

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APR 18 2022

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) B & B Farms Phone 208-390-7338
Mailing address 2509 S. 5500 W. Rexburg, ID 83440 Email horizonagfarms@hotmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rigby Andrus & Rigby Law, PLLC Phone 208-356-3633
Mailing address 25 N. 2nd E. Rexburg, ID 83440 Email mmortimer@rex-law.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Bradley Jensen
Signature of Applicant or Authorized Representative

Bradley Jensen
Print Name and Title if applicable

4/18/22
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to [Idaho Code § 42-221.O.8?](#)
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
This transfer proposes a reconfiguration of acres under the existing water rights 22-13958 and 22-13797. See Part 1A.3.

Narrative in Support of Transfer
B&B Farms Transfer Application

Applicant proposes to reconfigure the place of use for water rights 22-13958 and 22-13797 to accurately reflect the current irrigated acres. The two decreed water rights have a combined limitation of 140.3 acres. There will be no enlargement of the water right with the proposed reconfiguration.

In 2007, a transfer application for a portion of water right 22-2178 was approved to transfer the 40 acres from T 06N R40E Sec 32 NENW QQ of the center pivot to another location. Since 2007, no water right has been established for those acres, but the acres have continued to be irrigated. The subdivision just south of the center pivot in the NWSW QQ was included in the place of use. The center pivot that the POD is connected to is the only place that the water rights have been used. The subdivision in the NWSW QQ uses City of Rexburg water and has since it was developed. The water that was purportedly used in the southern portion of the place of use was essentially moved up to the NENW QQ to cover the 40 acres that were transferred in 2007. Irrigation under these two rights has not and will not exceeded the water right limit of 140.3 acres. The water right was unofficially reconfigured in approximately 2008 to accommodate the 2007 transfer and land use changes. The point of diversion will remain the same for the reconfigured acres within the proposed place of use.

At one point in time, Applicants owned the land and the water rights at the original and proposed place of use. However, the applicants sold the land to the current title holders, Rexburg Hill Properties. Applicants expressly reserved the appurtenant water rights, as shown in the deed in Attachment #10. They are currently leasing the land within the proposed place of use.

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APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
☒ ☐	22-13958	1.46 cfs	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	22-13797	0.68 cfs	Irrigation	4/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.14 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.14 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	32					35	36	35	34		0.3							140.3
Total Acres (for irrigation use)																			140.3

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

The diversion system is a well with a pump connected to a buried mainline for a center pivot.

- b. Who owns the property at the point(s) of diversion? Rexburg Hill Properties

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

The applicant and Rexburg Hill Properties have a lease agreement that allows them to access the property for the diversion system.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
See Part 1A.3

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Three water rights, 22-13958, 22-13797, and 22-13746 are diverted from the same point of diversion. All are irrigation rights. 22-13958 and 22-13797 are used at the same place of use with a combined acre limit of 140.3 acres.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/20/2022

Water Right 22-13797

Owner Type **Name and Address**
Current Owner B & B FARMS
C/O BRADLEY JENSEN 2509 S 5500
W
REXBURG, ID 83440
(208) 356-9890

Priority Date: 3/4/1974

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.680 CFS	289.9 AF
	Total Diversion		0.680 CFS	289.9 AF

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 32, Twp 06N, Rge 40E, MADISON County

Place Of Use:

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	31				1.8									0.5				2.3
06N	40E	32						38.0	38.0	35.0		27.0							138.0

POU Total Acres: 140.3

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 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.
3. This right is renumbered from former right 22-7088 .
4. This right was renumbered to right 22-13797 .
5. F06 The following rights are diverted through point(s) of diversion described above: 22-13958, 22-13797 and 22-13746.
6. E55 Right Nos. 22-13797 and 22-13958 are limited to the irrigation of a combined total of 140.3 acres in a single irrigation season.
7. E53 Right Nos. 22-13797 and 22-13958 are limited to a total combined annual

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/20/2022

diversion volume of 491 AF.

Dates and Other Information:

Decreed Date: 4/6/2010
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 100
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/20/2022

Water Right 22-13958

Owner Type **Name and Address**
Current Owner B & B FARMS
C/O BRADLEY JENSEN 2509 S 5500
W
REXBURG, ID 83440
(208) 356-9890

Priority Date: 1/25/1965

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.460 CFS	491.0 AF
	<u>Total Diversion</u>		1.460 CFS	491.0 AF

Source and Point(s) of Diversion:

GROUND WATER SENWSW Sec. 32, Twp 06N, Rge 40E, MADISON County

Place Of Use:

IRRIGATION within MADISON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	31				1.8									0.5				2.3
06N	40E	32						38.0	38.0	35.0		27.0							138.0

Right Acre Limit: 314.00
POU Total Acres: 140.3

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | | This right is a split from former right 22-2236A. |
| 2. | C18 | 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. |
| 3. | C03 | Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code. |
| 4. | E55 | Right Nos. 22-13797 and 22-13958 are limited to the irrigation of a combined total of 140.3 acres in a single irrigation season. |
| 5. | E53 | Right Nos. 22-13797 and 22-13958 are limited to a total combined annual diversion volume of 491 AF. |
| 6. | C05 | Right includes accomplished change in place of use pursuant to Section 42- |

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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7. F06 1425, Idaho Code.
The following rights are diverted through point(s) of diversion described above:
22-13958, 22-13797 and 22-13746.
8. E60 Right Nos. 22-13958 and 22-13746 are limited to a total combined diversion
rate of 1.46 cfs and to a total combined annual diversion volume of 619.7 AF.
9. K01 Right No. 22-13746 is an enlargement of this right pursuant to Section 42-
1426, Idaho Code.

Dates and Other Information:

Decreed Date: 4/30/2010

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: AND

Water District Number: 100

Mitigation Plan: False

Combined Use Limits:

Rate

1.460

Volume

619.7

Acres

Water Rights

22-13746 ,22-13958

SubCase:

N/A

Water Supply Bank:

N/A

Authorization to Submit Transfer Application

B & B Farms owns water rights 22-13958 and 22-13797 for irrigation use at 06N 40E Sec 32 in the NW quarter. Water rights 22-13958 and 22-13797 will be reconfigured to correct the irrigated acres under the water rights. This letter grants authority to B & B Farms to file an Application for Transfer of Water Right to change the location described for the Place of Use.

Rexburg Hill Properties

Frank L. Vanderstoot
Signature

FRANK L. VANDERSTOOT
Printed Name

4/14/22
Date



0004485077

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004485077

Date Filed: 11/4/2021 8:36:32 AM

Entity Name and Mailing Address:

Entity Name: REXBURG HILL PROPERTIES, LLC

The file number of this entity on the records of the Idaho Secretary of State is: 0000301451

Address: PO BOX 50277
IDAHO FALLS, ID 83405-0277

Entity Details:

Entity Status: Active-Existing

This entity is organized under the laws of: IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W97351

The registered agent on record is:

Registered Agent: DAVID J DANCE
Registered Agent
Physical Address
4609 W. 65TH SOUTH
IDAHO FALLS, ID 83402
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Riverbend Management, Inc.	Manager	4609 W 65TH S IDAHO FALLS, ID 83402

The annual report must be signed by an authorized signer of the entity.

Job Title: Secretary

*David Dance*11/04/2021

Sign Here

Date

DUPLICATE - 11/40 11/04/2021 8:36:32 AM RECEIVED BY ID SECRETARIAL CLERK LAWRENCE DENNEY



0004513207

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

For Office Use Only

-FILED-

File #: 0004513207

Date Filed: 12/3/2021 10:03:19 AM

Entity Name and Mailing Address:

Entity Name:

RIVERBEND MANAGEMENT, INC.

The file number of this entity on the records of the Idaho Secretary of State is:

0000594176

Address

PO BOX 50277
IDAHO FALLS, ID 83405-0277

Entity Details:

Entity Status

Active-Good Standing

This entity is organized under the laws of:

IDAHO

If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:

C196930

The registered agent on record is:

Registered Agent

DAVID J DANCE
Registered Agent

Physical Address

4609 WEST 65TH SOUTH
IDAHO FALLS, ID 83402

Mailing Address

Corporate Officers and Directors:

Name	Title	Business Address
☒ Frank L. VanderSloot	Vice President	4609 W 65TH S IDAHO FALLS, ID 83402
☒ Duston K Barton	President	4609 W 65TH S IDAHO FALLS, ID 83402
David Dance	Secretary	4609 W 65TH S IDAHO FALLS, ID 83402

The annual report must be signed by an authorized signer of the entity.

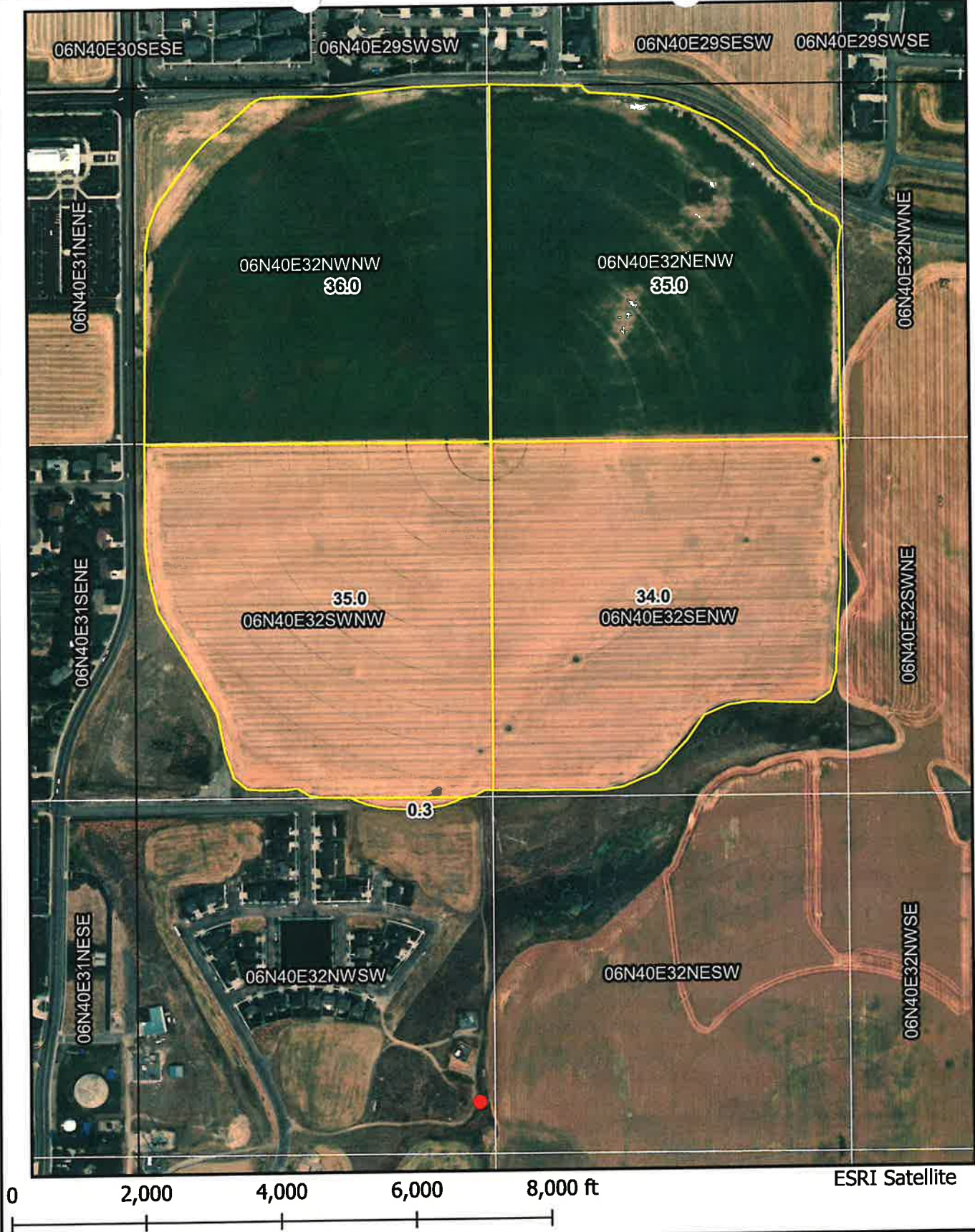
Job Title: Secretary

*David Dance*12/03/2021

Sign Here

Date

00000-00000 12/03/2021 10:03:19 AM RECEIVED BY ID SECRETARIAL CLERK LAWRENCE DENNEY

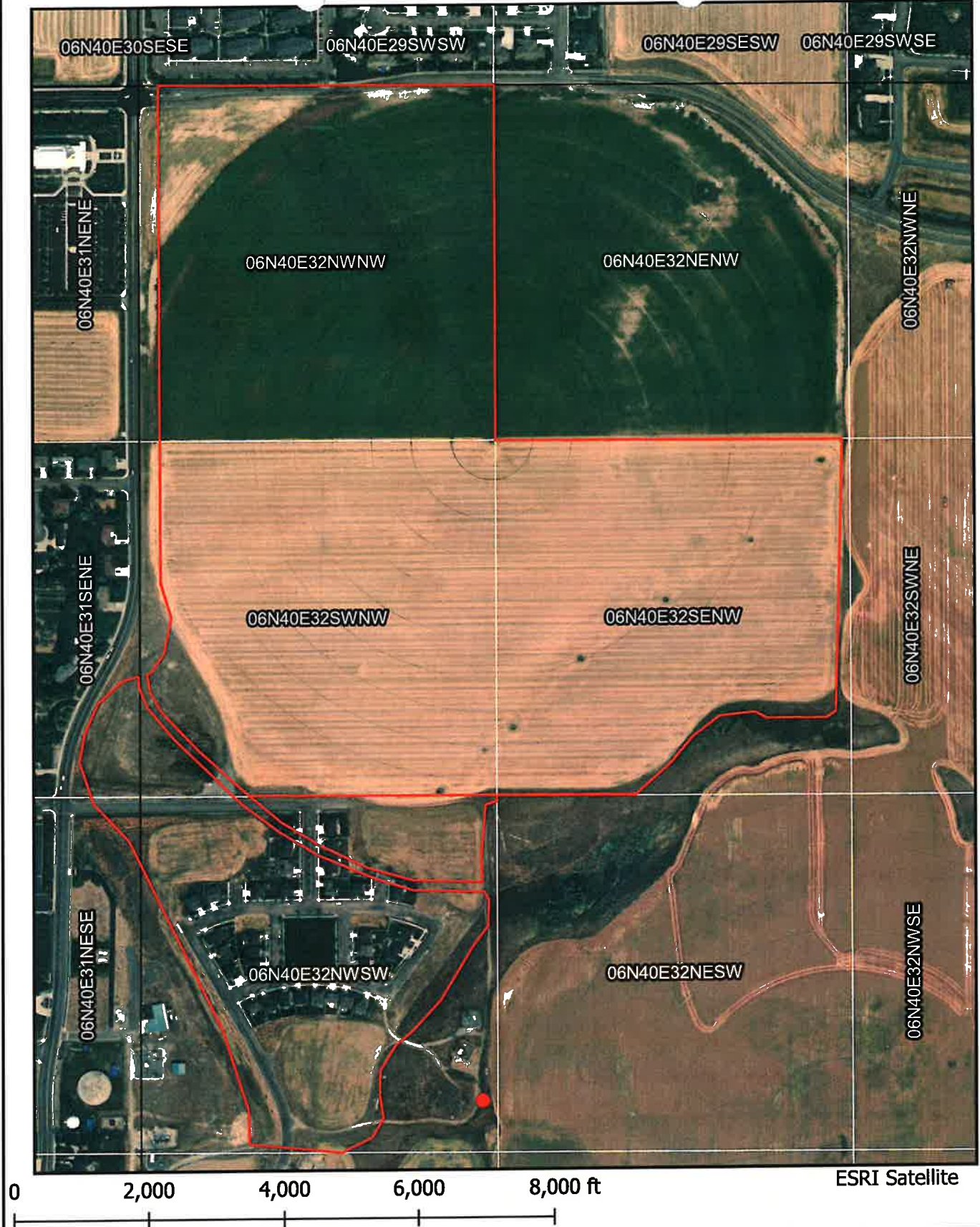


Legend

- Reconfigured Acres
- Section
- WR POD 22-13958
- QQ
- TR

B&B Farms
To Location





Legend

- WR POU 22-13958 and 22-13797 Section
● WR POD 22-13958 QQ
 TR

B&B Farms
From Location



*Accommodation
Recording
MWT*

WARRANTY DEED

GRANTORS, Bradley B. Jensen and Byron G. Jensen dba B&B Farms, 5975 West 3800 South, Rexburg, County of Madison, State of Idaho, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto Rexburg Hill Properties, LLC., whose mailing address is 2882 North 55th West, Idaho Falls, County of Bonneville, State of Idaho as GRANTEE, and to grantee's heirs and assigns forever, all of the following described real estate located in Madison County, Idaho:

PARCEL A:

A PARCEL OF LAND LOCATED IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 6 NORTH, RANGE 40 EBM, MADISON COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SAID SECTION 31, FROM WHICH POINT THE SE CORNER OF SAID SECTION 31 BEARS S. 00 DEGREES 00'00" E. A DISTANCE OF 790.00 FEET ALONG THE EASTERLY LINE OF SAID SECTION 31 TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE, N. 26 DEGREES 00'00" W. A DISTANCE OF 478.18 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SOUTH 2nd EAST (SKYVIEW DRIVE); THENCE N. 19 DEGREES 06'26" E. A DISTANCE OF 640.38 FEET TO A POINT ON THE EASTERLY LINE OF SAID SECTION 31; THENCE ALONG SAID EASTERLY LINE, S. 00 DEGREES 00'00" W. A DISTANCE OF 1034.88 FEET (FORMERLY 1128.17 FEET) TO THE POINT OF BEGINNING.

EXCEPT FOR THE FOLLOWING DESCRIBED PARCELS B, C, AND D:

PARCEL B:

A PARCEL OF LAND LOCATED IN THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 31, FROM WHICH POINT THE SOUTHEAST CORNER OF SAID SECTION 31 BEARS SOUTH 00°00'00" WEST A DISTANCE OF 1305.72 FEET; THENCE RUNNING NORTH 00°00'00" EAST A DISTANCE OF 790.00 FEET ALONG THE EASTERLY LINE OF SAID SECTION 31 TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY LINE, NORTH 26°00'00" WEST A DISTANCE OF 478.18 FEET TO A POINT ON THE

Instrument # 347174

-1-

REXBURG, MADISON, IDAHO
7-10-2008 10:11:00 No. of Pages: 3
Recorded for: MOUNTAIN WEST TITLE
MARILYN R. RASMUSSEN Fee: 9.00
Ex-Officio Recorder Deputy *[Signature]*

SOUTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH 2ND EAST (SKYVIEW DRIVE); THENCE NORTH 19°06'26" EAST A DISTANCE OF 143.10 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH 89°44'43" EAST A DISTANCE OF 162.78 FEET TO THE EAST BOUNDARY LINE OF SAID SECTION 31; THENCE ALONG THE EAST BOUNDARY LINE OF SAID SECTION 31, SOUTH 00°00'00" WEST A DISTANCE OF 565.72 FEET TO THE POINT OF BEGINNING.

PARCEL C:

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWNSHIP 6 NORTH, RANGE 40 EAST OF THE BOISE MERIDIAN, MADISON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, FROM WHICH POINT THE SOUTHWEST CORNER OF SAID SECTION 32 BEARS SOUTH 00°00'00" WEST A DISTANCE OF 1305.72 FEET; THENCE RUNNING NORTH 00°00'00" EAST A DISTANCE OF 700.00 FEET ALONG THE WESTERLY LINE OF SAID SECTION 32 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°00'00" EAST A DISTANCE OF 605.72 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, THENCE ALONG THE NORTHERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, NORTH 89°48'04" EAST A DISTANCE OF 1321.69 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32; THENCE ALONG THE EASTERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, SOUTH 00°03'47" WEST A DISTANCE OF 1308.81 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32; THENCE ALONG THE SOUTHERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, SOUTH 89°56'06" WEST A DISTANCE OF 815.68 FEET; THENCE LEAVING SAID SOUTHERLY LINE, NORTH 33°01'12" WEST A DISTANCE OF 834.16 FEET (FORMERLY NORTH 33°00'00" WEST 834.51 FEET); THENCE NORTH 90°00'00" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE WESTERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32.

PARCEL D:

A PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED AS INSTRUMENT NO. 293667 RECORDED ON JANUARY 24, 2002, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, FROM WHICH POINT THE SOUTHWEST CORNER OF SAID SECTION 32 BEARS SOUTH 00°00'00" WEST A DISTANCE OF 1305.72 FEET; THENCE ALONG THE SOUTHERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, NORTH 89°56'06" EAST A DISTANCE OF 1320.24 FEET; THENCE ALONG THE EASTERLY LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 32, NORTH 00°03'47" EAST A DISTANCE OF 607.16 FEET; THENCE LEAVING SAID EASTERLY LINE, NORTH 89°58'26" WEST A DISTANCE OF 40.46 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN SAID WARRANTY DEED; THENCE SOUTH 00°01'34" WEST (FORMERLY SOUTH 00°14'15" EAST) A DISTANCE OF 150.00 FEET; THENCE NORTH 89°58'26" WEST (FORMERLY SOUTH 89°45'45" WEST) A DISTANCE OF 150.00 FEET; THENCE NORTH 00°01'34"

EAST (FORMERLY NORTH 00°14'15" WEST) A DISTANCE OF 150.00 FEET;
THENCE SOUTH 89°58'26" EAST (FORMERLY NORTH 89°45'45" EAST) A
DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS CONTAINED IN WARRANTY DEED INSTRUMENT NO.
293667 RECORDED ON JANUARY 24, 2002.

Grantors, for themselves, and assigns do hereby covenant,
warrant and shall defend the quiet and peaceable possession of
said premises by the grantee, its assigns forever against the
claims of all persons. Grantors covenant to execute such
correction deeds as may be necessary to convey all real property
owned by Grantors which is contiguous with the above described
real property, or to otherwise correct the above stated legal
description.

Grantors expressly retain all water rights to the above
described property including, but not limited to, Water Right No.
22-7088 V1 equal to 2.130 CFS.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their
names to this instrument this 25 day of May, 2006.

Bradley B. Jensen
Bradley B. Jensen

Byron G. Jensen
Byron G. Jensen

SUBSCRIBED AND SWORN to before me this 25 day of May,
2006.

Mark R. Fuller
Notary public for Idaho
Residing at Idaho Falls
My commission expires 06-22-09