

Transfer No. 73349
Receipt No. S029297

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information AMERICAN COW MILKING ENTERPRISE DAIRY INC
PO BOX 189
OAKLEY ID 83346
(208)862-2263

Superceeded
RECEIVED
FEB 13 2007
DEPT OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? ____ Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
45-12909B	AJC/Beneficial Use	0.04	9.2			GROUND WATER
45-2434B	AJC/License	0.32	74.8			GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
45-12909B	NO	NO	NO	YES	NO	NO
45-2434B	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

To drill a new well for a back-up source of water for an existing dairy.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

N/A

B. Describe the effects on other water uses resulting from the proposed change

N/A

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
45-12909B	0.04 cfs			9.2 af
45-2434B	0.32 cfs			74.8 af
TOTAL	0.36 cfs			98.6 af

*See Corrected
Transfer dated
5-2-07
KRC*

Transfer No. 73349
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



[Signature]
(Signature of Applicant)

PRESIDENT ACME DAIRY, INC.
(Title or Office)

Subscribed and sworn to before me this 13th day of February, 2007.

[Signature]
(Notary Public)

My commission expires 1-12-13

Transfer No. 73349
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 45-2434B

Priority Date: January 27, 1953
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01 12/31	0.32 CFS	74.8 AFA	
STOCKWATER	01/01 12/31	0.32 CFS	74.8 AFA	
Total Diversion		0.32 CFS	74.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SESW	Sec. 32 Twp 13S	Rge 22E	CASSIA County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 22E 31			X	X					X				X	X	X	X	

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 22E 31									X								

Conditions/Remarks:

- THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-2434.

2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
4. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
5. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
6. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. The right holder shall accomplish the change authorized by transfer 71793 by April 13, 2006.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Documentation of Ownership of the Current Place of Use

Warranty Deed

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

YES

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

N/A

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

NO

Transfer No. 73349
Receipt No. S029297

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

Current Water Right No. 45-12909B

Priority Date: April 01, 1961
Origin: Water Right
Basis: Decreed
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	9.2 AFA	
COMMERCIAL	01/01 12/31	0.04 CFS	9.2 AFA	
	Total Diversion	0.04 CFS	9.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SWSWSE	Sec. 31 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SWNWSW	Sec. 32 Twp 13S	Rge 22E	CASSIA County
GROUND WATER	SESW	Sec. 32 Twp 13S	Rge 22E	CASSIA County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
13S	22E	31									X								

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
13S	22E	31			X	X					X				X	X	X	X	

Conditions/Remarks:

- THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-12909.

2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. Commercial use is for a dairy located in the NESW, S31, T13S, R22E.
4. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
5. Rights 45-2434B and 45-12909B when combined shall not exceed a total diversion rate of 0.32 cfs.
6. The total instantaneous diversion of water from all points of diversion under Rights 45-2434B, 45-10454, and 45-12909B shall not exceed 0.36 cfs, nor a total combined annual volume of 98.6 af.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted and shall annually report the information to the Department.
10. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
12. The right holder shall accomplish the change authorized by transfer 71793 by April 13, 2006.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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Documentation of Ownership of the Current Place of Use

Warranty Deed

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

YES

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

n/a

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

NO

Transfer No. 73349
Receipt No. S029297

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 45-12909B

Priority Date: April 01, 1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS	9.2 AFA	
COMMERCIAL	01/01 12/31	0.04 CFS	9.2 AFA	
Total Diversion		0.04 CFS	9.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER SWSWSE Sec. 31 Twp 13S Rge 22E CASSIA County

GROUND WATER SWNWSW Sec. 32 Twp 13S Rge 22E CASSIA County

GROUND WATER NESENE Sec. 5 Twp 14S Rge 22E CASSIA County

Describe the proposed diversion system

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 22E 31									X								

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S 22E 31			X	X					X				X	X	X	X	

WARRANTY DEED

For Value Received

W.B. WHITELEY FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership as to an undivided 90% interest, and OWEN D. JACOBSEN and JOYCE W. JACOBSEN, husband and wife, as to an undivided 10% interest

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

**ROBINSON & WHITELEY, L.L.C., an Idaho limited liability company
ADDRESS: Box 189 Oakley, ID 83346**

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

See Attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Oakley Canal Company water certificate No. 3486 for 900 shares.

SUBJECT TO:

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

Taxes for 2002 and subsequent years.

Assessments levied, or to be levied, to the Oakley Canal Company.

Reservation disclosed by Deed executed by Milner & North Side Railroad Company, D. C. MacWatters, Receiver, party of the first part, and J. A. Tolman, party of the second part, dated September 17, 1917 and recorded June 11, 1918 in Book 25 of Deeds on page 322, records of Cassia County, Idaho, which reads as follows: "Reserving from this conveyance the right of way for a pole line of the Idaho Power Company as constructed through the above described land." (Covers a portion of the NE¼ of Section 32, Township 13 South, Range 22, East of the Boise Meridian)

Oil and Gas Lease by and between McMurray Land & Livestock Company and Fred Foss, dated October 12, 1945 and recorded September 10, 1946 as Instrument No. 156568 in Book 7 of Bill of Sale and Agreements, page 226, records of Cassia County, Idaho. (Covers the SW¼SE¼ of Section 32, Township 13 South, Range 22 East of the Boise Meridian, plus additional property not included herein)

Excepting all minerals and all mineral rights granted to Union Pacific Land Resources Corporation by Quitclaim Deed from Union Pacific Railroad Company, dated April 1, 1971, and recorded December 31, 1986 as Instrument No. 184581 on Film No. 186, records of Cassia County, Idaho. (Covers Parcel No. 4 and additional property not included herein)

...ts, if any, of Water Lease executed by Oakley Valley Farms, to Reason & Whiteley LLC, dated July 14, 1999 and recorded August 6, 1999 as Instrument No. 264358, records of Cassia County, Idaho. (Covers the SW¼SW¼SE¼ of Section 31 and the SW¼NW¼SW¼ of Section 32, all in Township 13 South, Range 22 East of the Boise Meridian)

Resolution No. 2001-11-01 from the Board of Commissioners of Cassia County, Idaho, declaring "a moratorium upon the issuance of subdivision permits, conditional use permits and variances within the boundaries of the designated city impact areas or buffer zones", dated November 5, 2001 and recorded November 6, 2001 as Instrument No. 278056, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 23, 2002

W.B. WHITELEY FAMILY LIMITED
PARTNERSHIP

BY: Koby W. Fehle

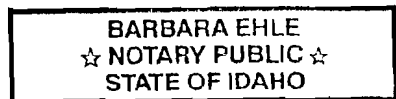
Owen D. Jacobsen
Owen D. Jacobsen

BY: _____

Joyce W. Jacobsen
Joyce W. Jacobsen

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 23 day of April, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Owen D. Jacobsen and Joyce W. Jacobsen, 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.

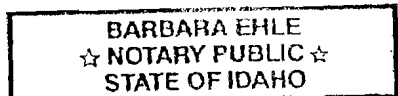


RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-12-2003

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 23 day of April, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBYN W. FEHLMAN, known or identified to me to be the partner or one of the partners in the Partnership of W.B. Whiteley Family Limited Partnership, and the partner or one of the partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said Partnership name.



RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public
Residing at: Burley Idaho
My Commission expires: 6-12-2003

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 32: All of said Section 32 which lies West of the Oregon Short Line Railroad Right-of-Way, EXCEPTING THEREFROM the following described exceptions:
- Exception No. 1: All of the land West of the Oregon Short Line Railroad Right-of-Way in the N $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 32.
- Exception No. 2: The N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 32.
- Exception No. 3: Beginning 40 rods West of the Southeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;
Thence North 154 feet;
Thence West 340 feet;
Thence South 154 feet;
Thence East 340 feet to the Point of Beginning.
- Exception No. 4: Beginning at a point 82 rods South of the Northwest corner of the NW $\frac{1}{4}$ of said Section 32:
Thence East 190 feet;
Thence North 110 feet;
Thence West 190 feet;
Thence South 110 feet to the Point of Beginning.

281358

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 1900 DEPUTY *du*

02 MAY 7 PM 3 02

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

For Value Received

W.B. WHITELEY FAMILY LIMITED PARTNERSHIP, an Idaho limited partnership

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

ROBINSON & WHITELEY, L.L.C., an Idaho limited liability company
Address: P.O. Box 189 Oakley, ID 83346

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Oakley Canal Company water certificates 3140, 3138, 2891 and 3486.

SUBJECT TO:

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

Taxes for 2002 and subsequent years.

Assessments levied, or to be levied, to the Oakley Canal Company.

Reservation disclosed by Deed executed by Milner & North Side Railroad Company, D. C. MacWatters, Receiver, party of the first part, and J. A. Tolman, party of the second part, dated September 17, 1917 and recorded June 11, 1918 in Book 25 of Deeds on page 322, records of Cassia County, Idaho, which reads as follows: "Reserving from this conveyance the right of way for a pole line of the Idaho Power Company as constructed through the above described land." (Covers a portion of the NE¼ of Section 32, Township 13 South, Range 22, East of the Boise Meridian)

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Effects, if any, of Water Lease executed by Oakley Valley Farms, to Robinson & Whiteley LLC, dated July 14, 1999 and recorded August 6, 1999 as Instrument No. 264358, records of Cassia County, Idaho. (Covers the SW¼SW¼SE¼ of Section 31 and the SW¼NW¼SW¼ of Section 32, all in Township 13 South, Range 22 East of the Boise Meridian)

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TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 23, 2002

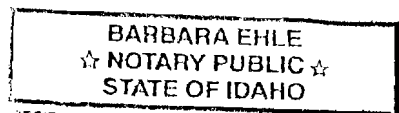
W.B. WHITELEY FAMILY LIMITED
PARTNERSHIP

BY: Robyn W. Fehlman

BY: _____

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 23 day of April, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBYN W. FEHLMAN, known or identified to me to be the partner or one of the partners in the Partnership of W.B. Whiteley Family Limited Partnership, and the partner or one of the partners who subscribed said Partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said Partnership name.



RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-12-2003

EXHIBIT "A"

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning 40 rods West of the Southeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 32;
Thence North 154 feet;
Thence West 340 feet;
Thence South 154 feet;
Thence East 340 feet to the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: Part of the NE $\frac{1}{4}$, more particularly described as follows:

TRACT NO. 1:

All that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying West of the Oakley Branch of the Oregon Short Line Railroad and East of the channel of Goose Creek.

TRACT NO. 2:

Beginning at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence West 685 feet;
Thence South 370 feet;
Thence East 685 feet;
Thence North 370 feet to the Point of Beginning, also known as Tax No. 486.

TRACT NO. 3:

Beginning at a point 785 feet West of the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 370 feet;
Thence West 685 feet;
Thence North to the North line of said Quarter Section;
Thence East 685 feet, more or less, to the Point of Beginning, also known as Tax No. 487.

TRACT NO. 4:

Beginning 993.3 feet South of the Northeast corner of said Section 5;
Thence South 326.7 feet to the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence West to the railroad right of way;
Thence North to the Southwest corner of Tax No. 504;
Thence East 232.5 feet, more or less, to the West line of Tax No. 484;
Thence South along the West line of Tax No. 484, 485 and 505 to the Southwest corner of Tax No. 505;
Thence East 429 feet, more or less, to the Point of Beginning, being a portion of Tax No. 506.

EXCEPTING FROM above described Tract No. 2 and Tract No. 4 the following exceptions:

Exception No. 1: Beginning 1193.3 feet south of the Northeast corner of said Section 5;
Thence running South 350 feet;
Thence West 200 feet;
Thence North 350 feet;
Thence East 200 feet to the Point of Beginning.

Exception No. 2: Beginning 993.3 feet South of the Northeast corner of said Section 5;
Thence running South 200 feet;
Thence West 200 feet;
Thence North 200 feet;
Thence East 200 feet to the Point of Beginning.

PARCEL NO. 4:

Those portions of the abandoned Oakley Branch right-of-way of the Oregon Short Line Railroad, as formerly constructed and operated, more particularly described as follows:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: All that part of the said railroad right-of-way located in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 5.

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 32: Part of the E $\frac{1}{2}$, described as follows:

TRACT NO. 1:

All that part of the said railroad right-of-way located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 32.

TRACT NO. 2:

All that part of the said railroad right-of-way located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32 which lies West of the Centerline of said railroad right-of-way.

TRACT NO. 3:

All that part of the said railroad right-of-way located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 32 which lies West of the centerline of said railroad right-of-way.

EXCEPTING THEREFROM, the following described exceptions:

Exception No. 1: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence North 89°33'58" West along the South line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 407.95 feet to a ½ inch rebar; Thence North 00°54'58" East a distance of 49.50 feet to the North right of way of Main Street which shall be the Point of Beginning; Thence North 89°33'58" West along the North right of way of Main Street for a distance of 112.81 feet; Thence North 00°30'47" East for a distance of 168.73 feet to a ½ inch rebar; Thence South 88°24'41" East for a distance of 114.00 feet to a ½ inch rebar; Thence South 00°54'58" West for a distance of 166.44 feet to the Point of Beginning.

Exception No. 2: Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 32, said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence North 89°33'58" West along the South line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 520.41 feet to a ¼ inch rebar; Thence North 00°30'47" East a distance of 49.50 feet to the North right of way of Main Street which shall be the Point of Beginning; Thence North 89°33'58" West along the North right of way of Main Street for a distance of 258.52 feet; Thence North 00°53'14" East for a distance of 477.65 feet to a ½ inch rebar; Thence South 89°54'10" East for a distance of 160.42 feet to a ½ inch rebar; Thence South 02°17'05" West for a distance of 114.57 feet to a ½ inch rebar; Thence South 89°26'03" East for a distance of 213.89 feet to a ½ inch rebar; Thence South 00°54'58" West for a distance of 197.15 feet to a ½ inch rebar; Thence North 88°24'41" West for a distance of 114.00 feet to a ½ inch rebar; Thence South 00°30'47" West for a distance of 168.73 feet to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: All that portion of the following two tracts that lies West of the centerline of the county road:

TRACT NO. 1:

Beginning at the Southwest corner of the NE¼ of said Section 8;
Thence running North 42 rods;
Thence East 80 rods;
Thence South 42 rods;
Thence West 80 rods to the Point of Beginning.

ALSO:

Beginning at the Southeast corner of the NE¼ of said Section 8;
Thence running North 42 rods;
Thence West 80 rods;
Thence South 42 rods;
Thence East 80 rods to the Point of Beginning.

EXCEPTING THEREFROM:

Beginning at a point of intersection of the centerline of the county road and the
South boundary of the NE¼ of said Section 8;
Thence West 187 feet;
Thence North 172 feet;
Thence East 187 feet, more or less, to the centerline of the county road;
Thence Southerly along said centerline for 172 feet, more or less, to the South
boundary of the NE¼ of said Section 8, which point is the Point of
Beginning.

TRACT NO. 2:

Beginning at a point 39 rods South of the Northeast corner of said Section 8;
Thence running West 160 rods;
Thence South 37 rods;
Thence East 160 rods;
Thence North 37 rods to the Point of Beginning.

EXCEPTING THEREFROM:

Beginning at the Northeast corner of said Section 8; Thence South a distance of 881.17 feet along the East boundary of said Section 8; Thence West a distance of 655.31 feet to the True Point of Beginning.
Thence South 17°24'14" West a distance of 145.41 feet;
Thence North 81°52'36" West a distance of 199.97 feet;
Thence North a distance of 140.00 feet;
Thence South 83°01'55" East a distance of 243.25 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM:

Beginning at the Northeast corner of said Section 8, said corner marked by a U.S.B.L.M. pipe with brass cap: Thence South 0°23'00" East (South rec.) (basis of bearing), along section line for 1254.00 feet (76 rods rec.) to a ½ inch rebar; Thence North 89°34'00" West (North 89°20'43" West and West rec.) for 771.60 feet to a point on the centerline of a county road which shall be the Point of Beginning.
Thence North 89°34'00" West (North 89°20'43" West and West rec.) for 168.15 feet to a point;
Thence North 26°26'38" West for 20.24 feet to a ½ inch rebar;
Thence North 78°44'29" West for 3.50 feet to a ½ inch rebar;
Thence North 1°31'56" West for 55.00 feet to a ½ inch rebar;
Thence North 3°47'53" East for 107.67 feet to a ½ inch rebar;
Thence South 87°48'47" East for 22.50 feet to a ½ inch rebar;
Thence North 3°45'19" East for 71.50 feet to a ½ inch rebar;
Thence South 83°04'28" East for 20.63 feet to a ½ inch rebar;
Thence South 83°04'28" East (South 81°52'36" East rec.) for 199.11 feet (199.97 feet rec.) to a P.K. Nail on the centerline of a county road at the Southeast corner of that property sold by Baird to Jim Whittle as per Warranty Deed recorded June 11, 1981 as Instrument No. 135698 on Film No. 142 records of Cassia County;
Thence South 17°15'36" West along said county road centerline for 237.17 feet to the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: Part of the NE¼, more particularly described as follows:

Beginning at a point 76 rods South from the Northeast corner of said Section 8;
Thence running West 160 rods;
Thence South 42 rods;
Thence East 160 rods;
Thence North 42 rods to the Point of Beginning;

EXCEPTING THEREFROM, the following:

Beginning at the Northeast corner of said Section 8, said corner marked by U.S. Bureau of Land Management pipe with brass cap; thence South 0°23'00" East (south rec.) along section line for 1254.00 feet (76 rods rec.) to a ½ inch rebar which shall be the Point of Beginning;
Thence South 0°23'00" East (basis of bearing) (South rec.) along section line for 693.00 feet (42 rods rec.) to a ½ inch rebar;
Thence North 89°20'43" West (west rec.) for 990.74 feet to a point;
Thence North 16°29'47" East for 314.90 feet to a ½ inch rebar;
Thence North 86°50'18" West for 151.85 feet to a ½ inch rebar;
Thence North 0°48'29" East for 383.31 feet to a point;
Thence South 89°20'43" East (east rec.) for 1042.90 feet to the Point of Beginning.

PARCEL NO. 7:

An easement for ingress and egress for the benefit of Parcel No. 6, as created by Warranty Deed executed by Keith H. Warr and Betty Warr, husband and wife, to Winslow B. Whiteley and Dorothy Whiteley, husband and wife, dated May 16, 1985 and recorded May 21, 1985 on Film No. 172, records of Cassia County, Idaho, over and across the North 47 feet of that portion of the following described parcel that lies West of the existing County road right-of-way:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 8: Part of the NE¼, more particularly described as follows:

Beginning at the Northeast corner of said Section 8, said corner marked by U.S. Bureau of Land Management pipe with brass cap; thence South 0°23'00" East (south rec.) along section line for 1254.00 feet (76 rods rec.) to a ½ inch rebar which shall be the Point of Beginning;
Thence South 0°23'00" East (basis of bearing) (South rec.) along section line for 693.00 feet (42 rods rec.) to a ½ inch rebar;
Thence North 89°20'43" West (west rec.) for 990.74 feet to a point;
Thence North 16°29'47" East for 314.90 feet to a ½ inch rebar;
Thence North 86°50'18" West for 151.85 feet to a ½ inch rebar;
Thence North 0°48'29" East for 383.31 feet to a point;
Thence South 89°20'43" East (east rec.) for 1042.90 feet to the Point of Beginning.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
02 MAY 7 PM 3 04

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE \$7.00 DEPUTY *[Signature]*

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