

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

JAN 18 2006

Department of Water Resources
Southern Region

January 18, 2006

Jim Stanton
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Amended Carney Farms Transfer

Dear Jim:

I am now submitting the amended Carney Farms Transfer # 71939. I found out that the Carney's had not signed the transfer documents and we did not submit these documents as I had thought. However, I also found that the Carney's have never changed the ownership of water rights 36-2369 and 36-7949 into Carney Farms name. Therefore, I am submitting a change of ownership form for these two rights with a deed that is applicable to the portion of the farm referred to as the "Thacker Farm". In addition, we are submitting a change of ownership form for 36-15708 and 36-15710 in order to get these rights into Carney Farms name instead of the names of Gary Carney, Barbra J. Carney, Paul Carney, and Polly Carney. However, some of the property appurtenant to the place of use described under the proposed permissible place of use is owned by Gary and Barbra Carney (see attached deed that is applicable to the portion of the farm referred as the "Jerome farm") and not Carney Farms. Therefore, we are also submitting a water right and use agreement that would allow Carney farms to transfer and use all four of these rights on Gary and Barbra's portion of land ("Jerome Farm").

In addition, I am submitting a check for \$100.00 to cover the costs of the ownership changes. Hopefully this information will allow you to proceed with this transfer as soon as possible. Sorry for the confusion and thank you for bringing this error to our attention. If you have any additional comments or questions do not hesitate to call me.

Sincerely,

Daren T. Nelson, Hydrologist

Attachments: Amended Transfer # 71939
Change of Ownership Form (36-2369 & 36-7949)
Change of Ownership Form (36-15708 & 36-15710)
Deeds for "Jerome Farm" and "Thacker Farm"
Quitclaim Deed for 36-15708 & 36-15710
Water Right and Use Agreement
Brockway Engineering Check #

Enc.

cc: Carney Farms, c/o Gary Carney

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

RECEIVED
JAN 18 2006
 Department of Water Resources
 Southern Region

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 (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
36-2369		☐			☐
36-7949		☐			☐
		☐			☐
		☐			☐
		☐			☐

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) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Jay R. Thacker
183 Crestview Road, Paul, ID 83347
4. New Owner/Claimant(s): Carney Farms
 New Mailing Address: 314 Crestview Road South
 City, State, Zip Code: Paul, Idaho 83347
 New Telephone Number: (208) 438-5580
5. Date you acquired the property: _____

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 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: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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)

Gary Carney

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: _____
Received by: _____
Processed by: _____ AJ

Date: _____
Date: _____
Date: _____

Fee: _____
Receipt No: _____
WR: _____ Date: _____

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

RECEIVED
JAN 18 2006
Department of Water Resources
Southern Region

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 (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
<u>36-15708</u>	_____	☐	_____	_____	☐
<u>36-15710</u>	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

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) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT PROPERTY or SURVEY MAP.

- | | |
|--|--|
| 3. Name and Address of Former Owner/Claimant(s): | Gary and Barbra J. Carney
225 N 1250 W, Paul, ID 83347
Paul and Polly Carney
400 N 1550 W, Paul, ID 83347 |
| 4. New Owner/Claimant(s): | Carney Farms |
| New Mailing Address: | 314 Crestview Road South |
| City, State, Zip Code: | Paul, Idaho 83347 |
| New Telephone Number: | (208) 438-5580 |
| 5. Date you acquired the property: | |

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 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.

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(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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)

Gary Carney

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: _____	Date: _____	Fee: _____
Received by: _____	Date: _____	Receipt No: _____
Processed by: _____ AJ	Date: _____	WR: _____ Date: _____

2011845

WARRANTY DEED

Instrument # 2011845

JEROME, IDAHO JUNE 10, 2001

1001 N. 21st St. N. 21st St. & 1001 N. 21st St.

Second-Hand & ESCROW

CHERRY WATTS Fee: \$500

E-Gift - Record Deed

For Value Received

PAUL CARNEY and POLLY CARNEY, husband and wife

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

GARY CARNEY and BARBARA CARNEY, husband and wife.

Address: 225 North 1250 West Paul, ID 85347

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

An undivided 1/2 interest:

TOWNSHIP 8 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME COUNTY
IDAHO

Section 32: E 1/4 SE 1/4;

Section 33: N 1/4 SW 1/4; S 1/4 NW 1/4; S 1/4 NE 1/4;

EXCEPTING THEREFROM the highway.

TOGETHER with water licenses #36-02424 and #36-08063 of the Idaho Department of Water
Resources.TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.
SUBJECT TO:

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

Accruing taxes, levies, and assessments; easements and rights of way of record, if any.

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, if a married person is the owner in fee simple of the
premises, that they are free from all incumbrances except as herein disclosed and that Grantor will warrant and defend the same against
all lawful claims whatsoever.

Dated: April 20, 2001

PAUL CARNEY

JUNE 10, 2001

STATE OF IDAHO

COUNTY OF JEROME

On this 20th day of April, 2001, before me, the undersigned, a Notary Public in and for the State of Idaho, appeared Paul Carney and Polly Carney, known or identified to me as the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

Larry Roberts
Notary Public
State of Idaho

Notary Public
Residing at *Jerome, ID*
My Commission Expires *6-20-03*

Ownership of Property:

Gary Carney + Barbara Carney h+w

questions. Contact Diana +

Land Title + Escrow

878-3524

1 THOMAS E. MOSS
UNITED STATES ATTORNEY
2 AMY S. HOWE ISB# 3385
ASSISTANT UNITED STATES ATTORNEY
3 DISTRICT OF IDAHO
WELLS FARGO CENTER
4 877 WEST MAIN STREET, SUITE 201
BOISE, IDAHO 83702
5 MAILING ADDRESS: BOX 32
BOISE, IDAHO 83707
6 TELEPHONE: (208) 334-1211
FACSIMILE: (208) 334-9375
7 Attorney for Defendant, Counterplaintiff,
and Crossplaintiff United States of America
8

9 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

10 LPP MORTGAGE LTD., fka Loan
Participant Partners Ltd.,

11 Plaintiff,

12 v.

13 JAY R. THACKER and VALERIE T.
14 THACKER, Husband and Wife and the
UNITED STATES OF AMERICA, acting
15 through Farmer's Home Administration,
and any and all unknown owners, heirs,
16 or devisees claiming any interest in the
property which is the subject of this action,
17 referred to for convenience by the fictitious
designation of DOES I - X,

18 Defendants.
19

20 UNITED STATES OF AMERICA,

21 Counterplaintiff,

22 vs.

23 LPP MORTGAGE LTD., fka LOAN
PARTICIPANT PARTNERS, LTD.,

24 Counterdefendant
25
26

CV01-0477-S-EJL

**AMENDED
CERTIFICATE OF SALE
SALE PARCEL II**

1 UNITED STATES OF AMERICA,)

2 Crossplaintiff)

3 vs.)

4 JAY R. THACKER and VALERIE T.)
5 THACKER, husband and wife;)
6 IDAHO POWER COMPANY,)
a corporation; TRI-RIVER CHEMICAL)
7 CO., INC., dba UAP NORTHWEST, a)
Washington Corporation; AGCREDIT)
8 ACCEPTANCE LLC dba AGRICREDIT)
ACCEPTANCE CO.; AG SERVICE OF)
9 AMERICA, INC., an Iowa Corporation,)

10 Crossdefendants.)

11 Under and by virtue of a Stipulated Judgment and Decree of Foreclosure and Order of
12 Sale filed in the above-entitled Court in said action on the 5th of February, 2003 and under
13 the authority of the said same Stipulated Judgment and Decree of Foreclosure and Order of
14 Sale thereon duly issued out of said Court, attested on the 5th day of February, 2003, and to
15 me, the undersigned, directed and delivered, as United States Marshal for the District of
16 Idaho, whereby I was commanded to sell said real and appurtenant property known as Sale
17 Parcel II in said decree, and hereinafter described according to law, and to apply the
18 proceeds of sale in satisfaction of the judgment in said action amounting to plus interest
19 and costs as specified in said decree.

20 I, Justin Perusich, Deputy United States Marshal for the District of Idaho, do hereby
21 certify that I sold the said real and appurtenant property known as Sale Parcel II on the 3rd
22 day of April, 2003, at 1:00 p.m. of the said day, at public auction, according to law, after
23 due and legal notice given on the steps of the County Courthouse at Jerome County,
24 Jerome, Idaho as follows:

25
26
AMENDED CERTIFICATE OF SALE PARCEL II - Page 2

1 **SALE PARCEL II**

2 CARNEY FARMS
3 (NAME)

4 314 S. Crestview, Paul, Idaho 83347
(ADDRESS)

5 for the bid amount of **\$222,000.00** said party being the highest bidder and that
6 (bid amount only)
7 sum the highest bid therefor.

8 The real property is located in Jerome County and is described below:

9 **SALE PARCEL II**

10 TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
11 JEROME COUNTY, IDAHO

12 Section 28: W ½ NE 1/4; NW 1/4 SE 1/4 E ½ NE 1/4 and the E ½ SE 1/4,
13 EXCEPTING THEREFROM the East 30 feet deeded to the Hillsdale Highway
14 District by Deed recorded in Book 173 Page 231, Jerome County records.

15 Section 33: NE 1/4 NE 1/4, EXCEPTING THEREFROM the East 30 feet deeded to
16 the Hillsdale Highway District by Deed recorded in Book 173 Page 231, Jerome
17 County records.

18 **EXCEPTING THEREFROM: TOWNSHIP 8 SOUTH, RANGE 21 EAST,**
19 **BOISE MERIDIAN, JEROME COUNTY, IDAHO**

20 **SECTION 28: A portion of the Southeast quarter of the Southeast quarter, more**
21 **particularly described as follows:**

22 Commencing at the Southeast corner of said Section 28, marked by a brass cap, and
23 running thence along the east line thereof North 0°03'05" East 546.68 feet; thence
24 leaving said east line North 89°56'55" West 30.00 feet to a ½" rebar set on the west
25 line of that 30.00 foot wide strip of land conveyed to the Hillsdale Highway District
26 by the right of way deed recorded November 2, 1962 in Book 173 of Deeds at page
231, Jerome County Records, said rebar being the True Point of Beginning:

Thence continuing North 89°56'55" West 660.00 feet to a ½" rebar; thence North
0°03'05" East 660.00 feet to a ½" rebar; thence South 89°56'55" East 660.00 feet to
a ½" rebar set on the aforesaid west line of the lands of Hillsdale Highway District;
thence along said west line South 0°03'05" West 660.00 feet to the True Point of
Beginning.

Together with all water and water rights, ditches and ditch rights, thereon or
appurtenant thereto, including, but not limited to rights to ground waters produced

1 from a well or wells located and to be located on the mortgaged premises, especially
2 such water under State of Idaho Licensed and Certificate of water Right No. 0-
27693, approved by the Idaho State Reclamation Engineer on September 24, 1964
3 for 3.95 cfs with a priority of 12-31-58.

4 Commonly known as : 183 Crestview Road South, Paul, Idaho

5 **APPURTENANT PROPERTY***

6 Together with all irrigation equipment and additions thereto and replacements
7 thereof now owned and hereafter acquired by the borrower and used in the irrigation
of the above premises, especially but not limited to pumps, pipe, casing, motor and
electrical panels and accessories to each, described as follows:

8 1 Turbine Pump -0 Deep Well 250 hp
9 1 Booster Pump, 411-125 hp
10 13 Wheel lines
2400' 12-3/4" 12 gauge C.T.E. Steel Pipe
11 1180' 12" 125# P.V.C. Pressure Pipe
1140' 10" 125# P.V.C. Pressure pipe
12 920' 8" 125# P.V.C. Pressure pipe
2200' 6" 125# P.V.C. Pressure Pipe
2 1/4 mile 3" handlines H&L

13 * To the extend that it still exists, the appurtenant property is located on the above-
14 described real property listed as Sale Parcel II.

15 That said Sale Parcel II was by Order of the Court sold and that the highest bid
16 therefor was **\$222,000.00**, which sum was the whole price paid for the same; and that said
17 real property is subject to a period of redemption to and including one (1) year from the
18 date of the sale, pursuant to Idaho Code Section 11-310. That any redemption must be
19 processed through the District of Idaho U.S. Marshal's Service which conducted the sale.

20 WITNESS my hand this 12th day of August, 2003.

21 PATRICK E. MCDONALD
22 United States Marshal
District of Idaho

23 By:

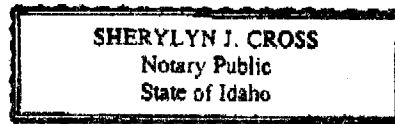
24 
JUSTIN PERUSICH
25 Deputy Marshal
26

1 STATE OF IDAHO)
2 County of Ada) ss.

3 On this 12th day of August, 2003 before me, the undersigned, a Notary Public in
4 and for the State of Idaho, personally appeared Justin Perusich, Deputy United States
5 Marshal for the District of Idaho, known to me to be the person whose name is
6 subscribed to the within instrument, and he/she uses and purposes therein set forth.

7 IN WITNESS THEREOF, I have hereunto set my hand and affixed my official
8 seal on the day and year first above written.

9 *Sherilyn J. Cross*
10 NOTARY PUBLIC
11 for the State of Idaho
12 Residing at Boise, Idaho
13 My commission expires: 12/6/2008



RECEIVED
JAN 18 2006
Department of Water Resources
Southern Region

QUITCLAIM DEED

For value received, **Gary Carney and Barbra J. Carney, Husband and Wife, and Paul Carney and Polly Carney, Husband and Wife**, as grantors hereby quitclaims unto **Carney Farms**, the grantee whose current mailing address is 314 Crestview Road South, Paul, Idaho 83347, all of the grantor's right, title, and interest in and to the following described water right situated in Jerome, Idaho, on record with the Idaho Department of Water Resources:

Water right 36-15708, priority date 03/10/1960.

Water right 36-15710, priority date 12/08/1981.

Grantor has caused this quitclaim deed to be executed this 18th day of January, 2006.

By: Gary Carney
Gary Carney

Barbra J. Carney
Barbra J. Carney

By: Paul Carney
Paul Carney

Polly Carney
Polly Carney

State of Idaho)
County of Mundola) S.S.

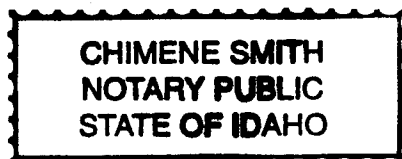
On this 18th day of January, in the year of 2006, before me, a Notary Public, personally appeared Gary Carney, Barbra Carney, Paul Carney, & Polly Carney, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Chimene Smith
Notary Public

In and for said State and County

Mundola
My Commission Expires on 1/30/07

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Water Right and Use Agreement

RECEIVED
JAN 18 2006
Department of Water Resources
Southern Region

Gary Carney and Barbra J. Carney, Husband and Wife, who are owners of 160 acres in the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 33, Township 08S, Range 21E and 80 acres in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 33, Township 08S, Range 21E and as described in the attached map, hereby allow **Carney Farms** to transfer and use their applicable water rights on the before mentioned property that is associated with the following described water rights situated in Jerome County, Idaho, on record with the Idaho Department of Water Resources:

Water right 36-2369, priority date 12/31/1958.

Water right 36-7949, priority date 02/04/1981.

Water right 36-15708, priority date 03/10/1960.

Water right 36-15710, priority date 12/08/1981.

This agreement is to be executed this 18th day of January 2006.

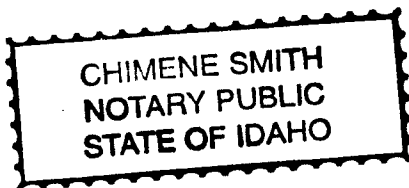
By: Gary Carney
Gary Carney

Barbra J. Carney
Barbra J. Carney

State of Idaho)
County of Mundoka) S.S.

On this 18th day of January, in the year of 2006 before me, a Notary Public, personally appeared Gary & Barbra Carney, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

S
E
A
L



Chimene Smith
Notary Public
In and for said State and County

Mundoka
My Commission Expires on 1/30/07

RECEIVED

JAN 18 2006

Department of Water Resources
Southern Region

WARRANTY DEED

#

Instrument # 2011845

JEROME COUNTY, JEROME, IDAHO

2001-04-23

10:02:26 No. of Pages: 2

Recorded for : LAND TITLE & ESCROW

CHERYL WATTS

Fee: 6.00

Ex-Officio Recorder Deputy

L. McMillan

For Value Received

PAUL CARNEY and POLLY CARNEY, husband and wife

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

GARY CARNEY and BARBARA CARNEY, husband and wife,

Address: 225 North 1250 West Paul, ID 83347

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

An undivided ½ interest

TOWNSHIP 8 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 32: E½SE¼;

Section 33: N½SW¼; S½NW½; S½NE¼;

EXCEPTING THEREFROM the highway.

TOGETHER with water licenses #36-02424 and #36-08003 of the Idaho Department of Water Resources.

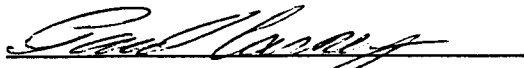
TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto. SUBJECT TO:

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

Accruing taxes, levies, and assessments; easements and rights of way of record, if any.

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 20, 2001

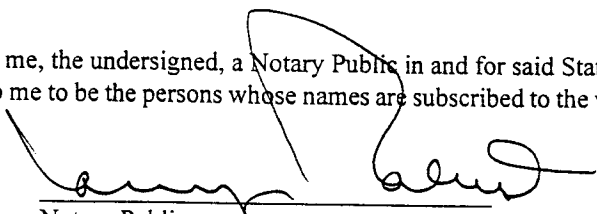

PAUL CARNEY


POLLY CARNEY

STATE OF IDAHO)
) ss.
COUNTY OF JEROME)

On this 20TH day of April, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared **Paul Carney and Polly Carney**, 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


Notary Public
Residing at: Burley, ID
My Commission expires: 6-20-03

EC = 1104

QUITCLAIM DEED

RECEIVED

JAN 18 2006

Department of Water Resources
Southern Region

For Value Received

CARNEY FARMS, a partnership consisting of GARY CARNEY and PAUL CARNEY

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

- GARY CARNEY and BARBARA CARNEY, husband and wife, an undivided $\frac{1}{2}$ interest and PAUL
 - CARNEY and POLLY CARNEY, husband and wife, an undivided $\frac{1}{2}$ interest
- ADDRESS: 225 North 1250 West
Paul, ID 83347

Hereinafter called the grantee, the following described premises, in Jerome County, Idaho to-wit:

TOWNSHIP 8 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 32: E $\frac{1}{2}$ SE $\frac{1}{4}$;

Section 33: N $\frac{1}{2}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{2}$; S $\frac{1}{2}$ NE $\frac{1}{4}$

EXCEPTING THEREFROM the highway.

TOGETHER with water licenses #36-02424 and #36-08003 of the Idaho Department of Water Resources.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: April 20, 2001

CARNEY FARMS

BY: Gary Carney
GARY CARNEY

BY: Paul Carney
PAUL CARNEY

Instrument # 2011843

JEROME COUNTY, JEROME, IDAHO
2001-04-23 10:00:33 No. of Pages: 2

Recorded for : LAND TITLE & ESCROW

CHERYL WATTS

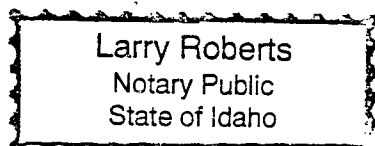
Fee: 6.00

Ex-Officio Recorder Deputy

L. McMillan

STATE OF IDAHO)
) ss.
COUNTY OF ~~SEROME~~)
WR

On this 20th day of April, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY CARNEY and PAUL CARNEY, known or identified to me to be the partner or one of the partners in the Partnership of CARNEY FARMS, 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.



[Signature]
Notary Public
Residing at: *Burley, Idaho*
My Commission expires: *6.30.03*

2042087

RECEIVED

JAN 18 2006

Department of Water Resources
Southern Region

Instrument # 2042087

JEROME COUNTY, JEROME, IDAHO

2004-04-18 02:08:25 No. of Pages: 4

Recorded for: CARNEY FARMS

CHERYL WATTS

Ex-Officio Recorder Deputy

Fee: 12.00

S. Thacker

UNITED STATES MARSHAL'S DEED

THIS DEED, made and entered into this 8TH day of April, 2004, between Patrick E.

McDonald, United States Marshal for the District of Idaho, by virtue of his office, of the first part,
and Carney Farms, 314 S. Crestview, Paul, Idaho 83347 of the second part;

WHEREAS, in and by a Stipulated Judgment and Decree of Foreclosure and Order of Sale filed on the 5th day of February, 2003, in and by the District Court of the United States, held in and for the District of Idaho, in a lawsuit then pending in said Court, wherein LPP Mortgage Ltd. was plaintiff and Jay R. Thacker and Valerie T. Thacker and the United States of America were the defendants, it was, among other things, ordered, adjudged, and decreed that the mortgaged premises described in the Complaint and in the Stipulated Judgment and Decree of Foreclosure and Order of Sale in said action be sold at public auction by the United States Marshal for the District of Idaho in the manner directed by law, a copy of which the Stipulated Judgment and Decree of Foreclosure and Order of Sale thereon was delivered to said Marshal, requiring him to make sale of said property as therein directed;

AND WHEREAS, in obedience to said Stipulated Judgment and Decree of Foreclosure and Order of Sale, and after due public notice given as required by law, the said Marshal did, on the 3rd day of April, 2003, at 1:00 p.m. of said day, duly sell at public auction Sale Parcel II as described to Carney Farms for a bid of \$222,000.00, that being the highest and best bid and Carney Farms the highest and best bidder which will more fully appear by reference to a Certificate of Sale Parcel II given to said Carney Farms on behalf of the said United States Marshal bearing date on April 3, 2003.

United States Marshal's Deed - Page 1

NOW THEREFORE, I, Patrick E. McDonald, United States Marshal for the District of Idaho, by virtue of my office, for and in consideration of \$222,000.00 have sold and by these presents do sell **Sale Parcel II**, real and appurtenant property situated in the County of Jerome, State of Idaho which is particularly described as follows:

SALE PARCEL II

TOWNSHIP 8 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 28: W ½ NE 1/4: NW 1/4 SE 1/4, E ½ NE 1/4 and the E ½ SE 1/4, EXCEPTING THEREFROM the East 30 feet deeded to the Hillsdale Highway District by Deed recorded in Book 173 Page 231, Jerome County records.

Section 33: NE 1/4 NE 1/4, EXCEPTING THEREFROM the East 30 feet deeded to the Hillsdale Highway District by Deed recorded in Book 173 Page 231, Jerome County records.

EXCEPTING THEREFROM: TOWNSHIP 8 SOUTH, RANGE 21 EAST, BOISE MERIDIAN, JEROME COUNTY, IDAHO

SECTION 28: A portion of the Southeast quarter of the Southeast quarter, more particularly described as follows:

Commencing at the Southeast corner of said Section 28, marked by a brass cap, and running thence along the east line thereof North 0°03'05" East 546.68 feet; thence leaving said east line North 89°56'55" West 30.00 feet to a ½" rebar set on the west line of that 30.00 foot wide strip of land conveyed to the Hillsdale Highway District by the right of way deed recorded November 2, 1962 in Book 173 of Deeds at page 231, Jerome County Records, said rebar being the True Point of Beginning:

Thence continuing North 89°56'55" West 660.00 feet to a ½" rebar; thence North 0°03'05" East 660.00 feet to a ½" rebar; thence South 89°56'55" East 660.00 feet to a ½" rebar set on the aforesaid west line of the lands of Hillsdale Highway District; thence along said west line South 0°03'05" West 660.00 feet to the True Point of Beginning.

Together with all water and water rights, ditches and ditch rights, thereon or appurtenant thereto, including, but not limited to rights to ground waters produced from a well or wells located and to be located on the mortgaged premises, especially such water under State of Idaho Licensed and Certificate of water Right No. 0-27693, approved by the Idaho State Reclamation Engineer on September 24, 1964 for 3.95 cfs with a priority of 12-31-58.

Commonly known as : 183 Crestview Road South, Paul, Idaho

United States Marshal's Deed - Page 2

Exc. P. 1
#1

APPURTENANT PROPERTY*

Together with all irrigation equipment and additions thereto and replacements thereof now owned and hereafter acquired by the borrower and used in the irrigation of the above premises, especially but not limited to pumps, pipe, casing, motor and electrical panels and accessories to each, described as follows:

1 Turbine Pump -0 Deep Well 250 hp
1 Booster Pump, 411-125 hp
13 Wheel lines
2400' 12-3/4" 12 gauge C.T.E. Steel Pipe
1180' 12" 125# P.V.C. Pressure Pipe
1140' 10" 125# P.V.C. Pressure pipe
920' 8" 125# P.V.C. Pressure pipe
2200' 6" 125# P.V.C. Pressure Pipe
2 1/4 mile 3" handlines H&L

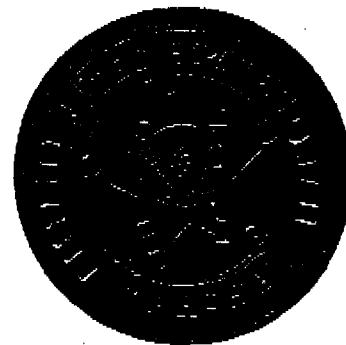
* To the extend that it still exists, the appurtenant property is located on the above-described real property listed as Sale Parcel II.

TO HAVE AND TO HOLD, the above-described premises unto said grantees and assigns forever.

IN WITNESS WHEREOF, said grantor as Marshal aforesaid, doth hereunto set his hand the day and year first above written.


PATRICK E. MCDONALD

United States Marshal
for the District of Idaho



STATE OF IDAHO)
) s s.
County of Ada)

I, the undersigned, a Notary Public for the State of Idaho, do hereby certify that Patrick E. McDonald, United States Marshal for the District of Idaho, who is known to me to be the person who executed the foregoing deed of conveyance, this day personally appeared before me and acknowledged that he executed the same as said United States Marshal for the District of Idaho, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at the City of Boise, State of Idaho, this 8th day of April, 2004.

Sherilyn J. Cross
NOTARY PUBLIC
Residing at Boise, Idaho
My Commission Expires: 12/6/08

SHERYLYN J. CROSS
Notary Public
State of Idaho

United States Marshal's Deed - Page 4