

DE ✓

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
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
WR 23-11239					
WR 23-11241					
WR 23-10278					
WR 23-10277					
SUPPORT DATA					
IN FILE # <u>23-10277</u>					

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

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- 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 your water rights(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
Foster Land & Cattle Co.
PO Box 40, Ririe, ID 83443
- New Owner/Claimant(s)
Hamilton Land Development, LLC
Name connector (check one): ☒ and ☐ or, ☐ and/or
New Mailing Address
4680 W. 13400 S. 64 Antelope Creek Rd.
City, State and ZIP Code
Riverton, UT 84065 Ririe, Id 83443
New Telephone Number
801-254-6910 208-589-0077
- Date you acquired the property
March 27, 2008

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JUN 12 2008

Department of Water Resources
Eastern Region

6. 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 Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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

7. Signature of New Owner(s) Or Claimant(s)
(include title if applicable)



For IDWR Office Use Only

Received by DK Date 6-12-08 Fee 100.00
 Receipted by DK Date 6-12-08 Receipt No. E 034135
 Processed by _____ Date _____ WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/26/2008

WATER RIGHT NO. 23-10277

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE CO PO BOX 40 RIRIE, ID 83443

Priority Date: 01/01/1900

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.03 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.07 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 05	Township 02N	Range 42E	BONNEVILLE County
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Place(s) of use:

Place of Use Legal Description: STOCKWATER BONNEVILLE County

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Department of Water Resources
Eastern Region

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02N	42E	5		NENE										

Place of Use Legal Description: DOMESTIC BONNEVILLE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	42E	5		NENE										

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.		PARCEL NO. 02N42E050376 STOCKWATER, 100 BEEF CATTLE

Dates:

Licensed Date:

Decreed Date: 02/12/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/26/2008

WATER RIGHT NO. 23-10278

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE CO PO BOX 40 RIRIE, ID 83443

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.02 CFS	
Total Diversion			0.02 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK Beginning of Stream Flow	SESENW	Sec. 08	Township 02N	Range 42E	BONNEVILLE County
ANTELOPE CREEK End of Stream Flow	NENESE	Sec. 32	Township 03N	Range 42E	BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BONNEVILLE County

[illegible]

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	42E	5		NENE			SENE							
				NESE			SESE							
		8		NENE			NWNE			SWNE				
03N		32		NESE			SESE							

Conditions of Approval:

1.	N13	THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2.	N11	THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3.		PARCEL NOS. 02N42E050002, 02N42E059001, 02N42E080002, 02N42E327201 STOCKWATER, 300 BEEF CATTLE

Dates:

Licensed Date:

Decreed Date: 02/12/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/26/2008

WATER RIGHT NO. 23-11239

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE CO PO BOX 40 RIRIE, ID 83443
Original Owner	MARY J FREEMAN
Original Owner	HAROLD H FREEMAN

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	16.73 CFS	
Total Diversion			16.73 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	NESESE	Sec. 05	Township 02N	Range 42E	BONNEVILLE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
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02N	42E	4	1	NENE	10	2	NWNE	39	SWNE	40	SENE	38
			3	NENW	41	4	NWNW	39	SWNW	40	SENE	40
				NESW	40		NWSW	40	SWSW	40	SENE	40
				NWSE	40		SWSE	40				
		5		SENE	21							
				NESE	19		SESE	5.6				
		8		NENE	29		NWNE	2.6	SWNE	26	SENE	40
		9		NWNE	7.3							
				NENW	40		NWNW	40	SWNW	40		
				NWSW	36							
03N		33		NESW	13		SESW	39				
				SWSE	11							

Total Acres: 896.5

Conditions of Approval:

1.	E51	USE OF THIS RIGHT WITH RIGHT NO. 23-11241 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 41.78 CFS.
2.	F05	RIGHT NO. 23-11241 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/21/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 41.78

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/26/2008

WATER RIGHT NO. 23-11241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE CO PO BOX 40 RIRIE, ID 83443
Original Owner	MARY J FREEMAN
Original Owner	HAROLD H FREEMAN

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ANTELOPE CREEK	SOUTH FORK SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/31	41.78 CFS	
Total Diversion			41.78 CFS	

Location of Point(s) of Diversion:

ANTELOPE CREEK	NESESE	Sec. 05	Township 02N	Range 42E	BONNEVILLE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNEVILLE County

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Department of Water Resources
Eastern Region

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
-----------------	--------------	----------------	------------	--------------	--------------	------------	--------------	--------------	------------	--------------	--------------	------------	--------------	--------------

02N	42E	4	1	NENE	10	2	NWNE	39	SWNE	40	SENE	38
			3	NENW	41	4	NWNW	39	SWNW	40	SENW	40
				NESW	40		NWSW	40	SWSW	40	SESW	40
				NWSE	40		SWSE	40				
		5		SENE	21							
				NESE	19		SESE	5.6				
		8		NENE	29		NWNE	2.6	SWNE	26	SENE	40
		9		NWNE	7.3							
				NENW	40		NWNW	40	SWNW	40		
				NWSW	36							
03N		33		NESW	13		SESW	39				
				SWSE	11							

Total Acres: 896.5

Conditions of Approval:

1.	F05	RIGHT NO. 23-11239 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2.	E51	USE OF THIS RIGHT WITH RIGHT NO. 23-11239 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 41.78 CFS.
3.	C18	This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 10/21/2004

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 41.78

Water Right Report

Page 3 of 3

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Idaho Department of Water Resources Receipt

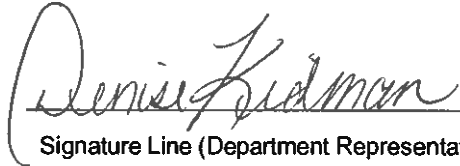
Receipt ID: E034135

Payment Amount	\$100.00	Date Received	6/12/08 9:43	Region	EASTERN
Payment Type	Check	Check Number	3806		
Payer	MOUNTAIN WEST TITLE & ESCROW				

Comments Change of Ownership
Foster Land & Cattle to Hamilton Land Development LLC
WR #23-11239,23-11241,23-10278,23-10277

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$100.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	63140	1155


Signature Line (Department Representative)



320 MEMORIAL DRIVE
IDAHO FALLS, ID 83402

P.O. BOX 50898
IDAHO FALLS, ID 83405

PHONE 208-542-0040
FAX 208-542-0080

PAGES BEING SENT, INCLUDING THIS PAGE: 8

THIS FAX MAY CONTAIN CONFIDENTIAL INFORMATION INTENDED EXPRESSLY FOR THE RECIPIENT NAMED HEREIN. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE NOTIFY MOUNTAIN WEST TITLE AND ESCROW, INC. IMMEDIATELY. THANK YOU.

DATE: 8/12/2008

TO: Baker

Water Resources

FAX No.: 525-7177

FROM:

~~LENORE J. KATRI~~
PRESIDENT
LENORE@MWTANDE.COM

WENDY K. NELSON
VICE PRESIDENT
WENDY@MWTANDE.COM

LAURIE SCHROEDER
ESCROW DEPARTMENT
LAURIE@MWTANDE.COM

JAIME MOORE
ASSISTANT
JAIME@MWTANDE.COM

- ☒ COMMITMENT FOR TITLE INSURANCE
- ☒ PLAT MAP
- ☒ COVENANTS
- ☒ PROPERTY PROFILE
- ☒ HIGH LIABILITY APPROVAL

- ☒ REVISED SCHEDULE A
- ☒ WIRE TRANSFER INSTRUCTIONS
- ☒ SETTLEMENT STATEMENT/HUD1
- ☒ CLOSING PROTECTION LETTER
- ☒ CLOSING CONDITIONS

RE: Baker / Hamilton YOUR ESCROW No. _____

Comments: Copy of Books

BONNEVILLE COUNTY RECORDER
1110482 APR15'03 PM 4:22

BCT 7-19992

GRANT DEED

THIS INDENTURE is made this 14 day of April, 2003, between Foster Land and Cattle Co. and The Foster Company, the "Grantor", and Hamilton Land Development, LLC, whose mailing address is 4860 West 13400 South, Riverton, Utah, 84065, the "Grantee".

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, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

See Attached Exhibit "A"

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 therunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said 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 Grantee's heirs and assigns forever.

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

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

INSTRUMENT NO.	1110482
DATE	4-15-03
INST. CODE	200
IMAGED PGS	5
FEE	15.00
STATE OF IDAHO) COUNTY OF BONNEVILLE) 03	
I hereby certify that the within instrument was recorded.	
Donald Longmore, County Recorder	
By	<i>[Signature]</i> Deputy
Request of	

FOSTER LAND AND CATTLE CO.

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

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

THE FOSTER COMPANY

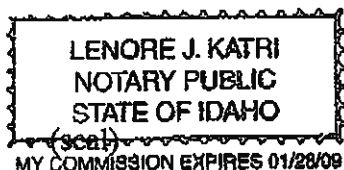
By: *Bradley D. Foster*
Bradley D. Foster, General Partner

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

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 14 day of April, 2003, before me the undersigned, a notary public in and for said State, personally appeared Bradley D. Foster and Boyd S. Foster, known or identified to me to be the partners in the partnership of Foster Land and Cattle Co. and the 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.

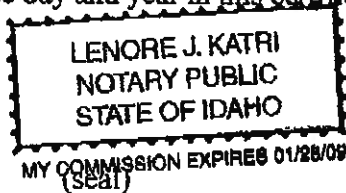


Lenore J. Katri
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 14 day of April, 2003, before me the undersigned, a notary public in and for said State, personally appeared Bradley D. Foster and Boyd S. Foster, known or identified to me to be the partners in the partnership of The Foster Company and the 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.



A handwritten signature in cursive script, appearing to read "Lenore J. Katri", written over a horizontal line.

Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

G:\WPDATA\HJ\5288-001\gmnt.wpd as

EXHIBIT "A"

TRACT 1:

Beginning at the Southwest Corner of the SE1/4 SE1/4 of Section 32, Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho; running thence North along the Sixteenth line of said Section 32 a distance of 1057.3 feet; thence N89°E 167 feet; thence S19°35'E 684 feet; thence S32°15'E 432.5 feet, more or less, to the West line of a County Road; thence Southerly along the West line of said County Road to the South line of said Section 32; thence Westerly along said South line to the point of beginning.

TRACT 2:

That portion of the SE1/4 NE1/4 of Section 32, Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho, lying East of the center line of Antelope Creek Road.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

- a. A triangular parcel of land being on the Southwesterly side of the center line of Highway as surveyed and shown on the official plat of U.S. Highway 26 - Project No. F-6501(2) Highway Survey on file at the office of the Department of Highways of the State of Idaho, and lying in a portion of the SE1/4 NE1/4 of said Section 32, more particularly described as follows: Beginning at the Northeast Corner of the SE1/4 NE1/4 of said Section 32, approximately 1334.8 feet South from the Northeast Corner of said Section 32; thence West along the North line of the SE1/4 NE1/4 of said Section 32 a distance of 127.4 feet to a point; thence S43°31'E along a line parallel to and 100.0 feet distant Southwesterly from the center line of U.S. Highway No. 26 - Project No. F-6501(2) Highway Survey 185.2 feet to the East line of the SE1/4 NE1/4 of said Section 32; thence North along said East line 135.7 feet to the point of beginning.

TRACT 3:

E1/2 SE1/4 of Section 32, Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

- a. Beginning at the Southwest Corner of the SE1/4 SE1/4 of Section 32, Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho; running thence North along the Sixteenth line of said Section 32 a distance of 1057.3 feet; thence N89°E 167 feet; thence S19°35'E 684 feet; thence S32°15'E 432.5 feet, more or less, to the West line of a County Road; thence Southerly along the West line of said County Road to the South line of said Section 32; thence Westerly along said South line to the point of beginning.

ALSO: SW1/4 NW1/4 and W1/2 SW1/4 of Section 33, Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho, all of the property lying South and Westerly of U.S. Highway 26.

TRACT 4:

Section 5, Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho, being more particularly described as follows: That portion of Government Lot 1 lying East of the existing County Road, which road runs more or less along the following courses from a point East along the Sixteenth line 645.4 feet, more or less, from the Southwest Corner of the NE1/4 of the SE1/4 of said Section 5, said point being the intersection of said Sixteenth line with the West right of way line of the County Road through said Section 5 (and said point not being located in this parcel); thence N21°8'W 306.3 feet; thence N2°43'E 403.9 feet; thence N16°57'W 683.7 feet; thence N4°15'E 1466.7 feet; thence N7°17'E 412.3 feet; thence N70°29'E 887.3 feet.

PARTNERSHIP WARRANTY DEED

FOSTER LAND & CATTLE CO., an Idaho General Partnership, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

CLAYTON C. HAMILTON and SHELLEY R. HAMILTON, husband and wife, as GRANTEE,

whose address is 4860 W. 13400 S. Riverton Utah and Grantee's successors and assigns, all of the following described real property, to-wit:

84065

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho:

Section 4: SW1/4 SW1/4 NW1/4.

Section 5: Beginning at the Northeast Corner of the SE1/4 SE1/4 NE1/4 of said Section 5 and running thence West along the North line of said S1/2 SE1/4 NE1/4 to its intersection with the East line of the Antelope Creek Road; thence Southerly along the East line of said road, 100 feet; thence East, parallel to the North line of the S1/2 SE1/4 NE1/4 to the East line of said Section 5; thence North along the East line of Section 5 to the point of beginning.

SUBJECT TO the 2004 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for itself and its successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: 3-30-04

FOSTER LAND & CATTLE CO., an Idaho General Partnership

By: Brad Foster
Brad Foster, a Partner

By: Boyd Foster
Boyd Foster, a Partner

STATE OF IDAHO)
COUNTY OF Jefferson) ss

On 3-30-04, before me, the undersigned, personally appeared
BRAD FOSTER and BOYD FOSTER

known or identified to me to be the partners in the partnership and the partners who subscribed said partnership name to the forgoing instrument, and acknowledged to me that they executed the same.

Laurie Foster
Notary Public for the State of Idaho
Commission Expiration Date: 5-11-09

INSTRUMENT NO.	<u>1147690</u>
DATE	<u>3-31-04</u>
INST CODE	<u>205</u>
IMAGED PGS	<u>1</u>
FEE	<u>3.00</u>
STATE OF IDAHO	) ss
COUNTY OF BONNEVILLE	)
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
by	<u>AMT</u>
Deputy Request of	<u>AMT</u>



AmeriTitle
497 N. Capital Ave
Idaho Falls, ID 83402



April 23, 2004

HAMILTON LAND DEVELOPMENT, LLC
4860 WEST 13400 SOUTH
RIVERTON, UT 84065

RE: Hamilton Land Dev.
Our File No.: T-30430a

Dear Sirs:

Please find enclosed the following documents from the transaction we recently closed:

- [x] Original Warranty Deed, Instrument No. 1147690 ,
- [x] Original Owners Policy of Title Insurance,
- [] Your Copy of the Application for Homeowners Exemption,
- [] ADDT'L ITEM:
- [] ADDT'L ITEM:
- [] ADDT'L ITEM:

We appreciate your letting us serve you! Please contact us when you refinance, purchase or sell, so that we can make sure you receive the discounts and great service you are entitled to.

If you have any questions, please do not hesitate to contact our office.

Thank you.

Sincerely,

Glenda Craig

AmeriTitle

497 N. Capital Ave * P.O. Box 51690 * Idaho Falls, ID 83405-1690 * (208) 524-6600 * Fax (208) 524-6072
Serving Eastern Idaho Since 1978 with Title Plants in Bonneville, Jefferson and Clark Counties

TO: **HAMILTON LAND DEVELOPMENT, LLC** **STATEMENT DATE: April 23, 2004**
4860 WEST 13400 SOUTH **FILE CLOSE DATE: 03/31/04**
RIVERTON, UT 84065

RE: Hamilton Land Development, LLC
ORDER NO.: T-30430a

TITLE INSURANCE:

Owners	350,000.00	1,317.50
Mortgagees		
Endorsements:		

RECORDING: 12.00

OTHER:

Settlement/Closing Fee	585.00
Recording of Releases	36.00

TOTAL AMOUNT DUE:	<i>Paid</i>	\$ 1,950.50
--------------------------	--------------------	--------------------

THANK YOU FOR LETTING US SERVE YOU.

WE APPRECIATE YOUR BUSINESS!

OWNERS

SCHEDULE A

al

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOUNT
T-30430a	72106 830741	03/31/04 12:15 pm	\$350,000.00	\$1,317.50

1. Name of Insured:

HAMILTON LAND DEVELOPMENT, LLC, a Utah Limited Liability Company

2. The estate or interest in the land which is covered by this policy is: **A Fee Simple.**

3. Title to the estate or interest in the land is vested in:

HAMILTON LAND DEVELOPMENT, LLC, a Utah Limited Liability Company

4. The land herein described is encumbered by the mortgages or trust deeds, and assignments, if any, as shown in Schedule B hereof.

5. The land referred to in this Policy is described as follows:

Township 3 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

**Section 33: E1/2 SW1/4 lying South of U.S. Highway 26.
W1/2 SE1/4 lying South of U.S. Highway 26.**

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: NE1/4 lying South of U.S. Highway 26.

OWNERS

SCHEDULE B

Page 1

Policy Number: 72106 830741

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

1. Taxes for the year 2003 and all prior taxes have been paid.
(Tax No. RP02N42E040002 \$104.80 full year, 2003; affects additional property).
(Tax No. RP02N42E040608 \$347.02 full year, 2003; affects additional property).
(Tax No. RP02N42E040647 \$16.84 full year, 2003; affects additional property).
(Tax No. RP03N42E335121 \$18.58 full year, 2003; affects additional property).
Taxes for the year 2004 are an accruing lien, not yet due or payable.
2. Taxes for the year 2003 and all prior taxes have been paid.
(Tax No. RP03N42E333673 \$54.76 full year, 2003; affects additional property).
Taxes for the year 2004 are an accruing lien, not yet due or payable.
3. Agreement by and between HAROLD H. FREEMAN and MARY J. FREEMAN, his wife, parties of the first part and GEORGE W. SUMMERS and IVY SUMMERS, his wife, parties of the second part, dated March 10, 1955, and recorded in Book 14 at Page 447 of Leases and Contracts on May 21, 1955, at 9:03 a.m., records of Bonneville County, Idaho, and Judgment and Decree, recorded in Book 12 at Page 74 of Judgement Records, records of Bonneville County, Idaho. (Affects Section 4, T2N, 42EBM and Section 33, T3N, 42EBM)
4. Easements, Conditions, Restrictions and Limited Access as evidenced by those certain Deeds given by HAROLD H. FREEMAN and MARY J. FREEMAN, his wife, as Grantor(s) to the STATE OF IDAHO, as Grantee(s), dated June 25 1956, and recorded in Deed Book, Bonneville County, Records:
 - a. 103 at Page 289 (Affects Section 33, T3N, 42EBM and Section 4, T2N, 42EBM)
 - b. 103 at Page 291 (Affects Section 33, T3N, 42EBM and Section 4, T2N, 42EBM)
 - c. 103 at Page 293 (Affects Section 33, T3N, 42EBM)

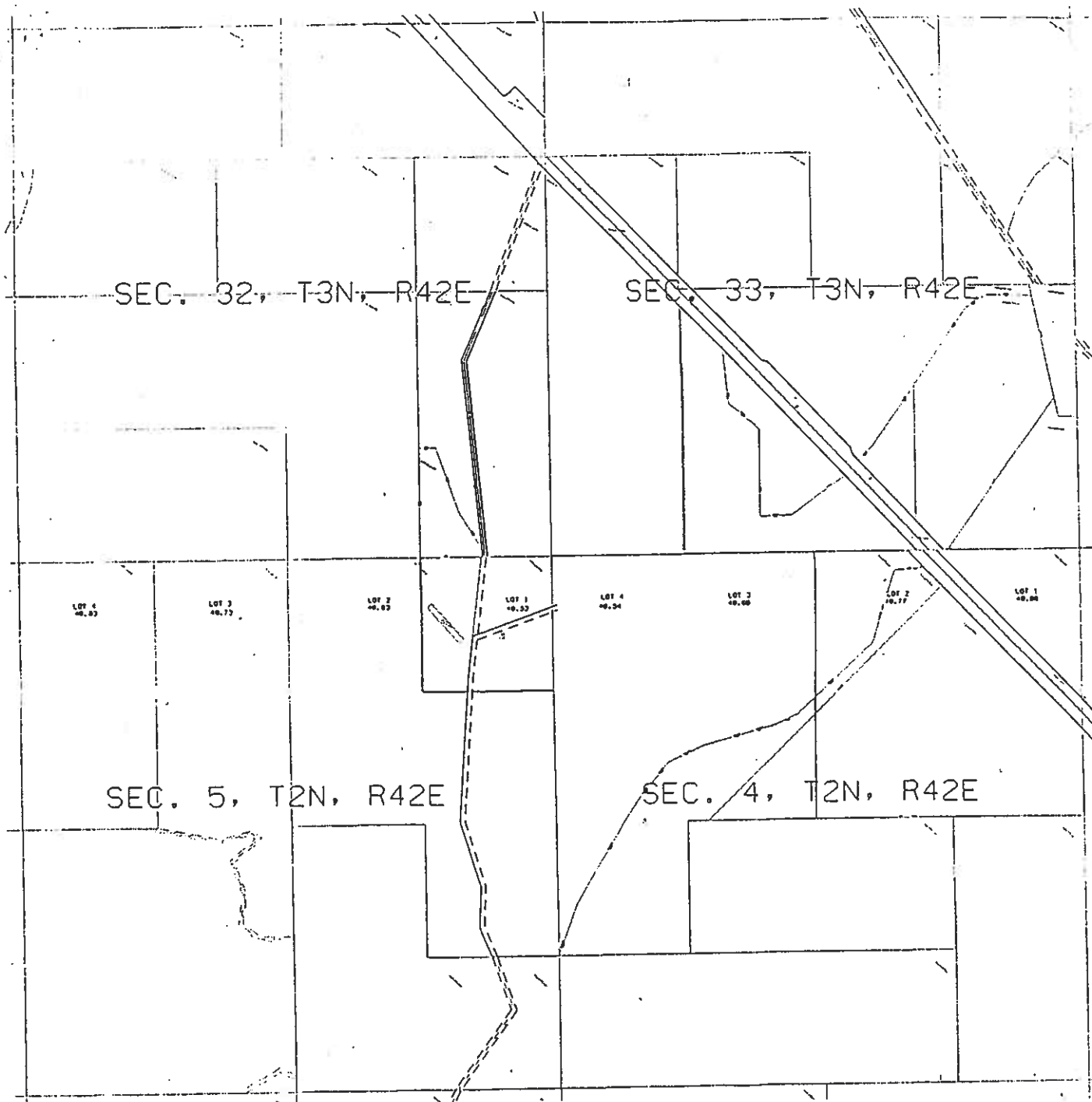
OWNERS

SCHEDULE B

Page 2

Policy Number: 72106 830741

- d. 103 at Page 295 (Affects Section 33, T3N, 42EBM)
- 5. Easements, Conditions, Restrictions and Limited Access as evidenced by that certain Quitclaim Deed given by VELMA L. SMOUT and LOY J. SMOUT, her husband, as Grantor(s) to the STATE OF IDAHO, as Grantee(s), dated June 6, 1956, and recorded in Book 103 at Page 297 of Deed Records, records of Bonneville County, Idaho. (Affects Section 33, T3N, 42EBM)
- 6. Easements, Conditions, Restrictions and Limited Access as evidenced by that certain Quitclaim Deed given by RALPH H. FREEMAN and DONNA M. FREEMAN, his wife, as Grantor(s) to the STATE OF IDAHO, as Grantee(s), dated June 7, 1956, and recorded in Book 103 at Page 299 of Deed Records, records of Bonneville County, Idaho. (Affects Section 33, T3N, 42EBM)
- 7. Mineral Reservations as described in those certain Corporation Warranty Deeds recorded as Instrument Nos. 603783 and 603784 on March 31, 1981, records of Bonneville County, Idaho. (Affects Section 4, T2N, 42EBM and Section 33, T3N, 42EBM)
- 8. Water Rights and Irrigation Systems Use Agreement by and between THE FOSTER COMPANY, an Idaho General Partnership and FOSTER LAND AND CATTLE CO., an Idaho General Partnership, parties of the first part and HAMILTON LAND DEVELOPMENT, LLC, a Utah Limited Liability Company, party of the second part, dated April 14, 2003, and recorded as Instrument No. 1134980 on November 12, 2003, at 11:39 a.m., records of Bonneville County, Idaho.
AMENDMENT dated November 3, 2003, and recorded as Instrument No. 1134981 on November 12, 2003, at 11:39 a.m., records of Bonneville County, Idaho.
- 9. Seed liens, Farm laborer's liens and/or other Financing Statements filed in the Office of the Secretary of State for Idaho after March 30, 2004.
- 10. Subject to the rights of the public in and to that portion of the premises lying within Antelope Creek Road (Affects Section 4, T2N, 42EBM).



Portion: _____ Section: _____ Township: _____ Range: _____ East of
the Boise Meridian, Bonneville County, Idaho.

Scale: _____ 800 feet = 1 inch, Section
 _____ 400 feet = 1 inch, Quarter Section
 _____ 200 feet = 1 inch, Quarter Quarter Section
 _____ 100 feet = 1 inch, Quarter Quarter Quarter Section

This plat is made solely for the purpose of assisting in locating said land. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.



AMT T-32510K

BONNEVILLE COUNTY RECORDER

1182284 APR 6 '05 PM 4 12

WARRANTY DEED

THIS INDENTURE is made this 4 day of April, 2005, by Foster Land and Cattle Co., an Idaho general partnership, and The Foster Company, an Idaho general partnership, the Grantor, and Hamilton Land Development, LLC, the Grantee, whose mailing address is 4860 West 13400 South, Riverton, Utah, 84065.

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 Exhibit "A"

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.

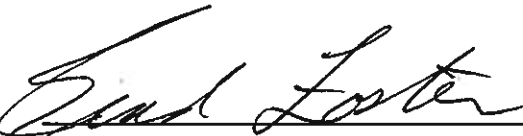
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

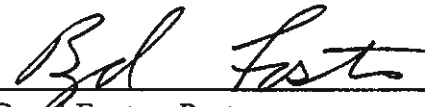
TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's heirs and assigns forever. The Grantor and the Grantor's heirs shall warrant and defend the premises in the quiet and peaceable possession of the Grantee and the Grantee's heirs and assigns, against the Grantor 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.

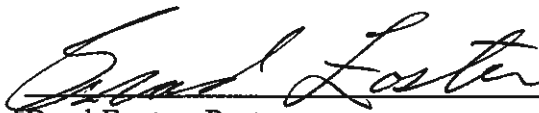
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

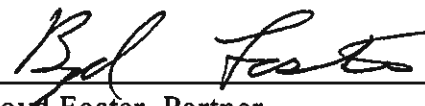
FOSTER LAND AND CATTLE CO.

By: 
Brad Foster, Partner

By: 
Boyd Foster, Partner

THE FOSTER COMPANY

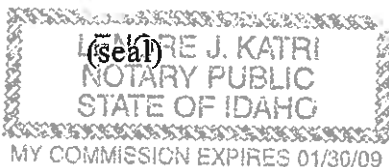
By: 
Brad Foster, Partner

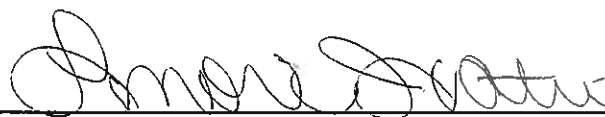
By: 
Boyd Foster, Partner

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 4th day of April, 2005, before me the undersigned, a notary public in and for said State, personally appeared Brad Foster, known or identified to me to be one of the partners in the partnership of Foster Land & Cattle Co. and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he 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.

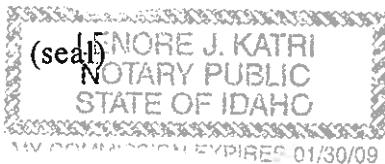



Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 4th day of April, 2005, before me the undersigned, a notary public in and for said State, personally appeared Boyd Foster, known or identified to me to be one of the partners in the partnership of Foster Land & Cattle Co. and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he 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.



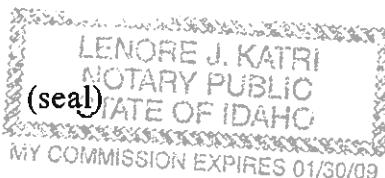


Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 4th day of April, 2005, before me the undersigned, a notary public in and for said State, personally appeared Brad Foster, known or identified to me to be one of the partners in the partnership of The Foster Company and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he 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.





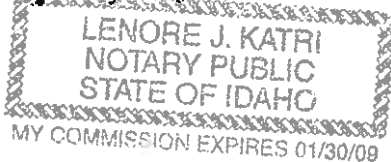
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: _____

STATE OF IDAHO)

County of Bonneville)ss.
)

On the 4th day of April, 2005, before me the undersigned, a notary public in and for said State, personally appeared Boyd Foster, known or identified to me to be one of the partners in the partnership of The Foster Company and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he 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.



(seal)

A handwritten signature in cursive script, appearing to read "Lenore J. Katri", written over a horizontal line.

Notary Public for Idaho

Residing at Idaho Falls, Idaho

My Commission Expires: _____

G:\WPDATA\GLM\5288\hamilton.2005.wd.wpd:as

INSTRUMENT NO.	1182284
DATE	4.06.05
INST. CODE	205
IMAGED PGS	150
FEE	15.00
STATE OF IDAHO) ss	
COUNTY OF BONNEVILLE)	
I hereby certify that the within	
instrument was recorded.	
Ronald Longmore, County Recorder	
By	K. Swanson
Deputy	
Request of	amt

TRACT 1:

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 3: SW1/4 NW1/4 lying South of U.S. Highway No. 26
N1/2 SW1/4 lying South of U.S. Highway No. 26
SW1/4 SW1/4

Section 4: N1/2 SE1/4
SE1/4 SE1/4

TRACT 2:

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: N1/2 SW1/4 SE1/4

SUBJECT TO the 2005 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

OWNERS

SCHEDULE A

gc

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOUNT
T-32510k	72106 1053820	04/06/05	\$400,000.00	\$1,430.00
	4:12 pm			

1. Name of Insured:

HAMILTON LAND DEVELOPMENT, LLC

2. The estate or interest in the land which is covered by this policy is: **A Fee Simple.**

3. Title to the estate or interest in the land is vested in:

HAMILTON LAND DEVELOPMENT, LLC

4. The land herein described is encumbered by the mortgages or trust deeds, and assignments, if any, as shown in Schedule B hereof.

5. The land referred to in this Policy is described as follows:

TRACT 1:

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 3: SW1/4 NW1/4 lying South of U.S. Highway No. 26
N1/2 SW1/4 lying South of U.S. Highway No. 26
SW1/4 SW1/4

Section 4: N1/2 SE1/4
SE1/4 SE1/4

TRACT 2:

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: N1/2 SW1/4 SE1/4

OWNERS

SCHEDULE B

Page 1

Policy Number: 72106 1053820

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

1. Taxes for the year 2004 and all prior taxes have been paid.
(Tax No. RP02N42E035640 \$65.14 full year, 2004; affects SW1/4 NW1/4 S HWY; W1/2 SW1/4 S HWY of Section 3, T2N, 42 EBM - Tract 1).
(Tax No. RP02N42E038990 \$33.50 full year, 2004; affects E1/2 SW1/4 S HWY; SW1/4 SE1/4 S HWY of Section 3, T2N, 42 EBM - Tract 1 and additional property).
(Tax No. RP02N42E047201 \$79.90 full year, 2004; affects E1/2 SE1/4 of Section 4, T2N, 42 EBM - Tract 1).
(Tax No. RP02N42E044801 \$88.22 full year, 2004; affects NE1/4 SW1/4, NW1/4 SE1/4 of Section 4, T2N, 42 EBM - Tract 1 and additional property).
(Tax No. RP02N42E046601 \$274.50 full year, 2004; affects SE1/4 SW1/4, SW1/4 SW1/4, SW1/4 SE1/4 of Section 4, T2N, 42 EBM - Tract 2 and additional property).
Taxes for the year 2005 are an accruing lien, not yet due or payable.
2. The reservations of all minerals pursuant to and as defined in I.C. 47-701 by the State of Idaho; and Rights of Way for ditches, tunnels, telephone and transmission lines constructed by the authority of the United States as granted under the provisions of Section 58-604, Idaho Code. State Deed recorded in Book 52 at Page 254 of Deed Records on April 18, 1946, records of Bonneville County, Idaho. (Affects Tracts 1 and 2)
3. Easement as evidenced by that certain Contract and Grant of Easement between THE UNITED STATES OF AMERICA and GEORGE SUMMERS and IVY SUMMERS, husband and wife, dated September 9, 1955, and recorded in Book 15 at Page 177 of Leases and Contracts on November 3, 1955, records of Bonneville County, Idaho. (Affects Tract 1)

OWNERS

SCHEDULE B

Page 1

Policy Number: 72106 1053820

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

1. Taxes for the year 2004 and all prior taxes have been paid.
(Tax No. RP02N42E035640 \$65.14 full year, 2004; affects SW1/4 NW1/4 S HWY; W1/2 SW1/4 S HWY of Section 3, T2N, 42 EBM - Tract 1).
(Tax No. RP02N42E038990 \$33.50 full year, 2004; affects E1/2 SW1/4 S HWY; SW1/4 SE1/4 S HWY of Section 3, T2N, 42 EBM - Tract 1 and additional property).
(Tax No. RP02N42E047201 \$79.90 full year, 2004; affects E1/2 SE1/4 of Section 4, T2N, 42 EBM - Tract 1).
(Tax No. RP02N42E044801 \$88.22 full year, 2004; affects NE1/4 SW1/4, NW1/4 SE1/4 of Section 4, T2N, 42 EBM - Tract 1 and additional property).
(Tax No. RP02N42E046601 \$274.50 full year, 2004; affects SE1/4 SW1/4, SW1/4 SW1/4, SW1/4 SE1/4 of Section 4, T2N, 42 EBM - Tract 2 and additional property).
Taxes for the year 2005 are an accruing lien, not yet due or payable.
2. The reservations of all minerals pursuant to and as defined in I.C. 47-701 by the State of Idaho; and Rights of Way for ditches, tunnels, telephone and transmission lines constructed by the authority of the United States as granted under the provisions of Section 58-604, Idaho Code. State Deed recorded in Book 52 at Page 254 of Deed Records on April 18, 1946, records of Bonneville County, Idaho. (Affects Tracts 1 and 2)
3. Easement as evidenced by that certain Contract and Grant of Easement between THE UNITED STATES OF AMERICA and GEORGE SUMMERS and IVY SUMMERS, husband and wife, dated September 9, 1955, and recorded in Book 15 at Page 177 of Leases and Contracts on November 3, 1955, records of Bonneville County, Idaho. (Affects Tract 1)

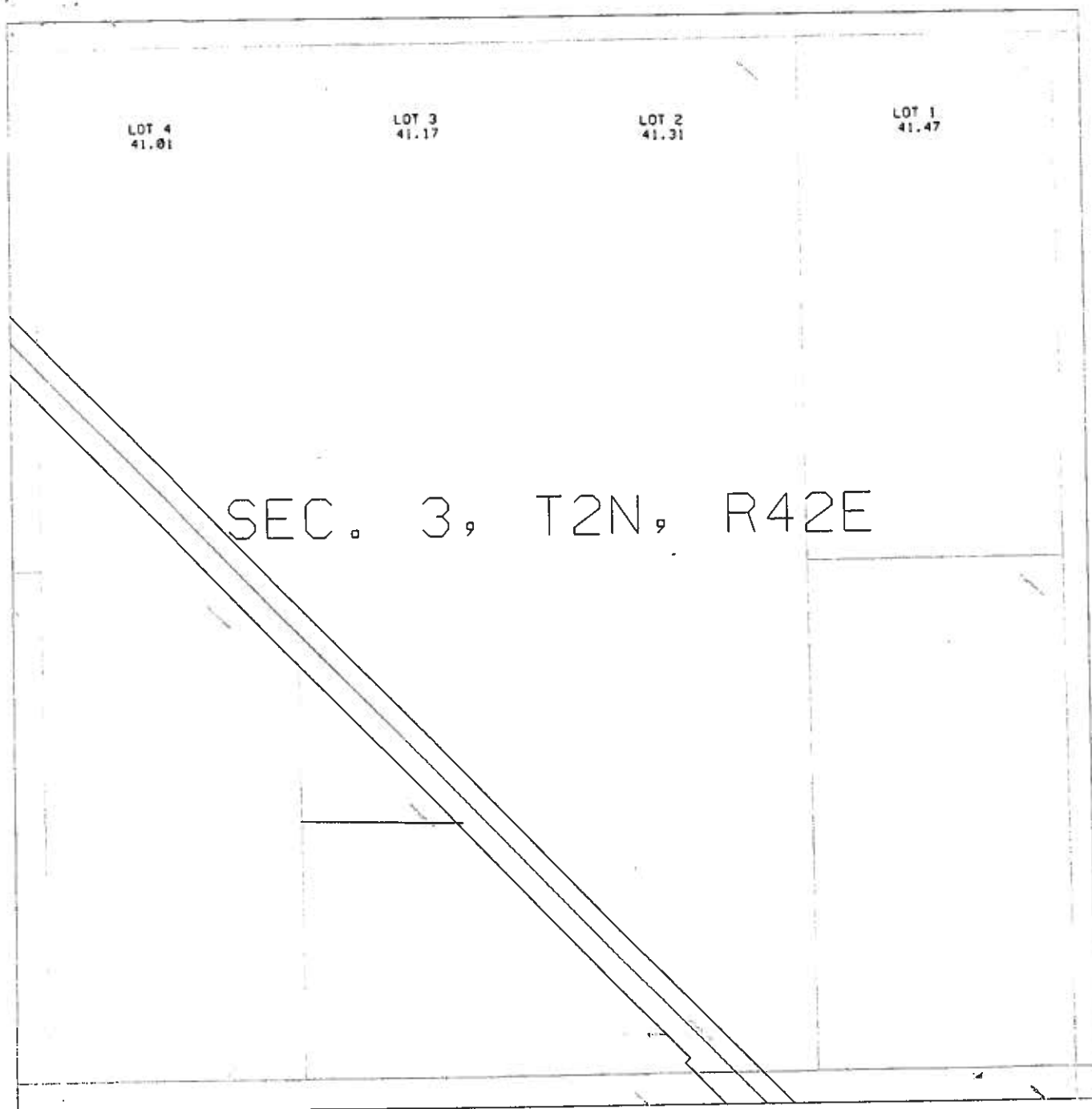
OWNERS

SCHEDULE B

Page 2

Policy Number: 72106 1053820

4. Easement as evidenced by that certain Contract and Grant of Easement between THE UNITED STATES OF AMERICA and LAWRENCE W. PETERSON, a widower, dated August 26, 1955, and recorded in Book 15 at Page 258 of Leases and Contracts, records of Bonneville County, Idaho. (Affects Tract 1)
5. Easements, Conditions, Restrictions and Limited Access as evidenced by that certain Warranty Deed given by L.W. PETERSON and LOTUS PETERSON, his wife, as Grantor(s) to the STATE OF IDAHO, as Grantee(s), dated July 19, 1956, and recorded in Book 103 at Page 441 of Deed Records, records of Bonneville County, Idaho. (Affects Tract 1)
6. Reservation relating to all oil, gas, coal, uranium, sulphur, and any other minerals or mineral rights, and all geothermal rights or interests of any nature whatsoever as described in those certain Warranty Deeds given by LAWRENCE SUMMERS and RAY SUMMERS, tenants-in-common, joined herein by their respective wives, EDITH SUMMERS and MARGARET SUMMERS, as Grantor(s) to LAWRENCE SUMMERS and EDITH SUMMERS, husband and wife, as Grantee(s), dated March 31, 1978, and recorded as Instrument No. 537824 on March 31, 1978 and Instrument No. 597955 on December 10, 1980, records of Bonneville County, Idaho. (Affects Tracts 1 and 2)
7. Reservation relating to an undivided 1/2 interest in all remaining oil, gas and other mineral rights as described in those certain Corporation Warranty Deeds recorded as Instrument No. 603783 on March 31, 1981, records of Bonneville County, Idaho. (Affects Tract 1)
8. Reservation relating to an undivided 1/2 interest in all oil, gas and other mineral rights as described in that certain Corporation Warranty Deed with JESS CROFT AND SON, INC., an Idaho Corporation, as Grantor(s), and R.P. BAXTER and COLLEEN S. BAXTER, husband and wife, as Grantee(s), dated April 30, 1984, and recorded as Instrument No. 679570 on March 12, 1985, at 2:49 p.m., records of Bonneville County, Idaho. (Affects Tract 1)
9. Right of Way Easement given by FOSTER LAND & CATTLE CO., as Grantor(s) to SILVER STAR TELEPHONE CO., INC., a Wyoming Corporation, as Grantee(s), dated February 1, 1990, and recorded as Instrument No. 782338 on March 2, 1990, at 1:07 p.m., records of Bonneville County, Idaho. (Affects Tract 1)
10. Water Rights and Irrigation Systems Use Agreement by and between THE FOSTER COMPANY, an Idaho General Partnership and FOSTER LAND AND CATTLE CO., an Idaho General Partnership, as Seller(s) and HAMILTON LAND DEVELOPMENT, LLC, a Utah Limited Liability Company, as Buyer(s), dated April 14, 2003, and recorded as Instrument No. 1134980 on November 12, 2003, at 11:39 a.m., records of Bonneville County, Idaho. (Affects Tracts 1, 2 and additional property)



Portion: All Section: 3 Township: 2N Range: 42 East of
the Boise Meridian, Bonneville County, Idaho.

Scale: X 800 feet = 1 inch, Section
 _____ 400 feet = 1 inch, Quarter Section
 _____ 200 feet = 1 inch, Quarter Quarter Section
 _____ 100 feet = 1 inch, Quarter Quarter Quarter Section

TRACT 1: ☐

This plat is made solely for the purpose of assisting in locating said land. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.



LOT 4
40.54

LOT 3
40.65

LOT 2
40.77

LOT 1
40.88

SEC. 4, T2N, R42E



Portion: All Section: 4 Township: 2N Range: 42 East of
the Boise Meridian, Bonneville County, Idaho.

Scale: X 800 feet = 1 inch, Section
_____ 400 feet = 1 inch, Quarter Section
_____ 200 feet = 1 inch, Quarter Quarter Section
_____ 100 feet = 1 inch, Quarter Quarter Quarter Section

TRACT 1: ☐

TRACT 2: ☒

This plat is made solely for the purpose of assisting in locating said land. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.



AMT 10-40647

BONNEVILLE COUNTY RECORDER
1219288 MAR31'06 PM 4 43

QUITCLAIM DEED

FOSTER LAND & CATTLE COMPANY, a general partnership, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby release, remise, and forever QUITCLAIM unto **FOSTER LAND AND CATTLE CO., an Idaho General Partnership, as GRANTEE.**

whose address is P. O. Box 308, Rigby, Idaho 83442, and Grantee's successors and assigns, all of the following described real property, to-wit:

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: SW1/4 SW1/4

Section 8: NE1/4 lying East of Antelope Creek Road.

**Section 9: W1/2 NW1/4
NW1/4 SW1/4**

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: 3/30/2006

FOSTER LAND & CATTLE COMPANY

By: [Signature]
Brad Foster, General Partner

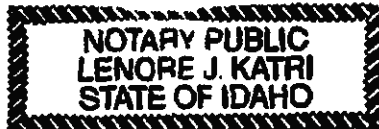
By: [Signature]
Boyd Foster, General Partner

STATE OF IDAHO

COUNTY OF Bonneville

On 3/30/2006 before me, the undersigned, personally appeared
BRAD FOSTER and BOYD FOSTER
known or identified to me to be the General Partners of the partnership that
executed the within instrument and acknowledged to me that they executed the
same.

[Signature]
Notary Public for the State of Idaho
Commission Expiration Date: _____



Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/08

INSTRUMENT NO.	1219288
DATE	3/31/06
INST. CODE	220
IMAGED PGS	1
FEE	3.00
STATE OF IDAHO	) ss
COUNTY OF BONNEVILLE	)
I hereby certify that the within instrument was recorded	
Ronald Longmore, County Recorder	
By	<u>[Signature]</u>
Deputy	
Request of	AMT

AmeriTitle
497 N. Capital Ave
Idaho Falls, ID 83402



IDWD
Order No. 10-40647

INSTRUMENT NO.	1219290
DATE	3-31-06
INST CODE	205
IMAGE PGS	60
FEE	
STATE OF IDAHO	ss
COUNTY OF BONNEVILLE	)
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<i>R. Swanson</i>
Deputy Request of	<i>Amot</i>

WARRANTY DEED

For Value Received,

FOSTER LAND AND CATTLE CO, an Idaho General Partnership

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

HAMILTON LAND DEVELOPMENT, LLC, a Utah Limited Liability Company

GRANTEE(s), whose address is:

the following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March , 2006

FOSTER LAND AND CATTLE CO.

BY:

Brad Foster
Brad Foster, General Partner

BY:

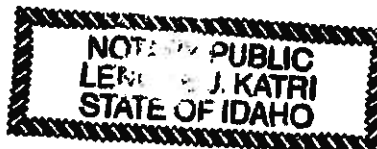
Boyd Foster
Boyd Foster, General Partner

STATE OF IDAHO)
)ss
COUNTY OF Bonneville)

On this 30 day of March, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Brad Foster and Boyd Foster as General Partners of Foster Land and Cattle Co. an Idaho General Partnership, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacity.

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

[Signature]
Notary Public for Idaho
Residing at: Idaho Falls
Commission Expires: 1/30/2009



AmeriTitle
497 N. Capital Ave
Idaho Falls, ID 83402

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: SW1/4 SW1/4

Section 8: NE1/4 lying East of Antelope Creek Road.

**Section 9: W1/2 NW1/4
NW1/4 SW1/4**

MWT 2007020593

BEAVERHILL COUNTY RECORDER

1254965 MAR 2 7:07 PM 4 16

WARRANTY DEED

FOSTER LAND & CATTLE COMPANY, an Idaho General Partnership; THE FOSTER COMPANY, an Idaho General Partnership; and FOSTER LAND & CATTLE CO., an Idaho Limited Partnership, as GRANTOR, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto HAMILTON LAND DEVELOPMENT, LLC, a Utah Limited Liability Company, as GRANTEE, whose address is 4960 W 13400 South Riverda UT 84065, and Grantee's successors and assigns, all of the following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO the 2007 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warranty and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: March 2, 2007.

THE FOSTER COMPANY

BY: Brad Foster
Brad Foster, General Partner

BY: Boyd Foster
Boyd Foster, General Partner

FOSTER LAND & CATTLE COMPANY

BY: Brad Foster
Brad Foster, General Partner

BY: Boyd Foster
Boyd Foster, General Partner

FOSTER LAND & CATTLE CO.

BY: Brad Foster
Brad Foster, General Partner

BY: Boyd Foster
Boyd Foster, General Partner

STATE OF IDAHO)

COUNTY OF BONNEVILLE)

On March 2, 2007, before me, the undersigned, personally appeared
Brad Foster and Boyd Foster
known or identified to me to be the general partners of the partnerships that
executed the within instrument, and acknowledged to me that such
partnerships executed the same.

Notary Public for the State of Idaho

Commission Expiration Date: _____

Recording at Idaho Falls, Idaho
My Commission Expires: 01/30/09

INSTRUMENT NO	1254965
DATE	3-02-07
INST CODE	208
IMAGED PGS	2
FEE	6.00
STATE OF IDAHO) ss	
COUNTY OF BONNEVILLE)	
I hereby certify that the within instrument was recorded.	
Ronald Langmore, County Recorder	
By	<u>LRW</u>
Deputy	
Request of	MWT



EXHIBIT "A"

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: NW1/4
W1/2 NW1/4 SW1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. SW1/4 SW1/4 NW1/4

Section 5: SE1/4 NE1/4 lying East of Antelope Creek Road
E1/2 SE1/4 lying East of Antelope Creek Road

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

a. Beginning at the Northeast Corner of the SE1/4 SE1/4 NE1/4 of Section 5, Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho; and running thence West along the North line of said S1/2 SE1/4 NE1/4 to its intersection with the East line of the Antelope Creek Road; thence Southerly along the east line of said road 100 feet; thence East, parallel to the North line of the S1/2 SE1/4 NE1/4 to the East line of said Section 5; thence North along the East line of said Section 5 to the point of beginning.

WARRANTY DEED

FOSTER LAND AND CATTLE COMPANY, an Idaho General Partnership and, THE FOSTER COMPANY, an Idaho General Partnership, as GRANTOR,

for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto

HAMILTON LAND DEVELOPMENT, LLC, a Utah Limited Liability Company, as GRANTEE,

whose address is 64 Antelope Creek Road Ririe, Idaho 83443, and Grantee's successors and assigns, all of the following described real property, to-wit:

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho

**Section 4: E1/2 NW1/4 SW1/4
NE1/4 SW1/4
SE1/4 SW1/4
S1/2 SW1/4 SE1/4**

Instrument # 1294809
IDAHO FALLS, BONNEVILLE, IDAHO
2008-03-31 02:31:00 PM No. of Pages: 2
Recorded for: MOUNTAIN WEST TITLE & ESC
RONALD LONGMORE Fee: 6.00
Ex-Officio Recorder Deputy SJacobs
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

ALSO: Beginning at the Northwest Quarter of Section 10, Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho, said point being the True of Beginning; thence S89°38'04"E along the North line of Section 10, 1665.64 feet to a point of an existing fence line; thence S36°11'16"W along said fence line 1173.98 feet; thence N89°48'37"W 974.96 feet to a point on the West line of Section 10; thence N00°09'02"E along said West line 954.91 feet to the True Point of Beginning.

ALSO: Any portion of the following described property lying within the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 3, Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho.

Beginning at the Southwest Corner of Section 3, Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho, said point being the True Point of Beginning; thence N00°05'21"E along the West line of Section 3, 3643.26 feet to the West Quarter Corner of said Section 3; thence N00°05'28"E along said West line 949.33 feet, more or less, to the intersection of the Right of Way of U.S. Highway No. 26; thence S43°29'51"E along the right of said Highway 3524.16 feet to the intersection of an existing fence line; thence S36°11'16"W along said fence line 1296.98 feet, more or less, to the intersection of the South line of Section 3; thence N89°38'04"W along said South line 1665.64 feet to the True Point of Beginning.

ALSO: Beginning at the Southwest Corner of Section 9, Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho; running thence N00°07'27"E along the West line of Section 9, 1323.49 feet to the True Point of Beginning, said point of beginning being the Southwest Corner of the North Half (N1/2) of the Southwest Quarter (SW1/4) of said Section 9; thence N00°07'27"E 3970.48 feet to the Northwest Corner of Section 9; thence S89°48'37"E 5264.08 feet to the Northeast Corner of said Section 9; thence S00°09'02"W along the East line of said Section 9, 954.91 feet; thence N89°48'37"W 3289.75 feet to the East line of the West Half (W1/2) of the East Half (E1/2) of the West Half (W1/2) of said Section 9; thence S00°07'57"W along said East line 3013.17 feet; thence N89°52'47"W 1973.47 feet to the True Point of Beginning.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

Township 2 North, Range 42 East of the Boise Meridian, Bonneville County, Idaho

**Section 9: NW1/4 NW1/4
SW1/4 NW1/4
NW1/4 SW1/4**

SUBJECT TO the 2008 and subsequent years general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and

RECEIVED
JUN 12 2008

Department of Water Resources
Eastern Region

1294809

applicable building codes, laws and regulations.

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warranty and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: March 28, 2008.

FOSTER LAND AND CATTLE COMPANY

BY: Boyd S. Foster

BY: Brad Foster

THE FOSTER COMPANY

BY: Boyd S. Foster

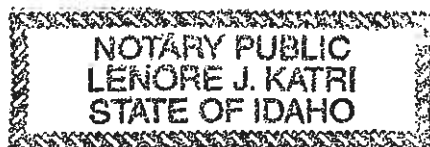
BY: Brad Foster

STATE OF IDAHO)
) ss
COUNTY OF BONNEVILLE)

On March 26, 2008, before me, the undersigned, personally appeared
Brad Foster and Boyd S. Foster known or identified to me to be the partners
of the Foster Land and Cattle Company and The Foster Company, and
acknowledged to me that they executed the same as such partners of the
partnership.

Notary Public for the State of Idaho
Commission Expiration Date: _____

Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/09



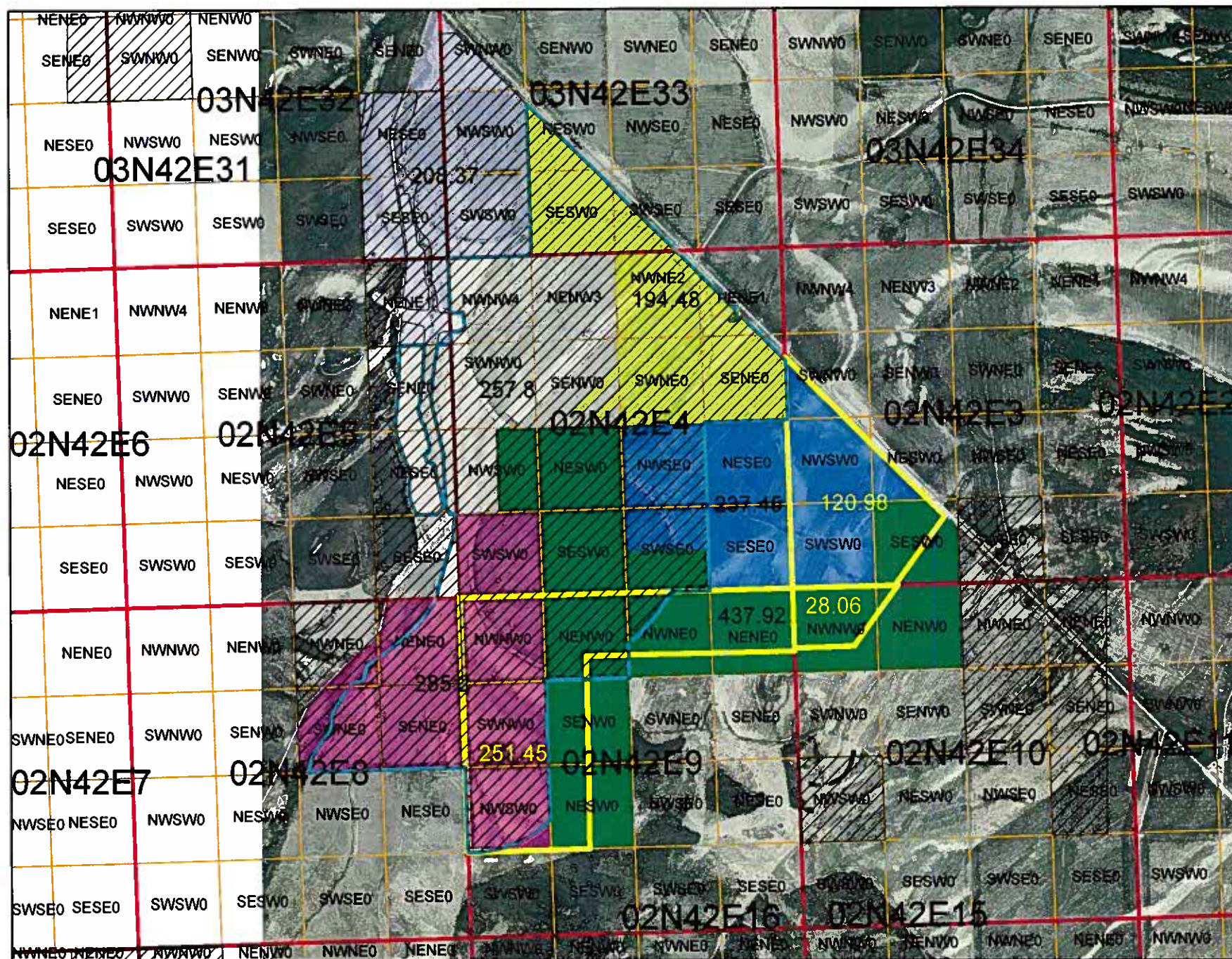
FOSTER SWAN VALLEY PROPERTY



Legend

- POUWR
- 2008_Survey_1
- 2008_Survey_2
- 2008_Survey_3
- gcdb_sections
- gcdb_qq
- 2006_Adjust
- 2003_Sale
- 2004_Sale
- 2005_Sale
- 2007_Sale
- 2008_Sale

Prepared by:
Robert L. Harris
2006 NAIP Aerial Photo
March 4, 2008



0 0.15 0.3 0.6 Miles
+ + + + +