

Robert L. Harris, Esq. (ISB # 7018)
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HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
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Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518

5-10
RECEIVED
MAR 10 2014
DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

Subcase Nos: 73-12121 & 73-12122

AFFIDAVIT OF ROBERT L. HARRIS

STATE OF IDAHO)
) ss.
County of Bonneville)

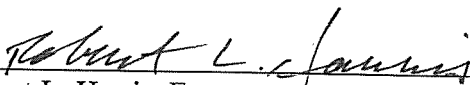
I, Robert L. Harris, do solemnly swear (or affirm) that the testimony given in this sworn statement is the truth, the whole truth, and nothing but the truth, that it is made on my personal knowledge, and that I would so testify in open court if called upon to do so.

And being so sworn I depose and say:

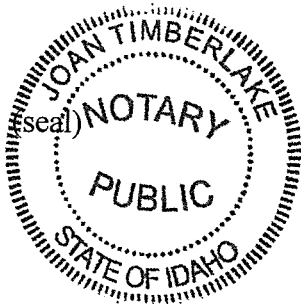
1. I am an attorney licensed to practice law in the state of Idaho. I am a member of the firm of HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C., and serve as counsel for Chris Drakos and Chris Drakos Enterprises, Inc. in the above-entitled action.

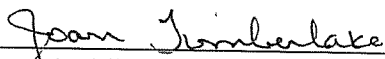
2. Attached as Exhibit 1 hereto is a true and correct copy of a *Memorandum* dated August 6, 2012 prepared by Garrick Baxter, Deputy Attorney General, to Jonie Barg, Technical Records Specialist at the Eastern Regional Office of IDWR, and its associated documents.

DATED this 6th day of March, 2014.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

SUBSCRIBED AND SWORN TO before me this 6th day of March, 2014.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 7/23/2018

CERTIFICATE OF MAILING

I certify that on this 6th day of March, 2014, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

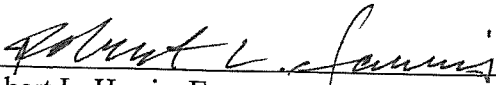
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Judd A. Whitworth
PO Box 26
Ellis, ID 83235

Darran Carraway and Hillary Carraway
3606 E. Columbia Road
Meridian, ID 83642

Doug J. Parkinson and Janiel S. Parkinson
PO Box 65
Ellis, ID 83235

G:\WPDATA\RLH\15077 Drakos, Chris\01\RLH.Aff.docx


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

MEMORANDUM

DATE: August 6, 2012

TO: Jonie Barg, Technical Records Specialist

FROM: Garrick Baxter, Deputy Attorney General 

RE: Change of Ownership 73-7003 (Split into 73-12121 & 73-12122)

You have asked that I research and recommend a path forward regarding issues that have arisen for the above referenced water rights.

History of License:

The Department issued the license for water right no. 73-7003 to Jack B. Furey on Feb. 20, 1974. The license authorized the diversion of 1.44 cfs (333 afa) from Spring Gulch Creek to irrigate 111 acres under a March 6, 1968 priority date.

First Ownership Change:

On May 27, 1998, the Department received a Notice of Change of Water Right Ownership ("ownership change") notifying the Department of a change the ownership of water right no. 73-7003 from Jack B. Furey to Doug J. and/or Janiel S. Parkinson. No deed or other document indicating a transfer of the ownership of the property appears in the Department's records. However, the ownership change was processed and the Department's records were updated to reflect the Parkinsons as the owners of all of water right no. 73-7003.

Second Ownership Change:

On April 19, 2007, the Department received an ownership change for water right no. 73-7003 notifying the Department of a change to part of the ownership of water right no. 73-7003 from Doug and Janiel Parkinson to Darren Carraway and/or Judd Whitworth. The second change of ownership was accompanied by a warranty deed dated May 30, 2006 conveying certain parcels of land from D&J Holdings, LLC to Judd A. Whitworth and Darren and Hillary Carraway. The specific number of acres conveyed are not expressly spelled out in the deed; the parcels of land being conveyed in the deed are described in metes and bounds.

The Department processed the change of ownership by splitting water right no. 73-7003 into two water rights: 73-12121 and 73-12122. Water right no. 73-12121 was issued in the name of Darren Carraway, Hillary Carraway and Judd A. Whitworth for 0.92 cfs (248.5 afa) for 71 acres. Water right no. 73-12122 was left in the name of Doug J. and Janiel S. Parkinson for .52 cfs (141 afa) for 40 acres. The 40 acres were in the NWSW.

Effect of Second Ownership Change on SRBA Recommendations:

On June 6, 2007, the Department issued a Notice of Completed Administrative Proceeding ("NCAP") to the Snake River Basin Adjudication ("SRBA") district court, informing the court of

the split in the ownership. The NCAP reflected the above described split.

Partial decrees were issued for the two water rights by the SRBA district court on June 9, 2009. The partial decrees were consistent with the NCAP. Darren & Hillary Carraway and Judd A. Whitworth were decreed 0.92 cfs (248.5 afa) for 71 acres under water right no. 73-12121. Doug J. and Janiel S. Parkinson were decreed the rest of the original license, 52 cfs (141 afa) for 40 acres, under water no. 73-12122.

Third Ownership Change:

On February 21, 2012, the Department received another ownership change. The ownership change sought to notify the Department of the change of ownership of water right no. 73-12121 from Darren Carraway, Hillary Carraway and Judd Whitworth to Chris Drakos. The change of ownership was accompanied a chain of deeds. A review of the deeds calls the earlier changes of ownership and the partial decrees issued by the SRBA district court into question. The effect of the deeds is described further below.

Problem with First Ownership Change:

The oldest deed provided with the chain of deeds is a warranty deed dating back to 1998, evidencing the original conveyance from Jack B. Furey to Doug. J. and Janiel S. Parkinson. Significantly, you have informed me that when the metes and bounds land list from the warranty deed is plotted, it shows that the Parkinsons did not buy all the land that was licensed under water right no. 73-7003. It appears that they bought only about 95.5 acres, leaving Jack Furey with 15.5 of the originally licensed 111 acres. Thus, it appears that when the first ownership change was processed back in 1998, the Department should have split the water right instead of transferring the entire water right to the Parkinsons.

Problem with Second Ownership Change:

The chain of deeds submitted with the third ownership change also includes an amended deed for the conveyance from D&J Holdings, LLC to Judd A. Whitworth and Darren and Hillary Carraway. The revised deed now includes a conveyance to Judd and the Carraways of the 40 acres in NWSW. This is significant because these are the 40 acres that were identified by the Department as being withheld in the second ownership change and thus recommended and decreed to the Parkinsons.

Resolution:

The water rights have been decreed by the SRBA district court and thus the ownership determination is binding on the Department. The Department can split water right no. 73-12121, but it can only put in Chris Drakos's name those acres that were both decreed to the Carraways and Whitworth and are currently owned by Chris Drakos. Moreover, the Department is not in a position to modify the Parkinson's partial decree for water right no. 73-12122. If Drakos or any of the interested parties wish to have the decrees changed, I recommend they approach the SRBA district court and seek to have the partial decrees set aside and corrected consistent with the underlying deeds. You have provided me with a chart and maps showing how you believe the water rights should have been split based on the deeds you now have before you. I am including this information in my memo as the parties may wish to take this into consideration when discussing how the water rights were intended to be divided.

	Current Owner	Acres	CFS	Annual Volume
	Jack Furey	15.5	0.2	46.5
	Doug Parkinson	1.5	.02	4.5
	Chris Drakos Enterprises	94	1.22	282
Total		111.0	1.44	333.0



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

August 7, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Chris Drakos Enterprises Inc
PO Box 793
Blackfoot ID 83221

RE: Change in Ownership Water Right No. 73-12121 & 73-12122

Dear Sir/Madam:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

**** **File Motion to set aside Partial Decree:** Because the water rights have been decreed by the SRBA district court and thus the ownership determination is binding on the Department. Please see attached Memorandum from Garrick Baxter, Deputy Attorney General.

During our review I also found an overpayment of \$100.00, the department has initiated a refund for \$100.00 for receipt number E037641. A check will arrive from the state office within a couple of weeks. The department will hold your ownership change in our records along with the \$125.00 filing fee under receipt number E037345, unless you request we return your ownership change.

Because the Department cannot process the ownership change without proper documentation/fees, we will hold any action on your notice pending receipt of the necessary information/fees. If we do not receive the necessary information/fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact the Department if you have any questions at 208-525-7161 or the state office at 208-287-4800.

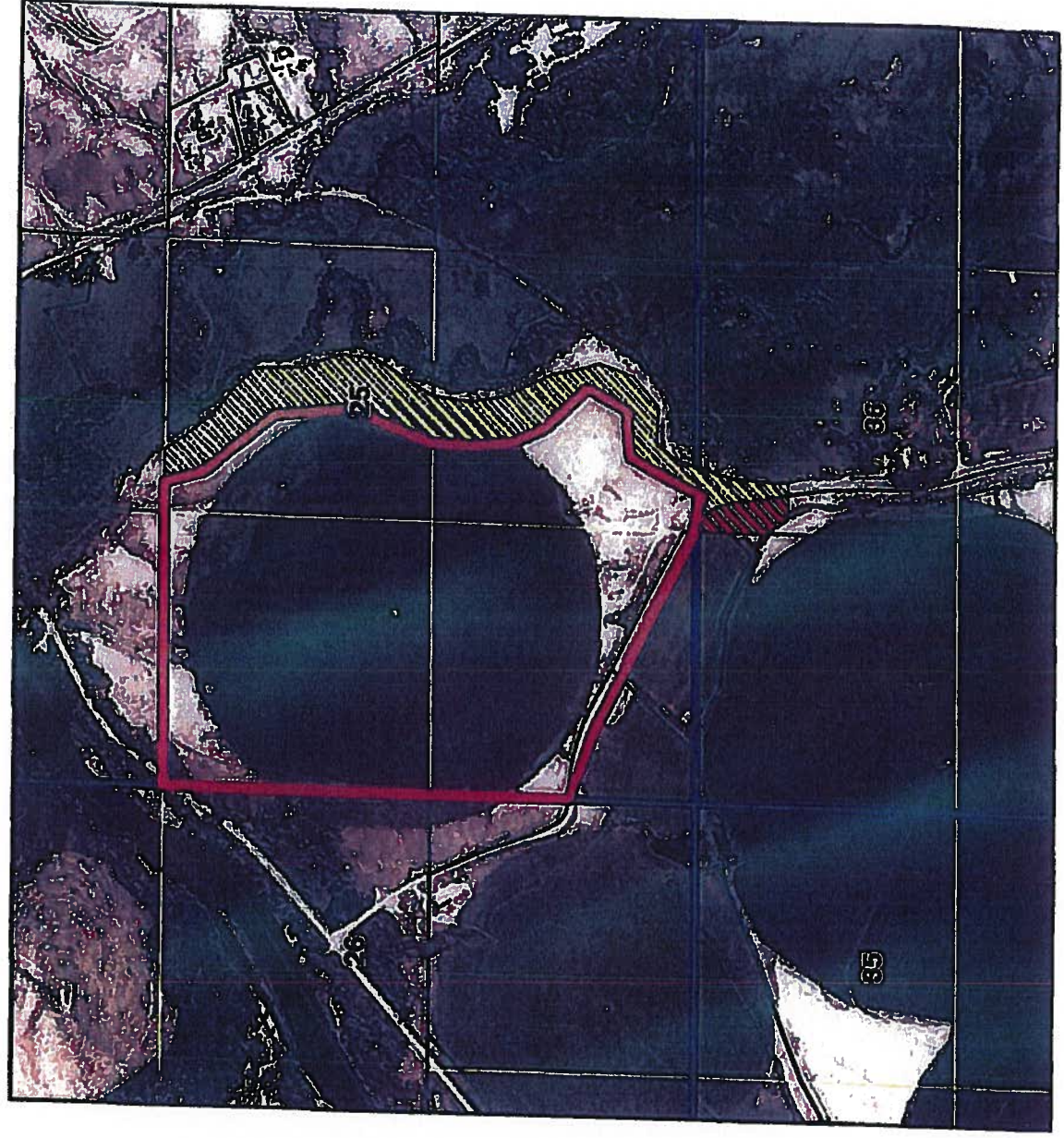
Sincerely,

Jonie Barg
Technical Records Specialist

Enclosure(s)

cc: Idaho AgCredit FLCA
Jack Furey
Doug Parkinson
Janiel Parkinson

Idaho Department of Water Resources



Legend

-  Chris Drakos Enterprises 73-12205
-  Parkinson 73-12204
-  Jack Furey 73-12122
-  gwd
-  Taxlots
-  Township/Range
-  Sections
-  QQ

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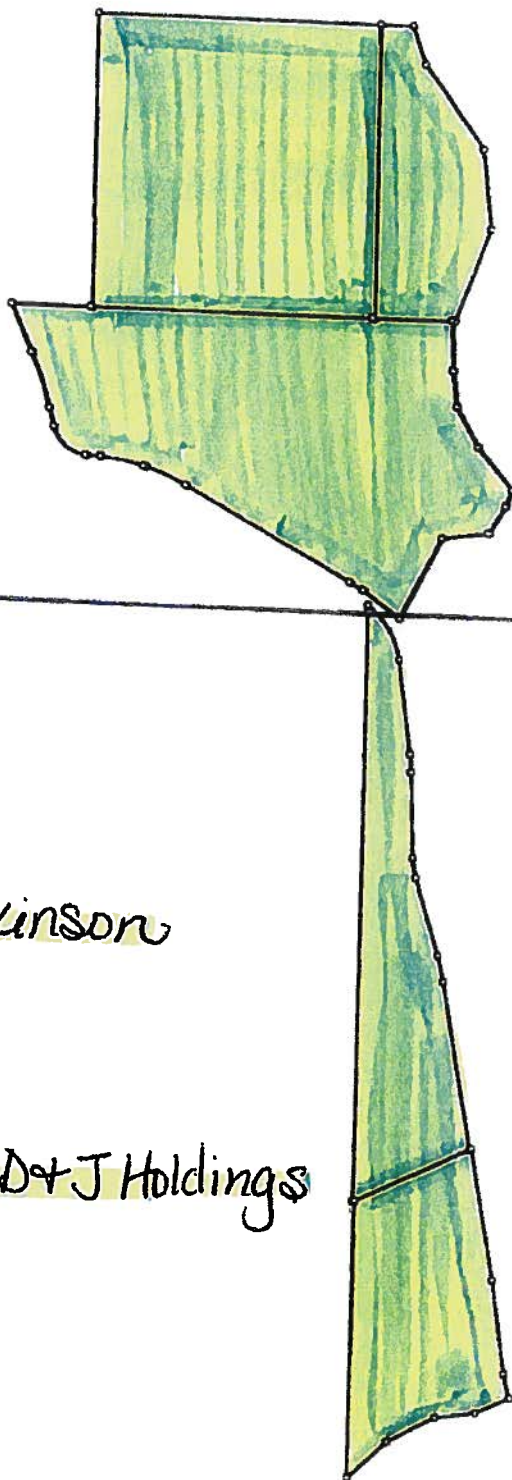
Jonie Barg

Date:

July 26, 2012

1998

A



Fury to Parkinson

Parkinson to D+J Holdings

Title:

Scale: 1 inch = 800 feet

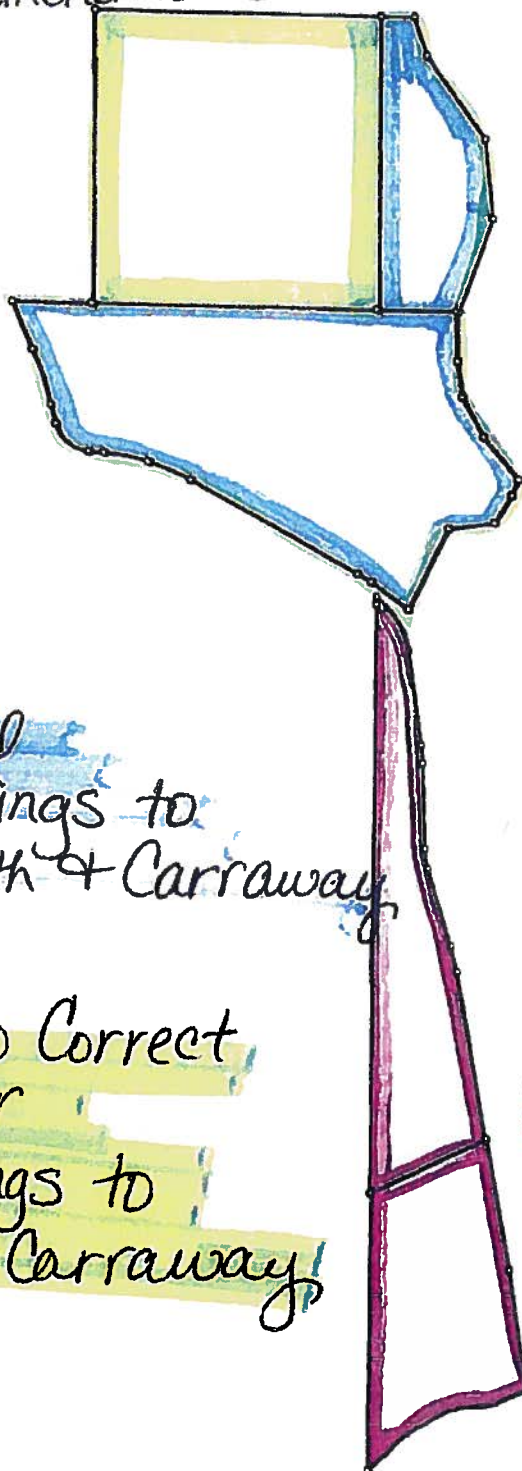
File: chris drakos.des

Date: 02-21-2012

2007
including Amendments

234086

234791
234849
235852



Original
D+J Holdings to
Whitworth & Carraway

Affidavit to Correct
Legal for
D+J Holdings to
Whitworth & Carraway

~~Retained by~~
Parkinson

Title:

Date: 02-21-2012

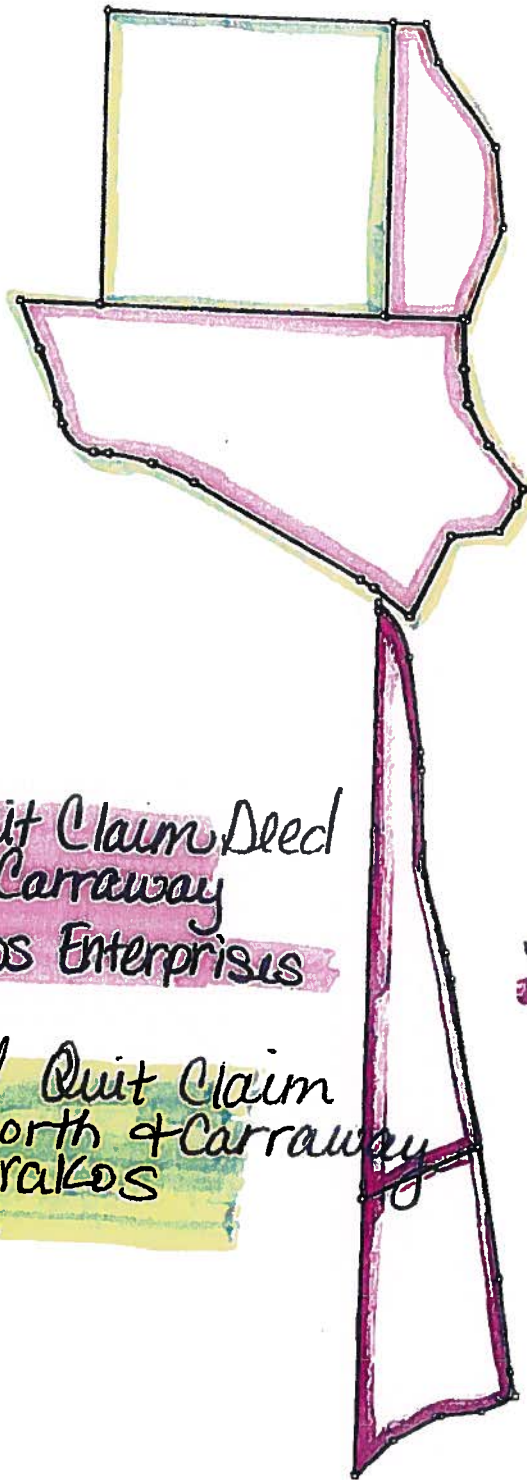
Scale: 1 inch = 800 feet

File: chris drakos.des

2012 Including
Amendments

240574

245855



Original Quit Claim Deed
Whitworth & Carraway
to Chris Drakos Enterprises

Recorded Quit Claim
Deed Whitworth & Carraway
to Chris Drakos
Enterprises

Retained by
Parkinson

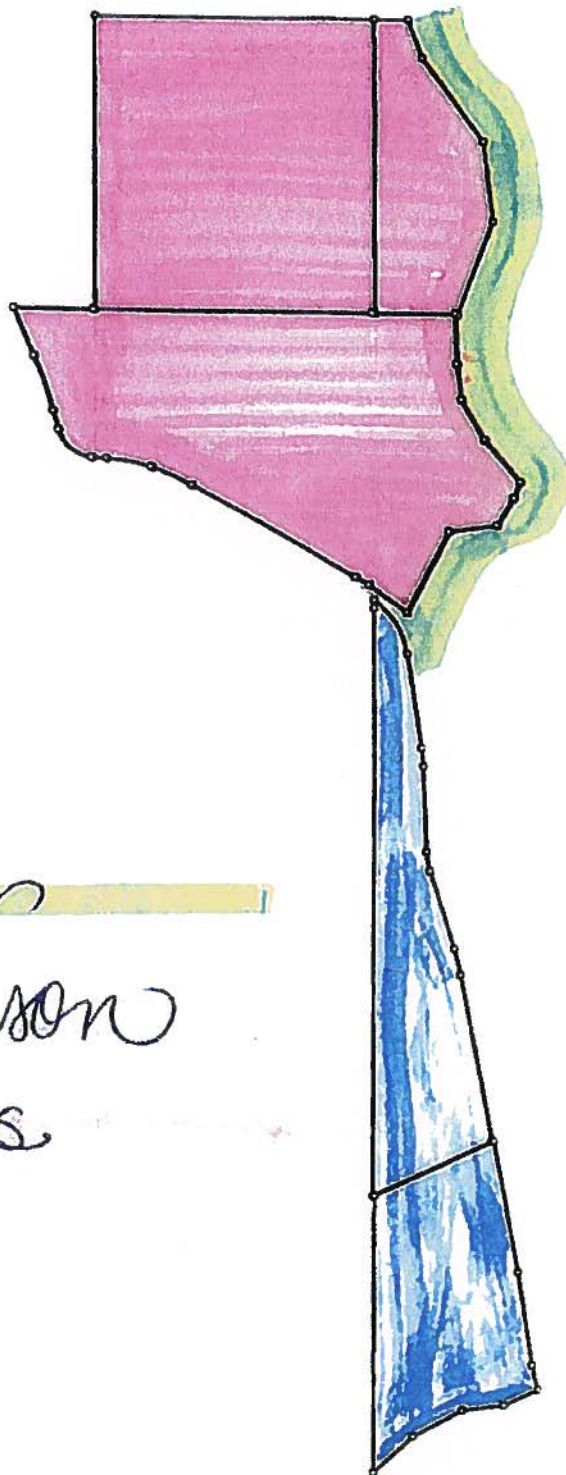
Title:

Scale: 1 inch = 800 feet

File: chris drakos.des

Date: 02-21-2012

Final



Jurey
Parkinson
Drakos

Title:

Date: 02-21-2012

Scale: 1 inch = 800 feet

File: chris drakos.des



E037641

LAMBERT PRODUCE COMPANY, INC.

PHONE 208/785-4334

P. O. BOX 793

BLACKFOOT, IDAHO 83221

BIG WHEEL

U.S. NO. 1

CHUCK WAGON

BAKERS - U.S. NO. 1

RECEIVED

OLD WEST

U.S. NO. 2

MAY 24 2012

Department of Water Resources
Eastern Region

CHAMP

U.S. NO. 2



Jonie,

I hope that this will clear up both these water rights and get everything straightened out once and for all. I apologize that the first Warranty deed is not the best quality, but apparantly the property was owned by D & J Holdings which was a company owned by Parkinson. That warranty deed shows the transfer to Judd Whitworth and Darren Carraway. The next Quit Claim Deed in lieu of foreclosure is when Chris Drakos Enterprises actually obtained the land. If there is anything additional that you need please contact me.

Thanks,

Stacey Bird

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 21 2012

Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
73-12121 <i>OK</i>	Yes ☐ <i>(Split Required)</i>		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: DARREN CARRAWAY, HILLARY CARRAWAY & JUDD WHITWORTH

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): CHRIS DRAKOS

Name of each new owner as listed on the conveyance document

New owner continued

Name connector ☐ and ☐ or ☐ and/or

P.O. BOX 793

Mailing address

BLACKFOOT

ID 83221

City

State

ZIP

208-785-4334

N/A

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 2-1-2009

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - o \$25 per *undivided* water right.
 - o \$100 per *split* water right.
 - o No fee is required for pending adjudication claims.

7. Signature: *Chris Drakos*
Signature of new owner/claimant

Title, if applicable

2-16-12

Date

Signature: _____
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by *JB*

Date 2/21/2012

Receipt No. E037345

Receipt Amt. \$125.-

Approved by _____

Processed by _____

Date

785-4334 Stacy Bird 10:30 a.m.

245855

AT 4894

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE
LEGAL DESCRIPTION BY ADDING THE NSW 25-16-20
TO PARCEL 1

240574
Custer County Reg. of
Alliance
Time 5:00 P.M. Date 7/20/2012
Barbara C. Bredlove, Clerk
Linda Pate, Deputy

QUIT CLAIM DEED IN LIEU OF FORECLOSURE

THIS INDENTURE, made the 1st day of February, 2009, between Judd A. Whitworth, a single person, Darren E. Carraway and Hillary Carraway, husband and wife, Grantors, and Chris Drakos Enterprises, Inc., the address of which is PO Box 793, Blackfoot, Idaho 83221, Grantee.

WITNESSETH: That the said grantors, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR, lawful money of the United States of America, and other good and valuable consideration paid by the said Grantees, the receipt whereof is hereby acknowledged, Grantors do by these presents demise, release and forever quit claim unto the said Grantee, and to its successors and assigns all the certain land situate, lying and being in the County of Custer, and State of Idaho, described as follows, to-wit:

PARCEL 1:

A FRACTION OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 25, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, RUN THENCE EAST ALONG THE SOUTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 374.0 FEET; THENCE NORTH 20° 58' EAST, 449.5 FEET; THENCE NORTH 6° 26' WEST, 360.4 FEET; THENCE NORTH 36° 54' WEST, 464.6 FEET; THENCE NORTH 19° 39' WEST, 181.7 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE WEST ALONG THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25 A DISTANCE OF 153.8 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE SOUTH ALONG THE WESTERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 1320.0 FEET TO THE POINT OF BEGINNING.

SECTION 25; NORTHWEST QUARTER SOUTHWEST QUARTER
ALSO:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 26, SOUTH HALF SOUTHWEST QUARTER, SECTION 25, AND THE NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 25; THENCE NORTH 00° 21' 56" WEST THE BASIS OF BEARING OF THIS DESCRIPTION, 1332.10 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25 (THE SOUTH 1116 OF SAID SECTION 25 AND 26) WHICH IS THE POINT OF BEGINNING; THENCE NORTH 89° 54' 35" EAST, 1313.62 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF

245855
Custer County Reg. of
Alliance Title & Escrow
Time 11:20 A.M. Date 7-19-2012
Barbara C. Tlemey, Clerk
Brenda Crisp, Deputy

245855

240574

SAID SECTION 25; THENCE NORTH 89° 54' 35" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25, 374.00 FEET; THENCE SOUTH 01° 41' 06" EAST, 224.84 FEET; THENCE SOUTH 07° 21' 33" EAST, 161.88 FEET; THENCE SOUTH 29° 34' 09" EAST, 204.85 FEET; THENCE SOUTH 41° 11' 29" EAST, 249.23 FEET; THENCE SOUTH 22° 41' 34" WEST, 78.02 FEET; THENCE SOUTH 32° 29' 25" WEST, 146.75 FEET; THENCE SOUTH 81° 58' 48" WEST, 219.56 FEET; THENCE SOUTH 27° 31' 11" WEST, 412.44 FEET; THENCE NORTH 54° 58' 26" WEST, 211.01 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE THE FOLLOWING TEN (10) COURSES: NORTH 62° 11' 10" WEST, 69.86 FEET; THENCE NORTH 62° 26' 55" WEST, 872.45 FEET; THENCE ALONG AN ARC OF A CURVE TO THE LEFT 204.11 FEET, HAVING A DELTA OF 100° 46' 27", A RADIUS OF 1085.44 FEET AND A LONG CHORD OF NORTH 67° 50' 08" WEST, 203.81 FEET; THENCE NORTH 73° 13' 22" WEST, 9.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 205.07 FEET, HAVING A DELTA OF 13° 51' 44", A RADIUS OF 847.61 FEET; AND A LONG CORD OF NORTH 80° 09' 25" WEST, 204.57 FEET; THENCE NORTH 87° 05' 27" WEST, 69.18 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 205.08 FEET, HAVING A DELTA OF 71° 57' 46", A RADIUS OF 163.28 FEET, AND A LONG CORD OF NORTH 51° 06' 34" WEST, 191.86 FEET; THENCE NORTH 15° 07' 41" WEST, 87.70 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 261.71 FEET, HAVING A DELTA OF 90° 28' 39", A RADIUS OF 1582.16 FEET AND A LONG CORD OF NORTH 19° 52' 02" WEST, 261.41 FEET; THENCE NORTH 24° 36' 24" WEST, 235.13 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26; THENCE LEAVING SAID RIGHT OF WAY NORTH 89° 55' 03" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SAID SECTION 26, 371.86 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ROAD RIGHT OF WAY:

PARCEL II

TOGETHER WITH A 15 FOOT BASEMENT LOCATED IN THE NORTHWEST QUARTER NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, FOR MAINTENANCE, REPLACEMENT AND REPAIR OF A CERTAIN ELECTRIC MOTOR, PUMP, PIPELINE AND FOR THE ROADWAY SERVICING THE SAME, AS FURTHER DESCRIBED IN INSTRUMENT NO. 215655, RECORDS OF CUSTER COUNTY, IDAHO.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

THIS DEED is an absolute conveyance of title, in effect as well as in form, and is not intended as a Mortgage, trust conveyance or security of any kind. The consideration therefore is the

245855 240574

waiver of the right to foreclose by action on that certain Real Estate Mortgage executed by Judd A. Whitworth, a single person, Darren E. Carraway and Hillary Carraway, husband and wife, as Mortgagor to Chris Drakos Enterprises, Inc., as Mortgagee, which Real Estate Mortgage is dated the 30th day of May, 2006, and which was recorded May 31, 2006, in the office of the County Recorder of the aforementioned County and State as Instrument number 234087.

Nevertheless, the Grantors acknowledge they are executing a new unsecured promissory note in the amount of \$160,270.50, which is the amount of accrued, unpaid interest as of January 31, 2009, on the underlying transaction. In executing the note, we affirm that the new obligation is not secured by the subject property. — *JW*

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said grantees and to their heirs and assigns forever.

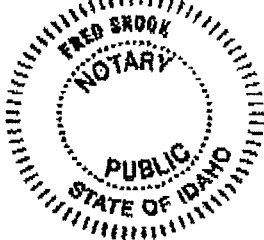
IN WITNESS WHEREOF, the said Grantors hereunto set their hands the day and year first above written.

Judd A. Whitworth
Judd A. Whitworth

STATE OF IDAHO)
: ss.
County of SAN)

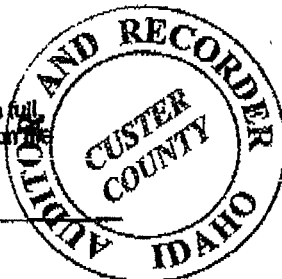
On this 25th day of February, 2009, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Judd A. Whitworth, a single person, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



[Signature]
Notary Public for Idaho
Residing at: Salt Lake
My Commission Expires: 08/10/2011

STATE OF IDAHO)
COUNTY OF CUSTER) ss.
I hereby certify that the foregoing is a full
true and correct copy of the original on file
in this office.
Date 7-13-12
[Signature]
Deputy Clerk



AT 4894 THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION
BY ADDING THE NWSW 25-16-20 TO PARCEL I

240522

QUIT CLAIM DEED IN LIEU OF FORECLOSURE

THIS INDENTURE, made the 13th day of February, 2009, between Darren E.

Carraway and Hillary Carraway, husband and wife, Grantors, and Chris Drakos Enterprises, Inc.,
a Nevada Corporation, whose address of which is P.O. Box 793, Blackfoot, Idaho 83221,
Grantee.

WITNESSETH: That the said grantors for and in consideration of the cancellation of the
debt represented by that certain Real Estate Mortgage dated May 30, 2006 and recorded in the
Custer County Recorder's office as Instrument No. 234087 which conveys and represents full
and complete satisfaction of the Mortgage herein referenced. For other good and valuable
consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors do by these
presents demise, release and forever quit claim unto the said Grantee, and to its successors and
assigns all that certain land situated, lying and being in the County of Custer, and State of Idaho,
described as follows, to wit:

PARCEL I:

A FRACTION OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 25,
TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER
SOUTHWEST QUARTER OF SECTION 25, RUN THENCE EAST ALONG THE
SOUTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER
OF SECTION 25, A DISTANCE OF 374.0 FEET; THENCE NORTH 20° 58' EAST, 449.5
FEET; THENCE NORTH 6° 26' WEST, 360.4 FEET; THENCE NORTH 36° 54' WEST, 464.6
FEET; THENCE NORTH 19° 39' WEST, 181.7 FEET TO A POINT ON THE NORTHERLY
BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION
25; THENCE WEST ALONG THE NORTHERLY BOUNDARY OF THE NORTHEAST
QUARTER SOUTHWEST QUARTER OF SECTION 25 A DISTANCE OF 153.8 FEET TO
THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER
OF SECTION 25; THENCE SOUTH ALONG THE WESTERLY BOUNDARY OF THE
NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF
1320.0 FEET TO THE POINT OF BEGINNING.
SECTION 25: NORTHWEST QUARTER SOUTHWEST QUARTER

ALSO:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER SOUTHEAST
QUARTER OF SECTION 26, SOUTH HALF SOUTHWEST QUARTER, SECTION 25, AND
THE NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16

245853

Custer County Rec. of
Alliance Title & Escrow
Time 11:54 AM Date 7/19/2012
Barbara C. Tierney, Clerk
Deputy
\$16.00

245853

240522

NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 25; THENCE NORTH 00° 21' 56" WEST THE BASIS OF BEARING OF THIS DESCRIPTION, 1332.10 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25 (THE SOUTH 1116 OF SAID SECTION 25 AND 26) WHICH IS THE POINT OF BEGINNING; THENCE NORTH 89° 54' 35" EAST, 1313.62 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 89° 54' 35" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25, 374.00 FEET; THENCE SOUTH 01° 41' 06" EAST, 224.84 FEET; THENCE SOUTH 07° 21' 33" EAST, 161.88 FEET; THENCE SOUTH 29° 34' 09" EAST, 204.85 FEET; THENCE SOUTH 41° 11' 29" EAST, 249.23 FEET; THENCE SOUTH 22° 41' 34" WEST, 78.02 FEET; THENCE SOUTH 32° 29' 25" WEST, 146.75 FEET; THENCE SOUTH 81° 58' 48" WEST, 219.56 FEET; THENCE SOUTH 27° 31' 11" WEST, 412.44 FEET; THENCE NORTH 54° 58' 26" WEST, 211.01 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE THE FOLLOWING TEN (10) COURSES: NORTH 62° 11' 10" WEST, 69.86 FEET; THENCE NORTH 62° 26' 55" WEST, 872.45 FEET; THENCE ALONG AN ARC OF A CURVE TO THE LEFT 261.71 FEET, HAVING A DELTA OF 9028 39", A RADIUS OF 1582.16 FEET AND A LONG CORD OF NORTH 19° 52' 02" WEST, 261.41 FEET; THENCE NORTH 24° 36' 24" WEST, 235.13 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SECTION 26; THENCE LEAVING SAID RIGHT OF WAY NORTH 89° 55' 03" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 26, 371.86 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ROAD RIGHT OF WAY:

PARCEL II

TOGETHER WITH A 15 FOOT EASEMENT LOCATED IN THE NORTHWEST QUARTER NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, FOR MAINTENANCE, REPLACEMENT AND REPAIR OF A CERTAIN ELECTRIC MOTOR, PUMP, PIPELINE AND FOR THE ROADWAY SERVICING THE SAME, AS FURTHER DESCRIBED IN INSTRUMENT NO. 215655, RECORDS OF CUSTER COUNTY, IDAHO.

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

THIS DEED is an absolute conveyance of title, in effect as well as in form, and is not intended as a Mortgage, trust conveyance or security of any kind. The consideration therefore is the waiver of the right to foreclose by action on that certain Real Estate Mortgage executed by

245853

Darren E. Carraway and Hillary Carraway, husband and wife, as Mortgagor to Chris Drakos Enterprises, Inc., as Mortgagee, which Real Estate Mortgage is dated the 30th day of May, 2006, and which was recorded May 31, 2006, in the office of the County Recorder of the aforementioned County and State as Instrument No. 234087.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said grantees and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantors hereunto set their hands the day and year first above written.

240522

* Custer County Reg. of
 Alliance Title & Escrow
 Time 1:15 P.M. Date 2-17-2009
 Barbara C. Breedlove, Clerk
 Deputy *Barbara C. Breedlove* \$9.00

Darren E. Carraway
 Darren E. Carraway

Hillary Carraway
 Hillary Carraway

STATE OF IDAHO)

County of Ada) ss.

On this 13th day of February, 2009, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Darren E. Carraway and Hillary Carraway, known to me to be the people whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

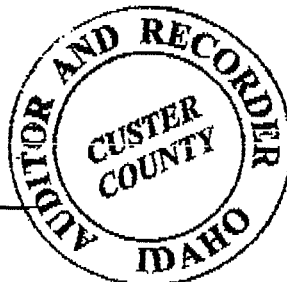
IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal, the day and year first above written.

STEPHANIE RILEY
 NOTARY PUBLIC
 STATE OF IDAHO

Stephanie Riley
 Notary Public for Idaho

Residing at: PO BoxMy Commission Expires: 4-30-14STATE OF IDAHO)
COUNTY OF CUSTER) ss.

I hereby certify that the foregoing is a full, true and correct copy of the original on file in this office.

Date 2-13-12Deputy Clerk *Stephanie Riley*

AT 4894

240574
 Custer County Rec. of
 Alliance
 Time 3:05 P.M. Date 2/20/09
 Barbara C. Breedlove, Clerk
 Judd A. Whitworth, 9th
 Deputy

QUIT CLAIM DEED IN LIEU OF FORECLOSURE

THIS INDENTURE, made the 1st day of February, 2009, between Judd A. Whitworth, a single person, Darren E. Carraway and Hillary Carraway, husband and wife, Grantors, and Chris Drakos Enterprises, Inc., the address of which is PO Box 793, Blackfoot, Idaho 83221, Grantee.

WITNESSETH: That the said grantors, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR, lawful money of the United States of America, and other good and valuable consideration paid by the said Grantee, the receipt whereof is hereby acknowledged, Grantors do by these presents demise, release and forever quit claim unto the said Grantee, and to its successors and assigns all the certain land situate, lying and being in the County of Custer, and State of Idaho, described as follows, to-wit:

PARCEL 1:

A FRACTION OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 25, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, RUN THENCE EAST ALONG THE SOUTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 374.0 FEET; THENCE NORTH 20° 58' EAST, 449.5 FEET; THENCE NORTH 6° 26' WEST, 360.4 FEET; THENCE NORTH 36° 54' WEST, 464.6 FEET; THENCE NORTH 19° 39' WEST, 181.7 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE WEST ALONG THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25 A DISTANCE OF 153.8 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE SOUTH ALONG THE WESTERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 1320.0 FEET TO THE POINT OF BEGINNING.

ALSO:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26, SOUTH HALF SOUTHWEST QUARTER, SECTION 25, AND THE NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 25; THENCE NORTH 00° 21' 56" WEST THE BASIS OF BEARING OF THIS DESCRIPTION, 1332.10 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25 (THE SOUTH 1116 OF SAID SECTION 25 AND 26) WHICH IS THE POINT OF BEGINNING; THENCE NORTH 89° 54' 35" EAST, 1313.62 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF

SAID SECTION 25; THENCE NORTH 89° 54' 35" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25, 374.00 FEET; THENCE SOUTH 01° 41' 06" EAST, 224.84 FEET; THENCE SOUTH 07° 21' 33" EAST, 161.88 FEET; THENCE SOUTH 29° 34' 09" EAST, 204.85 FEET; THENCE SOUTH 41° 11' 29" EAST, 249.23 FEET; THENCE SOUTH 22° 41' 34" WEST, 78.02 FEET; THENCE SOUTH 32° 29' 25" WEST, 146.75 FEET; THENCE SOUTH 81° 58' 48" WEST, 219.56 FEET; THENCE SOUTH 27° 31' 11" WEST, 412.44 FEET; THENCE NORTH 54° 58' 26" WEST, 211.01 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE THE FOLLOWING TEN (10) COURSES: NORTH 62° 11' 10" WEST, 69.86 FEET; THENCE NORTH 62° 26' 55" WEST, 872.45 FEET; THENCE ALONG AN ARC OF A CURVE TO THE LEFT 204.11 FEET, HAVING A DELTA OF 100 46' 27", A RADIUS OF 1085.44 FEET AND A LONG CHORD OF NORTH 67° 50' 08" WEST, 203.81 FEET; THENCE NORTH 73° 13' 22" WEST, 9.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 205.07 FEET, HAVING A DELTA OF 13° 51' 44", A RADIUS OF 847.61 FEET; AND A LONG CORD OF NORTH 80° 09' 25" WEST, 204.57 FEET; THENCE NORTH 87° 05' 27" WEST, 69.18 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 205.08 FEET, HAVING A DELTA OF 71° 57' 46", A RADIUS OF 163.28 FEET, AND A LONG CORD OF NORTH 51° 06' 34" WEST, 191.86 FEET; THENCE NORTH 15° 07' 41" WEST, 87.70 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 261.71 FEET, HAVING A DELTA OF 9028 39", A RADIUS OF 1582.16 FEET AND A LONG CORD OF NORTH 19° 52' 02" WEST, 261.41 FEET; THENCE NORTH 24° 36' 24" WEST, 235.13 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26; THENCE LEAVING SAID RIGHT OF WAY NORTH 89° 55' 03" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SAID SECTION 26, 371.86 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ROAD RIGHT OF WAY:

PARCEL II

TOGETHER WITH A 15 FOOT BASEMENT LOCATED IN THE NORTHWEST QUARTER NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, FOR MAINTENANCE, REPLACEMENT AND REPAIR OF A CERTAIN ELECTRIC MOTOR, PUMP, PIPELINE AND FOR THE ROADWAY SERVICING THE SAME, AS FURTHER DESCRIBED IN INSTRUMENT NO. 215655, RECORDS OF CUSTER COUNTY, IDAHO.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

THIS DEED is an absolute conveyance of title, in effect as well as in form, and is not intended as a Mortgage, trust conveyance or security of any kind. The consideration therefore is the

QUIT CLAIM DEED IN LIEU OF FORECLOSURE

THIS INDENTURE, made the 13th day of February, 2009, between Darren E. Carraway and Hillary Carraway, husband and wife, Grantors, and Chris Drakos Enterprises, Inc., a Nevada Corporation, whose address is P.O. Box 793, Blackfoot, Idaho 83221, Grantee.

WITNESSETH: That the said grantors for and in consideration for the Mortgage dated July 16, 2007 and recorded in the Lemhi County Recorder's office as Instrument No. 234087 which conveys and represents full and complete satisfaction of the Mortgage herein referenced. For other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors do by these presents demise, release and forever quit claim unto the said Grantee, and to its successors and assigns all that certain land situated, lying and being in the County of Lemhi, and State of Idaho, described as follows, to wit:

H.E.S. Survey No. 427, embracing a portion of approximately Township 18 North, Range 18, E.B.M., Lemhi County, Idaho, more particularly described as:

Beginning at Corner No. 1 from which U.S. Initial Monument No. 427 bears South 79° 10' West 4.22 Chains distant; thence
 South 18° 42' East 20.48 chains to Corner No. 2; thence
 South 18° East 51.40 chains to Corner No. 3; thence
 South 30° 55' East 10.35 chains to Corner No. 4; thence
 South 89° 30' West 8.87 chains to Corner No. 5; thence
 North 21° 51' West 14.43 chains to Corner No. 6; thence
 North 21° West 21.14 chains to Corner No. 7; thence
 North 17° 11' West 39.77 chains to Corner No. 8; thence
 North 62° 17' East 15.77 chains to Corner No. 1 the place of Beginning.

Together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

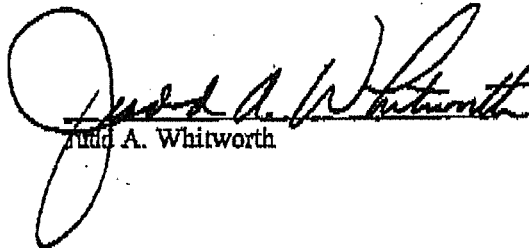
Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

THIS DEED is an absolute conveyance of title, in effect as well as in form, and is not intended as a Mortgage, trust conveyance or security of any kind. The consideration therefore is the waiver of the right to foreclose by action on that certain Real Estate Mortgage executed by Darren E. Carraway and Hillary Carraway, husband and wife, as Mortgagor to Chris Drakos Enterprises, Inc., a Nevada Corporation, as Mortgagee, which Real Estate Mortgage is dated the

~~Nevertheless, the Grantors acknowledge they are executing a new unsecured promissory note in the amount of \$102,180.68, which is the amount of accrued, unpaid interest as of November 1, 2008 on the underlying transaction. In executing the note, we affirm that the new obligation is not secured by the subject property.~~

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said grantees and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantors herunto set their hands the day and year first above written.


Judd A. Whitworth

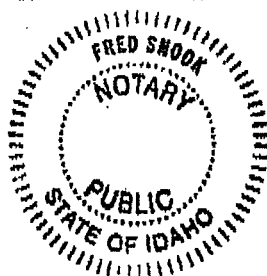
STATE OF IDAHO)

: ss.

County of Lemhi

On this 27 day of October, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Judd A. Whitworth, a single person, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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




Notary Public for Idaho
Residing at: Salmon
My Commission Expires: 8/10/2011

State of Idaho) SS No. 279224
County of Lemhi)
This instrument was filed for record at the request
of Duke & Harris
at 2:20 o'clock P.m. 2008
and duly filed and indexed in the records of Lemhi
County
Terr J. Morton
Ex-Officio Recorder
By Lynne Cordis Deputy
Fee 6.00
Return to Frank White

279224

QUIT CLAIM DEED IN LIEU OF FORECLOSURE

THIS INDENTURE, made the 1st day of November, 2008, between Judd A. Whitworth, a single person, Darren E. Carraway and Hillary Carraway, husband and wife, Grantors, and Chris Drakos Enterprises, Inc., the address of which is PO Box 793, Blackfoot, Idaho 83221, Grantee.

WITNESSETH: That the said grantors, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLAR, lawful money of the United States of America, and other good and valuable consideration paid by the said Grantee, the receipt whereof is hereby acknowledged, Grantors do by these presents demise, release and forever quit claim unto the said Grantee, and to its successors and assigns all the certain land situate, lying and being in the County of Lemhi, and State of Idaho, described as follows, to-wit:

H.E.S. Survey No. 427, embracing a portion of approximately Township 18 North, Range 18, E.B.M., Lemhi County, Idaho, more particularly described as:

Beginning at Corner No. 1 from which U.S. Initial Monument No. 427 bears South 79°10' West 4.22 Chains distant; thence
South 18°42' East 20.48 chains to Corner No. 2; thence
South 18° East 51.40 chains to Corner No. 3; thence
South 30°55' East 10.35 chains to Corner No. 4; thence
South 89°30' West 8.87 chains to Corner No. 5; thence
North 21°51' West 14.43 chains to Corner No. 6; thence
North 21° West 21.14 chains to Corner No. 7; thence
North 17°11' West 39.77 chains to Corner No. 8; thence
North 62°17' East 15.77 chains to Corner No. 1 the place of Beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

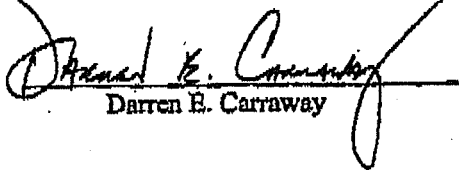
Subject to all existing rights-of-ways for public highways, protective covenants, utility lines, existing roadways, irrigation ditches and all building, zoning and other restrictions of use and all encumbrances of record.

THIS DEED is an absolute conveyance of title, in effect as well as in form, and is not intended as a Mortgage, trust conveyance or security of any kind. The consideration therefore is the waiver of the right to foreclose by action in that certain Real Estate Mortgage executed by Judd A. Whitworth, a single person, Darren E. Carraway and Hillary Carraway, husband and wife, as Mortgagor to Chris Drakos Enterprises, Inc., as Mortgagee, which Real Estate Mortgage is dated the 16th day of July, 2007, and which was recorded in the office of the County Recorder of the aforementioned County and State as Instrument number 272447.

16th day of July, 2007, and which was recorded in the office of the County Recorder of the
aforementioned County and State as Instrument No. 272447.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the
appurtenances and privileges thereto incident, unto the said grantees and to their heirs and
assigns forever.

IN WITNESS WHEREOF, the said Grantors hereunto set their hands the day and year
first above written.

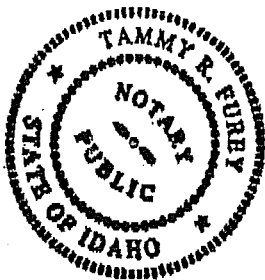

Darren E. Carraway

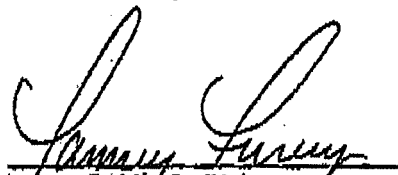

Hillary Carraway

STATE OF IDAHO)
 : ss.
County of Ada)

On this 15th day of April, 2009, before me, the undersigned, a Notary Public in and for the
State of Idaho, personally appeared Darren E. Carraway and Hillary Carraway, 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 by official seal, the day
and year first above written.




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 01/01/12

State of Idaho) GS No. **279423**
County of Lemhi)
This instrument was filed for record at the request
of Coker & Harris
at 9:00 o'clock a.m. 4-20 2009
and duly filed and indexed in the records of Lemhi
County
By Tammy E. Furey Deputy
Ex-Officio Recorder
Fee 6.00
Return to Coker & Harris

Partial Release of Real Estate Mortgage

KNOW ALL MEN BY THESE PRESENTS, That the undersigned Idaho AgCredit, FLCA ("Lender"), a wholly owned subsidiary of Idaho Agricultural Credit Association, a corporation, and the owner and holder of those certain mortgages described below and dated as shown, executed by D & J Holdings, LLC, An Idaho Limited Liability Company, By: Doug J. Parkinson, Manager/Member, and Janiel S. Parkinson, Member and Individually by: Doug J. Parkinson and Janiel S. Parkinson, husband and wife, and recorded in the office of the County Recorder of Custer, State of Idaho, on the dates shown and recorded with the file numbers as shown, for value received, does hereby release and discharge from the lien of said mortgages, the following described portion of the mortgaged property, situate in the County of Custer, State of Idaho, to wit:

Parcel 3:

Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho
Section 25: NW 1/4 SW 1/4

following Mortgages/other instruments to be affected by this partial release:

<u>Date of Instrument</u>	<u>Date of Filing</u>	<u>File No.</u>	<u>Type of Instrument</u>
May 27, 2003	July 8, 2003	227372	Mortgage

This partial release shall not impair the lien of said mortgages/other instruments as to the remainder of the property therein described and not hereby released.

IN WITNESS WHEREOF, said corporation has caused this instrument to be executed by its proper officer and its corporate seal to be hereunto affixed this 23rd day of August, 2006.

234790
Custer County Req. of
Alliance
Time 10:40AM Date 8/20/06
Ethel M. Peck, Clerk
W. W. Barker \$ 3
Deputy

IDAHO AGCREDIT, FLCA, a wholly owned subsidiary of Idaho
Agricultural Credit Association
By Marc Fannesbeck
Marc Fannesbeck, Vice President
(Authorized Signature and Title)

STATE OF IDAHO)
County of Madison) ss.

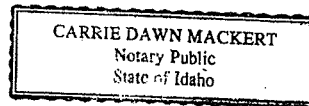
On this 23rd day of August, 2006, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Marc Fannesbeck, known to me to be the Vice President, of the corporation that executed the instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Carrie Dawn Mackert
Notary Public for the State of Idaho

Residing at St Anthony

My Commission Expires: 5-10-2012



234849

Custer County Reg. of

Alliance Title

Time: 11:30 M Date: 7-8-2006

Ethel M. Peck, Clerk

Betsy Dougherty \$9.00

Deputy

234791

Custer County Reg. of

Alliance Title

Time: 10:40 A M Date: 8-8-2006

Ethel M. Peck, Clerk

Deputy

AFFIDAVIT TO CORRECT
LEGAL DESCRIPTION

STEVEN R. GOTT, certifies that he is the Vice President of Alliance Title & Escrow Corp., under whose supervision a Warranty Deed was prepared for D & J Holdings, LLC, an Idaho Limited Liability Company, to Judd A. Whitworth, a single man, as to an undivided 1/2 % interest, Darren Carraway and Hillary Carraway, husband and wife, as to an undivided 1/2 % interest, recorded May 31, 2006 as Instrument No. 234086, records of Custer County, Idaho; And Mortgage recorded May 31, 2006 as Instrument No. 234087, records of Custer County Idaho.

WHEREAS, the legal description contained in said document contained a typographical error, which it is the purpose of this Affidavit to reform and correct; and

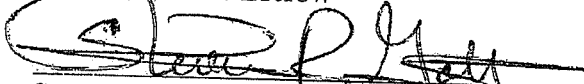
WHEREAS, Idaho Code Section 55-816 permits the recording of Affidavits affecting the description of real property as part of the record title of said real property;

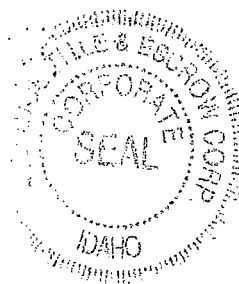
NOW THEREFORE, on the aforementioned instrument, the legal description is corrected to read as follows:

SEE ATTCHED EXHIBIT "A"

Dated this 23rd day of August, 2006.

Alliance Title & Escrow


Steven R. Gott



245852

Custer County Reg. of

Alliance Title & Escrow

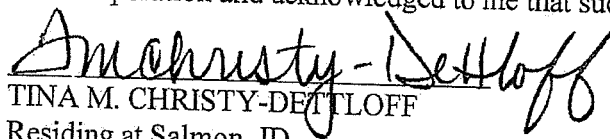
Time: 11:15 A M Date: 7-19-2012

Barbara C. Tierney, Clerk


Deputy

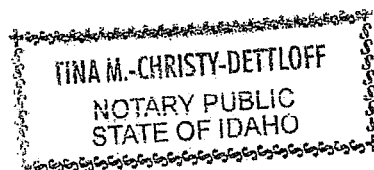
STATE OF IDAHO
COUNTY OF LEMHI

On this 23rd day of August, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven R. Gott, known or identified to me to be the person who executed the within instrument as Vice President of the Corporation on behalf of said Corporation and acknowledged to me that such Corporation executed the same.


TINA M. CHRISTY-DETTLOFF

Residing at Salmon, ID

Comm. Expires: 2/23/2010



THIS DOCUMENT IS BEING RE-RECORDED TO ADD THE INSTRUMENT NO. OF THE MORTGAGE WHICH WAS RECORDED CONCURRENT WITH THE WARRANTY DEED.

245852

234849

234791

LEGAL DESCRIPTION
EXHIBIT 'A'

PARCEL I:

TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 25: NORTHWEST QUARTER SOUTHWEST QUARTER

ALSO:

A FRACTION OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 25, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, RUN THENCE EAST ALONG THE SOUTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 374.0 FEET; THENCE NORTH 20° 58' EAST, 449.5 FEET; THENCE NORTH 6° 26' WEST, 360.4 FEET; THENCE NORTH 36° 54' WEST, 464.6 FEET; THENCE NORTH 19° 39' WEST, 181.7 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE WEST ALONG THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25 A DISTANCE OF 153.8 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE SOUTH ALONG THE WESTERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 1320.0 FEET TO THE POINT OF BEGINNING.

ALSO:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26, SOUTH HALF SOUTHWEST QUARTER, SECTION 25, AND THE NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 25; THENCE NORTH 00° 21' 56" WEST THE BASIS OF BEARING OF THIS DESCRIPTION, 1332.10 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25 (THE SOUTH 1/16TH OF SAID SECTION 25 AND 26) WHICH IS THE POINT OF BEGINNING; THENCE NORTH 89° 54' 35" EAST, 1313.62 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST

245852 234849 234791

QUARTER OF SAID SECTION 25; THENCE NORTH 89° 54' 35" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25, 374.00 FEET; THENCE SOUTH 01° 41' 06" EAST, 224.84 FEET; THENCE SOUTH 07° 21' 33" EAST, 161.88 FEET; THENCE SOUTH 29° 34' 09" EAST, 204.85 FEET; THENCE SOUTH 41° 11' 29" EAST, 249.23 FEET; THENCE SOUTH 22° 41' 34" WEST, 78.02 FEET; THENCE SOUTH 32° 29' 25" WEST, 146.75 FEET; THENCE SOUTH 81° 58' 48" WEST, 219.56 FEET; THENCE SOUTH 27° 31' 11" WEST, 412.44 FEET; THENCE NORTH 54° 58' 26" WEST, 211.01 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE THE FOLLOWING TEN (10) COURSES: NORTH 62° 11' 10" WEST, 69.86 FEET; THENCE NORTH 62° 26' 55" WEST, 872.45 FEET; THENCE ALONG AN ARC OF A CURVE TO THE LEFT 204.11 FEET, HAVING A DELTA OF 10° 46' 27", A RADIUS OF 1085.44 FEET AND A LONG CHORD OF NORTH 67° 50' 08" WEST, 203.81 FEET; THENCE NORTH 73° 13' 22" WEST, 9.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 205.07 FEET, HAVING A DELTA OF 13° 51' 44", A RADIUS OF 847.61 FEET; AND A LONG CORD OF NORTH 80° 09' 25" WEST, 204.57 FEET; THENCE NORTH 87° 05' 27" WEST, 69.18 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 205.08 FEET, HAVING A DELTA OF 71° 57' 46", A RADIUS OF 163.28 FEET, AND A LONG CORD OF NORTH 51° 06' 34" WEST, 191.86 FEET; THENCE NORTH 15° 07' 41" WEST, 87.70 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 261.71 FEET, HAVING A DELTA OF 9° 28' 39", A RADIUS OF 1582.16 FEET AND A LONG CORD OF NORTH 19° 52' 02" WEST, 261.41 FEET; THENCE NORTH 24° 36' 24" WEST, 235.13 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26; THENCE LEAVING SAID RIGHT OF WAY NORTH 89° 55' 03" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SAID SECTION 26, 371.86 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ROAD RIGHT OF WAY:

PARCEL II

TOGETHER WITH A 15 FOOT EASEMENT LOCATED IN THE NORTHWEST QUARTER NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, FOR MAINTENANCE, REPLACEMENT AND REPAIR OF A CERTAIN ELECTRIC MOTOR, PUMP, PIPELINE AND FOR THE ROADWAY SERVICING THE SAME, AS FUTHER DESCRIBED IN INSTRUMENT NO. 215655, RECORDS OF CUSTER COUNTY, IDAHO.

Order No. 0076627660

FOR VALUE RECEIVED

D & V Holdings, LLC, an Idaho limited liability company

WARRANTY DEED

234086

Custer County, Reg. of
Clerk
J. M. P. O.
Custer, Idaho
9⁰⁰

the grantor(s) hereby warrant, sell and convey unto

Judi A. Whitworth, a single man, as to an undivided 1/2% interest Darren Carraway and Hillary Carraway, husband and wife, as to an undivided 1/2% interest.

whose current address is

P.O. Box 26 EHL, ID 83253
3606 E. Columbia Rd. Meridian, ID 83642

the grantee(s), the following described premises, in Custer County, Idaho, TO WIT:

PARCEL 1:

A FRACTION OF THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 25, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, RUN THENCE EAST ALONG THE SOUTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 374.0 FEET; THENCE NORTH 20° 58' EAST, 449.5 FEET; THENCE NORTH 6° 26' WEST, 360.4 FEET; THENCE NORTH 36° 54' WEST, 464.6 FEET; THENCE NORTH 19° 39' WEST, 181.7 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE WEST ALONG THE NORTHERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25 A DISTANCE OF 153.8 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25; THENCE SOUTH ALONG THE WESTERLY BOUNDARY OF THE NORTHEAST QUARTER SOUTHWEST QUARTER OF SECTION 25, A DISTANCE OF 1320.0 FEET TO THE POINT OF BEGINNING.

ALSO:

PARCEL 2:
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26, SOUTH HALF SOUTHWEST QUARTER, SECTION 25, AND THE NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST SECTION CORNER OF SAID SECTION 25; THENCE NORTH 00° 21' 56" WEST THE BASIS OF BEARING OF THIS DESCRIPTION, 1332.10 FEET, TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25 (THE SOUTH 1/16TH OF SAID SECTION 25 AND 26) WHICH IS THE POINT OF BEGINNING; THENCE NORTH 89° 54' 35" EAST, 1313.62 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25; THENCE NORTH 89° 54' 35" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHWEST QUARTER OF SAID SECTION 25, 374.00 FEET; THENCE SOUTH 01° 41' 06" EAST, 224.84 FEET; THENCE SOUTH 07° 21' 33" EAST, 161.88 FEET; THENCE SOUTH 29° 34' 09" EAST, 204.85 FEET; THENCE SOUTH 41° 11' 29" EAST, 249.23 FEET; THENCE SOUTH 22° 41' 34" WEST,

AND THE NORTHEAST QUARTER SOUTHWEST QUARTER, SECTION 25, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

239085

78.02 FEET; THENCE SOUTH 32° 29' 23" WEST, 146.75 FEET; THENCE SOUTH 81° 58' 48" WEST, 219.56 FEET; THENCE SOUTH 17° 51' 11" WEST, 412.44 FEET; THENCE NORTH 54° 58' 26" WEST, 211.01 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE ALONG THE SAID NORTH RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: NORTH 67° 11' 10" WEST, 69.46 FEET; THENCE NORTH 67° 26' 35" WEST, 432.45 FEET; THENCE ALONG AN ARC OF A CURVE TO THE LEFT 204.11 FEET, HAVING A DELTA OF 10° 46' 37", A RADIUS OF 1065.44 FEET AND A LONG CHORD OF NORTH 57° 50' 07" WEST, 243.81 FEET; THENCE NORTH 73° 13' 22" WEST, 9.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 205.67 FEET, HAVING A DELTA OF 13° 51' 44", A RADIUS OF 547.6 FEET AND A LONG CORD OF NORTH 70° 09' 25" WEST, 204.52 FEET; THENCE NORTH 87° 05' 37" WEST, 69.18 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 205.08 FEET, HAVING A DELTA OF 71° 57' 46", A RADIUS OF 163.28 FEET, AND A LONG CORD OF NORTH 51° 06' 34" WEST, 191.86 FEET; THENCE NORTH 15° 07' 41" WEST, 87.70 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 261.71 FEET, HAVING A DELTA OF 9° 28' 39", A RADIUS OF 1582.16 FEET AND A LONG CORD OF NORTH 19° 52' 02" WEST, 261.41 FEET; THENCE NORTH 24° 36' 24" WEST, 235.13 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26; THENCE LEAVING SAID RIGHT OF WAY NORTH 89° 55' 03" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SAID SECTION 26, 371.86 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ROAD RIGHT OF WAY:

PARCEL II 11 10' WEST, 6.86 FEET; THENCE SOUTH 26° 33' WEST, 572.48 FEET; THENCE ALONG AN ARC OF A CURVE TO THE LEFT 264.11 FEET, HAVING A DELTA OF 10° 46' 37", A RADIUS OF 1065.44 FEET AND A LONG CHORD OF NORTH 57° 50' 07" WEST, 243.81 FEET; THENCE NORTH 73° 13' 22" WEST, 9.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 205.67 FEET, HAVING A DELTA OF 13° 51' 44", A RADIUS OF 547.6 FEET AND A LONG CORD OF NORTH 70° 09' 25" WEST, 204.52 FEET; THENCE NORTH 87° 05' 37" WEST, 69.18 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT 205.08 FEET, HAVING A DELTA OF 71° 57' 46", A RADIUS OF 163.28 FEET, AND A LONG CORD OF NORTH 51° 06' 34" WEST, 191.86 FEET; THENCE NORTH 15° 07' 41" WEST, 87.70 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT 261.71 FEET, HAVING A DELTA OF 9° 28' 39", A RADIUS OF 1582.16 FEET AND A LONG CORD OF NORTH 19° 52' 02" WEST, 261.41 FEET; THENCE NORTH 24° 36' 24" WEST, 235.13 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SECTION 26; THENCE LEAVING SAID RIGHT OF WAY NORTH 89° 55' 03" EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER SOUTHEAST QUARTER OF SAID SECTION 26, 371.86 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 15 FOOT EASEMENT LOCATED IN THE NORTHWEST QUARTER NORTHEAST QUARTER NORTHWEST QUARTER, SECTION 36, TOWNSHIP 16 NORTH, RANGE 20 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, FOR MAINTENANCE, REPLACEMENT AND REPAIR OF A CERTAIN ELECTRIC MOTOR, PUMP, PIPELINE AND FOR THE ROADWAY SERVICING THE SAME, AS FURTHER DESCRIBED IN INSTRUMENT NO. 215655, RECORDS OF CUSTER COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does 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 Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

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

Dated: 5-30-06

371.86 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ROAD RIGHT OF WAY:

PARCEL II

Doug Parkinson
By: Doug Parkinson, Member

IDAHO, FOR MAINTENANCE, REPLACEMENT AND REPAIR OF A CERTAIN ELECTRIC MOTOR, PUMP, PIPELINE AND FOR THE ROADWAY SERVICING THE SAME, AS FURTHER DESCRIBED IN INSTRUMENT NO. 215655, RECORDS OF CUSTER COUNTY, IDAHO.

Janet Parkinson
By: Janet Parkinson, Member

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does 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 Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

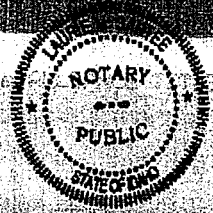
And that (s)he will warrant and defend the same from all lawful claims whatsoever.

State of Florida

County of Dade

On this 22nd day of February, 2006, before me, the undersigned authority, personally appeared [Signature], known to me to be the Managing Member of the Limited Liability Company known as [Name], and acknowledged to me that he executed the foregoing instrument and acknowledged to me that he executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of February, 2006.



Commission Expires 6-19-2007

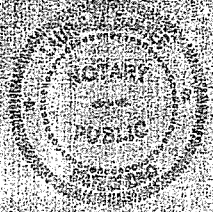
140067557580

State of Florida

County of Dade

On this 22nd day of February, 2006, before me, the undersigned authority, personally appeared [Signature], known to me to be the Managing Member of the Limited Liability Company known as [Name], and acknowledged to me that he executed the foregoing instrument and acknowledged to me that he executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 22nd day of February, 2006.



Commission Expires 6-19-2007

WHEN RECORDED RETURN TO:
Billy G. DuPree, Jr.
P.O. Box 723
Rexburg, Idaho 83440

17370
Custer County Reg. of
CCT
Time 11:35 AM Date 7-8-2009
Ethel M. Peck, Clerk
Una Baker \$12.00
Deputy

WARRANTY DEED

Doug J. Parkinson and Janiel S. Parkinson, husband and wife, as GRANTORS, for a good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto D & J Holdings, LLC, an Idaho limited liability company, whose address is P.O. Box 65, Ellis, Idaho 83235, as GRANTEE, and to GRANTEE'S successors and assigns forever, all of the following described property situated in Custer County, Idaho:

PARCEL 1:

A parcel of land situated within the SE1/4SW1/4, Section 25, and E1/2NW1/4, Section 36, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at a Bureau of Land Management standard aluminum monument marking the Northwest Corner of Section 36, Township 16 North, Range 20 East; thence along the north line of Section 36, North 90°00'00" East, 1308.67 feet to the West Sixteenth Corner of Sections 25 and 36 which is the POINT OF BEGINNING; thence along the sixteenth line North 0°42'47" East, 35.24 feet to a point on the arc of a curve of the southerly and westerly right-of-way line of a Custer County Road, radial line bears South 34°21'05" West; thence along said right-of-way line along the arc of a curve to the right 289.96 feet, delta 47°28'03", radius 350.00 feet, chord bearing and distance South 31°54'54" East 281.74 feet to a point of tangency; thence along said right-of-way South 8°10'52" East 426.47 feet to a point of curvature; thence along said right-of-way line along the arc of a curve to the right 81.11 feet, delta 5°24'36" radius 725.00 feet, chord bearing and distance South 4°58'34" East 81.07 feet to a point of tangency; thence along said right-of-way line South 1°46'16" East 384.34 feet to a point of curvature; thence along said right-of-way line along the arc of a curve to the left 89.17 feet, delta 15°43'11", radius 325.00 feet, chord bearing and distance South 9°37'52" East 88.89 feet to a point of tangency; thence along said right-of-way line South 17°29'28" East 362.12 feet to a point of curvature; thence along said right-of-way line along the arc of a curve to the right 120.08 feet, delta 7°03'24" radius 975.00 feet, chord bearing and distance South 13°57'46" East 120.01 feet to a point of tangency; thence along said right-of-way line South 10°26'04" East 760.15 feet; thence South 64°46'23" West 596.34 feet to the Center West Sixteenth Corner; thence along the sixteenth line North 0°26'13" East 2642.26 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM road right-of-way.

PARCEL 2:

A parcel of land situated within the W1/2 of Section 36, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at a Bureau of Land Management standard aluminum monument marking the Northwest Corner of Section 36, Township 16 North, Range 20 East; thence along the west line of Section 36 South 0°26'13" West, 2642.26 feet to the West Quarter Corner of Section 36; thence along the center of section line North 89°55'43" East, 1315.85 feet to the Center West Sixteenth Corner which is the POINT OF BEGINNING; thence North 64°46'23" East, 596.34 feet to the westerly right-of-way line of a Custer County road; thence along said right-of-way line South 10°26'04" East, 597.04 feet; thence along said right-of-way line South 8°11'41" East, 423.13 feet to a point of curvature; thence along said right-of-way line along the arc of a curve to the left 113.85 feet, delta 12°25'31", radius 525.00 feet, chord bearing and distance South 14°24'26" East, 113.63 feet; thence departing said right-of-way line South 65°15'52" West, 174.64 feet; thence South 81°58'41" West, 188.79 feet; thence South 61°28'00" West, 250.81 feet; thence South 47°24'37" West, 246.49 feet to the sixteenth line; thence along the sixteenth line North 0°30'51" East, 1247.97 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM road right of way.

PARCEL 3:

Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho.

Section 25: NW1/4SW1/4

PARCEL 4:

99-25
A fraction of the NE1/4SW1/4, Section 25, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, more particularly described as follows: Beginning at the Southwest corner of said NE1/4SW1/4 of Section 25, run thence East along the Southerly boundary of the NE1/4SW1/4 of Section 25, a distance of 374.0 feet; thence North 20°58' East, 449.5 feet; thence North 6°26' West, 360.4 feet; thence North 36°54' West, 464.6 feet; thence North 19°39' West, 181.7 feet to a point on the Northerly boundary of the NE1/4SW1/4 of Section 25; thence West along the Northerly boundary of the NE1/4SW1/4 of Section 25 a distance of 153.8 feet to the Northwest corner of the NE1/4SW1/4 of Section 25; thence South along the Westerly

227370

boundary of the NE1/4SW1/4 of Section 25, a distance of 1320.0 feet to the POINT OF BEGINNING.

PARCEL 5:

A parcel of land located in the SE1/4SE1/4 of Section 26, S1/2SW1/4, Section 25, and NE1/4NW1/4, Section 36, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:
Commencing at the SW Section Corner of said Section 25; thence North 00°21'56" West the Basis of Bearing of this description, 1322.10 feet, to the Northwest corner of the SW1/4SW1/4 of said Section 25 (the South 1/16th of said Section 25 and 26) which is the POINT OF BEGINNING; thence North 89°54'35" East, 1313.62 feet to the NE Corner of the SW1/4SW1/4 of said Section 25; thence North 89°54'35" East along the North line of the SE1/4SW1/4 of said Section 25, 374.00 feet; thence South 01°41'06" East, 224.84 feet; thence South 07°21'33" East, 161.88 feet; thence South 29°34'09" East, 204.85 feet; thence South 41°11'29" East, 249.23 feet; thence South 22°41'34" West, 78.02 feet; thence South 32°29'25" West, 146.75 feet; thence South 81°58'48" West, 219.56 feet; thence South 27°31'11" West, 412.44 feet; thence North 54°58'26" West, 211.01 feet to the intersection with the North Right of way line of the County Road; Thence along the said North right of way line the following ten (10) courses: North 62°11'10" West, 69.86 feet; thence North 62°26'55" West, 872.45 feet; thence along an arc of a curve to the left 204.11 feet, having a delta of 10°46'27", a radius of 1085.44 feet, and a long cord of North 67°50'08" West, 203.81 feet; thence North 73°13'22" West, 9.07 feet; thence along the arc of a curve to the left 205.07 feet, having a delta of 13°51'44", a radius of 847.61 feet; and a long cord of North 80°09'25" West, 204.57 feet; thence North 87°05'27" West, 69.18 feet; thence along the arc of a curve to the right 205.08 feet, having a delta of 71°57'46", a radius of 163.28 feet, and a long cord of North 51°06'34" West, 191.86 feet; thence North 15°07'41" West, 87.70 feet; thence along the arc of a curve to the left 261.71 feet, having a delta of 9°28'39", a radius of 1582.16 feet, and a long cord of North 19°52'02" West, 261.41 feet; thence North 24°36'24" West, 235.13 feet to the intersection of the North line of the SE1/4SE1/4 of Section 26; thence leaving said right of way North 89°55'03" East along the North line of the SE1/4SE1/4 of said Section 26, 371.86 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM road right of way.

TOGETHER WITH a 15 foot easement located in the NW1/4NE1/4NW1/4, Section 36, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, for maintenance, replacement and repair of a certain electric motor, pump, pipeline and for the roadway servicing the same, as further described in instrument No. 215655, records of Custer County, Idaho.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

GRANTORS, for themselves, their heirs and assigns do hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTORS have hereunto subscribed their names to this instrument this 18 day of ~~May~~, 2003.

June 2003

GRANTORS:

Doug Parkinson
Doug J. Parkinson

Janiel Parkinson
Janet S. Parkinson

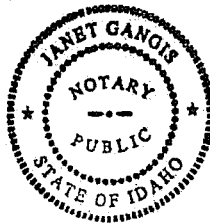
STATE OF IDAHO)

ss:

County of *Custer*)

June

On this 18th day of ~~May~~, in the year 2003, before me, a Notary Public in and for said State, personally appeared Doug J. Parkinson and Janiel S. Parkinson, husband and wife, 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.



Janet Gangis
Notary Public for Idaho
Residing at: *Challis*
My Commission Expires: *4/30/04*

WARRANTY DEED

0215655

FOR VALUE RECEIVED, JACK B. FUREY and NANCY J. FUREY, husband and wife, Grantors, do hereby Grant, Bargain, Sell and Convey unto DOUG J. PARKINSON and DANIEL S. PARKINSON, husband and wife, Grantees, whose address is P. O. Box 65, Ellis, Idaho 83235, all of Grantors' interest, in and to the following described premises, in Custer County, Idaho, to-wit:

See attached Exhibit "A".

SUBJECT HOWEVER TO Electric line Right of way Easement dated May 22, 1967, from Jack B. Furey and Nancy J. Furey, husband and wife, to Salmon River Electric Cooperative, Inc., a cooperative corporation, recorded April 15, 1968, in Book 37 of Deeds at Page 104, under Recorder's reception No. 124463, records of Custer County, Idaho.

Together with all appurtenances and together with all water rights without warranty.

Together with an easement for maintenance, replacement and repair of a certain electric motor, pump and pipeline and for the roadway serving the same located upon the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho. Such easement shall continue in perpetuity along the existing course(s) and at the existing location(s) and to the extent reasonable to insure the future uses with the limitation that the roadway will not exceed 15 feet in width and will extend from the pump area to the lands above conveyed and will be used only as reasonably necessary for the service of the pump, motor and pipeline in the function of providing irrigation water to the benefited lands being conveyed above. This easement will run with the lands as to benefits and burdens.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their successors, administrators 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 they are free from all encumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 30, 1968

Jack B. Furey
Jack B. Furey

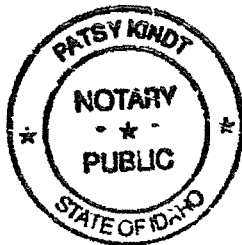
Nancy J. Furey
Nancy J. Furey

215855

STATE OF IDAHO)
County of Custer) : ss.

On this 4 day of
May, 1998, before
me, a Notary Public, per-
sonally appeared JACK B.
FUREY and NANCY J. FUREY,
husband and wife, 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.

Patsy Kindt
Notary Public for Idaho
Residing at Challis
Commission Expires 3/12/2004



STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instru-
ment was filed for record at the
request of Custer County Title
at 2 minutes past 7
o'clock P.M., this 6th day of
May, 1998, in my office,
and recorded as Instrument No.
_____.

Ethel M. Peck

Ex-Officio Recorder.

BY Wanda J. Murphy
Deputy

Fee: \$15⁰⁰
Mail to:

EXHIBIT "A"

The land referred to in this exhibit is situated in the State of Idaho, County of Custer and is described as follows:

PARCEL 1:

A parcel of land situated within the SE1/4SW1/4, Section 25, and E1/4NW1/4, Section 36, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho more particularly described as follows:

Commencing at a Bureau of Land Management standard aluminum monument marking the Northwest Corner of Section 36, Township 16 North, Range 20 East; thence along the north line of Section 36, North $90^{\circ}00'00''$ East, 1308.67 feet to the West Sixteenth Corner of Sections 25 and 36 which is the POINT OF BEGINNING; thence along the sixteenth line North $0^{\circ}42'47''$ East, 35.24 feet to a point on the arc of a curve of the southerly and westerly right-of-way line of a Custer County Road, radial line bears South $34^{\circ}21'05''$ West; thence along said right-of-way line along the arc of a curve to the right 289.96 feet, delta $47^{\circ}28'03''$, radius 350.00 feet, chord bearing and distance South $31^{\circ}54'54''$ East 281.74 feet to a point of tangency; thence along said right-of-way South $8^{\circ}10'52''$ East 426.47 feet to a point of curvature; thence along said right-of-way line along the arc of a curve to the right 81.11 feet, delta $6^{\circ}24'36''$, radius 725.00 feet, chord bearing and distance South $4^{\circ}58'34''$ East 81.07 feet to a point of tangency; thence along said right-of-way line South $1^{\circ}46'16''$ East 384.34 feet to a point of curvature; thence along said right-of-way line along the arc of a curve to the left 89.17 feet, delta $15^{\circ}43'11''$, radius 325.00 feet, chord bearing and distance South $9^{\circ}37'52''$ East 88.89 feet to a point of tangency; thence along said right-of-way line South $17^{\circ}29'28''$ East 362.12 feet to a point of curvature; thence along said right-of-way line along the arc of a curve to the right 120.08 feet, delta $7^{\circ}03'24''$, radius 975.00 feet, chord bearing and distance South $13^{\circ}57'46''$ East 120.91 feet to a point of tangency; thence along said right-of-way line South $10^{\circ}26'04''$ East 769.15 feet; thence South $64^{\circ}46'23''$ West 596.34 feet to the Center West Sixteenth Corner; thence along the sixteenth line North $0^{\circ}26'13''$ East 2642.26 feet to the POINT OF BEGINNING

EXCEPTING THEREFROM road right-of-way

[Handwritten signature]

EXHIBIT "A" - Continued

PARCEL 2:

A parcel of land situated within the W $\frac{1}{2}$ of Section 36, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at a Bureau of Land Management standard aluminum monument marking the Northwest Corner of Section 36, Township 16 North, Range 20 East, thence along the west line of Section 36 South 0°26'13" West, 2642.26 feet to the West Quarter Corner of Section 36, thence along the center of section line North 8°55'43" East, 1315.85 feet to the Center West Sixteenth Corner which is the POINT OF BEGINNING, thence North 64°45'23" East, 126.34 feet to the westerly right-of-way line of a Custer County road, thence along said right-of-way line South 10°23'04" East, 597.04 feet, thence along said right-of-way line South 8°11'41" East, 423.13 feet to a point of curvature, thence along said right-of-way line along the arc of a curve to the left 113.85 feet, delta 12°25'31", radius 525.00 feet, chord bearing and distance South 14°24'26" East, 113.63 feet, thence departing said right-of-way line South 65°15'52" West, 174.64 feet, thence South 81°53'41" West, 188.79 feet, thence South 61°28'00" West, 250.81 feet, thence South 47°24'37" West, 246.49 feet to the sixteenth line, thence along the sixteenth line North 9°20'51" East, 1247.97 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM road right of way

PARCEL 3:

Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho

Section 25. NW $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL 4:

A fraction of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at the Southwest corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, run thence East along the Southerly boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, a distance of 374.0 feet, thence North 29°58' East, 449.5 feet, thence North 6°26' West, 360.0 feet, thence North 38°54' West, 464.0 feet, thence North 19°33' West, 151.7 feet to a point on the Northerly boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, thence West along the Northerly boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25 a distance of 153.8 feet to the Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, thence South along the Westerly boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, a distance of 132.0 feet to the POINT OF BEGINNING.

EXHIBIT "A" - Continued

PARCEL 5:

A parcel of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 25, and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, Township 16 North, Range 20 East, Boise Meridian, Custer County, Idaho, more particularly described as follows

Commencing at the SW Section Corner of said Section 25, thence North 90°21'56" West the Basis of Bearing of this description, 1322.10 feet, to the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25 (the South 1/16th of said Section 25 and 26) which is the POINT OF BEGINNING; thence North 89°54'35" East, 1313.62 feet to the NE Corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25; thence North 89°54'35" East along the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 25, 374.00 feet; thence South 01°41'06" East, 224.84 feet; thence South 07°21'33" East, 161.88 feet; thence South 29°34'09" East, 204.85 feet; thence South 41°11'29" East, 249.23 feet; thence South 22°41'54" West, 78.02 feet; thence South 32°29'25" West, 146.75 feet; thence South 81°58'43" West, 219.56 feet; thence South 27°31'11" West, 412.44 feet; thence North 54°58'26" West, 211.01 feet to the intersection with the North Right of way line of the County Road. Thence along the said North right of way line the following ten (10) courses, North 62°11'10" West, 69.36 feet; thence North 62°20'55" West, 872.45 feet; thence along an arc of a curve to the left 204.11 feet, having a delta of 10°40'27", a radius of 1085.44 feet, and a long cord of North 67°50'08" West, 203.81 feet; thence North 73°13'22" West, 9.07 feet; thence along the arc of a curve to the left 205.07 feet, having a delta of 13°51'44", a radius of 847.61 feet, and a long cord of North 80°09'25" West, 204.57 feet; thence North 87°05'27" West, 69.18 feet; thence along the arc of a curve to the right 205.68 feet, having a delta of 71°57'45", a radius of 163.28 feet, and a long cord of North 51°06'34" West, 191.80 feet; thence North 15°07'41" West, 87.71 feet; thence along the arc of a curve to the left 201.71 feet, having a delta of 9°28'39", a radius of 1582.16 feet, and a long cord of North 10°52'02" West, 261.41 feet; thence North 24°30'24" West, 235.13 feet to the intersection of the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; thence leaving said right of way North 89°55'13" East along the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26, 371.56 feet to the POINT OF BEGINNING

EXCEPTING THEREFROM road right of way

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1-33
2-2