

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 13 2014

Department of Water Resources  
Eastern Region

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Twin Rivers Dairy, Inc. Phone 208-406-6739

Mailing address 326 Maple Creek Road, Franklin, ID 83237 Email \_\_\_\_\_

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

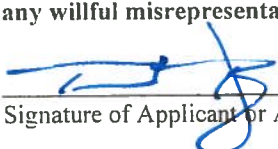
☐ No Representative

Name of Representative T.J. Budge, RACINE OLSON Phone 208-232-6101

Mailing address PO Box 1391, Pocatello, ID 83204 Email tjb@racinelaw.net

- ☐ 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.
- ☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 or Authorized Representative

T.J. Budge, Attorney  
Print Name and Title if applicable

April , 2014  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

### A. PURPOSE OF TRANSFER

- ☐ Change point of diversion  
☒ Change nature of use

☒ Add diversion point(s)  
☒ Change period of use

☒ Change place of use  
☐ Other \_\_\_\_\_
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

The Applicant has purchased a 16.2 acre portion of water right 13-2236 to be changed from irrigation to commercial use and transferred to Applicant's dairy.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 13-2236      | 0.22 / 56.7           | Commercial    | 1/1 to 12/31  | Groundwater        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

**RECEIVED**

**AUG 22 2014**

Department of Water Resources  
Eastern Region

Total authorized under rights 0.22 cfs and/or 56.7 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.22 cubic feet per second and/or 56.7 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County   | Source      | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|----------|-------------|---------------------|
|       |     |   | NE | SW | 16  | 16S | 40E | Franklin | Groundwater | Existing well       |
|       |     |   | SE | SW | 16  | 16S | 40E | Franklin | Groundwater | Existing well       |
|       |     |   |    |    |     |     |     |          |             |                     |
|       |     |   |    |    |     |     |     |          |             |                     |
|       |     |   |    |    |     |     |     |          |             |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 16S | 40E | 16  |      |    |    |    |      |    |    |    | C    | C  | C  | C  |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Acres (for irrigation use)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
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| All or Part<br><input type="checkbox"/> <input checked="" type="checkbox"/> | 13-2236      | 0.22 / 56.7           | Commercial    | 1/1 to 12/31  | Groundwater        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

SUPERCEDED

Total authorized under rights 0.22 cfs and/or 56.7 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.22 cubic feet per second and/or 56.7 acre-feet per annum.

3. Point(s) of Diversion:

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- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County   | Source      | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|----------|-------------|---------------------|
|       |     |   | NE | SW | 16  | 16S | 40E | Franklin | Groundwater | Existing well       |
|       |     |   |    |    |     |     |     |          |             |                     |
|       |     |   |    |    |     |     |     |          |             |                     |
|       |     |   |    |    |     |     |     |          |             |                     |
|       |     |   |    |    |     |     |     |          |             |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 16S | 40E | 20  |      |    |    |    |      |    |    |    | C    | C  | C  | C  |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Acres (for irrigation use)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:  
Existing groundwater well with 25 HP pump. Measuring device and lockable controlling works can be added if required in the future.
- b. Who owns the property at the point(s) of diversion? Applicant  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
16.2 acres of land will cease being irrigated, as identified on Attachment 7A & 7B.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:  
Commercial use under water right no. 13-2181.
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- Yes No
- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

**B. CHANGES IN NATURE OF USE (Water Balance)**

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

**C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS**

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

**FOR DEPARTMENT USE ONLY**

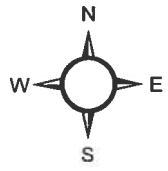
Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$500.00 Date 5-13-14 Received by KM Receipt # E039825

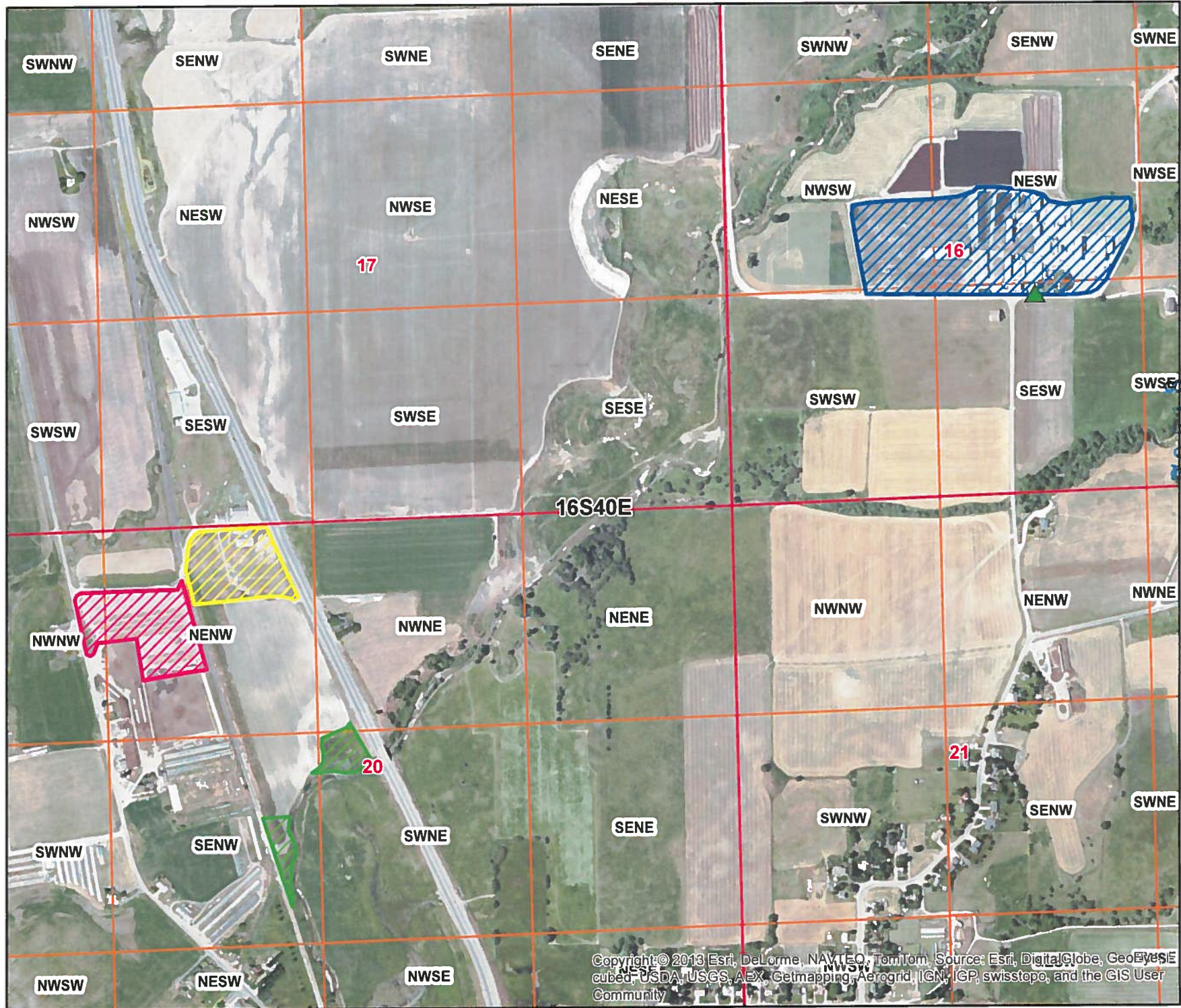
Add'l fee paid 250.00 Date 6/24/14 Received by Se Receipt # E039970

# Attachment 7A & 7B



**Legend**

- New POD
- Old POU (2.8)
- Old POU (7.3)
- Old POU (6.1)
- New POU
- TR Lines
- Section Lines
- Quarters



243175 1-12

Recorded at the request of

Douglas Rallisona.m. OCT 16 2008 p.m. 1:45

V. ELLIOTT LARSEN, RECORDER

By Ruth Rauling Deput  
FRANKLIN COUNTY, IDAHO

## WARRANTY DEED

For Value Received, Rallison's Double "R" Farms, Inc.,  
N/K/A Twin Rivers Dairy, Inc.

Hereinafter called the Grantors, hereby grant, bargain, sell and convey unto

Twin Rivers Dairy, Inc.

whose address is: 326 Maple Creek Road, Franklin Idaho 83237

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

See attached legal description

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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: 9/15/08

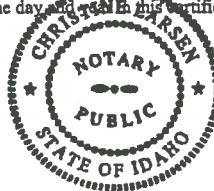
Douglas Roy Rallison  
Sherrie L. Rallison

David J. Rallison  
Sherri D. Rallison

State of IDAHO

County of Franklin

On this 15 day of September, 2008, before me, a Notary Public in and for said State, personally appeared Douglas Roy, David J., Sherrie L., Sherri D. Rallison known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same. In witness whereof I have set my hand and affixed my official seal the day and year first above written.



Christine Larsen  
Notary Public State of Idaho  
Residing at: Preston  
Commission Expires: 2-19-2014

79518

Township 16 South, Range 40 East of the Boise Meridian,  
Franklin County, Idaho

Section 16: Commencing at a point which is 145 feet South and North 87°46' West 468 feet from the Northeast corner of Southwest quarter of said Section 16, running thence South 1°36' West 675 feet; thence North 87°46' West 700 feet; thence North 3°47' East 675 feet; thence North 87°47' East 675 feet to the place of beginning.

ALSO, Commencing at a point 820 feet South of the Northeast corner of the Southwest quarter of Section 16, running thence South 278 feet; thence South 35° West 348.75 feet; thence South 1°08' East 107 feet; thence North 88°22' West 297 feet; thence North 1°13' East 671 feet; thence South 87°47' East 487 feet to the place of beginning.

ALSO, Beginning at a point which is South 820 feet and North 87°46' West 487 feet of the Northeast corner of the Southwest Quarter of said Section 16, and running thence North 87°46' West 335 feet; thence South 2°3' West 678 feet; thence South 88°22' East 340 feet; thence North 1°13' East 671 feet to the place of beginning. EXCEPTING a right-of-way one rod wide and running East and West along the South boundary and lying on the North side of said South boundary line.

EXCEPTING: Beginning at a point 1491 feet South and 627 feet North 88°22' West from the Northeast corner of the Southwest Quarter of Section 16, running thence North 1°13' East 260 feet; thence South 88°22' East 544 feet; thence South 35° West 186.7 feet; thence South 1°08' East 107 feet; thence North 88°22' West 437 feet to the place of beginning.

Township 16 South, Range 40 East of the Boise Meridian

Section 16: Beginning at a point 1491 feet South and 627 feet North 88°22' West from the Northeast corner of the Southwest Quarter of Section 16, running thence North 1°13' East 260 feet; thence South 88°22' East 544 feet; thence South 35° West 186.7 feet; thence South 1°08' East 107 feet; thence North 88°22' West 437 feet to the place of beginning.

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 16: Commencing 820 feet South and North 87°46' West 822 feet from the Northeast corner of the Southwest Quarter of said Section 16, and running thence North 87°46' West 1320 feet; thence South 321 feet; thence South 87°34' East 1310 feet; thence North 2°03' East 308 feet to the place of beginning.

ALSO, Commencing 1268 feet North and South 87°53' East 1268 feet from the Southwest corner of Section 16, and running thence North 3°41' East 341 feet; thence South 88°34' East 525.5 feet; thence South 2°03' West 337 feet, thence North 87°53' West 564 feet to the place of beginning.

EXCEPTING a right of way one rod wide running East and West along the South boundary line of above-described tract and lying on the North side of said South Boundary line.

ALSO, beginning 1288 feet North of the Southwest corner of Section 16, and running thence South 87°53' East 1268 feet; thence North 3°41' East 374 feet; thence North 87°34' West 1294.5 feet, more or less, to the West line of said Section 16; thence along said West line 365 feet, more or less, to the place of beginning.

ALSO, Beginning at a point 990 feet South of the Northwest corner of the Southwest Quarter of Section 16, and thence running South 87°34' East 527 feet; thence North 321 feet; thence South 87°46' East 955 feet; thence North 3°47' East 750 feet to the North line of said Quarter Section; thence South 89°18' West along said Quarter Section line 983 feet; thence South 1°45' West 442.5 feet; thence South 73°45' West 429 feet; thence South 3°30' West 206 feet; thence South 67°30' West 119 feet to a point on said West line of Quarter Section, North of the place of beginning; thence South on said West line 184 feet, more or less, to the place of beginning.

243175

4-12  
Recorded at the request ofOrval J. Rallison

188162

#289 01 20957

1-2

11:10 a.m. MAY 06 1993 p.m.

## WARRANTY DEED

LARA E. JOHNSON, RECORDER

By SARAH L. HOO Deputy  
FRANKLIN COUNTY, IDAHO

## FOR VALUE RECEIVED

ORVAL J. RALLISON and VAUNDA RALLISON, husband and wife,  
the grantors, do hereby grant, bargain, sell and convey unto  
RALLISON'S DOUBLE "R" FARMS, INC., an Idaho Corporation,  
whose current address is: c/o Orval J. Rallison, Secretary  
3487 East 3800 South  
Franklin, Idaho 83237  
the grantee, the following described premises, in Franklin County,  
Idaho, to-wit:

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

TO HAVE AND TO HOLD the said premises, with their  
appurtenances unto the said Grantee, its heirs and assigns forever.  
And the said Grantors do hereby covenant to and with the said  
Grantee, that they are the owners in fee simple of said premises;  
that they are free from all encumbrances and that they will warrant  
and defend the same from all lawful claims whatsoever.

DATED this 5th day of May, 1993.

Orval J. Rallison  
ORVAL J. RALLISONVaunda O. Rallison  
VAUNDA RALLISON

STATE OF IDAHO )  
COUNTY OF FRANKLIN ) ss.

On this 5th day of May, 1993, before me, a Notary Public in  
and for said State, personally appeared ORVAL J. RALLISON and  
VAUNDA RALLISON, 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.

Dennis J. Anderson  
NOTARY PUBLIC

Residing at: Preston, Idaho  
My Commission Expires: 7-7-94

WARRANTY DEED - Page 1

79518

243175 5-12  
188162

Recorded at the request of  
Orval J. Rallison

11:10 a.m. MAY 06 1993 p.m.

WARRANTY DEED

LERAE E. JOHNSON, RECORDER

By Sharon HOO Deputy  
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

ORVAL J. RALLISON and VAUNDA RALLISON, husband and wife,  
the grantors, do hereby grant, bargain, sell and convey unto  
RALLISON'S DOUBLE "R" FARMS, INC., an Idaho Corporation,  
whose current address is: c/o Orval J. Rallison, Secretary  
3487 East 3800 South  
Franklin, Idaho 83237

the grantee, the following described premises, in Franklin County,  
Idaho, to-wit:

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

TO HAVE AND TO HOLD the said premises, with their  
appurtenances unto the said Grantee, its heirs and assigns forever.  
And the said Grantors do hereby covenant to and with the said  
Grantee, that they are the owners in fee simple of said premises;  
that they are free from all encumbrances and that they will warrant  
and defend the same from all lawful claims whatsoever.

DATED this 5th day of May, 1993.

Orval J. Rallison  
ORVAL J. RALLISON

Vaunda O. Rallison  
VAUNDA RALLISON

STATE OF IDAHO )  
COUNTY OF FRANKLIN ) ss.

On this 5th day of May, 1993, before me, a Notary Public in  
and for said State, personally appeared ORVAL J. RALLISON and  
VAUNDA RALLISON, 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.

Bonnie H. Johnson  
NOTARY PUBLIC  
Residing at: Preston, Idaho  
My Commission Expires: 7-7-94

WARRANTY DEED - Page 1

79518

188162

243175 6-12

25

## EXHIBIT "A"

Township 16 South, Range 40 East of the Boise Meridian,  
Franklin County, Idaho

Section 16: Commencing at a point which is 145 feet South and North 87°46' West 468 feet from the Northeast corner of Southwest quarter of said Section 16, running thence South 1°36' West 675 feet; thence North 87°46' West 700 feet; thence North 3°47' East 675 feet; thence North 87°47' East 675 feet to the place of beginning.

ALSO, Commencing at a point 820 feet South of the Northeast corner of the Southwest quarter of Section 16, running thence South 278 feet; thence South 35° West 348.75 feet; thence South 1°02' East 107 feet; thence North 88°22' West 297 feet; thence North 1°13' East 671 feet; thence South 87°47' East 487 feet to the place of beginning.

ALSO, Beginning at a point which is South 820 feet and North 87°46' West 487 feet of the Northeast corner of the Southwest Quarter of said Section 16, and running thence North 87°46' West 335 feet; thence South 2°3' West 678 feet; thence South 88°22' East 340 feet; thence North 1°13' East 671 feet to the place of beginning. EXCEPTING a right-of-way one rod wide and running East and West along the South boundary and lying on the North side of said South boundary line.

EXCEPTING: Beginning at a point 1491 feet South and 627 feet North 88°22' West from the Northeast corner of the Southwest Quarter of Section 16, running thence North 1°13' East 260 feet; thence South 88°22' East 544 feet; thence South 35° West 186.7 feet; thence South 1°08' East 107 feet; thence North 88°22' West 437 feet to the place of beginning.

243175 7-12

#2869.00 209571

209571 <sup>1-2</sup>

Recorded at the request of

Orval J. Rallison

10:30 a.m. APR 12 2000 p.m.

**WARRANTY DEED**

**FOR VALUE RECEIVED**

V. ELLIOTT LARSEN, RECORDER  
By Camille Larsen Deputy  
FRANKLIN COUNTY, IDAHO

**ORVAL J. RALLISON and VAUNDA O. RALLISON, husband and wife,**

the grantors, do hereby grant, bargain, sell and convey unto

**RALLISON'S DOUBLE "R" FARMS, INC., an Idaho Corporation,**

whose current address is: c/o Douglas R. Rallison, Secretary  
326 Maple Creek Road  
Franklin, ID 83237

the grantee, the following described premises, in Franklin County, Idaho, to-wit:

Township 16 South, Range 40 East of the Boise Meridian

Section 16: Beginning at a point 1491 feet South and 627 feet North 88°22' West from the Northeast corner of the Southwest Quarter of Section 16, running thence North 1°13' East 260 feet; thence South 88°22' East 544 feet; thence South 35° West 186.7 feet; thence South 1°08' East 107 feet; thence North 88°22' West 437 feet to the place of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 11 day of APRIL, 2000.

Orval J. Rallison  
ORVAL J. RALLISON

Vaunda O. Rallison  
VAUNDA O. RALLISON

209571<sup>27</sup>

243175 8-12

STATE OF IDAHO )  
 ) ss.  
COUNTY OF FRANKLIN )

On this 11 day of April, 2000, before me, a Notary Public in and for said State, personally appeared ORVAL J. RALLISON and VAUNDA O. RALLISON, 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.

  
NOTARY PUBLIC

Residing at: Franklin Idaho

My Commission Expires: June 05



243175 9-12

188154

Recorded at the request of

Orval J. Rallison

11:10 a.m. MAY 05 1993 p.m.

WARRANTY DEED

LeRAE E. JOHNSON, RECORDER

By Sherry L. Rallison Deputy  
FRANKLIN COUNTY, IDAHO

FOR VALUE RECEIVED

DAVID J. RALLISON and SHERRI D. RALLISON, husband and wife;  
and DOUGLAS R. RALLISON and SHERRIE L. RALLISON, husband and  
wife,

the grantors, do hereby grant, bargain, sell and convey unto

RALLISON'S DOUBLE "R" FARMS, INC., an Idaho Corporation,

whose current address is: c/o Orval J. Rallison, Secretary  
3487 East 3800 South  
Franklin, Idaho 83237

the grantee, the following described premises, in Franklin County,  
Idaho, to-wit:

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

TO HAVE AND TO HOLD the said premises, with their  
appurtenances unto the said Grantee, its heirs and assigns forever.  
And the said Grantors do hereby covenant to and with the said  
Grantee, that they are the owners in fee simple of said premises;  
that they are free from all encumbrances and that they will warrant  
and defend the same from all lawful claims whatsoever.

DATED this 5th day of May, 1993.

David J. Rallison  
DAVID J. RALLISON

Sherry D. Rallison  
SHERRI D. RALLISON

Douglas R. Rallison  
DOUGLAS R. RALLISON

Sherrie L. Rallison  
SHERRIE L. RALLISON

188154

243175 10-12

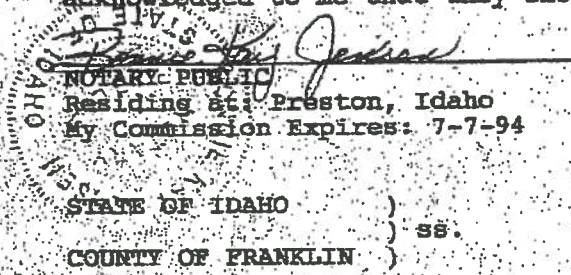
2.3

STATE OF IDAHO )

) ss.

COUNTY OF FRANKLIN )

On this 5th day of May, 1993, before me, a Notary Public in and for said State, personally appeared DAVID J. RALLISON and SHERRI D. RALLISON, 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.

NOTARY PUBLIC

Residing at: Preston, Idaho

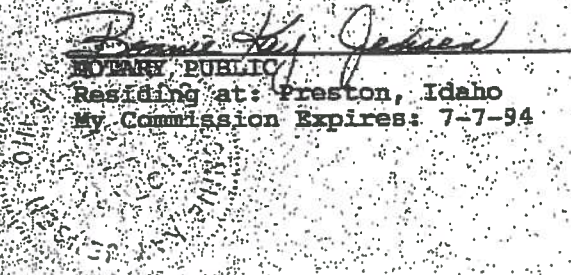
My Commission Expires: 7-7-94

STATE OF IDAHO )

) ss.

COUNTY OF FRANKLIN )

On this 5th day of May, 1993, before me, a Notary Public in and for said State, personally appeared DOUGLAS R. RALLISON and SHERRIE L. RALLISON, 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.

NOTARY PUBLIC

Residing at: Preston, Idaho

My Commission Expires: 7-7-94

188154

33

243175 11-12

EXHIBIT "A"

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 16: Commencing 820 feet South and North  $87^{\circ}46'$  West 822 feet from the Northeast corner of the Southwest Quarter of said Section 16, and running thence North  $87^{\circ}46'$  West 1320 feet; thence South 321 feet; thence South  $87^{\circ}34'$  East 1310 feet; thence North  $2^{\circ}03'$  East 308 feet to the place of beginning.

ALSO, Commencing 1268 feet North and South  $87^{\circ}53'$  East 1268 feet from the Southwest corner of Section 16, and running thence North  $3^{\circ}41'$  East 341 feet; thence South  $88^{\circ}34'$  East 525.5 feet; thence South  $2^{\circ}03'$  West 337 feet, thence North  $87^{\circ}53'$  West 564 feet to the place of beginning.

EXCEPTING a right of way one rod wide running East and West along the South boundary line of above-described tract and lying on the North side of said South Boundary line.

ALSO, beginning 1288 feet North of the Southwest corner of Section 16, and running thence South  $87^{\circ}53'$  East 1268 feet; thence North  $3^{\circ}41'$  East 374 feet; thence North  $87^{\circ}34'$  West 1294.5 feet, more or less, to the West line of said Section 16; thence along said West line 365 feet, more or less, to the place of beginning.

ALSO, Beginning at a point 990 feet South of the Northwest corner of the Southwest Quarter of Section 16, and thence running South  $87^{\circ}34'$  East 527 feet; thence North 321 feet; thence South  $87^{\circ}46'$  East 955 feet; thence North  $3^{\circ}47'$  East 750 feet to the North line of said Quarter Section; thence South  $89^{\circ}18'$  West along said Quarter Section line 983 feet; thence South  $1^{\circ}45'$  West 442.5 feet; thence South  $73^{\circ}45'$  West 429 feet; thence South  $3^{\circ}30'$  West 206 feet; thence South  $67^{\circ}30'$  West 119 feet to a point on said West line of Quarter Section, North of the place of beginning; thence South on said West line 184 feet, more or less, to the place of beginning.

## WATER RIGHT PURCHASE AND SALE AGREEMENT

This Water Right Purchase and Sale Agreement ("Agreement") is entered into between **Ken D. Hobbs** and **Robert J. Hobbs**, 4018 Parkinson Road, Franklin, Idaho 83237 ("Sellers") and **Twin Rivers Dairy, Inc.**, 326 Maple Creek Road, Franklin, Idaho 83237 ("Buyer").

1. **Sale of Water Right.** Sellers agree to sell and transfer to Buyer, and Buyer agrees to purchase from Sellers, upon the terms and conditions herein, a 16.2 acre portion of Idaho water right number 13-2236 consisting of:

|                |                        |
|----------------|------------------------|
| Water Right #  | 13-2236                |
| Source         | Ground Water           |
| Tributary      | n/a                    |
| Priority Date  | 09/22/1961             |
| Beneficial Use | Irrigation             |
| Diversion Rate | 0.22 cfs               |
| Volume         | 56.7 ac-ft             |
| Acres          | 16.2                   |
| Place of Use   | See Exhibit A attached |

The above-described portion of Idaho water right number 13-2236 is referred to herein as the "Water Right." The acres described above are depicted on **Exhibit A** attached hereto.

2. **Purchase Price.** The purchase price is [REDACTED] conditional upon Idaho Department of Water Resources (IDWR) approval of the application to transfer the Water Right to Buyer as described below. The purchase price shall be paid as follows:
  - 2.1 **Earnest Money.** \$[REDACTED] earnest money paid by Buyer upon execution of this Agreement. All earnest money shall be credited to the purchase price at closing.
  - 2.2 **Balance.** \$[REDACTED] balance of the purchase price is due and payable at closing.
  - 2.3 **Adjustment.** If only a portion of the Water Right is transferable, the purchase price will be prorated accordingly. The amount of water transferrable to Buyer will be determined by the IDWR.
3. **Transfer of Water Right.** Buyer will file an Application for Transfer of Water Right ("Transfer Application") with the IDWR to change the point of diversion, nature of use, and place of use for the Water Right to enable it to be used in Buyers' dairy located in the NWSW and NESW of Section 16, Town-

**SELLERS:**

Ken D. Hobbs

Ken D. Hobbs

Date: 2/24/14

Robert J. Hobbs

Robert J. Hobbs

Date: 2/24/14

**BUYER: Twin Rivers Dairy, Inc.**

By: Douglas R. Rallison

Douglas R. Rallison, President

Date: 2-21-14

Attest: Sherrie L. Rallison

Sherrie L. Rallison, Secretary

Date: 2/29/14

**SPECIAL POWER OF ATTORNEY FOR WATER RIGHTS**

Twin Rivers Dairy, Inc., hereby appoints the law firm of RACINE OLSON NYE BUDGE & BAILEY, CHARTERED, 201 E. Center Street, Post Office Box 1391, Pocatello, Idaho 83204, its true and lawful attorney for the purpose of dealing with the Idaho Department of Water Resources relative to the management and transaction of water rights, and authorizes them to receive all information, opinions, and records regarding its water rights, and to sign and submit applications and other filings on its behalf.

DATED this 16 day of April, 2014.

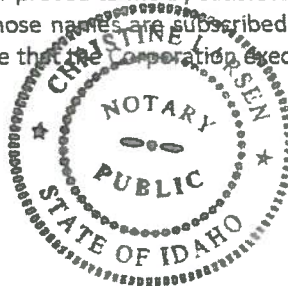
TWIN RIVERS DAIRY, INC.

By: Douglas R. Rallison  
Douglas R. Rallison, President

Attest: Sherrie L. Rallison  
Sherrie L. Rallison, Secretary

STATE OF IDAHO  
County of Franklin :SS

On this 16 day of April, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Douglas R. Rallison, known or proved to my be satisfactory evidence to be the President of Twin Rivers Dairy, Inc. (the "Corporation"), and Sherrie L. Rallison, known or proved to me by satisfactory evidence to be the Secretary of the Corporation, and the persons whose names are subscribed to the foregoing on behalf of the Corporation, and acknowledged to me that the Corporation executed the same.



Christine Larsen  
NOTARY PUBLIC FOR Idaho  
Commission expires: 2-19-2020

## ATTACHMENT 8A

### Water Balance

This transfer proposes to convert a 16.2 acre portion of water right no. 13-2236 from irrigation to commercial use. The 16.2 acre-portion represents 17 percent of the total water right. The following table shows the acres, diversion rate, and volume being transferred:

| Transfer Portion |         |          |
|------------------|---------|----------|
|                  | Current | Transfer |
| Acres            | 95      | 16.2     |
| CFS              | 1.27    | 0.22     |
| Ac-ft            | 332.5   | 56.7     |

To ensure that the transfer does not increase the amount of water consumed, consumptive use under the transferred portion will be limited to amount of water that may be consumed under the present authorized use for irrigation. The acres being transferred are located in Section 20, Township 16 South, Range 40 East, Boise Meridian, Franklin County, Idaho, near the city of Preston. Evapotranspiration data reported from the ET Idaho website for the Preston station<sup>1</sup> shows a precipitation deficit (consumptive volume) of 850 mm (2.79 acre-feet) per acre for alfalfa hay during the growing season. Thus, the 16.2 acres being transferred has a total consumptive value of 45.2 acre-feet. The approved transfer should include a condition that limits consumptive use under the transferred portion to 45.2 acre-feet per year.

The transfer will also convert the period of use from 04/01-11/01 to 01/01-12/31. This does not require adjusting the diversion rate or the diversion volume which will remain unchanged for the transferred portion. The following table shows the elements of the transferred portion of water right no. 13-2236 before and after the transfer:

| Effect of Transfer |             |             |
|--------------------|-------------|-------------|
|                    | Before      | After       |
| Period of Use      | 04/01-11/01 | 01/01-12/31 |
| Acres              | 16.2        | n/a         |
| Diversion Rate     | 0.22        | 0.22        |
| Diversion Volume   | 56.7        | 56.7        |
| Consumptive Value  | 45.2        | 45.2        |

<sup>1</sup> <http://www.kimberly.uidaho.edu/ETIdaho/stcврstats.php?station=103732&cover=2&stats=Deficit>

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

4/16/2014

WATER RIGHT NO. 13-2236

| <u>Owner Type</u> | <u>Name and Address</u>              |
|-------------------|--------------------------------------|
| Current Owner     | HOBBS BROTHERS<br>FRANKLIN, ID 83237 |

Priority Date: 09/22/1961

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 4/01        | 11/01     | 1.27 CFS              | 332.5 AFA     |
| STOCKWATER            | 1/01        | 12/31     | 0.42 CFS              | 24 AFA        |
| Total Diversion       |             |           | 1.27 CFS              |               |

Location of Point(s) of Diversion:

GROUND WATER|SWNE|Sec. 20|Township 16S|Range 40E|FRANKLIN County

Licensed Diversion Capacity: 1.27

Place(s) of use:

79518

Place of Use Legal Description: IRRIGATION FRANKLIN County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 16S             | 40E          | 20             |            | SWNE         | 17           |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NENW         | 24           |            | NWNW         | 4            |            |              |              |            | SENE         | 23           |
|                 |              |                |            | NESW         | 7            |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NWSE         | 20           |            |              |              |            |              |              |            |              |              |

Place of Use Legal Description: STOCK WATER FRANKLIN County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 16S             | 40E          | 20             |            | NENW         |              |            | SENE         |              |            |              |              |            |              |              |

Total Acres: 95

Dates:

Licensed Date: 04/04/1978

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

**79518**

JULY 28, 2014

RECEIVED

AUG 18 2014

Department of Water Resources  
Eastern Region

I, Eric Lundahl, RELEASE ANY INTEREST THAT I MAY HAVE IN  
WATER FOR THE LAND THAT EL LANDS, LLC HAS PURCHASE ON THE ATTACHED DEEDS.

COPIES ATTACHED OF NO. 23285, NO. 22174 AND NO. 23286 .

FOR

EL LANDS, LLC

Subscribed and sworn to before me in my  
Presence, this 5 day of August  
2014, a Notary Public in and for the  
County of Franklin State of Idaho  
Lael Parkinson  
(Signature) Notary Public  
My commission expires 9-15, 2015

LAEL PARKINSON  
Notary Public  
State of Idaho

79518

RECEIVED

AUG 18 2014

Department of Water Resources  
Eastern Region

THIS INDENTURE, made this 28th day of December  
in the year of our Lord one thousand nine hundred and Sixty-six, between  
W.P. Hobbs and his wife Julia Vilate Hobbs

of Franklin County of Franklin  
State of Idaho IRMA V. HOBBS, the part 1st of the first part, and  
Bob Alma Hobbs and Michael Hendricks Hobbs

of Franklin County of Franklin  
State of Idaho the part 1st of the second part.

WITNESSETH, That the said part 1st of the first part, for and in consideration of the sum of  
\$1.00 and other valuable consideration

lawful money of the United States of America, to them in hand paid by the said part 1st of the second  
part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do  
grant, bargain, sell, convey and confirm unto the said part 1st of the second part, and their heirs and

heirs forever all the following described and situated in the County of Franklin, State of Idaho

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any-  
wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and  
all estate, right, title and interest in and to said property, as well in law as in equity, of the said part 1st  
of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the  
appurtenances, unto the part 1st of the second part, and to their heirs and assigns forever. And the  
said part 1st of the first part, and their heirs, the said premises in the quiet and peaceable possession of  
the said part 1st of the second part their heirs and assigns, against the said part 1st of the first  
part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim  
the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part 1st of the first part have hereunto set their hand and  
seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

W. P. Hobbs (SEAL)  
Julia Vilate Hobbs (SEAL)  
(SEAL)  
(SEAL)  
(SEAL)

130817

Beginning at a point S  $11^{\circ}53'$  E along E line of the Yellowstone Highway 41 rods; from the point of intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet E and 370 feet S of the NW corner of Section 20, Township 16 South, Range 40 East of the Boise Meridian, running thence S  $11^{\circ}53'$  E along E line of Yellowstone Highway 980.5 feet; thence S  $9^{\circ}55'$  E along said E line of said Highway 238 feet; thence S  $43^{\circ}20'$  E along said E line of said highway 330 feet; thence E 462 feet; thence N  $17^{\circ}52'$  E 268 feet; thence N  $3^{\circ}39'$  E 108 feet to the W line of the Oregon Short Line Railroad right of way; thence Westerly along said W line of said right of way to a point 40.8 rods, more or less, E of the point of beginning; thence W 40.8 rods to the point of beginning. EXCEPTING THEREFROM: Beginning at a point S  $11^{\circ}53'$  E along E line of the Yellowstone Highway 1657 feet; from the point of intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet E and 370 feet S of the NW corner of Section 20, Township 16 South, Range 40 East of the Boise Meridian, running thence E 500 feet; thence N  $11^{\circ}53'$  W 800 feet; thence W 500 feet; thence S  $11^{\circ}53'$  E 800 feet to the place of beginning.

\* Commencing at a point  $30\frac{1}{2}$  rods S of the NW corner of the SE  $\frac{1}{4}$  of Section 17, Township 16 South, Range 40 East of the Boise Meridian, running thence E 160 rods; thence S  $129\frac{1}{2}$  rods to the SE corner of said Section 17; thence W 160 rods; thence N  $129\frac{1}{2}$  rods to the place of beginning.

Also, beginning at NW corner NE  $\frac{1}{4}$  Section 20 Township 16 South, Range 40 East of the Boise Meridian, running thence E 40 rods; thence S 28 rods; thence W 40 rods; thence N 28 rods to the place of beginning.

Also, beginning at a point 40 rods E of the NW corner of NE  $\frac{1}{4}$  section 20, Township 16 South, Range 40 East of the Boise Meridian, running thence S 40 rods; thence E 15.28 rods; thence N  $38^{\circ}00'$  E 3.80 rods; thence N  $80^{\circ}14'$  E 18.80 rods, more or less, to the right bank of Cub River; thence in a general NEasterly direction up the right bank of Cub River to a point in the N line of said NE  $\frac{1}{4}$  of said section 20 which is 45 rods E of the place of beginning, thence W 45 rods to the place of beginning.

Beginning at SW corner SW  $\frac{1}{4}$  Section 16, Township 16 South, Range 40 East of the Boise Meridian, running thence N 535 feet; thence S  $88^{\circ}38'$  E 445 feet; more or less, to a point due N of a point 440 feet Due E of the point of beginning; thence S 548 feet, more or less, to a point 440 feet due E of the point of beginning; thence W 440 feet to the point of beginning.

Commencing at a point which is 1540 feet N and 276 feet E and N  $19^{\circ}21'$  W 210 feet; thence N  $46^{\circ}$  W 88 feet from the S  $\frac{1}{4}$  corner of section 20, Township 16 South, Range 40 East of the Boise Meridian, thence N  $16^{\circ}31'$  W 1250 feet, more or less, to N side of Old Mill race; running thence NEasterly along Cub River to U.S. Highway #91; thence SE along said highway 130 rods to old U.S. Highway right of way; thence W 54 rods, more or less, to place of beginning.

Together with all water and water rights appertaining thereto.

As part of the consideration hereof, the grantees herein agree, that this property will not be sold to anyone that is not a direct heir of the grantors herein.

130817

STATE OF IDAHO,  
County of Franklin—ss.

On this 28th day of December in the year 1966, before me  
Ted B. Larsen a Notary Public in and for said State, personally appeared  
W.P. Hobbs and his wife Julia Vilate Hobbs  
known to me to be the person S whose name S are subscribed to the within instrument,  
and acknowledged to me that the Y 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.

*Ted B. Larsen*  
Notary Public, Residing at Preston, Idaho

No. 130817

WARRANTY DEED

*W.P. Hobbs, et. al.*

—FO—

*W.P. Hobbs, et. al.*  
Dated July 31, 1973

STATE OF IDAHO,  
COUNTY OF FRANKLIN—ss.

I hereby certify that this instrument was

filed for record at request of

*William F. Hobbs*

at 40 minutes past 3

o'clock P. M., this 31 day

of July, A. D. 1973.

In my office, and it is recorded in Book

of at page

*Michael H. King*  
Ex-Officio Recorder

By *William F. Hobbs*

Fee, \$ 3.50 Deputy

Mailed to *W.P. Hobbs*

*William F. Hobbs*

RECORDED

FEE

RECORDED

INDEXED

79518

180471

## WARRANTY DEED

FOR VALUE RECEIVED

MICHAEL H. HOBBS and JILL B. HOBBS, husband and wife,  
the grantors, do hereby grant, bargain, sell and convey unto  
BOB A. HOBBS and IRMA V. HOBBS, husband and wife,  
whose current address is

4018 South Parkinson Road, Franklin, Idaho 83237

the grantees, all of their right, title and interest in the following described  
premises, in Franklin County, Idaho, to wit:

See Attached Exhibit "A"

Subject to any currently existing mortgages, deeds of trust, contracts or  
other liens of record.

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

DATED:

6/16/88

MICHAEL H. HOBBS

JILL B. HOBBS

STATE OF IDAHO

County of Franklin

On this 16<sup>th</sup> day of June, 1988, before me, the undersigned, a Notary  
Public in and for said State, personally appeared MICHAEL H. HOBBS and JILL B.  
HOBBS, 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.



NOTARY PUBLIC for State of Idaho  
Residing at Preston, Idaho  
Comm. Expires: 2/14/93

RECEIVED

AUG 18 2014

Department of Water Resources  
Eastern Region

RECORDED AT THE OFFICE OF  
EASTERN IDAHO  
OCT 10 1989 12:25 p.m.  
LORAE E. JOHNSON, RECORDER  
BY H. [Signature] CLERK  
FRANKLIN COUNTY, IDAHO

79518

Property Bob A. Hobbs and Irma V. Hobbs are to receive in dissolution of partnership located in Franklin County, Idaho.

1. MARVIN NEELEY PROPERTY (one-half (1/2) interest)

Commencing at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 South, Range 40 East of the Boise Meridian, and running thence West 501.6 feet; thence South 383 feet; thence North 87°38' West 985.3 feet; thence South 50° West 578 feet; thence North 88°37' West 400 feet; thence South 11°12' West 394 feet; thence East 2029.5 feet; thence North 1320 feet to the place of beginning. And 250 shares of First Preferred Stock of Franklin Pioneer Maple Creek Irrigation Company

2. CALVIN PARKINSON PROPERTY

Township 16 South, Range 40 East of the Boise Meridian

Section 20: Commencing at a point which is 1540 feet North and 276 feet East and North 19 degrees 21 minutes West 210 feet; thence North 46 degrees West 88 feet from the South Quarter Corner of Section 20, thence North 16 degrees 31 minutes West 1250 feet, more or less, to the North side of old Mill race; running thence Northeasterly along Cub River to the U. S. Highway 91; thence Southeast along said Highway 130 rods to the old U. S. Highway right of way; thence West 54 rods, more or less, to the place of beginning.

3. GENE HAWKES PROPERTY:

Township 16 South, Range 40 East of the Boise Meridian

Section 8: Beginning at the South Quarter Corner of Section 8, and running thence North 139 rods, more or less, to a point 21 rods South of the Center of said Section 8, thence West 749.75 feet, thence South 780.60 feet, thence West 604.85 feet, thence North 1127.10 feet to the center line of said Section 8, thence West 625.4 feet, more or less, to the East Right-of-Way line of U. S. Highway 91, thence South 7°44' East 2695 feet, more or less, to the South line of said Section 8, thence East 1600 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM: Beginning at the Southeast corner of the SW1/4 of Section 8, and running thence North 1°23' East 670.5 feet to the true point of beginning, thence running West 106 feet, thence North 1°23' East 208.7 feet, thence East 106 feet, more or less, to a point 208.7 feet, more or less, 1° East from the point of beginning, thence South 1°23' West 208.7 feet, more or less, to the true point of beginning.

DATE: 6/16/88 Initials: MH JH

EXHIBIT "A"

PAGE ONE

4. THE GALLEGO PROPERTY

Township 16 South, Range 40 East of the Boise Meridian

Section 29: Commencing at a point 46 rods and 14 feet West and 30 rods 16 feet South of the Northeast corner of the Northeast Quarter of Section 29, and running thence South 50 feet; thence East 100 feet; thence North 50 feet; thence West 100 feet to the place of beginning.

5. THE LEE BIGGS PROPERTY

Commencing at a point Twenty-six (26) rods West and Fifty-five (55) rods South of the Northeast corner of the North-east Quarter of Section Twenty-nine (29), in Township Sixteen (16) South of Range Forty (40) East of the Boise Meridian, Idaho, and running thence West Twenty (20) rods; thence North Twenty (20) rods; thence East Twenty (20) rods; thence South Twenty (20) rods, to the place of beginning, containing Two and One-half (2½) acres.

And further described as being Lots Two (2) and Three (3) in Block Two (2) of Franklin Village, as shown by the official Plat of said Franklin Village, now on file in the office of the County Recorder of Franklin County, Idaho.

6. THE CONRAD DONEY PROPERTY

Commencing at the Northwest corner of the Southeast quarter of Section 17, Township 16 South, Range 40 East, Boise Meridian, running thence East 160 rods, thence South 30 1/2 rods, thence West 160 rods, thence North 30 1/2 rods to the place of beginning.

7. THE LESTER LOWE PROPERTY

Commencing at a point 77-1/2 rods South and 1248 feet East of the Northwest corner of Section 28, Township 16 South, Range 40 East of the Boise Meridian, and running thence North 1006.5 feet; thence West 431.5 feet; thence South 21 rods 9 feet; thence West 3-1/2 rods; thence South 39 rods 7 feet; thence East 528 feet to the place of beginning.

Also, commencing at a point 53 rods 5 links West of the Southeast corner of the Northeast Quarter of Section 29, Township 16 South, Range 40 East of the Boise Meridian, and running thence East 40 rods; thence North 89 rods; thence East in line with City survey 41 rods; thence South in line with City Survey 28 rods to place of beginning, containing 22-54/160 acres, more or less.

DATE: 6/16/88

Initials: MH GH

EXHIBIT "A"

PAGE TWO

LESTER LOWE PROPERTY (Cont.)

Also, commencing 61 rods 16 links North of a point 53 rods 5 links West of the Southeast corner of the Northeast Quarter of Section 29, Township 16 South, Range 40 East of the Boise Meridian, and running thence North in line with City Survey 42 rods and 10 links; thence East 14 rods 73 links; thence South 46 rods 6 links; thence West 19 rods and 11 links to place of beginning, containing 4 acres, more or less.

Also, beginning at the Southeast corner of the Northeast Quarter of Section 29, Township 16 South, Range 40 East of the Boise Meridian, and running thence West 53 rods 3 feet; thence North 61 rods 13 feet; thence East 53 rods; thence South 59 rods and 14 feet to the place of beginning, containing 20.40 acres, more or less.

8. LUELLA DONEY PROPERTY

Township 16 South, Range 40 East of the Boise Meridian

Section 17: Commencing at the Southeast corner of the Northeast quarter and running thence West 160 rods; thence North 32 rods; thence East 160 rods; thence South 32 rods to the place of beginning.

9. THE HOBBS PLACE

Beginning at a point S 11°53' E along E line of the Yellowstone Highway 41 rods; from the point of intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet E and 370 feet S of the NW corner of Section 20, Township 16 South, Range 40 East of the Boise Meridian, running thence S 11°53' E along E line of Yellowstone Highway 980.5 feet; thence S 9°55' E along said E line of said Highway 238 feet; thence S 43°20' E along said E line of said highway 330 feet; thence E 462 feet; thence N 17°52' E 268 feet; thence N 3°39' E 190 feet to the W line of the Oregon Short Line Railroad right of way; thence West 40.8 rods, more or less, along said W line of said right of way to a point 40.8 rods, more or less, E of the point of beginning; thence W 40.8 rods to the point of beginning. EXCEPTING THEREFROM: Beginning at a point S 11°53' E along E line of the Yellowstone Highway 1657 feet; from the point of intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet E and 370 feet S of the NW corner of Section 20, Township 16 South, Range 40 East of the Boise Meridian, running thence E 500 feet; thence N 11°53' W 800 feet; thence W 500 feet; thence S 11°53' E 800 feet to the place of beginning.

Commencing at a point 30½ rods S of the NW corner of the SE¼ of Section 17, Township 16 South, Range 40 East of the Boise Meridian, running thence E 160 rods; thence S 129½ rods to the SE corner of said Section 17; thence W 160 rods; thence N 129½ rods to the place of beginning.

Also, beginning at NW corner NE¼ Section 20 Township 16 South, Range 40 East of the Boise Meridian, running thence E 40 rods; thence S 28 rods; thence W 40 rods; thence N 28 rods to the place of beginning.

DATE: 6/16/38

Initials: MH JH

EXHIBIT "A"

PAGE THREE

THE HOBBS PLACE (cont.)

Also, beginning at a point 40 rods E of the NW corner of NE $\frac{1}{4}$  section 20, Township 16 South, Range 40 East of the Boise Meridian, running thence S 40 rods; thence E 15.28 rods; thence N 38°00' E 3.80 rods; thence N 80°11' E 10.80 rods, more or less, to the right bank of Cub River; thence in a general NEasterly direction up the right bank of Cub River to a point in the N line of said NE $\frac{1}{4}$  of said section 20 which is 45 rods E of the place of beginning; thence W 45 rods to the place of beginning.

Beginning at SW corner SW $\frac{1}{4}$  Section 16, Township 16 South, Range 40 East of the Boise Meridian, running thence N 535 feet; thence S 80°38' E 445 feet; more or less, to a point due N of a point 440 feet due E of the point of beginning; thence S 548 feet, more or less, to a point 440 feet due E of the point of beginning; thence W 440 feet to the point of beginning.

Commencing at a point which is 1540 feet N and 276 feet E and N 19°21' W 210 feet; thence N 46° W 88 feet from the SE corner of section 20, Township 16 South, Range 40 East of the Boise Meridian; thence N 16°31' W 1250 feet, more or less, to N side of Old Mill race; running thence NEasterly along Cub River to U.S. Highway #91; thence SE along said highway 130 rods to old U.S. Highway right of way; thence W 50 rods, more or less, to place of beginning.

Together with all water and water rights appertaining thereto.

As part of the consideration hereof, the grantors herein agree, that this property will not be sold to anyone that is not a direct heir of the grantors herein.

Township 16 South, Range 40 East of the Boise Meridian,

Section 20: Beginning at a point South 11°53' East along the East line of the Yellowstone Highway 1657 feet; from the Point of Intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet East and 370 feet South of the Northwest corner of Section 20; and running thence East 500 feet; thence North 11°53' West 800 feet; thence West 500 feet; thence South 11°53' East 800 feet to the place of beginning.

Except the following tract:

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 20: Beginning at the intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet East and 370 feet South of the Northwest corner of Section 20, and running thence South 10°53' East along the East line of the Yellowstone Highway 676.5 feet; thence South 11°53' East along the East line of said Highway 930.5 feet; thence South 30°56' East along East line of said Highway 233 feet; thence South 43°30' East along East line of said highway 150 feet to the TRUE PLACE OF BEGINNING; and running thence

DATE: 6-16-88  
EXHIBIT "A"

Initials: MH JA \_\_\_\_\_

PAGE FOUR

(cont.)

180471 6-8

North 45°30' East 100 feet; thence South 43°30' East 200 feet; thence North 46°30' East 348.3 feet; thence North 14°15' West 341 feet; thence North 79°00' East 205.97 feet to the Oregon Short Line Railroad right-of-way; thence South 16°30' East 246.56 feet; thence South 3°39' West 108 feet; thence South 17°52' West 268 feet; thence South 40°56' West 864 feet to the East line of the Yellowstone Highway; thence North 43°30' West 470 feet along the East line of said highway to the true point of beginning.

ALSO, beginning at the intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet East and 370 feet South of the Northwest corner of Section 20, and running thence South 10°53' East along the East line of the Yellowstone Highway 678.5 feet; thence South 11°53' East along the East line of said Highway 980.5 feet; thence South 9°55' East along East line of said Highway 238 feet; thence South 43°30' East along East line of said highway 90 feet to the TRUE PLACE OF BEGINNING, thence South 43°30' East 120 feet; thence North 48°30' East 100 feet; thence North 43°30' West 120 feet; thence South 46°30' West 100 feet to the place of beginning.

10. THE B. R. PARKINSON PLACE

Township 16 South, Range 40 East of the Baker Meridian

Section 20: Beginning at a point South 11°53' East along the East line of the Yellowstone Highway, 41 rods; from the point of the intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet East and 370 feet South of the Northwest corner of Section 20, and running thence South 11°53' East along the East line of the Yellowstone Highway 980.5 feet; thence South 9°55' East along said East line of said Highway 238 feet; thence South 43°20' East along said East line of said Highway 330 feet; thence East 462 feet; thence North 17°52' East 268 feet; thence North 3°39' East 108 feet to the West line of the Oregon Short Line Railroad right-of-way; thence Northwesterly along said West line of said right-of-way to a point 40.8 rods, more or less, East of the point of beginning; thence West 40.8 rods to the point of beginning.

DATE: 6/16/88

Initials: ML JH

EXHIBIT "A"

PAGE FIVE

79518

## 11. MYRTLE WOODWARD PROPERTY (one-half 1/2 interest)

Township 16 South, Range 40 East of the Boise Meridian,  
Franklin County, Idaho

Section 10: Commencing at the Southwest corner of Section 10, and running thence East 1885 feet; thence North 29° 36' West 85.8 feet; thence North 18° 09' West 100 feet; thence North 22° 12' East 83.6 feet; thence West 1310 feet; thence Southwest 410 feet to the place of beginning.

Section 15: NW1NE1; NW1NW1; NE1SW1NW1; NE1SE1NW1.

ALSO, conveying the following water rights: 7/80 interest or more in the Flack Ditch and 1/2 interest in the Woodward Ditch. Also, 1/2 interest in a certain spring that furnishes water for house use, stock, garden and lawn.

Township 16 South, Range 40 East of the Boise Meridian

Section 15: NW1SW1NW1.

EXCEPT THE FOLLOWING:

Township 16 South, Range 40 East of the Boise Meridian

Section 15: Commencing at the Southwest corner of the NW1SW1NW1 of said Section 15, and running thence North 730 feet; thence East 152 feet; thence South 230 feet; thence West 152 feet to the point of beginning.

## 12. RUBY HOBBS PLACE

Commencing at a point on the West side of the State Highway 317 feet West of the North quarter corner of Section 20, Township 16 South, Range 40 East of the Boise Meridian, and running thence South 25° 03' East 53 feet along the West side of the State Highway to a point approximately 100 feet South and 45 feet West from the North quarter corner of said Section 20; thence West 700 feet, more or less, to the East side of the Railroad right of way; thence Northwesterly along said Railroad right of way to a point 527 feet, more or less, West of the place of beginning; thence East 527 feet, more or less, to the place of beginning.

Also, beginning at the point of intersection of Field Street with the Yellowstone Highway, said point being approximately 1125 feet East and 370 feet South of the Northwest corner of Section 20, Township 16 South, Range 40 East of the Boise Meridian, and running thence South 11° 53' East along the East line of the Yellowstone Highway 41 rods; thence East 40.8 rods, more or less, to the West line of the Oregon Short Line Railroad right of way; thence Northwesterly along said West line of said right of way 41 rods to the South boundary line of Field Street; thence West along the South boundary line of said street 628 feet to the place of beginning.

DATE: 6/16/88 Initials: MM JH

EXHIBIT "A"

PAGE SIX

13. ADELE WRIGHT PROPERTY

230471 8-8

Commencing at the Northeast corner of the Northwest Quarter of Section 17, Township 16 South, Range 40 East of the Boise Meridian, and running thence West 102 rods, thence following the quarter of Utah Northern Railroad (Now Oregon Short Line Railroad) to the South line of the Northwest Quarter of Section 17, as above described, thence East 76 rods, thence North 160 rods to the place of beginning.

ALSO, Commencing at a point 796 feet North and 883 feet East of the Southwest Corner of Section 17, Township 16 South, Range 40 East of the Boise Meridian, running thence North  $9^{\circ}30'$  West 1171 feet, thence East 757 feet, thence South  $7^{\circ}30'$  East 1168 feet, thence West 730 feet to the place of beginning.

ALSO, Commencing at a point 32 rods East of the Northwest Corner of the Southwest Quarter of Section 17, Township 16 South, Range 40 East of the Boise Meridian, and running thence Southward, bearing slightly to the East and parallel with the County Road, 161 rods to a point 58 rods and 8 links East of the Southwest corner of said Section, East 60 feet, thence Northward bearing slightly to the West and parallel with said county road 48 rods and 11 links, thence West 10 feet, thence Northward continuing as before, parallel with said County Road 70-32/33 rods, thence East 46-15/22 rods, thence Southward, bearing slightly to the East and parallel with the railroad, 70-26/33 rods, thence West 13 feet, thence Southward continuing parallel with the Oregon Short Line Railroad to a point 92 rods and 22 links East of the Southwest corner of said Section, 8 rods and 32 links, thence East 60 rods and 3 links to the Southeast Corner of the Southwest Quarter of said Section, thence North 150 rods, thence West 128 rods to place of beginning.

Also,

Commencing at a point on the northline of Section 17, Township 16 South, Range 40 East, of the Boise Base & Meridian, on the east line of the right-of-way of the Oregon Short Line Railway and running thence southeasterly on said east line 965 feet, thence east 66 feet, thence northwesterly on a line parallel with the east line of said right-of-way 965 feet, thence west 66 feet to the place of beginning.

Beginning at a point 66 feet east of a point on the north line of Section 17, Township 16 South, Range 40 East of the Boise Base & Meridian, and on the east line of the right-of-way of the Oregon Short Line Railroad, thence southeasterly 306 feet on a line parallel to the east line of the right-of-way of said Oregon Short Line Railroad, thence east 142.35 feet, thence northwesterly 306 feet on a line parallel to the east line of the right-of-way of said Oregon Short Line Railroad, thence west 142.35 feet to place of beginning.

Subject to rights of way for railroad and public roads as same may now exist over and to said above lands.

WATER RIGHTS:

All water and water rights of every kind and description and however evidenced, used upon or appurtenant to the above property which, in any manner, entitled the owner of the property to water, including but not limited to:

63 3/4 shares of Cub River Irrigation Co.  
596 First Preferred Shares of Franklin Maple Creek  
Irrigation Co.

State of Idaho Department of Water Resources Water Right License  
Numbers 29765/13-2236 and 13-7231.

DATE: 6/16/88 Initials: MH GN

RECEIVED

AUG 18 2014

180476 1-3

WARRANTY DEED

FOR VALUE RECEIVED,

BOB A. HOBBS and IRMA V. HOBBS, husband and wife  
do hereby grant, bargain, sell and convey unto

ROBERT J. HOBBS and KIMBERLY A. HOBBS, husband and wife,  
whose current address is:

4173 South Parkinson Road  
Franklin, ID 83237

the Grantees, the following described premises, in Franklin County, Idaho,  
to wit:

See Exhibit "A" attached hereto

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

DATED: September 17, 1989

Bob A. Hobbs  
BOB A. HOBBS

Irma V. Hobbs  
IRMA V. HOBBS

STATE OF IDAHO

County of Franklin

On this 17<sup>th</sup> day of September, 1989, before me, the undersigned, a  
Notary Public in and for said State, personally appeared BOB A. HOBBS and  
IRMA V. HOBBS, 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.



Steven R. Fuller  
NOTARY PUBLIC for State of Idaho  
Residing at: Preston, ID  
Comm. Expires: 12/19/93

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 16: Beginning at the Southwest corner of the Southwest Quarter of said Section 16, and running thence North 835 feet, thence South  $88^{\circ}38'$  East 445 feet, more or less, to a point due North of a point 440 feet due East of the point of beginning; thence South 548 feet, more or less, to a point 440 feet due East of the point of beginning; thence West 440 feet to the point of beginning.

Section 17: Commencing at the North Quarter corner of said Section 17, and running thence West 1221 feet, more or less, to the East right-of-way line of U. S. Highway 91; thence in a Southeasterly direction along the East right-of-way to the point at which said East right-of-way crosses the South line of said Section 17; thence East 2927 feet, more or less, to the Southeast corner of said Section 17; thence North 3163 feet; thence West 2650 feet; thence North 2112 feet to the place of beginning.  
EXCEPTING THEREFROM: That portion of the Northwest Quarter of said Section 17 lying within the right-of-way of the County road, said County road running along the North line of said Section 17.

Section 20: Beginning at the North Quarter corner of said Section 20, and running thence South 462 feet; thence East 860 feet; thence South 198 feet; thence East 252.12 feet; thence North  $38^{\circ}00'$  East 82.7 feet; thence North  $80^{\circ}14'$  East 310.2 feet, more or less, to the West bank of Cub River; thence in a general Northeasterly direction along the West bank of Cub River to a point in the North line of said Northeast Quarter that is 1402.5 feet, more or less, East of the point of beginning; thence West 1402.5 feet, more or less, to the point of beginning.

ALSO, commencing at the North Quarter corner of Section 20, and running South  $51^{\circ}28'14''$  West 1650.55 feet to THE TRUE POINT OF BEGINNING; thence South  $11^{\circ}53'$  East 160.00 feet; thence South  $79^{\circ}07'$  West 115.00 feet to the East right-of-way line of Yellowstone Highway; thence North  $11^{\circ}53'$  West 160.00 feet along said Highway; thence North  $79^{\circ}07'$  East 115.00 feet to the true point of beginning.

Together with thirty (30) shares of Cub River Irrigation Company stock.

180476 3-3

Exhibit "A" continued

Together with a  $\frac{1}{2}$  mile, 6" buried main line, a 20 H.P. Lincoln motor, (S.N. 1742481), and an Aurora pump (S.N. H77-7252) located in Section 17 described above.

Subject to that certain Joint Use Agreement dated the 29th day of September, 1989 and recorded as Microfilm Instrument No. 180994 in the records of Franklin County, Idaho.

180477 1-4

RECEIVED

AUG 18 2014

Recorded at the request of  
Franklin County, Idaho

WARRANTY DEED

OCT 10 1989

FOR VALUE RECEIVED

BOB A. HOBBS and IRMA V. HOBBS, husband and wife

do hereby grant, bargain, sell and convey unto

KEN D. HOBBS

whose current address is

312 Parkinson Road  
Franklin, ID 83237

the Grantee, the following described premises, in Franklin County, Idaho, to  
wit:

See Exhibit "A" attached hereto

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

Dated: September 21, 1989

Bob A. Hobbs  
BOB A. HOBBS

Irma V. Hobbs  
IRMA V. HOBBS

STATE OF IDAHO

County of Franklin

On this 21<sup>st</sup> day of September, 1989, before me, the undersigned, a  
Notary Public in and for said State, personally appeared BOB A. HOBBS and  
IRMA V. HOBBS, 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.

Harold R. Fells  
NOTARY PUBLIC for State of Idaho  
Residing at: Prater, ID  
Comm. Expires: 4/19/93

79518

## EXHIBIT "A"

PARCEL A:

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 8: Beginning at the South Quarter corner of said Section 8, and running thence North 2293.5 feet, more or less, to a point that is 346.5 feet South of the Center of said Section 8; thence West 749.75 feet; thence South 780.6 feet; thence West 504.85 feet; thence North 1127.10 feet to the Centerline of said Section 8; thence West 625.4 feet, more or less, to the East right-of-way line of U.S. Highway 81; thence South 7044' East 2695 feet, more or less, to the South line of said Section 8, thence East 1621 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM: Beginning at the Southeast corner of the Southwest Quarter of said Section 8 and running thence North 1°23' West 670.3 feet to the TRUE POINT OF BEGINNING, thence West 106 feet; thence North 1°23' West 208.7 feet; thence East 106 feet; thence South 1°23' East 208.7 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: That portion of the Southwest Quarter of said Section 8 lying within the rights of way of the County roads running along the East side and the South side of said Southwest Quarter of said Section 8.

PARCEL B:

Section 17:  
& Section 20

Commencing at a point 528 feet East of the Northwest corner of the Southwest Quarter of said Section 17, said point being on the East right-of-way line of the Old Yellowstone Highway, and running thence South 11°53' East along said right-of-way line 3026.5 feet, more or less, to the point of intersection of the North right-of-way line of Field Street with the East right-of-way line of the Old Yellowstone Highway, said point of intersection being approximately 1125 feet East and 370 feet South of the Northwest corner of said Section 20; thence East 628 feet, more or less, to the West right-of-way line of the Oregon Short Line Railroad; thence Northwesterly along the said West right-of-way line of the Oregon Short Line Railroad 3000.0 feet, more or less, to the point at which said right-of-way line crossed the North line of the Southwest Quarter of said Section 17; thence West to the point of beginning.

ALSO, commencing at the point of intersection of the West right-of-way line of U.S. Highway 21 with the South line of said Section 17, said point of intersection being approximately 317 feet West of the South Quarter corner of said Section 17, and running thence Northwesterly along said West right-of-way line 1950 feet, more or less, to a point at which the said West right-of-way line meets the East right-of-way line of the Oregon Short Line Railroad; thence Southeasterly along said East right-of-way line to the point at which said East right-of-way

(Continued)

line crosses the South line of said Section 17; thence East 675 feet, more or less, to the point of beginning. EXCEPTING THEREFROM: Commencing at the Southeast corner of the Southwest Quarter of Section 17; and running thence West 265.00 feet to the West right-of-way line of U.S. Highway 91 to the TRUE POINT OF BEGINNING; thence South  $89^{\circ}15'$  West 242.91 feet; thence North  $2^{\circ}15'$  West 132.80 feet; thence North  $86^{\circ}25'11''$  East 182.76 feet to the West right-of-way line of U.S. Highway 91; thence South  $25^{\circ}0'$  East 155.41 feet along said line to the true point of beginning.

Section 20: Commencing at a point which is 1540 feet North and 276 feet East and North  $19^{\circ}21'$  West 210 feet and North  $46^{\circ}$  West 88 feet from the South Quarter corner of Section 20; the TRUE POINT OF BEGINNING; thence North  $16^{\circ}33'$  West 1250 feet, more or less, to North side of Old Mill Race, running thence Northeasterly along Cub River to U.S. Highway 91; thence Southeasterly along said Highway 130 rods to old U.S. Highway right-of-way; thence West 54 rods, more or less, to the true point of beginning.

Section 28: Commencing at a point that is 1278.75 feet South and 1248 feet East of the Northwest corner of said Section 28; and running thence North 1003.5 feet, more or less, to the Eldon D. Kingsford property line; thence West along property line 431.5 feet; thence South 365.5 feet; thence West 57.75 feet; thence Southerly 650.5 feet, more or less, to a point that is 126 feet, more or less, West of the point of beginning; thence East 528 feet, more or less, to the point of beginning.

Section 29: Commencing at a point that is 877.5 feet West of the Southeast corner of the Northeast Quarter of said Section 29; and running thence West 680 feet, more or less; thence North 1458.5 feet, more or less; thence East in line with City Survey 675.5 feet, more or less; thence South in line with City Survey 1452 feet, more or less, to the place of beginning.

ALSO, beginning at the Southeast corner of the Northeast Quarter of said Section 29; and running thence West 877.5 feet; thence North 1019.5 feet; thence East 874.5 feet, more or less; thence South 987.5 feet, more or less, to the Southeast corner of the Northeast Quarter and the place of beginning.

ALSO, commencing at a point that is 429 feet West and 907.5 feet South of the Northeast corner of the Northeast Quarter of said Section 29; and running thence West 330 feet; thence North 330 feet; thence East 330 feet; thence South 330 feet to the place of beginning, and further described as Lots 2 and 3 in Block 2 of Franklin Village, as shown on the official plat of said Franklin Village, now on file in the office of the County Recorder of Franklin County, Idaho.

(Continued)

ALSO, commencing at a point that is 775 feet East and 511 feet South of the Northeast corner of the Northeast Quarter of said Section 29, and running thence South 50 feet; thence East 100 feet; thence North 50 feet; thence West 100 feet to the place of beginning.

ALSO, commencing 61 rods 16 links North of a point 53 rods 5 links West of the Southeast corner of the Northeast Quarter of said Section 29, and running thence North in a line with City Survey 42 rods and 10 links; thence East 14 rods 23 links; thence South 46 rods 6 links, more or less; thence West 15 rods 11 links, more or less, to the place of beginning.

Together with twenty (20) shares of the Cub River Irrigation Company stock.

Together with 437 shares of the Franklin Maple Creek Pioneer Irrigation Company Stock.

Together with a 3/8 mile, 6" buried main line located in Sections 17 and 20 described above, a 15 H.P. submerged culinary pump located in Section 20 described above, and a 3/8 mile, 8" buried main line located on Sections 28 and 29, described above.

This Deed is subject to a Joint Use Agreement dated the 29th day of September, 1988 and recorded as Microfilm Instrument No. 180394 in the records of Franklin County, Idaho.

180394 1-8  
JOINT USE AGREEMENT

Recorded at the request of  
*Steve Fuller*  
AUG 18 2014  
SEP 29 1989  
a.m. 2:45 p.m.  
Deputy Water Resources  
Eastern Region  
LARA E. JOHNSON, RECORDER  
By *Carol Baker* Deputy  
FRANKLIN COUNTY, IDAHO

THIS AGREEMENT, made this 29<sup>th</sup> day of September, 1989, by and between BOB A. HOBBS and IRMA V. HOBBS, husband and wife, (hereinafter "Bob"), ROBERT J. HOBBS and KIMBERLEY HOBBS, (hereinafter "Robert"), KEN D. HOBBS (hereinafter "Ken") and KEVIN W. HOBBS (hereinafter "Kevin"), for the purpose of fixing and establishing the parties' rights and obligations for the use of pumps, motors, a reservoir, mainlines and wells located and interconnected between the adjoining properties of the parties for use on their respective properties.

RECITALS

WHEREAS, a pump, motor, reservoir and mainline are located on real estate owned by Robert; and

WHEREAS, Ken and Bob use water for irrigation purposes from the reservoir and pump conveyed through a mainline located on Robert's property; and

WHEREAS, water used by Ken flows through a mainline located on the property of Bob and Robert; and

WHEREAS, a culinary well on Ken's property services Kevin's property, a dairy on Bob's property and the residence belonging to Robert; and

WHEREAS, the parties hereto do recognize and acknowledge the established interest and rights of the other parties to the existing pumps, motors, reservoir, main lines and wells as herein described; and

WHEREAS, the parties now wish to enter into an agreement whereby the rights and responsibilities of all parties shall be defined for the protection of their interests and for the further use and enjoyment of their property;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereby agree as follows:

1. Ken, Robert and Bob agree to the joint use of the reservoir, pump and mainline located on Robert's property, Robert's property being described in Exhibit "A" attached hereto and incorporated herein by reference. Robert grants to Ken and Bob a permanent right-of-way and easement to maintain, operate, repair and replace, as necessary, the existing mainline, pump, motor and reservoir for the storage, pumping and transportation of water from said reservoir, under and through the real property owned by Robert as described in Exhibit "A" attached hereto. Ken, Robert and Bob agree to equally share the cost of replacing, repairing and maintaining said pump, motor, reservoir and mainline on Robert's property. Ken, Robert and Bob shall also equally share the costs of maintenance and replacement for the mainline as it traverses each of their own properties. The utility costs or other costs of operating the said irrigation system shall be equally shared by Bob, Robert and Ken unless they disagree and in such case, such operating costs shall be paid on a proportional basis to be determined by the respective usage of the water by Bob, Robert and Ken. The said proportional costs may be determined by the number of acres placed under irrigation by each of the parties taking into account any disparity in the quantity of water applied per acre by the parties due to different crops or farming practices and reasonable and appropriate adjustments will be made between the parties as to the manner in which operating costs are apportioned if it would otherwise be inequitable to apportion costs strictly on a per-acre basis.

2. A culinary well located on Ken's real property, described in Exhibit "B" attached hereto and incorporated herein by reference, services adjoining real property owned by Kevin, a dairy located on adjoining property owned by Bob and Robert's residence. Ken grants to Kevin, Bob, and Robert a permanent right-of-way and easement to maintain, operate, repair and replace, as necessary, the existing well, pump, and water lines for the pumping and transportation of water from the said culinary well, over, under, and through the real property owned by Ken as described in Exhibit "B" to the adjoining real property of Kevin, Bob and Robert, and to permit the joint use and maintenance of said well for culinary purposes as contemplated by this agreement. All utility costs and costs of maintenance, repair and replacement of the existing pump, motor, pipeline and well and any related equipment shall be shared equally by Bob and Kevin, Robert's use of the system being limited as a backup only, for his residential culinary use.

3. In the event any of the parties hereto shall be required to employ an attorney for the enforcement of this agreement, with or without suit, the party at fault shall pay the prevailing party's reasonable attorneys fees and costs.

4. All provisions of this contract shall be binding upon the successors, heirs, administrators, tenants and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

Bob A. Hobbs  
BOB A. HOBBS

Irma V. Hobbs  
IRMA V. HOBBS

Robert J. Hobbs  
ROBERT J. HOBBS

Kimberley Hobbs  
KIMBERLEY HOBBS

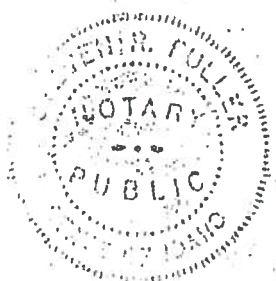
Ken D. Hobbs  
KEN D. HOBBS

Kevin W. Hobbs  
KEVIN HOBBS

STATE OF IDAHO )

County of Franklin )

On this 29<sup>th</sup> day of September, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared BOB A. HOBBS and IRMA V. HOBBS, husband and wife, ROBERT J. HOBBS and KIMBERLEY HOBBS, husband and wife, KEN D. HOBBS and KEVIN W. HOBBS known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Steven R. Fuller  
NOTARY PUBLIC for State of Idaho  
Residing at Preston, Idaho  
Commission Expires: 2/9/93

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 16: Beginning at the Southwest corner of the Southwest Quarter of said Section 16, and running thence North 535 feet; thence South  $88^{\circ}38'$  East 445 feet, more or less, to a point due North of a point 440 feet due East of the point of beginning; thence South 548 feet, more or less, to a point 440 feet due East of the point of beginning; thence West 440 feet to the point of beginning.

Section 17: Commencing at the North Quarter corner of said Section 17, and running thence West 1621 feet, more or less, to the East right-of-way line of U. S. Highway 91; thence in a Southeasterly direction along the East right-of-way to the point at which said East right-of-way crosses the South line of said Section 17; thence East 2927 feet, more or less, to the Southeast corner of said Section 17; thence North 3168 feet; thence West 2640 feet; thence North 2112 feet to the place of beginning.  
EXCEPTING THEREFROM: That portion of the Northwest Quarter of said Section 17 lying within the right-of-way of the County road; said County road running along the North line of said Section 17.

Section 20: Beginning at the North Quarter corner of said Section 20, and running thence South 462 feet; thence East 660 feet; thence South 198 feet; thence East 252.12 feet; thence North  $38^{\circ}00'$  East 62.7 feet; thence North  $80^{\circ}14'$  East 310.2 feet, more or less, to the West bank of Cub River; thence in a general Northeasterly direction along the West bank of Cub River to a point in the North line of said Northeast Quarter that is 1402.5 feet, more or less, East of the point of beginning; thence West 1402.5 feet, more or less, to the point of beginning.

ALSO, commencing at the North Quarter corner of Section 20, and running South  $51^{\circ}22'14''$  West 1650.35 feet to THE TRUE POINT OF BEGINNING; thence South  $11^{\circ}53'$  East 160.00 feet; thence South  $79^{\circ}07'$  West 115.00 feet to the East right-of-way line of Yellowstone Highway; thence North  $11^{\circ}53'$  West 160.00 feet along said Highway; thence North  $79^{\circ}07'$  East 115.00 feet to the true point of beginning.

Together with thirty (30) shares of Cub River Irrigation Company stock.

180394 6-8

EXHIBIT "B"

PARCEL A:

Township 16 South, Range 40 East of the Boise Meridian, Franklin County, Idaho

Section 8: Beginning at the South Quarter corner of said Section 8, and running thence North 2293.5 feet, more or less, to a point that is 346.5 feet South of the Center of said Section 8; thence West 749.75 feet; thence South 780.6 feet; thence West 604.85 feet; thence North 1127.10 feet to the Centerline of said Section 8; thence West 625.4 feet, more or less, to the East right-of-way line of U.S. Highway 91; thence South 7044' East 2695 feet, more or less, to the South line of said Section 8; thence East 1621 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM: Beginning at the Southeast corner of the Southwest Quarter of said Section 8 and running thence North 1°23' West 670.5 feet to the TRUE POINT OF BEGINNING; thence West 106 feet; thence North 1°23' West 208.7 feet; thence East 106 feet; thence South 1°23' East 208.7 feet to the true point of beginning.

ALSO EXCEPTING THEREFROM: That portion of the Southwest Quarter of said Section 8 lying within the rights of way of the County roads running along the East side and the South side of said Southwest Quarter of said Section 8.

PARCEL B:

Section 17:  
& Section 20

Commencing at a point 528 feet East of the Northwest corner of the Southwest Quarter of said Section 17, said point being on the East right-of-way line of the Old Yellowstone Highway, and running thence South 11°53' East along said right-of-way line 3026.5 feet, more or less, to the point of intersection of the North right-of-way line of Field Street with the East right-of-way line of the Old Yellowstone Highway, said point of intersection being approximately 1125 feet East and 370 feet South of the Northwest corner of said Section 20; thence East 628 feet, more or less, to the West right-of-way line of the Oregon Short Line Railroad; thence Northwesterly along the said West right-of-way line of the Oregon Short Line Railroad 3000.0 feet, more or less, to the point at which said right-of-way line crosses the North line of the Southwest Quarter of said Section 17; thence West to the point of beginning.

ALSO, commencing at the point of intersection of the West right-of-way line of U.S. Highway 91 with the South line of said Section 17, said point of intersection being approximately 317 feet West of the South Quarter corner of said Section 17, and running thence Northwesterly along said West right-of-way line 1950 feet, more or less, to a point at which the said West right-of-way line meets the East right-of-way line of the Oregon Short Line Railroad; thence Southeasterly along said East right-of-way line to the point at which said East right-of-way

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line crosses the South line of said Section 17; thence East 675 feet, more or less, to the point of beginning. EXCEPTING THEREFROM: Commencing at the Southeast corner of the Southwest Quarter of Section 17, and running thence West 265.00 feet to the West right-of-way line of U.S. Highway 91 to the TRUE POINT OF BEGINNING; thence South  $89^{\circ}15'$  West 242.91 feet; thence North  $2^{\circ}15'$  West 132.80 feet; thence North  $86^{\circ}26'11''$  East 182.76 feet to the West right-of-way line of U.S. Highway 91; thence South  $^{\circ}$  East 155.44 feet along said line to the true of beginning.

Section 20: Commencing at a point which is 1540 feet North and 276 feet East and North  $19^{\circ}21'$  West 210 feet and North  $46^{\circ}$  West 88 feet from the South Quarter corner of Section 20, the TRUE POINT OF BEGINNING; thence North  $16^{\circ}31'$  West 1250 feet, more or less, to North side of Old Mill Race; running thence Northeasterly along Cub River to U.S. Highway 91; thence Southeasterly along said Highway 130 rods to old U.S. Highway right-of-way; thence West 54 rods, more or less, to the true point of beginning.

Section 28: Commencing at a point that is 1278.75 feet South and 1248 feet East of the Northwest corner of said Section 28, and running thence North 1006.5 feet, more or less, to the Eldon D. Kingsford property line; thence West along property line 431.5 feet; thence South 355.5 feet; thence West 57.75 feet; thence Southerly 650.5 feet, more or less, to a point that is 528 feet, more or less, West of the point of beginning; thence East 528 feet, more or less, to the point of beginning.

Section 29: Commencing at a point that is 877.8 feet West of the Southeast corner of the Northeast Quarter of said Section 29, and running thence West 660 feet, more or less; thence North 1468.5 feet, more or less, thence East in line with City Survey 676.5 feet, more or less, thence South in line with City Survey 1452 feet, more or less, to the place of beginning.

ALSO, beginning at the Southeast corner of the Northeast Quarter of said Section 29, and running thence West 877.5 feet; thence North 1019.5 feet; thence East 874.5 feet, more or less, thence South 987.5 feet, more or less, to the Southeast corner of the Northeast Quarter and the place of beginning.

ALSO, commencing at a point that is 429 feet West and 907.5 feet South of the Northeast corner of the Northeast Quarter of said Section 29, and running thence West 330 feet; thence North 330 feet; thence East 330 feet; thence South 330 feet to the place of beginning, and further described as Lots 2 and 3 in Block 2 of Franklin Village, as shown on the official plat of said Franklin Village, now on file in the office of the County, Recorder of Franklin County, Idaho.

(Continued)

180394 8-8

ALSO, commencing at a point that is 773 feet West and 511 feet South of the Northeast corner of the Northeast Quarter of said Section 29, and running thence South 50 feet; thence East 100 feet; thence North 50 feet; thence West 100 feet to the place of beginning.

ALSO, commencing 61 rods 16 links North of a point 53 rods 5 links West of the Southeast corner of the Northeast Quarter of said Section 29, and running thence North in a line with City Survey 42 rods and 10 links; thence East 14 rods 23 links; thence South 46 rods 6 links, more or less; thence Westerly 15 rods 11 links, more or less, to the place of beginning.

Together with twenty (20) shares of the Cub River Irrigation Company stock.

Together with 437 shares of the Franklin Maple Creek Pioneer Irrigation Company Stock.