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December 8, 2010

Allen D. Merritt, P.E.
Regional Manager
Southern Regional Office
Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

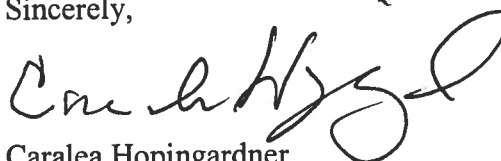
Re: *Transfer No. 4002 of Water Right No. 47-2137*

Dear Mr. Merritt:

Enclosed is Robert and Kathi Meyer's original *Response to Order to Show Cause* which was emailed to you on December 8, 2010. Also enclosed is a copy of the response to be conformed and returned to our office in the postage-paid envelope provided for your use.

Your assistance is appreciated.

Sincerely,



Caralea Hopingardner
Legal Assistant to Michael C. Creamer

Enclosures

cc: Director of IDWR w/enc.
10631-2_1032260_1.DOC

Michael C. Creamer, ISB #4030
GIVENS PURSLEY LLP
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10631-2_1032218_2.DOC

RECEIVED
DEC 09 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Attorneys for Robert and Kathi Meyers

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 4002 OF WATER
RIGHT NO. 47-2137 IN THE NAME KEN
MULBERRY ENTERPRISES**

**RESPONSE TO ORDER TO SHOW
CAUSE**

Robert and Kathi Meyers (the "Meyers"), through their attorneys, Givens Pursley LLP, and as successors-in-interest to Kenneth Mulberry Enterprises ("Mulberry") with respect to Water Right No. 47-2137, respond to the November 8, 2010 Order to Show Cause ("Show Cause Order") issued by the Department in the above-captioned matter. For the reasons set forth below, the Meyers request that the Application for Transfer No. 4002 ("Application") not be voided or rejected and that the Department continue processing the Application.

RESPONSE

The Show Cause Order, which was directed to Mulberry as the applicant, ordered that Mulberry 1) demonstrate continued interest in pursuing the application for transfer; and 2) provide evidence that Mulberry has legal access to the property described in the application and ownership of the water right 47-2137.

The Meyers have been in a business relationship with Mulberry for the past several years. That relationship was recently terminated and issues surrounding the ownership of numerous parcels of farm land in Twin Falls and Cassia Counties, including the parcel of land to which Water Right No. 47-2137 is sought to be transferred, has only recently been resolved through litigation and a comprehensive settlement agreement between the Meyers and Mulberry. A copy of the Quitclaim Deed from Mulberry to Meyers conveying Mulberry's interest in the real property is attached to this Response and Exhibit A ("Mulberry-Meyers Deed").

As part of the comprehensive settlement, Mulberry and the Meyers agreed to execute additional instruments documenting their respective interests in the water rights appurtenant to the numerous parcels of land, including interests in SRBA claims, and objections and responses filed in subcases affecting those claims. That documentation also will confirm the assignment of Mulberry's interest in Water Right No. 47-2137 and Application for Transfer No. 4002. Some of these issues are quite complex and they are interrelated, and as a result, finalization of that documentation has not yet occurred but is imminent.

As soon as this documentation is completed, which again is expected to be very soon, the Meyers intend to turn their attention to the Transfer Application and wishes to have the transfer processed and approved as requested. The Meyers also will be pressing forward with resolving the issue raised by Mr. Williams which appears to be a concern that water diversion be measured. The Meyers also will be addressing the objections filed in the SRBA to its water rights, including that filed by the Twin Falls Canal Company.

With respect to the ownership of the property to which Water Right No. 47-2137 is sought to be transferred, the attached Mulberry-Meyers Deed conveys what is described as "Parcel 3" being part of the NW1/4NW1/4 and part of the NE1/4NW1/4 of Section 22, T11S,

R18E, B.M. An aerial photo delineating in red the portions of the two quarter-quarters now owned by the Meyers is attached to this Response as Exhibit B. The photo also shows the adjacent Parcel 4, which also was conveyed to the Meyers by the Mulberry-Meyers Deed. Access to the NW1/4 of Section 22 and the proposed point of diversion is obtained either from the county road along the north boundary of these two parcels or through Parcel 4.

Mulberry already has submitted, and the Department acknowledged, evidence of the conveyance of Water Right No. 47-2137 from Ron and Linda Yanke to Mulberry by warranty deed dated December 11, 1989. As the Department is aware, a water right is real property that can be conveyed separately from the land to which it has originally been made appurtenant by a deed conveyance. In this instance, the intent of the parties, and the effect of the unqualified language, was to convey to Mulberry certain real property in the NW1/4 of Section 22 (to which Water Right No. 47-2137 was not appurtenant) and the entirety of Water Right No. 47-2137, which Mulberry has, through the Transfer Application, sought to make appurtenant to the conveyed NW1/4 of Section 22.

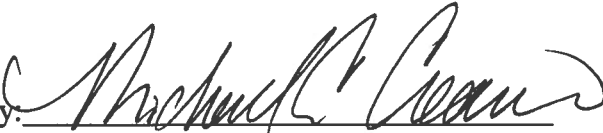
CONCLUSION

It is believed that the above information is fully responsive to the Show Cause Order and warrants the Department proceed with the Transfer Application in the name of the Meyers. Further documentation of the transfer of interests from Mulberry to the Meyers is forthcoming and will be provided to the Department and SRBA Court directly. If the information submitted with this Response is deemed only partially responsive and/or if additional information is desired by the Department, the Meyers respectfully request that the Department notify them immediately before acting on the Show Cause Order, so they can remedy the situation. The Meyers

respectfully request that the Application not be voided and that the Department schedule a new pre-hearing conference in January to establish a schedule for proceeding with the Application.

DATED this 8th day of December, 2010.

GIVENS PURSLEY, LLP

By: 

Michael C. Creamer

Attorneys for Robert and Kathi Meyers

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2010, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

Ken Mulberry Enterprises
PO Box H
Kimberly, ID 83341

☒
☐
☐
☐

U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile

William L. Mauk
Mauk & Burgoyne
PO Box 1743
Boise, ID 83701-1743

☒
☐
☐
☐

U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile

William J. Williams
WT Williams Inc.
3094 N. 3200 E.
Twin Falls, ID 83301

☒
☐
☐
☐

U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile

Robert and Kathi Meyers
3921 N. 3300 E.
Twin Falls, ID 83301

☒
☐
☐
☐

U.S. Mail, postage prepaid
Express Mail
Hand Delivery
Facsimile

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

☒
☐
☐
☐

U.S. Mail, postage prepaid
Express Mail
Hand Delivery
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Michael C. Creamer

TWIN FALLS COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW, INC.
3:15:47 pm 03-25-2010
2010-005934
NO. PAGES: 15 FEE: \$45.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: BHUNTER

QUITCLAIM DEED

THIS INDENTURE, made this 25th day of March,

2010, between KENNETH A. MULBERRY and JENNIFER MULBERRY, individually and as husband and wife, and RUSSET VALLEY MARKETING, INC., an Idaho Corporation, of 4041 N. 3400 E., Kimberly, ID 83341, herein called the ("GRANTOR"), and ROBERT J. MEYERS and KATHI MEYERS, husband and wife, of 3921 North 3300 East, Twin Falls, ID 83301, herein called the ("GRANTEE").

WITNESSETH:

The said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee and to the heirs and assigns of the Grantee, all of the interest of the Grantor in that certain lot, piece or parcel of land situated, lying and being in the County of Twin Falls, State of Idaho, bounded and particularly described on Exhibit A attached hereto and incorporated herein by reference.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water rights, canal shares and waste water (whether or not of record) and all buildings, structures, pumps, pivots and other improvements on said premises, and all fixtures thereon, the reversion and reversions, remainder and remainders, and all crops now sown and/or growing and the rents, profits and income therefrom, and to the heirs and assigns of Grantee.

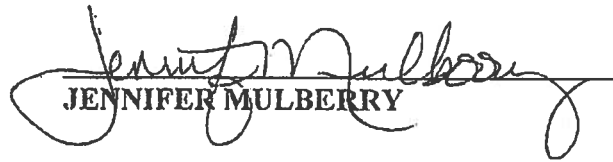
QUITCLAIM DEED - 1



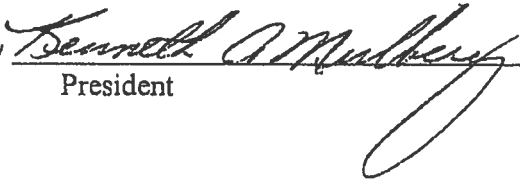
IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed.

GRANTOR


KENNETH A. MULBERRY

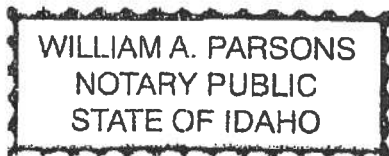

JENNIFER MULBERRY

RUSSET VALLEY MARKETING, INC.

By 
President

STATE OF IDAHO)
County of Cassia) ss

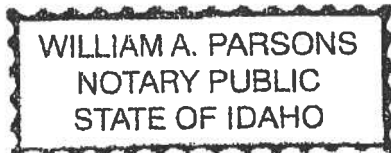
On this 25 day of March, in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared **KENNETH A. MULBERRY** and **JENNIFER MULBERRY**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



William A. Parsons
Notary Public for Idaho
Residing at: Butte
Comm. Exp.: 7/20/2010

STATE OF IDAHO)
County of Cassia) ss

On this 25 day of March, in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth Mulberry, known or identified to me to be the President of **RUSSET VALLEY MARKETING, INC.**, the Corporation that executed the instrument or the person who executed the instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.



William A. Parsons
Notary Public for Idaho
Residing at: Butte
Comm. Exp.: 7/20/2010

(MeyersRobert\MulberrytoMeyersQCDeed.doc)

PARCEL NO. 1

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

Section 8: All that portion North of the Twin Falls Low Line Canal, also known as Lots 1-21, 22, 24, 25, 27-32, 34, 36 and 39 of UTAH CONSTRUCTION COMPANY SUBDIVISION, plat recorded as Instrument No. 222470 on December 23, 1929.

EXCEPT a strip of land along the North bank of the Low Line Canal located in Lots 32, 34 and 36 of Utah Construction Company Subdivision in Section 8, Township 11 South, Range 18 East, Boise Meridian, and being more particularly described as follows:

BEGINNING at the Southwest corner of said subdivision and said Section 8;
THENCE North 00°04'00" West for a distance of 269.70 feet along the Westerly boundary of said subdivision and said Section 8 to the Southwest corner of said Lot 32 and the TRUE POINT OF BEGINNING;
THENCE along the Southerly boundary of said Lots 32, 34 and 36 the following courses and distances:
North 81°35'00" East for a distance of 332.70 feet;
THENCE North 76°34'00" East for a distance of 396.70 feet;
THENCE South 89°05'00" East for a distance of 199.30 feet;
THENCE North 78°49'00" East for a distance of 451.00 feet;
THENCE North 88°14'00" East for a distance of 199.40 feet;
THENCE North 81°41'00" East for a distance of 680.30 feet;
THENCE North 87°22'00" East for a distance of 80.30 feet;
THENCE North 79°26'00" East for a distance of 429.70 feet;
THENCE North 59°51'00" East for a distance of 221.80 feet;
THENCE North 45°53'00" East for a distance of 300.00 feet;
THENCE North 39°33'34" West for a distance of 90.00 feet to a point on the North bank of said Low Line Canal;
THENCE South 64°33'48" West for a distance of 708.60 feet;
THENCE South 08°46'19" East for a distance of 15.00 feet;
THENCE South 81°13'41" West for a distance of 975.26 feet;
THENCE South 80°52'24" West for a distance of 414.37 feet;
THENCE North 09°07'36" West for a distance of 15.00 feet;
THENCE South 80°52'24" West for a distance of 300.00 feet;
THENCE South 71°39'59" West for a distance of 250.00 feet;
THENCE South 80°52'24" West for a distance of 542.06 feet to a point on the Westerly boundary of said Lot 32 and the Westerly boundary of said Section 8;
THENCE South 00°04'00" East for a distance of 70.78 feet along the Westerly boundary of said Section 8 to the TRUE POINT OF BEGINNING.

PARCEL NO. 2

Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho

Section 20: A tract of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows:

BEGINNING at the Southwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE North 0°07'58" East for a distance of 731.56 feet along the Westerly boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the TRUE POINT OF BEGINNING;
THENCE North 0°07'58" East for a distance of 589.07 feet to the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE South 89°24'18" East for a distance of 449.88 feet along the Northerly boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE South 0°07'58" West for a distance of 527.56 feet parallel with the Westerly boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE South 76°58'48" East for a distance of 70.60 feet;
THENCE South 1°54'22" East for a distance of 285.66 feet;
THENCE South 44°40'12" East for a distance of 131.71 feet;
THENCE South 41°27'06" East for a distance of 228.03 feet;
THENCE South 18°29'59" East for a distance of 243.67 feet along the Southerly boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE North 89°24'59" West for a distance of 108.93 feet along the Southerly boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
THENCE North 45°02'33" West for a distance of 1,046.05 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM a strip of land 4 feet wide along the North side as described in Quitclaim Deed to W.H. Jones and Katherine Jones recorded July 23, 1913 as Instrument No. 44564.

SUBJECT TO the right of public roads which affect the Southerly and Westerly 25.00 feet thereof.

PARCEL NO. 3

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

Section 22: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ more particularly described as follows:

BEGINNING at the North $\frac{1}{4}$ Section corner of Section 22, said corner marked by a $\frac{1}{2}$ " rebar which shall be the POINT OF BEGINNING;

THENCE South 0°11'28" West along the $\frac{1}{4}$ Section line for 1,319.45 feet to a $\frac{5}{8}$ " rebar at the SE corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE North 89°16'37" West along the East line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 20.00 feet to a point;

THENCE North 00°11'28" West parallel to the East line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 208.71 feet to a point;

THENCE North 89°16'37" West for 208.71 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00°11'28" East for 199.51 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00°11'28" East for 9.20 feet to a point on the South line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE North 89°16'37" West along the South line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 1,098.92 feet to a $\frac{5}{8}$ " rebar at the SW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE North 00°07'52" West along the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 199.39 feet to a $\frac{1}{2}$ " rebar;

THENCE South 80°33'44" West for 535.18 feet to a $\frac{1}{2}$ " rebar;

THENCE South 88°44'27" West for 799.40 feet to a P.K. nail on the Section line;

THENCE North 0°04'18" West along the Section line for 1,006.61 feet to a P.K. Nail, said nail lying South 00°04'18" East for 235.00 feet from the NW corner of Section 22;

THENCE South 89°17'15" East for 235.00 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00°04'18" West for 235.00 feet to a P.K. nail on the Section line;

THENCE South 89°17'15" East along the Section line for 2,417.48 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for ingress and egress described as follows:

BEGINNING at the North $\frac{1}{4}$ Section corner of Section 22, Township 11 South, Range 18 East, Boise Meridian, said corner marked by a $\frac{1}{2}$ " rebar which shall be the POINT OF BEGINNING;

THENCE South 00°11'28" East along the $\frac{1}{4}$ Section line for 1,095.63 feet to a point;

THENCE North 89°16'37" West for 20.00 feet to a point;

THENCE South 00°11'28" East for 208.71 feet to a point on the South line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE South 89°16'37" East along the South line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for 20.0 feet to a $\frac{5}{8}$ " rebar at the SE corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE South 89°13'44" East along the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for 25.00 feet to a point;

THENCE North 00°11'28" West for 1,319.44 feet to a point on the Section line;

THENCE North 89°11'58" West along the Section line for 25.00 feet to the POINT OF BEGINNING.

PARCEL NO. 4

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

Section 14: NE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPT the East one acre thereof; NW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$ and all of the SW $\frac{1}{4}$

Section 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and all of the SE $\frac{1}{4}$

EXCEPT that parcel of land beginning at a point South 00°48' East 38 feet and South 89°12' West 51 feet from the Northeast corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15;

THENCE South 10°45' East 62 feet to the South side county road to the REAL POINT OF BEGINNING;

THENCE South 10°45' East 193 feet to a point;

THENCE South 79°15' West 83 feet to a point;

THENCE North 18°57' West 210 feet to a point;

THENCE North 84°50' East 116.4 feet to the POINT OF BEGINNING.

Section 22: NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 23: NW $\frac{1}{4}$

TOGETHER WITH an access easement recorded April 12, 1980 as Instrument No. 968886 more particularly described as follows:

COMMENCING at the Northwest corner of Section 23, said point lies North 90°00'00" West 2,639.94 feet from the North Quarter corner of Section 23;

THENCE South 90°00'00" East 413.16 feet to the REAL POINT OF BEGINNING;

THENCE South 55°31'48" East 253.50 feet;

THENCE South 50°13'43" East 123.49 feet;

THENCE South 45°10'13" East 186.63 feet;

THENCE South 00°00'00" West 21.15 feet;

THENCE North 45°10'13" West 200.88 feet;

THENCE North 50°13'43" West 122.13 feet;

THENCE North 55°31'48" West 274.65 feet to the North boundary of Section 23;

THENCE South 90°00'00" East 26.50 feet to the REAL POINT OF BEGINNING.

SUBJECT TO an access easement recorded April 18, 1980 as Instrument No. 969133 more particularly described as follows:

COMMENCING at the Northwest corner of Section 23, said point lies North 90°00'00" West 2,639.94 feet from the North Quarter corner of Section 23;

THENCE South 90°00'00" East 413.16 feet to the REAL POINT OF BEGINNING;

THENCE South 55°31'48" East 253.50 feet;

THENCE South 50°13'43" East 123.49 feet;

THENCE South 45°10'13" East 186.63 feet;

THENCE North 00°00'00" East 21.15 feet;

THENCE North 45°10'13" West 172.38 feet;

THENCE North 50°13'43" West 124.85 feet;

THENCE North 55°31'48" West 232.34 feet to the North boundary of Section 23;

THENCE South 90°00'00" East 26.50 feet to the REAL POINT OF BEGINNING.

ALSO SUBJECT TO the rights of a public road which affects the Northerly 25.00 feet thereof and also is subject to and includes use of an easement for the purpose of ingress, egress and public utilities over a strip of land 30 feet in width and located in the NW¼NW¼ of Section 23, Township 11 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho and lying 15 feet right and is 15 feet left of the following described centerline:

BEGINNING at the Northwest corner of said NW¼NW¼;
THENCE North 90°00'00" East a distance of 413.16 feet along the Northerly boundary of said NW¼NW¼ to the TRUE POINT OF BEGINNING of said centerline;
THENCE South 55°31'48" East a distance of 253.50 feet;
THENCE South 50°13'43" East a distance of 123.49 feet;
THENCE South 45°10'13" East a distance of 186.63 feet;
THENCE South 49°39'13" East a distance of 174.37 feet to a point on the Easterly boundary of the above described parcel and terminus of said easement.

EXCEPTING THEREFROM a parcel of land located in the NW¼NW¼ more particularly described as follows:

BEGINNING at the Northwest corner of said NW¼;
THENCE North 90°00'00" East a distance of 413.16 feet along the Northerly boundary of said NW¼NW¼ to the TRUE POINT OF BEGINNING;
THENCE North 90°00'00" East a distance of 607.31 feet along the Northerly boundary of said NW¼NW¼;
THENCE South 4°40'15" West a distance of 506.49 feet;
THENCE North 69°32'28" West a distance of 138.54 feet to the East boundary of property owned by the Idaho State Historical Society;
THENCE North 00°00'00" East a distance of 102.34 feet to the center of an access road;
THENCE along the center of said access road the following courses and distances:
North 45°10'13" West a distance of 186.63 feet;
THENCE North 50°13'43" West a distance of 123.49 feet;
THENCE North 55°31'48" West a distance of 253.50 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING a parcel of land located in the NW¼NW¼ more particularly described as follows:

BEGINNING at the Northwest corner of said NW¼;
THENCE North 90°00'00" East a distance of 1,020.47 feet along the Northerly boundary of said NW¼NW¼ to the TRUE POINT OF BEGINNING;
THENCE North 90°00'00" East a distance of 275.19 feet along the Northerly boundary of said NW¼NW¼;
THENCE South 5°56'47" West a distance of 317.86 feet;
THENCE South 9°30'24" West a distance of 256.12 feet;
THENCE North 80°36'04" West a distance of 127.11 feet;
THENCE North 69°32'57" West a distance of 123.59 feet;
THENCE North 4°40'15" East a distance of 506.49 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING a parcel of land located in the NW¼NW¼ more particularly described as follows:

COMMENCING at the Northwest corner of Section 23, said point lies North 90°00'00" West 2,639.94 feet from the North Quarter corner of Section 23;
THENCE South 90°00'00" East 370.00 feet to the REAL POINT OF BEGINNING;
THENCE South 90°00'00" East 43.16 feet;
THENCE South 55°31'48" East 253.50 feet;

THENCE South 50°13'43" East 123.49 feet;
THENCE South 45°10'13" East 186.63 feet;
THENCE South 00°00'00" West 109.95 feet;
THENCE South 21°32'00" West 210.71 feet;
THENCE North 90°00'00" West 353.12 feet to the center of Rock Creek;
THENCE North 00°42'40" East 16.90 feet along the center of Rock Creek;
THENCE North 31°01'00" East 84.70 feet along the center of Rock Creek;
THENCE South 72°41'22" East 30.36 feet along the center of Rock Creek;
THENCE North 52°47'44" East 77.43 feet along the center of Rock Creek;
THENCE North 16°56'23" West 74.97 feet along the center of Rock Creek;
THENCE North 48°42'26" West 81.06 feet along the center of Rock Creek;
THENCE South 82°37'41" West 76.01 feet along the center of Rock Creek;
THENCE South 54°11'02" West 55.82 feet along the center of Rock Creek;
THENCE North 00°00'00 East 350.05 feet;
THENCE South 90°00'00" East 20.00 feet;
THENCE North 00°00'00" East 100.00 feet to the REAL POINT OF BEGINNING.

SUBJECT TO a 25.00 foot wide county roadway easement parallel with and adjoining the Section line along the North boundary of the above described parcel.

PARCEL NO. 5

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

Section 15: A part of the NE¼ more particularly described as follows:

BEGINNING at a point South 00°48' East 38 feet and South 89°12' West 51 feet from the Northeast corner of NE¼NE¼ of Section 15;

THENCE South 10°45' East 62 feet to the South side county road;

THENCE South 10°45' East 193.00 feet to a point;

THENCE South 79°15' West 83 feet to a point;

THENCE North 18°57' West 210 feet to a point;

THENCE North 84°50' East 116.4 feet to the POINT OF BEGINNING.

PARCEL NO. 6

Township 10 South, Range 18 East, Boise Meridian, Twin Falls County, Idaho

Section 20: A parcel of land located in the SW¼ of Section 20, more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 20 and being the TRUE POINT OF BEGINNING;

THENCE South 89°24'59" East along the North boundary of the NW¼SW¼ for a distance of 568.09 feet;

THENCE South 00°07'59" West for a distance of 748.16 feet to a point on the North right-of-way line of the Oregon Shortline Railroad;

THENCE North 80°47'13" West along the North boundary of the Oregon Shortline Railroad for a distance of 575.28 feet to a point on the West boundary of the NW¼SW¼ of Section 20;

THENCE North 00°07'59" East along the West boundary of the NW¼SW¼ for a distance of 661.84 feet to the West Quarter corner of Section 20 and being the TRUE POINT OF BEGINNING.

PARCEL NO. 7

NO PARCEL NO. 7

PARCEL NO. 8

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

Section 28: A parcel of land located in the NW¼NW¼ and more particularly described as follows:

COMMENCING at the Northwest corner of said Section 28;

THENCE North 90°00'00" East along the North boundary of the NW¼ of Section 28 for a distance of 660.00 feet;

THENCE South 01°26'30" East parallel with the West boundary of the NW¼ of Section 28 for a distance of 240.00 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South 01°26'30" East parallel with the West boundary of the NW¼ of Section 28 for a distance of 156.00 feet;

THENCE North 90°00'00" West parallel with the North boundary of the NW¼ of Section 28 for a distance of 173.00 feet;

THENCE North 01°26'30" West parallel with the West boundary of the NW¼ of Section 28 for a distance of 156.00 feet;

THENCE North 90°00'00" East parallel with the North boundary of the NW¼ of Section 28 for a distance of 173.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 9

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

Section 5: A parcel of land located in the SE¼ being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 5 and being the REAL POINT OF BEGINNING;
THENCE South 89°56'56" West 2,642.12 feet to the South Quarter corner of Section 5;
THENCE North 01°28'54" West 1,990.80 feet along the West boundary of the SE¼ of Section 5;
THENCE North 89°56'56" East 2,658.04 feet to a point on the East boundary of Section 5;
THENCE South 01°01'25" East 1,990.47 feet to the REAL POINT OF BEGINNING.

SUBJECT TO a 25.0 foot wide county roadway easement parallel with and adjoining the East and the South boundaries of the above described property.

PARCEL NO. 10

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

Section 5: A parcel of land located in the SE¼ and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 5;
THENCE South 89°56'56" West 2,642.12 feet to the South Quarter corner of Section 5;
THENCE North 01°28'54" West 1,990.80 feet along the West boundary of the SE¼ of Section 5 to the REAL POINT OF BEGINNING;
THENCE North 01°28'54" West 653.52 feet to the center of Section 5;
THENCE South 89°53'50" East 2,663.40 feet to the East Quarter corner of Section 5;
THENCE South 01°01'25" East 646.25 feet along the East boundary of Section 5;
THENCE South 89°56'56" West 2,658.04 feet to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM a parcel of land located in the SE¼ and being more particularly described as follows:

COMMENCING at the center of Section 5, the REAL POINT OF BEGINNING;
THENCE South 89°53'50" East 2,663.40 feet to the East Quarter corner of Section 5;
THENCE South 01°01'25" East 392.52 feet;
THENCE West on a line parallel with the North boundary of the SE¼ of Section 5 until reaching the West boundary of the SE¼ of Section 5;
THENCE North along the West boundary of the SE¼ of Section 5 until reaching the center of Section 5, the REAL POINT OF BEGINNING.

SUBJECT TO a 25.0 foot wide county roadway easement parallel with and adjoining the East boundary of the above described parcel.

