

MEMORANDUM

Date: June ²⁶~~18~~, 2009
To: Water Right File(s) 2-202A, 57-7100
From: Nick Van Dyke
Re: Transfers 73775, 73776

During transfer review for the above mentioned transfers, I could not confirm ownership of the NENW of Section 31, Twp 5S, Rge 3E from submitted documentation. This ground is to be included in the proposed PPU for these transfers. I called the Owyhee Co. Assessor's Office and received confirmation that the Cantrell's do own the portion of that 1/4 1/4 included in the PPU. See copy of 6/24/09 fax in file.

Instrument # 239421

MURPHY, OWYHEE, IDAHO

2002-04-25 04:23:50 No. of Pages: 2

Recorded for : PIONEER TITLE

CYNTHIA A. EATON

Fee: 6.00

Ex-Oficio Recorder Deputy

MEMORANDUM OF AGREEMENT, MEMORANDUM

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FOR RECORDING

THE PARTIES hereto are MIKE ~~P. SWINNEY~~ and BONITA SWINNEY, Living Trust, hereinafter referred to as SELLERS and THEODORE E. CANTRELL and SANDRA K. CANTRELL, husband and wife, hereinafter referred to as BUYERS.

AGREEMENT: It is mutually agreed by and between the parties hereto as follows:

1. Premises. The SELLERS shall sell and the BUYERS shall buy that real property called "premises" (which term includes all improvements and fixtures thereon together with all water rights appurtenant thereto) situated in the County of Owyhee, State of Idaho, and described as follows, to wit:

Northeast Quarter of the Northwest Quarter lying South of the County Road and also South of the Grand View Irrigation District Canal in Section 31, Township 5 South, Range 4 East of Boise, Meridian, Owyhee County, Idaho.

EXCEPTING THEREFROM the following described parcel:

BEGINNING at the Northwest corner of the Northeast Quarter of the Northwest Quarter; thence Southeast along the Grand View Canal 650 feet; thence North to the County Road; thence Northwest along the County Road to the North line of the Northeast Quarter of the Northwest Quarter of said Section 31; thence West to the POINT OF THE BEGINNING.

2. Other provisions. This Memorandum is subject to all of the terms and provisions of the formal agreement of the parties dated the 24th day of April, 2002, pertaining to the sale and purchase of the premises, which formal agreement is, by this reference, incorporated herein and made a part hereof.

3. Recorded. It is agreed that this Memorandum may be recorded in the records of Owyhee County, Idaho.

4. Binding Effect. The agreements herein shall apply to and bind the heirs, executors, administrators, successors in interest and assigns of the respective parties.