

RECEIVED

JUN 02 2020

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

RECEIVED

JUN 09 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. Name of applicant(s) 4799A RIVER ROAD, LLC Phone 303-330-0133
 Mailing address 357 S. MCCASHIN BLVD, SUITE 200 City LOUISVILLE
 State CO ZIP 80007 Email jcharmell@gmail.com
 Name connector (check one): ☐ and ☐ or ☐ and/or
2. Name of representative, if any Cathy R. Brown Phone 202-420-6409
 Mailing address 4799A RIVER ROAD City Buhl
 State ID ZIP 83316 Email cathy@ongenfarm.com
- a. ☒ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply GROUND WATER which is a tributary of N/A
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
8S	14E	32	N/A	NW	SE		TWIN FALLS	GROUND WATER	N/A

5. Water will be used for the following purposes:
 Amount .04 for DOMESTIC purposes from X to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. _____
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? FINISHED 7-16-83; drilling firm ELSIING DRILLING, TWIN FALLS, ID.
 well was drilled for (well owner) DUSTIN KNIGGE; Drilling Permit No. 7A (PRE 1989)
(see attached well log)

For Department Use

Received by DM Date 6-2-2020 Time 9:30 AM Preliminary check by _____
 Fee \$ 100- Receipted by DM Receipt No. 5037955 Date 6-2-2020

AMENDED

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. N/A
- b. Stockwatering; list number and kind of livestock. N/A
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1
- e. Other; describe fully. EXISTING POOL + HOT TUB

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	14E	32														D			N/A

Total number of acres to be irrigated: N/A

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? NO

11. a. Who owns the property at the point of diversion? 4799A RIVER ROAD, LLC
- b. Who owns the land to be irrigated or place of use? u n n n
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. THIS APPLICATION IS TO REQUEST ISSUANCE OF A WATER RIGHT IN CONNECTION WITH THE GEOTHERMAL DOMESTIC WELL DRILLED BACK IN 1983. THE HOME WAS BUILT IN 1995 UTILIZING THIS WATER FOR DOMESTIC USE.

13. Time required for completion of works and application of water to proposed beneficial use is N/A years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Print Name (and title, if applicable)

BY VAT C. HORMEL, Managing Member

Signature of Applicant

Print Name (and title, if applicable)

J. Dee May

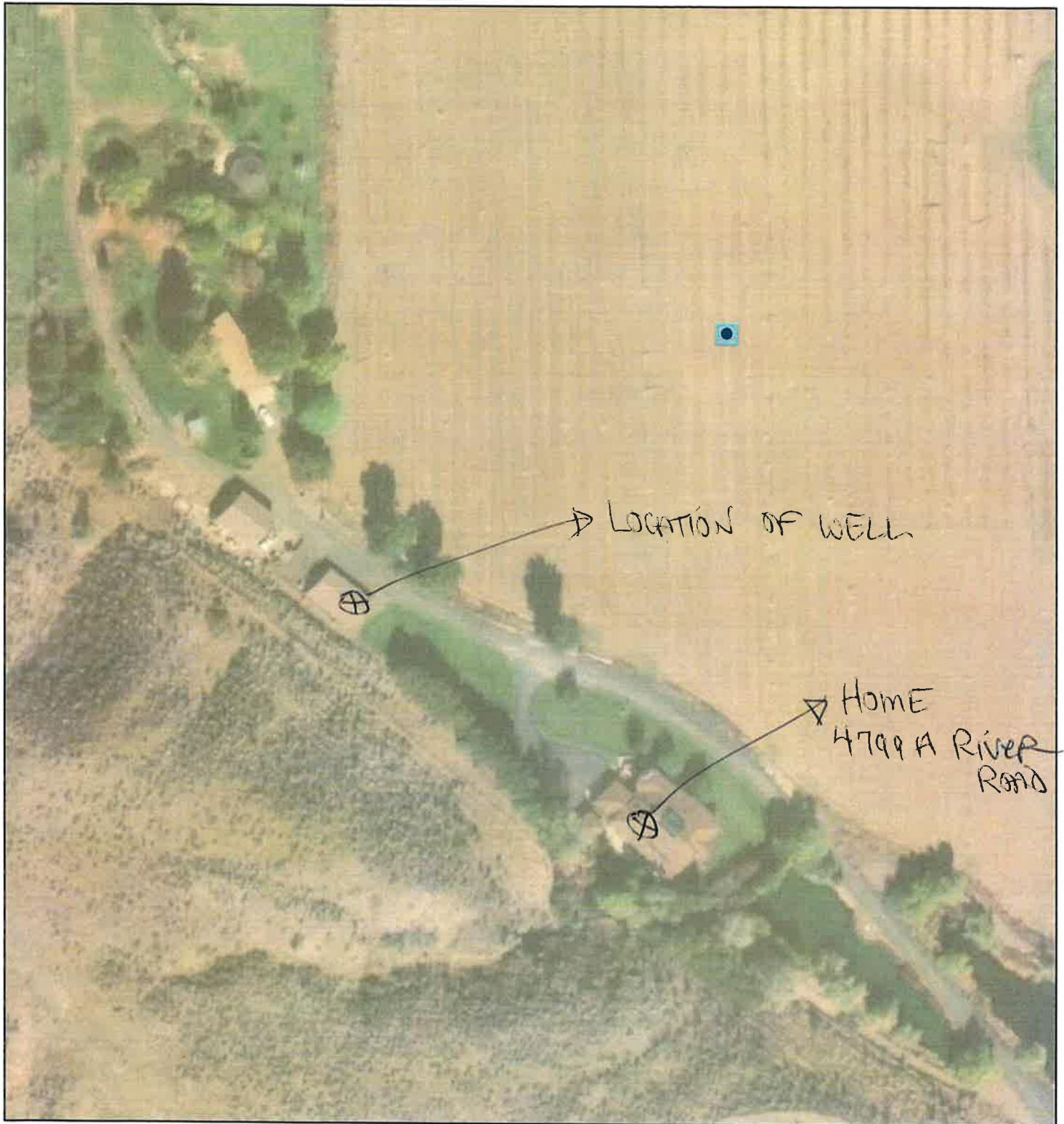
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Dwain Knigge</u> Address <u>1218 East 1st South</u> <u>Salt Lake City, Utah 84102</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>0</u> feet below land surface. Flowing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No G.P.M. flow <u>600</u> Artesian closed-in pressure <u>55</u> p.s.i. Controlled by: <input checked="" type="checkbox"/> Valve <input type="checkbox"/> Cap <input type="checkbox"/> Plug Temperature <u>140</u> °F. Quality _____ <i>Describe artesian or temperature zones below.</i>																																																																																																																																								
2. NATURE OF WORK <input checked="" type="checkbox"/> New well <input type="checkbox"/> Deepened <input type="checkbox"/> Replacement <input type="checkbox"/> Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA <input type="checkbox"/> Pump <input type="checkbox"/> Bailer <input type="checkbox"/> Air <input type="checkbox"/> Other _____																																																																																																																																								
3. PROPOSED USE <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Test <input type="checkbox"/> Municipal <input type="checkbox"/> Industrial <input type="checkbox"/> Stock <input type="checkbox"/> Waste Disposal or Injection <input type="checkbox"/> Other _____ (specify type)	9. LITHOLOGIC LOG <div style="text-align: right; font-weight: bold; font-size: 1.2em;">83310</div> <table border="1" style="width:100%"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>16"</td><td>0</td><td>22</td><td>Top soil</td><td></td><td>x</td></tr><tr><td>"</td><td>22</td><td>26</td><td>Gravel</td><td></td><td>x</td></tr><tr><td>"</td><td>26</td><td>34</td><td>Clay</td><td></td><td>x</td></tr><tr><td>"</td><td>34</td><td>101</td><td>Red lava, (16" to 38')</td><td></td><td>x</td></tr><tr><td>12"</td><td>101</td><td>225</td><td>Gray lava</td><td></td><td>x</td></tr><tr><td>"</td><td>225</td><td>231</td><td>Lava & clay 70° F</td><td>x</td><td></td></tr><tr><td>"</td><td>231</td><td>358</td><td>Gray lava</td><td></td><td>x</td></tr><tr><td>"</td><td>358</td><td>525</td><td>Gr. lava, strips blu clay</td><td></td><td>x</td></tr><tr><td>"</td><td>525</td><td>537</td><td>Blue clay 80° F</td><td>x</td><td></td></tr><tr><td>"</td><td>537</td><td>572</td><td>Gray lava</td><td></td><td>x</td></tr><tr><td>"</td><td>572</td><td>589</td><td>Blue clay 86° F</td><td>x</td><td></td></tr><tr><td>8"</td><td>589</td><td>624</td><td>Gray lava (12" to 591')</td><td></td><td>x</td></tr><tr><td>"</td><td>624</td><td>626</td><td>Broken gray rhyolite 110° F</td><td>x</td><td></td></tr><tr><td>"</td><td>626</td><td>690</td><td>Hard redish brown rhyolite</td><td></td><td>x</td></tr><tr><td>"</td><td>690</td><td>873</td><td>Hard gray rhyolite</td><td></td><td>x</td></tr><tr><td>"</td><td>873</td><td>877</td><td>Broken gray rhyolite 120° F</td><td>x</td><td></td></tr><tr><td>"</td><td>877</td><td>902</td><td>Hard gray rhyolite</td><td></td><td>x</td></tr><tr><td>"</td><td>902</td><td>995</td><td>Soft gray rhyolite</td><td></td><td>x</td></tr><tr><td>"</td><td>995</td><td>1010</td><td>Broken gray rhyolite 140° F</td><td>x</td><td></td></tr><tr><td colspan="6">Pumped 8 yards cement</td></tr><tr><td colspan="6">When cement came to surface built 240 PSI</td></tr></tbody></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	16"	0	22	Top soil		x	"	22	26	Gravel		x	"	26	34	Clay		x	"	34	101	Red lava, (16" to 38')		x	12"	101	225	Gray lava		x	"	225	231	Lava & clay 70° F	x		"	231	358	Gray lava		x	"	358	525	Gr. lava, strips blu clay		x	"	525	537	Blue clay 80° F	x		"	537	572	Gray lava		x	"	572	589	Blue clay 86° F	x		8"	589	624	Gray lava (12" to 591')		x	"	624	626	Broken gray rhyolite 110° F	x		"	626	690	Hard redish brown rhyolite		x	"	690	873	Hard gray rhyolite		x	"	873	877	Broken gray rhyolite 120° F	x		"	877	902	Hard gray rhyolite		x	"	902	995	Soft gray rhyolite		x	"	995	1010	Broken gray rhyolite 140° F	x		Pumped 8 yards cement						When cement came to surface built 240 PSI					
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5. WELL CONSTRUCTION Casing schedule: <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete <input type="checkbox"/> Other _____ Thickness Diameter From To <u>.250</u> inches <u>12 5/8</u> inches + <u>1</u> feet <u>39</u> feet <u>.250</u> inches <u>8 5/8</u> inches <u>2</u> feet <u>591</u> feet _____ inches _____ inches _____ feet _____ feet _____ inches _____ inches _____ feet _____ feet Was casing drive shoe used? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Was a packer or seal used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Perforated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No How perforated? <input type="checkbox"/> Factory <input type="checkbox"/> Knife <input type="checkbox"/> Torch Size of perforation _____ inches by _____ inches Number From To _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? <input type="checkbox"/> Yes <input type="checkbox"/> No Manufacturer's name _____ Type _____ Model No. _____ Diameter Slot size Set from _____ feet to _____ feet Diameter Slot size Set from _____ feet to _____ feet Gravel packed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>591'</u> Material used in seal: <input checked="" type="checkbox"/> Cement grout <input type="checkbox"/> Bentonite <input type="checkbox"/> Puddling clay <input type="checkbox"/> _____ Sealing procedure used: <input type="checkbox"/> Slurry pit <input type="checkbox"/> Temp. surface casing <input checked="" type="checkbox"/> Overbore to seal depth Method of joining casing: <input type="checkbox"/> Threaded <input checked="" type="checkbox"/> Welded <input type="checkbox"/> Solvent Weld <input checked="" type="checkbox"/> Cemented between strata Describe access port _____	11. DRILLERS CERTIFICATION <i>de</i> I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Elsing Drilling</u> Firm No. <u>31</u> <u>P.O. Box 919</u> Address <u>Twin Falls, Idaho</u> Date <u>9-27-83</u> Signed by (Firm Official) <u>[Signature]</u> and (Operator) <u>[Signature]</u>																																																																																																																																								
6. LOCATION OF WELL Sketch map location must agree with written location. <div style="text-align: center;">N W E 32 x</div> <div style="text-align: center;">Subdivision Name <u>McROFF ME</u> Lot No. _____ Block No. _____ County <u>Twin Falls</u> <u>NE 1/4 SW 1/4 Sec. 32 T. 8 N. R. 14 E.</u></div>	7. LOCATION OF WELL Sketch map location must agree with written location. <div style="text-align: center;">N W E 32 x</div> <div style="text-align: center;">Subdivision Name <u>McROFF ME</u> Lot No. _____ Block No. _____ County <u>Twin Falls</u> <u>NE 1/4 SW 1/4 Sec. 32 T. 8 N. R. 14 E.</u></div>																																																																																																																																								





USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

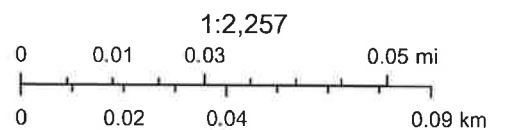
ERROR - 1/8 NW 1/4 of SE 1/4

Well



5/19/2020, 5:31:49 PM

-  Wells
-  Administrative Regions
-  Groundwater Management Areas
-  Counties



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

47-17719





CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Base Filing fee: \$100.00 + \$20.00 for manual processing (form must be typed).

1. The name of the limited liability company is:

4799A River Road, LLC

2. The complete street and mailing addresses of the principal office is:

357 S McCaslin Blvd, Ste 200, Louisville, CO 80027

Street address

(same)

Mailing address

3. The name and complete street address of the registered agent:

Angstman Johnson Christensen & May, PLLC 199 N Capitol Blvd, Ste 200, Boise ID 83702

Name

Address

4. The name and address of at least one governor of the limited liability company:

Justin Dituri

357 S McCaslin Blvd, Ste 200, Louisville, CO 80027

Name

Address

Name

Address

Name

Address

Name

Address

5. Mailing address for future correspondence (annual report notices):

357 S McCaslin Blvd, Ste 200, Louisville, CO 80027

Mailing address

Signature of organizer(s).

Printed Name: J. Dee May

Signature: 

Printed Name: _____

Signature: _____

Secretary of State use only

JUN 02 2020

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 47-17719

1. Name of applicant(s) 4799A RIVER ROAD, LLC Phone 303-530-0133
 Mailing address 357 S. MCCASLIN BLVD, SUITE 200 City LOUISVILLE
 State CO ZIP 80027 Email jchormel@gmail.com
 Name connector (check one): ☐ and ☐ or ☐ and/or
2. Name of representative, if any Cathy R. Brown Phone 202-420-6409
 Mailing address 4799A RIVER ROAD City Buhl
 State IA ZIP 53316 Email cathy@onsenfarm.com
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- .04
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Total number of acres to be irrigated: N/A

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The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 103591

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	198.15
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	198.15
Fax			
Section	Legals	Start/End Dates	07/16/2020 - 07/23/2020
SubSection		Insertions	2
Category	50 Legal	Size	130
Ad Key	103591-1	Salesperson(s)	Ruby Aufderheide
Keywords	App 47-17719, Transfer #'s 83973, 84147	Taken By	Ruby Aufderheide
Notes			

Ad Proof

**Proof of Legal Notice
received from Times News
7/10/2020**

DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 103591

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17719

4799A RIVER ROAD LLC

357 MC CASLIN BLVD STE 200

LOUISVILLE, CO 80027-2932

Point of Diversion NWSE S32 T08S R14E TWIN FALLS

County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06-02-2020

Place Of Use: DOMESTIC

T08S R14E S32 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The proposed well and place of use are located approximately 8.8 miles south and 2.8 miles east of Hagerman. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83973

NOLAN K BRANCH and LUANN S BRANCH, PO BOX 24, MALTA, ID 83342-0024 has filed Application No. 83973 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10151, 43-4238A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 0.275 cfs stockwater / domestic ground water right that is currently diverted approximately 2.5 to 3.0 miles south and 1.0 to 1.5 miles east of Malta. The application proposes moving the right to a new place of use and diverting it from three existing wells at an existing dairy facility located approximately 3.0 to 3.5 miles south and 3.2 to 3.6 miles east of Malta. Application also proposes adding two of the existing wells and modifying the place of use for a 0.04 cfs domestic ground water right currently in use and diverted from the third well at the dairy facility.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 84147

TERRISA J BERG and LOUIS N BERG, 19032 HIGHWAY 30, BUHL, ID 83316-5060 has filed Application No. 84147 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7520. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before August 3, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on July 16th & 23rd, 2020





State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 9, 2020

4799A RIVER ROAD LLC
357 MC CASLIN BLVD STE 200
LOUISVILLE, CO 80027-2932

RE: Application for Permit No. 47-17719

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 7/16/2020 and 7/23/2020**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **August 3, 2020**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

c: Cathy R Brown

Maline, Denise

From: Maline, Denise
Sent: Thursday, July 09, 2020 10:58 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find (1) legal notice being submitted for publication on July 16th & 23rd, 2020. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 9, 2020

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 47-17719

RE: Transfer No. 83973
Water Right No(s). 43-10151, 43-4238A

RE: Transfer No. 84147
Water Right No(s). 47-7520

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 3, 2020. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
47-17719

4799A RIVER ROAD LLC
357 MC CASLIN BLVD STE 200
LOUISVILLE, CO 80027-2932

Point of Diversion NWSE S32 T08S R14E TWIN FALLS County Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 06-02-2020

Place Of Use: DOMESTIC

T08S R14E S32 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The proposed well and place of use are located approximately 8.8 miles south and 2.8 miles east of Hagerman. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83973**

NOLAN K BRANCH and LUANN S BRANCH, PO BOX 24, MALTA, ID 83342-0024 has filed Application No. 83973 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10151, 43-4238A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 0.275 cfs stockwater / domestic ground water right that is currently diverted approximately 2.5 to 3.0 miles south and 1.0 to 1.5 miles east of Malta. The application proposes moving the right to a new place of use and diverting it from three existing wells at an existing dairy facility located approximately 3.0 to 3.5 miles south and 3.2 to 3.6 miles east of Malta. Application also proposes adding two of the existing wells and modifying the place of use for a 0.04 cfs domestic ground water right currently in use and diverted from the third well at the dairy facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84147**

TERRISA J BERG and LOUIS N BERG, 19032 HIGHWAY 30, BUHL, ID 83316-5060 has filed Application No. 84147 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7520. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **August 3, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on July 16th & 23rd, 2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 22, 2020

4799A RIVER ROAD LLC
357 MCCASLIN BLVD STE 200
LOUISVILLE CO 80027-2932

RE: Application for Permit to Appropriate Trust Water – No. 47-17719

Dear Applicant:

The Department of Water Resources ("Department") has received your application for permit to appropriate water and has accepted it for filing. Your application has been assigned the identification number referenced in the subject line of this letter. Please refer to that number in all future correspondence regarding this application.

Your application proposes to appropriate Trust Water as described in this letter. The special nature of the trust affects how the Department will process your application as well as some aspects of the water right that may result. The purpose of this letter is to inform you of three items specific to applications proposing to appropriate Trust Water:

1. Your application will be subject to additional evaluation compared to applications that do not propose the use of Trust Water. This may require you to submit additional information and to demonstrate that your application meets the statutory evaluation criteria for appropriating Trust Water.
2. If a water right is issued to you, it could be subject to curtailment to satisfy senior minimum stream flow water rights on the Snake River at the Murphy Gage.
3. If a water right is issued to you, it will be subject to a periodic term review that may impact the future use of the right.

To understand better these three items and why they apply to your application, it helps to understand what Trust Water is and how it came about.

Trust Water arose from the 1984 Swan Falls Settlement between Idaho Power Company ("IPC") and the State of Idaho ("State").¹ Prior to the Swan Falls Settlement, the Idaho Supreme Court determined IPC held water rights for use at Swan Falls Dam that exceeded the entire flow of the Snake River at times. This limited future upstream development of water resources in the Snake River Basin. The Swan Falls Settlement resulted in changes to Idaho Law² and to IPC's water rights. As a result of the Swan Falls Settlement and subsequent legislation and court decrees, IPC's hydropower water rights in excess of the minimum flows at Murphy Gage are held in trust

¹ For more information, including a more complete description of the Swan Falls Settlement and resulting legislation, please see the Department's web page: <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.

² Although several sections of the Idaho Code were affected, the addition of Sections 42-203B and 42-203C, Idaho Code are the changes most relevant to this discussion.

by the State. This change allows future development using water that would have previously been delivered to satisfy IPC water rights at Swan Falls Dam and, therefore, would have been unavailable for upstream appropriation. The purpose of this trust is defined in Idaho Code § 42-203B as follows:

The purposes of the trust established by ... this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes ... to continue using the water pending approval of depletionary future beneficial uses.

Your application proposes a use of water that could deplete the rights placed in trust, so the State, through the Department must evaluate your proposal under the laws and rules that came after the Swan Falls Settlement.³ In addition to the usual statutory process and evaluation criteria, the Department must also evaluate whether your application will deplete Trust Water and, if so, whether your depletion of Trust Water is in the public interest.

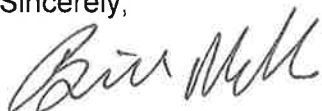
In addition, the availability of Trust Water and the public's interest in the use of Trust Water could change over time. The Department will periodically review rights to use Trust Water to determine if Trust Water remains available for use and if the continued use of Trust Water is in the public interest. The periodic review will occur for any right that issues from your application. A future review by the Department could terminate or limit your ability to use the right in the future.

An important aspect of the Swan Falls Settlement is that the State agreed to protect the minimum stream flows in the Snake River at the Murphy Gage. Should the flows at the Murphy Gage fall below these minimums, the water rights that use Trust Water could be curtailed to restore flow to meet those minimums.

The Department will hold your application for 14 days to allow you time to contact us if you have further questions on this topic or if you choose to withdraw your application. If the Department does not hear from you within 14 days, the Department will process your application and prepare it for publication. If you choose to withdraw your application before it is submitted for publication, you will receive a full refund of your filing fee. Refunds are not available if an application is withdrawn after advertising.

Please contact this office if you have questions regarding this matter.

Sincerely,



Bill Mills
Water Resource Agent, Senior

Enclosure: Withdrawal of Application form

³ See Sections 42-203C and the Department's Water Appropriation Rules (IDAPA 37.03.08).

Mills, Bill

From: Cathy Brown <cathy@onsenfarm.com>
Sent: Monday, June 08, 2020 2:06 PM
To: Mills, Bill
Subject: Re: Knigge chain of title - RP08S14E327825
Attachments: 4799A River Rd-Full Tax Report.pdf

Hello yet again...

The house at 4799A River Road in Buhl was built in 1995. Please see attached report from Twin Falls County.

On Mon, Jun 8, 2020 at 1:15 PM Mills, Bill <William.Mills@idwr.idaho.gov> wrote:

Thank you Cathy.

What may also be useful is something that demonstrates when the house was built and/or occupied.

Thank you for your quick response,

Bill Mills

From: Cathy Brown [mailto:cathy@onsenfarm.com]
Sent: Monday, June 08, 2020 12:40 PM
To: Mills, Bill <William.Mills@idwr.idaho.gov>
Cc: jamesandlesleereed@gmail.com; James Reed <james@onsenfarm.com>; Aspen Moon <aspen@onsenfarm.com>; Christopher Hormel <jchormel@gmail.com>; jditurilaw@gmail.com
Subject: Knigge chain of title - RP08S14E327825

Hello again,

Attached are deeds reflecting the following chain of title on the subject property (where the geothermal well is actually located):

6/19/81 Foster to Knigge

7/6/83 WELL DRILLED

3/22/96 Knigge to Knigge Trust

9/27/07 Knigge Trust to Lundell

10/26/11 Lundell to Lundell Trust

6/18/19 Lundell Trust to Hormel Trust

1/2/20 Hormel Trust to 4799A River Road, LLC (current owner)

I will send the chain of title to the NE1/4 of SW1/4 (RP08S14E320620) as a separate email. Please feel free to call me with any questions.

Sincerely,

Cathy

--

Cathy Reed Brown

Finance Manager

Onsen Farm

4799A River Road

Buhl, Idaho 83316

Cell: 208-420-6409

Email: Cathy@OnsenFarm.com

--

Cathy Reed Brown

Finance Manager

Onsen Farm

4799A River Road

Buhl, Idaho 83316

Cell: 208-420-6409

Email: Cathy@OnsenFarm.com

Full Report

Master

Parcel Number	RP08S14E327825	Owner Name	HORMEL, JAY C LIVING TRUST
Property Address	4799 A RIVER RD 83316	Owner Name2	% HORMEL, JAY C & HORMEL, LUANNE TRUSTEES
Last Sale Date		Owner Address	6020 JAY RD
Last Sale Price		Owner Address2	BOULDER CO 80301
DWELL or MHOME Base	7672	Owner Address3	
Area			
Beds	6	Baths	5
Legal Description			
Legal1	SEC 32 T 8 R 14	Legal2	NE 27.534A OF NW SE; NW 2.38A
Legal3	OF TAX #996 SW SE	Legal4	
Legal5		Legal6	
Legal Desc			

SEC 32 T 8 R 14 NE 27.534A OF NW SE; NW 2.38A OF TAX #996 SW SE

Deeds

Deeds

2019011754 2019009702 2019009701 2019003959 2011020722

Categories

Category Desc	Unit Desc	Quantity	Value
INV. IRRIG AGRICULTURAL	AC	24.541	\$49,990.00
INV. DRY GRAZING	AC	1.174	\$121.00
HOMESITE VALUE ON RURAL INV. AC LAND CATEGORIES 1-9		1	\$34,108.00
HOMESITE VALUE ON RURAL INV. AC LAND CATEGORIES 1-9		3.199	\$35,033.00
IMPROVEMENTS ON CAT 10			\$1,037,780.00

Values/Taxes

Tax Year	2018	Tax Amount	\$12,580.56
Market Value	\$0.00	Owner Exempt	\$0.00
Improvements Value	\$997,034.00	CB Amount	\$0.00
Tax Mkt Value	\$1,116,974.00	Tax Bill Number	30387
First Half Cost	\$0.00	Second Half Cost	\$0.00
First Half Interest	\$0.00	Second Half Interest	\$0.00
First Half Penalty	\$0.00	Second Half Penalty	\$0.00

Tax Year	Tax Amount	Tax Mkt Value
2017	\$10,480.24	\$1,020,045.00
2016	\$7,723.54	\$741,298.00
2015	\$7,872.62	\$747,997.00
2015	\$29.62	\$747,997.00
2014	\$7,137.22	\$703,837.00
2013	\$6,987.10	\$661,890.00
2012	\$6,891.84	\$661,890.00
2011	\$6,201.14	\$665,217.00
2010	\$6,487.92	\$711,620.00
2009	\$6,255.26	\$711,620.00
2008	\$6,132.82	\$711,620.00

Improvements

Imp Type	DWELL			Est Value		\$969,784.00		
Year Built	Eff Year Built	Grade	Condition	Imp Length	Imp Width	Imp Heigth	Imp Capacity	Floor Levels
1995	1995	GOOD	AV				0	2
Base Area	Fin Area	Tot Base Area	Tot Fin Area	Bsmt Fin Area	Main Fin Area	Upper Fin Area	Attic Base Area	Attic Fin Area

Mills, Bill

From: Cathy Brown <cathy@onsenfarm.com>
Sent: Monday, June 08, 2020 12:40 PM
To: Mills, Bill
Cc: jamesandlesleereed@gmail.com; James Reed; Aspen Moon; Christopher Hormel; jditurilaw@gmail.com
Subject: Knigge chain of title - RP08S14E327825
Attachments: Foster to Knigge 6.19.81.pdf; Knigge to Knigge Trust 3.22.96.pdf; Knigge Trust to Lundell 9.27.07.pdf; Lundell to Lundell Trust 10.26.11.pdf; Lundell Trust to Hormel Trust 6.18.19.pdf; Hormel Trust to 4799A River Road LLC 1.2.20.pdf

Hello again,

Attached are deeds reflecting the following chain of title on the subject property (where the geothermal well is actually located):

6/19/81 Foster to Knigge
7/6/83 WELL DRILLED
3/22/96 Knigge to Knigge Trust
9/27/07 Knigge Trust to Lundell
10/26/11 Lundell to Lundell Trust
6/18/19 Lundell Trust to Hormel Trust
1/2/20 Hormel Trust to 4799A River Road, LLC (current owner)

I will send the chain of title to the NE1/4 of SW1/4 (RP08S14E320620) as a separate email. Please feel free to call me with any questions.

Sincerely,
Cathy

--
Cathy Reed Brown
Finance Manager
Onsen Farm
4799A River Road
Buhl, Idaho 83316

Cell: 208-420-6409
Email: Cathy@OnsenFarm.com

WARRANTY DEED

For Value Received

LELAND FOSTER and VIENO FOSTER, husband and wife,

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

DWAIN A. KNIGGE and BARBARA L. KNIGGE, husband and wife,
whose address is:

Buhl, Idaho

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:

A tract of land located in the West Half of the Southeast
Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 32, Township 8 South, Range 14
E.B.M., Twin Falls County, Idaho, being more particularly
described as follows:

Commencing at the East Quarter (E $\frac{1}{4}$) Corner of said
Section 32;
Thence N 89°51'31" West along the North line of said
SE $\frac{1}{4}$ for 1414.07 ft. to the True Point of
Beginning;
Thence continuing N 89°51'31" West for 955.95 ft. to
a point 269.70 ft. East of the Northwest (NW)
Corner of said SE $\frac{1}{4}$;
Thence S 00°05'56" W and parallel to the West line
of said SE $\frac{1}{4}$ for 935.42 ft.;
Thence S 46°26'11" E for 552.62 ft.;
Thence S 50°44'12" E for 653.84 ft.;
Thence S 87°54'17" E for 50.20 ft.;
Thence N 00°01'27" E and parallel to the East line
of said W $\frac{1}{2}$ SE $\frac{1}{4}$ for 1729.54 ft. to the True Point
of Beginning.

Containing 30.01 acres more or less.

Subject to a 15 foot wide pipeline easement along the North
line of the above described tract of land. Also subject to a
25 foot wide Private Road Right of Way being 12.5 feet on each
side of the following described centerline:

Commencing at the Southwest (SW) Corner of the above
described tract of land:
Thence N 00°05'56" E and parallel to the West line
of said SE $\frac{1}{4}$ for 91.57 ft. to the True Point of
Beginning;
Thence along said centerline for the following
Fourteen (14) courses and distances;
1. S 51°50'59" E for 37.10 ft;
2. S 40°17'55" E for 84.07 ft;
3. S 45°38'45" E for 127.94 ft;
4. S 51°19'16" E for 95.80 ft;
5. S 58°10'04" E for 88.21 ft;
6. S 48°55'04" E for 55.21 ft;
7. S 47°46'44" E for 146.12 ft;

8. S 51°34'55" E for 296.95 ft;
 9. S 43°29'59" E for 95.33 ft;
 10. S 37°52'12" E for 73.12 ft;
 11. S 40°13'25" E for 54.96 ft;
 12. S 50°20'32" E for 50.89 ft;
 13. S 58°14'55" E for 50.90 ft;
 14. S 66°26'24" E for 21.60 ft to the
 Point of Termination on the East line of the above
 described tract of land.

TOGETHER WITH one share of stock per acre of the
 Banbury Pipe Company.

RESERVING to the sellers one-half ($\frac{1}{2}$) of all oil and
 gas rights; however, sellers agree to place below
 the surface of the grounds all pumps, pipelines and
 paraphernalia used to extract any oil and gas.

KNIGGE
 JUN 22 1981

1994003519

NOTARY PUBLIC
 FEE: 600 DEPUTY LF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
 and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
 covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
 that they are free from all incumbrances except as described above and that Grantor will warrant
 and defend the same from all lawful claims whatsoever.

Dated: June 19, 1981

Leland Foster

LELAND FOSTER

Vieno Foster

VIENO FOSTER

STATE OF IDAHO, COUNTY OF Twin Falls
 On this 19th day of June, 1981,
 before me, a notary public in and for said State, per-
 sonally appeared

Leland Foster and
Vieno Foster

known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.

Residing at
 Comm. Expires

Notary Public
 Idaho

STATE OF IDAHO, COUNTY OF
 I hereby certify that this instrument was filed for record at
 the request of

at _____ minutes past _____ o'clock m.,
 this _____ day of _____
 19____, in my office, and duly recorded in Book
 of Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.
 Fees \$ _____
 Mail to: _____

INSTRUMENT NO.

WARRANTY DEED

For Value Received, DWAIN KNIGGE AND BARBARA KNIGGE,

Hereinafter called grantor, hereby grants, bargains, sells and conveys unto: **DWAIN KNIGGE and BARBARA KNIGGE, Trustees, or their successors in trust, under the KNIGGE FAMILY TRUST dated March 15, 1996, and any amendments thereto.**

Hereinafter called the grantee, whose current address is: 4799 A River Road
Buhl, ID 83316

the following described premises, in Twin Falls County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED: MAR 22 1996

Dwain Knigge
DWAIN KNIGGE

Barbara Knigge
BARBARA KNIGGE

STATE OF IDAHO, COUNTY OF TWIN FALLS
On this MAR 22 1996 before
me, a notary public in and for said State, personally
appeared

DWAIN KNIGGE
BARBARA KNIGGE

known to me to be the person(s) whose name(s)
is/are subscribed to the within instrument, and
acknowledged to me that they executed the
same.

Tawnya R. Jerke
Notary Public
Residing at Wendell, Idaho
Comm. Expires 9-18-2001



STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for
at the request of

at _____ minutes past _____ o'clock _____ m.
this _____ day of _____

19____, in my office, and duly recorded in Book of
Deeds at page _____

Ex-Officio Recorder

By _____ Deputy.
Fees \$ _____

TWIN FALLS COUNTY, IDAHO
RECORDED FOR: m. Gary Atkinson P.A.

1996 APR -2 A 9 47

1996005442

ROBERT S. FORT
EX-OFFICIO RECORDER

FEE: 6.00 DEPUTY: J.H.

EXHIBIT "A"

A tract of land located in the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 32, Township 8 South, Range 14 E.B.M., Twin Falls County, Idaho, being more particularly described as follows:

Commencing at the East Quarter (E $\frac{1}{4}$) Corner of said Section 32;
Thence N 89°51'31" West along the North line of said SE $\frac{1}{4}$ for 1414.07 ft. to the True Point of Beginning;
Thence continuing N 89°51'31" West for 955.95 ft. to a point 269.70 ft. East of the Northwest (NW) Corner of said SE $\frac{1}{4}$;
Thence S 00°05'56" E and parallel to the West line of said SE $\frac{1}{4}$ for 935.42 ft.;
Thence S 46°26'11" E for 552.62 ft.;
Thence S 50°44'12" E for 653.84 ft.;
Thence S 87°54'17" E for 50.20 ft.;
Thence N 00°01'27" E and parallel to the East line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ for 1729.54 ft. to the True Point of Beginning.

Containing 30.01 acres more or less.

Subject to a 15 foot wide pipeline easement along the North line of the above described tract of land. Also subject to a 25 foot wide Private Road Right of Way being 12.5 feet on each side of the following described centerline:

Commencing at the Southwest (SW) Corner of the above described tract of land:

Thence N 00°05'56" E and parallel to the West line of said SE $\frac{1}{4}$ for 91.57 ft. to the True Point of Beginning;

Thence along said centerline for the following

Fourteen (14) courses and distances;

1. S 51°50'59" E for 37.10 ft;
2. S 40°17'55" E for 84.07 ft;
3. S 45°38'45" E for 127.94 ft;
4. S 51°19'16" E for 95.80 ft;
5. S 58°10'04" E for 88.21 ft;
6. S 48°55'04" E for 55.21 ft;
7. S 47°46'44" E for 146.12 ft;

8. S 51°34'55" E for 296.95 ft;

9. S 43°29'59" E for 95.33 ft;

10. S 37°52'12" E for 73.12 ft;

11. S 40°13'25" E for 54.96 ft;

13. S 58°14'55" E for 50.90 ft;

14. S 66°26'24" E for 21.60 ft to the

Point of Termination on the East line of the above described tract of land.

TOGETHER WITH one share of stock per acre of the Banbury Pipe Company.

RESERVING to the sellers one-half ($\frac{1}{2}$) of all oil and gas rights; however, sellers agree to place below the surface of the grounds all pumps, pipelines and paraphernalia used to extract any oil and gas.

TWIN FALLS COUNTY

Recorded for

ALLIANCE TITLE

2:48:23 pm

10-02-2007

2007-024343

No. Pages: 5

Fee: \$ 15.00

KRISTINA GLASCOCK

County Clerk

Deputy: COUNBAR

WARRANTY DEED

Order No.: AT-4070707689JT

FOR VALUE RECEIVED DWAIN KNIGGE AND BARBARA KNIGGE, TRUSTES UNDER THE

Knigge Family Trust dated March 15, 1996, and any amendment thereto.,,

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

Bernadine Lundell, an unmarried person,

whose current address is

15 Patton Place, Hillsborough, CA 94010

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

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor 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: September 27, 2007

Knigge Family Trust dated March 15, 1996, and any amendment thereto.

Dwain Knigge
By: Dwain Knigge, Trustee

Barbara Knigge
By: Barbara Knigge, Trustee

State of Idaho }
 } ss.
County of Twin Falls }

On this 1 day of October, in the year 2007, before me, a Notary Public in and for said state, personally appeared Dwaine Knigge and Barbara Knigge, known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Knigge Family Trust dated March 15, 1996, and acknowledged to me that they executed the same as Trustee.

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

Linda S. Walker
Notary Public for the State of Idaho
Residing at: Twin Falls
Commission Expires: 10/30/07

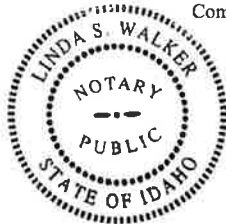


EXHIBIT "A"

Parcel 1

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 32: A tract of land located in the West half of the Southeast Quarter being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 32;

THENCE North 89°51'31" West along the North line of said Southeast Quarter for 1414.07 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89°51'31" West for 955.95 feet to a point 269.70 feet East of the Northwest corner of said Southeast Quarter;

THENCE South 00°05'56" West and parallel with the West line of said Southeast Quarter for 935.42 feet;

THENCE South 46°26'11" East for 552.62 feet;

THENCE South 50°44'12" East for 653.84 feet;

THENCE South 87°54'17" East for 50.20 feet;

THENCE North 00°01'27" East and parallel to the East line of said West half of the Southeast Quarter for 1729.54 feet to the TRUE POINT OF BEGINNING.

AND

A tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

BEGINNING at the East Quarter corner of said Section 32;

THENCE North 89°51'31" West along the North line of said Southeast Quarter for 2639.72 feet to the Northwest corner of said Northwest Quarter of the Southeast Quarter being the TRUE POINT OF BEGINNING;

THENCE South 00°05'56" West along the West line of said Southeast Quarter for 680.00 feet;

THENCE South 46°26'11" East for 371.58 feet;

THENCE North 00°05'56" East and parallel to the West line of said Southeast Quarter for 935.42 feet to the North line of said Southeast Quarter;

THENCE North 89°51'31" West along said North line for 269.70 feet to the TRUE POINT OF BEGINNING.

OK BX

EXCEPTING THEREFROM a parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

COMMENCING at the East one quarter corner of said Section 32, from which the Southeast corner of said Section 32 bears South 00°03'00" East 2641.75 feet;
THENCE South 89°53'55" West along the North boundary of the Southeast Quarter of said Section 32 for a distance of 2370.04 feet to the **TRUE POINT OF BEGINNING**;

THENCE South 00°40'22" East 860.20 feet;

THENCE South 34°30'17" West for a distance of 110.00 feet;

THENCE North 50°54'44" West for a distance of 282.87 feet to a point on the West boundary of the Southeast Quarter of Section 32;

THENCE North 00°07'08" East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;

THENCE North 89°53'55" East along the North boundary of the Southeast Quarter of said Section 32 for a distance of 270.17 feet to the **TRUE POINT OF BEGINNING**.

Parcel 2

A 25.00 foot wide easement for ingress, egress and utilities, said easement being on, over, under, and across a 25.00 foot strip of land in the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, that is centered on the following described line:

COMMENCING at the Southeast corner of said Section 32;

THENCE North 00°03'00" West along the East boundary of the Southeast Quarter of said Section 32 for a distance of 936.65 feet to the **TRUE POINT OF BEGINNING**;

THENCE South 71°52'12" West for a distance of 41.05 feet;

THENCE South 47°01'16" West for a distance of 60.93 feet;

THENCE South 62°58'19" West for a distance of 54.56 feet;

THENCE South 79°27'41" West for a distance of 47.24 feet;

THENCE North 89°03'00" West for a distance of 952.01 feet;

THENCE North 71°27'49" West for a distance of 256.82 feet;

THENCE North 61°31'17" West for a distance of 95.98 feet to the point of curvature of a curve right;

THENCE Northwesterly along the arc of the curve right for a distance of 112.30 feet, said arc having a radius of 337.00 feet and a chord bearing and distance of North 47°27'36" West, 111.78 feet;

THENCE North 37°54'49" West for a distance of 135.89 feet;

THENCE North 41°21'20" West for a distance of 404.39 feet to the point of curvature of a curve left;

THENCE Northwesterly along the arc of the curve left for a distance of 264.29 feet, said arc having a radius of 554.00 feet and a chord bearing and distance of North 55°01'20" West, 261.79 feet;

THENCE North 68°41'20" West for a distance of 114.21 feet;

THENCE North 65°08'02" West for a distance of 93.66 feet;

AK BX

THENCE North 53°08'53" West for a distance of 91.44 feet to a point on the Westerly boundary of the before described parcel and being the TERMINUS POINT of said easement.

Parcel 3

A portion of the Southeast Quarter of the Southwest Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

**COMMENCING at the South Quarter corner of said Section 32;
THENCE North 0°06'25" East 1110.39 feet along the Easterly boundary of the Southeast Quarter of the Southwest Quarter to the REAL POINT OF BEGINNING;
THENCE North 89°19'54" West 208.71 (West 208.7 feet);
THENCE North 0°06'25" East 208.71 feet (North 208.7 feet) to a point on the Northerly boundary of the Southeast Quarter of the Southwest Quarter;
THENCE South 89°19'54" East 208.71 feet (East 208.7 feet) along the Northerly boundary of the Southeast Quarter of the Southwest Quarter to the Northeast corner thereof;
THENCE South 0°06'25" West 208.71 (South 208.7 feet) along the Easterly boundary of the Southeast Quarter of the Southwest Quarter to the REAL POINT OF BEGINNING.**

Parcel 4

A portion of the West Half of the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

**COMMENCING at the South Quarter corner of said Section 32, said point being the REAL POINT OF BEGINNING;
THENCE North 89°58'38" East 1323.66 feet along the Southerly boundary of the West Half of the Southeast Quarter to the Southeast corner thereof;
THENCE North 0°01'42" East 791.72 feet along the Easterly boundary of the West Half of the Southeast Quarter to a point being South 0°01'42" West 528.30 feet (South 0°06' West 528.3 feet) from the Northeast corner of the Southwest Quarter of the Southeast Quarter;
THENCE North 50°57'46" West 837.68 feet (North 50°48' West 837.60 feet) to a point on the Northerly boundary of the Southwest Quarter of the Southeast Quarter being South 89°56'14" West 650.92 feet (North 89°54' West 650.00 feet) from the Northeast corner thereof;
THENCE North 46°20'11" West 925.90 feet (Southeast 926.60 feet) to a point on the Westerly boundary of the West Half of the Southeast Quarter;
THENCE South 0°06'25" West 1958.66 feet (South 0°06' West) along the Westerly boundary of the West Half of the Southeast Quarter to the REAL POINT OF BEGINNING.**

EXCEPTING THEREFROM any portion of the above parcel lying within the bounds of the following described parcel:

A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

OK, B.F.

COMMENCING at the East one quarter corner of said Section 32, from which the Southeast corner of said Section 32 bears South $00^{\circ}03'00''$ East 2641.75 feet;
THENCE South $89^{\circ}53'55''$ West along the North boundary of the Southeast Quarter of said Section 32 for a distance of 2370.04 feet to the TRUE POINT OF BEGINNING;
THENCE South $00^{\circ}40'22''$ East 860.20 feet;
THENCE South $34^{\circ}30'17''$ West for a distance of 110.00 feet;
THENCE North $50^{\circ}54'44''$ West for a distance of 282.87 feet to a point on the West boundary of the Southeast Quarter of Section 32;
THENCE North $00^{\circ}07'08''$ East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;
THENCE North $89^{\circ}53'55''$ East along the North boundary of the Southeast Quarter of said Section 32 for a distance of 270.17 feet to the TRUE POINT OF BEGINNING.

OK. BR

RECORDING REQUESTED BY

ATTORNEY

WHEN RECORDED MAIL TO

THOMPSON LAW OFFICES
1615 Bonanza Street, Suite 305
Walnut Creek, CA 94596

TWIN FALLS COUNTY

Recorded for:

THOMPSON LAW OFFICE

4:08:35 PM 11-03-2011

2011-020722

No. Pages: 6 Fee: \$ 25.00

KRISTINA GLASCOCK

County Clerk

Deputy: **BHUNTER**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

DOCUMENTARY TRANSFER TAX: None-transfer to a revocable living trust

FOR NO CONSIDERATION,

BERNADINE LUNDELL, an unmarried person

does GRANT(S) to

BERNADINE F. LUNDELL, Trustee under THE INGEMAR O. LUNDELL AND BERNADINE F. LUNDELL REVOCABLE TRUST DATED APRIL 13, 2000

that property in the Twin Falls County, State of Idaho is described as follows:

For legal description, see Exhibit "A" attached hereto and made a part hereof.

Commonly known as 4799A River Road, Buhl, Idaho

Mail tax statements to P.O. Box 28, Buhl, Idaho 83316-0028

DATE: 10-26-11

Bernadine F. Lundell
BERNADINE LUNDELL

STATE OF IDAHO

COUNTY OF Twin Falls

On this 20th day of October, 2011, before me,
Crystal Liptrap, a Notary Public, personally appeared
BERNADINE LUNDELL, who proved on the basis of satisfactory evidence
to be the person whose name is subscribed to the within instrument
and acknowledged to me that she executed the same in her authorized
capacity, and that by her signature on the instrument the person,
or the entity upon behalf of which the person acted, executed the
instrument.

I certify under PENALTY OF PERJURY under the laws of the State
of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

CRYSTAL LIPTRAP
NOTARY PUBLIC
STATE OF IDAHO

Crystal Liptrap

Residing at: 200 Broadway Ave. N. Burh ID 83316

My Commussion Expires on: May 7, 2015

EXHIBIT "A"

Parcel 1

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

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THENCE continuing North $89^{\circ}51'31''$ West for 955.95 feet to a point 269.70 feet East of the Northwest corner of said Southeast Quarter;
THENCE South $00^{\circ}05'56''$ West and parallel with the West line of said Southeast Quarter for 935.42 feet;
THENCE South $46^{\circ}26'11''$ East for 552.62 feet;
THENCE South $50^{\circ}44'12''$ East for 653.84 feet;
THENCE South $87^{\circ}54'17''$ East for 50.20 feet;
THENCE North $00^{\circ}01'27''$ East and parallel to the East line of said West half of the Southeast Quarter for 1729.54 feet to the TRUE POINT OF BEGINNING.

AND

A tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

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THENCE South $00^{\circ}05'56''$ West along the West line of said Southeast Quarter for 680.00 feet;
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THENCE South 00°40'22" East 860.20 feet;

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THENCE North 00°07'08" East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;

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Parcel 2

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THENCE North 65°08'02" West for a distance of 93.66 feet;

THENCE North 53°08'53" West for a distance of 91.44 feet to a point on the Westerly boundary of the before described parcel and being the TERMINUS POINT of said easement.

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THENCE North 0°06'25" East 208.71 feet (North 208.7 feet) to a point on the Northerly boundary of the Southeast Quarter of the Southwest Quarter;
THENCE South 89°19'54" East 208.71 feet (East 208.7 feet) along the Northerly boundary of the Southeast Quarter of the Southwest Quarter to the Northeast corner thereof;
THENCE South 0°06'25" West 208.71 (South 208.7 feet) along the Easterly boundary of the Southeast Quarter of the Southwest Quarter to the REAL POINT OF BEGINNING.

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A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

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THENCE South $89^{\circ}53'55''$ West along the North boundary of the Southeast Quarter of said Section 32 for a distance of 2370.04 feet to the **TRUE POINT OF BEGINNING**;

THENCE South $00^{\circ}40'22''$ East 860.20 feet;

THENCE South $34^{\circ}30'17''$ West for a distance of 110.00 feet;

THENCE North $50^{\circ}54'44''$ West for a distance of 282.87 feet to a point on the West boundary of the Southeast Quarter of Section 32;

THENCE North $00^{\circ}07'08''$ East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;

THENCE North $89^{\circ}53'55''$ East along the North boundary of the Southeast Quarter of said Section 32 for a distance of 270.17 feet to the **TRUE POINT OF BEGINNING**.

CASE NO. 72418 TS

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303

TWIN FALLS COUNTY
RECORDED FOR:
TITLEFACT, INC.
01:29:11 PM 06-21-2019
2019009702
NO. PAGES 3 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK

ELECTRONICALLY RECORDED - DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT.

TRUST WARRANTY DEED

DEPUTY: SW
Electronically Recorded by Simplifile

re-record to add notary stamp

FOR VALUE RECEIVED BERNADINE F. LUNDELL, Trustee of THE INGEMAR O. LUNDELL
AND BERNADINE F. LUNDELL REVOCABLE LIVING TRUST OF 2000, Dated April 13, 2000,
hereinafter called the grantor, hereby grants, bargains, sells and conveys unto JAY C. HORMEL and
LUANNE HORMEL, Trustees of THE JAY C. HORMEL LIVING TRUST, dated March 24, 2011,
hereinafter called grantee, whose address is:
6020 Jay Road, Boulder, CO 80301

_____, the following described
premises, in Twin Falls County, Idaho, to-wit:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the
Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
Grantee, that the Grantor is the owner in fee simple of said premises, that they are free from all
encumbrances except as described above, and that Grantor will warrant and defend the same from all
lawful claims whatsoever.

Dated: June 18, 2019

THE INGEMAR O. LUNDELL AND BERNADINE F. LUNDELL REVOCABLE LIVING
TRUST OF 2000, Dated April 13, 2000

BY: Bernadine F. Lundell
BERNADINE F. LUNDELL, Trustee

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 18 day of June, 2019, before me, the undersigned, a Notary Public in and for said State,
personally appeared BERNADINE F. LUNDELL known to me to be the Trustee of the trust that
executed this instrument, or the person who executed the instrument on behalf of said trust, and
acknowledged to me that she executed the same as such Trustee.

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

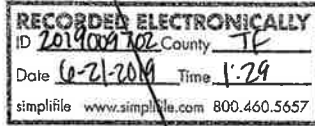
Lea Taylor
Notary Public for Idaho
Residing at Twin Falls
My Commission expires: 01/30/2025



TWIN FALLS COUNTY
RECORDED FOR:
TITLEFACT, INC.
08:56:15 AM 07-23-2019
2019011754
NO. PAGES 4 FEE: \$15.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CA
Electronically Recorded by Simplifile

CASE NO. 72418 TS

TitleFact, Inc.
163 Fourth Avenue North
P.O. Box 486
Twin Falls, Idaho 83303



re-record to add notary stamp

TRUST WARRANTY DEED

FOR VALUE RECEIVED **BERNADINE F. LUNDELL**, Trustee of **THE INGEMAR O. LUNDELL AND BERNADINE F. LUNDELL REVOCABLE LIVING TRUST OF 2000**, Dated April 13, 2000, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **JAY C. HORMEL and LUANNE HORMEL**, Trustees of **THE JAY C. HORMEL LIVING TRUST**, dated March 24, 2011, hereinafter called grantee, whose address is:
6020 Jay Road, Boulder, CO 80301
_____, the following described premises, in **Twin Falls County**, Idaho, to-wit:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises, that they are free from all encumbrances except as described above, and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 18, 2019

THE INGEMAR O. LUNDELL AND BERNADINE F. LUNDELL REVOCABLE LIVING TRUST OF 2000, Dated April 13, 2000

BY: Bernadine F. Lundell
BERNADINE F. LUNDELL, Trustee

* * * * *

STATE OF IDAHO
County of Twin Falls

On this 18 day of June, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared **BERNADINE F. LUNDELL** known to me to be the Trustee of the trust that executed this instrument, or the person who executed the instrument on behalf of said trust, and acknowledged to me that she executed the same as such Trustee.

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

Lea Taylor
Notary Public for Idaho
Residing at Twin Falls
My Commission expires: 01/30/2025



Exhibit "A"

PARCEL NO. 1

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 32: A tract of land located in the West Half of the Southeast Quarter being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 32;

THENCE North 89°51'31" West along the North line of said Southeast Quarter 1414.07 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89°51'31" West for 955.95 feet to a point 269.70 feet East of the Northwest corner of said Southeast Quarter;

THENCE South 00°05'56" West and parallel with the West line of said Southeast Quarter for 935.42 feet;

THENCE South 46°26'11" East for 552.62 feet;

THENCE South 50°44'12" East for 653.84 feet;

THENCE South 87°54'17" East for 50.20 feet;

THENCE North 00°01'27" East and parallel to the East line of said West Half of the Southeast Quarter for 1729.54 feet to the TRUE POINT OF BEGINNING.

AND

A tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

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THENCE South 46°26'11" East for 371.58 feet;

THENCE North 00°05'56" East and parallel to the West line of said Southeast Quarter for 935.42 feet to the North line of said Southeast Quarter;

THENCE North 89°51'31" West along said North line for 269.70 feet to the TRUE POINT OF BEGINNING.

EXCEPT a parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

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THENCE South 34°30'17" West for a distance of 110.00 feet;

THENCE North 50°54'44" West for a distance of 282.87 feet to a point on the West boundary of the Southeast Quarter of Section 32;

THENCE North 00°07'08" East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;

THENCE North 89°53'55" East along the North boundary of the Southeast Quarter of said Section 32 for a distance of 270.17 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO The terms and conditions created in Usage and Maintenance Agreement by and between Dwain (Duane) Knigge, Barbara Knigge, James Reed and Leslee Reed, recorded March 23, 2007, as Instrument No. 2007-006685, records of Twin Falls County, Idaho.

PARCEL NO. 2

A portion of the Southeast Quarter of the Southwest Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

COMMENCING at the South Quarter corner of said Section 32;

THENCE North 0°06'25" East 1110.39 feet along the Easterly boundary of the Southeast Quarter of the Southwest Quarter to the REAL POINT OF BEGINNING;

THENCE North 89°19'54" West 208.71 (West 208.7 feet);

THENCE North 0°06'25" East 208.71 feet (North 208.7 feet) to a point on the Northerly boundary of the Southeast Quarter of the Southwest Quarter;

THENCE South 89°19'54" East 208.71 feet (East 208.7 feet) along the Northerly boundary of the Southeast Quarter of the Southwest Quarter to the Northeast corner thereof;

THENCE South 0°06'25" West 208.71 (South 208.7 feet) along the Easterly boundary of the Southeast Quarter of the Southwest Quarter to the REAL POINT OF BEGINNING.

AND

A portion of the West Half of the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

COMMENCING at the South Quarter corner of said Section 32, said point being the REAL POINT OF BEGINNING;

THENCE North 89°58'38" East 1323.66 feet along the Southerly boundary of the West Half of the Southeast Quarter to the Southeast corner thereof;

THENCE North 0°01'42" East 791.72 feet along the Easterly boundary of the West Half of the Southeast Quarter to a point being South 0°01'42" West 528.30 feet (South 0°06' West 528.3 feet) from the Northeast corner of the Southwest Quarter of the Southeast Quarter;

THENCE North 50°57'46" West 837.68 feet (North 50°48' West 837.60 feet) to a point on the Northerly boundary of the Southwest Quarter of the Southeast Quarter being South 89°56'14" West 650.92 feet (North 89°54' West 650.00 feet) from the Northeast corner thereof;

THENCE North 46°20'11" West 925.90 feet (Southeast 926.60 feet) to a point on the Westerly boundary of the West Half of the Southeast Quarter;

THENCE South 0°06'25" West 1958.66 feet (South 0°06' West) along the Westerly boundary of the West Half of the Southeast Quarter to the REAL POINT OF BEGINNING.

EXCEPT any portion of the above parcel lying within the bounds of the following described parcel: A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

COMMENCING at the East one quarter corner of said Section 32, from which the Southeast corner of said Section 32 bears South 00°03'00" East 2641.75 feet;

THENCE South 89°53'55" West along the North boundary of the Southeast Quarter of said Section 32 for a distance of 2370.04 feet to the TRUE POINT OF BEGINNING;

THENCE South 00°40'22" East 860.20 feet;

THENCE South 34°30'17" West for a distance of 110.00 feet;

THENCE North 50°54'44" West for a distance of 282.87 feet to a point on the West boundary of the Southeast Quarter of Section 32;

THENCE North 00°07'08" East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;

THENCE North 89°53'55" East along the North boundary of the Southeast Quarter of said Section 32 for a distance of 270.17 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO The terms and conditions created in Usage and Maintenance Agreement by and between Dwain (Duane) Knigge, Barbara Knigge, James Reed and Leslee Reed, recorded March 23, 2007, as Instrument No. 2007-006685, records of Twin Falls County, Idaho.

EXHIBIT "A"

PARCEL NO. 1

Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 32: A tract of land located in the West Half of the Southeast Quarter being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 32;

THENCE North 89°51'31" West along the North line of said Southeast Quarter 1414.07 feet to the TRUE POINT OF BEGINNING;

THENCE continuing North 89°51'31" West for 955.95 feet to a point 269.70 feet East of the Northwest corner of said Southeast Quarter;

THENCE South 00°05'56" West and parallel with the West line of said Southeast Quarter for 935.42 feet;

THENCE South 46°26'11" East for 552.62 feet;

THENCE South 50°44'12" East for 653.84 feet;

THENCE South 87°54'17" East for 50.20 feet;

THENCE North 00°01'27" East and parallel to the East line of said West Half of the Southeast Quarter for 1729.54 feet to the TRUE POINT OF BEGINNING.

AND

A tract of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

BEGINNING at the East Quarter corner of said Section 32;

THENCE North 89°51'31" West along the North line of said Southeast Quarter for 2639.72 feet to the Northwest corner of said Northwest Quarter of the Southeast Quarter being the TRUE POINT OF BEGINNING;

THENCE South 00°05'56" West along the West line of said Southeast Quarter for 680.00 feet;

THENCE South 46°26'11" East for 371.58 feet;

THENCE North 00°05'56" East and parallel to the West line of said Southeast Quarter for 935.42 feet to the North line of said Southeast Quarter;

THENCE North 89°51'31" West along said North line for 269.70 feet to the TRUE POINT OF BEGINNING.

EXCEPT a parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

COMMENCING at the East one quarter corner of said Section 32, from which the Southeast corner of said Section 32 bears South 00°03'00" East 2641.75 feet;

THENCE South 89°53'55" West along the North boundary of the Southeast Quarter of said Section 32 for a distance of 2370.04 feet to the TRUE POINT OF BEGINNING;

THENCE South 00°40'22" East 860.20 feet;

THENCE South 34°30'17" West for a distance of 110.00 feet;

THENCE North 50°54'44" West for a distance of 282.87 feet to a point on the West boundary of the Southeast Quarter of Section 32;

THENCE North 00°07'08" East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;
THENCE North 89°53'55" East along the North boundary of the Southeast Quarter of said Section 32 for a distance of 270.17 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO The terms and conditions created in Usage and Maintenance Agreement by and between Dwain (Duane) Knigge, Barbara Knigge, James Reed and Leslee Reed, recorded March 23, 2007, as Instrument No. 2007-006685, records of Twin Falls County, Idaho.

PARCEL NO. 2

A portion of the Southeast Quarter of the Southwest Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

COMMENCING at the South Quarter corner of said Section 32;

THENCE North 0°06'25" East 1110.39 feet along the Easterly boundary of the Southeast Quarter of the Southwest Quarter to the REAL POINT OF BEGINNING;

THENCE North 89°19'54" West 208.71 (West 208.7 feet);

THENCE North 0°06'25" East 208.71 feet (North 208.7 feet) to a point on the Northerly boundary of the Southeast Quarter of the Southwest Quarter;

THENCE South 89°19'54" East 208.71 feet (East 208.7 feet) along the Northerly boundary of the Southeast Quarter of the Southwest Quarter to the Northeast corner thereof;

THENCE South 0°06'25" West 208.71 (South 208.7 feet) along the Easterly boundary of the Southeast Quarter of the Southwest Quarter to the REAL POINT OF BEGINNING.

AND

A portion of the West Half of the Southeast Quarter of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

COMMENCING at the South Quarter corner of said Section 32, said point being the REAL POINT OF BEGINNING;

THENCE North 89°58'38" East 1323.66 feet along the Southerly boundary of the West Half of the Southeast Quarter to the Southeast corner thereof;

THENCE North 0°01'42" East 791.72 feet along the Easterly boundary of the West Half of the Southeast Quarter to a point being South 0°01'42" West 528.30 feet (South 0°06' West 528.3 feet) from the Northeast corner of the Southwest Quarter of the Southeast Quarter;

THENCE North 50°57'46" West 837.68 feet (North 50°48' West 837.60 feet) to a point on the Northerly boundary of the Southwest Quarter of the Southeast Quarter being South 89°56'14" West 650.92 feet (North 89°54' West 650.00 feet) from the Northeast corner thereof;

THENCE North 46°20'11" West 925.90 feet (Southeast 926.60 feet) to a point on the Westerly boundary of the West Half of the Southeast Quarter;

THENCE South 0°06'25" West 1958.66 feet (South 0°06' West) along the Westerly boundary of the West Half of the Southeast Quarter to the REAL POINT OF BEGINNING.

EXCEPT any portion of the above parcel lying within the bounds of the following described parcel:

A parcel of land located in the Northwest Quarter of the Southeast Quarter of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, being more particularly described as follows:

COMMENCING at the East one quarter corner of said Section 32, from which the Southeast corner of said Section 32 bears South 00°03'00" East 2641.75 feet;

THENCE South 89°53'55" West along the North boundary of the Southeast Quarter of said Section 32 for a distance of 2370.04 feet to the TRUE POINT OF BEGINNING;

THENCE South 00°40'22" East 860.20 feet;

THENCE South 34°30'17" West for a distance of 110.00 feet;

THENCE North 50°54'44" West for a distance of 282.87 feet to a point on the West boundary of the Southeast Quarter of Section 32;

THENCE North 00°07'08" East along the West boundary of the Southeast Quarter of said Section 32 for a distance of 771.97 feet to the Northwest corner of the Southeast Quarter of said Section 32;

THENCE North 89°53'55" East along the North boundary of the Southeast Quarter of said Section 32 for a distance of 270.17 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO The terms and conditions created in Usage and Maintenance Agreement by and between Dwain (Duane) Knigge, Barbara Knigge, James Reed and Leslee Reed, recorded March 23, 2007, as Instrument No. 2007-006685, records of Twin Falls County, Idaho.

According to Twin Falls County Tax records address of the subject property is purported to be:
4799-A River Road, Buhl, ID 83316

Mills, Bill

From: Cathy Brown <cathy@onsenfarm.com>
Sent: Monday, June 08, 2020 12:38 PM
To: Mills, Bill
Cc: jamesandlesleereed@gmail.com; James Reed; Aspen Moon; jditurilaw@gmail.com; Christopher Hormel
Subject: Ruffing chain of title - RP08S14E320620
Attachments: Fritz to Kerr-Peters Inc 12.31.67.pdf; Kerr Land to US Dept of Ag 6.17.88.pdf; US Dept of Ag to Davis 4.30.96.pdf; Davis to Johnson 4.10.97.pdf; Johnson to Ruffing 6.17.11.pdf; Kerr-Peters to Kerr Land 2.28.68.pdf

Hi Bill,

I received your letter dated June 5th and am working on issues with application. I truly appreciate all your help with getting this water appropriation resolved. Attached are deeds reflecting the following chain of title on the property that Elsing Drilling recorded as the location of the geothermal well drilled for Dwain Knigge (NE1/4 of SW1/4 of Section 32 as per the Well Driller's Report). This property is in the 1/4 to the west of where the well was actually drilled and is currently owned by Michael Ruffing:

12/31/67 Fritz to Kerr-Peters, Inc.
2/28/1968 Kerr-Peters, Inc. to Kerr Land & Livestock Company
7/6/83 WELL DRILLED
6/17/88 Kerr Land & Livestock to US Dept of Ag
4/30/96 US Dept of Ag to Davis
4/10/97 Davis to Johnson
6/17/11 Johnson to Ruffing (current owner)

I will send the chain of title to the NW1/4 of SE1/4 (RP08S14E327825) as a separate email. Please feel free to call me with any questions.

Sincerely,
Cathy

--

Cathy Reed Brown
Finance Manager
Onsen Farm
4799A River Road
Buhl, Idaho 83316

Cell: 208-420-6409
Email: Cathy@OnsenFarm.com

WARRANTY DEED

For Value Received **GEORGE T. FRITZ and JANE M. FRITZ, husband and wife.**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

KERR-PETERS, INC., an Idaho corporation,

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

The real estate which is described in Exhibit A attached hereto and by this reference made a part hereof, together with all improvements thereon, and all water and water rights and grazing privileges (if any) appurtenant or attached to such property.

Subject to all easements and rights-of-way of record.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 31, 1967.

STATE OF IDAHO, COUNTY OF TWIN FALLS
On this 31 day of January, 1968,
before me, a notary public in and for said State, personally appeared **GEORGE T. FRITZ and JANE M. FRITZ, 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.

Charles A. Helmer
Notary Public
Residing at Twin Falls, Idaho.

STATE OF IDAHO, COUNTY OF TWIN FALLS

I hereby certify that this instrument was filed for record at the request of *George T. Fritz and Jane M. Fritz*
at 30 minutes past 2 o'clock m.,
this JAN 10 1968 day of
19, in my office, and duly recorded in Book
of Deeds at page

M. A. [Signature]
Ex-Officio Recorder
By *John T. [Signature]* Deputy.
Fees \$4.00
Mail to:

Instrument No. 628698

TRACT I:
Township 8 South, Range 14 East of the Boise Meridian, Twin
Falls County, Idaho,

Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32: S $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$.

TRACT II:

Township 9 South, Range 14, East of the Boise Meridian, Twin
Falls County, Idaho,

Section 6: Lot 1

AND

Township 8 South Range 14, East of the Boise Meridian, Twin
Falls County, Idaho,

Section 31: E $\frac{1}{4}$ SE $\frac{1}{4}$

Township 8 South, Range 14, East of the Boise Meridian, Twin
Falls County, Idaho,

Section 30: SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 31: N $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING,

therefrom those parts of SW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30: N $\frac{1}{4}$ NE $\frac{1}{4}$ and
SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 31 located West from R/W of U. S. Highway
No. 30 and North and West of the following described traverse:
Beginning at a point on the north-south center line of Section
31 at 1448 feet South from the north quarter corner of Section
31, thence

South 64° 55' East 100 feet, thence
South 4° 50' West 85 feet, thence
South 83° 23' East 75 feet, thence
North 50° 25' East 1270 feet, thence
North 10° 31' East 250 feet, thence
North 59° 51' East 439 feet to the West boundary of U. S. Highway
No. 30 right-of-way at 420 feet south from the Salmon Falls
Creek Bridge, thence
Northwesterly along the West boundary of Highway right-of-way
to the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30,

Section 32: NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ N $\frac{1}{4}$ SW $\frac{1}{4}$: The Northeast 1 acre of
the SE $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as,

beginning at the Northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, thence

South 208.7 feet, thence
West 208.7 feet, thence
North 208.7 feet, thence
East 208.7 feet to the point of beginning

AND,

Section 32: W $\frac{1}{4}$ SE $\frac{1}{4}$,

EXCEPTING,

the following described tract: Beginning at the center of
Section, thence

East 1320 feet, thence
South 1848.3 feet, thence

North 50° 48' West 237.6 feet to a point on the North
boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence
North 26° 49' West 1480.3 feet to the point of beginning,

EXHIBIT A

AND EXCEPTING,

A strip of land 120.0 feet wide, being 60.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of U. S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the SW $\frac{1}{4}$ of Section 30 and the NE $\frac{1}{4}$ of Section 31, described as Beginning at Station 1018/45 of the said Highway Survey, which station is a point on tangent approximately 1320.0 feet North and 835.0 feet East from the South quarter corner of Section 30 thence running,

South 26° 52' East 2334.3 feet to Station 1041/79.3 of said survey, which station is a point of spiral curvature thence,

250.0 feet with a spiral curve left, said curve having a central angle of 1° 52' 30" to Station 1044/29.3, which station is a point of circular curvature, thence

388.7 feet with a 1° 30' curve left, said curve having a central angle of 27° 54' to Station 1048/18, which station is a point on circular curvature approximately 1320.0 feet south and 400.0 feet west from the Northeast corner of Section 31,

AND ALSO,

additional irregular strips of land adjacent and contiguous to and lying situate on both side of the above described right of way as follows: On the Northeast side being 0.0 feet wide at Station 1025/00, and widening to 15.0 feet wide at Station 1026/00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ of said Section 31 on the Southwest side being 0.0 feet wide at Station 1024/00 and widening to 15.0 feet at Station 1025/00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ of said Section 31.

EXCEPTING

from the above described right of way that portion hereof lying situate in the SW $\frac{1}{4}$ of said Section 30. A strip of land 135.0 feet wide, being 60.0 feet on the Northeast side and 75.0 feet on the Southwest side of the following described center line of highway as surveyed and shown in the official plat of U. S. Highway No. 30 Project No. F-236 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across the SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 32, Beginning at Station 1054/49 of the said highway Survey, which station is a point on circular curvature approximately 1810.0 feet south from the Northwest corner of Section 32, thence

840.3 feet with a 1° 30' curve left, said curve having a central angle of 27° 54' to Station 1062/29.3 which station is a point of spiral curvature, thence

250.0 feet with a spiral curve left, said curve having a central angle of 1° 52' 30" to Station 1065/39.3 which station is a point of tangent, thence

South 59° 31' East on tangent 66.6 feet to station 1066/05.9 which station is a point of spiral curvature, thence

400.00 feet with a spiral curve right, said curve having a central angle of 8° 00' to Station 1070/05.9 which station is a point of circular curvature, thence

1392.1 feet with a 4° 00' curve right, said curve having a central angle of 63° 15' to Station 1083/98, which station is a point on circular curvature approximately 1320.0 feet North and 872.0 feet East from the South Quarter corner of Section 32,

AND ALSO,

additional irregular strips of land adjacent and contiguous to and on both side of the above described right of way as follows: On the Northeast side, being 30.0 feet wide at the West line of said Section 32, continuing 30.0 feet wide to Station 1064/00 widening to 115.0 feet wide at Station 1065/00 continuing 115.0 feet wide to Station 1066/05.9 and tapering to continuing 115.0 feet wide to Station 1067/00 on the Southwest side being

0.0 foot wide at Station 1071/00 and widening to 30.0 foot wide at Station 1071/00 continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ S $\frac{1}{4}$ of said Section 32. A strip of land approximately 30.0 foot wide and approximately 150.0 foot in length, being approximately 75.0 feet on the Westerly side and approximately plat of U. S. Highway No. 30 Project No. P-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31.

AND EXCEPT

A strip of land being on the Southerly side of the center line of a connection road survey extending between former U. S. Highway No. 30 and the present U. S. Highway No. 30 as surveyed and shown on the official plat of U. S. 30 - Project No. P-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying in a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, described as follows, to wit: Beginning at the Northwest corner of Section 32, thence

North 89° 38' East along the North line of said Section 32 a distance of 152.1 feet to a point in the Westerly right of way line of former U. S. Highway No. 30, thence South 0° 27' West along said right of way line a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 32 and the North line of said Section 31, thence South 89° 38' West along said parallel line 361.7 feet to a point, thence North for a distance of 25.0 feet to a point in the North line of said Section 31, thence North 89° 33' East along said North line for a distance of 210.0 feet more or less to the point of beginning.

AND EXCEPT

An irregular parcel of land being on both sides of the center line of a connection road survey extending between former U. S. Highway No. 30 and the present U. S. Highway No. 30 as surveyed and shown on the official plat of U. S. Highway No. 30 as surveyed and shown on the official plat of U. S. 30 - Project No. P-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying in a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, described as follows, to wit: Beginning at a point 210.05 feet South 89° 38' West of the Northeast corner of Section 31, thence

South a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 31, thence South 89° 38' West along said parallel line 212.5 feet to a point which point is South 0° 22' East - 25.0 feet from Station 6427.9 of a connection road survey extending between said former U. S. Highway No. 30 and the present U. S. Highway No. 30, thence along a line parallel with and 25.0 feet distant Southeasterly from the center line of said connection road survey as follows: Southwesterly along a curve left of 333.1 foot radius 185.0 feet more or less to a point opposite Station 429.0 of said connection road survey, South 57° 48' West a distance of 356.0 feet, thence North 26° 52' West along the Northeastorly right of way line of the present U. S. Highway No. 30 being 75.0 feet distant Northeastorly from and parallel with the center line of Project No. P-2361 (5) Highway Survey a distance of 293.7 feet, more or less to a point in the North line of said Section 31, thence North 89° 38' East along the North line of said Section 31 a distance of 821.7 feet to the point of beginning.



Department of State

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

~~FRANK T. CHAMBERS~~

I, ~~ARNOLD WILLIAMS~~, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the

KERR - PETERS, INC.

a corporation organized and existing under and by virtue of the laws of the State of Idaho, filed in this office on the **29th** day of **February** 19 **68**, original articles of amendment, as provided by Section **30-146 & 30-147, Idaho Code**, changing corporate name to:

KERR LAND & LIVESTOCK COMPANY

and that the said articles of amendment contain the statement of facts required by law, and are recorded on ~~microfilm~~ **microfilm** of Record of Domestic Corporations of the State of Idaho.

I THEREFORE FURTHER CERTIFY, That the Articles of Incorporation have been amended accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this **29th** day of **February**, A. D., 19**68**.

Secretary of State

AMENDMENT TO THE ARTICLES OF INCORPORATION
OF
KERR-PETERS, INC.

STATE OF OREGON)
) ss.
County of Multnomah)

The undersigned, THOMAS KERR, President and ROBERT C. SHOEMAKER, JR., Secretary of KERR-PETERS, INC., do hereby certify that the following amendment to the Articles of Incorporation of Kerr-Peters, Inc., was adopted by Kerr Grain Corporation, the sole shareholder of Kerr-Peters, Inc, on January 11, 1968.


1.

The name of said corporation shall be:

KERR LAND & LIVESTOCK COMPANY



President



Secretary

Subscribed and sworn to before me this 28th day
of February, 1968.

Charles C. Savouche
Notary Public for Oregon
Residing at Portland, Oregon
My Commission Expires: 4/1/71

UNITED STATES DEPARTMENT OF AGRICULTURE
Farmers Home Administration

DEED IN SATISFACTION OF MORTGAGE INDEBTEDNESS

DEED Between Kerr Land & Livestock Company, an Idaho corporation, Grantor, and the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, whose address is Room 429, 304 North 8th Street, Boise, Idaho 83701, Grantee.

The Grantor, for and in consideration of the cancellation by the Grantee of certain ~~encumbrances~~ ^{indebtedness} owed by the Grantor ~~to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, whose address is Room 429, 304 North 8th Street, Boise, Idaho 83701, Grantee.~~ ^{to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, whose address is Room 429, 304 North 8th Street, Boise, Idaho 83701, Grantee.} 1124
and Grantor's real estate mortgage dated July 18, 1978, and filed in the Office of the Recorder of Deeds in and for the counties of Blaine and Twin Falls, Idaho, and for other good and valuable consideration hereby grants, bargains, sells and conveys unto Grantee, with general warranties of title, but excepting therefrom all encumbrances of record previous hereto, all of the following-described real property situated in the counties of Blaine and Twin Falls, Idaho, together with all tenements, hereditaments and appurtenances, to-wit:

The ranching properties known generally as the "Silver Springs Ranch", more particularly described in Exhibit "A" hereto; the "Kimberly Ranch", more particularly described in Exhibit "B" hereto; the "Berger Seeding", more particularly described in Exhibit "C" hereto; the "Sections", more particularly described in Exhibits "D-1" and "D-2" hereto; and the "Headquarters Ranch", more particularly described in Exhibits "E-1" and "E-2" hereto.

Grantor excepts therefrom the interests of various contract vendees in said aforementioned real property, but Grantor does hereby sell, assign, bargain and set over unto said Grantee the following contracts for the sale of the above-described real estate, including, but not limited to, the right to receive all payments due thereunder:

1. Silver Springs Ranch. Contract of Sale of Real Property dated August 28, 1996, by and between Grantor and J. H. Walton, Jr., and Carolyn K. Walton, as purchasers therein.

2. Kimberly Ranch. Contract of Sale of Real Property dated April 30, 1987, by and between Grantor and William J. Williams and Thomas A. Williams, as purchasers therein.

3. Berger Seeding. Contract of Sale of Real Property dated August 24, 1983, by and between Grantor and John W. Peterson, John C. Peterson and Steven D. Peterson, as purchasers therein.

4. Sections.

A. Contract of Sale of Real Property dated August 31, 1987, by and between Grantor and James R. Baker, as purchaser therein.

B. Contract of Sale of Real Property dated August 24, 1987, by and between Grantor and John D. Muirhead, as purchaser therein.

5. Headquarters Ranch.

A. Contract of Sale of Real Property dated April 10, 1987, by and between Grantor and David N. Capps, as purchaser therein.

B. Contract of Sale of Real Property dated June 3, 1988, by and between Grantor and David N. Capps, as purchaser therein.

Grantor further bargains, sells, sets over and assigns unto Grantee any and all interest it may have in water rights, canal company stock, irrigation equipment, grazing rights and improvements as may be located upon the above-described real estate or used in connection therewith.

In construing this Deed and assignment of contracts, it is understood that the names of the ranches are for convenience only. This Deed is an absolute conveyance of the title and is not intended to be a mortgage or security of any kind. Grantor further agrees to execute any and all further documents as may be necessary under the circumstances to effect the transfer of all of Grantor's rights with respect to the real property and contracts being conveyed hereunder.

EXECUTED this 17th day of June, 1988.

KERR LAND & LIVESTOCK COMPANY

By Andrew P. Kerr
ANDREW P. KERR, its Attorney
and Authorized Representative

STATE OF OREGON)
) ss.
County of Multnomah)

On this 17th day of June, 1988, before me, a notary public in and for said county and state, personally appeared Andrew P. Kerr, who, being duly sworn, did say that he, the said Andrew P. Kerr, is the attorney and authorized representative of

Kerr Land & Livestock Company, the within-named corporation, and that the said instrument was signed on behalf of said corporation by authority of its Board of Directors, and Andrew P. Kerr acknowledges said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Janet M. Engelman
Notary Public for Oregon
My Commission Expires: 5/22/89

304166

FIRST AMERICAN TITLE CO

BLAINE CO. REQUEST

OF:

Deed & Deeds

89 APR 28 PM 2 16

MARY GREEN, CLERK

FEES \$ 51.00

953345

Co. of the State of Oregon
By _____
Notary Public

Witness my hand and seal at _____
this _____ day of _____ 1989

FIRST AMERICAN TITLE

3720 _____

APR 28 1989

In Blaine, Oregon

WILLIAM A. PERCOT

Fee \$51.00

return to _____

EXHIBIT "A"

Township 1 South, Range 19 East, B.M., Blaine County, Idaho

Section 4: Southeast Quarter of the Southeast Quarter
(SE 1/4 SE 1/4); Southwest Quarter (SW 1/4);

Section 9: All

Section 16: West half of the Northwest Quarter of the Northwest
Quarter (W 1/2 NW 1/4 NW 1/4).

Township 11 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 20: ~~S4NE4; S4NE4; W4SE4~~

EXCEPT: A portion of the ~~S4NE4~~ Section 20, Township 11 South, Range 18 East of the Boise Meridian more particularly described as follows: Beginning at the Northeast corner of said Section 20; THENCE South approximately 1513.17 feet along the section line to the Real Point of Beginning; THENCE West approximately 25 feet; THENCE South 11° 18' 36" West approximately 50.99 feet; THENCE South approximately 400 feet; THENCE South 20° 48' 24" West approximately 53.49 feet; THENCE South 2° 18' 36" West approximately 500.68 feet; THENCE South 36° 15' 14" East approximately 93 feet; THENCE East approximately 25 feet; THENCE North approximately 1075 feet along the section line to the Real Point of Beginning.

Township 11 South, Range 18 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 20: ~~S4~~

SECTION 29: That portion lying North of the center line of the County Road in the ~~N4NE4NE4~~ and in the ~~N4NE4NE4~~.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including, but not limited to, 4.16 c.f.s. from two creeks evidenced by State of Idaho Water License Nos. 47-1274, 47-2467 and 47-2401.

EXHIBIT "C"

Section 36, Township 11 South, Range 14 East of the Boise
Meridian, Twin Falls County, Idaho; and

The Berger Allotment No. 4002 consisting of 1,500 AUM's.

PARCEL I

Township 14 South, Range 17 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 32: E₂E₂

SECTION 33: ALL

SECTION 34: W₂

PARCEL II

Township 15 South, Range 17 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 3: Lots 3 and 4, S₂NW₄, SW₄

SECTION 4: E₂SE₄, W₂SW₄, Lot 1

SECTION 5: Lots 1, 2, and 3, S₂NW₄, S₂NE₄, S₂

SECTION 7: E₂SE₄, SE₄NE₄

SECTION 8: ALL

SECTION 9: S₂, NE₄NE₄

SECTION 10: W₂

SECTION 15: NE₄NW₄, NW₄NE₄, SE₄SW₄, SW₄SE₄

SECTION 17: ALL

SECTION 18: E₂, SE₄NW₄, NE₄SW₄

SECTION 19: NE₄, N₂SE₄

SECTION 30: S 1/2 NE 1/4, N 1/2 SE 1/4

PARCEL III

Township 15 South, Range 17 East of the Boise Meridian, Twin Falls County, Idaho,

All of SECTIONS 20, 21 and 29, and the $\frac{1}{2}$ of SECTION 22, EXCEPT those portion thereof lying within the following described land:

COMMENCING at the Southeast corner of SECTION 29 and being the True Point of Beginning; THENCE North $89^{\circ} 52' 01''$ West along the South boundary of Section 29 for a distance of 335.60 feet to the intersection of a fence line and the South boundary of Section 29; THENCE along an existing fence line on the following courses:

North $11^{\circ} 37' 25''$ West - 2787.30 feet;
North $10^{\circ} 48' 00''$ West - 1870.88 feet;
North $10^{\circ} 02' 25''$ West - 857.95 feet;
North $2^{\circ} 41' 45''$ West - 3348.50 feet;
North $2^{\circ} 12' 01''$ West - 960.83 feet;
South $77^{\circ} 43' 24''$ East - 2253.09 feet;
South $78^{\circ} 00' 16''$ East - 638.66 feet;
South $88^{\circ} 39' 36''$ East - 2717.06 feet;
South $7^{\circ} 06' 26''$ West - 524.69 feet;
South $3^{\circ} 50' 26''$ East - 1074.55 feet;
South $59^{\circ} 17' 51''$ East - 1443.02 feet;
South $82^{\circ} 13' 04''$ East - 2516.47 feet;
South $4^{\circ} 58' 48''$ East - 1081.02 feet:

To the intersection of the existing fence and the North boundary of Section 27; THENCE leaving the existing fence line South $89^{\circ} 53' 59''$ West along the North boundary of Section 27 for a distance of 2506.97 feet to the North West corner of Section 27; THENCE South $89^{\circ} 52' 46''$ West along the North boundary of Section 28 for a distance of 2641.49 feet to the North $\frac{1}{4}$ corner of Section 28; THENCE South $89^{\circ} 55' 45''$ West along the North boundary of Section 28 for a distance of 2644.81 feet to the Northwest corner of Section 28; THENCE South $1^{\circ} 07' 14''$ East along the West boundary of Section 28 for a distance of 2639.08 feet to the West $\frac{1}{4}$ corner of Section 28; THENCE South $0^{\circ} 01' 09''$ East along the West boundary of Section 28 for a distance of 2643.45 feet to the Southwest corner of Section 28 and being the True Point of Beginning.

EXCEPT all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied. (Affects Parcels I, II and III)

A TRACT OF LAND LOCATED IN SECTIONS 20, 21, 22, 27, 28 AND 29 OF
TOWNSHIP 15 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO AND MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL IN SECTIONS 20, 21, 22 AND 29 DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29 AND BEING THE TRUE
POINT OF BEGINNING:

THENCE N89°52'01"W along the South boundary of Section 29 for a
distance of 335.60 feet to the intersection of a fence line and
the South boundary of Section 29;

THENCE along an existing fence line on the following courses:

N11°37'25"W - 2787.50 feet;
N10°48'00"W - 1870.88 feet;
N10°02'25"W - 857.95 feet;
N 2°41'45"W - 3348.50 feet;
N 2°12'01"W - 960.83 feet;
S77°43'24"E - 2253.09 feet;
S78°00'16"E - 638.66 feet;
S88°39'36"E - 2717.06 feet;
S 7°06'26"W - 524.69 feet;
S 3°50'26"E - 1074.55 feet;
S59°17'51"E - 1443.02 feet;
S82°13'04"E - 2516.47 feet;
S 4°58'48"E - 1081.02 feet;

To the intersection of the existing fence and the North boundary of
Section 27;

THENCE leaving the existing fence line S89°53'59"W along the North
boundary of Section 27 for a distance of 2506.97 feet to the North
West corner of Section 27;

THENCE S89°52'46"W along the North boundary of Section 28 for a
distance of 2641.49 feet to the North 1/4 corner of Section 28;

THENCE S89°55'45"W along the North boundary of Section 28 for a
distance of 2644.81 feet to the Northwest corner of Section 28;

THENCE S0°07'16"E along the West boundary of Section 28 for a
distance of 2639.08 feet to the West 1/4 corner of Section 28;

THENCE S0°01'09"E along the West boundary of Section 28 for a
distance of 2643.85 feet to the Southwest corner of Section 28
and being the TRUE POINT OF BEGINNING:

CONTAINING: 722.26 Acres, more or less.

ALSO: SECTION 27: ALL OF SECTION 27 except the E1/2 SW1/4,
SE1/4 NE1/4 and the SW1/4 SW1/4;

CONTAINING: 480 Acres, approximately.

SECTION 28: ALL OF SECTION 28.
CONTAINING: 640 Acres, approximately.

SECTION 29: The NE1/2 NE1/4.
CONTAINING: 60 Acres, approximately.

TOTAL PARCEL CONTAINING APPROXIMATELY 1,882 Acres, more or less.



A parcel of land consisting of portions of: Sections 31 and 32 T.8S., R.14E., B.M. and Section 6, T.9S. R14E., B.M. all in Twin Falls County, Idaho and being described as follows:

SECTION 31, T.8S.R.14E.,B.M.: all of the SE $\frac{1}{4}$ AND a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ being specifically described as follows:

Commencing at the Northeast corner said Section 31; then S.89°07'36"W. 2606.83 feet along the northerly boundary of said Section 31; then S.0°11'15"W. 1312.88 feet to the northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 31; then S.0°11'15"W. 344.25 feet to the REAL POINT OF BEGINNING.

then N.75°32'53"E. 169.23 feet;
then S.87°52'07"E. 75.00 feet;
then N.50°17'06"E. 490.10 feet to a point on the northerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$;
then N.89°13'17"E. 694.84 feet along the northerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the northeast corner thereof;
then S.0°05'02"E. 1314.96 feet along the easterly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the southeast corner thereof;
then S.89°18'58"W. 1315.78 feet along the southerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the southwest corner thereof;
then N.0°11'15"E. 968.63 feet along the westerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

SECTION 32, T.8S., R.14E., B.M.: all of the N $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{4}$ NW $\frac{1}{4}$; W $\frac{1}{4}$ NE $\frac{1}{4}$;

AND

A portion of the W $\frac{1}{4}$ NW $\frac{1}{4}$ being specifically described as follows:

Commencing at the Northwest corner said Section 32; then N.89°23'17"E. 193.15 feet along the northerly boundary of said Section 32 to the centerline of a County Road (old U.S. 30) said point being the REAL POINT OF BEGINNING;

then southerly along the centerline of the County road (old U.S. 30) the following courses and distances:

S.3°19'50" W. 1180.74 feet to the point of curvature; then 227.95 feet along a curve to the right having a central angle of 59°21'54"; a long chord bearing and distance of S.33°00'47"W. 217.88 feet to a point on the westerly boundary of said Section 32;

then S. 14°47'E. 1274.67 feet along the westerly boundary of said Section 32 to the west Quarter Corner thereof; then N. 89°53'50"E. 1327.46 feet along the southerly boundary of the W½NW¼ to the southeast corner thereof; then N. 0°04'08"W. 2645.93 feet along the easterly boundary of the W½NW¼ to the northeast corner thereof; then S. 89°23'17"W. 1142.52 feet along the northerly boundary of said Section 32 to the REAL POINT OF BEGINNING.

AND

A portion of the E½NE¼ being specifically described as follows:

Commencing at the East Quarter Corner of said Section 32 said point being the REAL POINT OF BEGINNING:

then northwesterly along the centerline of a county road the following courses and distances:

N. 17°13'05"W. 31.00 feet; N. 24°00'19"W. 72.15 feet; N. 30°29'06"W. 72.47 feet; N. 35°18'31"W. 642.11 feet; N. 42°49'47"W. 99.47 feet; N. 41°30'35"W. 367.37 feet; N. 44°10'45"W. 155.66 feet; N. 50°16'42"W. 239.92 feet; N. 68°47'01"W. 288.38 feet to a point on the westerly boundary of the E½NE¼; then S. 0°01'41"W. 1401.70 feet along the westerly boundary of the E½NE¼ to the southwest corner thereof; then N. 89°53'50"E. 1320.05 feet along the southerly boundary of the E½NE¼ to the REAL POINT OF BEGINNING.

AND

A portion of the SE½SW¼ being specifically described as follows:

Commencing at the south Quarter Corner of said Section 32; then N. 0°06'25"E. 1110.39 feet along the easterly boundary of the SE½SW¼ to the REAL POINT OF BEGINNING:

then N. 89°19'54"W. 208.71 feet (west 208.7 feet); then N. 0°06'25"E. 208.71 feet (north 208.7 feet) to a point on the northerly boundary of the SE½SW¼; then S. 89°19'54"E. 208.71 feet (east 208.7 feet) along the northerly boundary of the SE½SW¼ to the northeast corner thereof; then S. 0°06'25"W. 208.71 feet (south 208.7 feet) along the easterly boundary of the SE½SW¼ to the REAL POINT OF BEGINNING.

AND

A portion of the W½SE¼ being specifically described as follows:

Commencing at the south Quarter Corner said Section 32; said point being the REAL POINT OF BEGINNING;

then N.89°58'38"E. 1323.66 feet along the southerly boundary of the W½SE¼ to the southeast corner thereof;

then N.0°01'42"E. 791.72 feet along the easterly boundary of the W½SE¼ to a point being S.0°01'42"W. 528.30 feet (S.0°06'W. 528.3 feet) from the northeast corner of the SW¼SE¼;

then N.50°57'46"W. 837.68 feet (N.50°48'W. 837.60 feet) to a point on the northerly boundary of the SW¼SE¼ being S.89°56'14"W. 650.92 feet (N.89°54'W. 650.00 feet) from the northeast corner thereof;

then N.46°20'11"W. 925.90 feet (southeast 926.60 feet) to a point on the westerly boundary of the W½SE¼

then S.0°06'25"W. 1958.66 feet (S.0°06'W.) along the westerly boundary of the W½SE¼ to the REAL POINT OF BEGINNING.

SECTION 6, T.9S., R.14E., E.M.:

All Government Lot 1



PAGE 1

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$,

SECTION 32: E $\frac{1}{2}$ NE $\frac{1}{4}$,

EXCEPT a parcel of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 29 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32 described as follows:

COMMENCING at the Quarter Corner common to Section 32 and 33, Township 8 South, Range 14 East of the Boise Meridian; THENCE on a bearing of North 0° 03' 41" West a distance of 1955.72 feet along the east boundary of Section 32 to the Real Point of Beginning; THENCE from this Real Point of Beginning on a bearing of North 87° 01' 46" West a distance of 425.98 feet; THENCE on a bearing of North 2° 38' 30" East a distance of 853.00 feet; THENCE on a bearing of South 87° 21' 27" East a distance of 385.58 feet to the east boundary of Section 29; THENCE along the east boundary of Section 29 on a bearing of South 0° 03' 53" East a distance of 171.50 feet to the Section Corner common to Sections 28, 29, 32 and 33; THENCE from said Section Corner and along the east boundary of Section 32 on a bearing of South 0° 03' 41" East a distance of 684.89 feet to the Real Point of Beginning.

AND EXCEPT that portion of the said E $\frac{1}{2}$ NE $\frac{1}{4}$ described as follows:

COMMENCING at the East quarter corner of said Section 32 said point being the Real Point of Beginning; THEN Northwestwardly along the centerline of a county road the following courses and distances: North 17° 13' 05" West 31.00 feet; North 24° 00' 19" West 72.15 feet; North 30° 29' 06" West 72.47 feet; North 35° 18' 31" West 642.11 feet; North 42° 49' 47" West 99.47 feet; North 41° 30' 35" West 367.37 feet; North 44° 10' 45" West 155.64 feet; North 50° 16' 42" West 239.92 feet; North 68° 47' 01" West 288.38 feet to a point on the westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$; THEN South 0° 01' 41" West 1401.70 feet along the westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the southwest corner thereof; THEN North 89° 53' 50" East 1320.05 feet along the southerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the Real Point of Beginning.

CONTINUED

PARCEL II

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 31: NE $\frac{1}{4}$ NE $\frac{1}{4}$,

AND

A portion of the NW $\frac{1}{4}$ of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

COMMENCING at the Northwest corner said Section 32; THEN North 89° 23' 17" East 193.16 feet along the northerly boundary of said Section 32 to the centerline of a County Road (old U.S. 30) said point being the Real Point of Beginning; THEN Southerly along the centerline of the County road (old U.S. 30) the following courses and distances: South 3° 19' 50" West 1180.74 feet to the point of curvature; THEN 227.95 feet along a curve to the right having a central angle of 59° 21' 54" and a radius of 229.00 feet; a long chord bearing and distance of South 33° 00' 47" West 217.88 feet to a point on the westerly boundary of said Section 32; THEN North along the said Westerly boundary of Section 32 to the Point of Beginning.

EXCEPTING THEREFROM that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31 located Southwesterly from the right of way of U. S. Highway No. 30.

AND EXCEPT any portion thereof lying within the following described road:

A strip of land 120.0 feet wide, being 60.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of U.S. Highway No. 30, Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, described as Beginning at Station 1018+45 of the said Highway Survey which station is a point on tangent approximately 1320.0 feet North and 836.0 feet East from the South quarter corner of Section 30; THENCE running South 26° 52' East 2334.3 feet to Station 1041+79.3 of said Survey, which station is a point of spiral curvature; THENCE 250.0 feet with a spiral curve left, said curve having a central angle of 1° 52' 30" to Station 1044+29.3, which station is a point of circular curvature; THENCE 388.7 feet with a 1° 30' curve left, said curve having a central angle of 27° 54' to Station 1048+18, which station is a point of circular curvature approximately 1320.0 feet South and 400.0 feet West from the Northeast corner of Section 31.

CONTINUED

ALSO EXCEPTING,

Additional irregular strips of land adjacent and contiguous to and lying situate on both sides of the above described right of way as follows: On the Northeastly side being 0.0 feet wide at Station 1025+00, and widening to 15.0 feet wide at Station 1026+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31 on the Southwestly side being 0.0 feet wide at Station 1024+00 and widening to 15.0 feet at Station 1025+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31,

AND EXCEPTING THEREFROM:

An irregular parcel of land being on both sides of the center line of a connection road survey extending between former U.S. Highway No. 30 and the present U.S. Highway No. 30 as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of The Department of Highway of the State of Idaho, and lying in a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, described as follows, to-wit:

Beginning at a point 210.05 feet South 89° 38' West of the Northeast corner of Section 31; THENCE South a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 31; THENCE South 89° 38' West along said parallel line 212.5 feet to a point which point is South 0° 22' East 25.0 feet from Station 6+27.9 of a connection road survey extending between said former U.S. Highway No. 30 and the present U.S. Highway No. 30; THENCE along a line parallel with and 25.0 feet distant Southeastly from the center line of said connection road survey as follows: Southwestly along a curve left of 333.1 foot radius 185.0 feet more or less to a point opposite Station 4+29.0 of said connection road survey, South 57° 48' West a distant of 356.0 feet; THENCE North 26° 52' West along the Northeastly right of way line of the present U.S. Highway No. 30 being 75.0 feet distant Northeastly from the parallel with the center line of Project No. F-2361 (5) Highway Survey a distance of 293.7 feet, more or less to a point in the North line of said Section 31; THENCE North 89° 38' East along the North line of said Section 31 a distance of 821.7 feet to the point of beginning.

EXCEPT that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31 and of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32 described as follows:

A strip of land being on the Southerly side of the center line of a connection road survey extending between former U.S. Highway No. 30 and the present U.S. Highway No. 30 as surveyed and shown on the official plat of U. S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho,

CONTINUED

Beginning at the Northwest corner of Section 32; THENCE North 89° 38' East along the North line of said Section 32 a distance of 152.1 feet to a point in the Westerly right of way line of former U.S. Highway No. 30; THENCE South 0° 27' West along said right of way line a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 32 and the North line of said Section 31; THENCE South 89° 38' West along said parallel line 361.7 feet to a point; THENCE North for a distance of 25.0 feet to a point in the North line of said Section 31; THENCE North 89° 38' East along said North line for a distance of 210.0 feet more or less to the point of beginning.

PARCEL XII

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 33: ALL of Lot 2,

EXCEPT that portion in the Southeast corner described as follows: Beginning at a point "D" which lies North 0° 04' West, 1,321.5 feet and South 89° 45' East, 1,021.2 feet of the quarter stone on the West side of Section 33 Township 8 South, Range 14 ERM. Said point "D" being on the South Boundary line of Lot 2. Commencing at the forasatated point "D"; THENCE North 5° 28' East 246.00 feet to a point "E"; THENCE North 80° 08' East 253 feet to a point "F" on the Snake River bank; THENCE South 10° 17' West 294 feet to a point "G"; THENCE North 89° 45' West 221 feet to the point "D" of commencement.

AND EXCEPT A parcel of land located in Lot 2 and being more specifically described as follows:

COMMENCING at the West quarter corner of Section 33, Township 8 South, Range 14 ERM from which the Southwest section corner of said Section 33 bears South 0° 03' 00" East 2641.88 feet; THEN North 0° 03' 00" West 1102.16 feet; THEN North 51° 29' 18" East 1405.86 feet; THEN South 50° 22' 22" East 165.60 feet to the Southwest property corner, said point being the Real Point of Beginning; THEN North 3° 22' 53" East 271.48 feet; THEN South 84° 50' 56" East 351.71 feet to the high water mark of the Westerly bank of the Snake River; THEN Southerly along the Westerly bank of the Snake River the following two courses and distances:
South 41° 00' 33" East 74.27 feet;
South 34° 51' 47" West 245.07 feet;
THEN North 86° 18' 57" West 275.33 feet to the Real Point of Beginning.

CONTINUED

AND EXCEPT:

A parcel of land in said Lot 2, described as follows:

COMMENCING at the west Quarter Corner of Section 33, Township 8 South, Range 14 East of the Boise Meridian; THENCE on a bearing of North 0° 03' 41" West a distance of 2090.61 feet along the west boundary of said Section 33 to the Real Point of Beginning; THENCE from this Real Point of Beginning and continuing along said west boundary of Section 33 on a bearing of North 0° 03' 41" West a distance of 550.00 feet to the Section Corner common to Sections 28, 29, 32 and 33; THENCE from said Section Corner and along the North Boundary of Section 33 on a bearing of South 89° 56' 54" East a distance of 1652.67 feet to a Meander Corner on the westerly bank of the Snake River; THENCE along the approximate mean high water line of the Snake River the following courses and distances: South 22° 25' 16" East, 148.92 feet; South 5° 07' 28" East, 85.90 feet; South 15° 38' 29" East, 142.71 feet; South 56° 25' 25" West, 146.91 feet; South 24° 07' 41" West, 92.52 feet; THENCE departing from said approximate mean high water line on a bearing of North 84° 52' 12" West a distance of 351.71 feet; THENCE on a bearing of South 3° 21' 37" West a distance of 53.94 feet; THENCE on a bearing of North 89° 56' 54" West a distance of 1240.94 feet to the Real Point of Beginning.

SECTION 33: All of Lot 3

EXCEPT the Eastern part described as follows:

FROM THE quarter corner common to Sections 32 and 33, Township 8 South, Range 14 East bearing South 89° 45' East 815 feet on the quarter section line common to Lots 3 and 6 lies a point "A". Also from this point "A" there is a spike driven in a ten-inch diameter Deciduous Tree bearing South 40° 25' West 111 feet. Commencing from the above designated point "A" which is on the South boundary line of Lot 3 said Township and Range; THENCE North 2° 49' East 491 feet to a point "B" where a galvanized nail is driven approximately in the middle atop a high boulder; THENCE North 17° 11' East 703.5 feet to a point "C"; THENCE North 5° 28' East 148.6 feet to a point "D"; THENCE South 89° 45' East 221 feet along the North boundary line of Lot 3 said Township and Range to a point "E"; THENCE South 10° 17' West along the Snake River 169 feet to a point "F"; THENCE South 16° 17' West 170 feet to a point "G"; THENCE South 3° 58' West 250 feet to a point "H"; THENCE South 8° 56' East 156 feet to a point "I" this said point "I" being 9.3 feet East on the Northeast corner of the North Line extended of the Banbury building proper; THENCE South 1° 56' East 300 feet to a point "J"; THENCE South 7° 06' East 205 feet to a point "K"; THENCE South 0° 50' West 68.4 feet to a point "L";

THENCE North 89° 45' West 433 feet along the quarter line of forestated section to the Point "A" of commencement.

EXCEPT all minerals in or under Parcels I, II and III of said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied.

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

THOMAS E. DAVIS and VICTORIA J. DAVIS

Grantee, for the sum of TWO HUNDRED THIRTY SIX THOUSAND TWO HUNDRED FIFTY AND NO/100
(236,250.00)

all interest in the following described real estate situated in the County of Twin Falls

State of Idaho

, to-wit:

SEE ATTACHED EXHIBIT A, CONSISTING OF 10 PAGES.

ON FEBRUARY 11, 1997, I, [illegible],
COUNTY CLERK, Twin Falls County, Idaho,
did execute this deed for the purpose of
recording the same.

TWIN FALLS COUNTY, IDAHO FIRST AMERICAN TITLE COMPANY
1997 FEB 11 P 3:53 1997002224
ROBERT S. FORT
OFFICIAL RECORDER
FEE: 36⁰⁰ DEPUTY UF

This deed is executed and delivered pursuant to the provisions of Real Estate Mortgage recorded July 18, 1978, as Instrument No. 740987 (Kerr Land and Livestock Company); Notice of Real Estate Purchase Agreement, recorded Jun 2, 87, Instrument No. 922732 (Kerr Land & Livestock Company to David N. Capps); Notice of Real Estate Purchase Agreement, recorded Jun 7, 88, Instrument No. 940248 (Kerr Land & Livestock Company to David N. Capps); David N. Capps entered into a Notice of Contract of Sale to Thomas E. Davis and Victoria J. Davis; and provisions of Deed in Satisfaction of Mortgage Indebtedness, dated June 17, 1988, and the authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated April 30

, 1996 .

UNITED STATES OF AMERICA (Grantor)

By Dennis R. Nelson

Farmers Home Administration
United States Department of Agriculture

Wherever "Farmers Home Administration",
"FHA", "Rural Development Administration",
or "RDA" may appear, the term "United States
of America" is substituted.

In the presence of:

ACKNOWLEDGMENT

STATE OF IDAHO)

County of Ada)

On this 30th day of April, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Dennis R. Nelson, known to me to be the Acting State Executive Director, Farm Service Agency, USDA, and 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 my official seal on the day and year last above mentioned.



Chris Reninger
CHRIS RENINGER
Notary Public in and for State of Idaho
Residing at Boise, Idaho
My Bond Expires 7/6/2000

PARCEL 1

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 29: SE~~1~~SE~~4~~,

SECTION 32: E~~1~~NE~~4~~,

EXCEPT a parcel of land in the SE~~1~~SE~~4~~ of said Section 29 and NE~~1~~NE~~4~~ of said Section 32 described as follows:

COMMENCING at the Quarter Corner common to Section 32 and 33, Township 8 South, Range 14 East of the Boise Meridian; THENCE on a bearing of North 0° 03' 41" West a distance of 1955.72 feet along the East boundary of Section 32 to the REAL POINT OF BEGINNING; THENCE from the Real Point of Beginning on a bearing of North 87° 01' 46" West a distance of 425.98 feet; THENCE on a bearing of North 2° 38' 30" East a distance of 853.00 feet; THENCE on a bearing of South 87° 21' 27" East a distance of 385.58 feet to the East boundary of Section 29; THENCE along the East boundary of Section 29 on a bearing of South 0° 03' 53" East a distance of 171.50 feet to the Section Corner common to Sections 28, 29, 32 and 33; THENCE from said Section Corner and along the East boundary of Section 32 on a bearing of South 0° 03' 41" East a distance of 684.89 feet to the REAL POINT OF BEGINNING.

AND EXCEPT that portion of the said E~~1~~NE~~4~~ described as follows:

COMMENCING at the East quarter corner of said Section 32 said point being the REAL POINT OF BEGINNING; THEN Northwesterly along the centerline of a county road the following courses and distances: North 17° 13' 05" West 31.00 feet; North 24° 00' 19" West 72.15 feet; North 30° 29' 06" West 72.47 feet; North 35° 18' 31" West 642.11 feet; North 42° 49' 47" West 99.47 feet; North 41° 30' 35" West 367.37 feet; North 44° 10' 45" West 155.66 feet; North 50° 16' 42" West 239.92 feet; North 68° 47' 01" West 288.38 feet to a point on the Westerly boundary of the E~~1~~NE~~4~~; THEN South 0° 01' 41" West 1401.70 feet along the Westerly boundary of the E~~1~~NE~~4~~ to the Southwest corner thereof; THEN North 89° 53' 50" East 1320.05 feet along the Southerly boundary of the E~~1~~NE~~4~~ to the REAL POINT OF BEGINNING.

(continued on next page)

PARCEL 11

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 31: NE¹/₄NE¹/₄,

AND

A portion of the W¹/₄NW¹/₄ of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

COMMENCING at the Northwest corner said Section 32; THEN North 89° 23' 17" East 193.16 feet along the Northerly boundary of said Section 32 to the centerline of a County Road (old U.S. 30) said point being the REAL POINT OF BEGINNING; THEN Southerly along the centerline of the County road (old U.S. 30) the following courses and distances: South 3° 19' 50" West 1180.74 feet to the point of curvature ; THEN 227.95 feet along a curve to the right having a central angle of 59° 21' 54" and a radius of 220.00 feet; a long chord bearing a distance of South 33° 00' 47" West 217.88 feet to a point on the Westerly boundary of said Section 32; THEN North along the said Westerly boundary of Section 32 to the POINT OF BEGINNING.

EXCEPTING THEREFROM that part of the NE¹/₄NE¹/₄ of said Section 31 located Southwesterly from the right of way of U. S. Highway No. 30.

AND EXCEPT any portion thereof lying within the following described land:

(continued on next page)

A strip of land 120.0 feet wide, being 60.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of U.S. Highway No. 30, Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, described as Beginning at Station 1018+45 of the said Highway Survey which station is a point on tangent approximately 1320.0 feet North and 856.0 feet East from the South quarter corner of Section 30; THENCE RUNNING South 26° 52' East 2334.3 feet to Station 1041+79.3 of said Survey, which station is a point of spiral curvature; THENCE 250.0 feet with a spiral curve left, said curve having a central angle of 1° 52' 30" to Station 1044+29.3, which station is a point of circular curvature; THENCE 388.7 feet with a 1° 30' curve left, said curve having a central angle of 27° 54' to Station 1048+18, which station is a point of circular curvature approximately 1320.0 feet South and 400.0 feet West from the Northeast corner of Section 31,

ALSO EXCEPTING,

Additional irregular strips of land adjacent and contiguous to and lying situate on both sides of the above described right of way as follows:

On the Northeasterly side being 0.0 feet wide at Station 1025+00, and widening to 15.0 feet wide at Station 1026+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31 on the Southwesterly side being 0.0 feet wide at Station 1024+00 and widening to 15.0 feet at station 1025+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31,

AND EXCEPTING THEREFROM:

An irregular parcel of land being on both sides of the center line of a connection road survey extending between former U.S. Highway No. 30 and the present U.S. Highway No. 30 as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highway of the State of Idaho, and lying in a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, described as follows, to-wit:

(continued on next page)

BEGINNING at a point 210.05 feet South 89° 38' West of the Northeast corner of Section 31; THENCE South a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 31; THENCE South 89° 38' West along said parallel line 212.5 feet to a point which point is South 0° 22' East 25.0 feet from Station 6+27.9 of a connection road survey extending between said former U.S. Highway No. 30 and the present U.S. Highway No. 30; THENCE along a line parallel with and 25.0 feet distant Southeasterly from the center line of said connection road survey as follows: Southwesterly along a curve left of 333.1 foot radius 185.0 feet more or less to a point opposite Station 4+29.0 of said connection road survey, South 57° 48' West a distant of 356.0 feet; THENCE North 26° 52' West along the Northeasterly right of way line of the present U.S. Highway No. 30 being 75.0 feet distant Northeasterly from the parallel with the center line of Project No. F-2361 (5) Highway Survey a distance of 293.7 feet, more or less to a point in the North line of said Section 31; THENCE North 89° 38' East along the North line of said Section 31 a distance of 821.7 feet to the POINT OF BEGINNING.

EXCEPT that portion of the NE¼NE¼ of Section 31 and of the NW¼NW¼ of Section 32 described as follows:

A strip of land being on the Southerly side of the center line of a connection road survey extending between former U.S. Highway No. 30 and the present U.S. Highway No. 30 as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, BEGINNING at the Northwest corner of Section 32; THENCE North 89° 38' East along the North line of said Section 32 a distance of 152.1 feet to a point in the Westerly right of way line of former U.S. Highway No. 30; THENCE South 0° 27' West along said right of way line a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 32 and the North line of said Section 31; THENCE South 89° 38' West along said parallel line 361.7 feet to a point; THENCE North for a distance of 25.0 feet to a point in the North line of said Section 31; THENCE North 89° 38' East along said North line for a distance of 210.0 feet more or less to the POINT OF BEGINNING.

(continued on next page)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

QUITCLAIM DEED

The UNITED STATES OF AMERICA, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, CONVEYS and QUITCLAIMS to

THOMAS E. DAVIS and VICTORIA J. DAVIS

Grantee, for the sum of TWO HUNDRED THIRTY SIX THOUSAND TWO HUNDRED FIFTY AND NO/100
(236,250.00)

all interest in the following described real estate situated in the County of Twin Falls

State of Idaho

, to-wit:

SEE ATTACHED EXHIBIT A, CONSISTING OF 10 PAGES.

RECORDED
FEB 11 1997
TWIN FALLS, IDAHO
COUNTY CLERK

TWIN FALLS COUNTY, IDAHO FIRST AMERICAN TITLE COMPANY
1997 FEB 11 P 3:53 1997002224
S. FORT
RECORDED
FEE: 36⁰⁰ DEPUTY UF

This deed is executed and delivered pursuant to the provisions of Real Estate Mortgage recorded July 18, 1978, as Instrument No. 740987 (Kerr Land and Livestock Company); Notice of Real Estate Purchase Agreement, recorded Jun 2, 87, Instrument No. 922732 (Kerr Land & Livestock Company to David N. Capps); Notice of Real Estate Purchase Agreement, recorded Jun 7, 88, Instrument No. 940248 (Kerr Land & Livestock Company to David N. Capps); David N. Capps entered into a Notice of Contract of Sale to Thomas E. Davis and Victoria J. Davis; and provisions of Deed in Satisfaction of Mortgage Indebtedness, dated June 17, 1988, and the authority set forth in 7 CFR 1900, Subpart A.

No member of Congress shall be admitted to any share or part of this deed or to any benefit that may arise therefrom.

Dated April 30

, 1996

Wherever "Farmers Home Administration", "FHA", "Rural Development Administration", or "RDA" may appear, the term "United States of America" is substituted.

UNITED STATES OF AMERICA (Grantor)

By



Farmers Home Administration
United States Department of Agriculture

In the presence of:

ACKNOWLEDGMENT


STATE OF IDAHO)

County of Ada)

On this 30th day of April, 1996, before me, the undersigned, a Notary Public in and for said state, personally appeared Dennis R. Nelson, known to me to be the Acting State Executive Director, Farm Service Agency, USDA, and 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 my official seal on the day and year last above mentioned.




CHRIS RENINGER
Notary Public in and for State of Idaho
Residing at Boise, Idaho
My Bond Expires 7/6/2000

PARCEL 1

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 29: SE~~1~~SE~~4~~,

SECTION 32: E~~1~~NE~~4~~,

EXCEPT a parcel of land in the SE~~1~~SE~~4~~ of said Section 29 and NE~~1~~NE~~4~~ of said Section 32 described as follows:

COMMENCING at the Quarter Corner common to Section 32 and 33, Township 8 South, Range 14 East of the Boise Meridian; THENCE on a bearing of North 0° 03' 41" West a distance of 1955.72 feet along the East boundary of Section 32 to the REAL POINT OF BEGINNING; THENCE from the Real Point of Beginning on a bearing of North 87° 01' 46" West a distance of 425.98 feet; THENCE on a bearing of North 2° 38' 30" East a distance of 853.00 feet; THENCE on a bearing of South 87° 21' 27" East a distance of 385.58 feet to the East boundary of Section 29; THENCE along the East boundary of Section 29 on a bearing of South 0° 03' 53" East a distance of 171.50 feet to the Section Corner common to Sections 28, 29, 32 and 33; THENCE from said Section Corner and along the East boundary of Section 32 on a bearing of South 0° 03' 41" East a distance of 684.89 feet to the REAL POINT OF BEGINNING.

AND EXCEPT that portion of the said E~~1~~NE~~4~~ described as follows:

COMMENCING at the East quarter corner of said Section 32 said point being the REAL POINT OF BEGINNING; THEN Northwesterly along the centerline of a county road the following courses and distances: North 17° 13' 05" West 31.00 feet; North 24° 00' 19" West 72.15 feet; North 30° 29' 06" West 72.47 feet; North 35° 18' 31" West 642.11 feet; North 42° 49' 47" West 99.47 feet; North 41° 30' 35" West 367.37 feet; North 44° 10' 45" West 155.66 feet; North 50° 16' 42" West 239.92 feet; North 68° 47' 01" West 288.38 feet to a point on the Westerly boundary of the E~~1~~NE~~4~~; THEN South 0° 01' 41" West 1401.70 feet along the Westerly boundary of the E~~1~~NE~~4~~ to the Southwest corner thereof; THEN North 89° 53' 50" East 1320.05 feet along the Southerly boundary of the E~~1~~NE~~4~~ to the REAL POINT OF BEGINNING.

(continued on next page)

PARCEL 11

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho

SECTION 31: NE¹/₄NE¹/₄,

AND

A portion of the NW¹/₄ of Section 32, Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being specifically described as follows:

COMMENCING at the Northwest corner said Section 32; THEN North 89° 23' 17" East 193.16 feet along the Northerly boundary of said Section 32 to the centerline of a County Road (old U.S. 30) said point being the REAL POINT OF BEGINNING; THEN Southerly along the centerline of the County road (old U.S. 30) the following courses and distances: South 3° 19' 50" West 1180.74 feet to the point of curvature ; THEN 227.95 feet along a curve to the right having a central angle of 59° 21' 54" and a radius of 220.00 feet; a long chord bearing a distance of South 33° 00' 47" West 217.88 feet to a point on the Westerly boundary of said Section 32; THEN North along the said Westerly boundary of Section 32 to the POINT OF BEGINNING.

EXCEPTING THEREFROM that part of the NE¹/₄NE¹/₄ of said Section 31 located Southwesterly from the right of way of U. S. Highway No. 30.

AND EXCEPT any portion thereof lying within the following described land:

(continued on next page)

A strip of land 120.0 feet wide, being 60.0 feet on each side of the following described center line of highway as surveyed and shown on the official plat of U.S. Highway No. 30, Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, and lying over and across the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, described as Beginning at Station 1018+45 of the said Highway Survey which station is a point on tangent approximately 1320.0 feet North and 856.0 feet East from the South quarter corner of Section 30; THENCE RUNNING South 26° 52' East 2334.3 feet to Station 1041+79.3 of said Survey, which station is a point of spiral curvature; THENCE 250.0 feet with a spiral curve left, said curve having a central angle of 1° 52' 30" to Station 1044+29.3, which station is a point of circular curvature; THENCE 388.7 feet with a 1° 30' curve left, said curve having a central angle of 27° 54' to Station 1048+18, which station is a point of circular curvature approximately 1320.0 feet South and 400.0 feet West from the Northeast corner of Section 31,

ALSO EXCEPTING,

Additional irregular strips of land adjacent and contiguous to and lying situate on both sides of the above described right of way as follows:

On the Northeasterly side being 0.0 feet wide at Station 1025+00, and widening to 15.0 feet wide at Station 1026+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31 on the Southwesterly side being 0.0 feet wide at Station 1024+00 and widening to 15.0 feet at station 1025+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31,

AND EXCEPTING THEREFROM:

An irregular parcel of land being on both sides of the center line of a connection road survey extending between former U.S. Highway No. 30 and the present U.S. Highway No. 30 as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highway of the State of Idaho, and lying in a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, described as follows, to-wit:

(continued on next page)

BEGINNING at a point 210.05 feet South 89° 38' West of the Northeast corner of Section 31; THENCE South a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 31; THENCE South 89° 38' West along said parallel line 212.5 feet to a point which point is South 0° 22' East 25.0 feet from Station 6+27.9 of a connection road survey extending between said former U.S. Highway No. 30 and the present U.S. Highway No. 30; THENCE along a line parallel with and 25.0 feet distant Southeasterly from the center line of said connection road survey as follows: Southwesterly along a curve left of 333.1 foot radius 185.0 feet more or less to a point opposite Station 4+29.0 of said connection road survey, South 57° 48' West a distant of 356.0 feet; THENCE North 26° 52' West along the Northeasterly right of way line of the present U.S. Highway No. 30 being 75.0 feet distant Northeasterly from the parallel with the center line of Project No. F-2361 (5) Highway Survey a distance of 293.7 feet, more or less to a point in the North line of said Section 31; THENCE North 89° 38' East along the North line of said Section 31 a distance of 821.7 feet to the POINT OF BEGINNING.

EXCEPT that portion of the NE¼NE¼ of Section 31 and of the NW¼NW¼ of Section 32 described as follows:

A strip of land being on the Southerly side of the center line of a connection road survey extending between former U.S. Highway No. 30 and the present U.S. Highway No. 30 as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho, BEGINNING at the Northwest corner of Section 32; THENCE North 89° 38' East along the North line of said Section 32 a distance of 152.1 feet to a point in the Westerly right of way line of former U.S. Highway No. 30; THENCE South 0° 27' West along said right of way line a distance of 25.0 feet more or less to a point in a line parallel with and 25.0 feet distant Southerly from the North line of said Section 32 and the North line of said Section 31; THENCE South 89° 38' West along said parallel line 361.7 feet to a point; THENCE North for a distance of 25.0 feet to a point in the North line of said Section 31; THENCE North 89° 38' East along said North line for a distance of 210.0 feet more or less to the POINT OF BEGINNING.

(continued on next page)

PARCEL III

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 33: ALL of Lot 2,

EXCEPT that portion in the Southeast corner described as follows: BEGINNING at a point "D" which lies North 0° 04' West, 1,321.5 feet and South 89° 45' East, 1,021.2 feet of the quarter stone on the West side of Section 33 Township 8 South, Range 14 EBM. Said point "D" being on the South Boundary line of Lot 2. Commencing at the forstated point "D"; THENCE North 5°28' East 246.00 feet to a point "E"; THENCE North 80° 08' East 253 feet to a point "F" on the Snake River bank; THENCE South 10° 17' West 294 feet to a point "G"; THENCE North 89° 45' West 221 feet to the point "D" of commencement.

AND EXCEPT A parcel of land located in Lot 2 and being more specifically described as follows:

COMMENCING at the West quarter corner of Section 33, Township 8 South, Range 14 EBM from which the Southwest section corner of said Section 33 bears South 0° 03' 00" East 2641.88 feet; THEN North 0° 03' 00" West 1102.16 feet; THEN North 51° 29' 18" East 1405.86 feet; THEN South 50° 22' 22" East 165.60 feet to the Southwest property corner, said point being the REAL POINT OF BEGINNING; THEN North 3° 22' 53" East 271.48 feet; THEN South 84° 50' 56" East 351.71 feet to the high water mark of the Westerly bank of the Snake River; THEN Southerly along the Westerly bank of the Snake River the following two courses and distances;

South 41° 00' 55" East 74.27 feet;

South 34° 51' 47" West 245.07 feet;

THEN North 86° 18' 57" West 275.53 feet to the REAL POINT OF BEGINNING.

AND EXCEPT:

A parcel of land in said Lot 2, described as follows:

(continued on next page)

COMMENCING at the West Quarter Corner of Section 33, Township 8 South, Range 14 East of the Boise Meridian; THENCE on a bearing of North 0° 03' 41" West a distance of 2090.61 feet along the West boundary of said Section 33 to the REAL POINT OF BEGINNING; THENCE from this Real Point of Beginning and continuing along said West boundary of Section 33 on a bearing of North 0° 03' 41" West a distance of 550.00 feet to the Section Corner common to Sections 28, 29, 32 and 33; THENCE from said Section Corner and along the North boundary of Section 33 on a bearing of South 89° 56' 54" East a distance of 1652.67 feet to a Meander Corner on the Westerly bank of the Snake River; THENCE along the approximate mean high water line of the Snake River the following courses and distances: South 22° 25' 16" East, 148.92 feet; South 5° 07' 28" East, 85.90 feet; South 15° 38' 29" East, 142.71 feet; South 56° 25' 25" West, 146.91 feet; South 24° 07' 41" West, 93.52 feet; THENCE departing from said approximate mean high water line on a bearing of North 84° 52' 12" West a distance of 351.71 feet; THENCE on a bearing of South 3° 21' 37" West a distance of 53.94 feet; THENCE on a bearing of North 89° 56' 54" West a distance of 1240.94 feet to the REAL POINT OF BEGINNING.

SECTION 33: All of Lot 3

EXCEPT the Eastern part described as follows:

FROM THE quarter corner common to Sections 32 and 33, Township 8 South, Range 14 EBM bearing South 89° 45' East 815 feet on the quarter section line common to Lots 3 and 6 lies a point "A". Also from the point "A" there is a spike driven in a ten-inch diameter Deciduous Tree bearing South 40° 25' West 111 feet. Commencing from the above designated point "A" which is on the South boundary line of Lot 3 said Township and Range; THENCE North 2° 49' East 491 feet to a point "B" where a galvanized nail is driven approximately in the middle atop a high boulder; THENCE North 17° 11' East 703.5 feet to a point "C"; THENCE North 5° 28' East 148.6 feet to a point "D"; THENCE South 89° 45' East 221 feet along the North boundary line of Lot 3 said Township and Range to a point "G"; THENCE South 10° 17' West along the Snake River 169 feet to a point "H"; THENCE South 16° 17' West 170 feet to a point "I"; THENCE South 3° 58' West 250 feet to a point "J"; THENCE South 8° 56' East 156 feet to a point "K" this said point "K" being 9.3 feet East on the Northeast corner of the North Line extended of the Banbury building proper; THENCE South 1° 56' East 300 feet to a point "L"; THENCE South 7° 06' East 205 feet to a point "M"; THENCE South 0° 50' West 68.4 feet to a point "N"; THENCE North 89° 45' West 433 feet along the quarter line of forestated Section to the Point "A" of commencement.

(continued on next page)

EXCEPT all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied.

PARCEL IV

A parcel of land consisting of portions of: SECTIONS 31 and 32 Township 8 South, Range 14 East of the Boise Meridian and SECTION 6 Township 9 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being described as follows:

Township 8 South, Range 14 East of the Boise Meridian,

SECTION 31: All of the SE $\frac{1}{4}$ AND a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ being specifically described as follows:

COMMENCING at the Northeast corner said Section 31; THEN South 89° 07' 36" West 2606.83 feet along the Northerly boundary of said Section 31; THEN South 0° 11' 15" West 1312.88 feet to the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 31; THEN South 0° 11' 15" West 344.25 feet to the REAL POINT OF BEGINNING; THEN North 75° 32' 53" East 169.23 feet; THEN South 87° 52' 07" East 75.00 feet; THEN North 50° 17' 06" East 490.10 FEET TO A POINT ON THE Northerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; THEN North 89° 13' 17" East 694.84 feet along the Northerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northeast corner thereof; THEN South 0° 05' 02" East 1314.96 feet along the Easterly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southeast corner thereof; THEN South 89° 18' 58" West 1315.78 feet along the Southerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southwest corner thereof; THEN North 0° 11' 15" East 968.63 feet along the Westerly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 32: All of the N $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$;

AND

A portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ being specifically described as follows:

(continued on next page)

COMMENCING at the Northwest corner said Section 32; THEN North 89° 23' 17" East 193.16 feet along the Northerly boundary of said Section 32 to the centerline of a County Road (old U.S. 30) said point being the REAL POINT OF BEGINNING; THEN Southerly along the centerline of the County road (old U.S. 30) the following courses and distances: South 3° 19' 50" West 1180.74 feet to the point of curvature; THEN 227.95 feet along a curve to the right having a central angle of 59° 21' 54" and a radius of 220.00 feet; a long chord bearing and distance of South 33° 00' 47" West 217.88 feet to a point on the Westerly boundary of said Section 32; THEN South 0° 14' 47" East 1274.67 feet along the Westerly boundary of said Section 32 to the West quarter corner thereof; THEN North 89° 53' 50" East 1327.46 feet along the Southerly boundary of the W $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southeast corner thereof; THEN North 0° 04' 08" West 2645.93 feet along the Easterly boundary of the W $\frac{1}{4}$ NW $\frac{1}{4}$ to the Northeast corner thereof; THEN South 89° 23' 17" West 1142.52 feet along the Northerly boundary of said Section 32 to the REAL POINT OF BEGINNING.

AND

A portion of the E $\frac{1}{4}$ NE $\frac{1}{4}$ being specifically described as follows:

COMMENCING at the East quarter corner of said Section 32 said point being the REAL POINT OF BEGINNING; THEN Northwesterly along the centerline of a county road the following courses and distances: North 17° 13' 05" West 31.00 feet; North 24° 00' 19" West 72.15 feet; North 30° 29' 06" West 72.47 feet; North 35° 18' 31" West 642.11 feet; North 42° 49' 47" West 99.47 feet; North 41° 30' 35" West 367.37 feet; North 44° 10' 45" West 155.66 feet; North 50° 16' 42" West 239.92 feet; North 68° 47' 01" West 288.38 feet to a point on the Westerly boundary of the E $\frac{1}{4}$ NE $\frac{1}{4}$; THEN South 0° 01' 41" West 1401.70 feet along the Westerly boundary of the E $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southwest corner thereof; THEN North 89° 53' 50" East 1320.05 feet along the Southerly boundary of the E $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

AND

A portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ being specifically described as follows:

(continued on next page)

COMMENCING at the South quarter corner of said Section 32; THEN North 0° 06' 25" East 1110.39 feet along the Easterly boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the REAL POINT OF BEGINNING; THEN North 89° 19' 54" West 208.71 feet (West 208.7 feet); THEN North 0° 06' 25" East 208.71 feet (north 208.7 feet) to a point on the Northerly boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; THEN South 89° 19' 54" East 208.71 feet (east 208.7 feet) along the Northerly boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northeast corner thereof; THEN South 0° 06' 25" West 208.71 feet (south 208.7 feet) along the Easterly boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

AND

A portion of the W $\frac{1}{4}$ SE $\frac{1}{4}$ being specifically described as follows:

COMMENCING at the South quarter corner said Section 32; SAID point being the REAL POINT OF BEGINNING; THEN North 89° 58' 38" East 1323.66 feet along the Southerly bounday of the W $\frac{1}{4}$ SE $\frac{1}{4}$ to the Southeast corner thereof; THEN North 0° 01' 42" East 791.72 feet along the Easterly boundary of the W $\frac{1}{4}$ SE $\frac{1}{4}$ to a point being South 0° 01' 42" West 528.30 feet (south 0° 06' West 528.3 feet from the Northeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$; THEN North 50° 57' 46" West 837.68 feet (north 50° 48' west 837.60 feet) to a point on the Northerly boundary of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ being South 89° 56' 14" West 650.92 feet (north 89° 54' west 650.00 feet) from the Northeast corner thereof; THEN North 46° 20' 11" West 925.90 feet (Southeast 926.60 feet) to a point on the Westerly boundary of the W $\frac{1}{4}$ SE $\frac{1}{4}$; THEN South 0° 06' 25" West 1958.66 feet (south 0° 06' west) along the Westerly boundary of the W $\frac{1}{4}$ SE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

(continued on next page)

EXCEPT any portion thereof lying within the right of way of U.S. Highway 30, including strip of land 135.0 feet wide, being 60.0 feet on the Northeasterly side and 75.0 feet on the Southwesterly side of the following described center line of highway as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-236 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 32, Beginning at Station 1054+49 of the said highway survey, which station is a point on circular curvature approximately 1810.0 feet South from the Northwest corner of Section 32; THENCE 840.3 feet with a 1° 30' curve left, said curve having a central angle of 27° 54' to Station 1062+89.3 which station is a point of spiral curvature; THENCE 250.0 feet with a spiral curve left, said curve having a central angle of 1° 52' 30" to Station 1065+39 which station is a point of tangent; THENCE South 58° 31' East on tangent 66.6 feet to Station 1066+05.9 which station is a point of spiral curvature; THENCE 400.00 feet with a spiral curve right, said curve having a central angle of 8° 00' to Station 1070+05.9 which station is a point circular curvature; THENCE 1392.1 feet with a 4° 00' curve right, said curve having a central angle of 63° 15' to Station 1083+98, which station is a point of circular curvature approximately 1320.0 feet North and 872.0 feet East from the South Quarter corner of Section 32, ALSO EXCEPTING,

Additional irregular strips of land adjacent and contiguous to and on both side of the above described right of way as follows: On the Northeasterly side, being 30.0 feet wide at the West line of said Section 32, continuing 30.0 feet wide to Station 1064+00 widening to 115.0 feet wide at Station 1065+00 continuing 115.0 feet wide to Station 1066+05.9 and tapering to 0.0 feet wide at Station 1067+00 on the Southwesterly side being 0.0 feet wide at Station 1070+05.9 and widening to 15.0 feet wide at Station 1071+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32. A strip of land approximately 30.0 feet wide and approximately 150.0 feet in length, being approximately 75.0 feet on the Westerly side and approximately No. 1035+85 of highways as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31.

Township 9 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 6: All Government Lot 1.

TWIN FALLS COUNTY, IDAHO

FIRST AMERICAN TITLE COMPANY

1997 APR 10 P 4:01

19970055411

3.00
18.00

T-20654CJK E14135RG

WARRANTY DEED

For Value Received VICTORIA JEAN DAVIS, an unmarried woman

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
EDWARD A. JOHNSON and JANICE M. JOHNSON, husband and wife
whose address is:

5330 Farrow Street, Boise, ID 83713

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

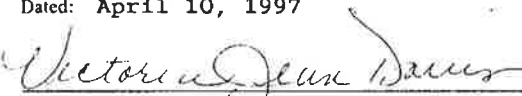
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER WITH 99.7 Shares of Twin Falls Canal Company water stock.

AND TOGETHER WITH 120.9 Shares of Banbury Pipe water stock.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: April 10, 1997


VICTORIA JEAN DAVIS

STATE OF IDAHO

)

: ss

COUNTY OF TWIN FALLS

)

On this 10 of April, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared VICTORIA JEAN DAVIS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

REVA J. GUNTER
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

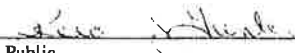

Notary Public
Residing at: Twin Falls
My commission expires: 4-28-98

EXHIBIT "A"

PARCEL NO. 1:

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$,

SECTION 32: E $\frac{1}{2}$ NE $\frac{1}{4}$,

EXCEPT a parcel of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 29 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32 described as follows:

COMMENCING at the Quarter Corner common to Section 32 and 33, Township 8 South, Range 14 East of the Boise Meridian; Thence on a bearing of North 0°03'41" West a distance of 1955.72 feet along the East boundary of Section 32 to the REAL POINT OF BEGINNING; Thence from the Real Point of Beginning on a bearing of North 87°01'46" West a distance of 425.98 feet; Thence on a bearing of North 2°38'30" East a distance of 853.00 feet; Thence on a bearing of South 87°21'27" East a distance of 385.58 feet to the East boundary of Section 29; Thence along the East boundary of Section 29 on a bearing of South 0°03'53" East a distance of 171.50 feet to the Section Corner common to Sections 28, 29, 32 and 33; Thence from said Section Corner and along the East boundary of Section 32 on a bearing of South 0°03'41" East a distance of 684.89 feet to the REAL POINT OF BEGINNING.

AND EXCEPT that portion of the said E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32 described as follows:

COMMENCING at the East quarter corner of said Section 32 said point being the REAL POINT OF BEGINNING; Then Northwesterly along the centerline of a county road the following courses and distances: North 17°13'05" West 31.00 feet; North 24°00'19" West 72.15 feet; North 30°29'06" West 72.47 feet; North 35°18'31" West 642.11 feet; North 42°49'47" West 99.47 feet; North 41°30'35" West 367.37 feet; North 44°10'45" West 155.66 feet; North 50°16'42" West 239.92 feet; North 68°47'01" West 288.38 feet to a point on the Westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$; Then South 0°01'41" West 1401.70 feet along the Westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the Southwest corner thereof; Then North 89°53'50" East 1320.05 feet along the Southerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

EXCEPT all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied, as set forth in the deed recorded December 29, 1993 as Instrument No. 1993019773.

PARCEL NO. 2:

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 33: All of Lot 2,

EXCEPT that portion in the Southeast corner described as follows:

BEGINNING at a point "D" which lies North 0°04" West, 1,321.5 feet and South 89°45' East, 1,021.2 feet of the quarter stone on the West side of Section 33 Township 8 South, Range 14 EBM. Said point "D" being on the South Boundary line of Lot 2. Commencing at the forestated point "D"; Thence North 5°28' East 246.00 feet to a point "E"; Thence North 80°08' East 253 feet to a point "F" on the Snake River bank; Thence South 10°17' West 294 feet to a point "G"; Thence North 89°45' West 221 feet to the point "D" of commencement.

Page 2 to Exhibit "A"

AND EXCEPT a parcel of land located in Lot 2 and being more specifically described as follows:

COMMENCING at the West quarter corner of Section 33, Township 8 South, Range 14 EBM from which the Southwest section corner of said Section 33 bears South 0°03'00" East 2641.88 feet; Then North 0°03'00" West 1102.16 feet; Then North 51°29'18" East 1405.86 feet; Then South 50°22'22" East 165.60 feet to the Southwest property corner, said point being the REAL POINT OF BEGINNING; Then North 3°22'53" East 271.48 feet; Then South 84°50'56" East 351.71 feet to the high water mark of the Westerly bank of the Snake River; Then Southerly along the Westerly bank of the Snake River the following two courses and distances;

South 41°00'55" East 74.27 feet;

South 34°51'47" West 245.07 feet;

Then North 86°18'57" West 275.53 feet to the REAL POINT OF BEGINNING.

AND EXCEPT:

A parcel of land in said Lot 2, described as follows:

COMMENCING at the West Quarter Corner of Section 33, Township 8 South, Range 14 East of the Boise Meridian; Thence on a bearing of North 0°03'41" West a distance of 2090.61 feet along the West boundary of said Section 33 to the REAL POINT OF BEGINNING; Thence from this Real Point of Beginning and continuing along said West boundary of Section 33 on a bearing of North 0°03'41" West a distance of 550.00 feet to the Section Corner common to Sections 28, 29, 32 and 33;

Thence from said Section Corner and along the North boundary of Section 33 on a bearing of South 89°56'54" East a distance of 1652.67 feet to a Meander Corner on the Westerly bank of the Snake River; Thence along the approximate mean high water line of the Snake River the following courses and distances: South 22°25'16" East, 148.92 feet; South 5°07'28" East, 85.90 feet; South 15°38'29" East, 142.71 feet; South 56°25'25" West, 146.91 feet; South 24°07'41" West, 93.52 feet; Thence departing from said approximate mean high water line on a bearing of North 84°52'12" West a distance of 351.71 feet; Thence on a bearing of South 3°21'37" West a distance of 53.94 feet; Thence on a bearing of North 89°56'54" West a distance of 1240.94 feet to the REAL POINT OF BEGINNING.

SECTION 33: All of Lot 3

EXCEPT the Eastern part described as follows:

FROM THE quarter corner common to Sections 32 and 33, Township 8 South, Range 14 EBM bearing South 89°45' East 815 feet on the quarter section line common to Lots 3 and 6 lies a point "A". Also from the point "A" there is a spike driven in a ten-inch diameter Deciduous Tree bearing South 40°25' West 111 feet. Commencing from the above designated point "A" which is on the South boundary line of Lot 3 said Township and Range; Thence North 2°49' East 491 feet to a point "B" where a galvanized nail is driven approximately in the middle atop a high boulder; Thence North 17°11' East 703.5 feet to a point "C"; Thence North 5°28' East 148.6 feet to a point "D"; Thence South 89°45' East 221 feet along the North boundary line of Lot 3 said Township and Range to a point "G"; Thence South 10°17' West along the Snake River 169 feet to a point "H"; Thence South 16°17' West 170 feet to a point "I"; Thence South 3°58' West 250 feet to a point "J"; Thence South 8°56' East 156 feet to a point "K" this said Point "K" being 9.3 feet East on the Northeast corner of the North Line extended on the Banbury building proper; Thence South 1°56' East 300 feet to a point "L"; Thence South 7°06' East 205 feet to a point "M"; Thence South 0°50' West 68.4 feet to a point "N"; Thence North 89°45' West 433 feet along the quarter line of forestated Section to the Point "A" of commencement.

EXCEPT all minerals in or under said land including but not limited to metals, oil, gas, coal, stone and mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied, as setforth in the deed recorded December 29, 1993 as Instrument No. 1993019773.

PARCEL NO. 3:

A parcel of land consisting of portions of: Sections 31 and 32 Township 8 South, Range 14 East of the Boise Meridian and Section 6 Township 9 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being described as follows:

Township 8 South, Range 14 East of the Boise Meridian,

Section 31: The SW $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$ and that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

COMMENCING at the Northeast corner said Section 31; Then South 89°07'36" West 2606.83 feet along the Northerly Boundary of said Section 31; Then South 0°11'15" West 1312.88 feet to the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 31; Then South 0°11'15" West 344.25 feet to the REAL POINT OF BEGINNING; Then North 75°32'53" East 169.23 feet; Then South 87°52'07" East 75.00 feet; Then North 50°17'06" East 490.10 feet to a point on the Northerly Boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; Then North 89° 13'17" East 694.84 feet along the Northerly Boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Northeast corner thereof; Then South 0°05'02" East 1314.96 feet along the Easterly Boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southeast corner thereof; Then South 89°18'58" West 1315.78 feet along the Southerly Boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southwest corner thereof; Then North 0°11'15" East 968.63 feet along the Westerly Boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

SECTION 32: All of the N $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$;

AND

A portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ being specifically described as follows:

COMMENCING at the Northwest corner said Section 32; Then North 89°23'17" East 193.16 feet along the Northerly boundary of said Section 32 to the centerline of a County Road (old U.S. 30) said point being the REAL POINT OF BEGINNING; Then Southerly along the centerline of the County road (old U.S. 30) the following courses and distances: South 3°19'50" West 1180.74 feet to the point of curvature; Then 227.95 feet along a curve to the right having a central angle of 59°21'54" and a radius of 220.00 feet; a long chord bearing and distance of South 33°00'47" West 217.88 feet to a point on the Westerly boundary of said Section 32; Then South 0°14'47" East 1274.67 feet along the Westerly boundary of said Section 32 to the West quarter corner thereof; Then North 89°53'50" East 1327.46 feet along the Southerly boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ to the Southeast corner thereof; Then North 0°04'08" West 2645.93 feet along the Easterly boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ to the Northeast corner thereof; Then South 89°23'17" West 1142.52 feet along the Northerly boundary of said Section 32 to the REAL POINT OF BEGINNING.

AND

A portion of the E $\frac{1}{4}$ NE $\frac{1}{4}$ being specifically described as follows:

COMMENCING at the East quarter corner of said Section 32 said point being the REAL POINT OF BEGINNING; Then Northwesterly along the centerline of a county road the following courses and distances: North 17°13'05" West 31.00 feet; North 24°00'19" West 72.15 feet; North 30°29'06" West 72.47 feet; North 35°18'31" West 642.11 feet; North 42°49'47" West 99.47 feet; North 41°30'35" West 367.37 feet; North 44°10'45" West 155.66 feet; North 50°16'42" West 239.92 feet; North 68°47'01" West 288.38 feet to a point on the Westerly boundary of the E $\frac{1}{4}$ NE $\frac{1}{4}$; Then South 0°01'41" West 1401.70 feet along the Westerly boundary of the E $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southwest corner thereof; Then North 89°53'50" East 1320.05 feet along the Southerly boundary of the E $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

EXCEPT any portion thereof lying within the right of way of U.S. Highway 30, including strip of land 135.0 feet wide, being 60.0 feet on the Northeasterly side and 75.0 feet on the Southwesterly side of the following described center line of highway as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-236 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Beginning at Station 1054+49 of the said highway survey, which station is a point on circular curvature approximately 1810.0 feet South from the Northwest corner of Section 32; Thence 840.3 feet with a 1°30' curve left, said curve having a central angle of 27°54' to Station 1062+89.3 which station is a point of spiral curvature; Thence 250.0 feet with a spiral curve left, said curve having a central angle of 1°52'30" to Station 1065+39 which station is a point of tangent; Thence South 58°31' East on tangent 66.6 feet to Station 1066+05.9 which station is a point of spiral curvature; Thence 400.00 feet with a spiral curve right, said curve having a central angle of 8°00' to Station 1070+05.9 which station is a point circular curvature; Thence 1392.1 feet with a 4°00' curve right, said curve having a central angle of 63°15' to Station 1083+98, which station is a point of circular curvature approximately 1320.0 feet North and 872.0 feet East from the South Quarter corner of Section 32,

ALSO EXCEPTING:

Additional irregular strips of land adjacent and contiguous to and on both side of the above described right of way as follows: On the Northeasterly side, being 30.0 feet wide at the West line of said Section 32, continuing 30.0 feet wide to Station 1064+00 widening to 115.0 feet wide at Station 1065+00 continuing 115.0 feet wide to Station 1066+05.9 and tapering to 0.0 feet wide at Station 1067+00 on the Southwesterly side being 0.0 feet wide at Station 1070+05.9 and widening to 15.0 feet wide at Station 1071+00 and continuing 15.0 feet wide to the South line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32. A strip of land approximately 30.0 feet wide and approximately 150.0 feet in length, being approximately 75.0 feet on the Westerly side and approximately No. 1035+85 of highways as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31.

EXCEPTING from the W $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 32 the following:

COMMENCING at the Northwest corner of said Section 32, from which the West one quarter (W $\frac{1}{4}$) corner bears S. 00°14'47" E. 2634.12 feet; Thence S. 00°14'47" E. along the West Boundary of the NW $\frac{1}{4}$ of Section 32 for a distance of 1359.40 feet to a point on the centerline of Old Highway U.S. 30, said point being on the arc of a curve and being THE TRUE POINT OF BEGINNING; Thence Northeasterly along the centerline of Old Highway U.S. 30 on the arc of the curve left for a distance of 227.94 feet to the point of tangent, said arc having a radius of 220.0 feet and a long chord bearing and distance of N. 33°00'45" E. 217.88 feet; Thence N. 03°19'50" E. along the center line of Old Highway U.S. 30 for a distance of 254.74 feet to the intersection with the centerline of an existing county road, said intersection being the point of curve of a curve left of the existing county road; Thence Southeasterly along the centerline of the existing county road on the arc of a curve left for a distance of 593.46 feet to the point of tangent, said arc having a radius of 365.5 feet and a long chord bearing and distance of S. 43°11'05" E. 530.38 feet; Thence S. 89°42'00" E. along the centerline of the existing county road and a distance of 174.10 feet; Thence leaving the centerline of the existing county road on a bearing of S. 39°26'00" W. for a distance of 436.04 feet; Thence N. 89°02'00" W. for a distance of 365.45 feet to a point on the West Boundary of the NW $\frac{1}{4}$ of Section 32; Thence N. 00°14'47" W. along the West Boundary of the NW $\frac{1}{4}$ of Section 32 for a distance of 281.11 feet to THE TRUE POINT OF BEGINNING.

PARCEL NO. 4:

Township 9 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho,

Section 6: All Government Lot 1.

PARCEL NO. 5:

Together with an Easement for Public Utilities and Landscaping 10 feet wide adjacent, parallel to and South of Banbury Road lying within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31 and within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho.



T-20654 E14135RG

REAL ESTATE MORTGAGE

THIS MORTGAGE, Made by EDWARD A. JOHNSON and JANICE M. JOHNSON, husband and wife

, as MORTGAGOR,

whose current address is: 5330 Farrow Street, Boise, ID 83713

and VICTORIA JEAN DAVIS, an unmarried woman

Whose address is: 19092 U.S. Highway 30, Buhl, ID 83316
MORTGAGEE,

WITNESSETH, That the said MORTGAGOR, for good and valuable consideration, the receipt where of is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said MORTGAGEE, their heirs and assigns forever, the following real estate situated in Twin Falls County, State of Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

IDAHO COUNTY, IDAHO

FIRST AMERICAN TITLE COMPANY

APR 10 P 10 02

1997005542

270 SPOT Sp

TOGETHER WITH all the improvements, privileges and appurtenances thereunto belonging and all rights of homestead exemption; together with all ditch and water rights of every nature, however evidenced, used on the said land or belonging to the same or said MORTGAGOR, which may be hereafter acquired or used upon said land. Said MORTGAGOR does hereby warrant the title to said land and water rights against all persons whomsoever, and agree to defend the same.

THIS CONVEYANCE is intended as a mortgage to secure the payment of the principal sum of =====
ONE HUNDRED NINETY-SIX THOUSAND ONE HUNDRED FORTY-THREE AND 67/100 DOLLARS=====

(\$ 196,143.67), lawful money of the United States of America, evidenced by a promissory note executed and delivered by MORTGAGOR herein, dated April 10, 1997, with final payment due August 10, 1997

TOGETHER WITH interest, costs, and expenses, as therein provided, payable to the order of the MORTGAGEE at the times and in the manner and with interest as therein set forth, together with any extensions, renewals, modifications and future advances thereof or thereunder; the performance of each agreement of MORTGAGOR herein contained; and the payment of all sums expended or advanced by MORTGAGEE under or pursuant to the terms of this Mortgage and/or the note(s), together with interest thereon as provided therein.

#3014

Recorded to add an exception to the legal description



Pioneer Title Co.

GOING BEYOND

8151 W. Rifleman Street / Boise
Idaho 83704 / (208) 377-2700



TWIN FALLS COUNTY

Recorded for

LAND TITLE AND ESCROW, INC.

10:30:21 am 09-08-2011

2011-016895

No. Pages: 9 Fee: \$ 34.00

KRISTINA GLASCOCK

County Clerk

Deputy: SSNAPP

327847

WARRANTY DEED

For Value Received

Edward A. Johnson and Janice M. Johnson, Husband and Wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Michael Ruffing, a single man

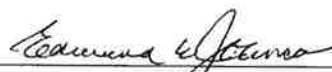
hereinafter referred to as Grantee, whose current address is PO Box 127, Buhl, ID 83316

the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: June 17, 2011


Edward A. Johnson


Janice M. Johnson

STATE OF Idaho, County of Ada, ss.

On this 23rd day of June, in the year of 2011, before me the undersigned, notary public personally appeared Edward A. Johnson and Janice M. Johnson known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.





Notary Public of Idaho

Residing

at

Commission

expires:

Residing at Caldwell, ID

My Commission Expires: 05-05-2017

#3014



8151 W. Rifleman Street / Boise
Idaho 83704 / (208) 377-2700

TWIN FALLS COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW - TWIN
01:57:49 PM 06-23-2011
2011021889
NO. PAGES 7 FEE: \$28.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: DJW
Electronically Recorded by Simplifile

327847

WARRANTY DEED

For Value Received Edward A. Johnson and Janice M. Johnson, Husband and Wife
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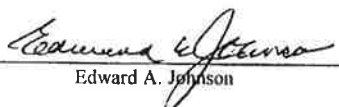
Michael Ruffing, a single man


hereinafter referred to as Grantee, whose current address is PO Box 127, Buhl, ID 83316
the following described premises, to-wit:

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: June 17, 2011


Edward A. Johnson


Janice M. Johnson

STATE OF Idaho, County of Ada, ss.

On this 23rd day of June, in the year of 2011, before me the undersigned, notary public personally appeared Edward A. Johnson and Janice M. Johnson known or identified to me to be the person/persons whose name is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Susan J. Merritt

Notary Public of Idaho
Residing _____ at _____
Commission _____ expires: _____

Residing at Caldwell, ID
My Commission Expires: 05-05-2017

CONTINUATION

SCHEDULE A

Order Number: 3014

PARCEL NO. 1:

TOWNSHIP 8 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32: E $\frac{1}{2}$ NE $\frac{1}{4}$

EXCEPT a parcel of land in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 29 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32 described as follows:

Commencing at the Quarter corner common to Section 32 and 33, Township 8 South, Range 14 East of the Boise Meridian;

Thence on a bearing of North 0°03'41" West a distance of 1955.72 feet along the East boundary of Section 32 to the REAL POINT OF BEGINNING;

Thence from the Real Point of Beginning on a bearing of North 87°01'46" West a distance of 425.98 feet;

Thence on a bearing of North 2°38'30" East a distance of 853.00 feet;

Thence on a bearing of South 87°21'27" East a distance of 385.58 feet to the East boundary of Section 29;

Thence along the East boundary of Section 29 on a bearing of South 0°03'53" East a distance of 171.50 feet to the Section corner common to Sections 28, 29, 32 and 33;

Thence from said Section Corner and along the East boundary of Section 32 on a bearing of South 0°03'41" East a distance of 684.89 feet to the REAL POINT OF BEGINNING.

AND EXCEPT that portion of the said E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32 described as follows:

Commencing at the East quarter corner of said Section 32 said point being the REAL POINT OF BEGINNING.

Thence Northwesterly along the centerline of a county road the following courses and distances:

North 17°13'05" West 31.00 feet;

North 24°00'19" West 72.15 feet;

North 30°29'06" West 72.47 feet;

North 35°18'31" West 642.11 feet;

North 42°49'47" West 99.47 feet;

North 41°30'35" West 367.37 feet;

North 44°10'45" West 155.66 feet;

North 50°16'42" West 239.92 feet;

North 68°47'01" West 288.38 feet to a point on the Westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$;

Thence South 0°01'41" West 1401.70 feet along the Westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the Southwest corner thereof;

Thence North 89°53'50" East 1320.05 feet along the Southerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

PARCEL NO. 2:

TOWNSHIP 8 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 33: All of Lot 2

EXCEPT that portion in the Southeast corner described as follows:

CONTINUATION

SCHEDULE A

Order Number: 3014

Beginning at a point "D" which lies North 0°04' West, 1,321.5 feet and South 89°45' East, 1021.2 feet of the quarter stone on the West side of Section 33 Township 8 South, Range 14 EBM. Said point "D" being on the South Boundary line of Lot 2.

Commencing at the foretated point "D";
Thence North 5°28' East 246.00 feet to a point "E";
Thence North 80°08' East 253 feet to a point "F" on the Snake River bank;
Thence South 10°17' West 294 feet to a point "G";
Thence North 89°45' West 221 feet to the point "D" of commencement.

AND EXCEPT a parcel of land located in Lot 2 and being more specifically described as follows:

Commencing at the West quarter corner of Section 33, Township 8 South, Range 14 EBM from which the Southwest corner of said section 33 bears South 0°03'00" East 2641.88 feet;
Thence North 0°03'00" West 1102.16 feet;
Thence North 51°29'18" East 1405.86 feet;
Thence South 50°22'22" East 165.60 feet to the Southwest property corner, said point being the REAL POINT OF BEGINNING;
Thence North 3°22'53" East 271.48 feet;
Thence South 84°50'56" East 351.71 feet to the high water mark of the Westerly bank of the Snake River;
Thence Southerly along the Westerly bank of the Snake River the following two courses and distances:
South 41°00'55" East 74.27 feet;
South 34°51'47" West 245.07 feet;
Thence North 86°18'57" West 275.53 feet to the REAL POINT OF BEGINNING.

AND EXCEPT a parcel of land in said Lot 2, described as follows:

Commencing at the West Quarter corner of Section 33, Township 8 South, Range 14 East of the Boise Meridian;
Thence on a bearing of North 0°03'41" West a distance of 2090.61 feet along the West boundary of said Section 33 to the REAL POINT OF BEGINNING;
Thence from this Real Point of Beginning and continuing along said West boundary of Section 33 on a bearing of North 0°03'41" West a distance of 550.00 feet to the Section corner common to Sections 28, 29, 32 and 33;
Thence from said Section corner and along the North boundary of Section 33 on a bearing of South 89°56'54" East a distance of 1652.67 feet to a Meander Corner on the Westerly bank of the Snake River;
Thence along the approximate mean high water line of the Snake River the following courses and distances:
South 22°25'16" East, 148.92 feet;
South 5°07'28" East, 85.90 feet;
South 15°38'29" East, 142.71
South 56°25'25" West, 146.91 feet;
South 24°07'41" West, 93.52 feet;
Thence departing from said approximate mean high water line on a bearing of North 84°52'12" West a distance of 351.71 feet;
Thence on a bearing of South 3°21'37" West a distance of 53.94 feet;
Thence on a bearing of North 89°56'54" West a distance of 1240.94 feet to the REAL POINT OF BEGINNING.

CONTINUATION

SCHEDULE A

Order Number: 3014

Section 33: All of Lot 3

EXCEPT the Eastern part described as follows:

From the quarter corner common to Section 32 and 33, Township 8 South, Range 14 EBM bearing South 89°45' East 815 feet on the quarter section line common to Lot 3 and 6 lies a point "A". Also from the point "A" there is a spike driven in a ten-inch diameter Deciduous Tree bearing South 40°25' West 111 feet.

Commencing from the above designated point "A" which is on the South boundary line of Lot 3 said Township and Range;
Thence North 2°49' East 491 feet to a point "B" where a galvanized nail is driven approximately in the middle atop a high boulder;
Thence North 17°11' East 703.5 feet to a point "C";
Thence North 5°28' East 148.6 feet to a point "D";
Thence South 89°45' East 221 feet along the North boundary line of Lot 3 said Township and Range to a point "G";
Thence South 10°17' West along the Snake River 169 feet to a point "H";
Thence South 16°17' West 170 feet to a point "I";
Thence South 3°58' West 250 feet to a point "J";
Thence South 8°56' East 156 feet to a point "K" this said point "K" being 9.3 feet East on the Northeast corner of the North line extended on the Banbury building proper;
Thence South 1°56' East 300 feet to a point "L";
Thence South 7°06' East 205 feet to a point "M";
Thence South 0°50' West 68.4 feet to a point "N";
Thence North 89°45' West 433 feet along the quarter line of forestated Section to the Point "A" of commencement.

PARCEL NO. 3:

A parcel of land consisting of portions of: Sections 31 and 32, Township 8 South, Range 14 East of the Boise Meridian and Section 6 Township 9 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, being described as follows:

TOWNSHIP 8 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 31: The SW¼SE¼; NW¼SE¼; E¼SE¼ and that portion of the SW¼NE¼ described as follows:

Commencing at the Northeast corner of said Section 31;
Thence South 89°07'36" West 2606.83 feet along the Northerly boundary of said Section 31;
Thence South 0°11'15" West 1312.88 feet to the Northwest corner of the SW¼NE¼ said Section 31;
Thence South 0°11'15" West 344.25 feet to the REAL POINT OF BEGINNING;
Thence North 75°32'53" East 169.23 feet;
Thence South 87°52'07" East 75.00 feet;
Thence North 50°17'06" East 490.10 feet to a point on the Northerly boundary of said SW¼NE¼;
Thence North 89°13'17" East 694.84 feet along the Northerly boundary of said SW¼NE¼ to the Northeast corner thereof;
Thence South 0°05'02" East 1314.96 feet along the Easterly boundary of said SW¼NE¼ to the Southeast corner thereof;
Thence South 89°18'58" West 1315.78 feet along the Southerly boundary of said SW¼NE¼ to the Southwest corner thereof;
Thence North 0°11'15" East 968.63 feet along the Westerly boundary of said SW¼NE¼ to the REAL POINT OF BEGINNING.

-Continued-

CONTINUATION

SCHEDULE A

Order Number: 3014

TOWNSHIP 8 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 32: All of the N $\frac{1}{2}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; W $\frac{1}{2}$ NE $\frac{1}{4}$;

AND

A portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ being specifically described as follows:

Commencing at the Northwest corner said Section 32;

Thence North 89°23'17" East 193.16 feet along the Northerly boundary of said Section 32 to the centerline of a County Road (old U.S. 30) said point being the REAL POINT OF BEGINNING;

Thence Southerly along the centerline of the County road (old U.S. 30) the following courses and distances:

South 3°19'50" West 1180.74 feet to the point of curvature;
Thence 227.95 feet along a curve to the right having a central angle of 59°21'54" and a radius of 220.00 feet, a long chord bearing and distance of South 33°00'47" West 217.88 feet to a point on the Westerly boundary of said Section 32;
Thence South 0°14'47" East 1274.67 feet along the Westerly boundary of said Section 32 to the West quarter corner thereof;
Thence North 89°53'50" East 1327.46 feet along the Southerly boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ to the Southeast corner thereof;
Thence North 0°04'08" West 2645.93 feet along the Easterly boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ to the Northeast corner thereof;
Thence South 89°23'17" West 1142.52 feet along the Northerly boundary of said Section 32 to the REAL POINT OF BEGINNING.

AND

A portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ being specifically described as follows:

Commencing at the East quarter corner of said Section 32 said point being the REAL POINT OF BEGINNING;

Thence Northwesterly along the centerline of a county road the following courses and distances;
North 17°13'05" West 31.00 feet;
North 24°00'19" West 72.15 feet;
North 30°29'06" West 72.47 feet;
North 35°18'31" West 642.11 feet;
North 42°49'47" West 99.47 feet;
North 41°30'35" West 367.37 feet;
North 44°10'45" West 155.66 feet;
North 50°16'42" West 239.92 feet;
North 68°47'01" West 288.38 feet to a point on the Westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$;
Thence South 0°01'41" West 1401.70 feet along the Westerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the Southwest corner thereof;
Thence North 89°53'50" East 1320.05 feet along the Southerly boundary of the E $\frac{1}{2}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING.

EXCEPT any portion thereof, lying within the right of way of U.S. Highway 30, including strip of land 135.0 feet wide, being 60.0 feet on the Northeasterly side and 75.0 feet on the Southwesterly side of the following described center line of highway as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-236 (5) Highway Survey on file in the office of the Department of Highways of the State of Idaho and lying over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 32:

-Continued-

CONTINUATION

SCHEDULE A

Order Number: 3014

Beginning at Station 1054+49 of the said highway survey, which station is a point on circular curvature approximately 1810.0 feet South from the Northwest corner of Section 32;
Thence 840.3 feet with a 1°30' curve left, said curve having a central angle of 27°54' to Station 1062+89.3 which station is a point of spiral curvature;
Thence 250.0 feet with a spiral curve left, said curve having a central angle of 1°52'30" to Station 1065+39 which station is a point of tangent;
Thence South 58°31' East on tangent 66.6 feet to Station 1066+05.9 which station is a point of spiral curvature;
Thence 400.00 feet with a spiral curve right, said curve having a central angle of 8°00' to Station 1070+05.9 which station is a point circular curvature;
Thence 1392.1 feet with a 4°00' curve right, said curve having a central angle of 63°15' to Station 1083+98, which station is a point of circular curvature approximately 1320.0 feet North and 872.0 feet East from the South Quarter corner of Section 32.

ALSO EXCEPTING:

Additional irregular strips of land adjacent and contiguous to and on both side of the above described right of way as follows:

On the Northeasterly side, being 30.0 feet wide at the West line of said Section 32, continuing 30.0 feet wide to Station 1064+00 widening to 115.0 feet wide at Station 1065+00 continuing 115.0 feet wide to Station 1066+05.9 and tapering to 0.0 feet wide at Station 1067+00 on the Southwesterly said being 0.0 feet at Station 1070+05.9 and widening to 15.0 feet wide at Station 1071+00 and continuing 15.0 feet wide to the South line of the NE¼SW¼ of said Section 32. A strip of land approximately 30.0 feet wide and approximately 150.0 feet in length, being approximately 75.0 feet on the Westerly side and approximately No 1035+85 of highways as surveyed and shown on the official plat of U.S. Highway No. 30 Project No. F-2361 (5) Highway Survey on file in the office of the Department of Highway of the State of Idaho and lying over and across a portion of the NE¼NE¼ of Section 31.

EXCEPTING from the W½ of NW¼ of said Section 32 the following:

Commencing at the Northwest corner of said Section 32, from which the West one quarter (W¼) corner bears South 00°14'47" East 2634.12 feet;
Thence South 00°14'47" East along the West boundary of the NW¼ of Section 32 for a distance of 1359.40 feet to a point on the centerline of Old Highway U.S. 30, said point being on the arc of a curve and being the TRUE POINT OF BEGINNING;
Thence Northeasterly along the centerline of Old Highway U.S. 30 on the arc of the curve left for a distance of 227.94 feet to the point of tangent, said arc having a radius of 220.0 feet and a long chord bearing and distance of North 33°00'45" East 217.88 feet;
Thence North 03°19'50" East along the center line of Old Highway U.S. 30 for a distance of 254.74 feet to the intersection with the centerline of an existing county road, said intersection being the point of curve of a curve left of the existing county road;
Thence Southeasterly along the centerline of the existing county road on the arc of a curve left for a distance of 593.46 feet to the point of tangent, said arc having a radius of 365.5 feet and a long chord bearing and distance of South 43°11'05" East 530.38 feet;
Thence South 89°42'00" East along the centerline of the existing county road and a distance of 174.10 feet;
Thence leaving the centerline of the existing county road on a bearing of South 39°26'00" West for a distance of 436.04 feet;
Thence North 89°02'00" West for a distance of 365.45 feet to a point on the West boundary of the NW¼ of Section 32;
Thence North 00°14'47" West along the West boundary of the NW¼ of Section 32 for a distance of 281.11 feet to the TRUE POINT OF BEGINNING.

-Continued-

CONTINUATION

SCHEDULE A

Order Number: 3014

PARCEL NO. 4:

Easement for Public Utilities and Landscaping 10 feet wide adjacent, parallel to and South of Banbury Road lying within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31 and within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, Township 8 South, Range 14 East Boise Meridian, Twin Falls County, Idaho.

ALSO EXCEPTING a parcel of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Township 8 South, Range 14 East, Boise Meridian, Twin Falls County, Idaho, more particularly described as follows:

Beginning at the southeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence South 89°53'50" West a distance of 229.00 feet along the southerly boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence North 23°34'33" West a distance of 211.18 feet;

Thence North 25°11'51" East a distance of 200.59 feet to the center of a county road;

Thence Southerly along the center of said county road the following courses and distances:

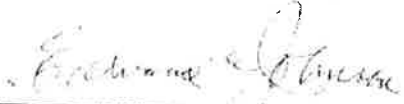
South 35°18'32" East a distance of 264.31 feet;

Thence South 30°29'06" East a distance of 72.47 feet;

Thence South 24°00'19" East a distance of 72.15 feet;

Thence South 17°21'3" East a distance of 31.00 feet to the point of beginning.

The undersigned hereby approve this additional exception to legal description and authorize Land title and Escrow to re-record Warranty Deed and Mortgage recorded on file no. 3014 / Escrow No. 327847 to include this additional description









State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 5, 2020

Cathy R. Brown
4799A River Road
Buhl, ID 83316

RE: Application for Permit

Dear Ms. Brown:

The Department of Water Resources recently received a water right application in the name of 4799A River Road LLC that you filed with our office as their representative. Preliminary review of the application indicates that it cannot be processed as submitted. There are issues with the application that need to be addressed before processing can continue. The required information is described below.

First of all, the application was signed by Jay C. Hormel as managing member of the LLC. The Department actually requires an applicant to submit a list of corporate, or partnership officers, directors and partners and corresponding addresses to the Department with an application for permit. I researched 4799A River Road LLC on the Idaho Secretary of State (SOS) website to verify if the individual that signed the application for permit is authorized to sign for the company. According to the information available on the SOS website, Justin Dituri and J. Dee May are the only individuals listed on the Certificate of Organization Limited Liability Company document on file with the SOS (see enclosure). At this time, the Department will require either the application be signed by Mr. Dituri or J. Dee May, or submission of documentation indicating Mr. Hormel is authorized to sign on behalf of the company.

On line 5, the application indicates the application is for 0.04 cfs for heating and on the grid under line 9b there is a D indicating domestic use also, indicating the application is for 0.04 cfs for both heating and domestic use. An application for permit for any uses other than domestic use cannot be processed per the Banbury Hot Springs Ground Water Management Area Final Order dated 8/4/2011. If you submit written correspondence (an email would suffice) to the Department indicating that the use listed on line 5 should be domestic and not heating, that correction can be made to the application.

Per mine and Corey Skinner's telephone conversations with you, we both indicated that some form(s) of evidence that the well was drilled and in use for domestic purposes prior to the Banbury Hot Springs Ground Water Management Area Final Order dated 8/4/2011 would need to be provided with the application. All that was provided was a well log that may or may not be associated with this property. Without better evidence of when the well was established and evidence of when beneficial use was established and utilized on the property this application cannot be processed. Please note that photographs dated prior to 8/4/2011 or aerial photos can be considered evidence.

Additionally, on line 2a the application indicates that the Department should send all

correspondence to you, representative, however neither is checked on line 2b, therefore the Department has no indication of what capacity you are acting as representative. Since, you didn't sign the application, I am assuming the first box should be checked indicating that you, as representative, can submit information but are not authorized to sign for the applicant. Please indicate in some form of written correspondence which box on line 2b should be checked.

In summary, the Department requires evidence the individual that signed the application is authorized to sign on behalf of the company or a signature from Jim Dituri; additional evidence of development and domestic beneficial use prior to the order and correspondence in regards to the heating use listed on line 5, and which box should be checked on line 2b.

I will hold the application for permit 30 days from the date of this letter to give you sufficient time to submit the requested information and other documentation to the Department. If the requested items are not received within 30 days, I will return the application to you and process a request to refund the submitted fees.

Please feel free to contact me by phone, (208) 736-3033, or by email, william.mills@idwr.idaho.gov, if you have any questions.

Sincerely,



Bill Mills

Sr. Water Resource Agent
Southern Regional Office

Enclosures