

DEV ✓

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 29-4075					
WR 29-12285					

SUPPORT DATA
29-4075
IN FILE # _____

RECEIVED RECEIVED

2. The following **REQUIRED** information must be submitted with this form:

OCT 08 2008 2008

- A. The appropriate **FILING FEE**. See instructions for fee amounts. Department of Water Resources Eastern Region
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

RECREATIONAL PROPERTIES LTD LLC
775 YELLOWSTONE #121
POCATELLO, ID 83201

4. New Owner/Claimant(s)

EUBRETT W + ARDIS E. MCKINNEY

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3824 HAWTHORNE RD.

City, State and ZIP Code

POCATELLO, ID 83201

New Telephone Number

208 251-0848 Email: _____

5. Date you acquired the property

JUNE 1, 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>29-4075</u>		
Irrigation	<u>0.72 CFS</u>	<u>36 TOTAL ACRES</u>
Stock		
Domestic	<u>0.06 CFS</u>	<u>2 HOMES</u>
Other <u>COMMERCIAL</u>	<u>0.04 CFS</u>	<u>Pool, clean up, showers</u>
Totals	<u>0.78 CFS</u>	
Water Right and/or Adjudication Claim Number <u>29-13285</u>		
Irrigation		
Stock		
Domestic		
Other <u>RECREATION</u>	<u>1.15 CFS</u>	
Totals	<u>1.15 CFS</u>	
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

EVERETT W McFarney

(title if applicable)

POA Denise McFarney

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

 Received by [Signature]
 Received by [Signature]
 Processed by _____ AJ

 Date 10-8-08
 Date 10-8-08
 Date _____

 Receipt Amt. 50.00
 Receipt No. E034510
 WR _____ Date _____

Lamont Jones (ISB #875)
 JONES, CHARTERED
 203 South Garfield - P.O. Box 967
 Pocatello, Idaho 83204
 Telephone: (208) 232-5911
 FAX: (208) 232-5962

Instrument # 184529

POWER COUNTY, IDAHO
 2004-03-08 02:59:25 No. of Pages: 7
 Recorded for: POWER COUNTY SHERIFF
 CHRISTINE STEINLICHT Fee: 21.00
 Ex-Officio Recorder Deputy *W. Anderson*
Schubert

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

EVERETT W. MCKINNEY and ARDIS
 E. MCKINNEY, husband and wife,

CASE NO. CV 00-0252

Plaintiffs,

SHERIFF'S DEED

vs.

TODD W. ANDERSEN, aka Todd
 Andersen; PENNY L. ANDERSEN, aka
 Penny Andersen; AICO RECREATIONAL
 PROPERTIES, LLC; TERRY W.
 ANDERSEN, aka Terry Andersen;
 ROSANNA ANDERSEN; TERRY W.
 ANDERSEN and ROSANNA ANDERSEN
 TRUSTEES OF THE TERRY W.
 ANDERSEN AND ROSANNA
 ANDERSEN LIVING REVOCABLE
 TRUST DATED FEBRUARY 1, 1991; and
 JOHN DOES and JANE DOES,

Defendants.

THIS INDENTURE, made the 8th day of March, 2004, by Howard Sprague, Sheriff
 of the County of Power, State of Idaho, the Grantor, and Everett W. McKinney and Ardis E.
 McKinney, husband and wife, the Purchasers whose address is 3824 Hawthorne Road, Pocatello,

Idaho 83201.

WHEREAS, in and by a certain Decree of Foreclosure and Order of Sale entered by the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Power, on the 6th day of March, 2001, in the above-entitled cause; and which Decree and original execution were delivered to the Sheriff for execution, it was, among other things, ordered adjudged, and decreed that all and singular, real property described in the Complaint in said action, and specifically described in Exhibit B to said Decree, be sold at public auction by the sheriff of Power County, State of Idaho, in the manner prescribed by law and according to the course and practice of said court; that any party hereto, including the Plaintiffs shall be permitted to be a purchaser at the sale and the Plaintiffs may bid the amount of its judgment as the equivalent of cash; that the Sheriff execute and deliver to the Purchasers a certificate of sale, and that Purchasers shall be entitled to immediate possession of the property, free of any claims and liens, but subject to redemption rights of the defendants, above-named, as well as all persons claiming through them for a period of twelve (12) months from the date of sale; that upon expiration of the redemption period, the Sheriff, or his duly authorized Deputy shall execute a Deed to Purchaser which shall describe the real property and appurtenances.

WHEREAS, said Sheriff did, at the hour of 11:00 o'clock AM on the 27th day of February, 2003, 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, on the front steps of the Power County Courthouse, American Falls, Idaho, pursuant to said Decree, and the provisions of law, the real property in said Decree described; at which sale the real property and appurtenances was fairly struck off to Everett W. McKinney and Ardis E. McKinney, husband and wife, for the sum of Two Hundred Sixty Eight

Thousand Two Hundred Seventy Nine and 26/100 Dollars (\$268,279.26) lawful money of the United States, it being the only bidder, and that being the highest sum bid for the same; and

WHEREAS, the Purchasers instructed the Sheriff to off-set, as a credit bid, against its Decree the entire amount of money so bid by it; and

WHEREAS, said Sheriff thereupon made and issued the usual Certificate, in duplicate, of said sale, and delivered one thereof to said Purchasers, and caused the other to be recorded in the office of the County Recorder of Power County, State of Idaho, as required by law; and

WHEREAS, more than twelve (12) months have elapsed since the date of the sale, and no redemption, pursuant to law, has been made on the real property so sold, by or on behalf of said Defendants, or any of them, or by, or on behalf of, any other person claiming through said Defendants.

NOW, said 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 statutes in such cases made and provided, has sold and conveyed, and by these presents does sell and convey unto Everett W. McKinney and Ardis E. McKinney, husband and wife, and to their heirs and assigns forever, the real property particularly described on Schedule A, consisting of three (3) pages which is attached hereto and by reference incorporated herein.

The Sheriff by this Sheriff's Deed transfers the right and interest of the judgment debtors in and to the real property, as stated, and gives possession, but does not guarantee clear title nor continued possessory rights to the Purchasers.

WITNESS my hand this 8th day of March, 2004.

HOWARD SPRAGUE, SHERIFF OF POWER
COUNTY, IDAHO

By: Howard R. Sprague
Sheriff

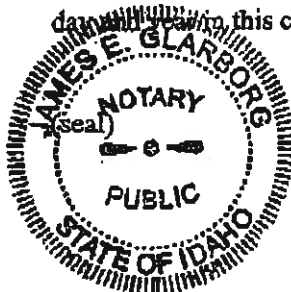
STATE OF IDAHO)

:ss

County of Power)

On this 8th day of March, 2004, before me the undersigned Notary Public, personally appeared Howard Sprague, known or identified to me to be the person whose name is subscribed to the within instrument as Sheriff of Power County, Idaho, and acknowledged to me that he executed the same as such Sheriff.

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



James E. Glarborg
NOTARY PUBLIC FOR IDAHO
Residing at: American Falls, Idaho
My Commission Expires: 02/18/2006

Instrument # 185072

POWER COUNTY, IDAHO

2004-06-04 11:35:45 No. of Pages: 5

Recorded for: JONES, CHARTERED

CHRISTINE STEINLICHT Fee: 15.00

Ex-Officio Recorder Deputy

*Manu Schelske***WARRANTY DEED**

For Value Received Everett W. McKinney and Ardis E. McKinney, husband and wife, hereinafter referred to as "Grantor," whether one or more, does hereby grant, bargain, sell and convey unto Everett W. McKinney, Ardis E. McKinney or Denise McKinney as Joint Tenants with Right of Survivorship and not as Tenants in Common, hereinafter referred to as "Grantee," whether one or more, whose current address is 3824 Hawthorne Road, Pocatello, ID 83202, the following described premises in Power County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 1 day of June, 2004.

WITNESS TO SIGNING:

Thomas J. Holmes, Esq.
Thomas J. Holmes, Esq.*Everett W. McKinney*
Everett W. McKinney*Ardis E. McKinney*
Ardis E. McKinney

STATE OF IDAHO)
 :SS
County of Bannock)

On this 1 day of June, 2004, before me, the undersigned Notary Public, in and for said State, personally appeared Everett W. McKinney and Ardis E. McKinney, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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





NOTARY PUBLIC - STATE OF IDAHO
My Commission expires: _____

4-2
EXHIBIT "A"

98001176

PARCEL 1:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., POWER COUNTY, IDAHO, LESS RIGHT OF WAY.

EXCEPTING THEREFROM: A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY SIDE OF COLD CREEK ROAD AND THE SOUTH LINE OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ FROM WHICH THE CORNER OF SAID SECTION 18 BEARS SOUTH 89°53' EAST, 25.00 FEET; THENCE NORTH 89°53' WEST, ALONG THE SOUTH LINE OF SAID SECTION 18, 604.70 FEET; THENCE NORTH 43°00' WEST, 70.60 FEET; THENCE NORTH 15°49' WEST 144.39 FEET; THENCE NORTH 65°28' WEST, 49.62 FEET; THENCE NORTH 35°28' EAST, 450.48 FEET TO THE SOUTHWESTERLY SIDE OF AN EXISTING COUNTY ROAD; THENCE SOUTH 57°45' EAST, ALONG THE SIDE OF SAID COUNTY ROAD, 120.00 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 18°55' FOR AN ARC LENGTH OF 148.57 FEET; THENCE SOUTH 38°50' EAST, 332.96 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 38°20' FOR AN ARC LENGTH OF 167.26; THENCE SOUTH 0°30' EAST, 2.90 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM: BEGINNING AT A POINT ON THE SOUTH LINE OF AND NEAR THE SOUTHEAST CORNER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., BY A POWER POLE ON THE WESTERLY LINE OF A COUNTY ROAD; THENCE WESTERLY 604.0 FEET TO THE EASTERLY LINE OF AN EXISTING NATURAL DRAINAGE CREEK, COMMONLY KNOWN AS COLD CREEK, ON THE SECTION LINE AND MARKED WITH A 1 $\frac{1}{4}$ " X 3 $\frac{1}{2}$ " IRON PIN DRIVEN 2 $\frac{1}{2}$ FEET INTO THE GROUND; THENCE NORTH 27°32' WEST 236.0 FEET TO A STEEL FENCE POST ON THE NORTHEASTERLY BANK AND CURVE TO THE LEFT OF SAME CREEK; THENCE ON A CURVE TO THE RIGHT OF WITH A RADIUS EQUAL TO 51 FEET, AND DELTA ANGLE EQUAL TO 64°00' AND LENGTH OF 56.8 FEET; THENCE NORTH 36°28' EAST 391.0 FEET, MORE OR LESS, TO A SECOND POINT ON THE SOUTHWESTERLY BOUNDARY LINE OF SAID COUNTY ROAD; THENCE SOUTH 57°00' EAST 120.0 FEET TO A THIRD POINT ON THE ROAD LINE; THENCE ALONG THIS ROAD LINE A CURVE TO THE RIGHT WITH A RADIUS OF 910.0 FEET, CHORD 635 FEET AND A LENGTH OF CURVE OF 648.0 FEET, BOTH MORE OR LESS, TO PLACE OF BEGINNING.

ALL IN THE SOUTHEASTERLY PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$) OF SECTION 18, TOWNSHIP 8 SOUTE, RANGE 31 E.B.M.

EXCEPTING THEREFROM: COMMENCING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY #37, WHICH POINT IS ONE-QUARTER MILE NORTH OF THE SOUTHERLY

4-3 98001176

SECTION LINE OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., AND WHICH POINT IS ALSO 50' EAST OF THE CENTERLINE OF SAID HIGHWAY AND 67.0 FEET EAST OF THE NORTH-SOUTH CENTER QUARTER SECTION LINE OF SAID SECTION; THENCE SOUTH 85°30' EAST 1182.0 FEET TO A POINT, WHICH POINT IS ON THE SOUTHWESTERLY SHOULDER OF AN EXISTING COUNTY ROAD; AND NORTH 77°25' WEST, 83.2 FEET OF THE SOUTHEAST CORNER OF AN EXISTING CONCRETE BRIDGE WHICH CROSSES SAID ROAD; THENCE SOUTH 44°38' EAST 332.0 FEET TO ANOTHER POINT ON THE AFORESAID ROADWAY, THE TRUE POINT OF BEGINNING; THENCE SOUTH 46°15' EAST 112.5 FEET; THENCE SOUTH 57°47' EAST 261.0 FEET; THENCE SOUTH 32°13' WEST 362.0 FEET TO A POINT ON THE NORTHEASTERLY BANK OF AN EXISTING NATURAL DRAINAGE CREEK; THENCE NORTH 57°47' WEST 24.0 FEET TO A POINT; THENCE NORTH 12°47' WEST 127.26 FEET; THENCE NORTH 57°47' WEST 147.0 FEET; THENCE NORTH 32°13' EAST 148.0 FEET; THENCE NORTH 17°47' WEST 168.0 FEET; THENCE NORTH 53°14' EAST 42.5 FEET TO THE PLACE OF BEGINNING.

ALL IN THE SE¼ SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M.

EXCEPTING THEREFROM: A PARCEL OF LAND IN THE SE¼ SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST OF THE BOISE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTH 89°53' WEST, ALONG THE SOUTH LINE OF SAID SECTION, 25.00 FEET TO THE WEST LINE OF AN EXISTING COUNTY ROAD (COLD CREEK ROAD); THENCE NORTH 0°30' EAST, ALONG SAID ROAD 2.90 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 38°20' FOR AN ARC LENGTH OF 167.26 FEET; THENCE NORTH 38°50' WEST, 332.96 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 18°55', FOR AN ARC LENGTH OF 148.57 FEET; THENCE NORTH 57°45' WEST, 120.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE SIDE OF SAID COUNTY ROAD, SOUTH 35°28' WEST, 450.48 FEET; THENCE NORTH 65°28' WEST, 24.95 FEET; THENCE NORTH 35°42' WEST, 83.73 FEET; THENCE NORTH 61°20' WEST, 117.19 FEET; THENCE NORTH 76°13' WEST, 68.13 FEET; THENCE NORTH 26°47' WEST, 63.38 FEET; THENCE NORTH 13°13' EAST, 56.92 FEET; THENCE NORTH 57°10' WEST, 43.21 FEET; THENCE NORTH 31°40' EAST, 362.00 FEET TO THE SOUTHERLY SIDE OF SAID COUNTY ROAD; THENCE SOUTH 57°59' EAST, 429.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST OF THE BOISE MERIDIAN, POWER COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN REAL PROPERTY CONVEYED TO M.K. THORNHILL AND JOSEPHINE THORNHILL, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID RECREATIONAL AREA THAT BEARS NORTH 31°49' WEST 2247.1 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SAID SECTION 18, THENCE NORTH 0°05' EAST 188.0 FEET, THENCE NORTH 33°04' EAST 214.7 FEET, THENCE SOUTH 89°55' WEST 377.7 FEET, THENCE SOUTH 4°57' WEST 342.2 FEET, THENCE SOUTH 84°47' EAST 291.0 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT: ANY PROPERTY LYING WEST OF HIGHWAY 37, IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST BOISE MERIDIAN, POWER COUNTY, IDAHO.

PARCEL 2

98001176

A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 EAST OF THE BOISE MERIDIAN, POWER COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN REAL PROPERTY CONVEYED TO M.K. THORNHILL AND JOSEPHINE THORNHILL, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID RECREATIONAL AREA THAT BEARS NORTH 31°49' WEST 2247.1 FEET, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SAID SECTION 18, THENCE NORTH 0°05' EAST 188.0 FEET, THENCE NORTH 33°04' EAST 214.7 FEET, THENCE SOUTH 89°55' WEST 377.7 FEET, THENCE SOUTH 4°57' WEST 342.2 FEET, THENCE SOUTH 84°47' EAST 291.0 FEET TO THE POINT OF BEGINNING.

169207

Instrument # _____
Dwr # 8 Time 2:47 PM
Rec. of First American Title
JAN 26 1998
POWER COUNTY AM FALLS
C. SCHREIBER
BY M. Schreibe
DEPUTY PA. 1209

'98 JAN 23 PM 4 22
No. 98001176
Recorded at request of
FIRST AMERICAN TITLE
Date: _____
Official Record Book 704
Boise County Recorder
Fee 12 Deputy m!
ck

Paid

Paid



*460 East Oak St. * Pocatello, ID 83201*
(208) 232-5025 FAX (208) 233-3637
1-800-249-5025

FAX COVER SHEET

DATE: 10-8-08

TO: JOHN

FROM: MIKE WILSON

CC: _____

FAX No: 525-7177

FAX No: (208) 233-3637

COMMENTS:

DEAD FOR McGAMOR

PLEASE CALL W/QUESTIONS

220-1911

THANKS



1 PAGE (S) INCLUDING THIS COVER SHEET

Lamont Jones (ISB #875)
 JONES, CHARTERED
 203 South Garfield - P.O. Box 967
 Pocatello, Idaho 83204
 Telephone: (208) 232-5911
 FAX: (208) 232-5962

Instrument # 184529

POWER COUNTY, IDAHO

2004-03-08

02:59:25 No. of Pages: 7

Recorded for : POWER COUNTY SHERIFF

CHRISTINE STEINLICH

Fee: 21.00

Ex-Officio Recorder Deputy

Attorney for Plaintiff

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF POWER

EVERETT W. MCKINNEY and ARDIS
 E. MCKINNEY, husband and wife,

Plaintiffs,

vs.

TODD W. ANDERSEN, aka Todd
 Andersen; PENNY L. ANDERSEN, aka
 Penny Andersen; AICO RECREATIONAL
 PROPERTIES, LLC; TERRY W.
 ANDERSEN, aka Terry Andersen;
 ROSANNA ANDERSEN; TERRY W.
 ANDERSEN and ROSANNA ANDERSEN
 TRUSTEES OF THE TERRY W.
 ANDERSEN AND ROSANNA
 ANDERSEN LIVING REVOCABLE
 TRUST DATED FEBRUARY 1, 1991; and
 JOHN DOES and JANE DOES,

Defendants.

CASE NO. CV 00-0252

SHERIFF'S DEED

THIS INDENTURE, made the 8th day of March, 2004, by Howard Sprague, Sheriff
 of the County of Power, State of Idaho, the Grantor, and Everett W. McKinney and Ardis E.
 McKinney, husband and wife, the Purchasers whose address is 3824 Hawthorne Road, Pocatello,

Idaho 83201.

WHEREAS, in and by a certain Decree of Foreclosure and Order of Sale entered by the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Power, on the 6th day of March, 2001, in the above-entitled cause; and which Decree and original execution were delivered to the Sheriff for execution, it was, among other things, ordered adjudged, and decreed that all and singular, real property described in the Complaint in said action, and specifically described in Exhibit B to said Decree, be sold at public auction by the sheriff of Power County, State of Idaho, in the manner prescribed by law and according to the course and practice of said court; that any party hereto, including the Plaintiffs shall be permitted to be a purchaser at the sale and the Plaintiffs may bid the amount of its judgment as the equivalent of cash; that the Sheriff execute and deliver to the Purchasers a certificate of sale, and that Purchasers shall be entitled to immediate possession of the property, free of any claims and liens, but subject to redemption rights of the defendants, above-named, as well as all persons claiming through them for a period of twelve (12) months from the date of sale; that upon expiration of the redemption period, the Sheriff, or his duly authorized Deputy shall execute a Deed to Purchaser which shall describe the real property and appurtenances.

WHEREAS, said Sheriff did, at the hour of 11:00 o'clock AM on the 27th day of February, 2003, 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, on the front steps of the Power County Courthouse, American Falls, Idaho, pursuant to said Decree, and the provisions of law, the real property in said Decree described; at which sale the real property and appurtenances was fairly struck off to Everett W. McKinney and Ardis E. McKinney, husband and wife, for the sum of Two Hundred Sixty Eight

Thousand Two Hundred Seventy Nine and 26/100 Dollars (\$268,279.26) lawful money of the United States, it being the only bidder, and that being the highest sum bid for the same; and

WHEREAS, the Purchasers instructed the Sheriff to off-set, as a credit bid, against its Decree the entire amount of money so bid by it; and

WHEREAS, said Sheriff thereupon made and issued the usual Certificate, in duplicate, of said sale, and delivered one thereof to said Purchasers, and caused the other to be recorded in the office of the County Recorder of Power County, State of Idaho, as required by law; and

WHEREAS, more than twelve (12) months have elapsed since the date of the sale, and no redemption, pursuant to law, has been made on the real property so sold, by or on behalf of said Defendants, or any of them, or by, or on behalf of, any other person claiming through said Defendants.

NOW, said 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 statutes in such cases made and provided, has sold and conveyed, and by these presents does sell and convey unto Everett W. McKinney and Ardis E. McKinney, husband and wife, and to their heirs and assigns forever, the real property particularly described on Schedule A, consisting of three (3) pages which is attached hereto and by reference incorporated herein.

The Sheriff by this Sheriff's Deed transfers the right and interest of the judgment debtors in and to the real property, as stated, and gives possession, but does not guarantee clear title nor continued possessory rights to the Purchasers.

WITNESS my hand this 8th day of March, 2004.

HOWARD SPRAGUE, SHERIFF OF POWER
COUNTY, IDAHO

By: Howard R. Sprague
Sheriff

STATE OF IDAHO)

:ss

County of Power)

On this 8th day of March, 2004, before me the undersigned Notary Public, personally appeared Howard Sprague, known or identified to me to be the person whose name is subscribed to the within instrument as Sheriff of Power County, Idaho, and acknowledged to me that he executed the same as such Sheriff.

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



James E. Glarborg
NOTARY PUBLIC FOR IDAHO
Residing at: American Falls, Idaho
My Commission Expires: 02/18/2006

SCHEDULE A**PARCEL 1:**

THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ AND THE SE $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., POWER COUNTY, IDAHO, EXCEPT HIGHWAY NO. 37.

EXCEPTING THEREFROM:

A PORTION OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY SIDE OF COLD CREEK ROAD AND THE SOUTH LINE OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ FROM WHICH THE CORNER OF SAID SECTION 18 BEARS S. 89°53' E. 25.00 FEET; THENCE N. 89°53' W. ALONG THE SOUTH LINE OF SAID SECTION 18, 604.70 FEET; THENCE N. 43°00' W. 70.60 FEET; THENCE N. 15°49' W. 144.39 FEET; THENCE N. 65°28' W., 49.82 FEET; THENCE N. 35°28' E., 450.48 FEET TO THE SOUTHWESTERLY SIDE OF AN EXISTING COUNTY ROAD; THENCE S. 57°45' E. ALONG THE SIDE OF A COUNTY ROAD, 120.00 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 18°55' FOR AN ARC LENGTH OF 148.57 FEET; THENCE S. 38°50' E., 332.96 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 38°20' FOR AN ARC LENGTH OF 167.26 FEET; THENCE S. 0°30' E.,

2.90 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM:

BEGINNING AT A POINT ON THE SOUTH LINE OF AND NEAR THE SE CORNER OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., BY A POWER POLE ON THE WESTERLY LINE OF A COUNTY ROAD; THENCE WESTERLY 604.0 FEET TO THE EASTERLY LINE OF AN EXISTING NATURAL DRAINAGE CREEK, COMMONLY KNOWN AS COLD CREEK, ON THE SECTION LINE AND MARKED WITH A 1 $\frac{1}{2}$ "X3 $\frac{1}{2}$ " IRON PIN DRIVEN 2 $\frac{1}{4}$ FEET INTO THE GROUND; THENCE N. 27°32' W. 236.0 FEET TO A STEEL FENCE POST ON THE NORTHEASTERLY BANK AND CURVE TO THE LEFT OF SAME CREEK; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS EQUAL TO 51 FEET, AND DELTA ANGLE EQUAL TO 64°00' AND LENGTH OF 56.8 FEET; THENCE N. 36°28' E. 391.0 FEET, MORE OR LESS, TO A SECOND POINT ON THE SOUTHWESTERLY BOUNDARY LINE OF SAID COUNTY ROAD; THENCE S. 57°00' E. 120.0 FEET TO A THIRD POINT ON THE ROAD LINE; THENCE ALONG THIS ROAD LINE A CURVE TO THE RIGHT WITH A RADIUS OF 910.0 FEET, CHORD 635 FEET AND A LENGTH OF CURVE OF 648.0 FEET, BOTH MORE OR LESS, TO PLACE OF BEGINNING. ALL IN THE SOUTHEASTERLY PART OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M.

EXCEPTING THEREFROM:

COMMENCING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY #37, WHICH POINT IS ONE-QUARTER MILE NORTH OF THE SOUTHERLY SECTION LINE OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., AND WHICH POINT IS ALSO 50' EAST OF THE CENTERLINE OF SAID HIGHWAY AND 67.0 FEET E. OF THE NORTH-SOUTH CENTER QUARTER SECTION LINE OF SAID SECTION; THENCE S. 85°30' E., 1182.0 FEET TO A POINT, WHICH POINT IS ON THE SOUTHWESTERLY SHOULDER OF AN EXISTING COUNTY ROAD; AND N. 77°25' W., 83.2 FEET OF THE SE CORNER OF AN EXISTING CONCRETE BRIDGE WHICH CROSSES SAID ROAD; THENCE S. 44°38' E., 332.0 FEET TO ANOTHER POINT ON THE AFORESAID ROADWAY, THE TRUE POINT OF BEGINNING; THENCE S. 46°15' E., 112.5 FEET; THENCE S. 57°47' E. 261.0 FEET; THENCE S. 32°13' W., 362.0 FEET TO A POINT ON THE NORTHEASTERLY BANK OF AN EXISTING NATURAL DRAINAGE CREEK; THENCE N. 57°47' W., 24.0 FEET TO A POINT; THENCE N. 12°47' W., 127.28 FEET; THENCE N. 57°47' W., 147.0 FEET; THENCE N. 32°13' E., 148.0 FEET; THENCE N. 17°47' W., 188.0 FEET; THENCE N. 58°14' E., 42.5 FEET TO THE PLACE OF BEGINNING. ALL IN THE SE¼SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M.

EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE SE¼SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SECTION 18; THENCE N. 89°53' W., ALONG THE SOUTH LINE OF SAID SECTION, 25.00 FEET TO THE WEST LINE OF AN EXISTING COUNTY ROAD (COLD CREEK ROAD); THENCE N. 0°30' E., ALONG SAID ROAD 2.90 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 38°20' FOR AN ARC LENGTH OF 167.26 FEET; THENCE N. 38°50' W., 332.96 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 450.00 FEET, THROUGH A CENTRAL ANGLE OF 18°55', FOR AN ARC LENGTH OF 148.57 FEET; THENCE N. 57°45' W., 120.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE SIDE OF SAID COUNTY ROAD, S. 35°28' W., 450.48 FEET; THENCE N. 65°28' W., 24.95 FEET; THENCE N. 35°42' W., 83.73 FEET; THENCE N. 61°20' W., 117.19 FEET; THENCE N. 76°13' W., 68.13 FEET; THENCE N. 26°47' W., 63.38 FEET; THENCE N. 13°13' E., 56.92 FEET; THENCE N. 57°10' W., 43.21 FEET; THENCE N. 31°40' E., 362.00 FEET TO THE SOUTHERLY SIDE OF SAID COUNTY ROAD; THENCE S. 57°59' E., 429.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., POWER COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN REAL PROPERTY CONVEYED TO M.K. THORNHILL AND JOSEPHINE THORNHILL, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID RECREATIONAL AREA THAT BEARS N. 31°49' W., 2247.1 FEET, MORE OR LESS, FROM THE SE CORNER OF SAID SECTION 18; THENCE N. 0°05' E., 188.0 FEET; THENCE N. 33°04' E., 214.7 FEET; THENCE S. 89°55' W., 377.7 FEET; THENCE S. 4°57' W., 342.2 FEET; THENCE S. 84°47' E., 291.0 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT:

ANY PROPERTY LYING WEST OF HIGHWAY 37, IN SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., POWER COUNTY, IDAHO.

PARCEL 2:

A PARCEL OF LAND IN THE SE¼ OF SECTION 18, TOWNSHIP 8 SOUTH, RANGE 31 E.B.M., POWER COUNTY, IDAHO, BEING A PORTION OF THAT CERTAIN REAL PROPERTY CONVEYED TO M.K. THORNHILL AND JOSEPHINE THORNHILL, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID RECREATIONAL AREA THAT BEARS N. 31°49' W., 2247.1 FEET, MORE OR LESS, FROM THE SE CORNER OF SAID SECTION 18; THENCE N. 0°05' E., 188.0 FEET; THENCE N. 33°04' E., 214.7 FEET; THENCE S. 89°55' W., 377.7 FEET; THENCE S. 4°57' W., 342.2 FEET; THENCE S. 84°47' E., 291.0 FEET TO THE POINT OF BEGINNING.

Instrument # 185072

POWER COUNTY, IDAHO

2004-08-04 11:35:45 No. of Pages: 5

Recorded for: JONES, CHARTERED

CHRISTINE STEINBUCHT

Fee: 15.00

Ex-Office Recorder Deputy

W. J. Schelke

WARRANTY DEED

For Value Received Everett W. McKinney and Ardis E. McKinney, husband and wife, hereinafter referred to as "Grantor," whether one or more, does hereby grant, bargain, sell and convey unto Everett W. McKinney, Ardis E. McKinney or Denise McKinney as Joint Tenants with Right of Survivorship and not as Tenants in Common, hereinafter referred to as "Grantee," whether one or more, whose current address is 3824 Hawthorne Road, Pocatello, ID 83202, the following described premises in Power County, Idaho, to wit:

See Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, and Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 1 day of June, 2004.

WITNESS TO SIGNING:

Thomas J. Holmes, Esq.
Thomas J. Holmes, Esq.

Everett W. McKinney
Everett W. McKinney

Ardis E. McKinney
Ardis E. McKinney

STATE OF IDAHO)
 :SS
County of Bannock)

On this 1 day of June, 2004, before me, the undersigned Notary Public, in and for said State, personally appeared Everett W. McKinney and Ardis E. McKinney, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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





NOTARY PUBLIC - STATE OF IDAHO
My Commission expires: _____