

01/07/2008

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

RIGHT NUMBER: 22-2168
NAME AND ADDRESS: BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.640 CFS
819.00 AFY

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.

The rights listed below are limited to a total combined annual diversion volume of 1471.4 af. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

PRIORITY DATE: 04/07/1958

POINT OF
DIVERSION:

T06N R41E S16 SWNWSW Within MADISON County
T06N R41E S21 SENENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.640 CFS 819.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S16	NESW	35.00	T06N R41E S16	NWSW	39.00
T06N R41E S16	SWSW	39.00	T06N R41E S16	SESW	34.00
T06N R41E S16	NESE	39.00	T06N R41E S16	NWSE	39.00
T06N R41E S16	SWSE	38.00	T06N R41E S16	SESE	38.00
T06N R41E S17	NESE	19.00	T06N R41E S17	NWSE	11.00
T06N R41E S17	SWSE	8.70	T06N R41E S17	SESE	39.00
T06N R41E S21	NENE	39.00	T06N R41E S21	NWNE	2.70

420.4 ACRES TOTAL

This right is limited to the irrigation of 234 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 420.4 acres in a single irrigation season. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of Transfer 73977 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 73977 prior to December 19, 2008.

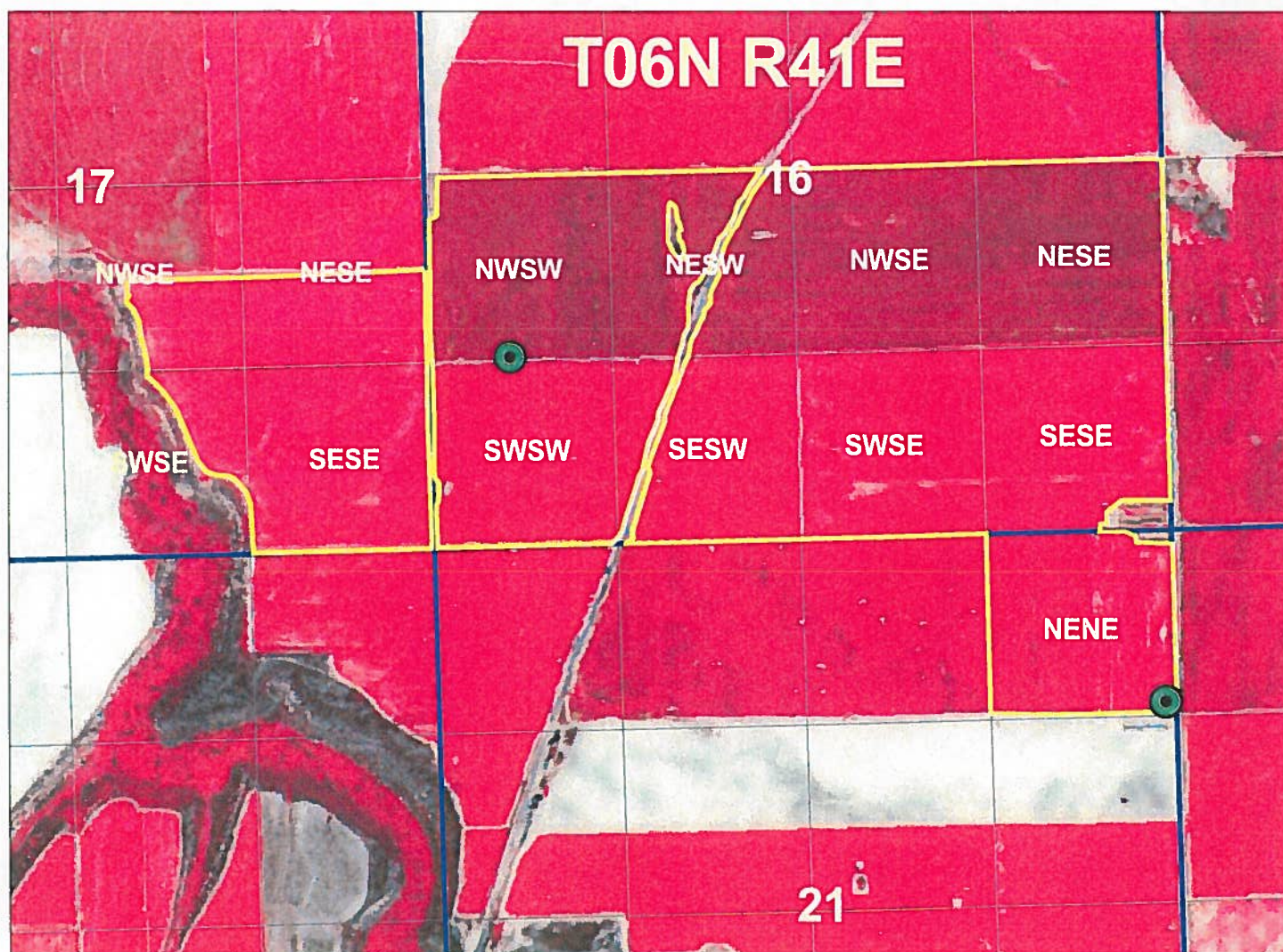
After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.



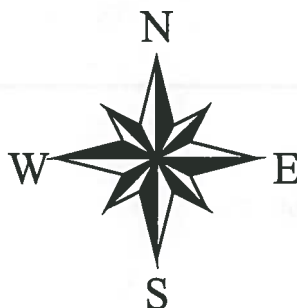
Department of Water Resources Eastern Region

Claim No.: 22-2168, 22-4052,
22-13279, & 22-13281



0 0.25 0.5 0.75 1 Miles

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: December 2005

T6N R41E

17 16

20 21

- 22-02168 xfr pou.shp
- Point of diversion.shp
- Sections
- QQ

73977

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73977

This is to certify that: BHA INC And
NATHAN ASHCRAFT
2983 E 2000 N
SUGAR CITY ID 83448
(208)356-3533

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-4052	AJC/Statutory Claim	09/01/1961	0.97 cfs	280 af	80.0	420.4	GROUND WATER
22-13279	AJC/License	08/12/1965	0.62 cfs	273 af	78.0	420.4	GROUND WATER
22-2168	AJC/License	04/07/1958	3.64 cfs	819 af	234.0	420.4	GROUND WATER
22-13281	AJC/License	04/04/1968	0.76 cfs	133 af	38.0	420.4	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-4052	NO	NO	YES	NO	NO	NO
22-13279	NO	NO	YES	NO	NO	NO
22-2168	NO	NO	YES	NO	NO	NO
22-13281	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-4052	22-4052	0.97 cfs	280 af	80.0	420.4		N/A	N/A	N/A	N/A
22-13279	22-13279	0.62 cfs	273 af	78.0	420.4		N/A	N/A	N/A	N/A
22-2168	22-2168	3.64 cfs	819 af	234.0	420.4		N/A	N/A	N/A	N/A
22-13281	22-13281	0.76 cfs	133 af	38.0	420.4		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		5.99 cfs	1471.4 af	420.4	420.4		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 22-2168

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73977

Detailed Water Right Description(s) attached

Dated this 19th day of December, 20 07



Chief, Water Allocation Bureau

WATER RIGHT NO. 22-2168
As Modified by Transfer No. 73977

In accordance with the approval of Transfer No. 73977, Water Right No. 22-2168 is now described as follows.

Right Holder: BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

Priority Date: April 07, 1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.64 CFS	819.0 AF
			3.64 CFS	819.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SWNWSW Sec. 16 Twp 06N Rge 41E MADISON County
GROUND WATER SENENE Sec. 21 Twp 06N Rge 41E MADISON 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	
06N	41E	16									35.0	39.0	39.0	34.0	39.0	39.0	38.0	38.0	301.0
06N	41E	17													19.0	11.0	8.7	39.0	77.7
06N	41E	21	39.0	2.7															41.7

Total Acres: 420.4

CONDITIONS OF APPROVAL

- ✓ 1. This right is limited to the irrigation of 234 acres within the place of use described above in a single irrigation season.
- ✓ 2. Rights 22-2168, 22-4052, 22-13279, and 22-13281 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 1471.4 af at the field headgate, and the irrigation of 420.4 acres.
- R63 3. 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. Q
- 01M 4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department. EXP
- To7 5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. EXP
- To8 6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. EXP

WATER RIGHT NO. 22-2168
As Modified by Transfer No. 73977

CONDITIONS OF APPROVAL

7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

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

Dated this 19th day of December, 20 07



Chief, Water Allocation Bureau

09/07/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-2168

BHA INC
2983 E 2000 N
SUGAR CITY ID 83448
Telephone Number: (208)356-3533

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/16/06

SIGNATURE:

BHA INC

by

Nathan Schraft

Secretary

Please print your name:

Nathan Schraft

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

OCT 25 2006

Department of Water Resources
Eastern Region

UW

Claim no. _____

Claimant Contact Log

Date	Remarks	Agent initials
12-22-05	PPH w/ the following rights -	
22-2168	234 ac. 3.64 cfs	
22-4052	80 ac. 0.97 cfs	
22-13279	78 ac. 0.62 cfs	
22-13281	38 ac. 0.76 cfs	
	430 ac. 5.99 cfs	
POD 6 N 41 E 116	SWNW.SW	→ No other rights share these PODs. They have been moved elsewhere to my knowledge.
	21 SE NE NE	
4052	was transferred to the two PODs listed above	
13279	was transferred to the two PODs listed above	
2168 and 13281	- accomplished transfer to include both PODs	
	Split histories located in files for 22-13279 and 22-13281	
★	Only recommending 420.4 ac because that's all I found in ArcView. Still recommending full quantity of water because <1" / ac	
	KML	

Water Right No(s). A22-2168 + A22-4052 + A22-13279

GPS Data- 2690008
1407458

GPS File #- 224052

GPS DATA:

Tag # ACMS989 Location: on metal power post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: GE Model: _____ Hp: 250
SN: KKJ10009122

PUMP

Make: Johnston Model: _____ Disch: _____
SN: N.A

NOTES:

System connected to well in Sec 21 T6N R41E N1E1. See
Transfer #71017. System is mainly pivots with a few handlines.
Address & phone is good. Met with Helen Ashcraft & Son Nathan,
who runs the farm. P.C.L. verified by Helen Ashcraft.

Field Exam Date: 12-20-2005 Agent: Al. Cu. Jones



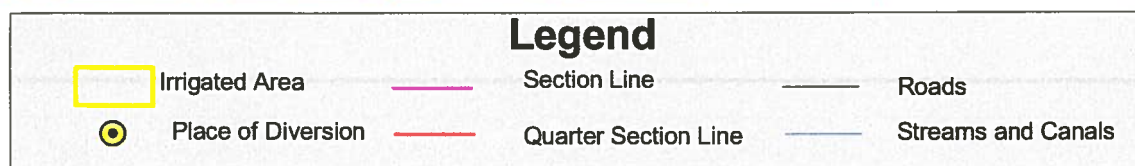
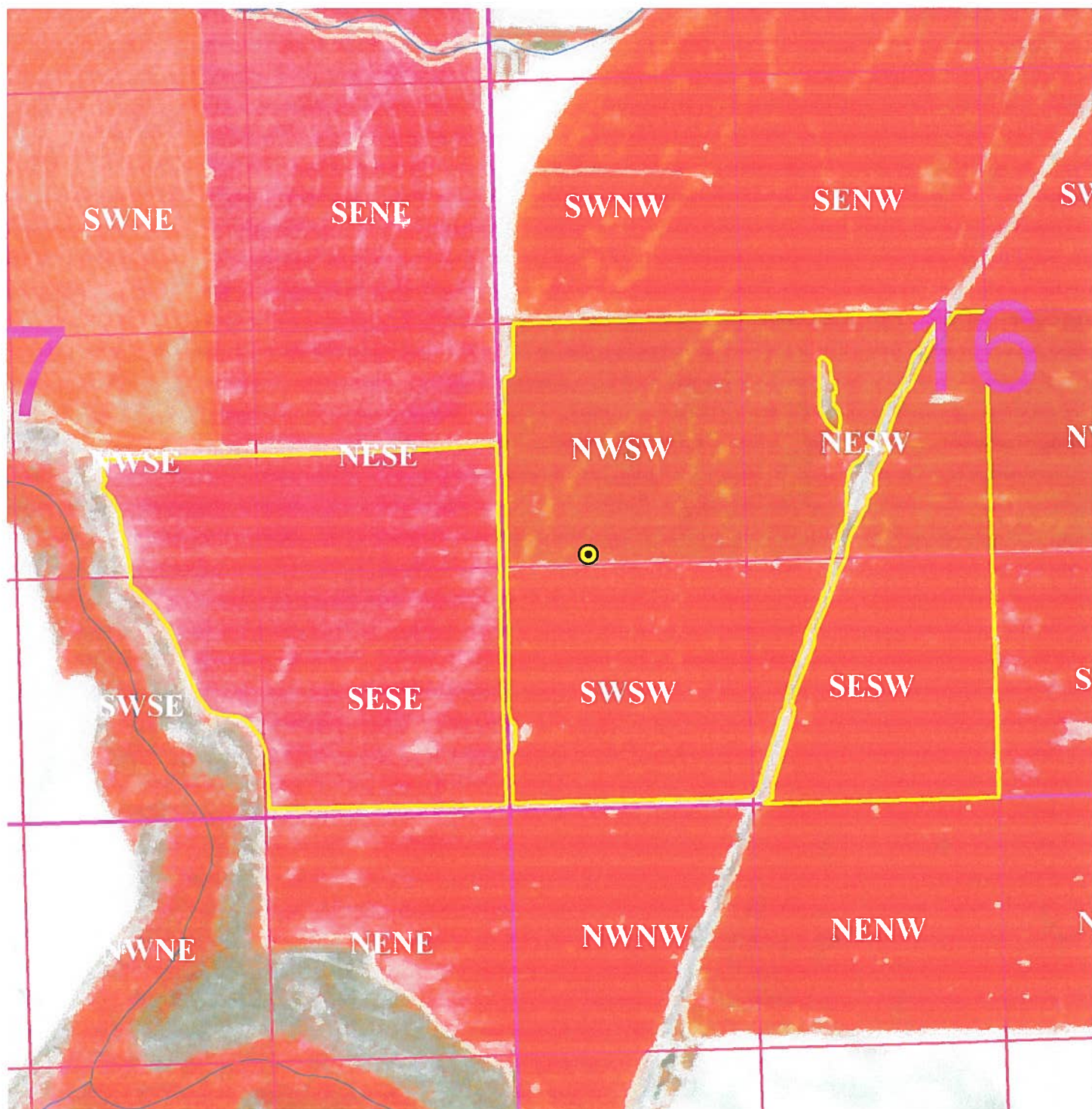
A22-2168, A22-4052 & A22-13279, Looking West

224052

06N41E16

Water Right Claim Number 22-02168
Township , 6N41E

07/27/2001

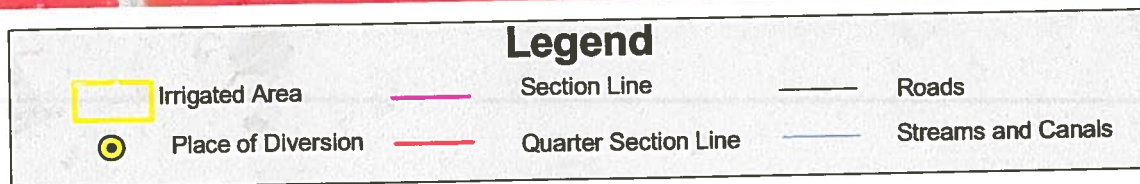


600 0 600 1200 Feet



Water Right Claim Number 22-04052
Township , 6N41E

08/09/2001



SPATIAL
DYNAMICS

Township 06N Range 41E Section 16



Notes:



Water Right #: 2213279

Examiner:

Date:

0.4 Miles

0.2

0

0.2



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 14, 2001

BHA INC
C/O HELEN F ASHCRAFT
2983 E 2000 N
SUGAR CITY ID 83448

RE: CHANGE IN OWNERSHIP FOR A22-02168, A22-04052

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

OK

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. Water Right or Adjudication Claim No(s): A22 - 02168 // A22 - 4052
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of **ten acres or less.** (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. For water rights or adjudication claims involving **ten or more irrigated acres**, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Wahoo Inc c/o Grant Ashcraft 3930 E 2000 N
4. New Owner/Claimant(s) B.H.A. Inc c/o Boyd Ashcraft 2983 E 2000 N Sugar City Id 83448
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address 2983 E 2000 N
 City, State and ZIP Code Sugar City, Id 83448
 New Telephone Number 008) 356-3533
5. Date you acquired the property 13 Feb 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate 320 Number and type of stock None
 Diversion rate in CFS for 80 ac - 1.46 reg. farm Number of homes None Other uses None
 (according to 1958 license)
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Helen J. Ashcraft - Pres of B.H.A.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

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



RONALD D. CARLSON
HYDROGRAPHER

STATE OF IDAHO
NORTHERN WATER MEASUREMENT DISTRICT
900 N. SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402
(208) 525-7171 FAX (208) 525-7177

IDWR DIRECTOR
KARL J. DREHER

TREASURER
DEL RAYBOULD

ADVISORY COMMITTEE

KIRK JACOBS
CHAIRMAN

DALE COPE
MONTEVIEW

DAREN BITTER
TERRETON

CARL BALL
HAMER

DON PARKER
REXBURG

FRANK SULLIVAN
DUBOIS

LYNN WOOD
MONTEVIEW

NICK HILLMAN
HAMER

JERRY PANCHERI
HOWE

AARON SAVAGE
HAMER

January 20, 1999

Boyd Ashcraft
2983 E. 2000 N.
Sugar City, ID 83448

Dear Mr. Ashcraft,

As you know by now, your water right of G-27326 was changed to A22-02168 according to IDWR records. You should have received all proof reports concerning your water rights in the mail per your request. They were sent to you sometime last week.

When we spoke on the phone, you questioned the fact that your G-27326 (A22-02168) water right was not included on the district billing for 1998. After discussing this matter with a water agent, we concluded that this right is located in the Rexburg Bench area, and is not currently a part of the water measurement district. It is for this reason that the right was not included on your bill.

However, if this right is listed under any other name than your own, it might be a good idea to update your records with IDWR. You can do this by completing the change of ownership papers that were sent to you. Please be sure that you include any and all necessary documents which the change of ownership papers request for proper processing. I hope that we have been of service to you. If you have any questions or comments, or if we can be of service to you in the future, please call our office at 525-7171.

Sincerely,

Terry Klipfel

Terry Klipfel
Water Measurement District Secretary

*Water Measurement District:
Since visiting in your office with
Mr. Bupe Contor 24 Jan 2001, I
realized what these papers were*

*and realized they should have been filled out 2 yrs ago.
My husband was sick (more sick than he knew) and didn't get
around to filling them out. I had no idea we even had them, let
alone know we needed to fill them out. I hope they're done
right. Thankyou, Helen J. Ashcraft*

CONTRACT OF EXCHANGE

THIS AGREEMENT for exchange of properties, made and entered into this 13th day of February, 1996, by and between WAHOO, Inc., an Idaho corporation, the principal place of business of which is at 3930 East 2000 North, Sugar City, Idaho 83448, hereinafter called "First Party", and B.H.A., Inc., an Idaho corporation, with its principal place of business at 2983 East 2000 North, Sugar City, Idaho 83448, hereinafter called "Second Party",

WITNESSETH:

1. Transfer by First Party of Parcel A.

First Party, for and in consideration of the conveyance by Second Party of Parcel B hereinafter agreed to be made, hereby agrees to exchange and convey to Second Party, the following described real property, hereinafter called "Parcel A", in Madison County, State of Idaho, to-wit:

All of First Party's undivided one half interest in and to the following described real property:

North One-Half of the Southeast Quarter of Section 16, Township 6 North, Range 41 East, Boise Meridian.

) *

Beginning at the Northwest corner of the Southwest Quarter of Section 16, Township 6 North, Range 41 East, Boise Meridian and running thence East 40 rods; thence South 78 rods; thence West 40 rods; thence North 78 rods to the point of beginning.

The Southwest Quarter, Section 16,
Township 6 North, Range 41 East,
Boise Meridian, less therefrom a
tract in the Northwest corner of
the Southwest Quarter of said
Section, Township and Range running
East 40 rods; thence South 33 rods;
thence West 40 rods; thence North
78 rods to the point of beginning.

The Southeast Quarter of the
Southeast Quarter of Section 17,
Township 6 North, Range 41 East,
Boise Meridian. Also commencing at
the Northeast corner of the
Southwest Quarter of the Southeast
Quarter of Section 17, Township and
Range aforesaid, and running thence
South 80 rods; thence West 22 rods;
thence North 1 rod; thence East 8
rods; thence North 19 rods; thence
Northwesterly following the
meanderings of Moody Creek 10.6
rods; thence in a Northwesterly
direction 58 rods to a point 46
rods West of the point of
beginning; thence East 46 rods to
the place of beginning; containing
in all 56 acres of land, more or
less.

Also, the South One-Half of the
North One-Half of the Southeast
Quarter of Section 17, Township 6
North, Range 41 East, Boise
Meridian, less therefrom a tract in
the Southwest corner commencing at
the Southwest corner of North One-
Half of the Southwest Quarter of
Section 17, Township 6 North, Range
41 East, Boise Meridian, and
running thence East 12 rods; thence
North 23 rods; thence West 12 rods;
thence South 23 rods, to the point
of beginning.

With the conveyance provided for in this
Contract of Exchange, Second Part shall own
full interest in fee simple of the property
above described.

Subject to easements of record or in existence for roads, ditches and utilities.

Together with all water and water rights, ditch and ditch rights, appurtenant thereto

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

There is no indebtedness owing against Parcel A. For purposes of this exchange, the value of Parcel A is equal to the value of Parcel B and involves the exchange of like kind property of equal value.

2. Transfer by Second Party of Parcel B.

Second Party, for and in consideration of the conveyance by First Party of Parcel A heretofore agreed to be made, hereby agrees to exchange and convey to First Party, the following described real property, hereinafter called "Parcel B", situated in Madison County, State of Idaho, to-wit:

All of Second Party's undivided one-half interest in and to the following described real property located in Madison County, Idaho, to wit:

The East One-Half of Section 7,
Township 6 North, Range 41 East,
Boise Meridian.

Together with 35 shares of the capital stock of the East Teton Canal Company, 185 shares of the Capital Stock of the Enterprise Canal Company, and all Fremont-Madison Irrigation District allotments appurtenant to said land.

With the conveyance provided for in this Contract of Exchange, First Party shall own

full interest in fee simple of the property above described.

Subject to easements of record or in existence for roads, ditches and utilities.

Together with all water and water rights, ditch and ditch rights, appurtenant thereto.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

3. Instruments of Conveyance.

(a) Parcel A.

First Party shall convey Parcel A to Second Party by good and sufficient Warranty Deed, free from all encumbrances except any assumed by or placed thereon by Second Party.

The deed shall be delivered to Second Party upon closing of this Contract of Exchange.

(b) Parcel B.

Second Party shall convey Parcel B to First Party, by good and sufficient Warranty Deed, free from all encumbrances except any assumed by or placed thereon by First Party.

The deed shall be delivered to First Party upon closing of this exchange.

4. Title Insurance.

Neither party desires title insurance nor a title report on the property being exchanged. If either party should desire such, they shall obtain it by themselves at their own expense.

5. Possession.

Second Party is granted possession of Parcel A on the date of the execution of the within Contract of Exchange.

First Party is granted possession of Parcel B on the date of the execution of the within Contract of Exchange.

6. Taxes.

First party shall pay all of the 1995 taxes and all prior taxes and assessments levied and assessed against First Party's interest in Parcel A, and Second Party shall pay all of the 1996 and all subsequent taxes and assessments levied and assessed against Parcel A, when the same are due and payable and before the same shall become delinquent.

Second Party shall pay all of the 1995 taxes and all prior taxes and assessments levied and assessed against Second Party's interest in Parcel B, and First Party shall pay all of the 1996 and all subsequent taxes and assessments levied and assessed against Parcel B, when the same are due and payable and before the same shall become delinquent.

7. Closing.

C. Rich Andrus of Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chartered, is designated as closing agent.

Closing shall take place on the 13th day of February, 1996.

The parties have communicated to the closing agent that they do not desire to have any title insurance or any reports from a title company regarding the status of title.

First Party shall pay the attorneys fees and costs incurred in the making and concluding of the within exchange. The law firm of Rigby, Thatcher, Andrus, Rigby, Kam & Moeller, Chartered, has served as attorney for First Party in the within transaction and Second Party has been invited to obtain independent counsel if desired.

8. Default Remedies.

In the event either party hereto shall be required, due to the default of the other, to employ an attorney for the enforcement of this contract, the defaulting party shall pay the reasonable attorneys' fees of the prevailing party, whether or not suit is required, and in trial or appellate courts.

In the event of default by one party, the other party shall have such remedies as are provided in law or equity, to enforce performance of this contract, or to recover damages for the breach hereof.

9. Binding Effect.

This agreement is not only binding upon the parties hereto, but upon their respective successors, heirs, administrators and assigns.

The terms "First Party" and "Second Party" shall be construed, as used herein, to include singular and plural, and the masculine gender shall be construed to include the feminine.

The terms "First Party" and "Second Party" shall be construed as used herein, to include singular and plural, and a corporation, partnership, or other entity, and the masculine gender shall include the feminine and neuter, to conform to the actual parties hereto.

10. Inspections; Disclaimer of Warranty.

Each party has thoroughly and carefully inspected the premises, and all parts and portions of the property included in this exchange, and Second Party accepts Parcel A, and First Party accepts Parcel B, each on an "as is" basis so far as conditions thereof are concerned. ANY WARRANTY AS TO CONDITION OF ANY PROPERTY IS EXPRESSLY DISCLAIMED.

IN WITNESS WHEREOF, The parties have executed this Contract of Exchange.

"FIRST PARTY"

"SECOND PARTY"

WAHOO, INC.

B.H.A., INC.

BY: V. Grant Ashcraft

V. Grant Ashcraft
President

BY: Boyd B. Ashcraft

Boyd B. Ashcraft
President

ATTEST:

ATTEST:

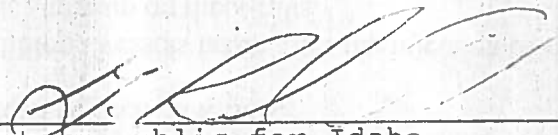
Dorothy S. Ashcraft
Dorothy S. Ashcraft
Secretary

Helen J. Ashcraft
Helen Ashcraft
Secretary

STATE OF IDAHO)
)
 ss.
County of Madison)

On this 13th day of February, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared V. Grant Ashcraft and Dorothy S. Ashcraft, known to me to be the President and Secretary, respectively, of Wahoo, Inc., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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

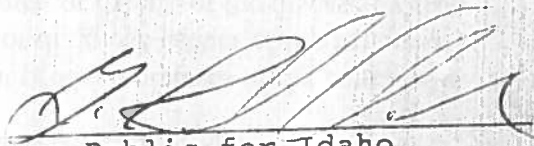


Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires:

STATE OF IDAHO)
)
 ss.
County of Madison)

On this 13th day of February, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Boyd B. Ashcraft and Helen Ashcraft, known to me to be the President and Secretary, respectively, of B.H.A., Inc., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

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


Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires:

DIVERSION
VOLUME

Stage: LICENSE

MADISON County

SE

TOTAL ACRES 234.0

Other Rights: 22-04052 FROM SAME WELL

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Presumption Flag:

DIVERSION
VOLUME

160.00 AFA

Tributary to:

Stage: STATUTORY CLAIM

MSMMS

MADISON County

Place of use Legal Description for: IRRIGATION

[illegible]

Other Rights: 22-02168 FROM SAME WELL

Remarks: GEN THIS GROUND WAS IRRIGATED BY WELL UNDER 22-2168 AT TIME LICENSE ISSUED. GROUND AT THAT TIME WAS OWNED BY STATE OF IDAHO SO WAS NOT INCLUDED IN ORIGNAL APPLICATION. IN 1961 MAHOO & BHA, INC. PURCHASED PROPERTY FROM STATE, BUT DID NOT FILE WATER RIGHT.

Dates:	Exam Made Date:	Verified Date:	03/26/1985	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Y	
		Presumption Flag:		

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SE				SW				NE				NW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
T06N R41E S17																														
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																														
2100159	FALLS RIVE	40	30	20	20	40	40																			190				
A2100159	FALLS RIVE	32	16			29	39	40	27	05	12															200				
2100165	FALLS RIVE																													
A2100165	FALLS RIVE	32	16			29	39	40	27	05	12															200				
2102000	FALLS RIVE	40	40	40	40	40	40	40	40																	320				
A2102000	FALLS RIVE	32	16			29	39	40	27	05	12															200				
2202168	GROUNDWATE																									83				
A2202168	GROUNDWATE																									83				
2202171	GROUNDWATE	38	38	40	40																					193				
A2202171	GROUNDWATE	38	38	40	40																					193				
2202235	GROUNDWATE																									97				
A2202235	GROUNDWATE																									97				
2207524	GROUNDWATE					10																				33				
A2211003	GROUNDWATE					10																				21				
A2211004	GROUNDWATE					01																				10				
--86 MAP--	C650-W 95	35	39	39	37	37	39	39	39	37	40	38	39	39	37	37	40	38	39	37	37	39	40	39	39	613				

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE			NW			SE			SW			NW			SW			SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																						
2100159	FALLS RIVE :	40	40	:	40	40	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2100159	FALLS RIVE :	01	10	:	05	28	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
2100165	FALLS RIVE :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2100165	FALLS RIVE :	01	10	:	05	28	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
2102000	FALLS RIVE :	:	:	:	40	40	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2102000	FALLS RIVE :	01	10	:	05	28	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
2202168	GROUNDWATE :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2202168	GROUNDWATE :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
2202215	GROUNDWATE :	:	:	:	28	12	:	40	40	:	:	:	:	:	:	:	:	:	:	:	:	
A2202215	GROUNDWATE :	:	:	:	28	12	:	40	40	:	:	:	:	:	:	:	:	:	:	:	:	
2202256A	GROUNDWATE :	37	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2202256A	GROUNDWATE :	37	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
2202256B	GROUNDWATE :	37	:	:	39	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2202256C	GROUNDWATE :	37	:	:	39	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
2202277	GROUNDWATE :	:	:	:	:	:	:	34	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2202277	GROUNDWATE :	:	:	:	:	:	:	34	:	:	:	:	:	:	:	:	:	:	:	:	:	
2204052	GROUNDWATE :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2204052	GROUNDWATE :	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
2207303	GROUNDWATE :	37	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
A2207303	GROUNDWATE :	40	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
C65Q-W 96	-86 MAP--	43	42	:	40	42	:	42	40	:	40	39	39	40	39	40	40	40	40	40	642	

State of Idaho

License and Certificate of Water Right

Water License No. G-27326

Amount 3.64 c.f.s.

Water District No.

Priority April 7, 1958

THIS IS TO CERTIFY that

V. G. ASHCRAFT

of Teton, Idaho

, made application for a permit to appropriate the

public waters of the State of Idaho, dated April 7, 1958; that Permit No. G-27326 was issued under said application; that Certificate of Completion of works, with a carrying capacity of

3.64 second feet, was issued thereunder on September 7, 1961, showing that said works

were completed on the 1st day of September, 1960; and that on the 1st

day of September

, 1960,

V. G. ASHCRAFT

of Teton

, State of Idaho

, made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow, for the purpose of irrigation

, under Use Permit No. G-27326 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,

and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

11 of Licenses at page 7156, on the 7 day of September

, 1961;

The right hereby confirmed dates from April 7

, 1958;

The Point of Diversion is located

in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Tp. 6 N, R. 41 E, B. M. Madison County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 3.64 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
6 N	41 E	16	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	37	
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	37	
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40	
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	37	
		17	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	20	
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	20	11	
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	10	12	
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40	
			Total number of acres to be irrigated:			234

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of September, 1961.

/s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

22-2168

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35255
 Permit No. G- 27326
 District No.

V. G. Ashcraft
 Teton, Idaho

1. Name of Applicant: V. G. ASHCRAFT
 Postoffice address: Teton County: Fremont State: Idaho
2. Quantity of water claimed: 4.8 cubic feet per second
 (a) Rate of withdrawal in cubic feet per second. 4.8 or Idaho
 Miners' inches 240 or gallons per minute.
 (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean, well
4. Location of point of diversion or well is in the NW 1/4 of the SW 1/4 of Section 16
 Twp. 6 N. , Rge. 41 E. , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Drilled well, partially cased - pumped
8. Estimated cost of works: \$ 18,000.00
9. (a) Is reservoir to be used?
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 1.75 (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

/s/ V. G. Ashcraft
Applicant.

/s/ Boyd B. Ashcraft
Agent.

By

Date of first receipt at Department of Reclamation: 9:00 A. M. April 7, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-27326

Recorded in Book 96 Page 27326 Approved April 18, 1958

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before October 18, 1960

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before April 18, 1963

Witness my hand this 18th day of April, 1958

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLYE, Governor of the State of Idaho, and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th day of April, 1958.

Countersigned:

(SEAL)

By /s/ JAS. H. YOUNG
Secretary of State.

STATE OF IDAHO

By /s/ ROBERT E. SMYLYE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6 N.	41 E.	16									40	40	40	40					160
6 N.	41 E.	17													20	20	10	40	90
																			250
																			10
																			260

Less small area's for wasteland

Permit No. G-27326
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that V. G. ASHCRAFT of Teton, County of Fremont, and State of Idaho, the holder of Permit No. G-27326, issued upon Application No. G-35255 bearing date of priority of April 7, 1958, authorizing the diversion of 4.8 second of waters of a well County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.64 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in NW 1/4 SW 1/4, Sec. 16, T. 6 N., R. 41 E., B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 234 acres in SW 1/4, Sec. 16; SE 1/4, Sec. 17, T. 6 N., R. 41 E., B.M.

Witness my hand this 7th day of September, A.D. 1961.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: September 1, 1960

LICENSE ISSUED FOR 3.44 SEC. FT.

Page 7156

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-27326

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant V. G. Ashcraft
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the NE 1/4 of Section 16
T. 6 N R. 41 E.B.M. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same: 125 HP US Motor
#1142607, Wintroath Pump #9249, 320' X 10" Column, 14" stage bowls
Well 350' X 18" 41-260'
75 HP Pacific Pump Co. Motor, 6.5" Pacific Centrifugal Pump Co. Booster #JTR 15345
(Model 5C LKDM - 1300 GPM @ 145' head)

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SW 1/4 Sec. 16 and SW 1/4 Sec. 17, Twp. 6 N., Rge. 41 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: Grant & Boyd Ashcraft along

This examination was made on the 16 day of August, 19 61

(Signed) Layman Examiner.

27326



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 21, 2008

BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

RE: Transfer #73977 for water right(s) 22-2168, 22-4052 and Notice of Completed Administrative Proceeding (NCAP)

Dear Claimant:

On December 19, 2007, the Idaho Department of Water Resources (IDWR) approved Transfer #73977, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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,

Jennifer Crabtree

Technical Records Specialist

SCANNED

MAR 07 2008

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

In Re SRBA

)

Water Rights: 22-2168, 22-4052

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 73977

☐ point of diversion

☒ place of use

☐ period of use

☐ nature of use

☐ split of water right

☐ change in ownership

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

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

DATED: 1 March 2008

Ernst Carlson

Signature of IDWR Representative

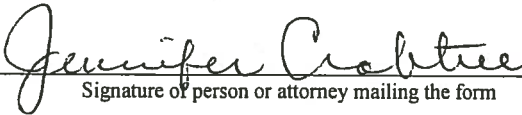
SCANNED

MAR 07 2008

CERTIFICATE OF MAILING

I certify that on March 7, 2008, 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:
BHA INC
2983 E 2000 N
SUGAR CITY ID 83448
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A
4. One copy to:
Each party in the subcase, or attorney of record
N/A
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

SCANNED

MAR 07 2008

01/17/2008

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

RIGHT NUMBER: 22-2168

NAME AND ADDRESS: BHA INC
2983 E 2000 N
SUGAR CITY ID 83448

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 3.640 CFS
819.00 AFY

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.

The rights listed below are limited to a total combined annual diversion volume of 1471.4 af. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

PRIORITY DATE: 04/07/1958

POINT OF
DIVERSION:

T06N R41E S16 SWNSW Within MADISON County
T06N R41E S21 SENENE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.640 CFS 819.00 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R41E S16	NESW	35.00	T06N R41E S16	NWSW	39.00
T06N R41E S16	SWSW	39.00	T06N R41E S16	SESW	34.00
T06N R41E S16	NESE	39.00	T06N R41E S16	NWSE	39.00
T06N R41E S16	SWSE	38.00	T06N R41E S16	SESE	38.00
T06N R41E S17	NESE	19.00	T06N R41E S17	NWSE	11.00
T06N R41E S17	SWSE	8.70	T06N R41E S17	SESE	39.00
T06N R41E S21	NENE	39.00	T06N R41E S21	NWNE	2.70

420.4 ACRES TOTAL

This right is limited to the irrigation of 234 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 420.4 acres in a single irrigation season. Combined Right Nos.: 22-2168, 22-4052, 22-13279, and 22-13281.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED
MAR 07 2008

Failure of the right holder to comply with the conditions of Transfer 73977 is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 73977 prior to December 19, 2008.

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

The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

SCANNED

MAR 07 2008

WATER RIGHT NO. 22-2168
As Modified by Transfer No. 73977

In accordance with the approval of Transfer No. 73977, Water Right No. 22-2168 is now described as follows.

Right Holder: BHA INC
 2983 E 2000 N
 SUGAR CITY ID 83448

Priority Date: April 07, 1958

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	3.64 CFS	819.0 AF
			3.64 CFS	819.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNWSW	Sec. 16 Twp 06N	Rge 41E	MADISON County
GROUND WATER	SENE	Sec. 21 Twp 06N	Rge 41E	MADISON 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	
06N	41E	16									35.0	39.0	39.0	34.0	39.0	39.0	38.0	38.0	301.0
06N	41E	17													19.0	11.0	8.7	39.0	77.7
06N	41E	21	39.0	2.7															41.7

Total Acres: 420.4

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 234 acres within the place of use described above in a single irrigation season.
2. Rights 22-2168, 22-4052, 22-13279, and 22-13281 when combined shall not exceed a total diversion rate of 5.99 cfs, a total annual maximum diversion volume of 1471.4 af at the field headgate, and the irrigation of 420.4 acres.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

SCANNED

MAR 07 2008

WATER RIGHT NO. 22-2168
As Modified by Transfer No. 73977

CONDITIONS OF APPROVAL

7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. The following rights are diverted through points of diversion described above: 22-2168, 22-4052, 22-13279, and 22-13281.

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

Dated this 19th day of December, 2007



Chief, Water Allocation Bureau

SCANNED

MAR 07 2008

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 22-2168
Date Received: 8/24/88
Receipt No: E001639
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BHA INC Phone: (208) 356-3533

C/O HELEN F ASHCRAFT
2983 E 2000 N
SUGAR CITY ID USA 83448

2. Date of Priority: 04/07/1958

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06N	41E	16	SW	NW	SW	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	/	/	3.64	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	41E	16	NE	SW	IRRIGATION	37
			NW	SW	IRRIGATION	37
			SW	SW	IRRIGATION	37
			SE	SW	IRRIGATION	40
					Section Acres	151
06N	41E	17	NE	SE	IRRIGATION	20
			NW	SE	IRRIGATION	11
			SW	SE	IRRIGATION	12
			SE	SE	IRRIGATION	40
					Section Acres	83
					Total Acres	234

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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: A22-02168
Date Received: 8/15/1988
Receipt No: 6001839/6001641
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WAHOO & BHA, INC. 208-356-3178
Address: C/O GRANT ASHCRAFT
3930 E. 2000 N.
SUGAR CITY, ID 83448

2. Date of Priority: APR 07, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	41E	16	SW	NW	SW		MADISON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			3.640		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	41E	16	NE	SW		IRR	37.0
			NW	SW		IRR	37.0

A22-02168

Page 1

Date: 08/15/88

A2202168



MICROFILMED
OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	41E	16	SW	SW		IRR	37.0
			SE	SW		IRR	40.0
					Section Acres		151.0
		17	NE	SE		IRR	20.0
			NW	SE		IRR	11.0
			SW	SE		IRR	12.0
			SE	SE		IRR	40.0
					Section Acres		83.0
					Total Acres		234.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
22-04052 FROM SAME WELL

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 27326

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Pres. of _____ Title

WAHOO INC -, that I have signed the foregoing
Organization
document in the space below as Pres. of _____ Title

WAHOO INC - and that the statements contained in the
Organization
foregoing document are true and correct.

Shant P. Schraft
Signature of Authorized Agent

President of WAHOO INC -
Title and Organization

15 Aug 88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

Aug 24, 1988
Date

Betty J. Thompson
Notary Public

My Commission Expires 6-94



100-101-10
OCT 29 1992