

RECEIVED

NOV 17 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76160**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

* Means the item is always required and must be included with the application.

- | Yes | N/A | |
|-------------------------------------|--------------------------|--|
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☒ | ☐ | ☐ Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application |
| ☒ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☒ | ☐ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☒ | ☐ | #2b 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). |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☐ | ☒ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/water/rights/ . |
| ☒ | ☐ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☒ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☒ | ☐ | #7b 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. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☒ | ☒ | #9 Other. Please describe: _____ |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76160

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

Name of Applicant(s) LAST RANCH LLC Phone (208) 644-1728

Mailing Address 136 BRIDON WAY JEROME, ID. 83338 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 Charles E Brockway Phone 208-736-8543

Mailing Address 2016 N. Washington St. Suite 4 Twin Falls Id 83355 Email _____

☐ 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

Print Name and Title if applicable

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. 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**. Transfers purpose is to create a permissible place of use. To bring into compliance current pou irrigation practises and allow flexibility for farm management.

[illegible]

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: Two ground water wells, a pump pond, & piping system.

- b. Who owns the property at the point(s) of diversion? Last Ranch LLC

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: Max limit irrigated acres will be 484.1 acres with in newley created PPU. The remaining 12.3 acres from water rights 36-16140 for 2.6 ac. & portion of 36-16138 which was applicable to this land will be transferred off the unirrigable lands.

- 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: Water rights 36-16138 & 36-16140 which have a combined limit of 32 ac. 0.37 cfs of which we proposed to transfer all of 36-16140 & of 36-16138; 0.12 cfs, 41.5 afa, & 10.3 acres, which has been identified as unproductive farm lands.

- 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: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2554A

Current Owner: SANDRA K BRAGG
C JEFFREY BRAGG

Priority Date: 8/31/1962

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	2.52 CFS	612 AF
	Total Diversion	2.52 CFS	612 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NE1/4	Sec. 20,	Twp 07S,	Rge 18E B.M.
JEROME County				

GROUND WATER	NE1/4NE1/4NW1/4	Sec. 21,	Twp 07S,	Rge 18E B.M.
JEROME County				

Place of Use

IRRIGATION Within JEROME County

T07S R18E S17	SWSE	32.00	T07S R18E S20	NENE	25.00
T07S R18E S20	NWNE	32.00	T07S R18E S21	NENW	32.00
T07S R18E S21	NWNW	32.00			

Total Acres: 153

Page _____ of _____

Conditions of Approval:

1. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 1] AND AFTER [NOVEMBER 1] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. F05 RIGHT NO. 36-2461A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 8/27/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2461A

Current Owner: SANDRA K BRAGG
C JEFFREY BRAGG

Priority Date: 1/12/1981

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

3.48 CFS

3.48 CFS

Annual Volume

984 AF

984 AF

Location of Point(s) of Diversion

GROUND WATER

JEROME County

NE1/4NE1/4NW1/4

Sec. 21, Twp 07S, Rge 18E B.M.

GROUND WATER

JEROME County

NW1/4NW1/4NE1/4

Sec. 20, Twp 07S, Rge 18E B.M.

Place of Use

IRRIGATION Within JEROME County

T07S R18E S21	SWNE	23.00	T07S R18E S21	SENE	32.00
T07S R18E S21	SENE	33.00	T07S R18E S21	NESW	32.00
T07S R18E S21	SESW	33.00	T07S R18E S21	NESE	25.00
T07S R18E S21	NWSE	32.00	T07S R18E S21	SWSE	36.00

Total Acres: 246

Page _____ of _____

Conditions of Approval:

1. S40 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 1] AND AFTER [NOVEMBER 1] UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. F05 RIGHT NO. 36-2461A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 8/27/2001

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-16155

Current Owner: LAST RANCH LLC

Priority Date: 6/23/1952

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

0.58 CFS

0.58 CFS

Annual Volume

128 AF

128 AF

Location of Point(s) of Diversion

GROUND WATER

JEROME County

NE1/4NE1/4NW1/4

Sec. 21, Twp 07S, Rge 18E B.M.

Place of Use

IRRIGATION Within JEROME County

T07S R18E S21

NWNE

32.00

Total Acres: 32

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. 131 Prior to the diversion and use of water under Transfer approval 70534, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
8. X36 Rights 36-2461A, 36-2554A & 36-16149 are also diverted through the point of diversion described above.
9. R43 The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Decreed Date: 2/2/2002

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-16149

Current Owner: LAST RANCH LLC

Priority Date: 6/23/1952

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/15 to 11/15	0.46 CFS	136 AF
	Total Diversion	0.46 CFS	136 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NE1/4NW1/4

Sec. 21, Twp 07S, Rge 18E B.M.

JEROME County

Place of Use

IRRIGATION Within JEROME County

T07S R18E S21 SWNW 34.00

Total Acres: 34

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. R43 The right holder shall maintain a lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 131 Prior to the diversion and use of water under Transfer approval 70530, the right holder shall install and maintain an acceptable measuring device, including data logger, at the authorized point of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. X36 Rights 36-2461A, 36-2554A & 36-16155 also diverted through the point(s) of diversion described above.

Decreed Date: 12/3/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Unlock the form, double-click
above, then **lock the form**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 36-16138

(cfs/ac-ft)

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 641PPU/19.1

AC. LIMIT

Transfer contains _____ pages and _____ attachments.

Received by JC Date 11/17/09 Prelim. Check by _____ Date _____

Fee Paid 530⁰⁰ Date 11/17/09 Received by JC Receipt # 5031175

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



1 inch equals 1,100 feet

DISTRIBUTION SYSTEM
T. 07S. R. 18E
NAIP 2006 AERIAL
ATTACHMENT 7A

Legend
Ground Water Wells
Pipelines
Proposed_PPU



Legend

- Irrigable Acres
- Points of Diversion
- Proposed_PPU
- newer prop ppu per aq

TRANSFER MAP - CREATE PPU

T. 07S. R. 18E

NAIP 2006 AERIAL

ATTACHMENT 7b

1 inch equals 1,100 feet

AMENDED SHERIFF'S DEED

THIS INDENTURE, made this 20th day of July, 2002, between Jim Weaver, Sheriff of Jerome County, State of Idaho, and Last Ranch, LLC, assignee of the purchaser.

WHEREAS, in and by that certain decree of foreclosure rendered by the District Court of the Fifth Judicial District of the State of Idaho, in and for the county of Jerome, on June 20, 2001, in a certain action then pending in said court, wherein the Judgment and Writ of Execution, with an order of sale thereon, was delivered to said Sheriff, for execution, it was, among other things, ordered, adjudged and decreed, that all and singular the mortgaged premises described in the amended complaint in said action, and specifically described in the course and practice of said court; that any of the parties to said action might become the purchaser at such sale; and that said Sheriff execute the usual certificates and deeds to the purchaser, as required by law;

AND WHEREAS, said Sheriff did, at the hour of 10:00 a.m., on July 20, 2001, after due public notice had been given, as required by the laws of this state, and the course and practice of said court, duly sell at public auction, in front of the courthouse in the County of Jerome, Idaho, pursuant to said decree, and the provisions of law, the premises in said decree mentioned; at which sale the premises in said decree, and hereinafter described, were fairly struck off to J.R. Simplot Company for the sum of \$804,652.73, lawful money of the United States, it being the highest bidder, and that, being the highest sum bidden for the same;

AND WHEREAS, said Sheriff thereupon made and issued the usual certificate, in duplicate, of said sale, in due form of law, and delivered one thereof to said purchaser, and caused the other to be filed and recorded in the Recorder's office of the County of Jerome, Idaho, as Instrument No. 2013283;

AMENDED SHERIFF'S DEED - 1

AND WHEREAS, more than twelve (12) months have elapsed since the date of said sale, and no redemption has been made of the premises so sold, as aforesaid, by or on behalf of said defendant, or by or on behalf of any other person;

NOW, Jim Weaver, Sheriff, in order to carry into effect the sale so made by him as aforesaid, in pursuance of said decree, and in conformity to the statute in such case made and provided, and also, in consideration of the premises and of said sum of \$804,652.73 lawful money of the United States so bidden and paid to him by purchaser, J. R. Simplot Company, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said Last Ranch, LLC, the successors and assigns of purchaser, the following described real property:

TOWNSHIP 7 SOUTH, RANGE 18 EBM, JEROME COUNTY,
IDAHO

Section 17: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Section 20: N $\frac{1}{2}$ NE $\frac{1}{4}$;

Section 21: NW $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$;
SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$;

EXCEPTING THEREFROM the following described parcel of land:

TOWNSHIP 7 SOUTH RANGE 18 EBM, JEROME COUNTY,
IDAHO

Section 21: Part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$

Beginning at the W $\frac{1}{4}$ corner of Section 21, Township 7 South, Range 18 EBM, said corner marked by a U.S. BLM iron pipe with a brass cap on top which shall be the POINT OF BEGINNING;

Thence North 00°00'50" West along the West line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 655.89 feet to a $\frac{1}{2}$ " rebar; Thence South 67°26'35" East for a distance of 211.47 feet to a $\frac{1}{2}$ " rebar; Thence South 00°51'23" West for a distance of 575.20 feet to a $\frac{1}{2}$ " rebar on the

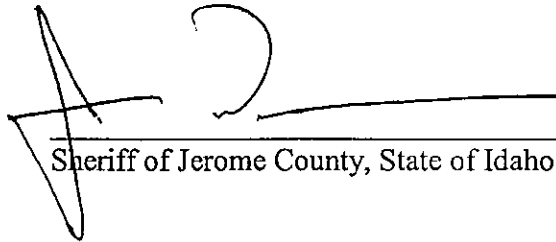
South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$; Thence North 89°53'14" West along said line for a distance of 186.53 feet to the POINT OF BEGINNING.

Subject to a 25 foot county road right of way.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the premises above mentioned and described, and hereby conveyed, or intended so to be, together with the appurtenances, to said Last Ranch, LLC, its successors and assigns forever.

IN WITNESS WHEREOF, said grantor, as Sheriff aforesaid, hereunto sets his hand the day and year first above written.

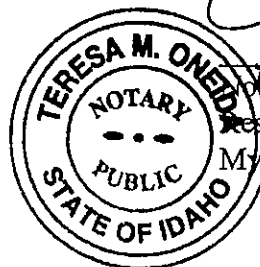


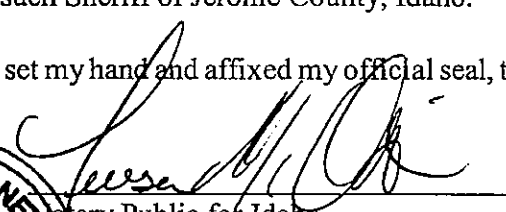
Sheriff of Jerome County, State of Idaho

STATE OF IDAHO)
) ss:
County of Jerome)

On this 22 day of August, 2005, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Sheriff Jim Weaver, known to me to be the person whose name is subscribed to the within instrument as the Sheriff of Jerome County, Idaho, and acknowledged to me that he executed the same as such Sheriff of Jerome County, Idaho.

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





Notary Public for Idaho
Residing at: Jerome, Idaho
My Commission Expires: 12-3-05

AMENDED SHERIFF'S DEED - 3