

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

#41804

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

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
45-7109			45-7508		
45-7159			45-2709		
45-7433			45-13404		X
45-7104A					
45-7104B					
45-2637					
45-7102					
45-7299					
45-7266					
45-7292					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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 usually attached to your deed or on file with the county).

OR

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 **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**.

Name and Address of Former Owner/Claimant(s)	<u>Daniel C. Walton and Solar Farms, a partnership</u> <u>26 North 500 East</u> <u>185 South 600 East</u> <u>Rupert, ID 83350</u> <u>Rupert, ID 83350</u>
New Owner/Claimant(s)	<u>PKD Properties, L.C., an Idaho limited liability company</u> Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	<u>750 East 100 South</u>
City, State and ZIP Code	<u>Rupert, ID 83350</u>
New Telephone Number	<u>(208) 312-4800</u>
Date you acquired the property	<u>October 25, 2006</u>

SUPPORT DATA
IN FILE # 45-2637

If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	2.112 cfs	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) PKD PROPERTIES, L.C.
(include title if applicable)
By: Paul H. Duncan
Paul H. Duncan, Managing Member

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.

For Office Use Only			
Received by <u>amb</u>	Date <u>1-17-07</u>	Fee <u>425.00</u>	
Receipted by <u>amb</u>	Date <u>1-17-07</u>	Receipt No. <u>0083061</u>	
Processed by _____	AJ Date _____	WR _____	Date _____

311718

WARRANTY DEED

#41804

487436

For Value Received

Daniel C. Walton also known as Dan C. Walton and Mary H. Walton, husband and wife AND Solar Farms, a partnership consisting of Daniel C. Walton also known as Dan Walton and Mark Sanderson

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

**PKD Properties, L.C., an Idaho Limited Liability Company
Address: 750 East 100 South, Rupert, Idaho 83350**

Hereinafter called the Grantee, the following described premises situated in **Cassia and Minidoka** County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 20: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said Section 20; Thence North 645 feet to the True Point of Beginning;
Thence North 362 feet;
Thence East 480 feet;
Thence South 362 feet;
Thence West 480 feet to the True Point of Beginning.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$

PARCEL NO. 3:

TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: SE $\frac{1}{4}$

Instrument # 487436

MINIDOKA COUNTY, RUPERT, IDAHO
2006-10-26 03:17:00 No. of Pages: 14
Recorded for : BURLEY LAND TITLE
DUANE SMITH Fee: 42.00
Ex-Officio Recorder Deputy

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

2006 OCT 26 PM 1 56

CASSIA COUNTY, IDAHO
LARRY A. MCKELSEN
RECORDER
FEE 42.00 DEPUTY

311718

PARCEL NO. 4:

TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: S½

PARCEL NO. 5:

Easement for the purpose of constructing, using and maintaining a road, as evidenced by Amended State of Idaho Easement No. 5115, to Daniel C. Walton, dated January 9, 1984, executed by the State of Idaho, acting by and through the State Board Land Commissioners, recorded January 18, 1984 as Instrument No. 157664 on Film No. 162, records of Cassia County, Idaho, described as follows:

EASEMENT NO. 1:

The Westerly 50.00 feet of Government Lot 4 and SW¼NW¼ of Section 2,
Township 10 South, Range 25 East, Boise Meridian.

EASEMENT NO. 2:

Commencing at the section corner common to Sections 34 and 35 of Township 9 South, Range 25 East, Boise Meridian, and Section 2 and 3 of Township 10 South, Range 25 East, Boise Meridian, said corner being the Real Point of Beginning;
Thence East 50.00 feet along the South section line of said Section 35;
Thence North 25.00 feet;
Thence West 50.00 feet;
Thence South 25.00 feet, returning to the Real Point of Beginning.

EASEMENT NO. 3:

The Southerly 25.00 feet of the SE¼SE¼ of Section 34, Township 9 South, Range 25 East, Boise Meridian.

PARCEL NO. 6:

TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: Lots 1, 2, 3 and 4 and S½N½

EXCEPTING THEREFROM that part of Lot 1 more particularly described as follows:
Beginning at the Northeast corner of the NE¼NE¼ of said Section 5; thence West 185 feet to the TRUE POINT OF BEGINNING;
Thence West for 290 feet;

Thence South for 200 feet;
Thence South 62°39' East for 326.50;
Thence North for 350 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Northeast corner of said Lot 1;
Thence West 185 feet;
Thence South 475 feet;
Thence East 185 feet to the East boundary of said Lot 1;
Thence North along said East boundary for 475 feet to the Point Of Beginning

PARCEL NO. 7:

TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lots 1, 2, 3, 4, 5, SE¼NW¼, S½NE¼

PARCEL NO. 8:

TOWNSHIP 10 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: SE¼NE¼ and Lot 1, EXCEPT that part of Lot 1 lying North and West of the
 Southside Canal.

PARCEL NO. 9:

TOWNSHIP 9 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 10: E½SE¼

Section 11: N½SW¼, SW¼SW¼

PARCEL NO. 10:

TOWNSHIP 9 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 8: N½SW¼, SAVE AND EXCEPT the following described parcel:

The True Point of Beginning is located along the West section line North 0°29'22" East for 1355.90
feet from the Southwest corner of Section 8;

Thence South 89°30'38" East for 284.15 feet;
Thence North 0°29'22" East for 306.60 feet;
Thence North 89°30'38" West for 284.15 feet;
Thence South 0°29'22" West for 306.60 feet along the West section line to the True Point of Beginning.

ALSO SAVE AND EXCEPTING the following described parcel:

The True Point of Beginning is located along the West section line North 0°29'22" East for 1662.50 feet from the Southwest corner of Section 8;
Thence South 89°30'38" East for 284.15 feet;
Thence North 0°29'22" East for 306.60 feet;
Thence North 89°30'38" West for 284.15 feet;
Thence South 0°29'22" West for 306.60 feet along the West section line to the True Point of Beginning.

PARCEL NO. 11:

TOWNSHIP 9 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 1: Lot 4 and SW¼NW¼,

SAVE AND EXCEPT the following described parcel:

Beginning at the Southeast corner of said SW¼NW¼, which point shall be known as the True Point of Beginning;
Thence North 89°53' West along the ¼ section line for 383.06 feet;
Thence North 00°34' East for 568.58 feet;
Thence South 89°53' East for 383.06 feet to a point on the 1/16 section line of said SW¼NW¼;
Thence South 00°34' West along said 1/16 section line for 568.58 feet to the True Point of Beginning.

PARCEL NO. 12:

TOWNSHIP 9 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 2: Lots 3 and 4, S½NW¼, EXCEPT the following described tracts:

Tract No. 1:

All that land lying South and West of Canal #113 of the Minidoka Irrigation District in the SW¼NW¼ of said Section 2.

Tract No. 2:

S½SE¼NW¼ of said Section 2.

PARCEL NO. 13:

A right of way for ingress and egress for the benefit of Parcel No. 12, over the East 30 feet of the S½SE¼NW¼ of Section 2, Township 9 South, Range 24 East of the Boise, Meridian, as granted by Warranty Deed dated November 7, 1988 and recorded November 16, 1988 as Instrument No. 382309, records of Minidoka County, Idaho.

PARCEL NO. 14:

TOWNSHIP 9 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 2: That part of the SE¼NW¼, described more particularly as follows:

Beginning at the Southwest corner of the SE¼NW¼ of said Section 2; Thence North 0°06' West along the West boundary line of said SE¼NW¼ for 381.54 feet to a point, which point shall be known as the True Point of Beginning;

Thence North 88°06' East for 808.59 feet;

Thence North 0°02' West for 284.44 feet;

Thence South 88°06' West for 808.59 feet to a point on the West boundary line of said SE¼NW¼;

Thence South 0°06' East along said West boundary line for 284.44 feet to the True Point of Beginning.

PARCEL NO. 15:

Easements for the benefit of Parcel No. 14 as created by a Warranty Deed dated September 4, 1979 and recorded November 5, 1979 as Instrument No. 297777, records of Minidoka County, Idaho, for 30.00 foot easements for ingress and egress, described more particularly as follows:

Beginning at the Southeast corner of the NW¼ of said Section 2; Thence North 0°02' West along the East boundary line of the NW¼ of said Section 2 for 658.68 feet to a point, which point shall be known as the True Point of Beginning;

Thence South 88°06' West for 550.01 feet;

Thence South 0°02' East for 30.00 feet;

Thence North 88°06' East for 550.01 feet to a point on the East boundary of the
NW¼ of said Section 2;

Thence North 0°02' West along said East boundary for 30.00 feet to the True Point of Beginning.

ALSO Beginning at the Southeast corner of the NW¼ of said Section 2, which point shall be known as the True Point of Beginning;

Thence North 0°02' West along the East boundary line of the NW¼ of said Section 2 for 658.68 feet;

Thence South 88°06' West for 30.00 feet;

Thence South 0°02' East for 658.68 feet, more or less, to a point on the South boundary line of the
NW¼ of said Section 2;

Thence East along said South boundary line for 30.00 feet, more or less, to the True Point of
Beginning.

PARCEL NO. 16:

TOWNSHIP 9 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 2: That part of the SE¼NW¼ of said Section 2, more particularly described as follows:

Beginning at the Southeast corner of the NW¼ of said Section 2; thence North 89°54'25" West (recorded as South 87°18' West) along the quartersection line for 785.84 feet to the POINT OF BEGINNING;

Thence North 89°54'25" West (recorded as South 87°18' West) along said quarter section line for 558.22 feet to the Southwest corner of the SE¼NW¼;

Thence North 1°28'49" East (recorded as North 0°06' West) along the West line of the SE¼NW¼ for 355.00 feet (recorded as 381.54 feet) to a point;

Thence North 89°34'45" East (recorded as North 88°06' East) for 843.75 feet (recorded as 848.36 feet) to a point;

Thence South 1°26'45" West (recorded as South 0°02' East) for 121.14 feet to ½ inch rebar;

Thence on a curve to the right for 334.17 feet to a ½ inch rebar, said curve having a central angle of 13°47'40" with a radius of 1387.98 feet with a long chord bearing of South 60°17'18" West for 333.36 feet from the previous point;

Thence South 1°35'00" West for 35.00 feet to a ½ inch rebar;

Thence South 1°35'00" West for 40.70 feet to the POINT OF BEGINNING.

PARCEL NO. 17:

TOWNSHIP 9 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 2: West half of Lot 1; SE¼NE¼; E½SW¼NE¼; and East half of Lot 2, INCLUDING a strip of land described as follows:

Beginning at the Southeast corner of said SW¼NE¼; Thence North for 208.71 feet; Thence West for 660.00 feet to a point, which point shall be known as the True Point of Beginning;

Thence West for 17.90 feet;

Thence North on a line parallel with the East boundary line of said Section 2 for 2432.29 feet to a point on the North section line of said Section 2;

Thence East for 17.90 feet;

Thence South for 2432.29 feet to the True Point of Beginning.

SAVE AND EXCEPT the following described parcel:

Beginning at the Southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; Thence West for 451.29 feet to a point, which point shall be known as the True Point of Beginning;
Thence West for 208.71 feet;
Thence North for 208.71 feet;
Thence East for 208.71 feet;
Thence South for 208.71 feet to the True Point of Beginning.
ALSO SAVE AND EXCEPTING the following described parcel:

Beginning at the Southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; Thence West for 242.58 feet to a point, which point shall be known as the True Point of Beginning;
Thence West for 208.71 feet;
Thence North for 208.71 feet;
Thence East for 208.71 feet;
Thence South for 208.71 feet to the True Point of Beginning.
ALSO SAVE AND EXCEPTING the following described parcel:

Beginning at the Southeast corner of said Section 2; Thence North 1°32'56" East (recorded as North 0°01' West) along the East section line of said Section 2 for 2637.27 feet to the East $\frac{1}{4}$ corner of said Section 2; Thence North 89°55'10" West along the South boundary line of the NE $\frac{1}{4}$ of said Section 2 for 1532.31 feet; Thence North 1°43'05" East for 147.55 feet to a point, which point shall be known as the True Point of Beginning;
Thence North 1°43'05" East for 161.16 feet;
Thence North 89°55'13" West for 246.09 feet;
Thence South 1°43'05" West for 193.00 feet;
Thence North 82°44'18" East for 249.04 feet to the True Point of Beginning.

ALSO SAVE AND EXCEPTING the following described parcel:

Commencing at a 5/8 inch rebar marking the Southeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the True Point of Beginning;
Thence running along the East line thereof North 0°00'28" West 37.11 feet to a point on the centerline of the Minidoka Irrigation District 113 Lateral;
Thence leaving said East line South 88°12'38" West 93.70 feet along the centerline of the Minidoka Irrigation District 113 Lateral to a point;
Thence continuing along said lateral centerline North 88°40'41" West 240.02 feet to a point;
Thence continuing along said lateral centerline North 88°09'31" West 354.86 feet to a point;
Thence continuing along said lateral centerline North 84°14'29" West 605.02 feet to a point;
Thence continuing along said lateral centerline North 86°15'27" West 29.46 feet to a point on the West line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence leaving the centerline of the aforementioned Lateral 113 along said Western line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ South 0°00'27" West 147.78 feet to a $\frac{1}{2}$ inch rebar and survey cap at the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence leaving said Western line North 88°31'22" East 1320.11 feet along the South line of the aforementioned SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the True Point of Beginning.

PARCEL NO. 18:

TOWNSHIP 9 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

Section 2: The W½ of Lot 2 and the W½SW¼NE¼, SAVE AND EXCEPT the following described parcel:

Beginning at the Southeast corner of the SW¼NE¼ of said Section 2; Thence North for 208.71 feet; Thence West for 660 feet to a point, which point shall be known as the True Point of Beginning; Thence West for 17.9 feet; Thence North on a line parallel with the East boundary line of said Section 2 for 2432.29 feet to a point the North section line of said Section 2; Thence East for 17.9 feet; Thence South for 2432.29 feet to the True Point of Beginning.

ALSO SAVE AND EXCEPTING the following described parcel:

Beginning at the Southwest corner of the SW¼NE¼ of said Section 2, which point shall be known as the True Point of Beginning; Thence North along the West boundary line of said SW¼NE¼ for 264.70 feet; Thence East for 660 feet; Thence South for 264.70 feet to a point on the South boundary line of said SW¼NE¼; Thence West for 660 feet to the True Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Idaho Department of Water Resources Water Right Numbers . 45-7109, 45-7159, 45-7433, 45-7104A, 45-7104B, 45-2637, 45-7102, 45-7299, 45-7266, 45-7292, 45-7508, 45-2709 and 2.112 cfs from 45-13404 .

SUBJECT TO:

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

Taxes for 2006 and subsequent years.

Assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.

Powerline Easement from Myrtle B. Larson to Idaho Power Company, a corporation, dated March 10, 1961 and recorded May 10, 1961 as Instrument No. 1557 on Film No. 5 in the office of the County Recorder of the County of Cassia, State of Idaho, granting said corporation the right to construct, operate and maintain, a transmission line over and across the NE¼ of Section 32, Township 9 South, Range 25 East of the Boise Meridian. (Parcel No. 2)

Power Line Easement from Arthur J. Hieb and Dorothy M. Hieb, his wife, to Idaho Power Company, a corporation, dated March 2, 1961, and recorded May 10, 1961 as Instrument No. 1561 on Film No. 5, records of Cassia County, Idaho, over and across SE¼SE¼ of Section 32, Township 9 South, Range 25 East, Boise Meridian. (Parcel No. 3)

Power Line Easement from Arthur J. Hieb and Dorothy M. Hieb, his wife, to Idaho Power Company, a corporation, dated March 5, 1962, and recorded March 19, 1963 as Instrument No. 11762 on Film No. 19, records of Cassia County, Idaho, over and across the SE¼SE¼ of Section 32, Township 9 South, Range 25 East of the Boise Meridian, and the SW¼ of Section 33, Township 9 South, Range 25 East, Boise Meridian.

Power Line Easement from Daniel C. Walton and Mary Hepworth Walton, his wife, to Idaho Power Company, a corporation, dated August 15, 1966 and recorded July 12, 1967 as Instrument No. 35913, records of Cassia County, Idaho, over and across the East 30 feet of the NE¼SW¼ of Section 2, Township 10 South, Range 25 East of the Boise Meridian. (Parcel No. 4)

Access Road Easement from Catmull Bros., Inc., a corporation, to the United States of America and its assigns, dated November 5, 1968 and recorded November 14, 1968 as Instrument No. 43555 on Film No. 58, records of Cassia County, Idaho, over and across a portion of the W½SW¼ of Section 11 and the E½SE¼ of Section 10 in Township 9 South, Range 25 East of the Boise Meridian. (Parcel No. 9)

Right of Way Deed from Theodore Horton and Jennie M. Horton, husband and wife, to The State of Idaho, dated August 26, 1930 and recorded September 9, 1930 as Instrument No. 98541 in Book 40 of Deeds on Page 484, in the office of the County Recorder of the County of Cassia, State of Idaho, granting to said State, a right of way over and across the SW¼SE¼, S½SW¼ of Section 20, Township 9 South, Range 25 East of the Boise Meridian. (Parcel No. 1)

Right of Way Deed from Ella Orr, widow of Robert Orr, deceased, to the State of Idaho, dated December 19, 1930 and recorded December 22, 1930 as Instrument No. 99482 in Book 40 of Deeds on Page 637, in the office of the County Recorder of the County of Cassia, State of Idaho, granting to said State, a right of way over and across the SW¼SE¼, S½SW¼ of Section 20, Township 9 South, Range 25 East of Boise Meridian. (Parcel No. 1)

Right of Way Deed from Ella Orr, widow of Robert Orr, deceased, to The State of Idaho, dated September 5, 1930 and recorded September 8, 1930 as Instrument No. 99539 in Book 40 of Deeds on Page 483, in the office of the County Recorder of the County of Cassia, State of Idaho, granting to said State, a right of way over and across the SW¼SE¼, SE¼SW¼, SW¼SW¼, of Section 20, Township 9 South, Range 25 East of the Boise Meridian. (Parcel No. 1)

Easement contained in Warranty Deed from A. S. & G. Ranches, a partnership, consisting of Albert L. Anderson (also known as Albert Anderson), whose wife's name is Ora Anderson, Vaness D. Anderson (also known as Vaness Anderson), whose wife's name is Verda Anderson, Raymond C. Anderson (also known as Ray Anderson), whose wife's name is Margene Anderson, Golden T. Grigg, whose wife's name is Mattie Grigg, Otis H. Williams, whose wife's name is Kathryn Williams, and F. Nephi Grigg, whose wife's name is Addie C. Grigg, to Albert Meyer and Martha Meyer, husband and wife, recorded June 20, 1977 as Instrument No. 99626 on Film No. 109, records of Cassia County, Idaho, which reads as follows: "EXCEPTING AND RESERVING UNTO THE GRANTOR an easement over and across the North 12 feet of the N½ of Sections 5 and 6 in Township 10 South, Range 25 East of the Boise Meridian, for roadway purposes." (Parcel Nos. 6 and 7, and covers additional property not included herein.)

Right of Way Deed from Ella J. Orr to The State of Idaho, dated April 29, 1931 and recorded May 8, 1931 as Instrument No. 101453 in Book 42 of Deeds on Page 91 in the office of the County Recorder of the County of Cassia, State of Idaho, granting to said State, a right of way over and across the SW¼SW¼ of Section 20, Township 9 South, Range 25 East of the Boise Meridian. (Parcel No. 1)

Grant of Easement for Construction and Maintenance of Road, from Raymond L. Commons and Violet Commons, to Jack Duncan and Dan Walton, doing business as Duncan & Walton, a partnership, dated June 15, 1977 and recorded January 9, 1978 as Instrument No. 104037 on Film No. 114, records of Cassia County, Idaho, granting a permanent easement and right of way over and across the North 25 feet of Section 5, Township 10 South, Range 25 East, Boise Meridian, and over the North 25 feet of the East 764 feet of Lot 1 in Section 6, Township 10 South, Range 25 East of the Boise Meridian. (Parcel Nos. 6 and 7 and covers additional property not included herein.)

Power Line Easement from Daniel C. Walton and Mary H. Walton and Jack F. Duncan and Janet H. Duncan, to Idaho Power Company, a corporation, dated October 4, 1979 and recorded June 27, 1980 as Instrument No. 127257, records of Cassia County, Idaho, over and across a parcel of land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 10 South, Range 25, East Boise Meridian. (Parcel No. 4)

Amended State of Idaho Easement No. 5115 from the State of Idaho, acting by and through the State Board of Land Commissioners to Daniel C. Walton, dated January 9, 1984 and recorded January 18, 1984 as Instrument No. 157664 on Film No. 162, records of Cassia County, Idaho. (Parcel No. 4)

An existing canal right of way along the South boundary of the herein described real property, as disclosed by Warranty Deed, dated March 8, 1985, executed by Shirley A. Brennehan, a widow, to Daniel Scott Palecek and Regina E. Peterson, husband and wife, recorded March 8, 1985 as Instrument No. 351665, Minidoka County records. (Parcel No. 16)

Reservations in Quitclaim Deed from Wayne M. Hepworth and Valerie Hepworth, husband and wife, to Daniel C. Walton and Mary H. Walton, husband and wife; and Jack F. Duncan and Janet H. Duncan, husband and wife, dated December 8, 1986 and recorded December 19, 1986 as Instrument No. 184340 on Film No. 186, records of Cassia County, Idaho, which reads as follows: "Except all mineral in or under said land including but not limited to metals, oil gas, coal, stone, mineral rights, mining rights and easement rights or other matters relating thereto whether expressed or implied." (Parcel No. 2 and additional land)

Reservations as contained in Warranty Deed, dated March 3, 1988 and recorded January 31, 1994 as Instrument No. 410820, records of Minidoka County, Idaho, executed by Colin Marriott and Hazel Marriott, husband and wife, to Solar Farms, a partnership, consisting of Daniel C. Walton, Kenneth A. Barras and Grant H. Walton, which reads as follows: "Sellers reserves an easement on the above described property to the East of the property being retained by Sellers at the location of the well for delivery of domestic well water to the property described as follows:

A Part of the Southwest Quarter of Section 8, Township 9 South, Range 24 East, Boise Meridian, Minidoka County, Idaho.

PARCEL NO. 1:

The True Point of Beginning is located along the West section line North 0°29'22" East for 1355.90 feet from the Southwest corner of Section 8; Thence South 89°30'38" East for 284.15 feet; Thence North 0°29'22" East for 306.60 feet; Thence North 89°30'38" West for 284.15 feet; Thence South 0°29'22" West for 306.60 feet along the West section line to the True Point of Beginning.

PARCEL NO. 2:

The True Point of Beginning is located along the West section line North 0°29'22" East for 1662.50 feet from the Southwest corner of Section 8; Thence South 89°30'38" East for 284.15 feet; Thence North 0°29'22" East for 306.60 feet; Thence North 89°30'38" West for 284.15 feet; Thence South 0°29'22" West for 306.60 feet along the West section line to the True Point of Beginning. (Parcel No. 6 and additional property not included herein)

Assignment of State of Idaho Easement from Daniel C. Walton and Mary H. Walton to Burley Highway District, dated March 21, 1988 and recorded April 12, 1988 as Instrument No. 194707 on Film No. 197, records of Cassia County, Idaho. (Parcel No. 4)

State of Idaho Easement No. 5400 from the State of Idaho acting by and through the State Board of Land Commissioners to Burley Highway District, dated November 18, 1988 and recorded November 23, 1988 as Instrument No. 199005 on Film No. 202, records of Cassia County, Idaho. (Parcel No. 4)

Mortgage dated June 10, 1998 and recorded June 11, 1998 as Instrument No. 256034 on Film No. 300 records of Cassia County Idaho between Daniel C. Walton and Mary H. Walton, husband and wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; Solar Farms; An Idaho Partnership; and Mart Grain Company, an Idaho Corporation as Mortgagor and Metropolitan Life Insurance Company as Mortgagee and Mortgage Modification Agreement (Cross-Default - Cross-Collateralization) recorded March 12, 2004, as Instrument No. 294425, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Financing Statement between Daniel C. Walton, Debtor #1, Mary H. Walton, Debtor #2, Mark D. Sanderson, Debtor #3, Sharon Sanderson, Debtor #4 and Metropolitan Life Insurance Company as Secured Party, recorded June 11, 1998 as Instrument No. 256035 on Film No. 300, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Financing Statement between Mart Grain Company, Inc., Daniel C. Walton, President, Debtor #1, Solar Farms, Daniel C. Walton, General Partner, Mark D. Sanderson, General Partner, Kenneth Barras, General Partner, Debtor #2, and Metropolitan Life Insurance Company as Secured Party, recorded June 11, 1998 as Instrument No. 256036 on Film No. 300, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Assignment of Bonuses, Rentals and Royalties, executed by Daniel C. Walton and Mary H. Walton, husband and wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; Solar Farms, an Idaho partnership; and Mart Grain Company, an Idaho corporation, dated June 10, 1998 and recorded June 11, 1998 as Instrument No. 256038 on Film No. 300, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Mortgage dated May 2, 2001 and recorded May 7, 2001 as Instrument No. 274810, records of Cassia County, Idaho between Daniel C. Walton a/k/a Dan C. Walton and Mary H. Walton, husband wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; Solar Farms, an Idaho partnership, composed of Daniel C. Walton a/k/a Dan Walton and Mark Sanderson; Mart Grain Company, an Idaho corporation; and Sunstar Dairy, LLC, an Idaho limited liability company as Mortgagor and Metropolitan Life Insurance Company Mortgagee and Mortgage Modification Agreement (Cross-Default - Cross-Collateralization) recorded March 12, 2004, as Instrument No. 294425, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Financing Statement between Solar Farms, composed of Daniel C. Walton and Mark Sanderson, as Debtor #1, Sunstar Dairy, LLC as Debtor #2 Mart Grain Company as Debtor #3 and Metropolitan Life Insurance Company as Secured Party, recorded May 7, 2001 as Instrument No. 274811, records of Cassia County, Idaho. UCC Financing Statement Amendment, Continuation, recorded February 27, 2006 as Instrument No. 306888, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Financing Statement between Daniel C. Walton, as Debtor #1, Mary H. Walton, as Debtor #2, Mark D. Sanderson, as Debtor #3, Sharon Sanderson, as Debtor #4 and Metropolitan Life Insurance Company as Secured Party, recorded May 7, 2001 as Instrument No. 274812, records of Cassia County, Idaho. UCC Financing Statement Amendment, Continuation, recorded February 27, 2006 as Instrument No. 306889, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Assignment of Bonuses, Rentals and Royalties-Oil, Gas And Minerals between Daniel C. Walton a/k/a Dan C. Walton and Mary H. Walton, husband and wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; Solar Farms, an Idaho partnership, composed of Daniel C. Walton a/k/a Dan Walton and Mark Sanderson; Mart Grain Company, an Idaho corporation; and Sunstar Dairy, LLC, an Idaho limited liability company, "Owner" and Metropolitan Life Insurance Company, "Company", dated May 2, 2001 and recorded May 7, 2001 as Instrument No. 274813, records of Cassia County, Idaho. (Parcel No. 1 through 8 and covers additional property not included herein.)

Mortgage Modification Agreement (Cross-Default - Cross Collateralization) for the security and benefit of Metropolitan Life Insurance Company, "Lender" and by Daniel C. Walton a/k/a Dan C. Walton and Mary H. Walton, husband and wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; Solar Farms, an Idaho partnership, composed of Daniel C. Walton a/k/a Dan Walton and Mark Sanderson; Mart Grain Company, an Idaho corporation; and Sunstar Dairy, LLC, an Idaho limited liability company, "Borrower", dated May 2, 2001 and recorded May 7, 2001 as Instrument No. 274847, records of Cassia County, Idaho.

Line Of Credit Mortgage (Open End) dated June 12, 2002 and recorded June 13, 2002 as Instrument No. 282091, records of Cassia County, Idaho between Sunstar Dairy, LLC, a limited liability company; Solar Farms Partnership, partnership consisting of Mark Sanderson and Daniel C. Walton, Mart; Grain Company, an Idaho corporation; Daniel C. Walton, same person as Dan Walton and Dan C. Walton and Mary H. Walton, husband and wife; Mark Sanderson, same person as Mark D. Sanderson and Sharon Sanderson, husband and wife as Mortgagor and Northwest Farm Credit Services, PCA as Mortgagee.

Financing Statement covering irrigation equipment recorded September 18, 2003, as Instrument No. 291373, records of Cassia County, Idaho with Solar Farms, A General partnership, Daniel Walton, Mark Sanderson as Debtor and Diversified Financial Services, LLC as Secured Party.

Financing Statement between Solar Farms, A General Partnership, Daniel Walton and Mark Sanderson, as Debtors and Diversified Financial Services, LLC, as Secured Party, recorded September 18, 2003 as Instrument No. 468220, records of Minidoka County, Idaho. (Affects the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1, Township 9 South, Range 24 East of the Boise Meridian)

Right-of-Way Easement between Solar Farms, a partnership and United Electric Co-Op, Inc. and Marc A. Hale and Kathleen E. Hale, husband and wife, dated November 19, 2003 and recorded March 11, 2003 as Instrument No. 469477, records of Minidoka County, Idaho. (Parcel No. 17)

Financing Statement covering irrigation equipment between Daniel C. Walton, Dan C. Walton, Mary H. Walton, Mark D. Sanderson, Sharon D. Sanderson, Solar Farms, as Debtor and Metropolitan Life Insurance Company as Secured Party recorded March 12, 2004, as Instrument No. 471150, records of Minidoka County, Idaho. (Parcel Nos. 9 through 18 and covers additional property not included herein.)

Mortgage dated January 22, 2004 between Daniel C. Walton a/k/a Dan C. Walton and Mary H. Walton, husband and wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; Solar Farms, an Idaho partnership, composed of Daniel C. Walton a/k/a Dan Walton and Mark Sanderson; Mart Grain Company, an Idaho corporation; and Sunstar Dairy, LLC., an Idaho limited liability company as Mortgagor and Metropolitan Life Insurance Company as Mortgagee and recorded March 12, 2004, as Instrument No. 294422, records of Cassia County, Idaho. Mortgage Modification Agreement (Cross-Default - Cross-Collateralization) recorded March 12, 2004, as Instrument No. 294425, records of Cassia County, Idaho. (Parcel Nos. 1 through 8 and covers additional property not included herein.)

Financing Statement between Daniel C. Walton, Dan C. Walton, Mary H. Walton, Mark D. Sanderson, Sharon Sanderson, Solar Farms, Mart Grain Company, and Sunstar Dairy, LLC and Metropolitan Life Insurance Company as Secured Party recorded March 12, 2004, as Instrument No. 294423, records of Cassia County, Idaho. (Parcel Nos. 1 through 8 and covers additional property not included herein.)

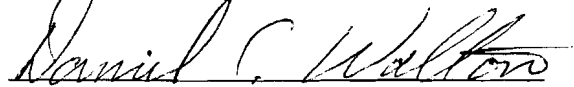
Assignment of Bonuses, Rentals and Royalties dated January 22, 2004 and recorded , as Instrument No. 294424, records of Cassia County, Idaho. (Parcel Nos. 1 through 8 and covers additional property not included herein.)

First Mortgage, Security Agreement and Assignment of Rents dated January 22, 2004 between Daniel C. Walton a/k/a Dan C. Walton and Mary H. Walton, husband and wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; and Solar Farms, an Idaho partnership, composed of Daniel C. Walton a/k/a Dan Walton and Mark Sanderson as Mortgagor and Metropolitan Life Insurance Company as Mortgagee recorded March 12, 2004, as Instrument No. 294426, records of Cassia County, Idaho; Instrument No. 471149, records of Minidoka County, Idaho. (Parcel Nos. 9 through 18 and covers additional property not included herein.)

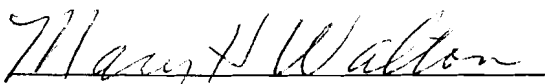
Financing Statement covering irrigation equipment between Daniel C. Walton, Dan C. Walton, Mary H. Walton, Mark D. Sanderson, Sharon D. Sanderson, Solar Farms as Debtor and Metropolitan Life Insurance Company as Secured Party (Parcel Nos. 9 through 18 and covers additional property not included herein.)

Assignment of Bonuses, Rentals and Royalties executed by Daniel C. Walton a/k/a Dan C. Walton and Mary H. Walton, husband and wife; Mark D. Sanderson and Sharon Sanderson, husband and wife; and Solar Farms, an Idaho partnership, composed of Daniel C. Walton a/k/a Dan Walton and Mark Sanderson, dated January 22, 2004 and recorded March 12, 2004 as Instrument No. 294428, records of Cassia County, Idaho, as Instrument No. 471196, records of Minidoka County, Idaho. (Parcel Nos. 9 through 18 and covers additional property not included herein.)

Date: October 25, 2006



Daniel C. Walton, also known as Dan C. Walton



Mary H. Walton

Solar Farms, a partnership consisting of Daniel C. Walton, also known as Dan Walton, and Mark Sanderson

BY: 

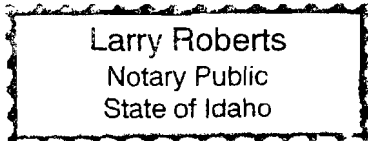
Daniel C. Walton, also known as Dan Walton,
General Partner

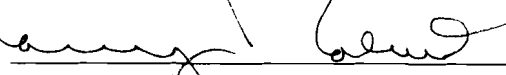
BY: 

Mark Sanderson, General Partner

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 25th day of October, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Daniel C. Walton and Mary H. Walton, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

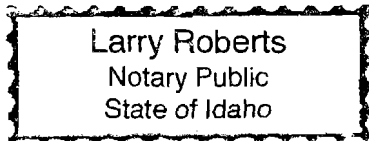




Notary Public
Residing at: Burley, ID
My Commission expires: 6.30.09

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 25th day of October, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Daniel C. Walton and Mark Sanderson, known to me to be the general partners in the Partnership of Solar Farms, and the general partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said Partnership name.





Notary Public
Residing at: Burley, ID
My Commission expires: 6.30.09