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MAY 19 2011
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA) Subcase No: 00-91013
Case No. 39576) (Basin-Wide Issue 13)
)
) OBJECTION RE: STATE OF
) IDAHO'S *SECOND AMENDED*
) *MOTION TO INCLUDE*
) *SUBORDINATION LANGUAGE ON*
) *WATER RIGHTS AFFECTED BY THE*
) *SWAN FALLS AGREEMENT*

Please Print or Type the Following Information:

NAME AND ADDRESS OF PERSON OBJECTING:

Name: SCI PROPERTIES LLC
Address: C/O Fremont Properties Inc., attn J. Marcus Boman
199 Fremont St., Suite 2400, San Francisco, CA 94105
Phone: (415) 284-8704

Name and Address of Attorney, if any:

James P. Speck
Speck & Aanestad, A Professional Corporation
PO Box 987, Ketchum, ID 83340

Water Right Number for which I am objecting: 37-22586

(Please use one *Objection* form per water right)

Please Check Applicable Box:

- ☒ I have reviewed the State of Idaho's *Second Amended Motion*.
- ☐ I wish to object to my water right not being included on the list of water rights on Attachment A.

OBJECTION RE: STATE OF IDAHO'S *SECOND AMENDED MOTION TO INCLUDE SUBORDINATION LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS AGREEMENT*

☐ The reason(s) I believe my water right should be included on Attachment A are as follows: *

☒ I wish to object to my water right being included on the list of water rights on Attachment B.

☒ The reason(s) I believe my water right should not be included on Attachment B are as follows: * SEE ADDENDUM TO OBJECTION

☒ I have included proof with this *Objection* supporting that beneficial use was made under the right prior to October 25, 1984.

Signature: 

Dated: 5-18-11

* Attach additional sheets of paper as necessary to provide complete explanation.

**OBJECTION RE: STATE OF IDAHO'S SECOND AMENDED MOTION TO INCLUDE
SUBORDINATION LANGUAGE ON WATER RIGHTS AFFECTED BY THE SWAN FALLS
AGREEMENT**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of May, 2011, a true and correct copy of the foregoing was mailed with sufficient first-class postage to the following:

DIRECTOR OF IDWR
P.O. Box 83720
Boise, Idaho 83720

Faulkner Land & Livestock Co.
North Snake Ground Water District
Represented by:
Thomas J. Budge
PO Box 1391
Pocatello, ID 83204-1391

Basin and Range Resource
Interested Water Users
Jeff & Jackie Harper
Represented by:
Dana L. Hofstetter
608 W Franklin St
Boise, ID 83702

Idaho Ground Water Appropriators
Represented by:
Randall C. Budge
PO Box 1391
Pocatello, ID 83204-1391

United States Department of Justice
Environment & Natural Resources Division
550 W Fort Street, MSC 033
Boise, ID 83724

Burgess Canal, *et al.*
Represented by:
Jerry R. Rigby
Po Box 250 ⁴
Rexburg, ID 83440-0250

Clear Spring Foods Inc.
Idaho Power Company
Represented by:
John K. Simpson
PO Box 2139
Boise, ID 83701-2139

City of Pocatello
Represented by: Josephine P. Beeman
409 W Jefferson St
Boise, ID 83702

STATE OF IDAHO
Office of Attorney General
Attn: Clive Strong / Shasta Kilminster-Hadley
P.O. Box 83720
Boise, ID 83720

SRBA DISTRICT COURT
P.O. Box 2707
Twin Falls, Idaho 83303-2707



Signature

ADDENDUM TO OBJECTION
37-22586

Water Right No. 37-22586 was originally licensed as 37-7770 for irrigation purposes only in July 1995. A copy of that Amended License is attached as **Exhibit 1**. A claim for 37-7770 was filed in the SRBA. In June 2005, Permit 37-21352 was issued to SCI Properties, LLC (“SCI”), the then and current owner 37-7770 and 37-22586, requiring a portion of 37-7770 be used as mitigation. In February 2007, IDWR filed its Director’s Report recommendation for 37-7770. An Objection was filed by BLM to remove an encroachment of the recommended irrigation place of use on its land. This was settled by splitting 37-7770 into two rights (37-21942 for SCI and 37-21943 for BLM), which were then decreed in November 2009. Copies of the Orders of Partial Decree for these two rights are attached as **Exhibits 2 and 3**, respectively. To complete the settlement of the encroachment issue with BLM, SCI then moved 37-21943 to other portions of its ranch and, at the same time, asked that 37-21942 and 37-21943 be recombined into a single water right. This was done by the approval of Transfer 76754 (copy attached as **Exhibit 4**) and the combined water right renumbered as 37-22586.

In developing 37-7770, Pat Millington (“Millington”) purchased the right to pump water from a well on property then owned by Neyman and Castle together with an easement to deliver water from the well into Silver Creek. The purchase was completed in the spring of 1983 pursuant to the terms and conditions of the Agreement of Sale and Water Deed, copies of which are attached as **Exhibits 5 and 6**, respectively. The permit for 37-7770 was then amended in April 1983 per the approved Application for Amendment of a Permit, a copy of which is attached as **Exhibit 7**. Millington then submitted the proof of beneficial use for this right in March 1984 per the attached **Exhibit 8**.

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 37-07770

Priority: March 29, 1979

Maximum Diversion Rate: 5.60 CFS
Maximum Diversion Volume: 1200.0 AF

This is to certify, that PATRICIA G. MILLINGTON

P.O. BOX 707

PICABO ID 83348

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 29, 1979; and has submitted Proof of Beneficial Use on March 27, 1984. An examination indicates that the works have a diversion capacity of 8.910 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	5.60 CFS	1200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

Injection
Rediversion
Rediversion
Rediversion
Rediversion
Rediversion

NENW , Sec. 20, Township 01S, Range 20E
SENE , Sec. 20, Township 01S, Range 20E
SWSE , Sec. 26, Township 01S, Range 20E
NENE , Sec. 35, Township 01S, Range 20E
NWNW , Sec. 36, Township 01S, Range 20E
SENE , Sec. 36, Township 01S, Range 20E
NENW , Sec. 1, Township 02S, Range 20E

BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	20E	25	SWSW 4			4
		26	SESW 2	SWSE 28	SESE 18.5	48.5
		35	NENE 14.6	NWNE 1	SENE 0.4	16
		36	NWNE 5.4	SWNE 34	SENE 7	
			NENW 25	NWNW 35	SWNW 15.6	
			SENE 32	NWSW 3	SWSW 4.5	161.5
02S	20E	1	NENW 5	NWNW 25	SWNW 30	
			SENE 30			90
		2	NENE 40	SENE 40		80

Total number of acres irrigated: 400.0

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.

NOV 11 2013

AUG 08 1995

PROFILED 3-523
DATE

EXHIBIT 1

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-07770

CONDITIONS/REMARKS:

3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
6. Use of water under this right will be regulated by the watermaster.
7. Water is injected into Silver Creek within the SENE, S20, T1S, R20E and rediverted from Silver Creek at five different sites.
8. Measuring devices of a type approved by the Department shall be maintained at the point of injection and the points of rediversion.
9. A maximum of 5.04 cfs may be rediverted from Silver Creek at the point of diversion identified in this license.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 24TH
day of July, 19 95.

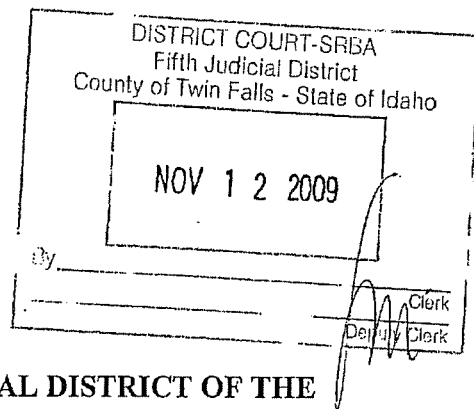
Acting for

KARL J. DREHER, Director

PROFILED
DATE 3-5-03

AUG 08 1995

RECEIVED
NOV 13 2009
SPECK & AANESTAD



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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 37-21942
	)	(SCI Properties LLC)
_____	)	

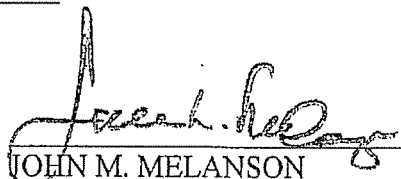
On August 24, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED

November 12, 2009

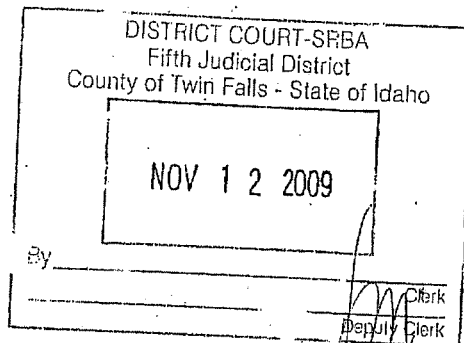

JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-21942



NAME AND ADDRESS: SCI PROPERTIES LLC
C/O FREMONT PROPERTIES INC
ATTN J MARCUS BOMAN
199 FREMONT ST STE 2400
SAN FRANCISCO, CA 94105

SOURCE: GROUND WATER

QUANTITY: 5.54 CFS
1188.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1188 AF. COMBINED RIGHT
NOS.: 37-21936, 37-21938 37-21940 & 37-21942.

PRIORITY DATE: 03/29/1979

POINT OF DIVERSION:	T01S R20E S20	SWSNW (Injection)	Within Blaine County
		SWNENW	
	S26	NESWSE (Rediversion)	
	S35	NENENE (Rediversion)	
	S36	SWNWNW (Rediversion)	
		SWSENW (Rediversion)	
	T02S R20E S01 LOT 3	(NWNENW) (Rediversion)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Mitigation	04-01 TO 11-01	0.05 CFS
			7.40 AFY
	Irrigation	04-01 TO 11-01	5.49 CFS
			1180.60 AFY

PLACE OF USE:	Irrigation	Within Blaine County
	T01S R20E S26	SWSE 24.7
		SESE 18.5
	S35	NENE 14.6
		SENE 0.4
	S36	NWNE 5.4
		SENE 7.0
		NWNW 35.0
		SENE 32.0
		SWSW 4.5
	T02S R20E S01 LOT 3	(NENW) 5.0 LOT 4 (NWNW) 25.0
		SWNW 30.0 SENW 30.0
	S02 LOT 1	(NENE) 40.0 LOT 5 (SENE) 40.0
	392.7 Acres Total	
	Mitigation	Within Blaine County
	T01S R20E S26	SWSE

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 392.7 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-21936, 37-21938,
37-21940 & 37-21942.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS

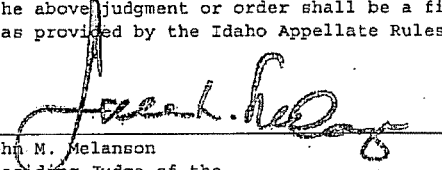
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2009 NOV 12 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-21942

CERTIFICATE OF MAILING

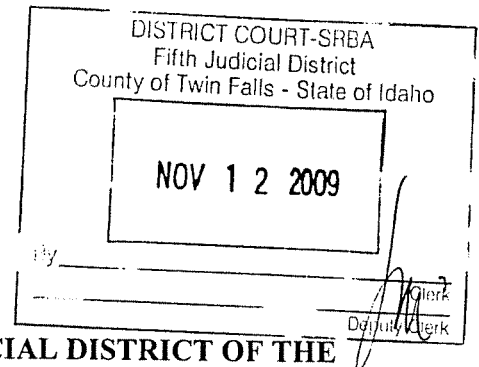
I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 37-21942 was mailed
on November 12, 2009, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SCI PROPERTIES LLC

Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

JULIE MURPHY
Chief Deputy Clerk



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

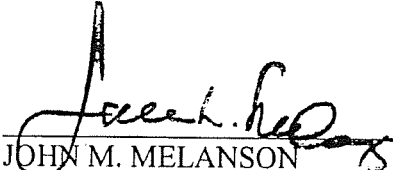
In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	Subcase No. 37-21943
	)	(USDI-BLM)
_____	)	

On August 24, 2009, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 12, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-21943

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV 12 2009

NAME AND ADDRESS: UNITED STATES OF AMERICA
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS
12.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 12 AF. COMBINED RIGHT
NOS.: 37-21937, 37-21939, 37-21943 & 37-21941.

PRIORITY DATE: 03/29/1979

POINT OF DIVERSION:	T01S R20E S20	SWSWNE (Injection)	Within Blaine County
		SWNENW	
	S26	NESWSE (Rediversion)	
	S35	NENENE (Rediversion)	
	S36	SWNWNW (Rediversion)	
		SWSENW (Rediversion)	

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.06 CFS
			12.00 AFY

PLACE OF USE: Irrigation Within Blaine County
T01S R20E S25 SWSW 4.0
4.0 Acres Total

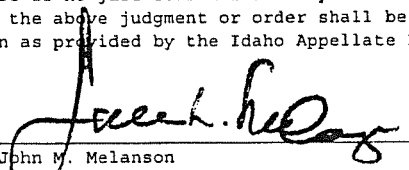
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 4.0 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIHGT NOS.: 37-21937, 37-21939,
37-21943 & 37-21941.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

2009 NOV 12 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 37-21943

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 37-21943 was mailed
on November 12, 2009, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

JULIE MURPHY
Chief Deputy Clerk

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76754

This is to certify that: SCI PROPERTIES LLC
 C/O FREMONT PROPERTIES INC
 ATTN J MARCUS BOMAN
 199 FREMONT ST STE 2400
 SAN FRANCISCO CA 94105
 (415)284-8704

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>
37-21940	WR/Decreed	05/31/1890	1.18 cfs	261.3 af	72.0	215.2	SILVER CREEK
37-21936	WR/Decreed	03/31/1877	2.36 cfs	412.7 af	112.7	215.2	SILVER CREEK
37-21942	WR/Decreed	03/29/1979	5.54 cfs	1188.0 af	N/A	392.7	GROUND WATER
37-21937	WR/Decreed	03/31/1877	0.04 cfs	7.3 af	N/A	4.0	SILVER CREEK
37-21938	WR/Decreed	11/01/1889	0.79 cfs	261.3 af	72.0	215.2	SILVER CREEK
37-21939	WR/Decreed	11/01/1889	0.01 cfs	4.7 af	N/A	4.0	SILVER CREEK
37-21941	WR/Decreed	05/31/1890	0.02 cfs	4.7 af	N/A	4.0	SILVER CREEK
37-21943	WR/Decreed	03/29/1979	0.06 cfs	12.0 af	N/A	4.0	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>
37-21940	NO	NO	YES	NO	NO	NO
37-21936	NO	NO	YES	NO	NO	NO
37-21942	NO	NO	YES	NO	NO	NO
37-21937	NO	NO	YES	NO	NO	NO
37-21938	NO	NO	YES	NO	NO	NO
37-21939	NO	NO	YES	NO	NO	NO
37-21941	NO	NO	YES	NO	NO	NO
37-21943	NO	NO	YES	NO	NO	NO

Other Actions Resulting From Transfer (Combine same priority rights to single right)

37-21936 combined with 37-21937 renumbered to 37-22583
 37-21938 combined with 37-21939 renumbered to 37-22584
 37-21940 combined with 37-21941 renumbered to 37-22585
 37-21942 combined with 37-21943 renumbered to 37-22586

SUPPORT DATA

IN FILE # 37-21936

EXHIBIT 4

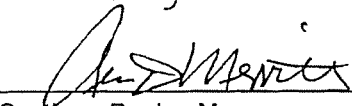
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76754

Summary of Water Rights After the Approved Change

Existing Rights	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
37-21936										
& 37-21937	37-22583	2.40 cfs	420 af	116.7	219.2		N/A	N/A	N/A	N/A
37-21938										
& 37-21939	37-22584	0.80 cfs	266 af	72.7	219.2		N/A	N/A	N/A	N/A
37-21940										
& 37-21941	37-22585	1.20 cfs	266 af	72.7	219.2		N/A	N/A	N/A	N/A
37-21942										
& 37-21943	37-22586	5.60 cfs	1200 af	396.7	396.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		10.00 cfs	1298 af	396.7	396.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of January, 2011



Southern Region Manager

WATER RIGHT NO. 37-22583
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22583 is now described as follows.

Right Holder: SCI PROPERTIES LLC
 C/O FREMONT PROPERTIES INC
 ATTN J MARCUS BOMAN
 199 FREMONT ST STE 2400
 SAN FRANCISCO CA 94105

Priority Date: March 31, 1877

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	04/15 to	10/31	0.07 CFS	11.5 AF
IRRIGATION	04/15 to	10/31	2.33 CFS	408.5 AF
			2.40 CFS	420.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NESWSE	Sec. 26 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	NENENE	Sec. 35 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNWNW	Sec. 36 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWSSENW	Sec. 36 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: MITIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 26															3.3		3.3

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	
01S 20E 26															20.1	11.6	31.7
01S 20E 35	19.1	3.2		1.9													24.2
01S 20E 36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3

Total Acres: 219.2

CONDITIONS OF APPROVAL

- As long as the dike situated in the SE1/4SE1/4NE1/4, Section 27, T.1S., R.20E., B.M., Blaine County, Idaho, located approximately at Latitude N 43° 18.586' and Longitude W 114° 03.483', is maintained so as to prevent the waters of Silver Creek from wasting through sink holes, Water Rights 37-215G and 37-215D, and all splits therefrom, are for saved or salvaged water and shall therefore have the prior and exclusive right to the delivery of 6.4 cfs of the waters of Silver Creek, as established by, controlled by, and subject to the provisions within the Frost v. Alturas Water Company decree (Lincoln County District Court, December 13, 1909). Accordingly, they shall not be subject to the priority system during calls in times of scarcity. The above described dike was first constructed on 6-1-1899. This date is listed solely for purpose of documenting when the saved and salvaged water was first put to beneficial use, and not for purpose of subjecting this right (or any splits therefrom) to priority calls based upon this date.

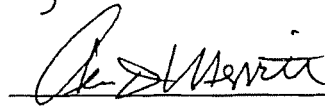
WATER RIGHT NO. 37-22583
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

2. Rights 37-22583, 37-22584, and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 674.5 af at the field headgate, and the irrigation of 192.7 acres.
3. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.07 cfs of this right from Silver Creek.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Place of use does not include federal public lands.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

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 13th day of January, 2011



Southern Region Manager

WATER RIGHT NO. 37-22584
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22584 is now described as follows.

Right Holder: SCI PROPERTIES LLC
 C/O FREMONT PROPERTIES INC
 ATTN J MARCUS BOMAN
 199 FREMONT ST STE 2400
 SAN FRANCISCO CA 94105

Priority Date: November 01, 1889

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	04/15 to	10/31	0.03 CFS	11.5 AF
IRRIGATION	04/15 to	10/31	0.77 CFS	254.5 AF
			0.80 CFS	266.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NESWSE	Sec. 26 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	NENENE	Sec. 35 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNWNW	Sec. 36 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWSSEW	Sec. 36 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: MITIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 26															3.3		3.3

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	
01S 20E 26															20.1	11.6	31.7
01S 20E 35	19.1	3.2		1.9													24.2
01S 20E 36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3

Total Acres: 219.2

CONDITIONS OF APPROVAL

1. Rights 37-22584 and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 254.5 af at the field headgate, and the irrigation of 72.7 acres.
2. Rights 37-22583, 37-22584, and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 674.5 af at the field headgate, and the irrigation of 192.7 acres.
3. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

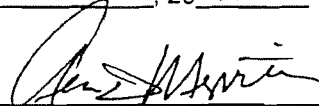
WATER RIGHT NO. 37-22584
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.03 cfs of this right from Silver Creek.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Place of use does not include federal public lands.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

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 13th day of January, 2011



Southern Region Manager

WATER RIGHT NO. 37-22585
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22585 is now described as follows.

Right Holder: SCI PROPERTIES LLC
 C/O FREMONT PROPERTIES INC
 ATTN J MARCUS BOMAN
 199 FREMONT ST STE 2400
 SAN FRANCISCO CA 94105

Priority Date: May 31, 1890

Source: SILVER CREEK

Tributary: LITTLE WOOD RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MITIGATION	04/15 to	10/31	0.05 CFS	11.5 AF
IRRIGATION	04/15 to	10/31	1.15 CFS	254.5 AF
			1.20 CFS	266.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SILVER CREEK	NESWSE	Sec. 26 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	NENENE	Sec. 35 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWNWNW	Sec. 36 Twp 01S	Rge 20E	BLAINE County
SILVER CREEK	SWSENW	Sec. 36 Twp 01S	Rge 20E	BLAINE County

PLACE OF USE: MITIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 20E 26															3.3		3.3

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	
01S 20E 26															20.1	11.6	31.7
01S 20E 35	19.1	3.2		1.9													24.2
01S 20E 36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4									163.3

Total Acres: 219.2

CONDITIONS OF APPROVAL

1. Rights 37-22584 and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 254.5 af at the field headgate, and the irrigation of 72.7 acres.
2. Rights 37-22583, 37-22584, and 37-22585 when combined shall not exceed a total annual maximum diversion volume of 674.5 af at the field headgate, and the irrigation of 192.7 acres.
3. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.

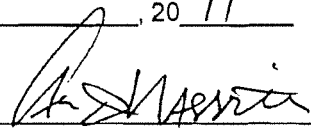
WATER RIGHT NO. 37-22585
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.05 cfs of this right from Silver Creek.
6. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
8. Place of use does not include federal public lands.
9. This right does not grant any right-of-way or easement across the land of another.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

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 13th day of January, 2011


Southern Region Manager

WATER RIGHT NO. 37-22586
As Modified by Transfer No. 76754

In accordance with the approval of Transfer No. 76754, Water Right No. 37-22586 is now described as follows.

Right Holder: SCI PROPERTIES LLC
 C/O FREMONT PROPERTIES INC
 ATTN J MARCUS BOMAN
 199 FREMONT ST STE 2400
 SAN FRANCISCO CA 94105

Priority Date: March 29, 1979

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	11/01	5.55 CFS	1,190.1 AF
MITIGATION	04/01 to	11/01	0.05 CFS	9.9 AF
			5.60 CFS	1,200.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNENW	Sec. 20 Twp 01S Rge 20E BLAINE County
GROUND WATER (Injection)	SWSWNE	Sec. 20 Twp 01S Rge 20E BLAINE County
GROUND WATER (Rediversion)	NESWSE	Sec. 26 Twp 01S Rge 20E BLAINE County
GROUND WATER (Rediversion)	NENENE	Sec. 35 Twp 01S Rge 20E BLAINE County
GROUND WATER (Rediversion)	SWNWNW	Sec. 36 Twp 01S Rge 20E BLAINE County
GROUND WATER (Rediversion)	SWSENW	Sec. 36 Twp 01S Rge 20E BLAINE County
GROUND WATER (Rediversion)	L3 (NWNENW)	Sec. 1 Twp 02S Rge 20E BLAINE 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	
01S	20E	26															20.1	11.6	31.7
01S	20E	35	19.1	3.2		1.9													24.2
01S	20E	36	.3	5.1	35.1	13.5	27.7	29.5	18.7	33.4		10.1							173.4
02S	20E	1					5.1	34.6	35.9	15.7									91.3
02S	20E	2	42.7			33.4	L 3	L 4											76.1
			L 1			L 5													

Total Acres: 396.7

PLACE OF USE: MITIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	20E	26															3.3		3.3

CONDITIONS OF APPROVAL

1. Rights 37-22583, 37-22584, 37-22585 and 37-22586 when combined shall not exceed a total annual maximum diversion volume of 1286.5 af at the field headgate, and the irrigation of 396.7 acres.

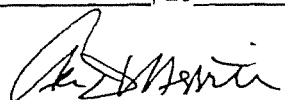
WATER RIGHT NO. 37-22586
As Modified by Transfer No. 76754

CONDITIONS OF APPROVAL

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
3. The portion of Right 37-22586 used for conveyance losses is 0.56 cfs.
4. This right mitigates for the depletion of water resulting from the diversion and use of water under Right 37-21352. To prevent injury to other water right holders, the right holder shall cease diverting 0.05 cfs of this right from Ground water.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. Right No. 37-2739 is also diverted through point of diversion described above.
8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37M.
9. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
10. Place of use does not include federal public lands.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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.

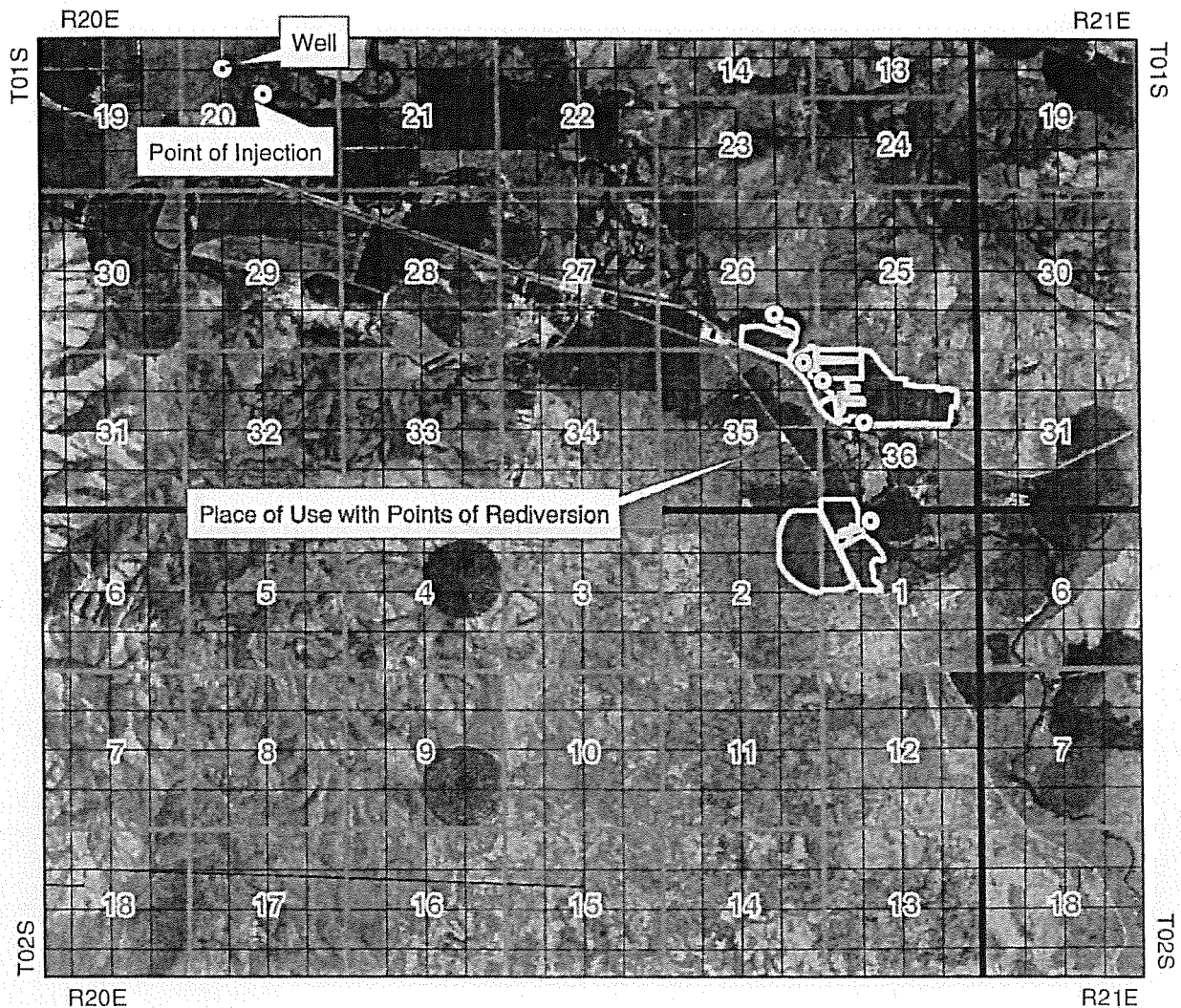
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13th day of January, 2011


Southern Region Manager

State of Idaho
Department of Water Resources
Attachment To Transfer Of Water Right
Transfer No. 76754

Right: 37-22586 from ground water to irrigated 396.7 acres
This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.5 1 2 Miles

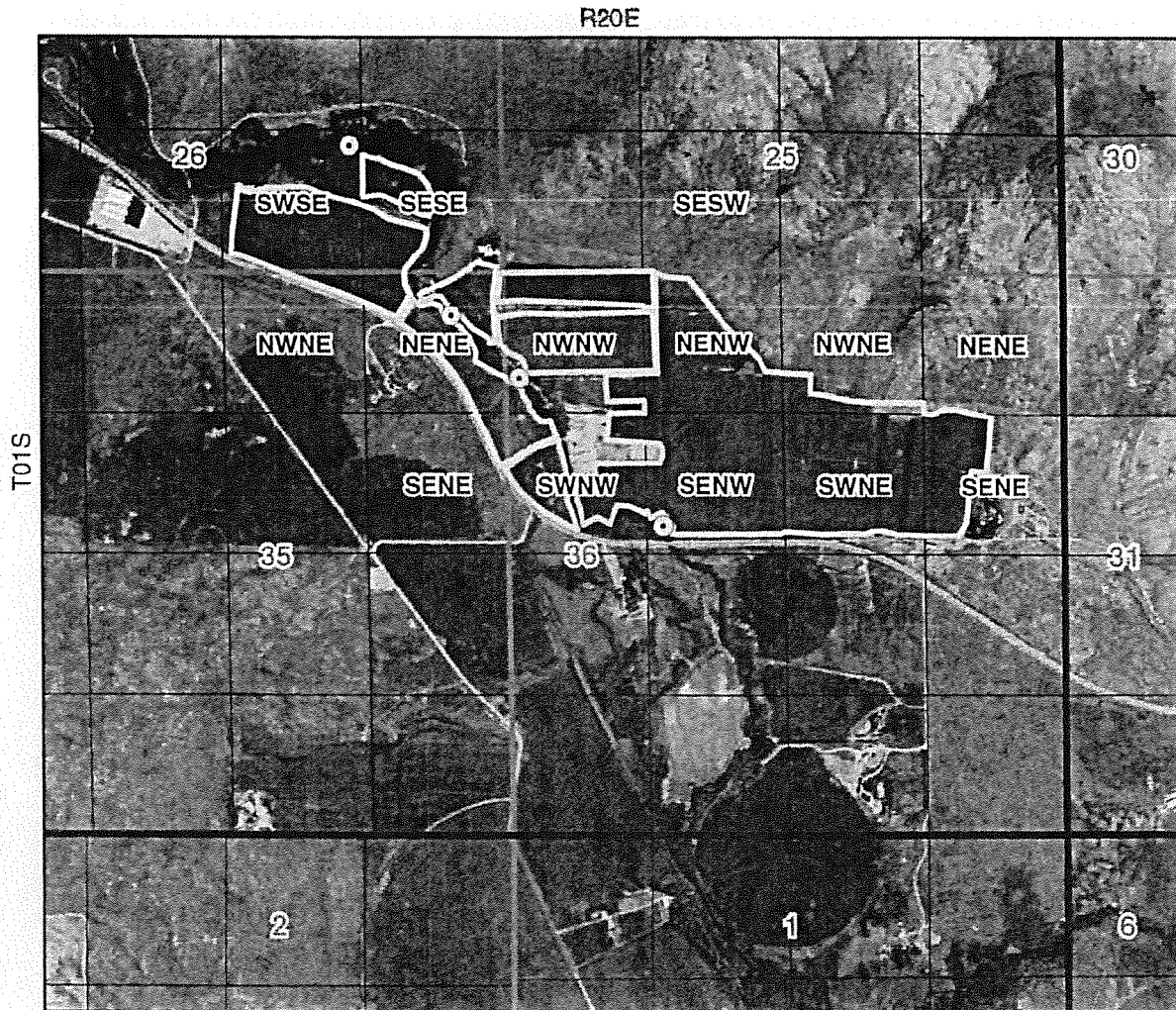


State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 76754

Rights: 37-22583, 37-22584, 37-22585 from Silver Creek for irrigation of 219.2 acres
This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



Legend

- Point of Diversion
- Place Of Use Boundary
- ▭ Townships
- ▭ PLS Sections
- ▭ Quarter Quarters

0 0.2 0.4 0.8 Miles



AGREEMENT OF SALE

THIS AGREEMENT made and entered into this day of March, 1983, by and between JAMES H. NEYMAN and ELIZABETH NEYMAN, husband and wife, Record Owners, and CARLYLE CASTLE and RANORA CASTLE, husband and wife, Contract Purchasers, jointly as "Seller" and PATRICIA HILLINGTON, a married woman dealing in her sole and separate property, whose mailing address is P. O. Box 707, Pocatello, Idaho 83348, "Buyer".

In consideration of the mutually dependent covenants contained herein, the parties agree as follows:

I.

SALE. Seller agrees to sell to Buyer and Buyer agrees to buy from Seller all of Seller's right, subject to the reservations contained in paragraph IV below, in and to that certain irrigation well located in the Southwest corner of the NE1/4, Section 20, T1S, R20E, B.M., consisting of well, casing, pump Serial No. DKJ417447, Motor Serial No. 568ABG1 and appurtenant equipment, hereinafter termed "works".

II.

CONSIDERATION. The consideration for this ⁵sale shall be the total sum of THIRTY-EIGHT THOUSAND FIVE HUNDRED (\$38,500.00) DOLLARS, payable as follows: \$1,000.00 earnest money, held by Sawtooth Title Company, Ketchum, Idaho; the sum of \$37,400.00 cash on full execution of all the conditions and covenants of this agreement. The earnest money shall be held by Seller and applied against the purchase price if this agreement is fully consummated. If Buyer fails to perform the conditions and covenants of this agreement, but not through Buyer's inability to transfer certain water rights held by her to the "works", then the earnest money shall be forfeited to Seller as liquidated damages and not as a penalty. In such event, this agreement shall be of no further force or effect.

III.

TRANSFER OF WATER RIGHTS. This agreement is conditioned

EXHIBIT 5

upon Buyer, acting seasonably, transferring certain water rights to underground water held by her to the well which is the subject of this agreement. It is agreed and understood that Seller holds Water Right License No. 37-2739 with date of priority of July 8, 1966, for 1.23 cfs. The limitations of the above Water Right License shall not apply if Buyer is able to transfer her existing rights to the works being sold hereunder. Seller warrants that the works have a tested capacity of 365 miners inches of water.

Seller also warrants that the works are in good operating condition. The parties agree to have the works inspected and the volume of water production tested by a mutually agreeable third party, the cost of such inspection to be shared equally by the parties.

IV.

SELLER'S USE OF WATER. Seller shall have the right to utilize the works to the extent of 1.23 cfs for irrigation upon the adjoining land owned by Seller at any time that Buyer is pumping from the works. The proportionate share of the power so used by Seller shall be paid to Buyer upon a proper accounting therefor.

V.

GRANT OF EASEMENT. Seller agrees to grant to Buyer a 16-foot wide easement across the lands owned by Seller in order to convey the water produced by the works to Silver Creek. If such a Grant of Easement is necessary, Buyer will provide a precise metes and bounds description at her expense and Seller agrees to execute such a Grant of Easement for recording in the records of Blaine County, Idaho.

VI.

ENCUMBRANCES. The parties agree that there are certain encumbrances upon the property incurred by Contract Purchasers, all as shown on that certain Commitment for Title Insurance dated

February 4, 1983, at 4:00 o'clock P.M. from Sawtooth Title Company, Inc. and any subsequent date down to there. Seller agrees to obtain at least a partial termination of the Financing statement set forth in Schedule B, Section 2, paragraph 6 of the Title Commitment and at least a partial release of the Real Estate Mortgage set forth in Schedule B, Section 2, paragraph 7, both of which paragraphs refer to an indebtedness owed by Contract Purchasers to Farmers Home Administration, United States Department of Agriculture. It is Contract Purchasers assertion that the judgments recited in Schedule B, Section 2, paragraphs 5 and 8 have been paid in full and will be released prior to closing. All other liens and encumbrances as shown on said Title Commitment shall be paid from the closing by the closing agent, Sawtooth Title Company, unless sooner paid by Sellers. All amounts over and above the sums necessary to pay such liens and encumbrances shall be paid by the closing agent to Seller. Seller agrees to pay for a policy of title insurance insuring good and sufficient title in buyer to the works and easement described herein.

VII.

FISH AND GAME EASEMENT. The parties recognize that it may be necessary for Buyer to obtain a ditch or pipe easement across adjacent lands owned by the Idaho Fish and Game Department in order to convey the water from lands owned by Seller to Silver Creek. The closing of this sale, and this agreement, is conditioned upon Buyer being able to obtain an easement from the Idaho Fish and Game Department as above described.

VIII.

POSSESSION. Possession of the works shall be delivered to Buyer upon full consummation of this agreement.

IX.

BILL OF SALE. Seller agrees to execute a Bill of Sale conveying the works to Buyer to be held by the closing agent until the closing of this transaction.

X.

CLOSING DATE. The date of closing of this transaction shall be June 1, 1983; Provided, However, such closing date shall be extended at the request of either party to facilitate compliance with the terms of this agreement, with the exception of the payment of full consideration as set forth in paragraph II above, so long as the requesting party is making a good faith effort to comply with any requirement of this agreement that the requesting party is bound to perform.

XI.

ATTORNEYS FEES AND COSTS. Each party to this agreement has been represented by his or her attorney, and agree to be solely responsible for his or her attorney's fees. The closing costs required by the closing agent shall be shared equally by both parties.

James H. Heyman
James H. Heyman

Carlyle Castle
Carlyle Castle

Elizabeth Heyman
Elizabeth Heyman

Ramona Castle
Ramona Castle

"SELLER"

Patricia Millington
Patricia Millington

"BUYER"

STATE OF IDAHO)
) ss.
County of Blaine)

On this 22nd day of February, 1983, before me, a Notary Public in and for said State, personally appeared JAMES H. MEYMAN and ELIZABETH MEYMAN, husband and wife, known 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.

Notary Public for Idaho
Residence:

STATE OF IDAHO)
) ss.
County of Blaine)

On this 22nd day of February, 1983, before me, a Notary Public in and for said State, personally appeared CARLYLE CASTLE and RAMONA CASTLE, known 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.

Notary Public for Idaho
Residence:

STATE OF IDAHO)
) ss.
County of Blaine)

On this 22nd day of February, 1983, before me, a Notary Public in and for said State, personally appeared PATRICIA HILLINGTON, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

Notary Public for Idaho
Residence:

WATER DEED

THIS UNDERTAKE, made and entered into this 11th day of April, 1933, between JAMES H. MEYHAN and ELIZABETH MEYHAN, husband and wife, and CARLYLE CASTLE and RAEMMA CASTLE, husband and wife, all of the County of Blaine, State of Idaho, parties of the first part, and PATRICIA DILLINGTON, a married woman, of the County of Blaine, State of Idaho, doing business with respect to her sole and separate property, party of the second part,

WITNESSETH, that the parties of the first part, for and in consideration of the sum of one dollar and other good and valuable consideration, do hereby grant, bargain, sell and convey unto the party of the second part, her heirs, successors and assigns, forever all water from a certain irrigation well located on the following described land:

A parcel of land located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T.1S., R.20E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at a pipe set by the Idaho State Fish and Game Department to mark the NW 1/16 of said Section 20, which point is the REAL POINT OF BEGINNING:

Thence North 89° 50' East 105.00 feet along the South Boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, as defined by said Fish and Game Department;

Thence North 0° 06' 45" West 105.00 feet;

Thence South 89° 50' West 105.00 feet parallel to said South Boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the West Boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ as defined by said Fish and Game Department;

Thence South 0° 06' 45" East 105.00 feet along said West Boundary of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning, containing 0.25 acres, more or less,

save and except for .03 cubic feet per second for twelve months of the year for stock water on annual volume of 1.4 acre feet, and save and except for 1.2 cubic feet per second from April 15 to October 1 of each year, not to exceed an annual volume of 180 acre feet, for use upon the following described lands of the parties of the first part, situate in the County of Blaine, State of Idaho, more particularly described as follows, to-wit:

The north east quarter of the north west quarter and the north west quarter of the north east quarter of Section 20, Township 1, south range 20, east of the Boise Meridian.

Which said lands last above described are owned by parties of the first part and the said water so reserved is provided for in a certain water right license issued January 13, 1928, with a priority date of July 8, 1966. The remaining water so hereby conveyed to the party of the second part shall be for use upon the following described lands and premises, situate in the County of Blaine, State of Idaho, owned by the party of the second part, more particularly described as follows, to-wit:

The south-east quarter of the south-west quarter and the south east quarter of the south-east quarter of Section 26, Township 1, south range 20, east of the Boise Meridian, the north-east quarter of the north-east quarter of Section 35, Township 1, south range 10, east of the Boise Meridian, the north-east quarter and the north-west quarter and the south-quarter of the north-east quarter, Section 36, Township 1, south range 20, east of the Boise Meridian, and the north-west quarter of the south-west quarter, the south-west quarter of the north-east quarter, the south-west quarter of the north-west quarter, of Section 31, Township 1, south range 21, east of the Boise Meridian.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the party of the second part, her heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

JAMES H. NEYMAN

CARLYLE CASTLE

ELIZABETH NEYMAN

RAHONA CASTLE

STATE OF IDAHO)
)
County of Blaine) ss. I, _____, Clerk of said County, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same is on file in my office.

On this _____ day of April, 1983, before me the undersigned,
a Notary Public In and For the State of Idaho, personally
appeared CARLYLE CASTLE and RABONA CASTLE, husband and wife,
Known 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
 seal, this 11th day of April, 1901, at the City of New York.

Notary Public
Residing at:

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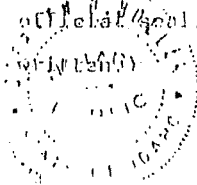
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STATE OF IDAHO)
)
County of Blaine)

On this day of April, 1983, before me the undersigned,
a Notary Public in and for the State of Idaho, personally
appeared JAMES H. HEYDAN and ELIZABETH HEYDAN, husband and wife,
known 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



Notary Public
Residing at:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Patricia G. Millington
of (address) Box 707, Picabo, ID 83348, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 37-7770, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 NW 1/4, Section 20, Township 1S, Range 20E, B.M.,
County of Blaine. Other points of diversion: _____

Point of injection into Silver Creek: SE 1/4 NE 1/4 Sec 20 T1S R20E

Rediversion from Silver Creek: SW 1/4 SE 1/4 Sec 26 T1S R20E (Baker 21P)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 5.60 for Irrigation purposes from 4/1 to 10/15 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

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	
1S	20E	26															32	21	53
		35	4	3															7
		36	15	15	40	40	25	40	35	40					25				275
1S	21E	31							20		15	30							65

Total number of acres to be irrigated = 400

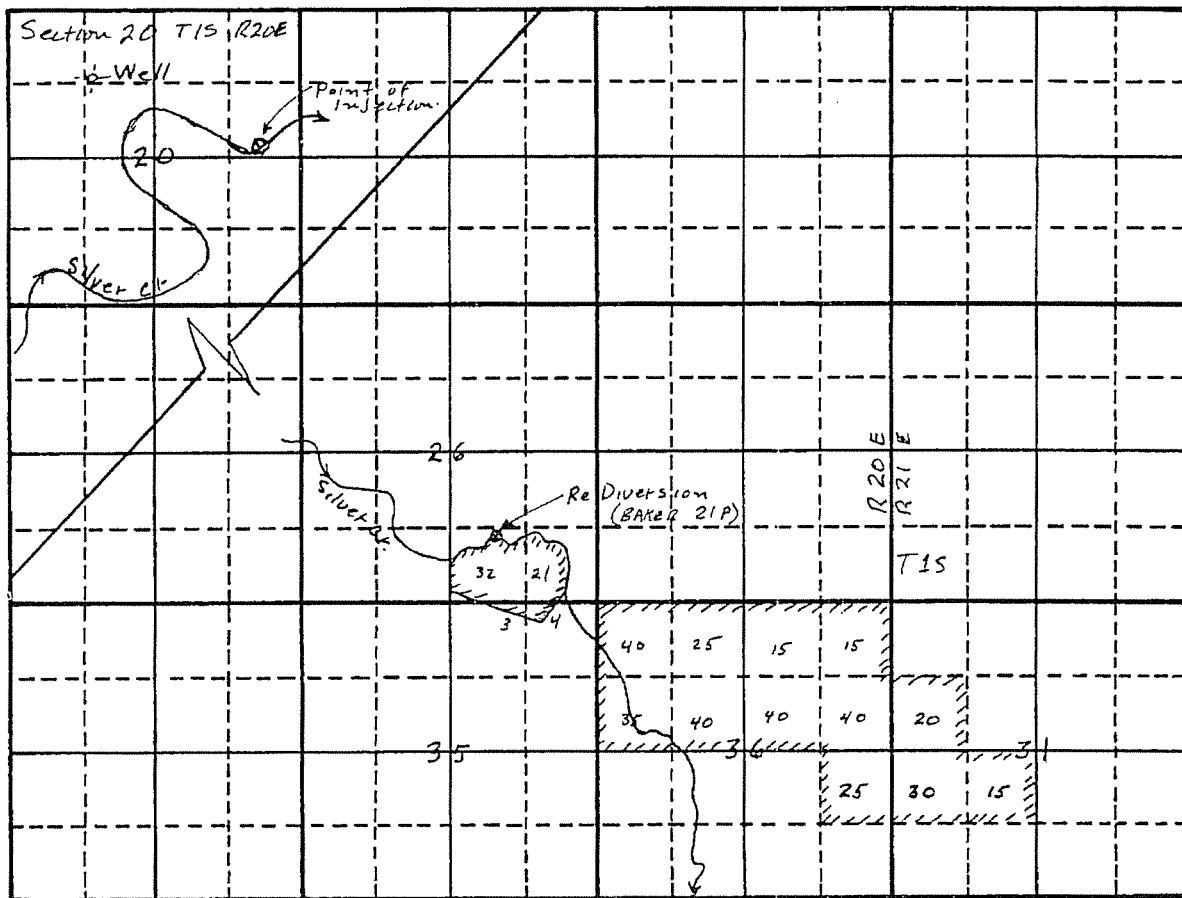
4. a. Who owns the property at the point of diversion? Carlyle Castle (Jim Neyman)
- b. Who owns the land to be irrigated or the place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant will obtain rights to divert excess capacity of this well which is P/D for Lic. 37-2739. This amendment is to supercede the amendment approved 1/24/1982 & apply the water to all the acreage sought to be irrigated under the permit.

PROFILED
DATE 3-5-03

EXHIBIT 7

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Twin Falls, this 31 day of January, 1983.

Wm. G. Young
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by LD Fee = \$20.00

Received by LD Date 1/31/83 # 23966

Publication prepared by _____ Date _____

Published in _____

Publication dates _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, Director of the Department of Water Resources hereby

APPROVE the above Application for Amendment of Permit No. 37-7770 pursuant to

the conditions established in the Order of this date.

Witness my hand this 25th day of April, 19 83.

Norman C. Young
Director

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 37-7770

Name(s) of Permit Holder: PATRICIA MILLINGTON

Post Office Address: Box 707, PLACASO, ID

83348 Tel. No. 788-2590

Source of Water: Well

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 500 (acres)
☐ Other

Measuring Device: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No
Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

March 22
Date

Patricia Millington
Signature of Permit Holder

EXHIBIT 8

PAT MOLLINGTON
Box 709
PICABO, ID, 83348

RECEIVED

MAR 27 1984



MICROFILMED

Department of Water Resources
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

