

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

#3

75752

**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

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 and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at

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

Yes N/A

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

- ☒ * 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 Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion 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 not 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
- ☐ ☐ #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: _____

JUN 12 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) JACK VERBREE JR. DAIRY'S Phone _____Mailing address 1574 E. 2900 W., WENDELL, IDAHO 83355 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 RepresentativeName of Representative GARY L. FUNDERBURG/TSK ENTERPRISES LLC Phone _____Mailing address 255 BLUE LAKES BLVD NTH. PMB 617, TWIN FALLS, IDAHO 83301 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_____
Signature of Applicant or Authorized Representative_____
Print Name and Title if applicable

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 PERMISSIBLE PLACE OF USE.
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**. This application is to wrap all the grounds under the water rights together as one system.

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. <u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
36-2498D	1.29/264	IRRIGATION	3/15	to 11/15	GROUNDWATER
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	

Total 1.29 cfs and/or 264 ac-ft

2. Total amount of water being transferred or changed 1.29 cubic feet per second and/or 264 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 #
			SE	SW	24	7S	14E	GOODING	GROUNDWATER	# 1

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	
7S	14E	24			37	37													74

Total Acres (for irrigation use) 74

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: Well ,motor and pump connect to pivot for the irrigation. Power records are used at this time for reporting to water district 130 annually.

- 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: N/A

- 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: N/A

- 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 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>). Label it Part 2A.

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.

Right Number: N/A

1. amount _____	(cfs/ac-ft) for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____
amount _____	for _____	purposes from _____	to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

Imk

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/3/2009

WATER RIGHT NO. 36-2498D

Owner Type	Name and Address
Current Owner	MARGARET VERBREE
Current Owner	JACK VERBREE JR
	PO BOX 30
	WENDELL, ID 83355
	(208)536-5608
Original Owner	TAYLOR FARMS INC
	2811 S 1600 E
	WENDELL, ID 83355
	(208)536-6658

Priority Date: 07/14/1961

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	1.29 CFS	264 AFA
Total Diversion			1.29 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 24	Township 07S	Range 14E	GOODING County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION GOODING County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	14E	24		SWSW	33		SESW	33						

Total Acres: 66

Conditions of Approval:

1.	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.
2.		THE RIGHT HOLDER SHALL ACCOMPLISH THE CHANGE AUTHORIZED BY TRANSFER NO. 5215 BY JULY 19, 2000.

Dates:

Licensed Date:

Decreed Date: 07/31/2000

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: S

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

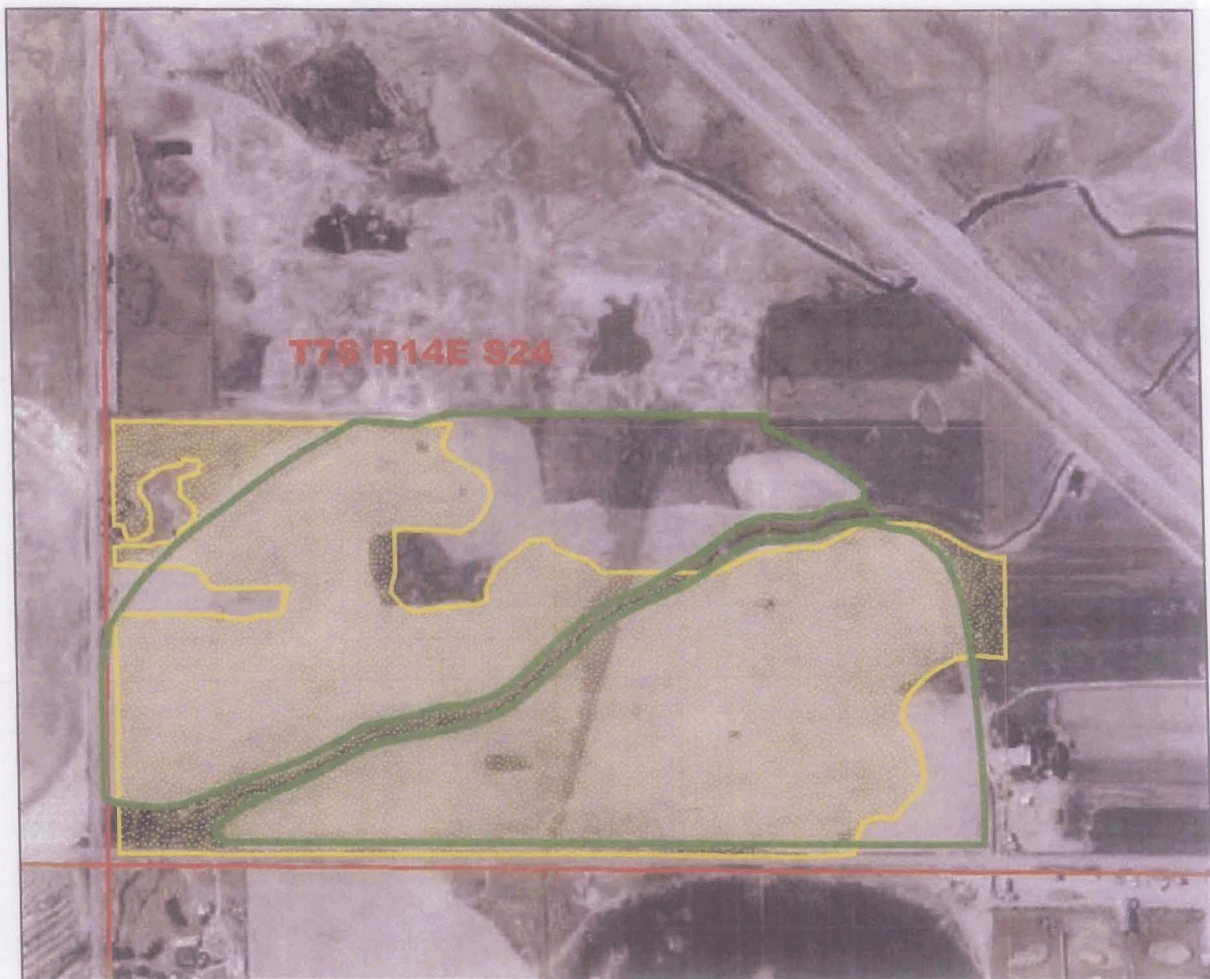
DLE Act Number:

Cary Act Number:

Mitigation Plan: False

[Close](#)

T7S R14E S1/2 OF THE SW1/4 OF SECTION 24
TAX LOT OWNER: JACK AND MARGARET VERBREE
WATER RIGHT OWNERS: JACK AND MARGARET VERBREE



0 0.025 0.05 0.1 0.15 0.2
Miles



-  LANDS IRRIGATED IN 2008
-  BORDERS OF WATER RIGHT 36-2498D
-  Sections
-  Quarter Quarter

Imagery : 2006 NAIP Aerial Photo

Map Prepared by
Dan Nelson
6/3/2009

Source: Water District No. 130 and
Idaho Department of Water Resources

The 2008 satellite photos show that approximately 62 acres were irrigated in 2008. Water Rights 36-2498D allows the irrigation of 66 acres. North Side Canal shares are used on a portion of this property, therefore, all the ground could be covered by valid water rights. However, if the canal water is terminated, on the lands under the ground water rights could be irrigated.

T7S R14E S23

T7S R14E S24

2800 S RD

1500 E ROAD

T7S R14E S25

T7S R14E S26

36

37

37

pd

in
hooly

pd
N

pd
N

**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 rights(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**.

1. 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.: _____

FOR DEPARTMENT USE ONLY

Transfer contains _____	pages and _____	attachments.	
Received by <u>go</u>	Date <u>6-12-09</u>	Prelim. Check by _____	Date _____
Fee Paid <u>\$100.</u>	Date <u>6-12-09</u>	Received by <u>go</u>	Receipt # <u>SD30940</u>
Add'l Fee Paid _____	Date _____	Received by _____	Receipt # _____

D the Hurd

324-3357

Land Title

Jerome

SHERIFF'S DEED

THIS INDENTURE, made this 24th day of August, 2004, between SHAUN GOUGH, Sheriff of Gooding County, State of Idaho, and JACK VERBREE, JR. and MARGARET VERBREE, husband and wife, who are the successors in interest to Tad R. Elison, in certain real and personal property by subsequent conveyances, as appears more particularly hereinafter;

WHEREAS, in and by that certain Certificate of Sale rendered by the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Gooding, on July 16, 1999, and recorded on July 19, 1999, as Instrument No. 181475, records of Gooding County, Idaho, in a certain action then pending in said court, wherein TAD R. ELISON, was the Plaintiff, and TAYLOR FARMS, INC., an Idaho corporation; RODNEY R. TAYLOR; JIM C. TAYLOR; STEPHANIE ANN TAYLOR; JACK VERBREE, JR. and MARGARET VERBREE, husband and wife; JACKSON DAIRY, INC., an Idaho corporation; DEERE CREDIT, INC., a Delaware corporation; NORTH VALLEY VET CLINIC, aka North Valley Veterinary Clinic, P.A., an Idaho Professional Association; LAND O'LAKES, INC., a Minnesota corporation; and FARM CREDIT LEASING SERVICES CORPORATION, were defendants, and of which said decree a copy, with an order of sale thereon, was delivered to said sheriff, for execution, it was, among other things, ordered, adjudged and decreed, that the mortgaged premises described in the complaint in said action, and specifically described in said decree, be sold at public auction by said Sheriff, in the manner required by law, and according to 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 June 30, 1999, 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 Gooding, 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 said TAD R. ELISON, for the sum of \$396,775.01, lawful money of the United States, it being the highest bidder, and that being the highest sum bidden for same;

AND WHEREAS, the amount bid by Tad R. Elison was credited to the judgment of foreclosure in favor of Tad R. Elison in the above-referenced matter;

AND WHEREAS, TAD R. ELISON conveyed his interest in the real and personal property to STANLEY M. LEHMAN on July 15, 1999, by deed recorded as Instrument No. 181476 Gooding County records on July 19, 1999 and re-recorded in the Gooding County Records under Instrument No. 181564 on July 27, 1999;

AND WHEREAS, STANLEY M. LEHMAN CONVEYED THE SAME REAL AND PERSONAL PROPERTY TO Jack Verbree, Jr. and Margaret Verbree, purchaser herein, by Warranty Deed dated September 21, 1999, recorded on September 21, 1999 as Instrument No. 182436, Gooding County, Idaho records.

Instrument # 207665

GOODING, GOODING, IDAHO

2004-08-24

02:25:12 No. of Pages: 4

Recorded for: SHERIFF SHAUN GOUGH

HELEN EDWARDS

Fee: 0.00

Ex-Officio Recorder Deputy

[Signature]

AND WHEREAS, said Sheriff immediately after the sale made and issued the usual certificate, in duplicate, of said sale, in due form of law, and delivered one thereof to said purchasers, and caused the other to be filed and recorded in the Recorder's Office of the County of Gooding, Idaho, as Instrument No. 181475;

AND WHEREAS, more than one (1) year has elapsed since the date of said sale, and no redemption has been made of the premises so sold, as aforesaid, or by or on behalf of said defendant, or by or on behalf of any other person;

NOW, said SHAUN GOUGH, Sheriff, 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 \$396,775.01, lawful money of the United States, so bidden and credited to Tad R. Elison, by said purchaser, TAD R. ELISON, the receipt whereof is hereby acknowledged, and because of the subsequent conveyances earlier referenced in this Deed, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto JACK VERBREE, JR. and MARGARET VERBREE, husband and wife, and to their successors and assigns forever, the following described real and personal property located in Gooding County, Idaho.

Township 7 South, Range 14 East of the Boise Meridian, Gooding County, Idaho

Section 23: Northeast Quarter of the Southeast Quarter;
South one-half of the Southeast Quarter;

Section 26: North one-half of the Northeast Quarter, EXCEPT the following described tract:

Beginning at the Northeast corner of the Northeast Quarter of the Northeast Quarter of said Section 26;
Thence South 410 feet, which is the TRUE POINT OF BEGINNING;
Thence West 125 feet;
Thence South 100 feet;
Thence East 125 feet;
Thence North 100 feet to the POINT OF BEGINNING.

TOGETHER WITH all water and water rights used upon an appurtenant to said property, however evidenced, particularly including but not limited to 141 shares of the capital stock of the North Side Canal Company represented by Certificate No. 22617, and Water Rights #R36-024988, T36-02498C, and T36-02498E.

TOGETHER WITH any and all tenements, hereditaments, and appurtenances hereunto belonging or used in connection therewith.

PERSONAL PROPERTY:

Milking Equipment:

14	20-ATO	Surge Omni Optic Air Chain Takeoff
14	20-ECL	Surge Eclipse Claw, Shells Complete
1	20-PULS	Surge Pulsation Syst. Complete
1	51-48554	15 hp. Lobeair Vacuum Syst. Complete
1	53-VAC	4" Vacuum Syst. Complete
1	47-350	350 Sentinel Vac Control
1	25-22-3	3" Obl. Loop Milk Line
1	25-SS-2	2" Dbl. Loop Wash Line Complete
1	25-SS01.5	1.5" Milk Discharge Line W/Filter
1	25-REC	Receiver Group Complete
14	46-CIP	Clean in Place Units
1	20-13640	HV Air Injector Complete
1	31-RBR	All Rubber Goods
1	53-MISC	Misc. Parts

Irrigation Equipment:

Gated Pipe:

1,000 feet of 12-inch pipe
3,000 feet of 10-inch pipe
2,000 feet of 8-inch pipe
500 feet of 6-inch pipe

50 HP Lane Bowler Pump

Together with all and singular the tenements, hereditaments, water and appurtenances hereunto 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 JACK VERBREE, JR. and MARGARET VERBREE, their successors and assigns forever.

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


SHAUN GOUGH
Sheriff of Gooding County, State of Idaho

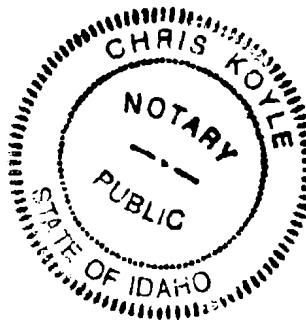
STATE OF IDAHO)

.SS

County of Gooding)

On this 24th day of August, 2004 before me, the undersigned, a Notary Public in and for said County and State, personally appeared SHAUN GOUGH, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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



Chris Kayle

NOTARY PUBLIC for Idaho

Residing at: Gooding Idaho

Comm. Expires: 03.11.05

WARRANTY DEED

For Value Received Glen Taylor and Barbara Taylor, the Grantors, does hereby grant, bargain, sell, convey and confirm unto Jack Verbree Jr. Dairies, the Grantee, whose current address is 1574 E 2900 S, Wendell, Idaho , the premises located in Gooding County, Idaho, more particularly described as follows:

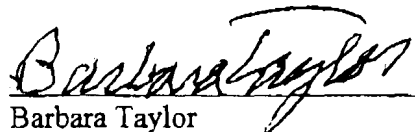
The East Twenty-five (25) feet of the NE 1/4 of NW 1/4 of Section 26, Township 7 South, Range 14 E.B.M.

No water us transferred with said land but is reserved to the Grantors.

Subject to easements, rights of way and encumbrances of record or appearing upon the land, if any. Together with all and singular tenements, hereditaments and appurtenances belonging or in anyway appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said Grantors.

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

DATED this 23 day of October, 2002.


Barbara Taylor


Glen Taylor

WARRANTY DEED

-1-

Instrument # 200715

GOODING, GOODING, IDAHO

2003-05-12

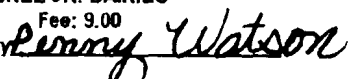
10:59:52 No. of Pages: 3

Recorded for : JACK VERBREE JR. DAIRIES

HELEN EDWARDS

Fee: 9.00

Ex-Officio Recorder Deputy



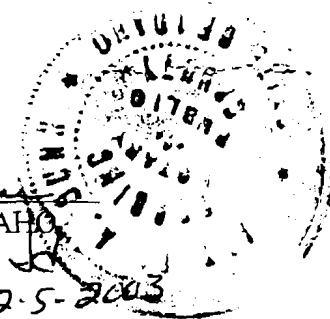
STATE OF IDAHO)

) ss.

County of Gooding)

On this 23 day of October 2002, before me, a Notary Public in and for said state, personally appeared, Barbara Taylor known to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that he/she/they executed the same.

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


Matthew A. Burt
NOTARY PUBLIC FOR IDAHO
Residing at: Wendell, ID
My Commission Expires: 12-5-2003

STATE OF IDAHO)

) ss.

County of Gooding)

On this 23 day of October 2002, before me, a Notary Public in and for said state, personally appeared, Glen Taylor known to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that he/she/they executed the same.

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


Matthew A. Burt
NOTARY PUBLIC FOR IDAHO
Residing at: Wendell, ID
My Commission Expires: 12-5-2003

10/22/02 CR

Bill of Sale

This bill of sale is entered into between Barbara Taylor and Glen Taylor as sellers and Jack Verbree, Jr. Dairies as buyers.

Barbara Taylor and Glen Taylor agree to sell the below property to Jack Verbree, Jr. Dairies for the amount of \$ 3500.00 with the understanding that there is no liens against the property.

Property description:

The East Twenty-five (25) feet of the NE 1/4 of NW 1/4 of section 26 township 7 South Range 14 E.B.M. No water is transferred with said land but is reserved to the grantors.

Sellers:

Barbara Taylor
Barbara Taylor

Sellers:

Glen Taylor
Glen Taylor

Buyers:

Jack Verbree Jr.
Jack Verbree Jr. Dairies

CORRECTED QUITCLAIM DEED

—FOR VALUE RECEIVED, MARIA BETTENCOURT, hereinafter called the "Grantor", hereby remises, releases, and forever quitclaims unto LUIS M. BETTENCOURT, 181 West 400 North, Jerome, Idaho 83338, hereinafter called the "Grantee", the following described premises, in Gooding County, Idaho, to wit:

TOWNSHIP 7 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 14: That part of the SE1/4SW1/4 and SW1/4SE1/4 lying South and West of Interstate I-80N highway as described in the following instruments:

- a. Second Judgment and Decree of Condemnation dated April 21, 1971, recorded June 29, 1971 as Instrument No. 36156, Gooding County records.
- b. Quitclaim Deed dated June 2, 1971, recorded June 30, 1971, as Instrument No. 36161, Gooding County records.

AND

TOWNSHIP 7 SOUTH RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 23: NE1/4NW1/4;

That part of the SE1/4NW1/4 lying North and West of the North Side Canal Company, Ltd., canal designated as W44.

That part of the NE1/4NE1/4 lying South and West of Interstate I-80N highway and described in the following instruments:

- a. Second Judgment and Decree of Condemnation dated April 21, 1971, recorded June 29, 1971 as Instrument No. 36156, Gooding County records.
- b. Quitclaim Deed dated June 2, 1971, recorded June 30, 1971, as Instrument No. 36161, Gooding County records.

178971
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of *Ernestine K. Williams*
13 min. past 9 o'clock A.M. this 1st
of February 1999 12:00
By *Deanne Archibald* Deputy

EXCEPTING THEREFROM a tract of land in the N1/4NE1/4;
Thence North 400 feet;
Thence West 1400 feet;
Thence South 400 feet;
Thence East 1400 feet to THE POINT OF BEGINNING.

AND

TOWNSHIP 7 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING
COUNTY, IDAHO

Section 23: That part of the SE1/4NW1/4, South and East of the W-44 Canal
of the North Side Canal Company.

AND

TOWNSHIP 7 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 23: SW1/4; NW1/4SE1/4;

Subject to:

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

Assessments to be levied by the Gooding County Solid Waste Department

Right of way for canals, laterals and waste ditches of the North Side Canal
Company, Ltd.

Power Line Easement given by J.H. Watts and Cecil L. Watts, husband and
wife, to Idaho Power Company, a corporation, dated February 12, 1953,
recorded February 4, 1954 in Book 7 page 295 as Instrument No. 123367,
Gooding County records, affecting the NW1/4SE1/4 of Section 23, Township 7
South, Range 14, East Boise Meridian.

EXCEPTING: See attached Exhibit "A"

AND together with all waters and water rights of every kind and description
and however evidenced and all ditches or other conduits, rights therein and
rights of way therefor which now are or hereafter may be appurtenant to said
premises or any part thereof, or used in connection therewith.

WARRANTY DEED

For Value Received

MICHAEL G. JACOBSON an unmarried man

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

JACK VERBREE and MARGARET VERBREE, husband and wife

Address: 1574 E 2900 South Wendell, Idaho 83355

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

SEE EXHIBIT "A" ATTACHED HERETO:

TOGETHER WITH ALL WATER AND WATER RIGHTS THERETO:

SUBJECT TO:

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

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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 10, 1998

Michael G. Jacobson
MICHAEL G. JACOBSON

178288

STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Land Title
55 min. past 1 o'clock P.m. this 11th
December 1998 600
by Penny Archibald Deputy

STATE OF IDAHO)
COUNTY OF JEROME) ss.)

On this 10TH day of December, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. JACOBSON, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that HE executed the same.

[Signature]
Notary Public
Residing at:
My Commission expires:

STATE OF IDAHO
COUNTY OF JEROME
RESIDING AT JEROME, ID
COMMISSION EXPIRES

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, ID
COMMISSION EXPIRES 1-30-03

"A"

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 26: S¼NE¼ EXCEPT a part of the SE¼NE¼ more particularly described as follows:

Beginning at the East Quarter corner of Section 26, (Southeast corner of the Southeast Quarter of the Northeast Quarter);

Thence North along the East boundary of said Section 26, 50.0 feet to THE TRUE POINT OF BEGINNING;

Thence West 208.75 feet;

Thence North 208.75 feet;

Thence East 208.75 feet to the East boundary of said Section 26;

Thence South along the East boundary of said Section 26, 208.75 feet to THE TRUE POINT OF BEGINNING;

WARRANTY DEED

#GG-03380

For Value Received

Adrian J. Schelling , a single man

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

Jack Verbree and Margaret Verbree, husband and wife
Address: 1574 East 2900 South, Wendell, ID 83355

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

TOWNSHIP 7 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$

SUBJECT TO:

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

Taxes for 2002 and subsequent years, taxes are an accruing lien, not yet due or payable.

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Easement given by George H. Dillie and Rose W. Dillie, husband and wife, and Joseph K. Dillie and Emma B. Dillie, husband and wife to William R. Hill and Delores M. Hill, husband and wife for the right of use of the domestic water dated November 16, 1964, recorded November 27, 1964 as Instrument Number 12949, Gooding County records, affecting the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, Township 7 South, Range 14, East of the Boise Meridian.

Power Line Easement given by Adrian Schelling, sole owner to Idaho Power Company, a corporation, dated February 9, 1990, recorded July 3, 1990 as Instrument Number 141519, Gooding County records, affecting the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 7 South, Range 14, East of the Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 80 shares of Capital Stock in North Side Canal Company, LTD.

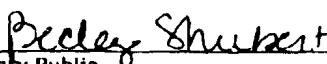
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

Dated: April 1, 2002


Adrian J. Schelling

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 1st day of April, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Adrian J. Schelling, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at: Wendell, ID
My Commission expires: 02-23-05

Instrument # 194572
GOODING, GOODING, IDAHO
2002-04-01 02:42:01 No. of Pages: 1
Recorded for : LAND TITLE
HELEN EDWARDS
Ex-Officio Recorder Deputy 

Becky Shubert
Notary Public
State of Idaho

AND together with all tenements, hereditaments and appurtenances thereunto belonging or any wise appertaining; subject to any and all easements, rights-of-way, or restrictions of record.

This Corrected Quitclaim Deed corrects Instrument No. 174797, recorded March 26, 1998, in the records of Gooding County, Idaho.

TO HAVE AND TO HOLD the premises, with their appurtenances unto said Grantee, and the Grantee's heirs and assigns forever.

DATED this 22nd day of January, 1998.

"GRANTOR"

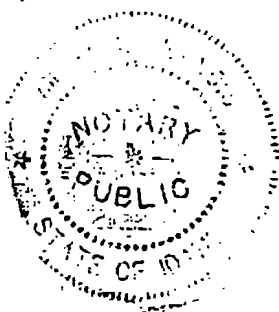
Maria A. Bettencourt
MARIA A. BETTENCOURT

STATE OF IDAHO)

County of Twin Falls ss:
Jerome)

On this 22nd day of January, 1998, before me, the undersigned, a Notary Public in and for said County and State, personally appeared MARIA A. BETTENCOURT, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same.

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



Walter Francis
NOTARY PUBLIC for Idaho
Residing at: Idaho
Commission Expires: 03/30/04

EXHIBIT "A"

**TOWNSHIP 7 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 23: Part of the N1/2NE1/4 described as follows:

beginning at the Northeast corner for Section 23;

**Thence South 0°02'52" West 1320.09 feet along the Easterly
boundary of Section 23 to the Southeast corner of the
N1/2NE1/4;**

**Thence North 89°56'39" West 1400.00 feet along the Southerly
boundary of N1/2NE to THE TRUE POINT OF BEGINNING;**

**Thence North 89°56'39" West 665.89 feet along said Southerly
boundary;**

**Thence North 28°53'36" East 1311.76 feet to the Southwesterly
Right-of-Way for an Interstate Frontage Road;**

**Thence South 69°21'46" East 198.64 feet along said Right-of-
Way to a brass and concrete Right-of-Way monument stamped
"P.T. Station 137+53.34 A.H. 30" Rt. centerline Frontage Road
= Station 137+49.54 BK.**

**Thence South 46°58'31" East 996.57 feet along said Frontage
Road Right-of-Way;**

Thence North 89°56'39" West 882.04 feet;

**Thence South 0°02'53" West 400.00 feet to THE TRUE POINT OF
BEGINNING.**

WARRANTY DEED

#G-29062

For Value Received

Luis M. Bettencourt, a single man

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

Jack Verbree, Jr. and Margaret Verbree, husband and wife

Address: ~~1500 E. 1800 S.~~, Wendell, ID 83355
1574 E. 2900 S.

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

SEE EXHIBIT "A" attached hereto:

****TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 75 shares of capital stock in North Side Canal Company, Ltd.**

SUBJECT TO:

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

Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

A petition for the opening of a public road as contained in Commissioner's Minutes, dated October 18, 1912, recorded in Book 3 of Commissioner's Minutes, Page 12, Gooding County records.

Conditions and restrictions contained in Right of Way Deed given by Ben Cenarrusa and Mary Cenarrusa, husband and wife, first parties, to the State of Idaho, second party, dated March 6, 1942, recorded June 9, 1942 in Book 33 Page 397 as Instrument Number 84339, Gooding County records, pertaining to a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 7 South, Range 14, East Boise Meridian.

Power Line Easement given by J.H. Watts and Cecil L. Watts, husband and wife to Idaho Power Company, a corporation, dated February 12, 1953, recorded February 4, 1954 in Book 7 Page 295 as Instrument Number 123367, Gooding County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 7 South, Range 14 East, Boise Meridian.

Conditions and Restrictions contained in Quitclaim Deed given by Farren J. Chandler and Ivy Chandler, husband and wife, to State of Idaho, by and through the Board of Highway Directors, dated March 10, 1970, recorded March 26, 1970 as Instrument Number 31534, Gooding County records.

Conditions and Restrictions contained in Warranty Deed given by Frank W. Veenstra and Mary Jane Veenstra, his wife and Laura Hope, a married woman, acting in her behalf and as Attorney-in-Fact for Lauris Hope, her husband, to the State of Idaho, by and through the Idaho Board of Highway Directors, dated December 9, 1969, recorded March 26, 1970 as Instrument Number 31535, Gooding County records.

Easement contained in Second Judgment and Decree of Condemnation in the case of The State of Idaho, ex rel. C. Ed Flandro, Howard B. Thomason and Lloyd P. Barron, Idaho Board of Highway Directors, Plaintiff, vs. Mary Cenarrusa, a widow, Harry R. Gisler and Arlene B. Gisler, husband and wife, Defendants, dated June 29, 1971, recorded June 29, 1971 as Instrument Number 36156, Gooding County records.

Power Line Easement given by Bert R. Hilarides and Arlin C. Hilarides, husband and wife, to Idaho Power Company, a corporation, dated October 4, 1979, recorded June 10, 1980 as Instrument Number 83608, Gooding County records, affecting a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 7 South, Range 14, East Boise Meridian.

Power Line Easement given by Bert R. Hilarides and Arlin C. Hilarides, husband and wife, to Idaho Power Company, a corporation, dated July 16, 1981, recorded October 5, 1981 as Instrument Number 91706, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 7 South, Range 14, East Boise Meridian.

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 incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: February 1, 2000

184300

STATE OF IDAHO COUNTY OF GOODING
LAND TITLE & ESCROW
Filed for record at the request of _____
51 min. past 4 o'clock P.m. this 1st
of February 2000 12:00
By Tenny Archuleta Deputy

STATE OF IDAHO)
COUNTY OF JEROME) ss.

On this 1st day of February, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Luis M. Bettencourt, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

RICK BERNSSEN
NOTARY PUBLIC
STATE OF IDAHO

Notary Public
Residing at: Jerome, ID
My Commission expires: 7-30-03

EXHIBIT "A"

Order Number: G-29062

PARCEL NO. 1

**TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 14: That part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying South and West of Interstate I-80N highway as described in the following instruments:

- a. Second Judgment and Decree of Condemnation dated April 21, 1971, recorded June 29, 1971 as Instrument Number 36156, Gooding County records.
- b. Quitclaim Deed dated June 2, 1971, recorded June 30, 1971 as Instrument Number 36161, Gooding County records.

PARCEL NO. 2

**TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

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

That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying North and West of the North Side Canal Company, Ltd. Canal designated as W44.

That part of the N $\frac{1}{2}$ NE $\frac{1}{4}$ lying South and West of Interstate I-80N highway and described in the following instruments:

- a. Second Judgment and Decree of Condemnation dated April 21, 1971, recorded June 29, 1971 as Instrument Number 36156, Gooding County records.
- b. Quitclaim Deed dated June 2, 1971, recorded June 30, 1971 as Instrument Number 36161, Gooding County records.

EXCEPTING THEREFROM a tract of land in the N $\frac{1}{2}$ NE $\frac{1}{4}$ described as follows:

**Beginning at the Southeast corner of NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence North 400 feet;
Thence West 1400 feet;
Thence South 400 feet;
Thence East 1400 feet to THE POINT OF BEGINNING.**

CONTINUATION

EXHIBIT "A"

Order Number: G-29062

AND EXCEPTING THEREFROM a parcel of land in the N $\frac{1}{2}$ NE $\frac{1}{4}$ described as follows:

Beginning at the Northeast corner for Section 23;
Thence South 0°02'52" West 1320.09 feet along the Easterly boundary of
Section 23 to the Southeast corner of the N $\frac{1}{2}$ NE $\frac{1}{4}$;
Thence North 89°56'39" West 1400.00 feet along the Southerly boundary of
N $\frac{1}{2}$ NE $\frac{1}{4}$ to THE TRUE POINT OF BEGINNING;
Thence North 89°56'39" West 665.89 feet along said Southerly boundary;
Thence North 28°53'36" East 1311.76 feet to the Southwesterly Right-of-Way
for an Interstate Frontage Road;
Thence south 69°21'46" East 198.64 feet along said Right-of-Way to a brass and
concrete Right-of-Way monument stamped "P.T. Station 137+53.34 A.H.
30" Rt. centerline Frontage Road = Station 137+49.54 BK.";;
Thence South 46°58'31" East 996.57 feet along said Frontage Road
Right-of-Way;
Thence North 89°56'39" West 882.04 feet;
Thence South 0°02'53" West 400.00 feet to THE TRUE POINT OF
BEGINNING.

PARCEL NO. 3

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 23: That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, South and East of the W-44 Canal of the North Side
Canal Company.

PARCEL NO. 4

TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 23: That part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Beginning at the East Quarter Corner for Section 23;
Thence North 89°58'28" West 2064.33 feet along the Southerly boundary of
NE $\frac{1}{4}$ to THE TRUE POINT OF BEGINNING;
Thence North 89°58'28" West 573.14 feet along said Southerly boundary to the
Center Quarter Corner for Section 23;
Thence North 0°01'10" West 1321.49 feet to the Northwest corner of S $\frac{1}{2}$ NE $\frac{1}{4}$;
Thence South 89°56'39" East 573.14 feet along the Northerly boundary of
S $\frac{1}{2}$ NE $\frac{1}{4}$;
Thence South 0°01'10" East 1321.19 feet to THE TRUE POINT OF
BEGINNING.

- Continued -

CONTINUATION

EXHIBIT "A"

Order Number: G-29062

PARCEL NO. 5

**TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO**

Section 23: SW¼; NW¼SE¼;