



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

March 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Earl D Stokes
Betty W Stokes
19 N Barracks Ln
Salmon ID 83467

RE: Notice of Change of Water Right Ownership (NCO) for
74-179D (No Split) and 74-180B (Split into 74-15890 and 74-15891) and Notice of
Completed Administrative Proceeding (NCAP)

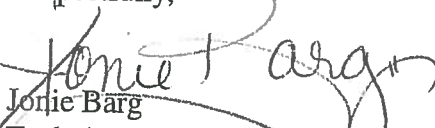
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Technical Records Specialist

Enclosure

cc: Eagle Valley Ranch LLC

SCANNED

MAR 13 2009



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
E-mail: rharris@holdenlegal.com

March 6, 2009

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Department of Water Resources
Eastern Region

Nate Arave
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Executed Amendment to Water Rights Agreement and Notices of Change of Water Right Ownership for Eagle Valley Ranch and Dean & Betty Stokes.

Dear Nate:

Enclosed with this letter is an executed Amendment to Water Rights agreement signed by Eagle Valley Ranch and Dean and Betty Stokes. Also attached are executed Notices of Change of Water Right Ownership, which we are providing to you in response to your request. We have not included a deed or map, as those documents are already in your possession.

As contained in the Agreement at Exhibits D and E, this is how the water rights are to be split between Stokes and Eagle Valley Ranch. With this documentation, we anticipate you will be filing a Notice of Completed Administrative Proceedings with the SRBA Court, and this matter will be resolved. Additionally, the parties did initially submit filing fees for the processing of the Transfer Applications, which were not processed. We request that the filing fee for the Notices of Change of Water Right Ownership be deducted from the transfer filing fee, and that any remaining amount from the transfer filing fee be refunded.

We sincerely appreciate your assistance with this matter. We know this has been a matter in which you have paid particular attention and spent significant time.

Best Regards,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\IRLH\10652 MARTIN, STEPHEN E\09 Eagle Valley Ranch, LLC\Nate Arave ltr 030609 wpd cdy

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Established in 1896

CERTIFICATE OF MAILING

I certify that on March 13, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Eagle Valley Ranch LLC
446 Bahannon Creek Rd
Salmon ID 83467

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Earl D Stokes
Betty W Stokes
19 N Barracks Ln
Salmon ID 83467

4. One copy to:

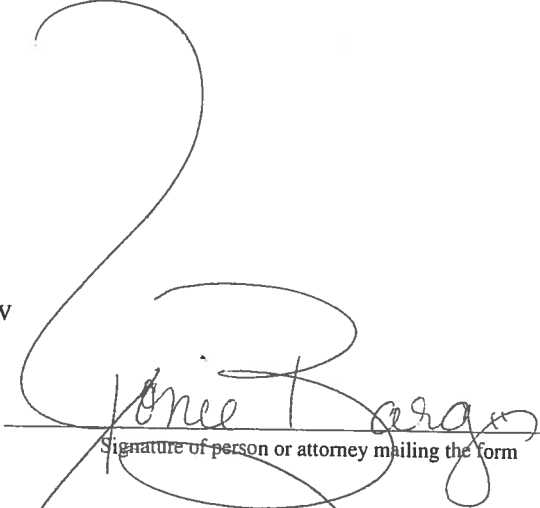
Each party in the subcase, or attorney of record	
Vincent & Melinda Tracy	Sidney & Marlene Cook
3 Prairie Rd	31 W Foothill Dr
Salmon ID 83467	Salmon ID 83467
Daniel and Deidre Hyde	Melvin & Jean Domko
25 W Foothill Rd	752 Lemhi Rd
Salmon ID 83467	Salmon ID 83467-5146

5. One copy each to:

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

6. One Copy to:

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



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 74-179D

NAME AND ADDRESS: EARL DEAN STOKES
19 N BARRACKS LN
SALMON ID 83467

BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467

SOURCE: BOHANNON CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION:

T21N R23E S15 SESE Within LEMHI County

T21N R23E S28 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	2.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R23E S29	SWNE	14.80	T21N R23E S29	SWNW	3.00
T21N R23E S29	SENE	24.30	T21N R23E S29	NESW	13.00
T21N R23E S29	NESE	13.00	T21N R23E S29	NWSE	30.00
T21N R23E S29	SESE	7.00			

105.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 105.1 acres in a single irrigation season. Combined Right Nos.: 74-179D, 74-4006 & 74-15890

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 - Decreed

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
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. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
74-179D					
74-180B		√			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant
Eagle Valley Ranch, LLC
446 Bohannon Creek Rd., Salmon, ID 83467
4. New Owner/Claimant(s)
Earl D. Stokes & Betty W. Stokes
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 19 N. Barracks Ln.
 City, State and ZIP Code Salmon, ID 83467
 New Telephone Number 208-756-2460
5. Date you acquired the property August 21, 2006

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6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
Water right and/or Adjudication Claim Number 74-180B		
Irrigation	1.0 cfs	
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attached 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.

7. Signature of New Owner(s) Or Claimant(s)
(include title if applicable)

Earl Dean Stokes
Betty H Stokes

For IDWR Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. FO 32407
 Processed by _____ Date _____ WR _____ Date _____

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AMENDMENT TO WATER RIGHTS AGREEMENT

5th THIS AMENDMENT TO WATER RIGHTS AGREEMENT IS MADE and entered into this day of March, 2009, by and between Earl Dean Stokes and Betty W. Stokes, husband and wife, of 19 N. Barracks Ln., Salmon, ID 83467, referred to hereafter in this agreement as "STOKES", and Eagle Valley Ranch, LLC, an Idaho Limited Liability Company of 446 Bohannon Creek Rd., Salmon, ID 83467, referred to hereafter in this agreement as "EVR".

RECITALS:

1. On August 21, 2006, STOKES and EVR entered into a "Water Rights Agreement." A copy of the Water Rights Agreement is attached hereto as Exhibit A.
2. The Water Rights Agreement resolved a potential dispute between STOKES and EVR as to how water rights were to be allocated and adjudicated between them.
3. Paragraph 5 of the Water Rights Agreement summarized the misunderstanding the Water Rights Agreement sought to remedy, and further explained what STOKES and EVR were to do to resolve the misunderstanding relating to the water rights. This paragraph provides as follows:
 5. At the time of the conveyance by STOKES to EVR of the real property described in Paragraph 2 above, there was a misunderstanding between the parties as to how the water rights listed in Paragraph 3 and 4 above had been used historically. The parties desire to correct the errors that resulted from such misunderstanding to the end that the following water rights or portions thereof shall become appurtenant to the above described property of STOKES:
 - a. 74-179D - All
 - b. 74-180B - 50 miner's inches or 1.0 cfs;
- and that the following water rights or portions thereof shall be appurtenant to the above described real property of EVR:
 - c. 74-179C - All
 - d. 74-180B - 80 miner's inches or 1.6 cfs
 - e. 74-15520 - All
 - f. 74-15521 - All
4. In order to change the water rights as agreed between the parties, the Water Rights Agreement required both EVR and STOKES to execute quitclaim deeds for water rights and applications for water right transfer.

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Department of Water Resources
Eastern Region

5. In order to process a water rights transfer, it is necessary for the Idaho Department of Water Resources ("IDWR") to review the water rights to be changed, and then advertise the transfer applications to allow for any protesters voice objections to the proposed changes.
6. In reviewing the transfer applications, the IDWR, through one of their agents, Nate Arave, has concluded that the intent of the transfer applications can be accomplished simply through the filing of notices of change of water right ownership because the quitclaim deeds already executed by the parties have transferred ownership of the water rights. In Mr. Arave's opinion, the intent of the Water Rights Agreement to change ownership of various water rights will be accomplished without the need for a water rights transfer, and he recommends that the transfers be withdrawn and that he be permitted to simply change ownership of the water rights as contemplated by EVR and STOKES.
7. By not having the transfer applications processed, both EVR and STOKES will avoid public advertisement of the transfer applications, thereby saving both parties time and expense, while at the same time, accomplishing the same desired effect for both EVR and STOKES contained in the Water Rights Agreement to have water right ownership changed as set forth in the above Paragraph 3.
8. EVR and STOKES hereby agree to amend the Water Rights Agreement as set forth below such that neither EVR or STOKES shall be required to diligently continue pursuing the applications for water rights transfer which have been submitted to IDWR. Instead, EVR and STOKES will accomplish the intent of the Water Rights Agreement as follows:

AGREEMENTS

1. **Notice of Change of Water Right Ownership.** Instead of pursuing the applications for transfer which have been submitted to IDWR, EVR and STOKES hereby agree to submit notices of change of water right ownership. EVR shall submit the Notice of Change of Water Right Ownership set forth at Exhibit B. STOKES shall submit the Notice of Change of Water Right Ownership set forth at Exhibit C, which will document change of ownership of the following water rights to STOKES:

74-179D - All
74-180B - 50 miner's inches or 1.0 cfs;

And EVR shall be the owner of the following water rights:

74-179C - All
74-180B - 80 miner's inches or 1.6 cfs
74-15520 - All
74-15521 - All

2. **Renumbering of 74-180B.** Both EVR and STOKES acknowledge that Water Right No. 74-180B will be split between the parties, and both EVR and STOKES recognize that IDWR's policy when splitting water rights is to assign new numbers to each split portion and to disallow the "parent" water right, such that Water Right No. 74-180B will no longer exist. Both EVR and STOKES agree to the renumbering of Water Right No. 74-180B. IDWR has already assigned new numbers to the two portions of 74-180B and prepared draft SRBA water right recommendations. The recommended water rights to be decreed to STOKES are contained at Exhibit D, and the recommended water rights to be decreed to EVR are contained at Exhibit E. These recommendations show that the water rights shall be recommended to the SRBA court for decree as follows:

STOKES Water Rights

74-179D - All

74-180B - Disallowed because it is split into 74-15890 and 74-15891
74-15890 (STOKES portion of 74-180B) - 50 miner's inches or 1.0 cfs;

EVR Water Rights

74-179C - All

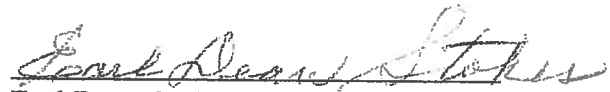
74-180B - Disallowed because it is split into 74-15890 and 74-15891
74-15891 (EVR portion of 74-180B) - 80 miner's inches or 1.6 cfs

74-15520 - All

74-15521 - All

3. **Withdrawal of Transfer Applications.** By executing this Amendment to Water Rights Agreement, EVR and STOKES hereby agree that this Amendment to Water Rights Agreement shall be provided to IDWR to evidence both parties' intent to withdraw their respective transfer applications which were submitted in accordance with the original Water Rights Agreement.
4. **Binding Effect.** This agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors in interest and assigns of the parties hereto.

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


Earl Dean Stokes

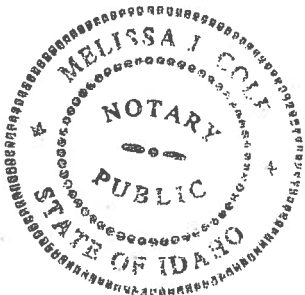

Betty W. Stokes

STATE OF IDAHO)
County of Lemhi)ss.

On this 5th day of March, 2009, before me a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me (or proved to me on the oath of Earl Dean Stokes and Betty W. Stokes) 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.

(seal)



Melissa J. Cole
Notary Public for Idaho
Residing at: Salmon, Idaho
My commission expires: 12/15/2012

EAGLE VALLEY RANCH, LLC

By: _____
Its: _____

STATE OF IDAHO)
County of _____)ss.

On this ____ day of March, 2009, before me a notary public in and for said State, personally appeared _____ known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company 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.

(seal)

Notary Public for Idaho
Residing at: _____
My commission expires: _____

STATE OF IDAHO)
)ss.
County of _____)

On this ____ day of March, 2009, before me a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me (or proved to me on the oath of Earl Dean Stokes and Betty W. Stokes) 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.

(seal)

Notary Public for Idaho
Residing at: _____
My commission expires: _____

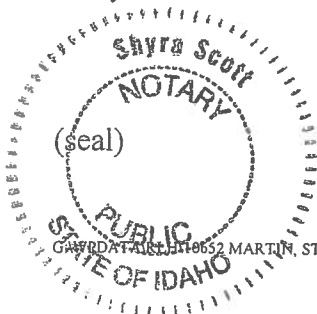
EAGLE VALLEY RANCH, LLC

[Signature]
By: NIKOLAOS D. MONOYIOS
Its: MANAGER

STATE OF IDAHO)
)ss.
County of Lemhi)

On this 5th day of March, 2009, before me a notary public in and for said State, personally appeared Nikolaos D. Monoyios known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company 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: Salmon, Idaho
My commission expires: 10/14/14

Exhibit A

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MAR 13 2009

WATER RIGHTS AGREEMENT

THIS AGREEMENT IS MADE and entered into this 21st day of August, 2006, by and between Earl Dean Stokes and Betty W. Stokes, husband and wife, of 19 N. Barracks Ln., Salmon, ID 83467, referred to hereafter in this agreement as "STOKES", and Eagle Valley Ranch, LLC, an Idaho Limited Liability Company of 446 Bohannon Creek Rd., Salmon, ID 83467, referred to hereafter in this agreement as "EVR",

WITNESSETH:

That for and in consideration of the mutual covenants and promises contained in this agreement, the parties hereto agree as follows:

1. STOKES are the record title holders of the following described real property, situate in the County of Lemhi, State of Idaho, to wit:

A parcel of land in Sections 29 and 30, T21N., R23E.B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the southwest corner of said Section 29, a distance of 1074.29 feet on a bearing of N. 0E06'55" W. along the west boundary of said Section 29 to a point on the north right-of-way of Idaho State Highway No. 28, and being the real point of beginning. From this real point of beginning, a distance of 416.67 feet on a bearing of N. 54E22'16" W. along said right-of-way to a point on the east right-of-way barracks lane:

Thence the following courses and distances along the east right-of-way of barracks lane:

N. 36E 03' 22" E., 990.00 feet;

N. 34E 24' 17" E., 657.06 feet;

Thence the following courses and distances along the south fence boundary of the County road:

N. 53E 41' 49" E., 341.08 feet;

N. 31E 35' 03" E., 483.88 feet;

N. 41E 27' 01" E., 170.92 feet;

N. 53E 18' 33" E., 149.67 feet;

N. 81E 14' 15" E., 93.67 feet;

S. 83E 35' 14" E., 405.49 feet;

S. 82E 47' 09" E., 1456.59 feet;

S. 36E 48' 39" E., 474.17 feet;

S. 24E 35' 23" E., 245.87 feet;

S. 17E 09' 53" E., 175.89 feet;

S. 40E 12' 36" E., 163.60 feet;

S. 67E 55' 12" E., 213.83 feet;

S. 65E 24' 49" E., 276.17 feet;

S. 54E 29' 36" E., 279.75 feet;

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S. 42E 03' 27" E., 325.08 feet;
S. 34E 02' 14" E., 272.74 feet;

Thence S. 32E 58' 38" W., 637.00 feet;
Thence N. 57E 01' 35" W., 600.82 feet;
Thence S. 27E 59' 38" W., 139.80 feet;
Thence S. 89E 23' 36" W., 11.92 feet to a point on the east boundary
of the SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence N. 0E 06' 55" W., 138.95 feet along said boundary to the
northeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Thence S. 89E 23' 36" W., 70.00 feet along the north boundary of the
SE $\frac{1}{4}$ SE $\frac{1}{4}$
Thence S. 50E 00' W., 1755.99 feet to a point on the south bank of
the Lemhi River;
Thence the following courses and distances along the south bank of
the Lemhi River;
N. 83E 38' 16" W., 797.70 feet
S. 56E 11' 44" W., 452.00 feet to a point on the north right-of-way of
Idaho State Highway No. 28;
Thence N. 54E 22' 16" W., 1719.36 feet to the real point of
beginning.

Except the following described 25 foot easement:

Commencing at the southwest corner of said Section 29, a distance
of 5148.62 feet on a bearing of N. 72E 23' 41" E., to the real point of
beginning.

From this real point of beginning, a distance of 637.00 feet on a
bearing of S. 32E 58' 38" W.;

Thence N. 57E 01' 35" W., 25.00 feet;

Thence N. 32E 58' 38" E., 647.61 feet;

Thence S. 34E 02' 14" E., 27.17 feet to the real point of beginning.

2. EVR is the record title holder of the following described real property, recently purchased
by EVR from Stokes, situate in the County of Lemhi, State of Idaho, to wit:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,
22, 23 and 24 of Sunrise Hills Subdivision, according to the official
plat thereof, filed on Book 5 of Plats at Page(s) 63, Official Records
of Lemhi County, Idaho.

Also Including:

That Certain lot, piece, or parcel of land, situate, lying and being in
Salmon, County of Lemhi, State of Idaho, bounded and particularly
described as follows to wit:

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All that portions of the Southeast Quarter of the Southeast Quarter (SE¹/₄SE¹/₄) of Section Twenty-One (21), Township Twenty-One (21) North, Range Twenty-Three (23), East, Boise Meridian, lying and being on the Northwestern side of Bohannon Creek Road.

3. Based upon recommendations recently made by the Idaho Department of Water Resources (hereafter IDWR), to the Snake River Basin Adjudication Court (hereafter SRBA Court), the following water rights are appurtenant of record to the above described real property of STOKES:
 - a. 74-179C
 - b. 74-180B
 - c. 74-15520
4. Based also on recommendations recently made by the IDWR to the SRBA Court, the following rights are appurtenant of record to the above described real property of EVR:
 - a. 74-179D
 - b. 74-15521
5. At the time of the conveyance by STOKES to EVR of the real property described in Paragraph 2 above, there was a misunderstanding between the parties as to how the water rights listed in Paragraph 3 and 4 above had been used historically. The parties desire to correct the errors that resulted from such misunderstanding to the end that the following water rights or portions thereof shall become appurtenant to the above described property of STOKES:
 - a. 74-179D - All
 - b. 74-180B - 50 miner's inches or 1.0 cfs;and that the following water rights or portions thereof shall be appurtenant to the above described real property of EVR:
 - c. 74-179C - All
 - d. 74-180B - 80 miner's inches or 1.6 cfs
 - e. 74-15520 - All
 - f. 74-15521 - All
6. In order to accomplish the objectives of the parties set forth in Paragraph 5 above, the parties agree to do the following:
 - a. EVR shall execute a Quitclaim Deed for water right number 74-179D to STOKES, in the form attached hereto as Exhibit "1", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - b. STOKES shall execute a Quitclaim Deed for water right number 74-179C to EVR, in the form attached hereto as Exhibit "2", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - c. STOKES shall execute a Quitclaim Deed for 80 miner's inches (1.6 cfs) of water right number 74-180B to EVR, in the form attached hereto as Exhibit "3", which Deed shall be recorded in the records of Lemhi County, Idaho.

- d. STOKES shall execute a Quitclaim Deed for water right number 74-15520 to EVR, in the form attached hereto as Exhibit "4", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - e. STOKES shall, pursuant to Idaho Code §§ 42-108 and 42-222, file with IDWR, an application in the form attached hereto as Exhibit "5", to transfer the place of use for the remainder of water right number 74-179C, all of 74-15520, and 80 miner's inches (1.6 cfs) of water right number 74-180B to lands of EVR, and shall prosecute the same diligently to the end that the same receives formal approval of IDWR as soon as may be.
 - f. EVR shall, pursuant to Idaho Code §§ 42-108 and 42-222, file with IDWR an application in the form attached hereto as Exhibit "6", to transfer the place of use of the remainder of water right number 74-179D to lands of STOKES, and shall prosecute the same diligently to the end that the same receives formal approval of IDWR as soon as may be.
 - g. The parties further agree to fully cooperate with each other to accomplish the objectives set out above and to provide any additional information that might be required by IDWR to complete such objectives, including the filing of any required Notices of Change of Water Rights Ownership.
7. Should either party default in the performance of any of the covenants or agreements contained herein, such defaulting party shall pay to the other party all costs and expenses, including, but not limited to, a reasonable attorney fee, including such fees on appeal, which the offended party may incur in enforcing this agreement or in pursuing any remedy allowed by law for breach hereof, whether such is incurred by the filing of suit or otherwise.
8. This agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors in interest and assigns of the parties hereto.

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

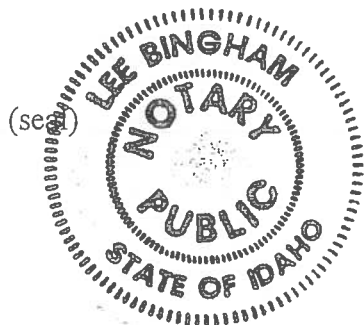
Earl Dean Stokes
Earl Dean Stokes

Betty W. Stokes
Betty W. Stokes

STATE OF IDAHO)
County of LEMHI)ss.

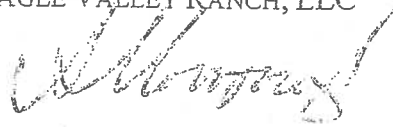
On this 21st day of August, 2006, before me a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me (or proved to me on the oath of Earl Dean Stokes and Betty W. Stokes) to be the persons whose names are subscribed to the within instrument, 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.



Lee Bingham
Notary Public for Idaho
Residing at: SALMON, IDAHO
My commission expires: 10/11/06

EAGLE VALLEY RANCH, LLC



By: NICHOLAS P. MONOYIOS

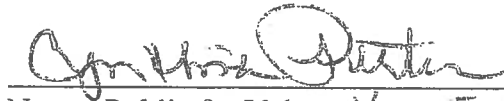
Its: MANAGER

NEW JERSEY
STATE OF ~~IDAHO~~)
)ss.
County of ESSEX)

On this 9th day of ~~August~~ SEPTEMBER, 2006, before me a notary public in and for said State, personally appeared NICHOLAS P. MONOYIOS known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company 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.

(seal)



Notary Public for ~~Idaho~~ NEW JERSEY

Residing at: 281 MILBURN AVE. MILBURN NJ

My commission expires:

CYNTHIA PORTER

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires July 22, 2010

G:\WPD\DATA\KWF\10652 MARTIN, STEPHEN E\03 Monoyios Water Rights\Water Rights Agreement.wpd.cdv

SCANNED

MAR 13 2009

EXHIBIT "1"

QUITCLAIM DEED
FOR
WATER RIGHT

THIS INDENTURE is made this ____ day of August, 2006, between Eagle Valley Ranch, LLC, referred to herein as the "GRANTOR" and Earl Dean Stokes and Betty W. Stokes, whose mailing address is 19 N. Barracks Lane, Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

All of Water Right No. 74-179D

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

EAGLE VALLEY RANCH, LLC

By: _____
Its: _____

STATE OF IDAHO)
)ss.
County of _____)

On this ____ day of August, 2006, before me a notary public in and for said State, personally appeared _____ known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company 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.

(seal)

Notary Public for Idaho
Residing at: _____
My commission expires: _____

EXHIBIT "2"

QUITCLAIM DEED
FOR
WATER RIGHT

THIS INDENTURE is made this ____ day of August, 2006, between Earl Dean Stokes and Betty W. Stokes, referred to herein as the "GRANTOR" and Eagle Valley Ranch, LLC, whose principle place of business and mailing address is 446 Bohannon Creek Rd., Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

All of Water Right No. 74-179C

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Earl Dean Stokes

Betty W. Stokes

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of August, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me to be the person 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.

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "3"

**QUITCLAIM DEED
FOR
WATER RIGHT**

THIS INDENTURE is made this ____ day of August, 2006, between Earl Dean Stokes and Betty W. Stokes, referred to herein as the "GRANTOR" and Eagle Valley Ranch, LLC, whose principle place of business and mailing address is 446 Bohannon Creek Rd., Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

80 Miner's Inches (1.6 cfs) of Water Right No. 74-180B

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Earl Dean Stokes

Betty W. Stokes

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of August, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me to be the person 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.

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "4"

QUITCLAIM DEED
FOR
WATER RIGHT

THIS INDENTURE is made this ____ day of August, 2006, between Earl Dean Stokes and Betty W. Stokes, referred to herein as the "GRANTOR" and Eagle Valley Ranch, LLC, whose principle place of business and mailing address is 446 Bohannon Creek Rd., Salmon, ID 83467, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water right or portions thereof in the County of Lemhi, State of Idaho, to-wit:

All of Water Right No. 74-15520

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Earl Dean Stokes

Betty W. Stokes

STATE OF IDAHO)
)ss.
County of _____)

On the _____ day of August, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Earl Dean Stokes and Betty W. Stokes known or identified to me to be the person 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.

(seal)

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

EXHIBIT "5"Form 222
1-87**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES****APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant Earl Dean and Betty W. Stokes Phone (208) 756-2460
Post Office address 19 N. Barracks Ln., Salmon, ID 83467**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 Applicants and Eagle Valley Ranch, LLC have agreed to divide water rights as provided in the attached "WATER RIGHTS AGREEMENT"

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>74-179C</u>	<u>06/01/1897</u>	<u>1.02 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>
	<u>74-180B</u>	<u>03/09/1912</u>	<u>1.60 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>
	<u>74-15520</u>	<u>03/09/1912</u>	<u>0.68 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>

2. Total amount of water being transferred 3.3 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Bohannon Creek Tributary to Lemhi River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	22	21N	23E	Lemhi	

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	20															24.7	27.5	52.2
		21									1	2	25	36	20	10	37	14	145.0
		28						6.3											6.3
		29	18.9	24.5															43.4

Total Acres 246.9

6. General Information:

- a. Description of diversion system _____
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes _____ 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
No effect.
- d. Remarks:
See attached agreement between Stokes and Eagle Valley Ranch, LLC

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 _____, 2006.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

(ATTACH ONE COPY FOR EACH RIGHT)

SEE ATTACHED COPIES OF ADJUDICATION RECOMMENDED RIGHT REPORTS

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____.
 - License No. _____ issued by the Idaho Department of Water Resources.
 - Claim No. _____ on file with the Idaho Department of Water Resources.
 - 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 documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of Water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____
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)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

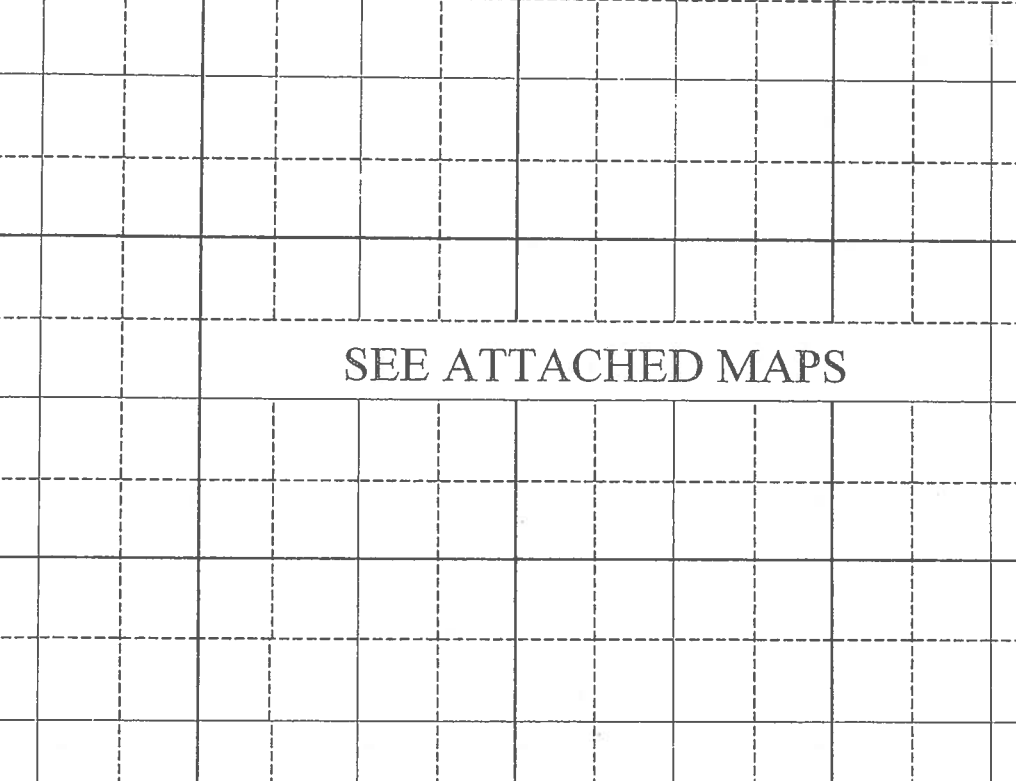
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

- A. Draw a map or attach a USGS map indication 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 ATTACHED MAPS

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

B. CHANGES IN NATURE OF USE

1. New Nature of Use
- | <u>Amount</u>
<u>(cfs/ac-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:
- No Change.
- _____

3. Describe effects on other water uses resulting from the proposed change:
- No effect.
- _____

I hereby asset 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.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 2006.

Notary Public for Idaho

Residing at:

My Commission Expires

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

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 "6"Form 222
1-87**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES****APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant Eagle Valley Ranch, LLC Phone (208) 756-1510
Post Office address 446 Bohannon Creek Rd., Salmon, ID 83467**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 and Dean and Betty Stokes have agreed to divide water rights as provided in the attached "WATER RIGHTS AGREEMENT"

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>74-179D</u>	<u>06/01/1897</u>	<u>2.0 cfs</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

2. Total amount of water being transferred 2.0 cubic feet per second and/or acre-feet per annum.

3. Source of water Bohannon Creek Tributary to Lemhi River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SE	28	21N	23E	Lemhi	

5. Lands irrigated or place of use: (Permissible place of use for all water rights)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	29	1.3	13.5	19	9.7	6		3	35	13				13	30		7	150.5

Total Acres 150.5

6. General Information:

- a. Description of diversion system _____
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
Yes _____ 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 effect on the land now irrigated if the place of use is changed pursuant to this transfer:
No effect
- d. Remarks:
See attached Agreement between Stokes and Eagle Valley Ranch, LLC.

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 _____, 2006.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(ATTACH ONE COPY FOR EACH RIGHT)

SEE ATTACHED COPY OF ADJUDICATION RECOMMENDED RIGHT REPORT

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. _____ 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 documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of Water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purpose:
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Tw	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Tw	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above _____
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)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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 3

- A. Draw a map or attach a USGS map indication 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.

A grid map with a central label "SEE ATTACHED MAP". The grid is composed of solid and dashed lines. The label is centered within a rectangular area defined by solid lines. The grid extends to the edges of the page.

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

B. CHANGES IN NATURE OF USE

1. New Nature of Use Amount Hours/days/year Period of Use
(cfs/ac-ft)
- _____ to _____
_____ to _____
2. Quantity and quality of return flows and location of discharge:
- No change. _____

3. Describe effects on other water uses resulting from the proposed change:
- No effect. _____

I hereby asset 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.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 2006.

Notary Public for Idaho

Residing at:

My Commission Expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

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 B

SCANNED

DEC 13 2023

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

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. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
74-179C					
74-180B		√			
74-15520					
74-15521					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Earl D. Stokes & Betty W. Stokes
19 N. Barracks Ln., Salmon, ID 83467
4. New Owner/Claimant(s) Eagle Valley Ranch, LLC
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address 446 Bohannon Creek Rd.
 City, State and ZIP Code Salmon, ID 83467
 New Telephone Number 208-756-1733
5. Date you acquired the property August 21, 2006

SCANNED

MAR 13 2009

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
Water right and/or Adjudication Claim Number 74-180B		
Irrigation	1.6 cfs	
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attached 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.

7. Signature of New Owner(s) Or Claimant(s) _____
(include title if applicable)

For IDWR Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

SCANNED

MAR 13 2009

Exhibit C

SCANNED

MAR 13 2009

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

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. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
74-179D					
74-180B		√			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Eagle Valley Ranch, LLC
446 Bohannon Creek Rd., Salmon, ID 83467
4. New Owner/Claimant(s) Earl D. Stokes & Betty W. Stokes
Name connector (check one): [] and [] or, [] and/or
New Mailing Address 19 N. Barracks Ln.
City, State and ZIP Code Salmon, ID 83467
New Telephone Number 208-756-2460
5. Date you acquired the property August 21, 2006

SCANNED

MAR 13 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock,
Water right and/or Adjudication Claim Number 74-180B		
Irrigation	1.0 cfs	
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attached 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.

7. Signature of New Owner(s) Or Claimant(s) _____
(include title if applicable)

For IDWR Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

SCANNED

MAR 13 2009

Exhibit D

SCANNED

MAR 13 2009

SCANNED
MAR 13 2009

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION REASON</u>
74-180B	BETTY W STOKES 19 N BARRACKS LN SALMON ID 83467 EARL DEAN STOKES 19 N BARRACKS LN SALMON ID 83467	Parent Split into 74-15890 and 74-15891

SCANNED
1
MAR 13 2009

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

RIGHT NUMBER: 74-15890

NAME AND ADDRESS: BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467

EARL DEAN STOKES
19 N BARRACKS LN
SALMON ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 03/09/1912

POINT OF
DIVERSION:

T21N R23E S28 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R23E S29 SWNE 14.80	T21N R23E S29 SWNW	3.00
	T21N R23E S29 SENW 24.30	T21N R23E S29 NESW	13.00
	T21N R23E S29 NESE 13.00	T21N R23E S29 NWSE	30.00
	T21N R23E S29 SESE 7.00		

105.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-179D and 74-4006 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 105.1 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - Decreed

SCANNED

MAR 13 2009

Exhibit E

SCANNED
MAR 13 2009

MAY 13 2009

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

RIGHT NUMBER: 74-15520

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
446 BOHANNON CREEK RD
SALMON ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 0.680 CFS

PRIORITY DATE: 03/09/1912

POINT OF
DIVERSION:

T21N R23E S22 NWNENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		03/15 11/15		0.680 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>				
	T21N R23E S20	SWSE	24.70	T21N R23E S20	SESE 27.50
	T21N R23E S21	NESW	1.00	T21N R23E S21	NWSW 2.00
	T21N R23E S21	SWSW	25.00	T21N R23E S21	SESW 36.00
	T21N R23E S21	NESE	20.00	T21N R23E S21	NWSE 10.00
	T21N R23E S29	SWSE	37.00	T21N R23E S21	SESE 14.00
	T21N R23E S28	NWNW	6.30	T21N R23E S29	NENE 19.20
	T21N R23E S29	NWNE	36.00	T21N R23E S29	SENE 9.70

268.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-179C, 74-15521 & 74-15891 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 268.4 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - Decreed

SCANNED

MAR 13 2009

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

RIGHT NUMBER: 74-15521

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS NJ 07078

SOURCE: BOHANNON CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 3.830 CFS

PRIORITY DATE: 03/09/1912

POINT OF
DIVERSION:

T21N R23E S22 NWNENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	3.830 CFS
PLACE OF USE: <u>IRRIGATION in LEMHI County</u>		
T21N R23E S20 SWSE	24.70	T21N R23E S20 SESE 27.50
T21N R23E S21 NESW	1.00	T21N R23E S21 NWSW 2.00
T21N R23E S21 SWSW	25.00	T21N R23E S21 SESW 36.00
T21N R23E S21 NESE	20.00	T21N R23E S21 NWSE 10.00
T21N R23E S29 SWSE	37.00	T21N R23E S21 SESE 14.00
T21N R23E S28 NWNW	6.30	T21N R23E S29 NENE 19.20
T21N R23E S29 NWNE	36.00	T21N R23E S29 SENE 9.70

268.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-179C, 74-15521 & 74-15891 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 268.4 ACRES IN A SINGLE IRRIGATION SEASON.

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 - Decreed

SCANNED

MAR 13 2009

**SUPPLEMENTAL DIRECTOR'S REPORT
REGARDING SUBCASE NO. 74-179C, -179D, 180B,
-4006, 15520, and -15521**

In Re SRBA
Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
David R. Tuthill, Jr., Director
Donald V. Shaff, Adjudication Bureau Chief

October 24, 2008

RECEIVED

OCT 25 2008

Department of Water Resources
Eastern Region

I. INTRODUCTION

In accordance with Idaho Code § 42-1412(4), Administrative Order 1, and Special Master Dolan's oral request for a 706 Report on September 25, 2008, the Director of the Idaho Department of Water Resources ("IDWR" or "Department") submits this Supplemental Director's Report ("Report") regarding subcase number 74-179C, -179D, -180B, -4006, -15520, and -15521. The Report was prepared under the supervision of David R. Tuthill, Jr., Director, and Donald V. Shaff, Adjudication Bureau Chief.

The following Department employee has knowledge of the information contained in the Report: Nathaniel Arave, Senior Water Resource Agent.

II. DISCUSSION

Water right nos. 74-179C, -179D, -180B, -4006, -15520, and -15521 were decreed in the Lemhi Adjudication to Betty and Dean Stokes. In 1986, Stokes sold land appurtenant to water right nos. 74-179C, -180B, and -4006 to Charles and Margaret Freel. The warranty deed, which was recorded in Lemhi County and attached hereto as Attachment 1 ("1986 Warranty Deed"), states as follows:

For Value Received . . . the grantors [Stokes] do hereby grant, bargain, sell and convey unto . . . the grantees [Freel], the following described premises in Lemhi County Idaho, to wit:

Lot 1 of the Sunrise Hills Subdivision according to the official plat thereof filed for record in Book 5 of Plats at pages 63 through 65 inclusive, records of Lemhi County, Idaho . . .

*** It is mutually understood and agreed that the only water rights transferred with the above described Real Estate, will be waste water only. Waste water from 900 acres formerly known as the Kaufman ranch.

On May 10, 1990, Stokes claimed water right nos. 74-179C, -179D, -180B, -4006, -15520, and -15521 in the SRBA as they were decreed in the Lemhi. Therefore, the SRBA claims for water right nos. 74-179C, -180B, and -4006 included "Lot 1 of the Sunrise Hills Subdivision." The land in the Sunrise Hills Subdivision that was appurtenant to those water rights, totaling 22.9 acres, is as follows: T.21N, R.23E, S.29, NWNE (2.0 acres), SWNE (4.2 acres), NENW (6.0 acres), and SENW (10.7 acres).

Water right nos. 74-179C, -180B, and -4006 were partially decreed in the SRBA on July 9, 2007 as unobjected recommendations. Based on the conveyance of property, Stokes arguably should have claimed water right nos. 74-179C, -180B, and -4006 to have excluded Lot 1 of the Sunrise Hills Subdivision or should have filed objections to the Department's recommendations. However, the Department also erred by failing to process a change of ownership form filed by Stokes and Eagle Valley Ranch ("EVR") in 2006, which would have prevented those rights from moving forward to partial decree. Pursuant to the sale, an agreement was reached regarding certain water rights. In Paragraph 5 of the Water Rights Agreement, attached hereto as Attachment 2 ("2006 Water Rights Agreement"), Stokes and EVR describe which water rights are subject to the Agreement:

STOKES

- a. 74-179D – All
- b. 74-180B – 50 miner's inches or 1.0 cfs

....

EVR

- c. 74-179C – All
- d. 74-180B – 80 miner's inches or 1.6 cfs
- e. 74-15520 – All
- f. 74-15521 – All

Again, despite the change of ownership filed with the Department, which the Department failed to notify the Court of through a Notice of Completed Administrative Proceeding, water right nos. 74-179D, -15520, and -15521 were partially decreed by the SRBA on July 9, 2007 to Stokes. Therefore, water right nos. 74-179C, -179D, -180B, -4006, -15520, and -15521 were each partially decreed in the SRBA despite the 1986 Warranty Deed removing Lot 1 of the Sunrise Hills Subdivision from the place of use and the 2006 Water Rights Agreement. A map depicting the places of use for EVR, Stokes, and the Sunrise Hills Subdivision is attached hereto as Attachment 3.

The Department did not become aware of the errors in the partial decrees until after it processed a change of ownership form filed by Malinda Tracy, a property holder in the Sunrise Hills Subdivision. After processing the change of ownership, Stokes called Mr. Arave and informed him of the 1986 Warranty Deed and its reservation of water rights. Tracy is a successor-in-interest to Freel. Stokes then filed a motion to set aside partial decrees in water right nos. 74-179C, -180B, and -4006. In the course of discussing Stokes' motions to set aside, EVR learned of the discrepancies in its water rights (74-179D, -15520, and -15521) and became involved in the matter through its attorney, Robert L. Harris.

During the September 25, 2008 hearing, Stokes' motion to set aside partial decrees in water right nos. 74-179C, -180B, and -4006 was granted. Mr. Harris' oral motion to set aside partial decrees in water right nos. 74-179D, -15520, and -15521 was also granted. It was agreed at the hearing that it would be proper for the Department to draft new recommendations consistent with the 1986 Warranty Deed and the 2006 Water Rights Agreement. To be consistent with the 2006 Water Rights Agreement, water right no. 74-

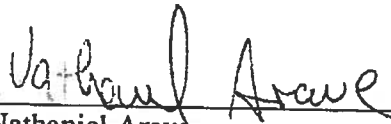
180B should be recommended disallowed to split the water right between EVR and Stokes.

The water right numbers assigned by the Department to the splits are 74-15890 and 74-15891.

Attached hereto as Attachment 4 are the Department's recommendations for water right nos.

74-179C, -179D, -180B, -4006, -15520, -15521, -15890, and -15891.

Submitted this 24TH day of October 2008



Nathaniel Arave
Water Resource Agent

Attachment 1

INDIV.

WARRANTY DEED

For Value Received

EARL DEAN STOKES AND BETTY STOKES, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

CHARLES DAVID FREEL AND MARGARET GAYLE FREEL, husband and wife

whose current address is

P.O. BOX 1070
SALMON, IDAHO 83467

the grantees, the following described premises, in Lemhi County Idaho, to wit:

Lot 1 of Sunrise Hills Subdivision according to the official plat thereof filed for record in Book 5 of Plats at pages 63 through 65 inclusive, records of Lemhi County, Idaho. . .

*** It is mutually understood and agreed that the only water rights transferred with the above described Real Estate, will be waste water only. Waste water from 900 acres formerly known as the Kaufman ranch.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 26, 1986

Earl Dean Stokes
EARL DEAN STOKES

Betty Stokes
BETTY STOKES

STATE OF IDAHO, COUNTY OF Lemhi
On this 26th day of Aug., 1986,
before me, a notary public in and for said State, personally
appeared

EARL DEAN STOKES AND

BETTY STOKES

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Steven R. Gott
STEVEN R. GOTT Notary Public
Residing at SALMON, Idaho
Comm. Expires 12-14-1991

State of Idaho }
County of Lemhi } as No. 152036

This instrument was filed for record at
the request of American Land Title
at 2:55 o'clock P.M. Aug 28, 1986
and duly filed and indexed in the
records of Lemhi County.

Alvin W. Anderson

Ex-Officio Recorder

Paul J. [Signature] Deputy
Pages 2, 00 pd

Published by the AMERICAN LAND TITLE CO., Portland, Idaho

Attachment 2

WATER RIGHTS AGREEMENT

THIS AGREEMENT IS MADE and entered into on this 27th day of August, 2006, by and between Earl Dean Stokes and Betty W. Stokes, husband and wife, of 19 N. Barracks Ln., Salmon, ID 83467, referred to hereafter in this agreement as "STOKES", and Eagle Valley Ranch, LLC, an Idaho Limited Liability Company of 446 Bohannon Creek Rd., Salmon, ID 83467, referred to hereafter in this agreement as "EVR".

WITNESSETH:

That for and in consideration of the mutual covenants and promises contained in this agreement, the parties hereto agree as follows:

- 1 STOKES are the record title holders of the following described real property, situate in the County of Lemhi, State of Idaho, to wit:

A parcel of land in Sections 29 and 30, T21N., R23E.B.M., Lemhi County, Idaho, more particularly described as follows:

Commencing at the southwest corner of said Section 29, a distance of 1074.29 feet on a bearing of N. 0E06°35' W. along the west boundary of said Section 29 to a point on the north right-of-way of Idaho State Highway No. 28, and being the real point of beginning. From this real point of beginning, a distance of 416.67 feet on a bearing of N. 54E22°16' W. along said right-of-way to a point on the east right-of-way barracks lane:

Thence the following courses and distances along the east right-of-way of barracks lane:

N. 36E 03' 22" E., 990.00 feet;

N. 34E 24' 17" E., 657.06 feet;

Thence the following courses and distances along the south fence boundary of the County road:

N. 53E 41' 49" E., 341.08 feet;

N. 31E 35' 03" E., 483.83 feet;

N. 41E 27' 01" E., 170.92 feet;

N. 53E 18' 33" E., 149.67 feet;

N. 81E 14' 13" E., 93.67 feet;

S. 83E 35' 14" E., 405.49 feet;

S. 82E 47' 09" E., 1456.59 feet;

S. 36E 48' 39" E., 474.17 feet;

S. 24E 33' 23" E., 245.87 feet;

S. 17E 09' 53" E., 175.89 feet;

S. 40E 12' 36" E., 163.60 feet;

S. 67E 59' 12" E., 713.83 feet;

S. 64E 24' 49" E., 276.17 feet;

S. 54E 29' 36" E., 279.75 feet;

S. 42E 03' 27" E., 325.08 feet;

S. 34E 02' 14" E., 272.74 feet;

Thence S. 32E 58' 38" W., 637.00 feet;

Thence N. 57E 01' 35" W., 600.82 feet;

Thence S. 27E 59' 38" W., 159.80 feet;

Thence S. 89E 23' 36" W., 11.92 feet to a point on the east boundary of the SW¼SE¼;

Thence N. 0E 06' 55" W., 138.95 feet along said boundary to the northeast corner of the SW¼SE¼

Thence S. 89E 23' 36" W., 70.00 feet along the north boundary of the SE¼SE¼

Thence S. 50E 00' W., 1755.99 feet to a point on the south bank of the Lemhi River;

Thence the following courses and distances along the south bank of the Lemhi River;

N. 85E 38' 16" W., 797.70 feet

S. 56E 11' 44" W., 452.00 feet to a point on the north right-of-way of Idaho State Highway No. 28;

Thence N. 54E 22' 16" W., 1719.36 feet to the real point of beginning.

Except the following described 25 foot easement:

Commencing at the southwest corner of said Section 29, a distance of 5148.62 feet on a bearing of N. 72E 23' 41" E., to the real point of beginning.

From this real point of beginning, a distance of 637.00 feet on a bearing of S. 32E 58' 38" W.,

Thence N. 57E 01' 35" W., 25.00 feet;

Thence N. 32E 58' 38" E., 647.61 feet;

Thence S. 34E 02' 14" E., 27.17 feet to the real point of beginning.

2. EVR is the record title holder of the following described real property, recently purchased by EVR from Stokes, situate in the County of Lemhi, State of Idaho, to wit:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of Sunrise Hills Subdivision, according to the official plat thereof, filed on Book 5 of Plats at Page(s) 63, Official Records of Lemhi County, Idaho.

Also including:

That Certain lot, piece, or parcel of land, situate, lying and being in Salmon, County of Lemhi, State of Idaho, bounded and particularly described as follows to wit:

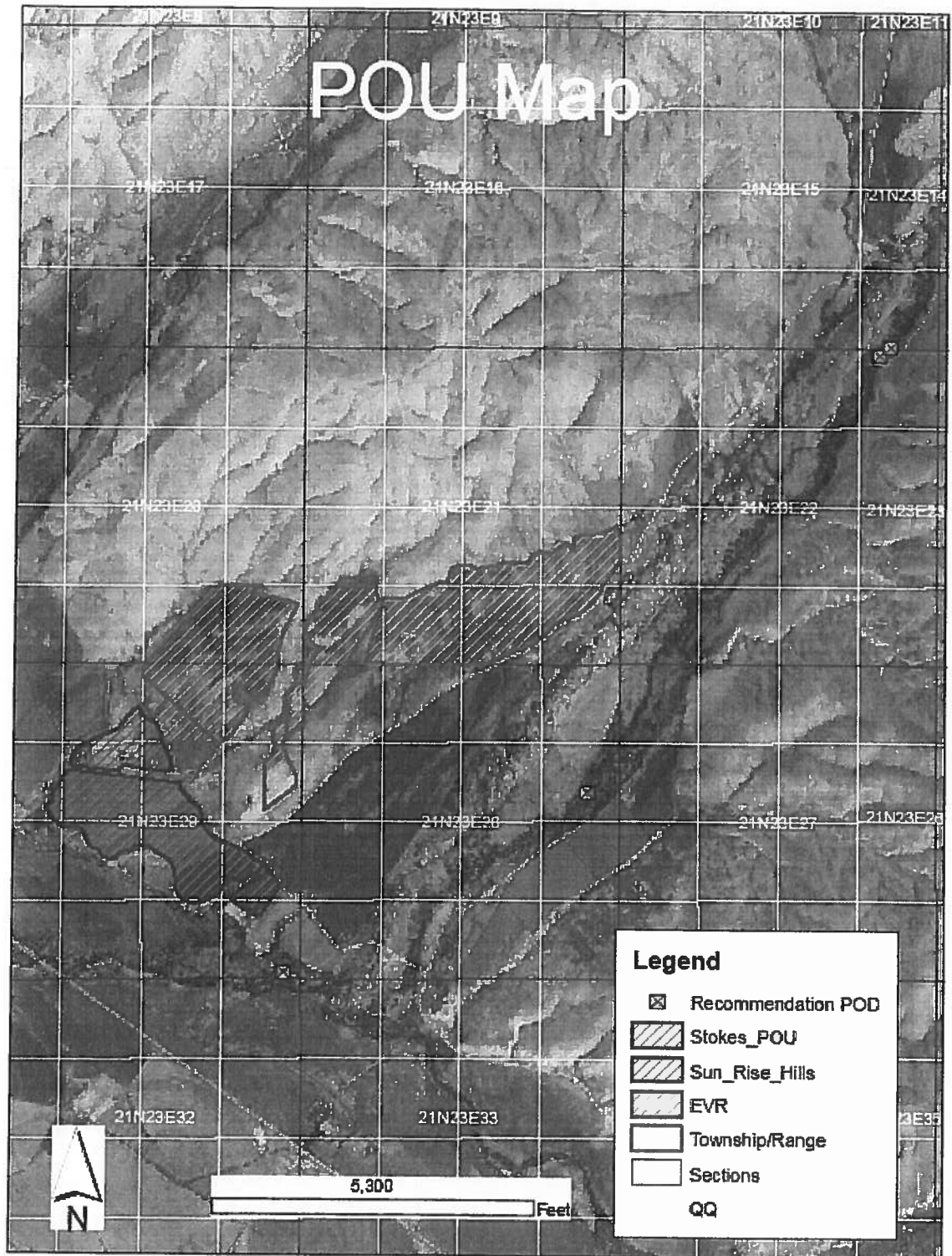
All that portions of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-One (21), Township Twenty-One (21) North, Range Twenty-Three (23), East, Boise Meridian, lying and being on the Northwestern side of Bohannon Creek Road

3. Based upon recommendations recently made by the Idaho Department of Water Resources (hereafter IDWR), to the Snake River Basin Adjudication Court (hereafter SRBA Court), the following water rights are appurtenant of record to the above described real property of STOKES:
 - a. 74-179C
 - b. 74-180B
 - c. 74-15520
4. Based also on recommendations recently made by the IDWR to the SRBA Court, the following rights are appurtenant of record to the above described real property of EVR:
 - a. 74-179D
 - b. 74-15521
5. At the time of the conveyance by STOKES to EVR of the real property described in Paragraph 2 above, there was a misunderstanding between the parties as to how the water rights listed in Paragraph 3 and 4 above had been used historically. The parties desire to correct the errors that resulted from such misunderstanding to the end that the following water rights or portions thereof shall become appurtenant to the above described property of STOKES:
 - a. 74-179D - All
 - b. 74-180B - 50 miner's inches or 1.0 cfs;and that the following water rights or portions thereof shall be appurtenant to the above described real property of EVR:
 - c. 74-179C - All
 - d. 74-180B - 80 miner's inches or 1.6 cfs
 - e. 74-15520 - All
 - f. 74-15521 - All
6. In order to accomplish the objectives of the parties set forth in Paragraph 5 above, the parties agree to do the following:
 - a. EVR shall execute a Quitclaim Deed for water right number 74-179D to STOKES, in the form attached hereto as Exhibit "1", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - b. STOKES shall execute a Quitclaim Deed for water right number 74-179C to EVR, in the form attached hereto as Exhibit "2", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - c. STOKES shall execute a Quitclaim Deed for 80 miner's inches (1.6 cfs) of water right number 74-180B to EVR, in the form attached hereto as Exhibit "3", which Deed shall be recorded in the records of Lemhi County, Idaho.

- d. STOKES shall execute a Quitclaim Deed for water right number 74-15520 to EVR, in the form attached hereto as Exhibit "4", which Deed shall be recorded in the records of Lendhi County, Idaho.
 - e. STOKES shall, pursuant to Idaho Code §§ 42-108 and 42-222, file with IDWR, an application in the form attached hereto as Exhibit "5", to transfer the place of use for the remainder of water right number 74-179C, all of 74-15520, and 80 miner's inches (1.6 cfs) of water right number 74-180B to lands of EVR, and shall prosecute the same diligently to the end that the same receives formal approval of IDWR, as soon as may be.
 - f. EVR shall, pursuant to Idaho Code §§ 42-108 and 42-222, file with IDWR, an application in the form attached hereto as Exhibit "6", to transfer the place of use of the remainder of water right number 74-179D to lands of STOKES, and shall prosecute the same diligently to the end that the same receives formal approval of IDWR as soon as may be.
 - g. The parties further agree to fully cooperate with each other to accomplish the objectives set out above and to provide any additional information that might be required by IDWR to complete such objectives, including the filing of any required Notices of Change of Water Rights Ownership.
7. Should either party default in the performance of any of the covenants or agreements contained herein, such defaulting party shall pay to the other party all costs and expenses, including, but not limited to, a reasonable attorney fee, including such fees on appeal, which the offended party may incur in enforcing this agreement or in pursuing any remedy allowed by law for breach hereof, whether such is incurred by the filing of suit or otherwise.
8. This agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, administrators, successors in interest and assigns of the parties hereto.

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

Attachment 3



Attachment 4

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

RIGHT NUMBER: 74-179D

NAME AND ADDRESS: EARL DEAN STOKES
19 N BARRACKS LN
SALMON ID 83467

BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467

SOURCE: BOHANNON CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T21N R23E S15 SESE Within LEMHI County
T21N R23E S28 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	2.000 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R23E S29 SWNE 14.80	T21N R23E S29 SWNW	3.00
	T21N R23E S29 SENW 24.30	T21N R23E S29 NESW	13.00
	T21N R23E S29 NESE 13.00	T21N R23E S29 NWSE	30.00
	T21N R23E S29 SESE 7.00		

105.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-180B-2, and 74-4006 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 105.1 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - Decreed

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER NAME AND ADDRESS

CLAIM DISPOSITION REASON

74-180B BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467

Parent Split into 74-15890 and 74-15891

EARL DEAN STOKES
19 N BARRACKS LN
SALMON ID 83467

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

RIGHT NUMBER: 74-4006

NAME AND ADDRESS: EARL DEAN STOKES
19 N BARRACKS LN
SALMON ID 83467

BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467

SOURCE: LEMHI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 2.570 CFS

PRIORITY DATE: 04/01/1959

POINT OF
DIVERSION:

T21N R23E S29 SESESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	2.570 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	~~T21N R23E S29~~ ~~NWNE~~ ~~2.00~~	T21N R23E S29	SWNE ~~19-14.8~~
	~~T21N R23E S29~~ ~~NENW~~ ~~6.00~~	T21N R23E S29	SWNW 3.00
	T21N R23E S29 SENW ~~35~~ <u>24.3</u>	T21N R23E S29	NESW 13.00
	T21N R23E S29 NESE 13.00	T21N R23E S29	NWSE 30.00
	T21N R23E S29 SESE 7.00		

~~128~~ 105.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 74-179D and 74-180B-2 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 105.1 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - Decreed

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

RIGHT NUMBER: 74-15520

NAME AND ADDRESS: BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467

EARL DEAN STOKES
19 N BARRACKS LN
SALMON ID 83467

SOURCE: BOHANNON CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.680 CFS

PRIORITY DATE: 03/09/1912

POINT OF
DIVERSION:

T21N R23E S22 NWNENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		03/15 11/15		0.680 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>				
	T21N R23E S20	SWSE	24.70	T21N R23E S20	SESE 27.50
	T21N R23E S21	NESW	1.00	T21N R23E S21	NWSW 2.00
	T21N R23E S21	SWSW	25.00	T21N R23E S21	SESW 36.00
	T21N R23E S21	NESE	20.00	T21N R23E S21	NWSE 10.00
	T21N R23E S29	SWSE	37.00	T21N R23E S21	SESE 14.00
	T21N R23E S28	NWNW	6.30	T21N R23E S29	NENE 19.20
	T21N R23E S29	NWNE	36.00	T21N R23E S29	SENE 9.70

268.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-179C, 74-180B-1 and 74-15521 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 268.4 ACRES IN A SINGLE IRRIGATION SEASON.

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 - Decreed

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

RIGHT NUMBER: 74-15521

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS NJ 07078

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 3.830 CFS

PRIORITY DATE: 03/09/1912

POINT OF
DIVERSION:

T21N R23E S22 NWNENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION		03/15 11/15		3.830 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>				
	T21N R23E S20	SWSE	24.70	T21N R23E S20	SESE 27.50
	T21N R23E S21	NESW	1.00	T21N R23E S21	NWSW 2.00
	T21N R23E S21	SWSW	25.00	T21N R23E S21	SESW 36.00
	T21N R23E S21	NESE	20.00	T21N R23E S21	NWSE 10.00
	T21N R23E S29	SWSE	37.00	T21N R23E S21	SESE 14.00
	T21N R23E S28	NWNW	6.30	T21N R23E S29	NENE 19.20
	T21N R23E S29	NWNE	36.00	T21N R23E S29	SENE 9.70

268.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-179C, 74-180B-1 and 74-15521 IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 268.4 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - Decreed

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

RIGHT NUMBER: 74-15890

NAME AND ADDRESS: BETTY W STOKES
19 N BARRACKS LN
SALMON ID 83467

EARL DEAN STOKES
19 N BARRACKS LN
SALMON ID 83467

SOURCE: BOHANNON CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 03/09/1912

POINT OF
DIVERSION:

T21N R23E S28 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	3/15 11/15	1.000 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T21N R23E S29 SWNE 14.80	T21N R23E S29 SWNW	3.00
	T21N R23E S29 SENW 24.30	T21N R23E S29 NESW	13.00
	T21N R23E S29 NESE 13.00	T21N R23E S29 NWSE	30.00
	T21N R23E S29 SESE 7.00		

105.1 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 74-179D, and 74-4006 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 105.1 ACRES IN A SINGLE
IRRIGATION SEASON.

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 - Decreed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of the following described document on the persons listed below by United States mail with the correct postage affixed thereto on this 24TH day of October 2008.

Document Served:

Supplemental Director's Report Regarding Subcase No. 74-179C et al.

Persons Served:

Water District 74-C
c/o Boyd Stokes
646 Lemhi Road
Salmon, ID 83467

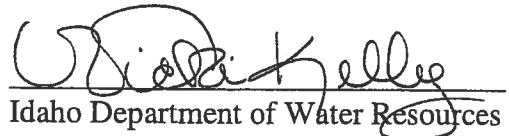
Betty and Earl Stokes
19 N. Barracks Ln.
Salmon, ID 83467

Malinda Tracy
3 Prairie Rd.
Salmon, ID 83467

Melvin Domko
752 Lemhi Rd.
Salmon, ID 83467

Eagle Valley Ranch LLC
446 Bohannon Creek Rd
Salmon, ID 83467

Eagle Valley Ranch LLC
6 Stewart Rd
Short Hills, NJ 07078


Idaho Department of Water Resources

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4597
WATER RIGHT NO. 74-00179D

RECEIVED

AUG 26 1998

Department of Water Resources
Eastern Region

This is to certify that: EARL D STOKES
BETTY STOKES
RT 1 BOX 20
SALMON ID 83467

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 2.00 CFS	* 425.3 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
BOHANNON CREEK	LEMHI RIVER

Priority: 06/01/1897

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 15, Township 21N, Range 23E
SENE , Sec. 28, Township 21N, Range 23E
LEMHI 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>
21N	23E	21	NESW 1	NWSW 2	SESW 36	
			NESE 20	NWSE 10	SWSE 37	
			SESE 14			120
		29	NWNE 2	SWNE 19	NENW 6	
			SWNW 3	SENE 35	NESW 13	
			NESE 13	NWSE 30	SESE 7	128
Total number of acres irrigated:						** 248

CONDITIONS OF APPROVAL AND REMARKS

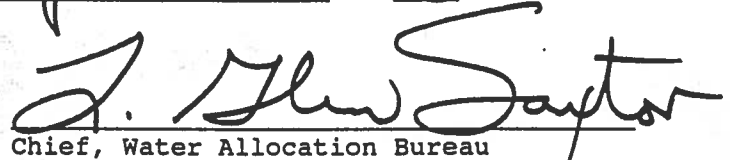
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 4597
WATER RIGHT NO. 74-00179D

CONDITIONS OF APPROVAL AND REMARKS

4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 74C.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works from all authorized points of the diversion that is acceptable to the watermaster and will provide suitable control of the diversions.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 4597 shall not exceed 2.00 cfs, nor a total combined annual volume of 425.3 af.
- ** 8. Right 74-00179D is limited to the irrigation of 121.5 acres in the place of use described above in a single irrigation season.

Dated this 24th day of August, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: File 74-00179D

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: Transfer 4597

DATE: July 28, 1998



Transfer 4597 could not be approved as proposed, transferring water only. Instead, the transfer approval document identifies both points of diversion and all 248.0 acres as a permissible place of use. The applicant may divert the amount of water he chooses at either point of diversion to irrigate a total of 121.5 acres under this right.

The region staff have informed me that Water District 74-C has been inactive for the last couple of years, the watermaster has not been appointed by the department, nor has the water district been bonded. No request was sent or response received regarding this transfer. The water district condition is applied to meet any future regulation by the district.

Recommended conditions include watermaster control, measuring devices/lockable controlling works, multiple points of diversion total limits, irrigation overlap, permissible place of use and standard transfer conditions.

09/16/2004

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

RIGHT NUMBER: 74-179D

NAME AND ADDRESS: EAGLE VALLEY RANCH LLC
6 STEWART RD
SHORT HILLS NJ 07078

SOURCE: BOHANNON CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION:

T21N R23E S15 SESE Within LEMHI County

T21N R23E S28 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3/15 11/15

QUANTITY
2.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T21N R23E S21	NESW	1.0	T21N R23E S21	NWSW	2.0
T21N R23E S21	SESW	36.0	T21N R23E S21	NESE	20.0
T21N R23E S21	NWSE	10.0	T21N R23E S21	SWSE	37.0
T21N R23E S21	SESE	14.0	T21N R23E S29	NWNE	2.0
T21N R23E S29	SWNE	19.0	T21N R23E S29	NENW	6.0
T21N R23E S29	SWNW	3.0	T21N R23E S29	SENE	35.0
T21N R23E S29	NESW	13.0	T21N R23E S29	NESE	13.0
T21N R23E S29	NWSE	30.0	T21N R23E S29	SESE	7.0

248 ACRES TOTAL

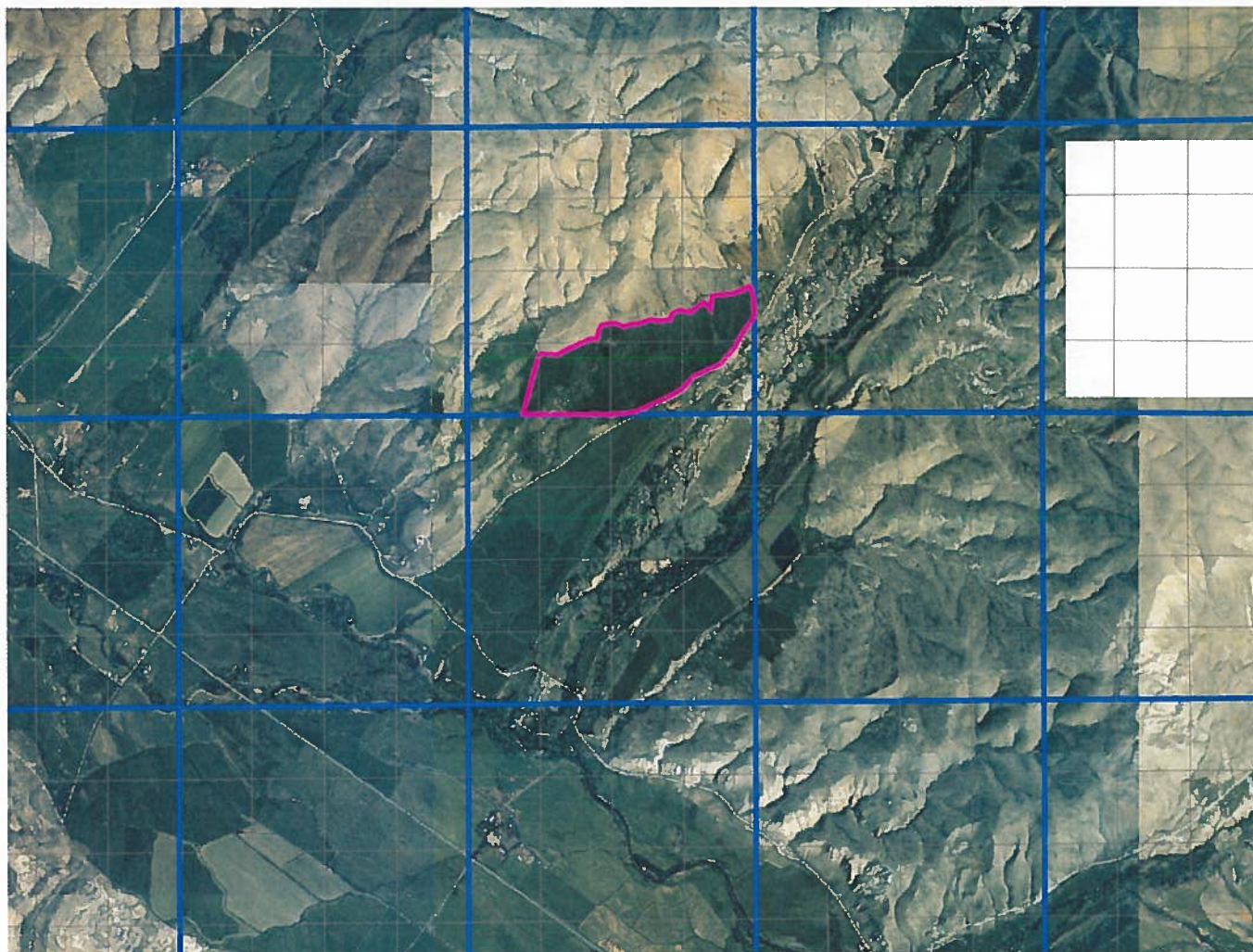
This right authorizes the irrigation of 121.5 total acres.

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: Decreed

Idaho Dept. of Water Resources
Water Right No. 74-179D
Dean Stokes



0.7 0 0.7 1.4 Miles

 **74-00179D**
 **Sections**



T21N R23E S21

GIS presentation
Prepared by R. Brown
June 17, 2003
1993/94 Aerial Photography

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

05/04/83

INDICATES TOTAL

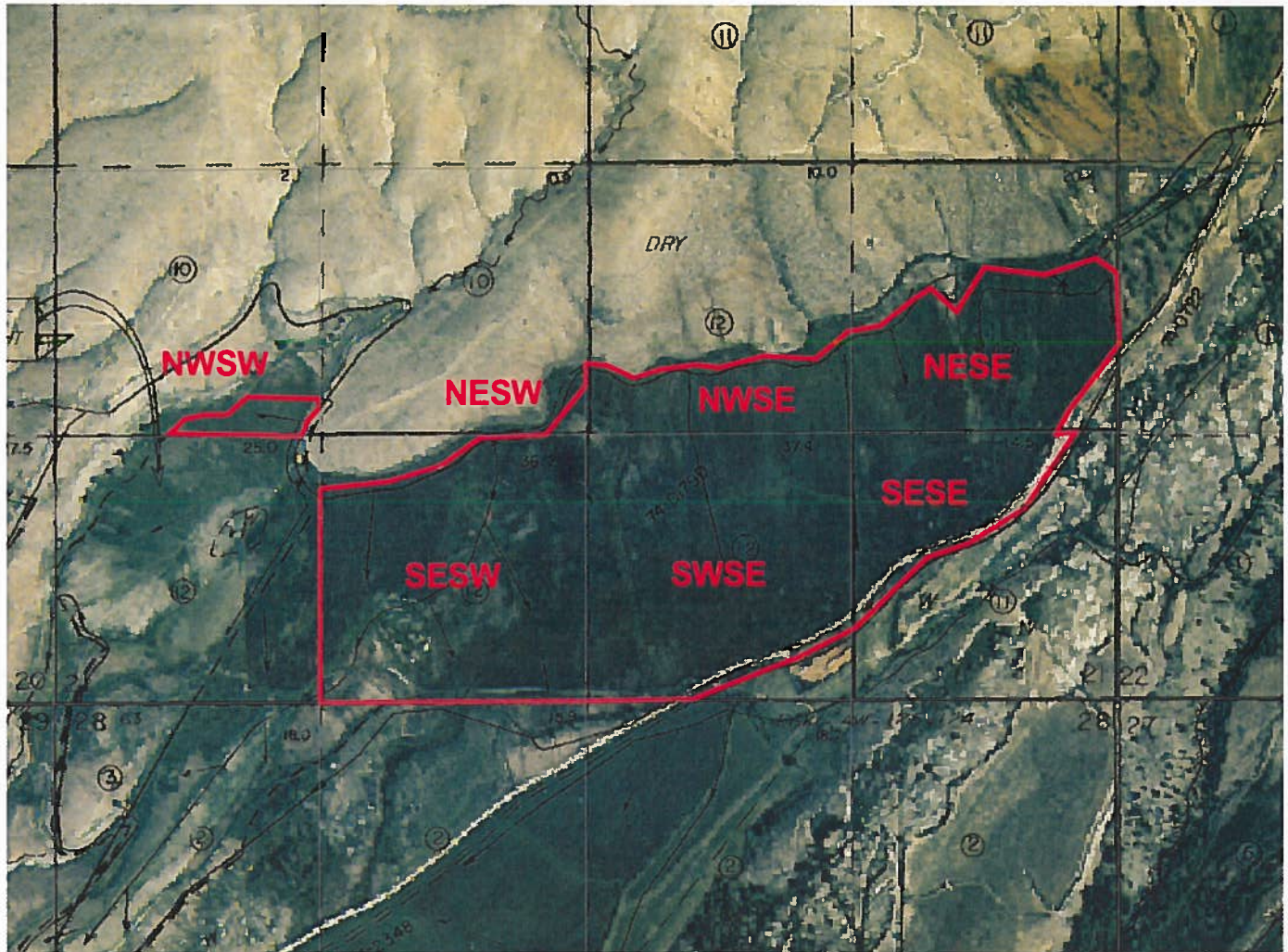
SOURCE: BOHANNON CREEK

TRIBUTARY TO: LEMHI RIVER

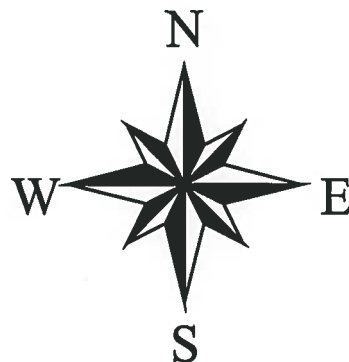
RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0177						SWSE S35 T22N R23E		
	REMARKS: AC. IRR.=116.8. 2 P/D IN LOT 3, S2, T21N, R23E.						* 117 ACRES*	
74-0179A	JOLLEY, E. DALE JOLLEY, MILDRED H. RT. 1 SALMON ID 83467	06-01-1897	IRRIGATION	03-15 11-15	2.08 CFS	SENE S28 T21N R23E	NENW(18) NWNW(40) DECREE S29 T21N R23E S4SW(22) SESW(04) S20 T21N R23E	
	REMARKS: AC. IRR.=103.3.						* 104 ACRES*	
74-0179B	JOLLEY, E. DALE JOLLEY, MILDRED H. RT. 1 SALMON ID 83467	06-01-1897	IRRIGATION	03-15 11-15	1.50 CFS	SENE S28 T21N R23E	S4NW(11) N4SW(12) DECREE S20 T21N R23E SENE(14) NESE(39) N4SE(15) SWSE(35) SESE(23) S19 T21N R23E	
	REMARKS: AC. IRR.=149.1.						* 149 ACRES*	
74-0179C	STODDARD, JAMES F. STODDARD, JEAN L. RT. 1 SALMON ID 83467	06-01-1897	IRRIGATION	03-15 11-15	1.02 CFS	SENE S28 T21N R23E	N4NE(02) SWNE(19) DECREE NENW(06) SWNW(03) SENE(35) NESW(13) NESE(13) SESE(07) N4SE(30) S29 T21N R23E	
	REMARKS: AC. IRR.=128.4.						* 128 ACRES*	
74-0179D	STODDARD, JAMES F. STODDARD, JEAN L. RT. 1 SALMON ID 83467	06-01-1897	IRRIGATION	03-15 11-15	2.00 CFS	SESE S15 T21N R23E	NESW(01) ~~N4SW(02)~~ DECREE SESW(36) NESE(20) N4SE(10) SWSE(37) SESE(14) S21 T21N R23E	
	REMARKS: AC. IRR.=121.5.						* 120 ACRES*	
74-0185	LOGAN, RALPH G. LOGAN, MILDRED L. RT. 1 SALMON ID 83467	06-01-1897	IRRIGATION	03-15 11-15	3.00 CFS	SWNE S22 T21N R23E	S4NW(24) N4SW(24) DECREE S4SW(04) S27 T21N R23E NESE(34) SWSE(28)	

Idaho Department of Water Resources

A74-00179D



1000 0 1000 2000 Feet



T21N, R23E, S21

Prepared by Anita Warntjes
November 15, 2002
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-179D

WATER RIGHT NUMBER: 74-179D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BETTY STOKES ~~RT 1 BOX 20~~ SALMON, ID 83467 (208)756-2460
Current Owner	EARL D STOKES ~~RT 1 BOX 20~~ 19 N Barracks Lane SALMON, ID 83467 (208)756-2460
Original Owner	JEAN L STODDARD RT 1 SALMON, ID 83467
Original Owner	JAMES F STODDARD RT 1 SALMON, ID 83467

Priority Date: 06/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOHANNON CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.000 CFS	
	<u>Total Diversion:</u>	2.000 CFS	

Location of Point(s) of Diversion

BOHANNON CREEK	SE1/4SE1/4	Sec. 15, Twp 21N, Rge 23E, B.M.
LEMHI 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	
21N	23E	21									1.0	2.0		36.0	20.0	10.0	37.0	14.0	120.0
			~~1.9 1.9~~				~~0 2.9 3.5~~				~~1.0~~				~~12.9 30.1 7.3~~				~~128.4~~

Total Acres: 120

Conditions of Approval:Remarks:

1. General AC. IRR.=121.5 ✓

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-179D

Dates and Other Information:

Claim Received Date: 5/10/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

SCANNED

SEP 07 2001

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: A74-00179D
Date Received: 5/10/1990
Receipt No: X999999
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EARL DEAN STOKES 208-756-2460
Address: RT. 1 BOX 20
SALMON, ID 83467

AND/OR

Name: BETTY STOKES 208-756-2460
Address: RT. 1 BOX 20
SALMON, ID 83467

2. Date of Priority: JUN 01, 1897

3. Source: BOHANNON CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	23E	15	SE	SE			LEMHI

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

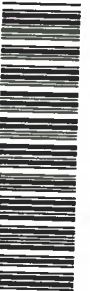
Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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MICROFILMED

DEC 14 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
21N	23E	21	NE		SW		IRR	1.0
			NW		SW		IRR	2.0
			SE		SW		IRR	36.0
			NE		SE		IRR	20.0
			NW		SE		IRR	10.0
			SW		SE		IRR	37.0
			SE		SE		IRR	14.0

Section Acres 120.0

Total Acres 120.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

AC. IRR.=121.5.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Earl Dean Stokes Date: 5-10-90
Betty Stokes Date: 5-10-90

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of May 19 90
Seal

Carter Fritschle
Notary Public

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994