

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75815APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Foster Land and CattlePhone 208-538-5172Mailing address PO Box 40 Ririe, Idaho 83443-0040

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 _____

Phone _____

Mailing address _____

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.

Braid Foster
Signature of Applicant or Authorized Representative

BRAID FOSTER, OWNER
Print Name and Title if applicable

7/23/09
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. Changing the POU to the correct QQ**. A transfer was filed with the correct QQ but somehow was recommended and decreed incorrectly. Decreed as T03N R40E Sec 21 NESW should be NENW.

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75815

Department of Water Resources

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	25-57B	1.06	Irrigation	4-1 to 10-31	Willow Creek/Snake River
☒ ☐		0.12	Stockwater	3-1 to 12-1	Willow Creek/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.06 cfs and/or ac-ft

2. Total amount of water proposed to be transferred or changed 1.06 cubic feet per second and/or 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 #

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	
03N	40E	21					33	33	33	33									132

Total Acres (for irrigation use) 132

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>
All or Part ☒ ☐	25-57B	1.06	Irrigation	4-1 to 10-31	Willow Creek/Snake River
☐ ☐		0.12	Stockwater	3-1 to 12-1	Willow Creek/Snake River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.06 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 1.06 cubic feet per second and/or _____ 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 #

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	
03N	40E	21					33	33	33	33									132

Total Acres (for irrigation use) 132

409

Page 1

Transfer No. _____

Receipt No. _____

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

Current Water Right No. 25-57B

Priority Date: 04/01/1876

Origin: Water Right

Basis: Decreed

Status: Active

Source: WILLOW CREEK**Tributary to:** SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	03/01 12/01	0.12 CFS		
IRRIGATION	04/01 10/31	1.06 CFS	211.2 AFA	
Total Diversion		1.06 CFS	211.2 AFA	

Source and Point(s) of Diversion:

WILLOW CREEK SWNWSE 03N 40E 16 BONNEVILLE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 40E 21					33.0	33.0	33.0	33.0									132.0

Total Acres: 132

Conditions/Remarks:

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. 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.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. This right is limited to the irrigation of 52.8 acres within the place of use described above in a single irrigation season.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
6. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 25-00057B, 25-00057A, 25-00059, 25-00136B, 25-00137B

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Page 2

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 25-57B

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

7581 5

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: Diversion pump and motor to mainline to center pivots

- 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: NONE

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: No there will be no change on physical POU. The purpose of this transfer is to correct the QQ listed on the water right.

- 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:

- 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:

849

25-5, B

03N40E8

03N40E9

03N40E10

03N40E17

03N40E16

03N40E18

Correct
NEW POH ↓

03N40E20

03N40E21

03N40E22

03N40E29

03N40E28

03N40E27

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 75815

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.

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 Part 2A report 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 <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: _____

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Department of Water Resources
Eastern Region

75815



Idaho Department of Water Resources

Water Right
25-57B
(IRRIGATION)

Legend

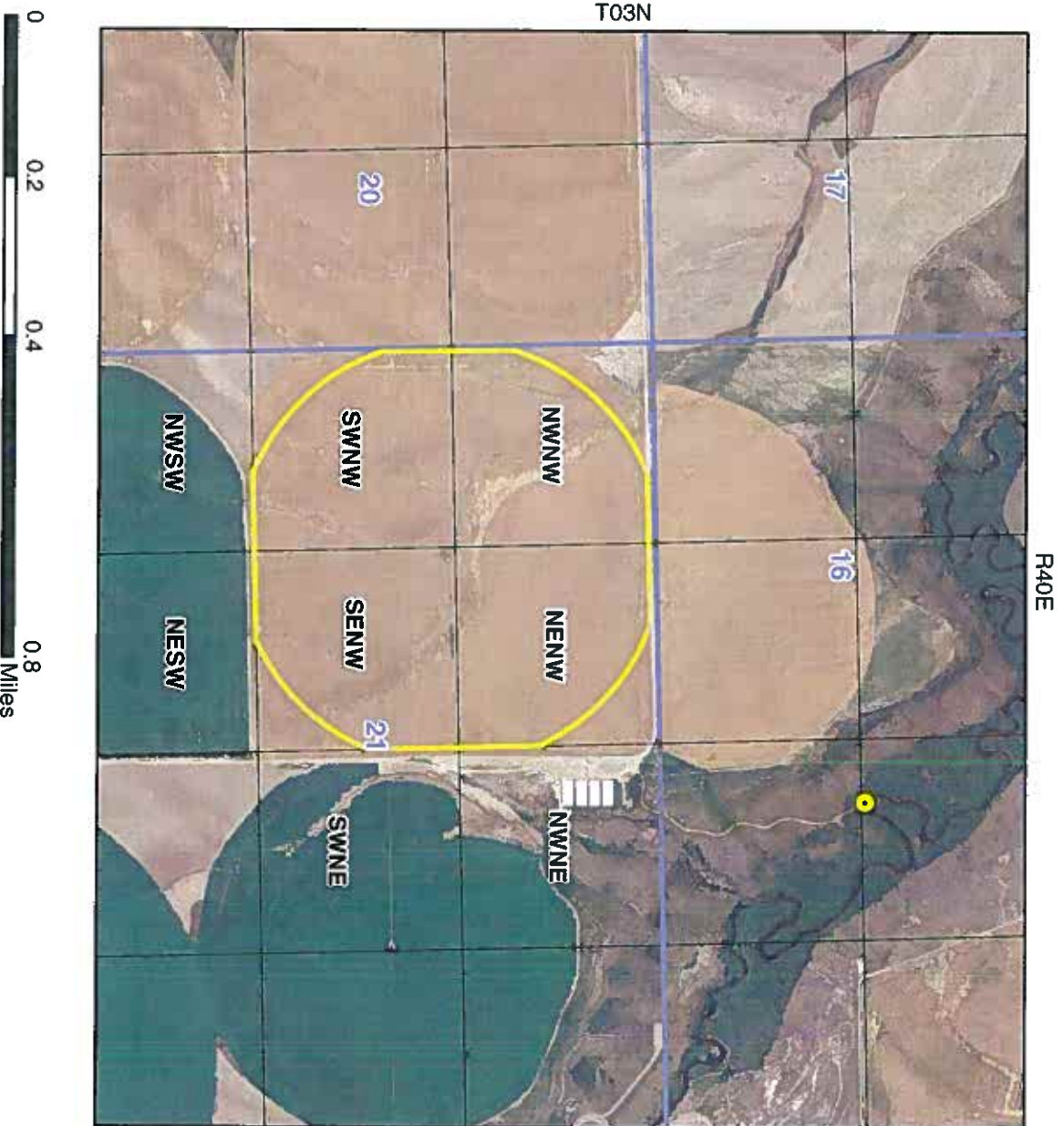
- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Bonneville County

IDWR Basin 25

Prepared by Denise Kidman
On August 05, 2009
2004 Aerial Photography



75815

WARRANTY DEED

THIS INDENTURE is made this 19 day of February, 2009, by Foster Land and Cattle Co., (a/k/a Foster Land & Cattle Company and Foster Land & Cattle Co.), an Idaho general partnership, whose general partners are Bradley D. Foster, Sharol Foster, Boyd S. Foster, and Laurie Foster, the "Grantor", and Foster Land and Cattle, a new Idaho general partnership, whose general partners are Bradley D. Foster and Sharol Foster, the "Grantee", whose mailing address is P. O. Box 40, Ririe, Idaho, 83443.

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

See Attached Legal Description

SUBJECT to all existing easements or claims of easements, patent reservations, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor and the Grantor's heirs, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this Warranty Deed and where the context so requires, the singular includes the plural.

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JUN 15 2009

COPY

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

FOSTER LAND AND CATTLE CO.

By: Bradley D. Foster
Bradley D. Foster, General Partner

By: Sharol Foster
Sharol Foster, General Partner

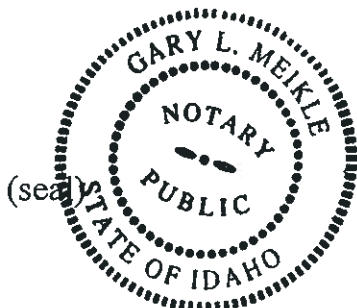
By: Boyd S. Foster
Boyd S. Foster, General Partner

By: Laurie Foster
Laurie Foster, General Partner

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 19 day of February, 2009, before me the undersigned, a notary public in and for said State, personally appeared Bradley D. Foster and Sharol Foster, known or identified to me to be the partners in the partnership of Foster Land and Cattle Co. and the partner or partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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

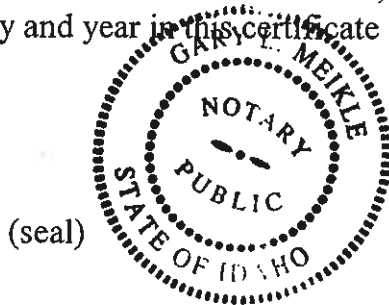


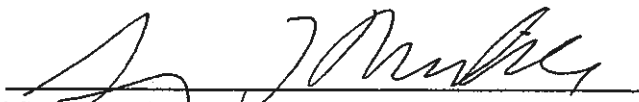
Gary L. Meikle
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12-15-2009

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 19 day of February, 2009, before me the undersigned, a notary public in and for said State, personally appeared Boyd S. Foster and Laurie Foster, known or identified to me to be the partners in the partnership of Foster Land and Cattle Co. and the partner or partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

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





Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 12-15-2009

G:\WPDATA\GLMS288-007\deeds\North Slope\FLC to FLC.bonneville.wpd

EXHIBIT "A"

TRACT I:

Township 3 North, Range 40 East of the Boise Meridian, Bonneville County, Idaho.

Section 21:

NW1/4; N1/2 SW1/4.

Section 27:

W1/2 SW1/4; SW1/4 NW1/4 and E1/2 SW1/4.

EXCEPTING THEREFROM: That certain tract of land previously conveyed by State of Idaho Deed #10437, said tract lying Easterly of the following described line: "Commencing at a point on the Mercator Idaho Grid System East Zone, the Y Coordinate being North 601,210.00 feet, and the X Coordinate being East 612,905.00 feet (said Coordinate point lying approximately N19°09'E, a distance of 3,175 feet from the Southwest corner of said Section 27); thence S27°03'29"E, to a point on the E-s' line of the West-half of the West-half of said Section 27, and the TRUE POINT OF BEGINNING; thence N27°03'29"W to the point of commencing; thence N10°22'37"E, to a point on the East line of the West-half of the West-half of said Section 27, and the point of terminus of the above described line."

Section 28: S1/2 NE1/4 and SE1/4,

EXCEPTING FROM ALL THE ABOVE: Any highway or county road right of ways.

TRACT II:

The S 1/2 of the SW 1/4 of Section 21, Township 3 North, Range 40, E.B.M.

SUBJECT TO:

1. Accruing general taxes for the year 1991 and all subsequent years.
2. All existing easements or claims of easements and rights-of-way or claims of rights-of-way either of record or appearing on the land which affect the described property.
3. All patent reservations, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes, and other matters which would be disclosed by an accurate survey or inspection of the property.

BUT OTHERWISE together with the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and reversions, remainders, rents, issues, and profits thereof, and all estate, right, title, and interest in and to the property, as well in law as in equity of the Grantor.

EXHIBIT "A"

PARCEL I:

Township 3 North, Range 40 E.B.M.

Section 20: The NE1/4 and the SE1/4

Section 29: The NE1/4 and the SE1/4

PARCEL II (Instrument No. #915593):

TRACT 1 (The Brown Tract):

Township 3 North, Range 40, E.B.M.

Section 32: E 1/2 SW 1/4; SE 1/4

Section 33: NW 1/4 NE 1/4; E 1/2 E 1/2; SW 1/4 NE 1/4

Section 34: Beginning at a point that is North along the Section line 400 feet from the Southeast corner of Section 33, Township 3 North, Range 40, E.B.M.; said point also being the Southwest corner of Section 34, Township 3 North, Range 40, E.B.M.; running thence North 57°47'31" East 1100 feet; thence North 80°30' East 446.670 feet; thence North 300.00 feet; thence West 700.282 feet; thence North 49°30' West 649.170 feet; thence North 1395.004 feet; thence N 31°45' East 850.68 feet; thence West 625.00 feet; thence South 3500.00 feet to the Point of Beginning.

Also

NW 1/4 NW 1/4, but excepting therefrom the following described tract, to wit:

All that portion of the NW 1/4 of the NW 1/4 of Sec. 34, Township 3 North, Range 40, E.B.M., Bonneville County, Idaho, lying easterly of a line described as follows:

Commencing at a point on the Mercator Idaho Grid System, East Zone, the "Y" coordinate being North 688,210.00 feet, and the "X" coordinate being East 613,185.00 feet (said coordinate points lying approximately North 89°22' East a distance of 1,320 feet from the NW corner of said Section 34); thence North 65°57'34" East, a distance of 300 feet and the true point of beginning; thence South 65°57'34" West, a distance of 300 feet; thence South 09°27'44" West, a distance of 1,246.97 feet; thence South 03°07'20" West, a distance of 300 feet and the point of terminus of the above described line.

TRACT 2 (The Josie Brown Tract):

Township 3 North, Range 40, E.B.M.

Section 33: SW 1/4; W 1/2 SE 1/4

Township 2 North Range 40, E.B.M.

Section 4: Lots 2, 3, and 4

TRACT 3 (The Johnson Tract):

Township 3 North, Range 40, E.B.M.

Section 28: The West 1/2

Section 32: The NE 1/4

Section 33: The NW 1/4

PARCEL III:

Township 3 North, Range 40 East of the Boise Meridian:

Section 16: $W\frac{1}{2} SW\frac{1}{4}$

$SE\frac{1}{4} SW\frac{1}{4}$

$W\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$

Section 21: $N\frac{1}{2} NE\frac{1}{4}$ less the following three tracts:

- i) $N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$;
- ii) $SE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$; and
- iii) North Quarter Corner of Section 21, Township 3 North, Range 40 East of the Boise Meridian and running thence East 300.00 feet along the Section line; thence South 600 feet; thence West 300 feet; thence North 600 feet to the point of beginning.

~~$SW\frac{1}{4} NE\frac{1}{4}$~~

$SE\frac{1}{4} NE\frac{1}{4}$ less the $NE\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$

~~$SE\frac{1}{4}$~~

Section 27: $NW\frac{1}{4} NW\frac{1}{4}$

Section 28: $N\frac{1}{2} NE\frac{1}{4}$

LESS AND EXCEPTING THEREFROM: All state highway or county road rights-of-way.

SUBJECT TO:

1. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. State of Idaho Department of Lands Oil and Gas leases, and any and all other oil and gas leases and assignments thereof, if any, of record or affecting the described property.
3. Reservations and mineral and road rights-of-way as described in any and all deeds executed by the State of Idaho and affecting the described property.

PARCEL IV (Instrument #847762):

All of the Southwest Quarter Northwest Quarter, West Half Southwest Quarter, and the Southeast Quarter Southwest Quarter of Section 22, Township 3 North, Range 40, East Boise Meridian, Bonneville County, Idaho, less the following described property:

All of the Southwest Quarter of the Northwest Quarter, and all that portion of the West half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, all in Section 22, Township 3 North, Range 40 East of the Boise Meridian, Bonneville County, Idaho, lying easterly of the following described line:

Beginning at a point on the Mercator Idaho Grid System East Zone, the coordinate being North 696,500.00 feet, and the coordinate being East 612,625.00 feet (said coordinate point lying approximately North 13° 52' East, a distance of 3,060 feet from the Southwest corner of said Section 22);

thence South 12° 05' 01" East, a distance of 1,915.22 feet;

thence South 51° 42' 35" East, a distance of 605.19 feet;

thence South 10° 22' 37" West, to a point on the south line of said Section 22, and the point of terminus of the above described line.

PARCEL V:

All of the Southwest Quarter Northwest Quarter, West Half Southwest Quarter, and the Southeast Quarter Southwest Quarter of Section 22, Township 3 North, Range 40, East Boise Meridian, Bonneville County, Idaho, less the following described property:

All of the Southwest Quarter of the Northwest Quarter, and all that portion of the West half of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, all in Section 22, Township 3 North, Range 40 East of the Boise Meridian, Bonneville County, Idaho, lying easterly of the following described line:

Beginning at a point on the Mercator Idaho Grid System East Zone, the Y coordinate being North 696,500.00 feet, and the X coordinate being East 612,625.00 feet (said coordinate point lying approximately North 13°52' East, a distance of 3,060 feet from the Southwest corner of said Section 22);

thence South 12°05'01" East, a distance of 1,815.22 feet;

thence South 51°42'35" East, a distance of 605.19 feet;

thence South 10°22'37" West, to a point on the South line of said Section 22, and the point of terminus of the above described line.