

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32636
Date Received: 12/28/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FARM DEVELOPMENT CORP Phone: (208) 342-6524
PO BOX 1201
BOISE ID USA 83701

2. Date of Priority: 04/13/1967

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	03W	9	NW NW NE	CANYON	
01N	03W	4	NE SW SW	CANYON	

5. Description of diverting works:

Well, distribution system to watering tanks in and around feedlot

Well, distribution system to watering tanks in and around feedlot

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.28	46.9
INDUSTRIAL	01/01	12/31	0.28	46.9

7. Total Quantity Appropriated is:
0.28 C.F.S. and/or 46.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	03W	4	NW	SW	INDUSTRIAL	
			SW	SW	INDUSTRIAL	
			SE	SW	INDUSTRIAL	
			NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			SE	SW	STOCKWATER	
01N	03W	5	NE	SE	STOCKWATER	
			NE	SE	INDUSTRIAL	
01N	03W	9	NE	NW	INDUSTRIAL	
			NW	NW	INDUSTRIAL	
			NE	NW	STOCKWATER	
			NW	NW	STOCKWATER	

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

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

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

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.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

Industrial use is for a machine shop and feed preparation for a feedlot.

Right 63-32633 is also diverted through the points of diversion described above.

15. Basis of Claim: License

WATER RIGHT NO. 63-32636
As Modified by Transfer No. 71937

In accordance with the approval of Transfer No. 71937, Water Right No. 63-32636 is now described as follows.

Right Holder: FARM DEVELOPMENT CORP
 PO BOX 1201
 BOISE ID 83701

Priority Date: April 13, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
INDUSTRIAL	01/01 to	12/31	0.28 CFS	46.9 AF
STOCKWATER	01/01 to	12/31	0.28 CFS	46.9 AF
			0.28 CFS	46.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESWSW	Sec. 4	Twp 01N	Rge 03W	CANYON County
GROUND WATER	NWNWNE	Sec. 9	Twp 01N	Rge 03W	CANYON County

PLACE OF USE: INDUSTRIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 03W 4									X		X	X					
01N 03W 5																X	
01N 03W 9					X	X											

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N 03W 4									X		X	X					
01N 03W 5																X	
01N 03W 9					X	X											

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-32636
As Modified by Transfer No. 71937

CONDITIONS OF APPROVAL

3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. Industrial use is for a machine shop and feed preparation for a feedlot.
9. Right 63-32633 is also diverted through the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 31ST day of May, 20 07


Administrator, Water Management Division

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71937

This is to certify that: FARM DEVELOPMENT CORP
PO BOX 1201
BOISE ID 83701
(208)342-6524

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-32075	AJC/License	04/13/1967	2.28 cfs	184.5 af	N/A	120.0	GROUND WATER
63-32633	AJC/License	03/22/1967	0.07 cfs	22.5 af	N/A	5.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-32075	YES	YES	YES	NO	YES	YES
63-32633	NO	YES	YES	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-32075	63-32636	0.28 cfs	46.9 af	N/A	N/A	63-32635	2.00 cfs	117.0 af	N/A	105.0
63-32633	63-32633	0.07 cfs	15.6 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.35 cfs	62.5 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 31st day of May, 20 07


Administrator, Water Management Division

SUPPORT DATA

IN FILE # 63-32075

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 71937

RECEIVED
APR 29 2005
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Farm Development Corporation Phone 342-6524Post Office address P.O. Box 1201, Boise, Idaho 83701Contact John Marshall, Givens Pursley LLP, 601 W. Bannock, Boise, Idaho 83702, 388-1270**A. PURPOSE OF TRANSFER**

1. ☐ Change in point of diversion ☒ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant needs additional water right for water use at feedlot.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature Of Use	Period of Use
	<u>63-3589</u>	<u>3/22/1967</u>	<u>0.27 / 90.0</u>	<u>Industrial</u>	<u>1/1</u> to <u>12/31</u>
				<u>Stockwater</u>	<u>1/1</u> to <u>12/31</u>
					to _____
					to _____

2. Total amount of water being transferred 0.27 cubic feet per second and/or 90 acre-feet per annum.
3. Source of water Ground water tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	4	1N	3W	Canyon	N/A
		NW	NE	9	1N	3W	Canyon	N/A

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	3W	9					I, S	I, S											
1N	3W	4									I, S	I, S	I, S						
1N	3W	5												I, S					

Total acres N/A

6. General Information:

a. Description of diversion system

Existing well, distribution system to watering tanks in and around feedlot.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, please provide a notarized statement from the holder of the Lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Land has been subdivided and no longer is irrigated.

d. Remarks:

Applicant expects the transfer approval to be conditioned on limiting consumptive use under the new uses to 62.5 AF. See Exhibit B.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 20 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-3589 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other document which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☒ Other See Exhibit A.

3. Source of water Ground water tributary to _____

4. Date or priority 3/22/1967

5. Water is used for the following purpose:

amount 4.22 / 1422 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 4.22 cubic feet per second and/or 1422 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	
		SE	SW	14	2N	3W	Canyon	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	3W	14					39	39	40	40	40	40	39	39					316

Total acres 316

9. Describe any other water rights used for the same purpose as described above N/A

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount 0.27 / 90 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	N/A
		SE	SW	14	2N	3W	Canyon	N/A

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	14									10			10					20

Total acres 20**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. amount 3.95 / 1332 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SW	11	2N	3W	Canyon	N/A
		SE	SW	14	2N	3W	Canyon	N/A

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	3W	14					39	39	40	40	30	40	39	29	18				296

Total acres 296

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. See Exhibit C

SCALE: 2 inches equal 1 mile, Draw plan in ink.

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Commercial</u>	<u>0.27 / 62.47</u>	<u>See Exhibit B</u>	<u>1/1</u> to <u>12/31</u> to _____

2. Quantity and quality of return flows and location of discharge:
Water for all practical purposes is fully consumed by cattle.

3. Describe effects on other water uses resulting from the proposed change:
None expected.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

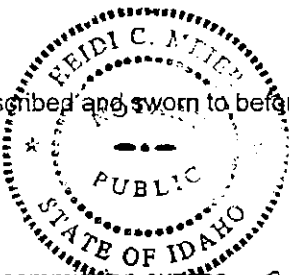
Brd

day of

December

, 20

04



May commission expires

9/29/2010

Clay Castagneto
(Signature of Applicant)

Heidi C. Meier
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by DB Date 12-7-04 Protest filed by _____

Prelim. check by _____ Fee \$350-

Receipted by DB W033451 Date 12-7-04

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

EXHIBIT A – Ownership documents

1. Warranty Deed to Southside, Inc.
2. Water Right Purchase and Sale between Southside, Inc. and Applicant

200638800

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE &
ESCROW CORP.

READ & APPROVED BY GRANTEE(S):

(Signature)

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 00024348 XD/CH

WARRANTY DEED

FOR VALUE RECEIVED KENDAL F. EGBERT, TRUSTEE OF THE V & M TRUST

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto SOUTHSIDE, INC., an Idaho corporation

GRANTEE(S), whose current address is: 420 SHERRY RD. NAMPA, ID 83686
the following described real property in CANYON County, State of Idaho, more particularly described as follows, to wit:

The Southwest Quarter of Section 14, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: October 31, 2000

V & M TRUST

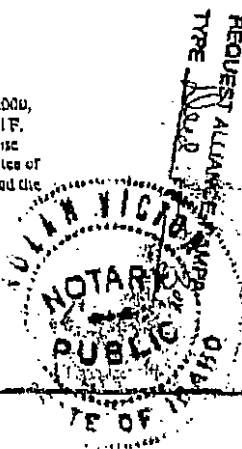
(Signature)
By: Kendal F. Egbert, Trustee

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 1 day of November, in the year 2000, before me a Notary Public, personally appeared Kendal F. Egbert, known or identified to me to be the person whose name is subscribed to the within instrument as the trustee of V & M Trust, and acknowledged to me that he executed the same as such trustee.

Notary Public

My commission expires on: 4/22/2003
Residing at: *(Signature)*



NOV 1 3 PM 4 27
G HOEL HALES
CANYON CNTY RECORDER
BY *(Signature)*

RECORDED

200038800

WATER RIGHT PURCHASE AND SALE AGREEMENT

THIS WATER RIGHT PURCHASE AND SALE AGREEMENT ("Agreement") is entered into effective this 2nd day of Sept, 2004 (the "Effective Date"), by and between Southside, Inc. (the "Seller"), whose address is 420 Sherry Road, Nampa, Idaho 83686, and Farm Development Corporation (the "Buyer"), whose address is 575 W. Bannock, Boise, Idaho 83702.

RECITALS

1. Seller owns a portion of a water right to divert ground water for irrigation purposes within the Boise River Basin (administrative Basin 63), which water right is represented by license number 63-3589 in the records of the Idaho Department of Water Resources ("Department"), and which water right authorizes diversion of ground water for irrigation uses on certain lands in Canyon County during the irrigation season at a rate of 4.22 cubic feet per second ("cfs") on 360 acres of land located in the West ½ of Section 14, T2N, R3W, Boise Meridian in Canyon County. A copy of license number 63-3589 is attached as Exhibit A.
2. Seller desires to sell a portion of water right no. 63-3589 that is appurtenant to twenty acres in the SE ¼ of the SW ¼ of Section 14, T2N, R3W (the "Property"). This twenty-acre portion of licensed water right no. 63-3589 hereinafter is referred to as the "Water Right." Seller no longer owns the Property, but specifically retained the appurtenant Water Right upon sale of the Property to a third party.
3. Buyer desires to purchase the Water Right and transfer it for use on Buyer's property in Canyon County, or, in the alternative, use the Water Right as mitigation for a new ground water permit in which the retirement of the Water Right will serve a mitigation or similar purpose.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions set forth below, Seller agrees to sell the Water Right to Buyer, and Buyer agrees to purchase it.

4. Purchase Price. The Purchase Price for the Water Right is payable as follows:
 - a. Earnest Money payment. Upon execution of this Agreement by Seller and Buyer, Buyer shall pay Seller as an earnest money payment ("Earnest Money").
 - b. Balance of Purchase Price. being the Purchase Price less the Earnest Money, shall be due and payable to Seller at closing, less any reduction for early payment as provided below.

c. Reduction in Purchase Price for early closing. If closing occurs prior to the one-year anniversary of the Effective Date of this Agreement, then the total Purchase Price shall be adjusted downward at the rate of 0.5% per month as reflected in the following table:

Date of closing relative to Effective Date:	Percentage Reduction in Purchase Price	Adjusted Balance of Purchase Price
Within One Month	5.5%	
Within Two Months	5.0%	
Within Three Months	4.5%	
Within Four Months	4.0%	
Within Five Months	3.5%	
Within Six Months	3.0%	
Within Seven Months	2.5%	
Within Eight Months	2.0%	
Within Nine Months	1.5%	
Within Ten Months	1.0%	
Within Eleven Months	0.5%	

5. Buyers due diligence period. Seller shall make best efforts to provide all documentation, including appropriate deeds, leases, and assignments, confirming Seller's ownership of the Water Right and its entitlement to convey it to Buyer within ten days after the Effective Date of this Agreement. The Buyer shall have twenty-one days after the receipt of Seller's documentation (the "Due Diligence Period") to review the Water Right and make a preliminary determination as to its acceptability for Buyer's purposes. If Buyer determines the Water Right is not acceptable, Buyer shall notify the Seller prior to the end of the Due Diligence Period, and upon receipt of such notice, Seller shall refund to Buyer the full amount of Earnest Money and all parties will be released and discharged from any obligation under this Agreement. If Buyer terminates this Agreement anytime after the Due Diligence Period, Seller shall retain the Earnest Money.

6. Buyer responsible for water right transfer; Seller's cooperation. Within forty-five days after this Agreement is signed and at Buyer's expense, Buyer shall prepare and file an application to the Idaho Department of Water Resources ("Department") either: a) to change or transfer the Water Right to Buyer's place of use, proposed nature or time of use, and point of diversion, or b) a draft application for a new ground water permit in which the retirement of the Water Right will serve a mitigation or similar purpose (collectively, "Transfer"). Buyer shall file the Transfer with the Department and diligently pursue it at Buyer's sole cost. At any time prior to the final disposition of the Transfer by the Department, Seller shall provide Buyer with any information Seller has concerning the Water Right that Buyer may reasonably request in pursuit of the Transfer.

7. Closing. Closing shall occur no later than the earlier of a) ten days after the final, unappealable approval of the Transfer ("Transfer approval"), or b) the one-year anniversary date of this Agreement. At the closing:

a. Seller shall deliver to Buyer: i) an executed and acknowledged Water Right Grant Deed and Assignment ("Deed") in the form attached to this Agreement as Exhibit B; and

ii) such other documents as Buyer may reasonably request within thirty days prior to closing to confirm Buyer's ownership of the Water Right or its transferability.

b. Buyer shall deliver to Seller the balance of the Purchase Price by means of a cashier's check or other means of payment acceptable to Seller. Buyer shall have responsibility for recording or filing the Deed with the county recorder and any notices of change of ownership with the Department or any other entities Buyer deems appropriate.

8. Failure to close within one year; Buyer's and Seller's elections. If the Transfer approval does not occur on or before the one-year anniversary of this Agreement, Buyer at its option may either proceed to closing within thirty days after such anniversary deadline or terminate this Agreement by written notice and forfeit its Earnest Money. If Buyer fails to close the transaction within such thirty days after the anniversary deadline or otherwise breaches this Agreement, Seller at its option may terminate this Agreement and retain the Earnest Money. If this Agreement is terminated by whatever means, Buyer, at its cost, shall forthwith withdraw and cancel the Transfer and take any steps necessary to ensure that the Department cancels, reverses or otherwise nullifies the Transfer application process and any Transfer approval, and such obligations shall survive the termination.

9. Representations and Warranties.

a. Seller hereby represents and warrants that:

- i. The Property is no longer irrigated by the Water Right;
- ii. Seller is the owner of the Water Right and has not conveyed, mortgaged, or pledged the Water Right to any other person or entity;
- iii. Seller has not engaged or dealt with any broker or finder in connection with the sale of the Water Right; and
- iv. Seller has the legal power, right and authority to enter into this Agreement and to perform Seller's obligations hereunder;

b. Buyer hereby represents and warrants that:

- i. Buyer has the legal power, right and authority to enter into this Agreement and to perform Buyer's obligations hereunder; and
- ii. Buyer has not engaged any broker or finder in connection with the purchase of the Water Right.

10. Notices:

Seller: Dave Washburn
420 Sherry Road
Nampa, ID 83686

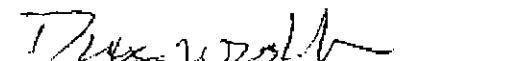
Buyer: Farm Development Corporation
575 West Bannock
Boise, ID 83702

11. General Provisions.

- a. This Agreement contains the entire agreement between the parties related to the purchase and sale of the Water Right, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.
- b. No modification, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by both parties.
- c. If either party commences litigation for the judicial interpretation, enforcement or rescission of this Agreement, the prevailing party shall be entitled to its reasonable attorney fees and costs.
- d. All obligations referred to herein that reasonably are to be performed, or may be performed, after closing, and all representations and warranties contained herein, shall survive the closing and delivery of Seller's Water Right Grant Deed and Assignment.
- e. This Agreement shall be binding upon, inure to the benefit of, and be enforceable by the parties hereto and their respective heirs, representatives, successors and assigns.
- f. All notices to be given to the parties shall be in writing, delivered in hand, or by U.S. Mail, postage pre-paid directed to such parties address as stated above unless such party shall have directed in writing that notice be sent to a different address. Notice shall be deemed given upon receipt if hand-delivered or upon deposit into the U.S. Mail if provided by mail.
- g. This Agreement may be executed in counterparts.

IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the date set forth above.

SELLER:


Dave Washburn
Southside, Inc

BUYER:


Farm Development Corporation
Craig Castagneto, Vice President

Exhibits to
Water Right Purchase And Sale Agreement
Omitted

EXHIBIT B – Transfer Remarks

This transfer application seeks to retire 20 acres of irrigation in the current place of use under water right 63-3589 in favor of industrial and stockwater uses at an existing feedlot. The applicant has entered into a purchase and sale agreement (see Exhibit A) with Southside, Inc., the current owner of water right 63-3589, to purchase a portion of the right appurtenant to 20 acres. The transfer will move 10 acres of irrigation from the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 10 acres from the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T2N, R3W to the new place of use for commercial purposes. Historically, sugar beets were grown on these 20 acres.

This transfer application proposes to transfer 62.5 AF of consumptive use to the new industrial and stockwater use, calculated as follows: Using consumptive use ("cu") data from G. Allen and C.E. Brockway, *Estimating Consumptive Irrigation Requirements for Crops in Idaho*, University of Idaho (August, 1983) (Appendix E – mean CU for Swan Falls Power House), we determined that the cu for sugar beets in the area is 952 mm/acre. Using the factor 304.8 mm/foot, we converted this to 3.12 AF/acre. Over 20 acres, this equates to 62.5 AF. The applicant needs approximately this same volume of water at its feedlot and expects that the transfer approval will be conditioned to limit consumptive use to the 62.5 AF historically consumed for irrigation.

Two existing wells serve the feedlot. The primary well is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T1N, R2W. A well used as a backup is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T1N, R2W. The transfer proposes to use these existing wells as the new points of diversion. The combined diversion rate from these wells will not exceed 0.27 cfs.

PCL XL error

Subsystem: IMAGE

Error: ExtraData

Operator: ReadImage

Position: 3451

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32075
Date Received: 12/28/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT J MEYERS Phone: (208)733-5217
1528 ADDISON AVE E
TWIN FALLS ID USA 83301

EDWARD RAY MONTIERTH Phone: (208)463-8163
1601 POEN RD
KUNA ID USA 83634

SUSAN L MONTIERTH Phone: (208)463-8163
825 HEARTLAND DR
NAMPA ID USA 83686

W NOLAN VICTOR Phone: (208) 733-1359
1528 ADDISON AVE E
TWIN FALLS ID USA 83301

HERBERT R MONTIERTH JR Phone: (208)463-8163
825 HEARTLAND DR
NAMPA ID USA 83686

KATHI L MEYERS Phone: (208)733-5217
1528 ADDISON AVE E
TWIN FALLS ID USA 83301

RODNEY KENT MONTIERTH Phone: (208)733-5217
1528 ADDISON AVE E
TWIN FALLS ID USA 83301

THE ESTATE OF GOLDA D MONTIERTH Phone: (208)463-8163
825 HEARTLAND DRIVE
NAMPA ID USA 83686

RUBY C VICTOR Phone: (208)733-1359
1528 ADDISON AVE E
TWIN FALLS ID USA 83301

2. Date of Priority: 04/13/1967

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	03W	15	NE SE	CANYON	
02N	03W	15	SW SE	CANYON	

5. Description of diverting works:

WELLS, PUMPS, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.28	

7. Total Quantity Appropriated is:
2.28 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	03W	14	NW SW	IRRIGATION	40
			SW SW	IRRIGATION	40
				Section Acres	80
02N	03W	15	NE SE	IRRIGATION	20
			SE SE	IRRIGATION	20
				Section Acres	40
				Total Acres	120

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Right 63-32078 overlaps 79 acres of the place of use described above in the W1/2SW, S14, T2N, R3W.

This right is a split from former right 63-3599C.

15. Basis of Claim: License

WATER RIGHT NO. 63-32075
As Modified by Transfer No. 71840

In accordance with the approval of Transfer No. 71840, Water Right No. 63-32075 is now described as follows.

Right Holder: THE ESTATE OF GOLDA D MONTIERTH And/Or
 HERBERT R MONTIERTH JR And/Or
 SUSAN L MONTIERTH
 825 HEARTLAND DRIVE
 NAMPA ID 83686

And/Or

ROBERT J MEYERS And/Or
 W NOLAN VICTOR And/Or
 RUBY C VICTOR And/Or
 KATHI L MEYERS And/Or
 RODNEY KENT MONTIERTH
 1528 ADDISON AVE E
 TWIN FALLS ID 83301

And/Or

EDWARD RAY MONTIERTH
 1601 POEN RD
 KUNA ID 83634

Priority Date: April 13, 1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.28 CFS	
			2.28 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESE	Sec. 15 Twp 02N Rge 03W CANYON County
GROUND WATER	SWSE	Sec. 15 Twp 02N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 03W 14									40.0	40.0							80.0
02N 03W 15													20.0			20.0	40.0

Total Acres: 120

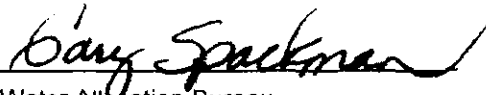
WATER RIGHT NO. 63-32075
As Modified by Transfer No. 71840

CONDITIONS OF APPROVAL

1. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
2. Right 63-32078 overlaps 79 acres of the place of use described above in the W1/2SW, S14, T2N, R3W.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 23rd day of August, 2005


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71840

This is to certify that: DANIEL M HUKILL And
MARCINE L HUKILL
14600 DEER FLAT RD
NAMPA ID 83686
(208)467-2390

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-7825A	AJC/License	07/09/1973	0.40 cfs	N/A	N/A	20.0	GROUND WATER
63-3599C	AJC/License	04/13/1967	2.665 cfs	N/A	N/A	140.0	GROUND WATER
63-3599D	AJC/License	04/13/1967	2.17 cfs	508.5 af	N/A	103.0	GROUND WATER
63-7825C	AJC/License	07/09/1973	0.40 cfs	90.0 af	N/A	20.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-7825A	NO	NO	YES	YES	NO	NO
63-3599C	YES	NO	YES	YES	NO	NO
63-3599D	NO	NO	YES	YES	NO	NO
63-7825C	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-7825A	63-7825A	0.40 cfs	90.0 af	20.0	163.0		N/A	N/A	N/A	N/A
63-3599C	63-32076	0.38 cfs	90.0 af	20.0	163.0	63-32075	2.28 cfs	N/A	N/A	120.0
63-3599D	63-3599D	2.17 cfs	508.5 af	103.0	163.0		N/A	N/A	N/A	N/A
63-7825C	63-7825C	0.40 cfs	90.0 af	20.0	163.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		3.35 cfs	778.5 af	163.0	163.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of August, 2005

SUPPORT DATA

IN FILE # 63-3599


Chief, Water Allocation Bureau

RECEIVED

Page 1 of 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION

JAN 25 2005

Transfer No. 71840

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Daniel M. and Marcine L. Hukill Phone (208) 467-2390Post Office address 14600 Deer Flat Road, Nampa, ID 83686**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant proposes to add points of diversion to each water right and split 63-3599C..

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>63-7825A</u>	<u>7/9/1973</u>	<u>0.4 cfs / 90 af</u>	<u>irrigation</u>	<u>3/15</u>	to <u>11/15</u>
<u>TBD</u>	<u>4/13/1967</u>	<u>0.4 cfs / 90af</u>	<u>irrigation</u>	<u>3/15</u>	to <u>11/15</u>
(portion of 63-3599C)					
<u>63-3599D</u>	<u>4/13/1967</u>	<u>1.97 cfs / 463.5af</u>	<u>irrigation</u>	<u>3/15</u>	to <u>11/15</u>
		<u>0.2 cfs / 45 af</u>	<u>industrial</u>	<u>1/1</u>	to <u>12/31</u>
<u>63-7825C</u>	<u>7/9/1973</u>	<u>0.4cfs / 90 af</u>	<u>irrigation</u>	<u>3/15</u>	to <u>11/15</u>

2. Total amount of water being transferred 3.37 cubic feet per second and/or 778.5 acre-feet per annum.3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	15	2N	3W	Canyon	
		NE	SE	15	2N	3W	Canyon	
		SW	SE	15	2N	3W	Canyon	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
63-7825A																			
2N	3W	15											20					20	
TBD (portion of 63-3599C)																			
2N	3W	15								20								20	
36-3599D																			
2N	3W	15								18				15	40	30		103	
										1				1	1	1	1		
63-7825C																			
2N	3W	15											20					20	

Total Acres 163

PART 1

6. General Information:

a. Description of diversion system Three wells with electric pumps.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

d. Remarks:
Applicant has purchased 40 acres in the W1/2 of the E1/2 of the SW1/4 of Section 15. Transfer will combine wells for 63-7825A, 63-3599D, 63-7825C, and 20-acre portion of 63-3599C into single system.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

 For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-7825 issued by the Idaho Department of Water Resources.
- c. Claim No. 63-7825A on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water ground water tributary to NA4. Date or priority 7/9/1973

5. Water is used for the following purposes:

amount 0.4 cfs / 90 af for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.4 cfs cubic feet per second and/or 90 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SE	SW	15	2N	3W	Canyon	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	15												20					20

Total Acres 209. Describe any other water rights used for the same purpose as described above None

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

D. DESCRIPTION OF RIGHT AS RECORDED

4. Right as evidenced by:

e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

f. License No. _____ issued by the Idaho Department of Water Resources.

g. Claim No. 63-3599C on file with the Idaho Department of Water Resources.

h. Transfer No. _____ which produced this right.

5. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

9. Source of water ground water tributary to NA

10. Date or priority 4/13/1967

11. Water is used for the following purposes:

amount 2.665 cfs / 463.5 af for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

12. Total amount of water under right 2.665 cubic feet per second and/or 463.5 af acre-feet per annum.

13. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	15	2N	3W	Canyon	
		SW	SE	15	2N	3W	Canyon	

14. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	14										40	40						80
		15									20				20			20	60

Total Acres 140

11. Describe any other water rights used for the same purpose as described above None

PART 2

12. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**E. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED***(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount 0.4cfs / 90af for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

3. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	15	2N	3W	Canyon	
		SW	SE	15	2N	3W	Canyon	

6. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	15									20								20

Total Acres 20**F. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 2.265cfs / 373.5 af for irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	15	2N	3W	Canyon	
		SW	SE	15	2N	3W	Canyon	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	14										40	40						80
		15													20			20	40

Total Acres 120

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

G. DESCRIPTION OF RIGHT AS RECORDED

7. Right as evidenced by:

- i. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- j. License No. _____ issued by the Idaho Department of Water Resources.
- k. Claim No. 63-3599D on file with the Idaho Department of Water Resources.
- l. Transfer No. 69150 which produced this right.

8. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

15. Source of water ground water tributary to NA16. Date or priority 4/13/1967

17. Water is used for the following purposes:

amount 1.97cfs / 463.5 af for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

amount 0.2cfs / 45 af for industrial purposes from 1/1 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

18. Total amount of water under right 2.17 cubic feet per second and/or 508.5 acre-feet per annum.

19. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	15	2N	3W	Canyon	
		SW	SE	15	2N	3W	Canyon	

20. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	15									18				15	40	30		103
											1				1	1	1		

Total Acres 10313. Describe any other water rights used for the same purpose as described above None

PART 2

14. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

H. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

9. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

I. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

7. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

J. DESCRIPTION OF RIGHT AS RECORDED

10. Right as evidenced by:

- m. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- n. License No. _____ issued by the Idaho Department of Water Resources.
- o. Claim No. 63-7825C on file with the Idaho Department of Water Resources.
- p. Transfer No. 70837 which produced this right.

11. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership.
Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

21. Source of water ground water tributary to NA22. Date or priority 7/9/1973

23. Water is used for the following purposes:

amount 0.4cfs / 90 af for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

24. Total amount of water under right 0.4 cubic feet per second and/or 90 acre-feet per annum.

25. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	15	2N	3W	Canyon	
		SW	SE	15	2N	3W	Canyon	

26. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	3W	15												20					20

Total Acres 2015. Describe any other water rights used for the same purpose as described above None

PART 2

16. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

K. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

5. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

12. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

L. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

8. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

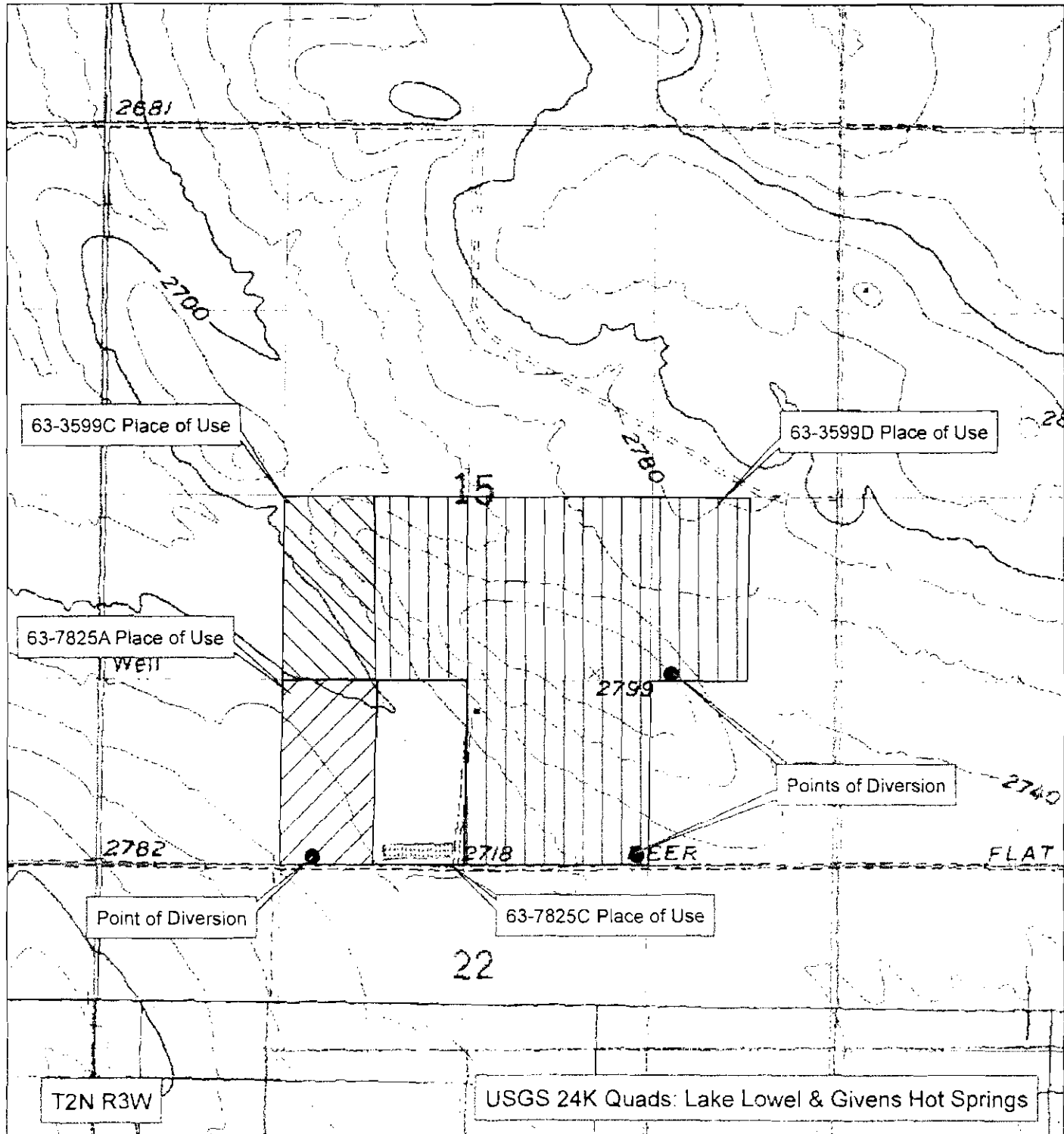
9. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.



PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Daniel M. Hubbell

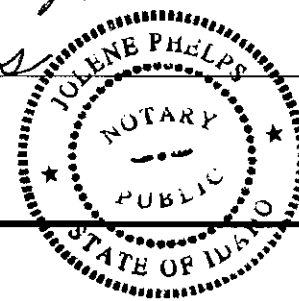
(Signature of Applicant)

Subscribed and sworn to before me this 19th day of January, 20 05.

Jolene Phelps

(Notary Public)

My commission expires June 6, 2005

**FOR DEPARTMENT USE ONLY**

Transfer contains 12 pages and _____ attachments

Received by DB Date 1-25-05 Protest filed by _____

Prelim. Check by g Fee \$370- _____

Received by DB W032548 Date 1-25-05 _____

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

IN 79324

WARRANTY DEED

B.N.

FOR VALUE RECEIVED J.B. JOHNSTON, an unmarried man

the Grantor, do hereby grant, bargain, sell and convey unto DANIEL M. HUKILL and MARCINE MAUXINE L. HUKILL, husband and wife

the Grantees, whose address is 14600 DEERFLAT ROAD., NAMPA, ID 83686

the following described premises, to-wit:

THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER IN SECTION 15, TOWNSHIP 2 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantees, that he the owner in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2004 and subsequent years, covenants, conditions, restrictions and easements of record; and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: April 6, 2004

J.B. JOHNSTON

STATE OF IDAHO

COUNTY OF CANYON

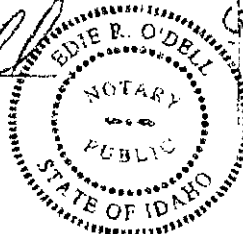
On this 6th day of MARCH, 2004, before me, a notary public, personally appeared J.B. JOHNSTON, known or identified to me to be the person(s) who(s) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary Public

Residing at Nampa, ID

My commission expires:

4/17/2009



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

CANYON COUNTY
PIONEER TITLE COMPANY
RECEIVED
MARCH 6 2004
FEE \$100.00

RECORDED
MARCH 6 2004

200410415

ATTACHMENT A1

File No: 1980

QUITCLAIM DEED

FOR VALUE RECEIVED

MURKILL FINEGRADING & EXCAVATION, INC.

do hereby convey, release, remise and forever quit claim unto

DEER FLAT SAND & GRAVEL, INC.

whose current address is: 14200 Deer Flat Road, Nampa, Idaho 83686
the following described premises, to-wit:

The West Half of the Southeast Quarter, and the West Half of the East Half of the Southeast Quarter, and the East Half of the East Half of the Southwest Quarter of Section 15, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM:

This parcel is a portion of the East One-half of the East One-Half of the Southwest Quarter of Section 15, Township 2 North, Range 3 West of the Boise Meridian in Canyon County, Idaho, and is more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of said Section 15, being also the West One Quarter corner for said Section 15; thence

North 68° 50' 31" East along the North boundary of said Southwest Quarter a distance of 1538.98 feet to the Northwest corner of said East One-Half of the East One-Half of the Southwest Quarter, said point being the TRUE POINT OF BEGINNING; thence

North 98° 50' 31" East along said North boundary a distance of 424.00 feet; thence South 3° 24' 14" West parallel with the West boundary of said East One-Half of the East One-Half of the Southwest Quarter a distance of 300.00 feet; thence

South 89° 15' 42" West parallel with said North boundary a distance of 484.00 feet to a point on said West boundary; thence

North 0° 24' 14" East along said West boundary a distance of 300.00 feet to the TRUE POINT OF BEGINNING.

This parcel includes use of an ingress/egress and utility easement, described as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of said Section 15, being also the West One Quarter corner for said Section 15; thence

North 68° 50' 31" East along the North boundary of said Southwest Quarter a distance of 1538.98 feet to the Northwest corner of said East One-Half of the East One-Half of the Southwest Quarter; thence

South 0° 24' 14" West along the West boundary of said East One-Half of the East One-Half of the Southwest Quarter a distance of 300.00 feet to the TRUE POINT OF BEGINNING; thence

North 68° 50' 31" East a distance of 30.00 feet; thence South 0° 24' 14" West a distance of 1751.91 feet to a point on the South boundary of the Southwest Quarter of said Section 15; thence

South 89° 15' 42" West along said South boundary a distance of 30.00 feet to the Southwest corner of the said East One-Half of the East One-Half of the Southwest Quarter; thence

North 0° 24' 14" East along the West boundary of said East One-Half of the East One-Half of the Southwest Quarter a distance of 1751.91 feet to the TRUE POINT OF BEGINNING.

Dated: April 30, 2001

Daniel M. Murkill, President
MURKILL FINEGRADING & EXCAVATION, INC.

STATE OF _____, County of _____, ss.

On this _____ day of _____ in the year of 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared _____

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.

Signature: _____

Name: _____

Residing at: _____

My commission expires: _____

Transnation Title & Escrow, Inc.

AZ

No. C 126306		Due no later than November 30, 2004 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		DEER FLAT SAND & GRAVEL, INC 14200 DEER FLAT RD NAMPA, ID 83686		DANIEL M HUKILL 14200 DEER FLAT RD NAMPA, ID 83686	
NO FILING FEE IF RECEIVED BY DUE DATE				3 New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
President	Daniel M. Hukill	14600 Deer Flat Road	Nampa	Idaho	83686
Secretary	Marcy L. Hukill	14600 Deer Flat Road	Nampa	Idaho	83686
5. Organized Under the Laws of: IDAHO C 126306					
6. Signature <u>Daniel M. Hukill</u>		Date <u>9-14-04</u>			
Name <u>Daniel M. Hukill</u>		Title <u>President</u>			
Issued 09/01/2004		Do Not Tape or Staple		20041104053	

No. C 116978 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Oct 31, 2000 Annual Report Form 1. Mailing Address: Corporation's New or Old Address HUKILL FINE GRADING & EXCAVATION, I DANIEL M. HUKILL ~~7000 COLLEGE BLVD~~ 14200 Deer Flat Road NAMPA, ID 83686	2. Registered Agent and Office NO PO BOX DANIEL M. HUKILL ~~7000 COLLEGE BLVD~~ 14200 Deer Flat Road NAMPA, ID 83686 3. Now Registered Agent Signature
--	--	---

4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
	President Daniel M. Hukill	14200 Deer Flat Rd.	Nampa,	Idaho	83686
	Secretary Marcy L. Hukill	14200 Deer Flat Rd.	Nampa,	Idaho	83686

5. Organized Under the Laws of: IDAHO C 116978	6. Signature <u>Daniel M. Hukill</u> Date <u>8/16/2000</u> Title: Name (Typed or Printed) <u>Daniel M. Hukill</u> ~~XXXX~~ <u>President</u>
--	--

Issued 08/01/2000

Do Not Tape or Staple

2134

MAR-11-2005(FRI) 16:13 PIONEER TITLE-CALDWELL

⑧ PC 26875

9834200
9834200

WARRANTY DEED

For Value Received

Michael G. Crapo and Tyra M. Crapo, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Hicks Finegrading & Excavation Inc., an Idaho Corporation

hereinafter referred to as Grantee, whose current address is

7250 G.N.
720 Southside Blvd., Nampa, ID 83856

the following described premises, to-wit:

The West Half of the Southeast Quarter; and the West Half of the East Half of the Southeast Quarter; and the East Half of the East Half of the Southwest Quarter of Section 25, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year taxes, liens, and easements; and except U.S. Patent reservations, mortgages, judgments of record, and encumbrances visible upon the premises; and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 11, 1998.

Michael G. Crapo

Tyra M. CrapoRECEIVED
MICHAEL G. CRAPO
THE DEED IN 3,000CANYON CITY RECORDER
BY
J. M. McNamee

98 SEP 14 PM 4 35

RECORDED

9834200

STATE OF IDAHO)

COUNTY OF Ada)

On this 11th day of September, in the year 1998, before me, a Notary Public in and for said State, personally appeared Michael G. Crapo and Tyra M. Crapo, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

PATTY L. CHUPP
★ NOTARY PUBLIC ★
STATE OF IDAHO

My Commission Expires 6-6-2004.

Notary Public in Idaho
Residing at Boise
Commission expires 6/6/04

First American Title Company of Idaho

File Noted

QUITCLAIM DEED**FOR VALUE RECEIVED****HUKILL FINEGRADING & EXCAVATION, INC.**

do hereby convey, release, remise and forever quit claim unto

DEER FLAT SAND & GRAVEL, INC.whose current address is: 14200 Deer Flat Road, Nampa, Idaho 83686
the following described premises, to-wit:The West Half of the Southeast Quarter; and the West Half of the East Half of the
Southwest Quarter; and the East Half of the East Half of the Southwest Quarter of Section
15, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM:

This parcel is a portion of the East One-Half of the East One-Half of the Southwest Quarter
of Section 15, Township 2 North, Range 3 West of the Boise Meridian in Canyon County,
Idaho, and is more particularly described as follows:COMMENCING at the Northwest corner of the Southwest Quarter of said Section 15, being
also the West One Quarter corner for said Section 15; thenceNorth 89° 50' 31" East along the North boundary of said Southwest Quarter a
distance of 1985.95 feet to the Northwest corner of said East One-Half of the East One-Half
of the Southwest Quarter, said point being the "TRUE POINT OF BEGINNING"; thence
concludingNorth 89° 50' 31" East along said North boundary a distance of 484.00 feet; thence
South 0° 24' 14" West parallel with the West boundary of said East One-Half of the
East One-Half of the Southwest Quarter a distance of 900.00 feet; thenceSouth 89° 50' 31" West parallel with said North boundary a distance of 484.00 feet
to a point on said West boundary; thenceNorth 0° 24' 14" East along said West boundary a distance of 900.00 feet to the
TRUE POINT OF BEGINNING.

This parcel includes use of an ingress-egress and utility easement described as follows:

COMMENCING at the Northwest corner of the Southwest Quarter of said Section 15, being
also the West One Quarter corner for said Section 15; thenceNorth 89° 50' 31" East along the North boundary of said Southwest Quarter a
distance of 1985.95 feet to the Northwest corner of said East One-Half of the East One-Half
of the Southwest Quarter; thenceSouth 0° 24' 14" West along the West boundary of said East One-Half of the East
One-Half of the Southwest Quarter a distance of 900.00 feet to the TRUE POINT OF
BEGINNING; thenceNorth 89° 50' 31" East a distance of 30.00 feet; thence
South 0° 24' 14" West a distance of 1751.91 feet to a point on the South boundary
of the Southwest Quarter of said Section 15; thenceSouth 89° 50' 31" West along said South boundary a distance of 30.00 feet to the
Southwest corner of the said East One-Half of the East One-Half of the Southwest Quarter;
thenceNorth 0° 24' 14" East along the West boundary of said East One-Half of the East
One-Half of the Southwest Quarter a distance of 1751.91 feet to the TRUE POINT OF
BEGINNING.

Dated: April 30, 2001

Daniel M. Hukill

Daniel M. Hukill, President

HUKILL FINEGRADING & EXCAVATION, INC.

STATE OF Idaho County of Canyon, ss.

On this 30th day of April in the year of 2001
2001, before me, the undersigned, a Notary Public in and
for said State, personally appeared*DANIEL M. HUKILL*known or identified to me to be the person whose name
subscribed to the within instrument, and acknowledged
to me that he executed the same.Signature: *Joene Phelps*

Name: JOENE PHELPS

Residing at: NAMPA
My commission expires: JUNE 6, 2005

Transnation Title & Escrow, Inc.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-03599C**
Date Received: 12/28/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name:	HR MONTIERTH	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	GOLDA D MONTIERTH	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	EDWARD RAY MONTIERTH	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	SUSAN L MONTIERTH	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	RODNEY KENT MONTIERTH	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	RUBY C VICTOR	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	ROBERT J MEYERS	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	WILFORD NOLAN VICTOR	208-733-5217
Address:	1528 ADDISON AVENUE EAST	
	TWIN FALLS ID	83301
AND		
Name:	KATHI L MEYERS	208-733-5217

Address: 1528 ADDISON AVENUE EAST
TWIN FALLS ID 83301

2. Date of Priority: APR 13, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03W	15		NE	SE		CANYON
				SW	SE		CANYON

5. Description of diverting works:
WELLS, PUMPS, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.665		

7. Total Quantity Appropriated is:
2.665 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 490.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	03W	14	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	80.0
		15	NE	SW		IRR	20.0
			NE	SE		IRR	20.0
			SE	SE		IRR	20.0
						Section Acres	60.0
						Total Acres	140.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER WATER RIGHTS INCLUDE: 80 ACRES CONCURRENT WITH A63-03589
AND 60 ACRES CONCURRENT WITH A63-02879.

THIS CLAIM IS A RESULT OF A SPLIT DUE TO AN OWNERSHIP CHANGE.

15. Basis of Claim: LICENSE

Water Right Number: 33561

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 02 1998

WATER RESOURCES
WESTERN REGION

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s):

A63-03599B, A63-07825A

Adjudication Claim No(s):

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

Michael B. & Tyra M. Crago
2139 W Sonoma Dr., Meridian

4. New Owner/Claimant(s)

Hukill Finegrading & Excavation Inc.

New Mailing Address

7280 Southside Blvd.

City, State and ZIP Code

Nampa, ID 83686☒ New Telephone Number(208) 467-2390

5. Date you acquired the property

Sept. 11, 1998

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 200

Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

X Daniel M. Hukill, President

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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



48340
9834200

WARRANTY DEED

For Value Received

Michael G. Crago and Tyra M. Crago, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

Hukill Finegrading & Excavation Inc., an Idaho Corporation

hereinafter referred to as Grantee, whose current address is

7280 S.N.
728 Southside Blvd., Nampa, ID 83686

the following described premises, to-wit:

The West Half of the Southeast Quarter; and the West Half of the East Half of the southeast Quarter; and the East Half of the East Half of the Southwest Quarter of Section 15, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 11, 1998.

Michael G. Crago
Michael G. Crago
Tyra M. Crago
Tyra M. Crago

REQUEST FORNER - CALDWELL
TYPE DEED FEE 3.00

CANYON COUNTY RECORDER
BY S.M. GARNER

98 SEP 14 PM 4 35

RECORDED

9834200

STATE OF IDAHO)
COUNTY OF Ada)
123 PC

On This 14th day of September, in the year 1998, before me, a Notary Public in and for said State, personally appeared Michael G. Crago and Tyra M. Crago, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.

PATTY I. CHUPP
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

My Commission Expires 5-8-2004.

Patty I. Chupp
Notary Public of Idaho
Residing at Boise
Commission expires: 5/08/04

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DEC 02 1998

WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 63-03599B
Adjudication Claim No(s): _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Montierth, Victor, Meyers
U & M Trust - See attached

4. New Owner/Claimant(s) Michael H. Crago & Jura M. Crago
Name Connector (Check one): ☒ and, ☐ or ☐ and/or
New Mailing Address 2139 W. Sonoma Drive
City, State and ZIP Code Meridian, ID 83642
New Telephone Number 7) _____

5. Date you acquired the property ✓ 1 JUNE 94

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate ✓ 200 Number and type of stock ✓ N/A
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Michael H. Crago
Jura M. Crago
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

9834065

100813

WARRANTY DEED

WILFORD NOLAN VICTOR & RUBY C. VICTOR, H/W & ROBERT J. MEYERS & KATHI L. MEYERS, H/W, GRANTORS, AND

GRANTOR, KENDRA F. EGBERT, Trustee(s), of the V & M Trust, U/T/A dated the 30 day of December, 1993, and any amendments thereto, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain sell and convey unto **MICHAEL G. CRAGO** and **TYRA M. CRAGO**, husband and wife, **GRANTEES**, and to grantees' successors and assigns forever, all of the following described real estate located in the County of Canyon, State of Idaho, described in Exhibit "A" attached hereto and by this reference incorporated herein.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

SUBJECT TO:

Easements, covenants, and restrictions and zoning regulations as appear of record or by use upon premises.

Grantors, for themselves, their heirs and assigns do hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the grantees, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

Grantees' Address: 2139 W Sonoma Dr Meridian Id 83646

IN WITNESS WHEREOF, Grantor has hereunto subscribed its name to this instrument this 3RD day of JUNE, 1994.

THE UNDERSIGNED INDIVIDUALS DO HEREBY CONFIRM THIS CONVEYANCE:

THE V & M TRUST

By: Kendall F. Egbert
Trustee

Wilford Nolan Victor
WILFORD NOLAN VICTOR

Ruby C. Victor
RUBY C. VICTOR

Robert J. Meyers
ROBERT J. MEYERS

Kathi L. Meyers
KATHI L. MEYERS

STATE OF IDAHO)
) ss.
COUNTY OF TWIN FALLS)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared KENDRA F. EGBERT, to me known or shown to me to be the Trustee of the V & M Trust, and who acknowledged to me that he/she signed the foregoing instrument on behalf of the said Trust.

WITNESS my hand and official seal in the county and state last aforesaid this 3RD day of JUNE, 1994.

J. M. Osterman
Notary Public
Residing at: Twin Falls
My Commission expires: 4-28-99



STATE OF Idaho, County of Twin Falls, ss.

On this 10th day of June in the year of 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Wilford Nolan Victor, Ruby C. Victor, Robert J. Meyers and Kathi L. Meyers known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Signature: _____

Name: _____

(Type or Print)

Residing At: _____

My Commission expires: _____

T. W. Stivers

T. W. STIVERS

TWIN FALLS, ID.

4-28-99

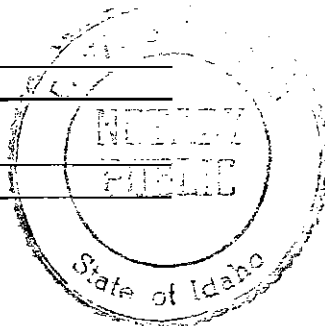


EXHIBIT "A"

The East Half of the West Half of the Northeast Quarter; the West Half of the East Half of the Northeast Quarter; the West Half of the East Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter; the Northwest Quarter of the Southeast Quarter; the East Half of the East Half of the Southwest Quarter; of Section 15, Township 2 North, Range 3 West Boise Meridian, Canyon County, Idaho.

9834665

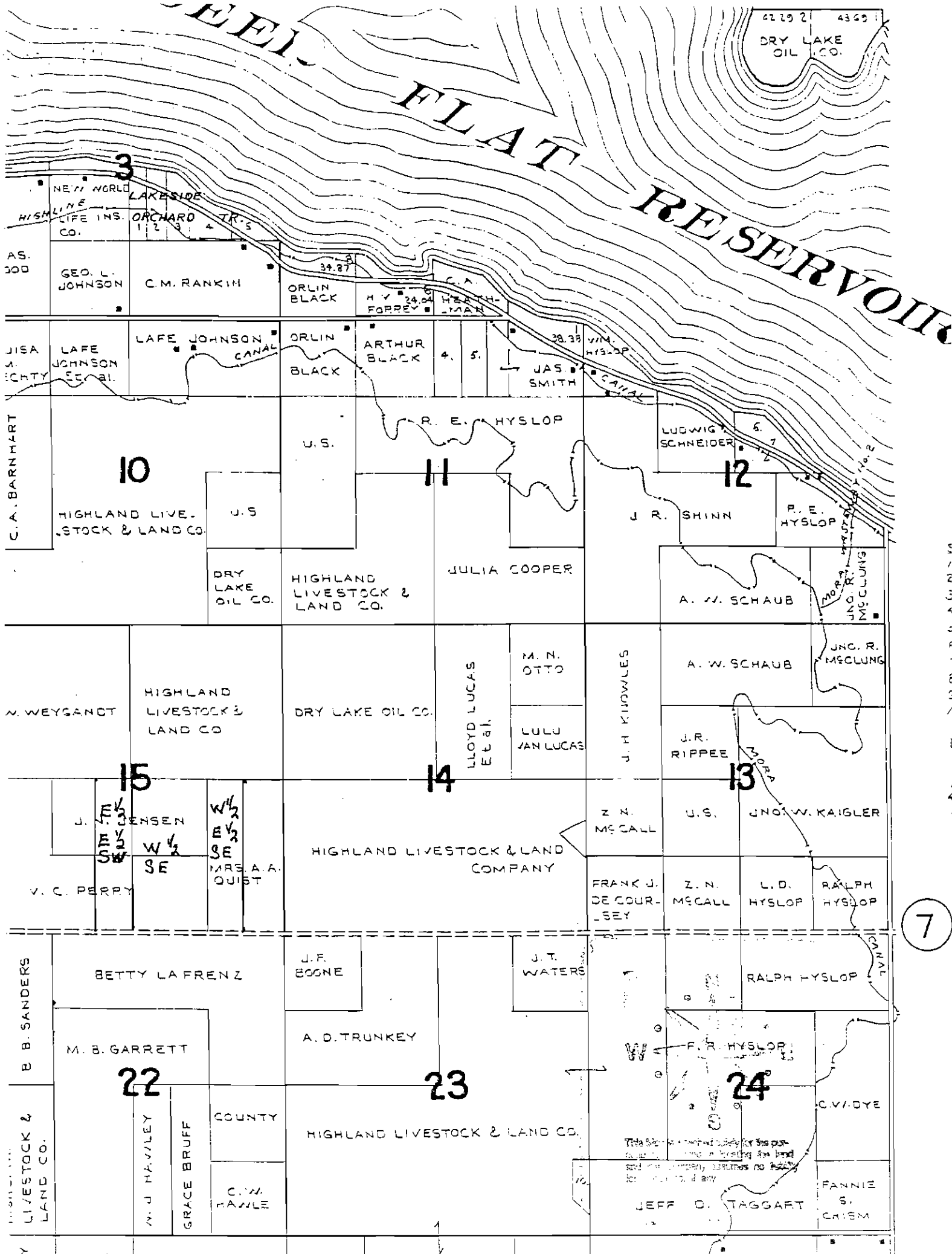
RECORDED

'98 SEP 17 PM 2 17

HFD J KERR

CANYON COUNTY RECORDER
BY *J. McFarlane*

REQUEST PIONEER — CALDWELL
TYPE *Deed* PRE *9.08*



QUITCLAIM DEED

For Value Received

WILFORD NOLAN VICTOR and RUBY C. VICTOR, husband and wife, and ROBERT J. MEYERS and KATHI L. MEYERS, husband and wife

do hereby convey, release, remise and forever quitclaim unto

V & M TRUST

whose current address is 1528 Addison Avenue East
Twin Falls, Idaho 83301

the following described premises, to-wit:

PARCEL #1

All of right, title, and interest of the said party in Section 10; S $\frac{1}{2}$ 14; and 15; Township 2 North, Range 3 West of the Boise Meridian, Canyon County Idaho. TOGETHER with all water rights, government grain base, irrigation wells/pumps, and equipment.

PARCEL #2

The South One-Half; the South One-Half of the North One-Half and the Northwest Quarter of the North 1st Quarter, all in Section 25, Township 5 North, Range 2 West, Boise Meridian, Canyon County, State of Idaho. TOGETHER with all water rights, government grain base, irrigation wells/pumps, and equipment.

together with their appurtenances.

Dated: 12/30/92

Wilford Nolan Victor
Ruby C. Victor

REQUESTED BY Robert J. Meyers
KATHI L. MEYERS

RECORDED
94 JUN 11 PM 1 58
NED L. KERR
CANYON COUNTY RECORDER

9400950

STATE OF IDAHO, COUNTY OF Twin Falls
On this 30th day of December, 19 92,
before me, a notary public in and for the said State, personally appeared

WILFORD NOLAN VICTOR and RUBY C.
VICTOR, husband and wife, and

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock _____
this _____ day of _____
in _____ in my office, and duly recorded in Book

INSTRUMENT

Inst 9411558

QUITCLAIM DEED

GRANTOR, W. NOLAN VICTOR and RUBY C. VICTOR, husband and wife; HERBERT R. MONTIERTH; the ESTATE OF GOLDA D. MONTIERTH; EDWARD RAY MONTIERTH and SUSAN L. MONTIERTH, husband and wife; RODNEY KENT MONTIERTH and DOLLIE MONTIERTH, husband and wife, of Kuna, County of Ada, State of Idaho, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby REMISE, RELEASE and forever QUITCLAIM unto ROBERT J. MEYERS and KATHI L. MEYERS, husband and wife whose current address is 3024 Harbidge, County of Teton, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate situated in Nampa, County of Canyon, State of Idaho, to-wit:

The W $\frac{1}{2}$ ^{and} the SE $\frac{1}{4}$ of Section 15 of Township 2 North, Range 3 West, Boise Meridian, Canyon County. Idaho

and

Lots 1 and 2 of Meyers/Montierth/Victor acreages in Section 10, Township 2 North, Range 3 West, Boise Meridian, Canyon County, Idaho.

TOGETHER with all tenements, hereditaments and appurtenances thereunto belonging together with all right, title and interest including well water permits for well Nos 5, 6 and 7 as designated on Exhibit "A".

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantor has hereunto subscribed his name to this instrument this 14 day of March, 1994.

W. Nolan Victor
W. NOLAN VICTOR

Edward Ray Montierth
EDWARD RAY MONTIERTH

Ruby C. Victor
RUBY C. VICTOR

Susan L. Montierth
SUSAN L. MONTIERTH

Herbert R. Montierth
HERBERT R. MONTIERTH

Rodney Kent Montierth
RODNEY KENT MONTIERTH

Herbert R. Montierth
HERBERT R. MONTIERTH,
Personal Representative of the
Estate of Golda D. Montierth

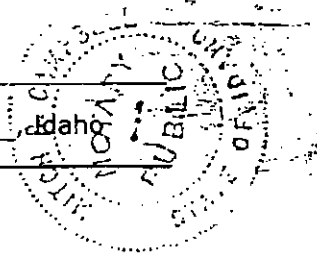
Dollie Montierth
DOLLIE MONTIERTH

STATE OF IDAHO)
County of Ada) ss:

On this 14 day of March, 1994, before me the undersigned, a notary public for Idaho, personally appeared W. NOLAN VICTOR and RUBY C. VICTOR, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IT WITNESS WHEREOF; I have hereunto set my hand and affixed my official seal the day and year first above written.

[Signature]
Notary Public for Idaho
Residing at Twon Falls, Idaho
Commission expires _____



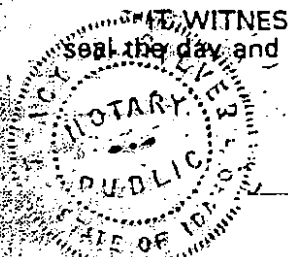
STATE OF IDAHO

County of Ada

ss:

On this 11th day of February, 1994, before me the undersigned, a notary public for Idaho, personally appeared HERBERT R. MONTIERTH, known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IT WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for Idaho
Residing at [Address], Idaho
Commission expires _____

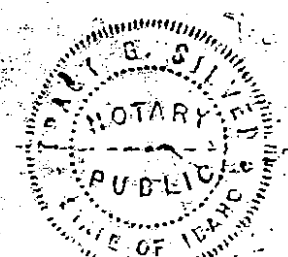
STATE OF IDAHO

County of Ada

ss:

On this 21st day of February, 1994, before me the undersigned, a notary public for Idaho, personally appeared HERBERT R. MONTIERTH, known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that he executed the same as personal representative of the Estate of Golda D. Montierth.

IT WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for Idaho
Residing at [Address], Idaho
Commission expires _____

QUITCLAIM DEED - 3

1/282

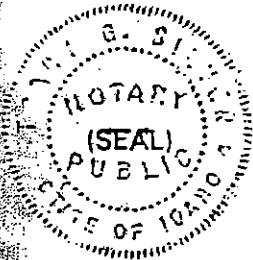
STATE OF IDAHO)

County of Ada)

ss.

On this 21st day of February, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWARD RAY MONTIERTH and SUSAN L. MONTIERTH, known and 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.



[Signature]
Notary Public for Idaho
Residing at [Address], Idaho
Commission expires: [Date]

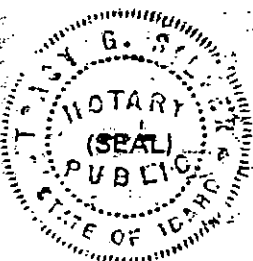
STATE OF IDAHO)

County of Ada)

ss.

On this 21st day of February, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared RODNEY KENT MONTIERTH and DOLLIE MONTIERTH, known and 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.



[Signature]
Notary Public for Idaho
Residing at Grand View, Idaho
Commission expires: [Date]

QUITCLAIM DEED - 4
#282

REQUEST 1/4 M. G. [Signature]
TYPE Wood FEE 13

NEED KERN
CANYON ONLY RECORDER
BY C. [Signature]

94 APR 20 AM 9 13

RECORDED

9411558

Split Tree

A63-03599B

N/O Montielto/Victoria/Meyers

DR: 5.33 cfs CU: 980 AF

POD's: 2N, 3W, S15, NESE, SWSE

POU: 2N, 3W, S14, NWSW - 40 ac SWSW - 40 ac
S15, NESW - 40

, NESE - 40 NWSE - 40

SWSE - 40 SESE - 40

280 ac

-03599C

N/O Montielto/Victoria/Meyers

DR: 2.665 CU: 490

POD's: 2N, 3W, S15, NESE, SWSE

POU's: 2N, 3W, S14, NWSW - 40 ac SWSW - 40 ac.

S15, NESW - 20 ac

NESE - 20 ac SESE - 20 140 ac

-03599D

N/O Grego.

DR: 2.665 CU: 490

POD's: 2N, 3W, S15, NESE, SWSE

POU's: 2N, 3W, S15, NESE - 20 ac SESE - 20 ac

NWSE - 40 SWSE - 40

NESW - 20 140 ac.

* Ownership change to Hubill Grading & Excavation

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03599B
Date Received: 12/28/1989
Receipt No: N003518
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name:	H.R. MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	GOLDA D. MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	EDWARD RAY MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	SUSAN L. MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	RODNEY KENT MONTIERTH	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	WILFORD NOLAN VICTOR	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	RUBY C. VICTOR	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	ROBERT J. MEYERS	208-733-5217	
Address:	1528 ADDISON AVENUE EAST TWIN FALLS, ID 83301		
AND			
Name:	KATHI L. MEYERS	208-733-5217	

Address: 1528 ADDISON AVENUE EAST
TWIN FALLS, ID 83301

2. Date of Priority: APR 13, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	03W	15	NE	SE			CANYON
			SW	SE			CANYON

5. Description of diverting works:
WELLS, PUMPS, PIPELINE & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.330		

7. Total Quantity Appropriated is:
5.330 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 980.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	03W	14	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	80.0
		15	NE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	200.0
						Total Acres	280.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
OTHER WATER RIGHTS INCLUDE: 80 ACRES CONCURRENT WITH A63-03589
AND 60 ACRES CONCURRENT WITH A63-02879.

15. Basis of Claim: LICENSE
Water Right Number: 33561

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

RIGHT NUMBER: 63-32636

NAME AND ADDRESS: FARM DEVELOPMENT CORP
PO BOX 1201
BOISE ID 83701

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.280 CFS
46.900 AFY

PRIORITY DATE: 04/13/1967

POINT OF DIVERSION:

T01N R03W S4 NESWSW Within CANYON County

T01N R03W S9 NWNWNE Within CANYON County

Right 63-32633 is also diverted through the points of diversion described above.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.280 CFS 46.90 AFY
STOCKWATER	01/01 12/31	0.280 CFS 46.90 AFY

Industrial use is for a machine shop and feed preparation for a feedlot.

PLACE OF USE: STOCKWATER in CANYON County

T01N R03W S04	NWSW	T01N R03W S04	SWSW
T01N R03W S04	SESW	T01N R03W S05	NESE
T01N R03W S09	NENW	T01N R03W S09	NWNW

INDUSTRIAL in CANYON County

T01N R03W S04	NWSW	T01N R03W S04	SWSW
T01N R03W S04	SESW	T01N R03W S05	NESE
T01N R03W S09	NENW	T01N R03W S09	NWNW

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

The right holder shall accomplish the change authorized by Transfer 71937 within one year of the date of the approval.

This right is a split from former right 63-32075.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

**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	)	Water Rights: 63-32075 (Split)
	)	63-32635, 63-32636
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

XX Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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: August 31, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on August 31, 2007, 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	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Farm Development Corp	☐	overnight mail
PO Box 1201	☒	regular mail
Boise ID 83701	☐	hand-delivered
	☐	facsimile

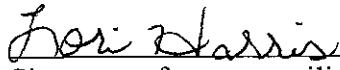
Herbert Montierth Jr	☐	overnight mail
6312 S Zither Ave	☒	regular mail
Boise ID 83709	☐	hand-delivered
	☐	facsimile

Edward Ray Montierth
Susan L Montierth
The Estate of Golda D Montierth
825 Heartland Dr
Nampa ID 83686

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Ruby C Victor
W Nolan Victor
Robert J Meyers
Kathi L Meyers
Rodney Kent Montierth
1528 Addison Ave E
Twin Falls ID 83301

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 31, 2007

FARM DEVELOPMENT CORP
PO BOX 1201
BOISE ID 83701

Re: Water Right Nos. 63-32633, 63-32636 (Split from 63-32075)

Dear Sir or Madam:

Enclosed are copies of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in black ink that reads "Lori Harris". The signature is written in a cursive, flowing style.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures