

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

MAY 26 2005

Department of Water Resources

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, 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
PD 21-10829	← SAME				
PD 21-10821	" "				

RECEIVED
MAY 19 2005

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
☒ **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

☒ If your water right(s) and/or adjudication claim(s) are 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**.

3. Name and Address of Former Owner/Claimant(s)
BRIAN + PATRICIA HUTCHERSON
RT 2 (Now 3618 Hwy 32) Ashton, Id.
4. New Owner/Claimant(s)
MARK HAIRBAUGH and/or DEDE DRAPER 83420
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address
3618 Hwy. 32
- City, State and ZIP Code
Ashton, Id. 83420
- New Telephone Number
(208-652-7880)
5. Date you acquired the property
12/78 (FORMER OWNER)
6/04 (new owner)

SUPPORT DATA

IN FILE # 21-10821

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 Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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

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

For Office Use Only

Received by JP Date 5-20-05 Fee \$50 -
 Received by JP Date 5-20-05 Receipt No. E 030705
 Processed by AJ Date _____ WR _____ Date _____

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

RECEIVED

MAY 26 2005

Department of Water Resources

RECEIVED

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

JUL 16 2007

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. Indicate, by checking in the space provided, 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
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

PD 21-10829 ← SAME

PD 21-10821 " "

RECEIVED

MAY 19 2005

Department of Water Resources
Eastern Region

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 NO **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

- NO If your water right(s) and/or adjudication claim(s) are 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**.

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

BRIAN + PATRICIA HUTCHERSON
RT 2 (Now 3618 Hwy 32) Ashton, Id.

4. New Owner/Claimant(s)

MARK HARBAUGH and/or DEDE DRAPER 83420

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

3618 Hwy. 32

City, State and ZIP Code

Ashton, Id. 83420

New Telephone Number

(208-652-7880)

5. Date you acquired the property

12/78 (FORMER OWNER)
6/04 (new owner)

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 Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Mal Z...
John Jones

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

For Office Use Only

Received by <u>gc</u>	Date <u>5-20-05</u>	Fee <u>\$50-</u>
Received by <u>gc</u>	Date <u>5-20-05</u>	Receipt No. <u>E 030905</u>
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

304032286.3-1

ALLIANCE TITLE & ESCROW
FREMONT, ID 83420

recorded to correct Parcel 1 & legal

491093

Day 16 of Sept 2004
At 16:37 O'Clock
ABBE MACE
FREMONT CO RECORDER
Fee \$ 30
ALLIANCE TITLE & ESCROW

CORRECTION WARRANTY DEED

THIS INDENTURE is made this 27th day of September, 2004, by **BRIAN L. HUTCHERSON AND PATRICIA A. HUTCHERSON**, not individually, but as trustees of **THE BRIAN AND PATRICIA A. HUTCHERSON FAMILY TRUST**, the "Grantor", and **MARK HARBAUGH AND DEDE M. DRAPER**, husband and wife, whose mailing address is 3618 Hwy 32, Ashton, ID 83420, 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, 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 Fremont, State of Idaho, to-wit:

See **Exhibit "A"** attached hereto and by this reference incorporated herein.

SUBJECT to those matters set forth on Exhibit "A".

Microfilm No. 493102
Day 18 of Sept 2004
At 16:37 O'Clock
ABBE MACE
FREMONT CO RECORDER
Fee \$ 30
ALLIANCE TITLE & ESCROW

TOGETHER with Grantor's one half interest in the pump which provides irrigation service to the property, Grantor's one half interest in thirteen (13) lengths of four (4) inch mainline which provide irrigation service to the property and Grantor's one hundred per cent (100%) interest in the balance of the pipe which provides irrigation service to the property.

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.

This deed amends and corrects that certain Warranty Deed recorded as Instrument No. 489207, recorded July 1, 2004 in the records of Fremont County, Idaho to correct Exhibit "A" thereto. The final page of said Exhibit "A" was inadvertently omitted from the deed as recorded, and this instrument shall correct the same.

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

**THE BRIAN AND PATRICIA A.
HUTCHERSON FAMILY TRUST**

By: Brian L. Hutcherson
BRIAN L. HUTCHERSON, Trustee

By: Patricia A. Hutcherson
PATRICIA A. HUTCHERSON, Trustee

APPROVED:

Mark Harbaugh
MARK HARBAUGH

Deede M. Draper
DEEDE M. DRAPER

STATE OF IDAHO)
) ss.
 County of Bonneville)

On the 27th day of Sept., 2004, before me, the undersigned, a Notary Public, in and for the State of Idaho, personally appeared **BRIAN L. HUTCHERSON AND PATRICIA A. HUTCHERSON**, known or identified to me to be the persons whose names are subscribed to the within instrument as trustee of **THE BRIAN AND PATRICIA A. HUTCHERSON FAMILY TRUST** and acknowledged to me that they executed the same as such trustees.

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)



Scott P. Ekelson

Notary Public for Idaho

Residing at Idaho Falls, Idaho

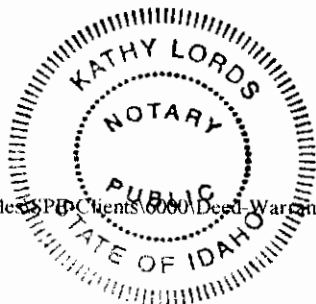
My Commission Expires: 10-25-05

STATE OF IDAHO)
) ss.
 County of Bonneville)

On the 4th day of October, 2004, before me, the undersigned, a notary public, in and for said State, personally appeared **MARK HARBAUGH AND DEDE M. DRAPER**, husband and wife, 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.

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)



Kathy Lords

Notary Public for Idaho

Residing at: Bozeman, Idaho

My Commission Expires: 4/23/05

S:\Joyce's My Files\SPB Clients\6000\Deed Warranty(Harbaugh).wpd

EXHIBIT "A"Parcel 1:

Commencing at a point North 89°46'06" East, 300 feet from the West 1/4 corner of Section 18, Township 8 North, Range 43 East, Boise Meridian, Fremont County, Idaho, and running thence North 89°46'06" East, 990.63 feet; thence South 00°11'46" East 1,304.37 feet; thence South 89°46'06" West 1,295.09 feet to a point on the East boundary of Section 13, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, thence South along the Section line 129.67 feet to a point on the North Bank of the Fall River; thence Southwesterly along the North bank of the Fall River South 87°08'06" West 266.90 feet; thence South 79°02'01" West 785.11 feet; thence South 41°40'59" West 226.51 feet; thence North 60°07'51" West 36.28 feet; thence North 09°52'09" East 214.03 feet; thence North 19°12'09" East 286.82 feet; thence North 89°36'26" West 55.83 feet; thence 00°32'46" East 119.25 feet; thence North 3843'16" East 662.76 feet; thence North 56°39'48" East 1,220.39 feet to the point of beginning.

Parcel 2:

Commencing at a point which is North 89°46'06" East 790.00 feet from the West 1/4 corner of Section 18, Township 8 North, Range 43 East, Boise Meridian, Fremont County, Idaho, and running thence North 26°31'43" East 129.80 feet; thence North 53°43'25" East 70.24 feet; North 27°32'59" East 100.92 feet; thence North 14°52'40" West 105.75 feet to the South R/W of State Highway 32; thence along highway R/W for the next four bearings North 88°47'30" East 211.05 feet; North 78°35'36" East 462.0 feet to a point on curve to the right, thence around curve 412.13 feet more or less; thence South 12°16'10" West 422.6 feet; thence South 89°46'06" feet to the point of beginning.

Parcel 3 (From Sharp):

Commencing at a 1/2" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708, Fremont County Records Office, said iron rod bears N89°46'06"E, 789.97 feet from an aluminum cap (PELS

2860 recovered at the West 1/4 Corner of Section 18, Township 8 North, Range 43 East of the Boise Meridian, Fremont County, Idaho;

Thence N26°26'01"E, 129.71 feet along the west line of said Parcel No. 2 to a 1/2" iron rod recovered at an angle point in the West line of said Parcel 2;

Thence N53°50'51"E, 38.58 feet along the west line of said Parcel No. 2 to the true point of beginning;

Thence N53°50'51"E, 31.83 feet along the west line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897);

Thence N27°32'59"E, 100.92 feet along the west line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897);

Thence N14°52'40"W, 25.90 feet along the west line of said Parcel No. 2 to a point;

Thence S01°53'41"E, 24.12 feet to a 5/8" rebar and aluminum cap (LS 10897);

Thence S27°36'18"W, 97.11 feet to a 5/8" rebar and aluminum cap (LS 10897);

Thence S42°57'06"W, 31.58 feet to the point of beginning, said tract contains 726.2 square feet or 0.017 acres more or less.

Parcel 4 (From Sharp):

Commencing at a 1/2" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708, Fremont County Recorders Office, said iron rod bears N89°46'06"E, 789.97 feet from an aluminum cap (PELS 2860 recovered at the West 1/4 Corner of Section 18, Township 8 North, Range 43 East of the Boise Meridian, Fremont County, Idaho;

Thence N26°26'01"E, 129.71 feet along the west line of said Parcel No. 2 to a 1/2" iron rod recovered at an angle point in the West line of said Parcel 2.

Thence N53°50'51"E, 70.41 feet along the west line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897);

Thence N27°32'59"E, 100.92 feet along the west line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897);

Thence N14°52'40"W, 25.90 feet along the west line of said Parcel No. 2 to the true point of beginning;

Thence N14°52'40"W, 79.85 feet along the west line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897) set on the southerly right of way line of Idaho State Highway 32;

Thence S23°18'53"E, 49.12 feet to a 5/8" rebar and aluminum cap (LS 10897);

Thence S01°53'41"E, 32.08 feet to the point of beginning, said tract contains 287.7 square feet or 0.007 acres more or less.

LESS AND EXCEPTING the following two parcels:

Exception Parcel 1 (To Sharp):

Beginning at a 1/2" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708, Fremont County Records Office, said iron rod bears N89°46'06"E, 789.97 feet from an aluminum cap (PELS 2860) recovered at the West 1/4 Corner of Section 18, Township 8 North, Range 43 East of the Boise Meridian, Fremont County, Idaho;

Thence N26°26'01"E, 70.75 feet along the west line of said Parcel No. 2 to a point;

Thence S33°50'02"W, 76.32 feet to a 5/8" rebar with aluminum cap (LS 10897);

Thence N89°46'06"E, 11.00 feet to the point of beginning, said tract contains 347.7 square feet or 0.008 acres more or less.

Exception Parcel 2 (To Sharp):

Commencing at a 1/2" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708, Fremont County Records Office, said iron rod bears N89°46'06"E, 789.97 feet from an aluminum cap (PELS 2860) recovered at the West 1/4 Corner of Section 18, Township 8 North, Range 43 East of the Boise Meridian, Fremont County, Idaho;

Thence N26°26'01"E, 70.75 feet along the west line of said Parcel No. 2 to the true point of beginning;

Thence N26°26'01"E, 58.96 feet along the west line of said Parcel No. 2 to a 1/2" iron rod recovered at an angle point in the west line of said Parcel 2;

Thence N53°50'51"E, 38.58 feet along the west line of said Parcel No. 2 to a point;

Thence S42°57'06"W, 35.39 feet to a 5/8" rebar and aluminum cap (LS 10897);

Thence S33°50'02"W, 59.78 feet to the point of beginning, said tract contains 356.0 square feet or 0.008 acres more or less.

LEGAL DESCRIPTION
EXHIBIT 'A'

493102

BLH
GGH
[Signature]
Parcel 1: Commencing at a point North 89°46'06" East, 300 feet record (299.93 feet survey) from the West ¼ corner of Section 18, Township 8 North, Range 43 East, Boise Meridian, Fremont County, Idaho, and running thence North 89°46'06" East, 990.63 feet record (990.67 feet survey); thence South 00°11'46" East 1,304.37 feet; thence South 89°46'06" West 1,295.09 feet to a point on the East boundary of Section 13, Township 8 North, Range 42 East, Boise Meridian, Fremont County, Idaho, thence South along the Section line 129.67 feet to a point on the North Bank of the Fall River; thence Southwesterly along the North bank of the Fall River South 87°08'06" West 266.90 feet; thence South 76°02'01" West 785.11 feet; thence South 41°40'59" West 226.51 feet; thence North 60°07'51" West 36.28 feet; thence North 09°52'09" East record (North 09°50'00" East survey) 214.03 feet; thence North 19°12'09" East 286.82 feet record (North 19°13'43" East 286.74 feet survey); thence North 89°36'26" West record (North 89°31'45" West survey) 55.83 feet; thence North 00°32'46" East 119.25 feet record (North 00°29'16" East 118.96 feet survey); thence North 38°43'16" East 662.76 feet record (North 38°42'24" East 663.23 feet survey); thence North 56°39'48" East 1,220.39 feet record (North 56°40'09" East 1220.36 survey) to the point of beginning.

[Signature]
Parcel 2: Commencing at a point which is North 89°46'06" East 790.0 feet record from the West ¼ corner of Section 18, Township 8 North, Range 43 East, Boise Meridian, Fremont County, Idaho, and running thence North 26°31'43" East 129.8 feet; thence North 53°43'25" East 70.24 feet; thence North 27°32'59" East 100.92 feet; thence North 14°52'40" West 105.75 feet to the South R/W of State Highway 32; thence along highway R/W for the next three bearings North 88°47'30" East 211.05 feet; North 78°35'36" East 462.0 feet to a point on curve to the right, thence around curve 412.13 feet more or less along said right of way; thence South 12°16'10" West 422.6 feet record (South 12°16'29" West 422.56 feet survey); thence South 89°46'06" West 1114.16 feet to the point of beginning.

Parcel 3:

Tract 1: (Adjustment of roadway shown as Tract 3 on survey 481975)

Commencing at a ½" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708, Fremont County recorder's office, said iron rod bears North 89°46'06" East 789.97 feet from an aluminum cap (PELS 2860 recovered at the West ¼ corner of Section 18, Township 8 North, Range 43 East of the Boise Meridian, Fremont County, Idaho; thence North 26°26'01" East 129.71 feet along the West line of said Parcel No. 2 to a ½" iron rod recovered at an angle point in the West line of said Parcel 2; thence North 53°50'51" East 38.58 feet along the West line of said Parcel No. 2 to the true point of beginning; thence North 53°50'51" East 31.83 feet along the West line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897); thence North 27°32'59" East 100.92 feet along the West line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897); thence North 14°52'40" West 25.90 feet along the West line of said Parcel No. 2 to a point; thence South 01°53'41" East 24.12 feet to a 5/8" rebar and aluminum cap (LS 10897); thence South 27°36'18" West 97.11 feet to a 5/8" rebar and aluminum cap (LS 10897); thence South 42°57'06" West 31.58 feet to the point of beginning.

Tract 2: (Adjustment of roadway shown as Tract 4 on survey 481975)

Commencing at a ½" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708, Fremont County Recorder's office, said iron rod bears North 89°46'06" East 789.97 feet from an aluminum cap (PELS 28360) recovered at the W ¼ corner of Section 18, Township 8 North, Range 43 East of the Boise Meridian, Fremont County, Idaho; thence North 26°26'01" East 129.71 feet along the West line of said Parcel No. 2 to a ½" iron rod recovered at an angle point in the West line of said Parcel No. 2; thence North 53°50'51" East 70.41 feet along the West line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897); thence North 27°32'59" East 100.92 feet along the West line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897); thence North 14°52'40" West 25.90 feet along the West line of said Parcel No. 2 to the true point of beginning; thence North 14°52'40" West 79.85 feet along the West line of said Parcel No. 2 to a 5/8" rebar and aluminum cap (LS 10897) set on the Southerly right of way line of Idaho State Highway 32; thence South 23°18'53" East 49.12 feet to a 5/8" rebar and aluminum cap (LS 10897); thence South 01°53'41" East 32.08 feet to the point of beginning.

LESS: the following:

Tract 1: (Adjustment of Roadway shown as Tract 1 on survey 481975)

Beginning at a ½" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708 Fremont County Recorder's Office, said iron rod bears North 89°46'06" East 789.97 feet from an aluminum cap (PELS 2860) recovered at the West ¼ corner of Section 18, Township 8 North, Range 43 East of

the Boise Meridian, Fremont County, Idaho; thence North 26°26'01" East 70.75 feet along the West line of said Parcel No. 2 to a point; thence South 33°50'02" West 76.32 feet to a 5/8" rebar with aluminum cap (LS 10897); thence North 89°46'06" East 11.00 feet to the point of beginning.

Tract 2: Adjustment of Roadway shown as Tract 2 on survey 481975)

Commencing at a 1/2" iron rod recovered at the point of beginning of Parcel 2 as described in Instrument No. 417708, Fremont County Recorder's Office, said iron rod bears North 89°46'06" East 789.97 feet from an aluminum cap (PELS 2860) recovered at the West 1/4 corner of Section 18, Township 8 North, Range 43 East of the Boise Meridian, Fremont County, Idaho; thence North 26°26'01" East 70.75 feet along the West line of said Parcel No. 2 to the true point of beginning; thence North 26°26'01" East 58.96 feet along the West line of said Parcel No. 2 to a 1/2" iron rod recovered at an angle point in the West line of said Parcel 2; thence North 53°50'51" East 38.58 feet along the West line of said Parcel 2; thence South 42°57'06" West 35.39 feet to a 5/8" rebar and aluminum cap (LS 10897); thence South 33°50'02" West 59.78 feet to the point of beginning.

Brian L. Hutcherson

Patricia A. Hutcherson

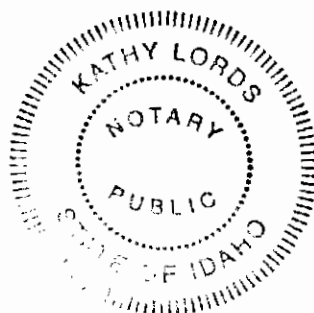
State of Idaho
County of Bonneville

On the 15th day of January, 2005, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Brian L. Hutcherson and Patricia A. Hutcherson, known or identified to me to be the persons whose names are subscribed to the within instrument as trustees of the Brian and Patricia A. Hutcherson Family Trust and acknowledged to me that they executed the same as trustees.

In witness whereof, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first written above.

Kathy Lords

Notary Public for Idaho
Residing at Ashton, Idaho
My Commission Expires: 4/25/2005



SUBJECT TO (or together with as indicated) the following:

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 materials 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 public 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.
7. Taxes including any assessments collected therewith, for the year 2004.
8. Levies and assessments of the Fremont - Madison Irrigation District, and the rights, powers and easements of said district as provided by law.
9. The provisions contained in an easement recorded July 11, 1962 as Instrument No. 297666, records of Fremont County, Idaho, granted to the State of Idaho for a portion of State Highway No. 32.
10. The provisions contained in State Deed, recorded December 29, 1952 as Instrument No. 275680, records of Fremont County, Idaho.

11. An easement for the purpose of a drain ditch and rights incidental thereto as set forth in a document granted to H.R. Egbert and Marie Egbert, recorded April 12, 1973 as Instrument No. 330745.

12. Any question of location, boundary or area relating to the Fall River, including, but not limited to, any past or future changes in said river.

13. Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water that is included within the boundaries of Fall River.

14. Subject To and Together With the terms, conditions and limitations of that certain easement as set forth in a document recorded June 28, 1973, as instrument no. 331789, granted by Curtis Loosli and his spouse, as assigned by instrument no. 483077, recorded August 13, 2003, records of Fremont County, Idaho which easement provides access to that part of the property conveyed lying south of the Fall River.

15. The provisions of a survey recorded June 23, 2003 as instrument no. 481975 records of Fremont County, Idaho.

