

RECEIVED

NOV 18 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
PD 43-10039	43-13608 43-13609	X			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Philip F. Wheeler and Dorothy Wheeler
102 South 2250 East
Declo, ID 83323
4. New Owner/Claimant(s) ADTD Farms, LLC, an Idaho limited liability company
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or ☐
- New Mailing Address 246 East 300 South
- City, State and ZIP Code Burley, ID 83318
- New Telephone Number ()

SUPPORT DATA

5. Date you acquired the property

November 17, 2008

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>43-10039</u>		
Irrigation		
Stock	.01 cfs	
Domestic	.03 cfs	
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims. ADTD Farms, LLC an Idaho limited liability company

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature] Date 11/18/2008
 Received by [Signature] Date 12/2/08
 Processed by AJ Date _____

Receipt Amt. \$350 (fee = \$100)Receipt No. 5030564WR TFDate 12/3/2008

 Per tracking

PLEASE RETURN TO:

Robert E. Farnam, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
Idaho Falls, Idaho 83405

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
2:56:46 pm 11-17-2008
2008-006285
NO. PAGES: 3 FEE: \$9.00
LARRY A. NICKELSEN
COUNTY CLERK
DEPUTY: VIKI
This area for Recorder's use only.

GRANT DEED

THIS INDENTURE is made this 17th day of November, 2008, between Philip F. Wheeler and Dorothy Wheeler, husband and wife, of Declo, County of Cassia, State of Idaho, the "Grantor", and ADTD Farms, LLC whose mailing address is 246 East 300 South, Burley, ID 83318, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described property in the County of Cassia, State of Idaho, to-wit:

Township 10 South, Range 26 East of the Boise Meridian, Cassia County, Idaho
Section 36: Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36;
Thence West 230 feet along section line to a point;
Thence South 225 feet to a point;
Thence East 230 feet to a point on East line of said Section 36;
Thence North along east section line for 225 feet to the True Point of Beginning.

EXCEPTING THEREFROM, the following described tract:

A parcel of land being on the South side of the centerline of Project No. STP-2837(100), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 36; Beginning at the Northeast corner of Section 36, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project centerline which shall be the Point of Beginning;

Thence North 89°56'03" West along the North boundary of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36 for a distance of 70.104 meters (230.00 feet) Station 60+97.612, 1.342 meters (4.40 feet) right of said Project centerline;

Thence South 00°28'14" East for a distance of 10.850 meters (35.60 feet) Station 60+97.613, 12.192 meters (40.00 feet) right of said Project centerline;

Thence North 89°32'10" East and being parallel with the centerline of said Project for a distance of 70.101 meters (229.99 feet) to a point on the East boundary of the NE ¼ NE ¼ of said Section 36, Station 61+67.714, 12.192 meters (40.00 feet) right of said Project centerline;
Thence North 00°28'14" West along the East boundary of the NE ¼ NE ¼ of Section 36 for a distance of 10.202 meters (33.47 feet) to the Northeast corner of said Section 36 which is the Point of Beginning.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Seller.

ALSO TOGETHER WITH all water rights appurtenant thereto.

SUBJECT TO:

1. Agreement For Electric Service (Irrigation) between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Phil and/or Dorothy Wheeler, dated May 4, 1989 and recorded May 23, 1989 as Instrument No. 202035 on Film No. 207, records of Cassia County, Idaho. (Covers NE ¼ of Section 36, Township 10 South, Range 26 East of the Boise Meridian. Location of Well: NE ¼ NE ¼ of Section 36 as above described)
2. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Phillip F. Wheeler, dated March 3, 1994 and recorded March 15, 1994 as Instrument No. 229614 on Film No. 253, records of Cassia County, Idaho. (Covers NE ¼ of Section 36, Township 10 South, Range 26 East of the Boise Meridian)

ALSO SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

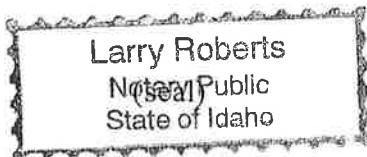
Philip F. Wheeler
Philip F. Wheeler, Grantor

Dorothy Wheeler
Dorothy Wheeler, Grantor

STATE OF IDAHO)
)ss.
County of Cassia)

On the 17th day of November, 2008, before me, the undersigned, a notary public in and for said State, personally appeared Philip F. Wheeler and Dorothy Wheeler, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Larry Roberts
Notary Public for Idaho
Residing at: Burley, ID
My Commission Expires: 6.30.09

G:\WPDATA\REF\15099\Farm Sale\Deed.Grant.House.wpd;jh

PLEASE RETURN TO:

Robert E. Farnam, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
Idaho Falls, Idaho 83405

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
2:56:45 pm 11-17-2008
2008-006284
NO. PAGES: 12 FEE: \$36.00
LARRY A. NICKELSEN
COUNTY CLERK
DEPUTY: UJKI
This area for Recorder's use only.

GRANT DEED

THIS INDENTURE is made this 17th day of November, 2008, between The Philip F. Wheeler Limited Partnership of Declo, County of Cassia, State of Idaho, the "Grantor", and ADTD Farms, LLC whose mailing address is 246 East 300 South, Burley, ID 83318, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described property in the County of Cassia, State of Idaho, to-wit:

PARCEL NO. 1:

Township 10 South, Range 26 East of the Boise Meridian, Cassia County, Idaho
Section 25: S ½ S ½

EXCEPTING THEREFROM, the following described tracts:

A parcel of land being on the North side of the centerline of Project No. STP-2837 (100), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the SW ¼ and the SE ¼ of Section 25, Township 10 South, Range 26 East, Boise Meridian, described as follows: Beginning at the Southwest corner of said Section 25, Station 45+59.530, 8.578 meters (28.14 feet) left of said Project centerline;

Thence North 89°48'38" East along the South boundary of Section 25 for a distance of 804.633 meters (2639.87 feet) to the S ¼ corner of said Section 25, Station 53+64.162, 5.441 meters (17.85 feet) left of said Project centerline;

Thence South 89°56'03" East along the South boundary of Section 25 for a distance of 803.586 meters (2636.44 feet) to the Southeast corner of Section 25, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project centerline;

Thence North 00°29'01" West along the East boundary of the SE ¼ of said Section 25 for a distance of 14.182 meters (46.53 feet) Station 61+67.708, 12.192 meters (40.00 feet) left of said Project centerline;

Thence South 89°32'10" West and being parallel with the centerline of said Project for a distance of 803.547 meters (2636.30 feet) to a point on the West boundary of the SE ¼ of said Section 25, Station 53+64.162, 12.192 meters (40.00 feet) left of said Project centerline;

Thence South 89°35'14" West and being parallel with the centerline of said Project for a distance of 804.624 meters (2639.84 feet) to a point on the West boundary of the SW ¼ of said Section 25, Station 45+59.527, 12.192 meters (40.00 feet) left of said Project centerline;

Thence South 00°27'27" East along the West boundary of the SW ¼ of said Section 25 for a distance of 3.614 meters (11.86 feet) to the Point of Beginning.

PARCEL NO. 2:

Township 10 South, Range 26 East of the Boise Meridian, Cassia County, Idaho
Section 26: Part of the SE ¼ SE ¼, more particularly described as follows:

Beginning at the Southeast corner of said Section 26, said corner marked by a U.S. General Land Office Pipe with brass cap which shall be the Point of Beginning; Thence North 0°27'21" West for 96.21 feet (rec as 96.22 feet);

Thence South 89°58'05" West for 401.24 feet;

Thence South 00°01'55" East for 6.82 feet;

Thence South 89°49'54" West for 27.65 feet;

Thence South 00°24'19" East for 89.36 feet;

Thence North 89°57'52" East for 429.02 feet (rec as 428.94 feet).

EXCEPTING THEREFROM, that portion deeded to the Burley Highway District.

PARCEL NO. 3:

Township 10 South, Range 26 East of the Boise Meridian, Cassia County, Idaho
Section 36: N ½, N ½ S ½

EXCEPTING THEREFROM, the following described tracts:

Tract No. 1:

Beginning at the Northeast corner of the NE ¼ NE ¼ of said Section 36; Thence West 230 feet along section line to a point;

Thence South 225 feet to a point;

Thence East 230 feet to a point on East line of said Section 36;

Thence North along East section line for 225 feet to the True Point of Beginning.

Tract No. 2:

A parcel of land being on the South side of the centerline of Project No. STP-2837 (100), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the NW ¼ and the NE ¼ of Section 36, Township 10 South, Range 26 East, Boise Meridian, described as follows:

Beginning at the Northwest corner of Section 36, Station 45+59.530, 8.578 meters (28.14 feet) left of Project centerline;

Thence North 89°48'38" East along the North boundary of the NW ¼ of said Section 36 for a distance of 73.457 meters (241.00 feet) Station 46+32.986, 8.291 meters (27.20 feet) left of said Project centerline and being the True Point of Beginning;

Thence North 89°48'38" East along the North boundary of the NW ¼ of said Section 36 for a distance of 731.176 meters (2398.87 feet) to the N ¼ corner of said Section 36, Station 53+64.162, 5.441 meters (17.85 feet) left of said Project centerline;

Thence South 89°56'03" East along the North boundary of the NE ¼ of said Section 36 for a distance of 733.482 meters (2406.43 feet) Station 60+97.612, 1.342 meters (4.40 feet) right of said Project centerline;

Thence South 00°28'14" East for a distance of 10.850 meters (35.60 feet) Station 60+97.613, 12.192 meters (40.00) feet right of said Project centerline;

Thence South 89°32'10" West and being parallel with the centerline of said Project for a distance of 733.510 meters (2406.52 feet) to a point on the West boundary of the NE ¼ of said Section 36, Station 53+64.115, 12.192 meters (40.00 feet) right of said Project centerline;

Thence South 89°35'14" West and being parallel with the centerline of said Project for a distance of 731.208 meters (2398.97 feet) Station 46+32.906, 12.192 meters (40.00 feet) right of said Project centerline;

Thence North 00°11'22" West for a distance of 20.483 meters (67.20 feet) to the True Point of Beginning.

Tract No. 3:

A parcel of land being on the South side of the centerline of Project No. STP-2837 (100), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of the NW ¼ NW ¼ of Section 36, Township 10 South, Range 26 East, Boise Meridian, described as follows:

Beginning at the Northwest corner of Section 36, Station 45+59.530, 8.578 meters (28.14 feet) left of said Project centerline;

Thence North 89°48'38" East along the North boundary of the NW ¼ NW ¼ of said Section 36 for a distance of 34.138 meters (112.00 feet) Station 45+93.667, 8.444 meters (27.70 feet) left of said Project centerline;

Thence South 00°1'22" East for a distance of 20.637 meters (67.71 feet) Station 45+93.586, 12.192 meters (40.00 feet) right of said Project centerline;

Thence South 89°35'14" West and being parallel with the centerline of said Project for a distance of 34.161 meters (112.08 feet) to a point on the West boundary of the NW ¼ NW ¼ of said Section 36, Station 45+59.426, 12.192 meters (40.00 feet) right of said Project centerline;

Thence North 00°07'38" West along the West boundary of NW ¼ NW ¼ of said Section 36, 20.770 meters (68.14 feet) to the Northwest corner of Section 36 and being the Point of Beginning.

Tract No. 4:

Beginning at a point 112 feet East of the Northwest corner of Section 36;

Thence 450 feet South;

Thence 129 feet East;

Thence 450 feet North;

Thence 129 feet West to the Point of Beginning.

Tract No. 5:

Commencing at the Northwest corner of Section 36, marked by a brass cap in a vault;

Thence North 89°48'30" East 241.00 feet along the North boundary of said Section 36 to a point;

Thence South 00°11'27" East 67.20 feet to a point marked by a ½ inch rebar, said point being the True Point of Beginning;

Thence South 00°11'30" East 382.80 feet to a point marked by a ½ inch rebar; Thence North 89°48'30" East 11.00 feet to a point marked by a ½ inch rebar;

Thence North 00°11'30" West 382.84 feet to a point marked by a ½ inch rebar; Thence South 89°34'55" West 11.00 feet to the True Point of Beginning.

Tract No. 6:

Commencing at the Northwest corner of Section 36, marked by a brass cap in a vault;

Thence along the North boundary of said Section North 89°48'30" East 112.00 feet;

Thence South 00°11'30" East 67.71 feet to a point marked by a ½ inch rebar;
Thence South 00°11'30" East 382.29 feet to a point marked by a ½ inch rebar;
Thence North 89°48'30" East 11.00 feet to a point marked by a ½ inch rebar, which point shall be the True Point of Beginning;
Thence North 89°48'30" East 118.00 feet to a point marked by a ½ inch rebar;
Thence North 89°48'30" East 11.00 feet to a point marked by a ½ inch rebar;
Thence South 00°11' 30" East 39.21 feet to a point marked by a 5/8 inch rebar;
Thence South 89°04'04" West 129.01 feet to a point marked by a 5/8 inch rebar;
Thence North 00°11'30" West 40.88 feet to the True Point of Beginning.

PARCEL NO 4:

Township 10 South, Range 26 East of the Boise Meridian, Cassia County, Idaho
Section 36: Part of the NW ¼ NW ¼ , more particularly described as follows:

Commencing at the Northwest corner of Section 36, marked by a brass cap in a vault; Thence along the North line thereof North 89°48'30" East 112.00 feet;
Thence South 00°11'30" East 67.71 feet to a point marked by a ½ inch rebar, said point being the True Point of Beginning;
Thence South 00°11'30" East 382.29 feet to a point marked by a ½ inch rebar;
Thence North 89°48'30" East 11.00 feet to a point marked by a ½ inch rebar;
Thence North 00°11'30" West 382.33 feet to a point marked by a ½ inch rebar;
Thence South 89°34'55" West 11.00 feet to the True Point of Beginning.

PARCEL NO. 5:

Township 10 South, Range 27 East of the Boise Meridian, Cassia County, Idaho
Section 30: A part of Lot 4, more particularly described as follows:

Beginning at the Southwest corner of said Lot 4, which shall be the True Point of Beginning;
Thence North 0°01' West for 208.71 feet along Section line to a point;
Thence South 89°55' East for 208.71 feet to a point;
Thence South 0°01' East for 208.71 feet to a point on section line;
Thence North 89°55' West for 208.71 feet to the True Point of Beginning.

EXCEPTING THEREFROM, the following described tract:

A parcel of land being on the North side of the centerline of Project No. STP-2837 (100), Highway Survey as shown on the plans thereof now on file in the office of the Idaho Transportation Department, Division of Highways, and being a portion of Government Lot 4 of Section 30, Township 10 South, Range 27 East, Boise Meridian, described as follows:

Beginning at the Southwest corner of said ^{*Section} 30, Station 61+67.712, 1.990 meters (6.53 feet) right of said Project centerline;

Thence North 89°37'26" East along the South boundary of said Section 30 for a distance of 63.505 meters (208.35 feet) Station 62+31.217, 2.108 meters (6.92 feet) right of said Project centerline;

Thence North 00°26'47" West for a distance of 14.300 meters (46.92 feet) Station 62+31.226, 12.192 meters (40.00 feet) left of said Project centerline;

Thence South 89°31'05" West and being parallel with the centerline of said Project for a distance of 63.514 meters (208.38 feet) to a point on the West boundary of Government Lot 4 of said Section 30, Station 61+67.708, 12.192 meters (40.00 feet) left of said Project centerline;

Thence South 00°29'01" East along the West boundary of Government Lot 4 of said Section 30 for a distance of 14.182 meters (46.53 feet) to the Point of Beginning.

PARCEL NO. 6:

Township 10 South, Range 27 East of the Boise Meridian, Cassia County, Idaho
Section 31: Part of the NW ¼, more particularly described as follows:

Beginning at the W ¼ section corner of Section 31, said corner marked by a U.S. BLM aluminum pipe with cap, which shall be the Point of Beginning:

Thence South 89°55'11" East along the South line of the NW ¼ of Section 31 for a distance of 1394.26 feet;

Thence North 00°00'00" East for a distance of 1365.91 feet;

Thence North 89°51'32" West for a distance of 1369.10 feet to a ½ inch rebar;

Thence North 89°51'32" West for a distance of 25.00 feet to the West section line of the NW ¼ ;

Thence South 00°00'25" West along said section line for a distance of 1367.40 feet to the Point of Beginning.

PARCEL NO. 7:

Township 10 South, Range 27 East of the Boise Meridian, Cassia County, Idaho
Section 31: Part of the NW ¼, more particularly described as follows:

Beginning at the W ¼ section Corner of Section 31, said corner marked by a US BLM aluminum pipe with a cap;

Thence South 89°55'11" East along the South line of the NW ¼ of Section 31 for a distance of 1394.26 feet to the Point of Beginning;

Thence North 00°00'00" East for a distance of 1365.91 feet;

Thence South 89°51'32" East for a distance of 28.52 feet to a ½ inch rebar;

Thence South 00°09'35" East for a distance of 978.70 feet to a ½ inch rebar;

Thence along a non-tangent curve to the right for a distance of 1222.71 feet to a ½ inch rebar on the South line of the NW ¼, said curve having a radius of 1531.45 feet and a central angle of 45°44'41" and a long chord bearing South 70°56'23" East for a distance of 1190.49 feet;

Thence North 89°55'11" West along the South line of the NW ¼ for a distance of 1156.47 feet to the Point of Beginning.

PARCEL NO. 8:

Township 10 South, Range 27 East of the Boise Meridian, Cassia County, Idaho
Section 31: E ½ SW ¼, Lots 3 and 4

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Seller.

ALSO TOGETHER WITH all water rights appurtenant thereto.

SUBJECT TO:

1. Excepting an undivided one-half interest in and to all mineral, oil and gas, and mineral, oil and gas rights, in and to and under said lands, which was reserved by James A. Lewis, John B. Lewis, Helen L. Knedler and Ruth M. Johnson in Warranty Deed recorded December 22, 1960 as Instrument No. 209368, records of Cassia County, Idaho. (Parcel No. 6)
2. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Meinrad Werner, as Consumer, dated March 1, 1961 and recorded March 25, 1964 as Instrument No. 17615

on Film No. 26, records of Cassia County, Idaho. (SE ¼ NE ¼ of Section 36, Township 10 South, Range 26 East of the Boise Meridian).

3. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and W. D. Taylor Livestock, as Consumer, dated April 18, 1972 and recorded September 1, 1972 as Instrument No. 64988 on Film No. 78, records of Cassia County, Idaho. (S ½ SW ¼ of Section 25, Township 10 South, Range 26 East of the Boise Meridian).
4. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and W.D. Taylor Livestock, as Consumer, dated April 18, 1972 and recorded June 11, 1973 as Instrument No. 70661 on Film No. 82, records of Cassia County, Idaho. (S ½ SW ¼ of Section 25, Township 10 South, Range 26 East of the Boise Meridian).
5. Reservation contained in Warranty Deed from Preston R. Allen and Connie W. Allen, husband and wife, and Roland R. Allen and Margaret V. Allen, husband and wife, to Simplot Industries, Inc., dated December 30, 1974, and recorded December 31, 1974 as Instrument No. 80396 on Film No. 93, records of Cassia County, Idaho, which reads as follows: "Reserving unto the Grantors, their heirs and assigns, an undivided one-half interest in and to all mineral, oil, and gas and mineral, oil and gas rights". (Parcel No. 5)
6. Reservation disclosed by Warranty Deed by and between Simplot Industries, Inc., a Utah corporation, and Jakob Schock and Martha Schock, also known as Marcha Schock, husband and wife, dated March 31, 1975 and recorded April 10, 1975 as Instrument No. 82448 on Film No. 94, records of Cassia County, Idaho, which reads as follows: "subject to a 25.0 foot wide county road right-of-way along the West side." (Portion Parcel No. 6)
7. Agreement For Purchase of Power between the Raft River Rural Electric Cooperative, Inc., and Philip Wheeler/Dorothy Wheeler, (Spouse) dated September 29, 1978 and recorded June 6, 1979 as Instrument No. 117424 on Film No. 126, records of Cassia County, Idaho. (Covers S ½ SE ¼ Section 25, Township 10 South, Range 26 East of the Boise Meridian)

8. Agreement For Purchase of Power between the Raft River Rural Electric Cooperative, Inc., and Philip Wheeler/Dorothy Wheeler, (Spouse), dated September 29, 1978 and recorded June 6, 1979 as Instrument No. 117425 on Film No. 126, records of Cassia County, Idaho. (Covers S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25, Township 10 South, Range 26 East of the Boise Meridian)
9. Reservation disclosed by Warranty Deed from Leopold Schock, Lore Muench, Oskar Schock and Edmund Schock, to Philip Wheeler, dated April 26, 1982 and recorded May 13, 1982 as Instrument No. 143305 on Film No. 149, records of Cassia County, Idaho, which reads as follows: "SUBJECT TO a 25.0 foot wide county road right-of-way along the West side." (Portion Parcel No. 8)
10. Agreement For Electric Service (Irrigation) between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Philip Wheeler and Dorothy Wheeler, dated April 15, 1985 and recorded June 13, 1985 as Instrument No. 170273 on Film No. 173, records of Cassia County, Idaho. (Covers W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, Township 10 South, Range 26 East of the Boise Meridian, Well located on NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 36 as above listed)
11. Agreement For Electric Service (Irrigation) between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Phil and Dorothy Wheeler, dated April 1, 1989 and recorded May 4, 1989 as Instrument No. 201679 on Film No. 206, records of Cassia County, Idaho. (Covers SE $\frac{1}{4}$ of Section 26, Township 10 South, Range 26 East of the Boise Meridian. Location of Well: SE $\frac{1}{4}$ of Section 26, as above described)
12. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta and Phillip F. Wheeler, LTD, Partnership dated February 26, 1997 and recorded March 17, 1997 as Instrument No. 247931 on Film No. 285, records of Cassia County, Idaho. (Covers: S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 10 South, Range 26 East of the Boise Meridian; Well: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 10 South, Range 26 East of the Boise Meridian)
13. Reserving an undivided one-half interest in and to all mineral, oil and gas, and mineral, oil and gas right as disclosed by Warranty Deed executed by J. R. Simplot Company, a Nevada corporation, successor

by merger to Simplot Industries, Inc., a Utah corporation, to Sun Valley Agribusiness Partners, L.L.C., dated January 26, 2000 and recorded February 11, 2000 as Instrument No. 267355, records of Cassia County, Idaho. (Parcel No. 7)

14. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Ronald A. Aches, Amy E. Aches, h/w and Clair D. Bosen, Viola L. Bosen h/w dated April 21, 2000 and recorded May 26, 2000 as Instrument No. 269463, records of Cassia County, Idaho. (Covers S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 30, Township 10 South, Range 27 East of the Boise Meridian)
15. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Philip F. Wheeler, LMTD, dated January 31, 2001 and recorded February 28, 2001 as Instrument No. 273701, records of Cassia County, Idaho. (Covers SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 10 South, Range 26 East of the Boise Meridian).
16. Effects of Cassia County Planning and Zoning Commission, Resolution No. 2007-03-01, establishing a confined animal feeding operation, dated March 1, 2007, and recorded March 2, 2007 as Instrument No. 314237, records of Cassia County, Idaho. (Affects SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 10 South, Range 27 East of the Boise Meridian, and additional property not included herein.)
17. Reservation disclosed by Warranty Deed, from Cassia Creek Farms LLC, an Idaho limited liability company, to Philip F. Wheeler Limited Partnership, an Idaho limited partnership, dated May 1, 2007 and recorded September 17, 2007 as Instrument No. 2007-318299, records of Cassia County, Idaho, which reads as follows: "RESERVING unto the Grantors their successors and/or assigns, State of Idaho water right No. 43-13351." (Parcel No. 7)
18. Reservation disclosed by Warranty Deed, from Michael P. Wheeler and Diana M. Wheeler, husband and wife, to Philip F. Wheeler Limited Partnership, dated November 15, 2007 and recorded March 12, 2008 as Instrument No. 2008-001591, records of Cassia County, Idaho, which reads as follows: "Grantors, however, expressly reserve to themselves, their heirs, executors, personal representatives, and assigns, an easement in and to the above-described property to be used as a joint

driveway between the property of Grantors and the property of Grantee for ingress and egress to and from Grantor's property adjoining the above-described property on the West and Grantors agree to the joint use of the driveway by Grantee."

ALSO SUBJECT to all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.



Philip F. Wheeler, Partner, Grantor

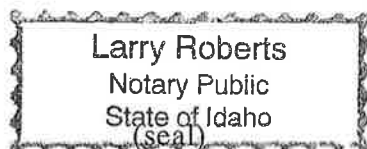


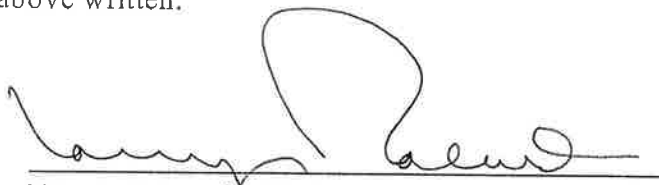
Dorothy Wheeler, Partner, Grantor

STATE OF IDAHO)
) ss.
County of Cassia)

On this 17th day of November, 2008, before me, the undersigned, a notary public, in and for said state, personally appeared Philip F. Wheeler, known or identified to me to be one of the partners in the partnership of the Philip F. Wheeler Limited Partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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



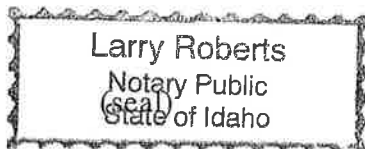


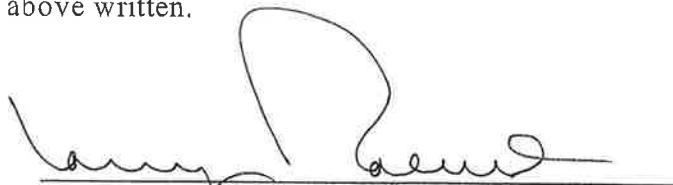
Notary Public for Idaho
Residing at: Burley, ID
My Commission Expires: 6.30.09

STATE OF IDAHO)
) ss.
County of Cassia)

On this 17th day of November, 2008, before me, the undersigned, a notary public, in and for said state, personally appeared Dorothy Wheeler, known or identified to me to be one of the partners in the partnership of the Philip F. Wheeler Limited Partnership, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said partnership name.

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





Notary Public for Idaho
Residing at: Burley, ID
My Commission Expires: 6.30.09

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