON and CODY McKEE, A MARRIED MAN AS HIS SEPARATE PROPERTY

the Grantors, do hereby grant, bargain, sell and convey unto JOE DONALDSON, AN UNMARRIED PERSON

the Grantee, whose address is 2149 W. BUCKEYE, PHOENIX, AZ 85009

the following described premises, to-wit:

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

SUBJECT TO THAT CERTAIN MORTGAGE BETWEEN CASEY McKEE, AN UNMARRIED PERSON AND CODY McKEE, A MARRIED PERSON AS HIS SEPARATE PROPERTY, MORTGAGORS, AND CANYON CATTLE COMPANY, INC., AS MORTGAGEE, IN THE AMOUNT OF \$125,000.00 WHICH GRANTEE AGREES TO ASSUME AND PAY ACCORDINGLY.

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, that they 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 2000 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: March 22, 2000

Casey McKee
CASEY McKEE

By: Cody McKee
His Attorney in fact

Cody McKee
CODY McKEE

STATE OF IDAHO
COUNTY OF CANYON

On this 23 day of MARCH, 2000, before me a Notary Public, personally appeared CODY McKEE, known or identified to me to be the person(s) who(se) name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they have executed the same.

Carol Shaw
Notary Public
Residing at Kenner, Idaho
My commission expires: 2/20/01

STATE OF IDAHO
COUNTY OF CANYON

On this 23 day of MARCH, 2000, before me a Notary Public, personally appeared CODY McKEE, known or identified to me to be the person whose name is subscribed to the within instrument as attorney in fact of CASEY McKEE and acknowledged to me that he/she subscribed the name of CASEY McKEE thereto as principal, and his/her own name as attorney in fact.

Carol Shaw
Notary Public
Residing at Kenner, Idaho
My commission expires: 2/20/01

PIONEER TITLE COMPANY
OF CANYON COUNTY

EXHIBIT

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EXHIBIT "A"

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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, Boise 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.

200248079

679785

QUITCLAIM DEED

THIS INDENTURE, made and entered into on this 27th day of September, 2002, by and between JOE DONALDSON, also known as David Joseph Donaldson, an unmarried person, Party of the First Part, and DAVID JOSEPH DONALDSON, Trustee of the DAVID JOSEPH DONALDSON REVOCABLE TRUST dated June 29, 1999, of 2149 W. Buckeye, Phoenix, Arizona 85009, Party of the Second Part;

W I T N E S S E T H:

That the said Party of the First Part, for and in consideration of the sum of TEN AND NO/DOLLARS (\$10.00), lawful money of the United States and other valuable considerations to him in hand paid by the Party of the Second Part, receipt whereof is hereby acknowledged, does by these presents, remise, release and forever QUITCLAIM unto the said Party of the Second Part, its successors and assigns, the following described real property situate in the County of Canyon, State of Idaho, to wit:

A tract of land situated in a part of the Southwest Quarter of Section 14, and the Northwest Quarter of the Southwest Quarter of Section 23, Township 1 South, Range 2 West Boise 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 track, 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

QUITCLAIM DEED -1-

Law Office of
Keefer and Tull
P.O. Box 1000

EXHIBIT

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washer; thence South 0°54'57" West, a distance of 723.43 feet to a point on the centerline of an existing power line, 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 power line 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.

SUBJECT TO that certain Mortgage between Casey McKee and Cody McKee, Mortgagors, and Canyon Cattle Company, Inc., as Mortgagee, in the original amount of \$125,000 which Party of the Second Part agrees to assume and pay accordingly.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, the remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular, the said premises with the appurtenances unto the said Party of the Second Part, and to its successors and assigns, forever.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand and seal the day and year in this indenture first above written.


JOE DONALDSON

QUITCLAIM DEED -2-

Law Offices of
Keston and Tait
Tucson, Arizona

STATE OF Arizona)
 County of Maricopa) ss.

On this 27th day of September, 2002, before me, REBECCA M. MENDOZA, a Notary Public in and for said state, personally appeared JOE DONALDSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



REBECCA M. MENDOZA
 Notary Public - Arizona
 Maricopa County
 Expires 05/12/06

Rebecca M. Mendoza

Notary Public for D.E.S., Inc.
 Residing at 11557 W. SAGE DR. - AVONDALE, AZ 85323
 My Commission Expires: 05/12/06

INST. NO. 679785
 FILED FOR RECORD
 FEE 9.00 REC'D BY Kester & Tait
 2002 SEP 30 3:24 PM AD Branch E
 PAID 10 WEEKS
 RECORDER, NEZ PERCE CO ID
 BY Annie DEPUTY
Lewiston ID

QUITCLAIM DEED -3-

2002 OCT 11 PM 2 15
 G NOEL HALES
 CANYON CNTY RECORDER
 BY John + Joit
 REQUEST John + Joit
 FEE 9.00

RECORDED

Notary Office
 Kester and Tait
 Lewiston, ID

201248079

200429614

PIN 79964

14

WARRANTY DEED

FOR VALUE RECEIVED DAVID JOSEPH DONALDSON REVOCABLE TRUST
dated June 29, 1999

the Grantor, does hereby grant, bargain, sell and convey unto SARAH JANE SMITH, an unmarried woman

the Grantee, whose address is 7511 WARREN SPUR ROAD, MELBA, ID 83641-5231

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, her heirs and assigns
forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said
premises; that said premises are free from all encumbrances, except for general taxes and assessments for the year 2004 and
subsequent years, covenants, conditions, restrictions and easements of record; and that it will warrant and defend the same from
all lawful claims whatsoever.

DATED: May 27, 2004

DAVID JOSEPH DONALDSON REVOCABLE TRUST

BY: David Joseph Donaldson
TRUSTEE

STATE OF ARIZONA
COUNTY OF MARICOPA

On this 1st day of June, 2004, before me,
a notary public, personally appeared DAVID JOSEPH
DONALDSON, known to me to be the person(s) whose name(s)
is/are subscribed to the within instrument as TRUSTEE of THE
DAVID JOSEPH DONALDSON REVOCABLE TRUST and
acknowledged to me that they executed the same as such TRUSTEE.

Rebecca M. Earp

Notary Public

Residing at Nampa, Idaho

My commission expires 4/17/2009

RESIDING AT AVONDALE, AZ

My commission expires 03/31/08

2004 JUN 2 PM 4 40
RECORDED
NOEL HALE
CANYON COUNTY RECORDER
BY John Hale
REQUEST PIONEER-NAMPA
TYPE fee of 6.00

200429614



REBECCA M. EARP
Notary Public - Arizona
Maricopa County
Expires 03/31/08

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

EXHIBIT

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PN79964

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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

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

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