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Patrick D. Brown, Esq.

**HUTCHINSON
&
BROWN, LLP**
ATTORNEYS AT LAW

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July 17, 2006

RECEIVED
JUL 18 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Corey Skinner
IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore St., Ste. 200
Twin Falls ID 83301-3380

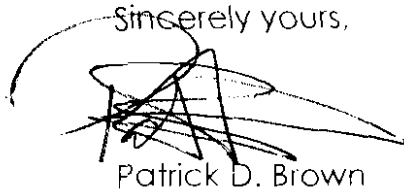
Re: **Hawker**, Rick & Sharon -- Transfer Application #72208

Dear Corey:

Enclosed herewith please find executed WATER USE AGREEMENT.

Thank you.

Sincerely yours,



Patrick D. Brown

/cb

Enc.

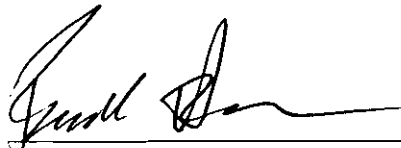
cc: Rick & Sharon Hawker, w/enc.

WATER USE AGREEMENT
Transfer No. 72208

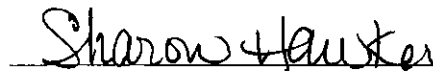
RECEIVED
JUL 18 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Under this agreement, **Rick and Sharon Hawker, Hawker Cattle Feeders, LLC**, and **Craig and Rенаe Hawker** agree to the use restrictions set forth in this document on the use of Oakley Canal Company water shares, as a condition of approving the transfer mentioned below. The purpose of the agreement is to limit the use of those Oakley Canal Company shares specified so that the use of the water being approved under IDWR Transfer No. 72208 will not result in an enlargement of use of the original water right.
2. Water Right No. 45-2444B is a groundwater right that has historically been used as supplemental irrigation water, supplementing the use of Oakley Canal Company shares.
3. In order to prevent the enlargement of use of the original right, IDWR has determined ten (10) acres of ground previously irrigated must be dried up and that the place of use of ten (10) Oakley Canal Company shares must be restricted so that they will not be used on ground which has not previously been irrigated.
4. Therefore, the parties to this agreement agree that, as a condition to granting the transfer, ten (10) acres of land which have been historically irrigated with Oakley Canal Company shares in the SW Quarter of the SW Quarter of Section 20, Township 13 S, Range 22E, shall no longer be irrigated. The parties further agree that: ten (10) shares of Oakley Canal

Company water will be used only on that land presently irrigated by the parties with Oakley Canal Company shares (excluding the ten [10] acres mentioned above); land presently irrigated with the shares is comprised of the places of use described in the attached Exhibit 1; and, such places of use will be the only places within the Oakley Canal Company service area that such shares shall be used.

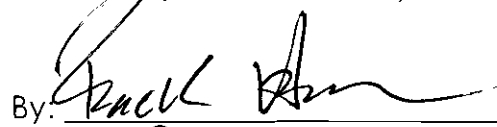


Rick Hawker



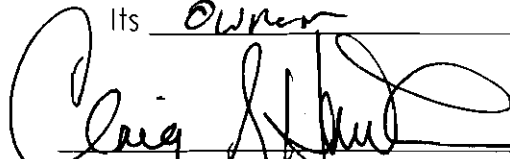
Sharon Hawker

HAWKER CATTLE FEEDERS, LLC

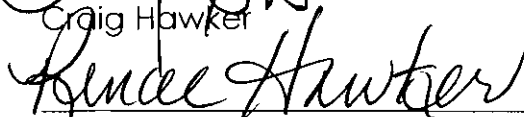


By:

Its Owner



Craig Hawker



Renae Hawker

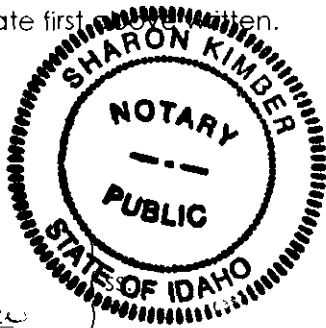
STATE OF IDAHO

County of Cassia

)
(ss.
)

On this 28 day of June, 2006, before me, the undersigned Notary Public in and for said County and State, personally appeared RICK HAWKER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



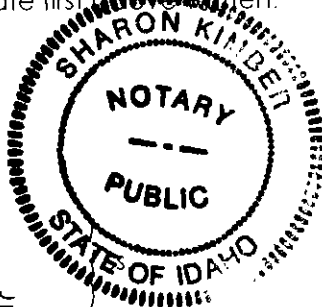
Sharon Kimber
NOTARY PUBLIC
Residence: Cable, Idaho
My Commission Expires: 3/10/12

STATE OF IDAHO

County of Cassia

On this 28 day of June, 2006, before me, the undersigned Notary Public in and for said County and State, personally appeared SHARON HAWKER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



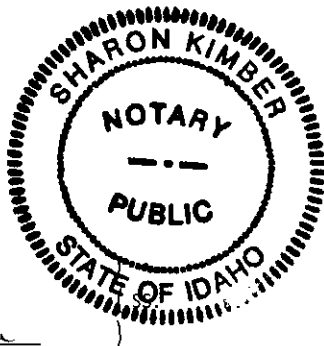
Sharon Kimber
NOTARY PUBLIC
Residence: Cable, Idaho
My Commission Expires: 3/10/12

STATE OF IDAHO

County of Cassia

On this 28 day of June, 2006, before me, the undersigned Notary Public in and for said County and State, personally appeared Rick Hawker, known or identified to me to be the Owner of HAWKER CATTLE FEEDERS, L.L.C., the Limited Liability Company that executed the foregoing instrument, and acknowledged to me that such entity 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.



Sharon Kimber
NOTARY PUBLIC
Residence: Cable, Idaho
My Commission Expires: 3/10/12

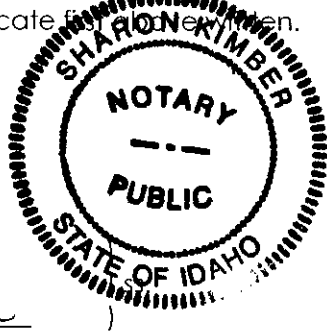
STATE OF IDAHO

County of Cassia

On this 28 day of June, 2006, before me, the undersigned Notary Public in and for said County and State, personally appeared CRAIG HAWKER, known or identified to me to be the

person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



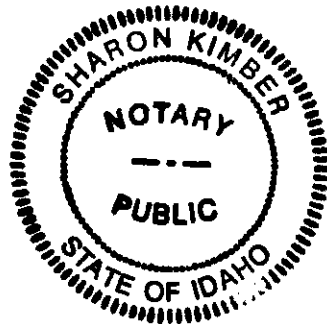
Sharon Kimber
NOTARY PUBLIC
Residence: Cubley, Idaho
My Commission Expires: 3/10/12

STATE OF IDAHO

County of Cassia

On this 28 day of June, 2006, before me, the undersigned Notary Public in and for said County and State, personally appeared RENAE HAWKER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Sharon Kimber
NOTARY PUBLIC
Residence: Cubley, Idaho
My Commission Expires: 3/10/12

WARRANTY DEED

#30918

For Value Received

KYLE ADAMS, also known as Kyle R. Adams, and LAURELL ADAMS, also known as Laurell M. Adams, husband and wife

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

CRAIG S. HAWKER and RENAE B. HAWKER, husband and wife

**Address: 2917 North 4300 East
Murtaugh, Idaho 83344**

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

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

Section 30: Lots 1, 2 & 3 and the E $\frac{1}{2}$ NW $\frac{1}{4}$

TOGETHER WITH all water and water rights including but not limited to 225 shares in Oakley Canal Company, 1 share in Marion Pipeline Company, and all water rights under State of Idaho Water Adjudication Nos. A45-12445, A45-04177 and A45-00179.

SUBJECT TO:

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

Taxes subsequent to the year 1998.

Power Line Easement from Lyman P. Adams and Mrs. Verla H. Adams, his wife, Grantors to Idaho Power Company, a corporation, it's licensees, successors and assigns, Grantee, dated August 21, 1953 and recorded as Instrument No. 180384 in Book 15 of Miscellaneous on Page 26, records of Cassia County, Idaho.

Oil and Gas Lease between Kyle R. Adams and Laurell M. Adams, husband and wife and Inca Oil and Gas, dated April 1, 1981 and recorded May 6, 1981 as Instrument No. 134718 on Film No. 142, records of Cassia County, Idaho. (Lot 1 & E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 30, Township 13 South, Range 22 East of the Boise Meridian.) ASSIGNMENT OF OVERRIDING ROYALTY from Inca Oil & Gas, Inc., to Alan R. Hansen etal dated May 5, 1983 and recorded June 11, 1983 as Instrument No. 153317 on Film No. 138, records of Cassia County, Idaho.

EXHIBIT

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HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns 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: November 30, 1998

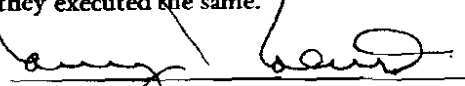

Kyle Adams, aka Kyle R. Adams


Laurell Adams, aka Laurell M. Adams

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 30th day of November, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared KYLE ADAMS and LAURELL ADAMS, 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.

LARRY ROBERTS
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT BURLEY, ID
COMMISSION EXPIRES 6-30-03


Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

LAND TITLE & ESCROW

RECORDED
CASSIA COUNTY, IDAHO
DANIEL M. KOSKELLEY
RECORDER

1998 DEC - 1 A 11: 41 259344

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 305

For Value Received

KYLE R. ADAMS, also known as Kyle Adams and LAURELL M. ADAMS, also known as Laurell Adams, husband and wife

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

CRAIG S. HAWKER and RENAE B. HAWKER, husband and wife

**Address: 2927 North 4300 East
Murtaugh, Idaho 83344**

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

PARCEL NO. 1:

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

Section 19: SW¼

PARCEL NO. 2:

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

Section 20: W½SW¼

EXCEPTING THEREFROM the following the described tract:

Beginning at the Southwest corner of said Section 20, said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top which shall be the Point Of Beginning;

Thence North 00°00'41" East along the West section line for a distance of 300.00 feet;

Thence South 89°14'18" East for a distance of 25.00 feet to a ½ inch rebar;

Thence South 89°14'18" East for a distance of 60.38 feet to a ½ inch rebar;

Thence South 44°27'39" East for a distance of 306.32 feet to a ½ inch rebar;

Thence South 00°00'41" West for a distance of 59.22 feet to a ½ inch rebar;

Thence South 00°00'41" West for a distance of 25.00 feet to a point on the South section line;

Thence North 89°14'18" West along said line for a distance of 300.00 feet to the Point of Beginning.

PARCEL NO. 3:

An easement for an irrigation pipeline, and pump and panel for the benefit of Parcel No. 2 over, under and across the following described property:

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

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

Beginning at the Southwest corner of said Section 20, said corner marked by a 5/8 inch rebar with a 3 inch Cassia County Survey cap on top; Thence North 00°00'41" East along the West section line for a distance of 27.00 feet to the Point Of Beginning;
Thence North 00°00'41" East continuing along said line for a distance of 20.00 feet;
Thence North 89°18'42" East for a distance of 155.94 feet;
Thence North 66°36'12" East for a distance of 20.48 feet;
Thence North 38°21'14" East for a distance of 106.51 feet;
Thence South 44°27'39" East for a distance of 20.16 feet;
Thence South 38°21'14" West for a distance of 109.02 feet;
Thence South 66°36'12" West for a distance of 29.52 feet;
Thence South 89°18'42" West for a distance of 160.20 feet to the Point Of Beginning.

TOGETHER WITH all water and water rights including but not limited to 385.8 shares in the Oakley Canal Company.

SUBJECT TO:

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

Taxes for 1999 and subsequent years.

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

Power Line Easement from Thomas Leonard Garrard and Belva Beal Garrard, his wife, Grantors to Idaho Power Company, a corporation, its licensees, successors and assigns, Grantee, dated August 21, 1953 and recorded November 7, 1953 as Instrument No. 180387 in Book 15 of Miscellaneous on Page 28, records of Cassia County, Idaho.

Power Line Easement from Orvil B. Adams and Claire R. Adams, his wife, Grantors to Idaho Power Company, a corporation, its licensees, successors and assigns, Grantee, dated March 24, 1972 and recorded July 3, 1972 as Instrument No. 63841 on Film No. 76, records of Cassia County, Idaho.

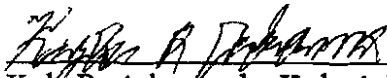
Power Line Easement from Orvil B. Adams and Claire R. Adams, his wife, Grantors to Idaho Power Company, a corporation, its licensees, successors and assigns, Grantee, dated November 24, 1972 and recorded March 30, 1973 as Instrument No. 69059 on Film No. 81, records of Cassia County, Idaho.

Power Line Easement from Kyle Adams and Laurell M. Adams, his wife, Grantors to Idaho Power Company, a corporation, its licensees, successors and assigns, Grantee, dated May 2, 1978 and recorded August 30, 1978 as Instrument No. 110584 on Film No. 120, records of Cassia County, Idaho.

Real Estate Mortgage held at Farm Credit Bank which the Grantors agree to have released as to Parcel No. 1 no later than January 15, 2009.

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.

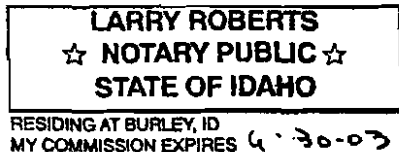
Dated: January 14, 1999

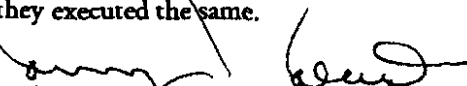

Kyle R. Adams, aka Kyle Adams


Laurell M. Adams, aka Laurell Adams

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 15th day of January, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared KYLE R. ADAMS and LAURELL M. ADAMS, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.




Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

LAND TITLE & ESCROW

CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
NOTARY
FEE 9.00 DEPUTY 

1999 JAN 19 P 2:26

260263

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILE # 307