

01/15/2009

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-13924

NAME AND ADDRESS: OAK VALLEY LAND CO LLC  
4109 HIDDEN LAKES DR  
KIMBERLY ID 83341

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.330 CFS  
1,829.10 AFY

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

The total instantaneous diversion of water from all points of diversion under Rights 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-13940, 45-13942, 45-13944, 45-14167 and 45-14169 shall not exceed 44.17 cfs, nor a total combined annual volume of 13084.8 af.

Rights 45-13924 and 45-13926 when combined shall not exceed a total diversion rate of 10.49 cfs, a total annual maximum diversion volume of 4308.0 af at the field headgate.

PRIORITY DATE: 12/16/1970

POINT OF  
DIVERSION:

T11S R21E S14 SENENE Within CASSIA County  
T11S R21E S14 NENENW Within CASSIA County  
T11S R21E S23 NENESW Within CASSIA County  
T11S R21E S23 SESESW Within CASSIA County  
T11S R22E S17 NWNWSW Within CASSIA County  
T11S R22E S17 NWNWSW Within CASSIA County  
T11S R22E S19 NENENE Within CASSIA County  
T11S R22E S19 NENENW Within CASSIA County

This right does not grant any right-of-way or easement across the land of another.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>           |
|-----------------------|----------------------|---------------------------|
| IRRIGATION            | 04/01 10/31          | 4.330 CFS<br>1,829.10 AFY |

The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late

irrigation

use and a priority date earlier 7/13/2004.

PLACE OF USE: IRRIGATION in CASSIA County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T11S R21E S13 | NWNE | 40.30 | T11S R21E S13 | SWNE | 36.90 |
| T11S R21E S13 | SENE | 21.50 | T11S R21E S13 | NENW | 32.90 |

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T11S R21E S13 | NWNW | 32.10 | T11S R21E S13 | SWNW | 31.60 |
| T11S R21E S13 | SESW | 37.90 | T11S R21E S13 | NESW | 37.00 |
| T11S R21E S13 | NWSW | 28.40 | T11S R21E S13 | SWSW | 30.50 |
| T11S R21E S13 | SESW | 33.70 | T11S R21E S13 | NESE | 23.60 |
| T11S R21E S13 | NWSE | 38.90 | T11S R21E S13 | SWSE | 32.60 |
| T11S R21E S13 | SESE | 29.60 | T11S R21E S14 | NENE | 29.80 |
| T11S R21E S14 | NWNE | 34.40 | T11S R21E S14 | SWNE | 33.80 |
| T11S R21E S14 | SENE | 28.30 | T11S R21E S14 | NENW | 32.60 |
| T11S R21E S14 | NWNW | 33.80 | T11S R21E S14 | SWNW | 34.20 |
| T11S R21E S14 | SESW | 32.70 | T11S R21E S14 | NESW | 32.40 |
| T11S R21E S14 | NWSW | 31.60 | T11S R21E S14 | SWSW | 31.80 |
| T11S R21E S14 | SESW | 32.50 | T11S R21E S14 | NESE | 8.90  |
| T11S R21E S14 | NWSE | 18.40 | T11S R21E S14 | SWSE | 34.80 |
| T11S R21E S14 | SESE | 18.80 | T11S R21E S15 | NENE | 33.40 |
| T11S R21E S15 | NWNE | 33.10 | T11S R21E S15 | SWNE | 33.70 |
| T11S R21E S15 | SENE | 33.50 | T11S R21E S15 | NESE | 33.70 |
| T11S R21E S15 | NWSE | 33.20 | T11S R21E S15 | SWSE | 33.00 |
| T11S R21E S15 | SESE | 33.00 | T11S R21E S22 | NENE | 33.80 |
| T11S R21E S22 | NWNE | 32.50 | T11S R21E S22 | SWNE | 31.80 |
| T11S R21E S22 | SENE | 32.60 | T11S R21E S22 | NESE | 34.50 |
| T11S R21E S22 | NWSE | 33.70 | T11S R21E S22 | SWSE | 32.40 |
| T11S R21E S22 | SESE | 31.30 | T11S R21E S23 | NENE | 33.20 |
| T11S R21E S23 | NWNE | 32.90 | T11S R21E S23 | SWNE | 33.70 |
| T11S R21E S23 | SENE | 33.30 | T11S R21E S23 | NENW | 34.30 |
| T11S R21E S23 | NWNW | 33.30 | T11S R21E S23 | SWNW | 33.50 |
| T11S R21E S23 | SESW | 33.40 | T11S R21E S23 | NESW | 33.60 |
| T11S R21E S23 | NWSW | 33.10 | T11S R21E S23 | SWSW | 33.00 |
| T11S R21E S23 | SESW | 32.70 | T11S R21E S23 | NESE | 33.30 |
| T11S R21E S23 | NWSE | 33.10 | T11S R21E S23 | SWSE | 33.30 |
| T11S R21E S23 | SESE | 32.80 | T11S R21E S24 | NENE | 29.20 |
| T11S R21E S24 | NWNE | 33.30 | T11S R21E S24 | SWNE | 3.70  |
| T11S R21E S24 | SWNW | 0.30  | T11S R21E S24 | SESW | 0.10  |
| T11S R21E S24 | NESW | 24.70 | T11S R21E S24 | NWSW | 10.10 |
| T11S R21E S24 | SWSW | 34.00 | T11S R21E S24 | SESW | 27.70 |
| T11S R21E S24 | NESE | 4.50  | T11S R21E S24 | NWSE | 36.80 |
| T11S R21E S24 | SWSE | 36.10 | T11S R21E S24 | SESE | 4.60  |
| T11S R22E S17 | NESW | 33.70 | T11S R22E S17 | NWSW | 33.30 |
| T11S R22E S17 | SWSW | 33.00 | T11S R22E S17 | SESW | 33.30 |
| T11S R22E S17 | NESE | 33.20 | T11S R22E S17 | NWSE | 33.30 |
| T11S R22E S17 | SWSE | 33.60 | T11S R22E S17 | SESE | 33.30 |
| T11S R22E S18 | NESE | 33.40 | T11S R22E S18 | NWSE | 33.70 |
| T11S R22E S18 | SWSE | 33.70 | T11S R22E S18 | SESE | 33.40 |
| T11S R22E S19 | NENE | 39.70 | T11S R22E S19 | NWNE | 40.40 |
| T11S R22E S19 | SWNE | 40.70 | T11S R22E S19 | SENE | 39.80 |

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| T11S R22E S19       | NENW | 40.50 | T11S R22E S19 Lot 1 | NWNW | 32.50 |
| T11S R22E S19 Lot 2 | SWNW | 33.30 | T11S R22E S19       | SENW | 40.70 |
| T11S R22E S19       | NESW | 40.60 | T11S R22E S19 Lot 3 | NWSW | 34.80 |
| T11S R22E S19 Lot 4 | SWSW | 40.40 | T11S R22E S19       | SESW | 40.40 |
| T11S R22E S19       | NESE | 38.90 | T11S R22E S19       | NWSE | 40.60 |
| T11S R22E S19       | SWSE | 40.40 | T11S R22E S19       | SESE | 40.00 |
| T11S R22E S20       | NENE | 32.50 | T11S R22E S20       | NWNE | 32.60 |
| T11S R22E S20       | SWNE | 32.60 | T11S R22E S20       | SENE | 32.50 |
| T11S R22E S20       | NENW | 33.20 | T11S R22E S20       | NWNW | 33.00 |
| T11S R22E S20       | SWNW | 33.10 | T11S R22E S20       | SENW | 33.30 |
| T11S R22E S20       | NESW | 40.40 | T11S R22E S20       | NWSW | 39.80 |
| T11S R22E S20       | SWSW | 39.80 | T11S R22E S20       | SESW | 40.60 |
| T11S R22E S20       | NESE | 33.20 | T11S R22E S20       | NWSE | 33.70 |
| T11S R22E S20       | SWSE | 33.40 | T11S R22E S20       | SESE | 33.00 |

3844.4 ACRES TOTAL

This right is limited to the irrigation of 619.4 acres within the place of use described above in a single irrigation season.

Right Nos. 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-13940, 45-13942, 45-13944, 45-14167 and 45-14169 are limited to the irrigation of a combined total of 3822.9 acres in a single irrigation season.

Right Nos. 45-13924 and 45-13926 are limited to the irrigation of a combined total of 1338.2 acres in a single irrigation season.

#### OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

COPY

DISTRICT COURT-SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

2009 APR 21 PM 12 56

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

|                |   |                                          |
|----------------|---|------------------------------------------|
| In Re SRBA     | ) | Subcase No: 45-13924, 45-13926, 45-13928 |
|                | ) | 45-13930, 45-13932, 45-13934, 45-13936,  |
| Case No. 39576 | ) | 45-13938, 45-13940, 45-13942, 45-13944   |
|                | ) |                                          |
|                | ) | NOTICE OF COMPLETED                      |
| _____          | ) | ADMINISTRATIVE PROCEEDING                |

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

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An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

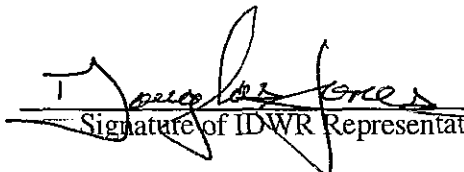
|                                                            |                                               |
|------------------------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> Conditions of Approval | <input type="checkbox"/> Split of Water Right |
| <input type="checkbox"/> Point of Diversion                | <input type="checkbox"/> Place of Use         |
| <input type="checkbox"/> Period of Use                     | <input type="checkbox"/> Nature of Use        |

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IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 4/21/09

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on 4-21, 2009, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707

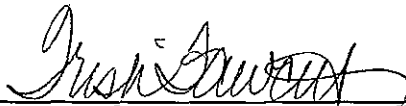
2. Copies to:

Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449

United States Dept of Justice  
Environment & Natural Resource Div  
550 W Fort St MSC 033  
Boise ID 83724

Oak Valley Land Co LLC  
4109 Hidden Lakes Dr  
KIMBERLY ID 83341

Travis Thompson  
Barker Rosholt & Simpson  
PO Box 485  
Twin Falls ID 83303-0485



Signature of person or attorney mailing the form