



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 27, 2006

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FEB 09 2006

Steve Brockman
20 E Frontage Road N
Jerome, ID 83338

Department of Water Resources
Southern Region

RE: App For Transfer 72270

Dear Mr. Brockman;

A question has come up concerning your ownership of the water right that covered your former business on Hwy. 93. Your old well there is being used to irrigate land on that property, but the only recorded water right there is the one you are trying to transfer. This puts a cloud over your ownership of this right, so we need a copy of the deed conveying the original property to the new owner. Please submit the document to this office by February 28 so that processing of your application can continue.

Regards,

James E. Stanton
Sr. Water Resource Agent

ATT JIM
I THIS WHAT
YOU NEED ??
STEVE

WARRANTY DEED

For Value Received

VIRGIL LEE BROCKMAN AND AMA LEE BROCKMAN, Trustees
of "THE VIRGIL & AMA LEE BROCKMAN FAMILY TRUST"
dated December 13, 1991

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

ABC AGRA L.L.C., An Idaho Limited Liability Company
whose address is: P.O. Box 378 Jerome, Idaho 83308

Hereinafter called the Grantee, the following described premises situated in

County, Idaho,
Jerome

TOWNSHIP 9 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 15: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, described as follows:

Commencing at the Northeast corner of Section 15,
Township 9 South, Range 17, East Boise Meridian, a
distance of 1306.63 feet on a bearing of North
89°25'11" West along the North boundary of Section
15 to the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said
Section 15;

Thence from this said Northwest corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance
of 443.16 feet on a bearing of South 0°01'05" East
along the West boundary of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to THE
REAL POINT OF BEGINNING;

951242 Thence from this REAL POINT OF BEGINNING a distance of
890.26 feet on a bearing of North 87°42'05" East to
the West boundary of United States Highway No. 93;
Thence along the said West boundary of U.S.
Highway No. 93 the following courses and
distances:

South 7°37'03" West, 120.00 feet;

South 12°35'06" West, 577.18 feet;

South 50°21'55" West, 368.85 feet;

North 89°24'52" West, 463.59 feet to the Southwest
corner of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15;

Thence from this said Southwest corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance
of 877.10 feet on a bearing of North 0°01'05" West
to THE REAL POINT OF BEGINNING.

REC-10 WEST
Land Title & Escrow, Inc.

MAR 31 4 38 PM '95

JEROME COUNTY, IDAHO

FEES: *CODE*

SEE ATTACHED EXHIBIT "A"

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:

March 30, 1995

"THE VIRGIL & AMA LEE BROCKMAN FAMILY TRUST"

Virgil Lee Brockman

Ama Lee Brockman

VIRGIL LEE BROCKMAN, TRUSTEE

AMA LEE BROCKMAN, TRUSTEE

STATE OF IDAHO, COUNTY OF

On this _____ day of _____, 19 _____, STATE OF IDAHO)
before me, a notary public in and for said State, per _____) ss.
County of JEROME)
personally appeared _____

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to me that
to me that _____

On this 31st day of March, 1995, before me,
the undersigned, a Notary Public in and for
said State, personally appeared VIRGIL LEE
BROCKMAN and AMA LEE BROCKMAN, known or
identified to me to be the persons whose
names are subscribed to the within instrument
as TRUSTEES of "THE VIRGIL & AMA LEE BROCKMAN
FAMILY TRUST" dated December 13, 1991, and
acknowledged to me that they executed the



SAARAH A. MOORE
NOTARY PUBLIC
STATE OF IDAHO

Residing at
Commission Expires:

Jerome County, Idaho
Commission Expires:

Notary Public
Residing at: Jerome, Idaho
My Commission Expires:

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Department of Water Resources
Southern Region

EXHIBIT "A"

SUBJECT TO THE FOLLOWING:

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

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

Right of way for roads, canals, laterals and waste ditches as contained in an agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.

Conditions and restrictions contained in Warranty Deed given by Virgil J. Lickley and Nellie Lickley, husband and wife to the State of Idaho, dated October 29, 1963, recorded December 16, 1963 in Book 173 Page 629 as Instrument Number 197219, Jerome County records, wherein it states "Grantors agree that no buildings or structures, except irrigation or drainage structures, will be permitted to be constructed within 20 feet of the real property above described, and grantor bargain, sell, convey and relinquish to the Grantee all existing, future or potential common law or statutory easements of access between the right of way of the public way identified and all of the contiguous remaining real property of the Grantor, whether acquired by separate conveyances otherwise, of which the real property covered by this instrument is a part, where said remaining real property abuts on the Northeastly side of the said public way."

Waiver of Present and Future Access Rights and Conditions and Restrictions as contained in Quitclaim Deed given by Robert Gibbons and Louise Gibbons, husband and wife; and Joe Frazier and Jeanette Frazier, husband and wife, to the State of Idaho, by and through the Idaho Board of Highway Directors, dated May 14, 1971, recorded June 8, 1971 in Book 182 Deeds Page 2250 as Instrument Number 189610, Jerome County records, and Quitclaim Deed given by L. W. Lickley and Charlene Lickley; Albert Lickley and Lois Lickley; Ray Lickley and Donna Lickley; Nellie Lickley Lattimer, to the State of Idaho, by and through the Idaho Board of Highway Directors, dated May 3, 1971, recorded June 8, 1971 in Book 182 Page 2251 as Instrument Number 189611, Jerome County records.

Relinquishment and rights of access and conditions and restrictions contained in Warranty Deed given by L. W. Lickley and Charlene Lickley, his wife; Albert Lickley and Lois Lickley, his wife; Ray Lickley and Donna Lickley, his wife; Mahlon W. Gibbons and Louise Gibbons, his wife; Joe Frazier and Jeanette Frazier, his wife; and Nellie Lickley Lattimer, Grantors, to the State of Idaho, Grantee, dated November 18, 1971, recorded January 3, 1972 in Book 182 Deeds Page 2619 as Instrument Number 192199, Jerome County records.

Power Line Easement granted to Idaho Power Co., by instrument dated July 18, 1975, recorded November 21, 1975 in Book 184 of Misc. Page 1181 as Instrument Number 215172, Jerome County records.

Subject to access and utility easement as contained in Warranty Deed given by Geraldine Corbett and Hugh W. Corbett, wife and husband, and Hugh W. Corbett, a sole trader, dba H. W. Corbett Company, to Virgil L. Brockman and Ana Lee Brockman, husband and wife, dated August 1, 1977, recorded August 2, 1978 in Book 200 Page 1054 as Instrument Number 235297, Jerome County records, for the purpose of ingress, egress and utilities situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 9 South, Range 17, East Boise Meridian, Jerome County, Idaho, said strip of land to be centered on a centerline being more specifically described as follows: Commencing at the Northeast corner of Section 15, Township 9 South, Range 17, East Boise Meridian, a distance of 363.66 feet on a bearing of North 89°25'11" West; Thence a distance of 401.45 feet on a bearing of South 7°37'03" West to THE POINT OF BEGINNING of said centerline of a 60 foot wide strip of land; Thence from this POINT OF BEGINNING of said centerline a distance of 890.28 feet on a bearing of South 87°42'05" West to the POINT OF ENDING of said centerline of a 60 foot wide strip of land. The said access and utility easement is for the benefit of and appurtenant to the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 9 South, Range 17, East Boise Meridian, lying West of United States Highway No. 93 and shall inure to the benefit of and may be used by all persons who may hereafter become owners of said appurtenant property or any part or portions thereof.

A 30 foot strip of land to be used as a public road easement contained in Warranty Deed given by Nellie E. Lattimer, formerly Nellie E. Lickley, whose name has been changed by marriage, dealing with her own sole and separate property, L. W. Lickley, also known as Lawrence Walton Lickley and Charlene Lickley, his wife, Albert Charles Lickley and Lois Lickley, his wife, Virgil Ray Lickley and Donna Lickley, his wife, Louise LaNell Gibbons and Mahlon W. Gibbons, her husband, Jeanette Rose Frazier and Joe Frazier, her husband, Grantors, to Geraldine Corbett and Hugh W. Corbett, wife and husband, and Hugh W. Corbett, a sole trader, dba H.W. Corbett Company, Grantees, dated June 10, 1972, recorded August 14, 1978 in Book 200 Deeds Page 1085 as Instrument Number 235510, Jerome County records, which is a tract of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 9 South, Range 17, East Boise Meridian, Jerome County, Idaho, described as follows: Beginning at the Northeast corner of Section 15; Thence South 0°24'00" East, 441.73 feet along the East line of said Section 15; Thence North 88°55'00" West, 76.22 feet; Thence North

81°55'30" West, 350.00 feet to the Westerly right of way of U.S. Highway No. 93, said Point being The True Point of Beginning; (Sta 325+20, 175.0 feet left) Thence South 8°04'30" West, 30.27 feet; Thence South 88°11'00" West, 885.25 feet; Thence North 0°25'00" West, 30.00 feet; Thence North 88°11'00" East, 889.74 feet to THE TRUE POINT OF BEGINNING.

Power Line Easement given by V. L. Brockman and Ana Lee Brockman, husband and wife, to Idaho Power Company, a corporation, dated May 19, 1980, recorded September 30, 1980 as Instrument Number 252548, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 9 South, Range 17, East Boise Meridian.

Power Line Easement given by V. L. Brockman and Ana Lee Brockman, husband and wife, to Idaho Power Company, a corporation, dated June 4, 1985, recorded August 27, 1985 as Instrument Number 292456, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 9 South, Range 17, East Boise Meridian.