#48038

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RECEIVED
DEC 27 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

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

all PD

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
45-597	Yes ☐	45-14144	Yes ☐	45-78U	Yes ☐
45-622B	Yes ☐	45-14156	Yes ☐	45-79U	Yes ☐
45-674	Yes ☐	45-14157	Yes ☐	45-88	Yes ☐
45-14219	Yes ☐	45-14158	Yes ☐	45-92B	Yes ☐
45-14221	Yes ☐	45-14223	Yes ☐	45-10598 45-2363	Yes ☐

2. Previous Owner's Name: D & N Ranch, LLC
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): PKD Properties, LC
   Name of each new owner as listed on the conveyance document
   Paul H. Duncan, Manager
   New owner continued Name connector ☐ and ☐ or ☐ and/or
   1404 East 500 North
   Mailing address
   Jackson, | ID | 83350
   City | State | ZIP
   208-436-0502 | Email
   Telephone

4. If the water rights and/or adjudication claims were split, how did the division occur?
   ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: December, 2010.

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

7. Signature: PKD PROPERTIES, LC | | |
   Signature of new owner/claimant | Title, if applicable | Date

   Signature: By: Paul H. Duncan | Manager | 12/17/2010
   Signature of new owner/claimant | Title, if applicable | Date
   Paul H. Duncan

For IDWR Office Use Only:

Receipted by CW Date 12/28/10 Receipt No. 5031731 Receipt Amt. $400.00

Approved by _____ Processed by _____ Date _____

Form 42-248/42-1409(6) Rev. 07/10

SUPPORT DATA
IN FILE # 45-78U

WARRANTY DEED

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW #48038
3:56:46 pm 12-20-2010
2010-005869
NO. PAGES: 9 FEE: $34.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: VIKI

For Value Received

D & N Ranch, LLC, an Idaho limited liability company

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

PKD Properties, L.C., an Idaho limited liability company
Address: 1404 East 500 North
Jackson, ID 83350

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

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 26: S½NW¼, N½SW¼, NW¼SE¼, S½SW¼ and SW¼SE¼

Section 27: NE¼SE¼, SE¼SE¼

PARCEL NO 2:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: E½SW¼, E½NE¼, W½NE¼, NE¼SE¼, W½SE¼, SE¼SE¼, ALSO Tax No. 4144, described as follows:

Tax No. 4144: The South 1716 feet of the NW¼ of said Section 34, lying East of the West right-of-way boundary line of the East Canal of the Oakley Canal Company.

EXCEPTING THEREFROM the following described tract:

Commencing at a point 54 rods North and 2 rods East of the Southwest corner of the SE¼SW¼ of said Section 34;
Thence running East 34 rods;
Thence North 22 rods and 11½ feet;
Thence West 34 rods;
Thence South 22 rods and 11½ feet to the Point of Beginning.

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: That part of the S½NE¼ lying East of Birch Creek Road; Lot 1 and Tax No. 451 and tax No. 464, described as follows:

Tax No. 451:
Beginning 49.5 feet South and 676.5 feet East of the Northwest corner of the NE¼ of said Section 3;
Running thence South 597.44 feet;
Thence East 214.5 feet;
Thence North 597.69 feet;
Thence West 214.5 feet to the Point of Beginning,

EXCEPT that part deeded as County road right-of-way.

Tax No. 464:
Beginning at a point 49.5 feet South of the Northeast corner of the NW¼NE¼ of said Section 3;

Thence South 598.2 feet;
Thence West 214.5 feet;
Thence North 382.94 feet;
Thence East 107 feet;
Thence North 215 feet;
Thence East 107.5 feet to the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Commencing at a point 54 rods North and 2 rods East of the Southwest corner of the SE¼SW¼ of said Section 34;
Thence running East 34 rods;
Thence North 22 rods and 11½ feet;
Thence West 34 rods;
Thence South 22 rods and 11½ feet to the Point of Beginning.

PARCEL NO. 4:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at the Northwest corner of the S½SW¼ of said Section 27;
Thence running East 160 rods;
Thence South 40 rods;
Thence West 160 rods;
Thence North 40 rods to the Point of Beginning.

EXCEPTING THEREFROM the following described tracts:

TRACT 1:
Beginning at a point 660 feet North of the Southwest corner of said Section 27;
Thence North 300 feet;
Thence East 150 feet;
Thence South 300 feet;
Thence West 150 feet to the Point of Beginning.

TRACT 2:
Beginning at the Southwest corner of the N½SW¼SW¼ of said Section 27, said corner marked by a 5/8 inch rebar;
Thence South 89°14'01" East along the South line of the N½SW¼SW¼ for a distance of 150.00 feet to a point which shall be the Point of Beginning;
Thence North 00°08'26" East for a distance of 31.82 feet;
Thence South 89°02'37" East for a distance of 49.61 feet;
Thence South 00°25'08" East for a distance of 31.66 feet to the South line of the N½SW¼SW¼;
Thence North 89°14'01" West along said line for a distance of 49.92 feet to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at a point 80 rods North and 3 rods East of the Southwest corner of said Section 27;
Thence running East 80 rods;
Thence North 40 rods;
Thence West 80 rods;
Thence South 40 rods to the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at a point 660 feet North of the Southwest corner of said Section 27;
Thence North 300 feet;
Thence East 150 feet;
Thence South 300 feet;
Thence West 150 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of the N½SW¼SW¼ of said Section, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°08'26" East along the West line of the SW¼SW¼ for a distance of 32.32 feet to a ½ inch rebar;
Thence South 89°02'37" East for a distance of 150.01 feet;
Thence South 00°08'26" West for a distance of 31.82 feet to the South line of the N½SW¼SW¼;
Thence North 89°14'01" West along said line for a distance of 150.00 feet to the Point of Beginning.

PARCEL NO. 7:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Part of the N½NW¼, more particularly described as follows:

Beginning 245 feet East of Northwest corner of said Section 34;
Thence South for 495 feet;
Thence East for 365.5 feet;
Thence South for 429 feet to point that is located 1716 feet North of the South boundary line of the NW¼ of said Section 34;
Thence East 1559.5 feet, more or less, to the point that is located 470 feet West of the East boundary line of the NW¼ of said Section 34;
Thence North for 924 feet, more or less, to the North boundary line of the NW¼ of said Section 34;
Thence West along said North boundary line for 1925 feet to Point of Beginning, 245 feet from Northwest corner of said Section 34.

EXCEPTING THEREFROM the following described tract:

Commencing at the Northwest corner of said Section 34, marked by a 5/8 inch rebar and aluminum cap, and running thence along the North line thereof South 89°15'15" East 245.00 feet to a ½ inch rebar marking the Northwest corner of that real property conveyed from Barry R. Matthews and Martha Matthews to H. Dutch Robinson and Karen Robinson by the Warranty Deed recorded December 30, 1999 as Instrument No. 266654, Cassia County records, said ½ inch rebar being the True Point of Beginning;
Thence along the West line of said land of Robinson South 0°17'38" West 495.00 feet a ½ inch rebar set on the North line of that real property conveyed to James T. Hunter and Becky K. Hunter by the Quitclaim Deed recorded December 14, 2001 as Instrument No. 278704, Cassia County records;
Thence along the North line of said lands of Hunter South 89°15'15" East 365.50 feet to a ½ inch rebar at the Northeast corner thereof;
Thence leaving last said North line North 0°17'38" East 495.00 feet to a ½ inch rebar set on the North line of said Section 34;
Thence along last said North line North 89°15'15" West 365.50 feet to the True Point of Beginning.

PARCEL NO. 8:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at the Northeast corner of the NW¼SW¼ of said Section 27, running thence South 30 rods, thence West 80 rods, thence North 30 rods, thence East 80 rods to the Point of Beginning

Beginning at the Northeast corner of the NE¼SW¼ of said Section 27, running thence South 30 rods; thence West 80 rods; thence North 30 rods; thence East 80 rods to the Point of Beginning.

Beginning 30 rods South of the Northeast corner of the NW¼SW¼ of said Section 27, running South 10 rods; thence West 80 rods; thence North 10 rods; thence East 80 rods to the Point of Beginning.

Beginning at the Northeast corner of the NE¼SW¼ of said Section 27; thence South for 495.00 feet to the Point of Beginning; thence continuing South for 825.00 feet; thence West for 1270.50 feet; thence North for 660.00 feet; thence West for 49.50 feet; thence North for 165.00 feet; thence East for 1320.00 feet to the Point of Beginning.

PARCEL NO. 9:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: The West 415 feet of the SW¼NE¼

PARCEL NO 10:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: SE¼ EXCEPT the East 900 feet

PARCEL NO. 11:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: E½SW¼, NW¼SW¼ & SE¼NW¼, SW¼NW¼, **EXCEPT** the following described tracts:

Tract No. 1
Beginning at the Southwest corner of the NW¼SW¼ of said Section 3;
Thence East 390 feet;
Thence North 650 feet;
Thence West 390 feet;
Thence South 650 feet to the Point of Beginning.

Tract No. 2
Beginning at the Southwest corner of the NW¼SW¼ of said Section 3; Thence North along the Section line 650 feet to the True Point of Beginning;
Thence North 240 feet;
Thence East 390 feet;
Thence South 240 feet;
Thence West 390 feet to the Point of Beginning.

Tract No. 3:
Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with a brass cap on top; Thence South 89°08'10" East (East rec.) along the South line of the NW¼SW¼ for a distance of 390.00 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence North 00°03'57" West (North, rec.) for a distance of 797.34 feet to a ½ inch rebar;
Thence South 27°58'24" East for a distance of 31.09 feet to a ½ inch rebar;
Thence South 35°48'24" East for a distance of 301.46 feet to a ½ inch rebar;
Thence South 56°02'44" East for a distance of 408.81 feet to a ½ inch rebar;
Thence South 73°28'33" East for a distance of 419.23 feet to a ½ inch rebar;
Thence South 00°03'31" East for a distance of 191.87 feet to the Southeast corner of the NW¼SW¼ marked by a U.S. BLM iron pipe with brass cap on top;
Thence North 89°08'10" West along the South line of the NW¼SW¼ for a distance of 931.36 feet to the Point of Beginning.

Tract No. 4:
Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with brass cap on top; Thence North 00°03'57" West (North, rec.) along the West line of the NW¼SW¼ for a distance of 890.00 feet to the Point of Beginning;
Thence North 00°03'57" West continuing along said line for a distance of 68.31 feet;

Thence South 89°02'06" East for a distance of 31.54 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 272.75 feet to a ½ inch rebar;
Thence South 27°58'24" East for a distance of 77.36 feet to a ½ inch rebar;
Thence North 89°08'10" West (West, rec.) for a distance of 340.49 feet to the Point of Beginning.

Tract No. 5:

Beginning at the West ¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar; Thence North 00°14'42" East along the West section line for a distance of 428.97 feet to the Point of Beginning;
Thence North 00°14'42" East continuing along said line for a distance of 207.64 feet;
Thence South 89°02'06" East for a distance of 35.73 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 174.06 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 207.64 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 179.79 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the Point of Beginning.

Tract No. 6:

Beginning at the West ¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar; Thence North 00°14'42" East along the West section line for a distance of 221.33 feet to the Point of Beginning;
Thence North 00°14'42" East continuing along said line for a distance of 207.64 feet;
Thence South 89°02'06" East for a distance of 30.00 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 179.79 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 207.64 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 179.79 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the Point of Beginning.

Tract No. 7:

Beginning at the W¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar; Thence North 00°14'42" East along the West section line for a distance of 13.69 feet to the Point of Beginning;
Thence North 00°14'42" East continuing along said line for a distance of 207.64 feet;
Thence South 89°02'06" East for a distance of 30.00 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 179.79 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 207.64 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 179.79 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the Point of Beginning.

Tract No. 8:

Beginning at the W¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°14'42" East along the West section line for a distance of 13.69 feet;
Thence South 89°02'06" East for a distance of 30.00 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 179.79 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 208.14 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 178.73 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the West section line;
Thence North 00°03'57" West along said line for a distance of 194.47 feet to the Point of Beginning.

Tract No. 9:

Beginning at the Southwest corner of Lot 4 of said Section 3;
Thence South 21 7/11 rods;
Thence East 33 8/11 rods;
Thence North 21 7/11 rods;
Thence West 33 8/11 rods to the Point of Beginning.

Tract No. 10:

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with a brass cap on top; thence North 00°03'57" West (North rec.) along the West line of the NW¼SW¼ for a distance of 890.00 feet; thence South 89°08'10" East (East rec.) for a distance of 340.49 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 89°08'10" East (East rec.) for a distance of 49.51 feet;

Thence South 00°03'57" East (South rec.) for a distance of 92.66 feet to a ½ inch rebar;
Thence North 27°58'24" West for a distance of 105.76 feet to the Point of Beginning.

PARCEL NO. 12:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: Part of the NW¼SW¼, more particularly described as follows:

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with a brass cap on top; thence North 00°03'57" West (North rec.) along the West line of the NW¼SW¼ for a distance of 890.00 feet; thence South 89°08'10" East (East rec.) for a distance of 340.49 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 89°08'10" East (East rec.) for a distance of 49.51 feet;
Thence South 00°03'57" East (South rec.) for a distance of 92.66 feet to a ½ inch rebar;
Thence North 27°58'24" West for a distance of 105.76 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho, Department of Water Resources Adjudication Nos. 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14144, 45-14156, 45-14157, 45-14158, 45-14223, 45-78U, 45-79U, 45-88, 45-92B, 45-10598 and 45-2363 *and* Oakley Canal Company Stock Certificate Nos. 3692, 3693, 3695, 3696 and 3697.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2010.

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

Assessments levied, or to be levied, by the Goose Creek Irrigation District.

Right-of-Way Deed from Joseph Beck, a single person, party of the first party, to The Twin Falls Oakley Land & Water Co., a corporation of Milner County of Twin Falls, party of the second part, dated March 14, 1913 and recorded April 9, 1917 as Instrument No. 28638 in Book 22 of Deeds, Page 488, records of Cassia County, Idaho.

Right of way as disclosed by Warranty Deed from John C. DeLaMare and Agnes M. DeLaMare to Rosetta B. Robinson, dated May 19, 1927 and recorded May 23, 1927 in Book 35 of Deeds on Page 610 as Instrument No. 85249, records of Cassia County, Idaho

Easement Deed from H. P. Matthews and Clara B. Matthews, his wife, as Grantors, to The North Oakley Water Company, as Grantee, dated February 21, 1944 and recorded March 8, 1945 as Instrument No. 150737, in Book 50 of Deeds, Page 198, records of Cassia County, Idaho.

Easement Deed from Ennis B. Matthews and Mabel Matthews, his wife, as Grantors, to The North Oakley Water Company, as Grantee, dated February 21, 1944 and recorded March 10, 1945 as Instrument No. 150771, in Book 50 of Deeds, Page 204, records of Cassia County, Idaho.

Power Line Easement from Loren J. Robinson Jr. and Rosetta B. Robinson, his wife, as Grantors, to Idaho Power Company, a corporation, its licensees, successors and assigns, as Grantee, dated April 18, 1950 and recorded June 15, 1950 as Instrument No. 169563 in Book 14 of Miscellaneous, Page 178, records of Cassia County, Idaho.

Mineral Deed from Ennis B. Matthews and wife, Mabel Matthews, Grantors, to Fred F. Foss, Grantee, dated December 19, 1952 and recorded February 2, 1953 as Instrument No. 177878, in Book 57 of Deeds, Page 104, records of Cassia County, Idaho.

Power Line Easement from Ennis B. Matthews and Mabel S. Matthews, his wife, as Grantors, to Idaho Power Company, a corporation, its licensees, successors and assigns, as Grantee, dated September 2, 1957 and recorded May 8, 1958 as Instrument No. 197155 in Book 15 of Miscellaneous, records of Cassia County, Idaho.

Power Line Easement from Ennis B. Matthews and Mabel S. Matthews, his wife, as Grantors, to the Idaho Power Company, a corporation, its licensees, successors and assigns, as Grantee, dated October 7, 1959 and recorded February 17, 1960 as Instrument No. 205200 in Book 16 of Miscellaneous, records of Cassia County, Idaho

Reservation contained in Warranty Deed from Caroline L. Tucker, party of the first part, and Ennis Matthews, party of the second part, dated March 12, 1956 and recorded February 10, 1964 as Instrument No. 16917 on Film No. 25, records of Cassia County, Idaho.

Easement For Construction And Maintenance Of Concrete Ditch between E. B. Matthews and Mabel Matthews, husband and wife, Grantors, and 10 B Birch Creek Water Users Association Of Lateral, Inc also known as 10 B Birch Creek Irrigation District, Grantees, dated April 28, 1967 and recorded July 8, 1968 as Instrument No. 41776 on Film No. 56, records of Cassia County, Idaho.

Easement For Construction and Maintenance of Concrete Ditch between Henry Calahan and Rose Calahan, husband and wife, parties of the first part, hereinafter called the "Grantors", which expression shall include their heirs, executors, administrators or assigns, and 10 B Birch Creek Water Users Association of Lateral, Inc., aka 10 B Birch Creek Irrigation District, an association of water users, party of the second part, hereinafter called the "Grantee" which expression includes its heirs, successors and assigns, dated April 29, 1967 and recorded July 8, 1968 as Instrument No. 41779 on Film No. 56, records of Cassia County, Idaho.

Easement For Construction And Maintenance Of Concrete Ditch between Andrew Butler and Luella Butler, husband and wife, Grantors, and 10 B Birch Creek Water Users Association Of Lateral, Inc., also known as 10 B Birch Creek Irrigation District, an association, dated April 28, 1967 and recorded July 8, 1968 as Instrument No. 41780 on Film No. 56, records of Cassia County, Idaho, over and across the NW¼SW¼NW¼, of Section 3, Township 14 South, Range 22 East of the Boise Meridian.

Easement For Construction And Maintenance Of Concrete Ditch between J. H. Callahan and Rose Callahan, husband and wife, Grantors, and 10 B Birch Creek Water Users Association Of Lateral, Inc., also known as 10B Birch Creek Irrigation District, an association, Grantees, dated May 22, 1968 and recorded July 8, 1968 as Instrument No. 41781 on Film No. 56, records of Cassia County, Idaho

Right of way contained in Deed from Matthews Brothers, Inc, an Idaho corporation to J. Henry Callahan and Rose Callahan, husband and wife, dated July 17, 1973 and recorded July 30, 1973 as Instrument No. 71595 on Film No. 83, records of Cassia County, Idaho.

Effects of Easement from Oakley Highway District to Matthews Brothers, Inc., an Idaho Corporation, dated October 7, 1986 and recorded October 8, 1986 as Instrument No. 182618 on Film No. 184, records of Cassia County, Idaho.

Grant of Easement from Janette Day and Gail Ambler to Goose Creek Flood Control District #16, a duly constituted entity under the laws of the State of Idaho, dated June 29, 1989 and recorded June 13, 1991 as Instrument No. 213882 on Film No. 226, records of Cassia County, Idaho.

Water Rotation Agreement executed by Matthews Brothers, Inc., et. al, dated September 10, 1992 and recorded May 27, 1993 as Instrument No. 224804 on Film No. 245, records of Cassia County, Idaho.

Reservation in Warranty Deed from Janette Day, a single woman and Gail Ambler and Frank Ambler, wife and husband to R. Hilton Critchfield and Sons, dated February 7, 1993 and recorded March 29, 1994 as Instrument No. 229942 on Film No. 254, records of Cassia County, Idaho.

Easement from J. H. Callahan etal to Goose Creek Flood Control District No. 16, dated May 1, 1996 and recorded April 16, 1998 as Instrument No. 255015 on Film No. 298, records of Cassia County, Idaho.

Reservation contained in Warranty Deed executed by Manning Ranches, Inc., an Idaho corporation who acquired title as Matthew Brothers, Inc., an Idaho corporation, to Howard Robinson and Karen Robinson, husband and wife, dated August 16, 2007 and recorded August 20, 2007 as Instrument No. 2007-317700, records of Cassia County, Idaho and Warranty Deed executed by Manning Ranches, Inc., an Idaho Corporations, who acquired title as Matthews Brothers, Inc. an Idaho Corporation to Howard Dutch Robinson aka Howard Robinson and Karen Robinson dba Green Acres sometimes known as Green Acres, LLC, dated August 16, 2007 and recorded August 20, 2007 as Instrument No. 2007-317704, records of Cassia County, Idaho.

Access Easement executed by Robert H. Manning and Deanne, husband and wife to Howard Dutch Robinson and Karen Robinson, husband and wife doing business as Green Acres sometimes known as Green Acres, L.L.C., dated July 19, 2007 and recorded August 20, 2007 as Instrument No. 2007-317705, records of Cassia County, Idaho.

Pipeline Easement executed by Howard Dutch Robinson and Karen Robinson, husband and wife doing business as Green Acres sometimes known as green acres, L.L.C. to Manning Ranches, Inc., dated July 19, 2007 and recorded August 20, 2007 as Instrument No. 2007-317706, records of Cassia County, Idaho.

Well Agreement With Easement between D & N Ranch, LLC and Manning Ranches, Inc., dated August 16, 2007 and recorded August 20, 2007 as Instrument No. 2007-317710, records of Cassia County, Idaho.

Pipeline Easement, by Howard Robinson and Karen Robinson, husband and wife, and D & N Ranch LLC, Grantor, to Oakley Canal Company, Grantee, dated December 29, 2009 and recorded April 6, 2010 as Instrument No. 2010-001681, Cassia County, Idaho.

Resolution 2010-07 by Cassia County Planning and Zoning Commission Granting A Conditional Use Permit For Development Of A Gravel Pit, Called The Robinson North Gravel Pit For Gordon Paving, dated May 20, 2010 and recorded May 21, 2010 as Instrument No. 2010-002530, Cassia County records.

Resolution 2010-08 by Cassia County Planning and Zoning Commission Granting A Conditional Use Permit For Development Of A Gravel Pit, Called The Robinson North Gravel Pit For Gordon Paving, dated May 20, 2010 and recorded May 21, 2010 as Instrument No. 2010-002531, Cassia County records.

Amended Summary Judgment and Decree Of Foreclosure dated October 12, 2010 and recorded October 15, 2010 as Instrument No. 2010-004913, records of Cassia County, Idaho.

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

Dated: **December 17, 2010**

D & N PROPERTIES, LLC

by: Howard D. Robinson
Howard D. Robinson, Manager

By: BRP Land L.L.C., Manager

By:
Boyd R. Poulton, Manager

STATE OF UTAH)
)ss.
COUNTY OF)

On this 16 day of December, 2010, before me, the undersigned, a Notary Public, personally appeared Howard D. Robinson known or identified to me to be one of the managers of D & N Ranch, LLC the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

GERARD H. DINKELMAN
NOTARY PUBLIC • STATE of UTAH
10221 SOUTH 700 EAST
SANDY, UTAH 84070
COMM. EXPIRES 5-4-2010

Notary Public
Residing at:
My Commission Expires: