

2002

TC-34-13

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION )  
FOR TEMPORARY CHANGE OF A )  
WATER RIGHT IN THE NAME )  
OF )  
Richard Reynolds )

ORDER AUTHORIZING  
TEMPORARY CHANGE

WHEREAS, a drought emergency has been declared for Butte County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources (A Department) is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water, as provided in section 42-240, Idaho Code, when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, Idaho Code; and

WHEREAS, on 5/22/02, Richard Reynolds submitted the attached Temporary Change Application ("application") to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions; and

WHEREAS, The applicant assumes all risk and is the responsible party if diversion and use of water under the temporary change approval causes injury to other water rights or constitutes an enlargement in use of the original right;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 34-2408A 34-2408B is authorized only at the point of diversion and place of use described on the application or as otherwise approved in this order.
2. This temporary change approval does not authorize construction of a new well as a new point of diversion.
3. This temporary change approval may only be used to provide a

replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

4. Right(s) 34-2408A; 34-2408B are limited to the irrigation of a total of 143 (34-2408A) 77 (34-2408B) acres in a single irrigation season.
5. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
6. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
7. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
8. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval. (If this condition or a similar one is used, describe the required frequency of measurement and when and where to report the amount of measured water).
9. The watermaster of Water District No. 34 is authorized to administer the temporary change approval.
10. This temporary change approval expires on 11/1/2002 10/15/2002 KAW unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 14<sup>th</sup> day of June, 2002

  
 AUTHORIZED PERSON  
 IDWR

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TEMPORARY CHANGE APPLICATION**

RECEIVED

MAY 22 2002

(To change point of diversion, place of use or purpose of use)

Department of Water Resources  
Eastern Region

Name of Applicant Richard E. Reynolds Phone 527-3303

Post Office Address 3253 N 2800 N ARIZO ID 83213

### A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use  
☐ Change purpose of use ☒ Other

2. Describe the proposed change(s) and the reason(s) thereof

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

1. Right Number	Priority	Amount (if any)	Nature of Use	Period of Use
<u>34-02402A</u>	<u>4-5-61</u>	<u>2.98</u>	<u>TRANSPORT</u>	<u>4-15</u> to <u>10-15</u>
<u>34-02402B</u>	<u>4-5-61</u>	<u>1.54</u>	<u>TRANSPORT</u>	<u>4-15</u> to <u>10-15</u>
				to
				to
				to

2. Total amount of water being transferred 4.52 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

3. Source of water springs / water tributary to \_\_\_\_\_

-4 Point(s) of Diversion: Same

Tract No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	NW	10	4N	26E	Butte	Change as per Prod Report- 34-2408A: 34-2408B ✓

4. Lands irrigated or place of use:[illegible]

Total Acres 525

## 6. General Information:

- a. Who owns the water right to be changed? FIRST STATE BANK
- b. Describe the arrangement allowing use of the right see attached lease agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:  
None
- d. Has the water right sought to be transferred been used this year? No If yes, explain It has not been used for three years
- e. Absent the changes, how would the right be used for the remainder of the year? It wouldn't be used
- f. Describe other water rights used for the same purpose.  
None
- g. Remarks: Surplus of transfer to equal consecutive losses in East side canal

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Richard R. Reynolds  
(Signature of applicant)

## FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date \_\_\_\_\_ Fee 50 KA

Received 5-29-02 # E027797 Recommend: \_\_\_\_\_ approve \_\_\_\_\_ deny \_\_\_\_\_

Watermaster recommendation \_\_\_\_\_

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_ subject to the following limitations and conditions:

Witness my hand this 14<sup>th</sup> day of June, 2002.

Richard R. Reynolds  
For the Director

## IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right Report 34-2408B

WATER RIGHT NUMBER: 34-2408B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELDEN E REYNOLDS BOX 74 MOORE, ID 83255 (208)527-3359

Priority Date: 04/05/1961

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	1.540 CFS	269.50 AF
	<u>Total Diversion:</u>	1.540 CFS	269.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4NW1/4	Sec. 10, Twp 04N, Rge 26E, B.M.
BUTTE County		

<u>Place of Use</u>	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	
04N	26E	10											39.0	38.0					77.0

Total Acres: 77

Conditions of Approval:Remarks:

1. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 34-00691A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-00691A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS.

Comments:

1. MEYER 8/13/1991 COPIED FROM REMARKS SPLIT RIGHT PLEASE A PORTION.

Dates and Other Information:

Licensed Date:  
 Decreed Date: 3/10/1998  
 Water Supply Bank Enrollment Accepted:  
 Water Supply Bank Enrollment Removed:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Formal Action Date:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False



## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-2408A

WATER RIGHT NUMBER: 34-2408A

Owner TypeName and Address

Current Owner

RICHARD E REYNOLDS  
BOX 73  
MOORE, ID 83255  
(208)527-3203

Priority Date: 04/05/1961

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

4/15 to 10/15

2.980 CFS

500.50 AF

Total Diversion:

2.980 CFS

500.50 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4NW1/4NW1/4

Sec. 10, Twp 04N, Rge 26E, B.M.

BUTTE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
04N	26E	10	35.0	37.0	37.0	34.0	143.0

Total Acres: 143

Conditions of Approval:Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 34-12366 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.82 CFS.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 34-12366 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 143 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. SCHULTZ 5/22/1992 REMARK ADDED/ERROR FLAG ADDED  
Comment: ADDED STD REMARK D02 - 0.02 CFS - OTHER RIGHT 34-12366. ERROR FLAG D ADDED.
2. CFRITSCH 2/17/1998 COPIED FROM REMARKS  
Comment: 0.12 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-12366.

Dates and Other Information:

Licensed Date:  
Decreed Date: 3/10/1998  
Water Supply Bank Enrollment Accepted:  
Water Supply Bank Enrollment Removed:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Formal Action Date:  
State or Federal: S  
Owner Name Connector:  
Water District Number:  
Generic Max Rate Per Acre:

Generic Max Volume Per Acre:  
Decree Defendant:  
Decree Plaintiff:  
Civil Case Number:  
Judicial District:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Carey Act Number:  
Mitigation Plan: False

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 34-12366

WATER RIGHT NUMBER: 34-12366

Owner Type                      Name and Address  
 Current Owner                      RICHARD E REYNOLDS  
                                             BOX 73  
                                             MOORE, ID 83255  
                                             (208)527-3203

Priority Date: 03/02/1887

Basis: Decreed

Status: Active

Source                                              Tributary  
 BIG LOST RIVER                                      SINKS

Beneficial Use                      From   To                      Diversion Rate                      Annual Volume  
 IRRIGATION                                      5/01 to 10/15                                      3.200 CFS

Total Diversion:      3.200 CFSLocation of Point(s) of Diversion

BIG LOST RIVER                                      NW1/4SE1/4SE1/4                                      Sec. 4,    Twp 05N,    Rge 26E, B.M.  
                                             BUTTE 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	
04N 26E 10					35.0	37.0	37.0	34.0									143.0

Total Acres: 143

Conditions of Approval:Remarks:

1. Quantity      USE OF THIS RIGHT WITH RIGHT NO. 34-02408A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.82 CFS.
2. Explanatory      WATER IS DELIVERED THROUGH WESTSIDE CANAL.
3. Place of Use      USE OF THIS RIGHT WITH RIGHT NO. 34-02408A IS LIMITED TO THE IRRIGATION OF A  
     - Irrigation      COMBINED TOTAL OF 143 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. MEYER    8/14/1991    COPIED FROM REMARKS. THIS RIGHT HAS BEEN COMBINED WITH A PORTION OR HALF OF 34-00691. BOTH RIGHTS HAVE THE SAME PROIRITY AND THE SAME PD. AND DELIVERY SYSTEM. THE REST OF THE RIGHT HAS BEEN FILED FOR BY ELDEN REYNOLDS. RENUMBERED FROM A34-00524 THIS RIGHT WAS CLAIMED AS A COMBINATION OF 34-00524 (1.6 CFS) AND HALF OF 34-00691 (1.6 CFS) AND HAS BEEN RENUMBERED TO REFLECT THIS.

2. SCHULTZ    5/22/1992    REMARK ADDED/ERROR FLAG ADDED  
 Comment: ADDED STD REMARK D03 - 0.12 CFS - OTHER RIGHT 34-02408A. ERROR FLAG D ADDED.

3. CFRITSCH    2/17/1998    COPIED FROM REMARKS  
 Comment: 0.12 CFS OF RIGHT NO. 34-02408A IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT NO. 34-02408A.

Dates and Other Information:

Licensed Date:  
 Decreed Date:    3/10/1998  
 Water Supply Bank Enrollment Accepted:  
 Water Supply Bank Enrollment Removed:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Formal Action Date:  
 State or Federal:    S  
 Owner Name Connector:  
 Water District Number:    34  
 Generic Max Rate Per Acre:

Generic Max Volume Per Acre:  
 Decree Defendant:  
 Decree Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan:      False

# FAX

FIRST STATE BANK  
OF ELDORADO  
THE BANK OF CHOICE

FACSIMILE TRANSMITTAL SHEET

TO: <u>Keith Wilson</u>	FROM: <u>Kevin Beckmeier</u>
COMPANY: <u>Dept of Water Resources</u>	DATE: <u>5-28-02</u>
FAX NUMBER: <u>(208) 525-7177</u>	TOTAL NO. OF PAGES INCLUDING COVER: <u>6</u>
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

The information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the original message to us at the below address via the United States Postal Service. Thank You.

946 FOURTH STREET  
ELDORADO IL 62930  
(618)273-2271  
FAX (618)273-2508



# First State Bank

*The Bank of Choice*

946 Fourth Street  
Eldorado, Illinois 62930  
[www.fsbeldorado.com](http://www.fsbeldorado.com)

May 28, 2002

State of Idaho, Department of Water Resources  
Keith C. Wilson  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

Re: Lease Agreement/Option to Purchase for Richard (Rick) E. Reynolds

Dear Mr. Wilson,

Let this letter serve as notification that First State Bank of Eldorado does not object to the temporary transfer of water rights 34-2408A and 34-02408B off of the property (NW ¼, W ½ SW ¼ Sec 10, T4N, R26E, Butte County, Idaho) to Richard E. Reynolds.

Please contact me if any additional information is needed.

Sincerely,



Kevin D. Beckmeyer  
President/CEO

Main Facility  
618-273-2271  
Fax: 618-273-2508

Highway Facility  
618-273-9307  
Fax: 618-273-7305

Equality Facility  
618-276-4263  
Fax: 618-276-4266

# First State Bank

*The Bank of Choice*

946 Fourth Street  
Eldorado, Illinois 62930  
[www.fsbeldorado.com](http://www.fsbeldorado.com)

RECEIVED  
JUN 03 2002  
Department of Water Resources  
Eastern Region

May 28, 2002

State of Idaho, Department of Water Resources  
Keith C. Wilson  
900 N. Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

Re: Lease Agreement/Option to Purchase for Richard (Rick) E. Reynolds

Dear Mr. Wilson,

Let this letter serve as notification that First State Bank of Eldorado does not object to the temporary transfer of water rights 34-2408A and 34-02408B off of the property (NW ¼, W ½ SW ¼ Sec 10, T4N, R26E, Butte County, Idaho) to Richard E. Reynolds.

Please contact me if any additional information is needed.

Sincerely,



Kevin D. Beckmeyer  
President/CEO

Main Facility  
618-273-2271  
Fax: 618-273-2508

Highway Facility  
618-273-9307  
Fax: 618-273-7305

Equality Facility  
618-276-4263  
Fax: 618-276-4266

## Lease Agreement/Option to Purchase

First State Bank of Eldorado (hereafter called Landlord) and Rick Reynolds (hereafter called Lessor) agree to the following:

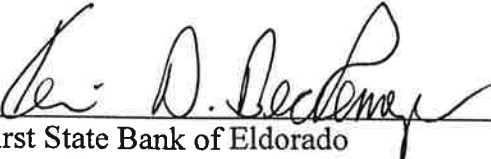
Lessor agrees to lease property owned by Landlord. The legal description of property being leased is attached to this document. Lessor agrees to lease 175 tillable acres, more or less, farmland for \$8,750.00. Lease will begin on May 1, 2002 and terminate on October 1, 2002.


Landlord agrees to deduct electric bill in the arrears from lease amount due. Also, Landlord agrees to deduct repairs to irrigation equipment from the lease amount due. Lessor agrees to provide Landlord with a copy of the paid receipts. Landlord will not be responsible for the electric bill and irrigation equipment repairs that exceed lease payment due of \$8,750.00.

Landlord will receive the annual payment from the Farm Service Agency on the land in CRP program. This is approximately 50 acres, more or less, and is not part of the land the Landlord is leasing to Lessor.

Also, Landlord agrees to grant Lessor an option to purchase the entire property for \$165,000.00. The legal description for option to purchase is attached. This option to purchase will expire October 1, 2002.

This Agreement is dated May 1, 2002.

  
First State Bank of Eldorado  
Kevin D. Beckemeyer, President/CEO

  
Rick Reynolds, Lessor

RECEIVED  
JUN 03 2002  
Department of Water Resources  
Eastern Region

*Lease*

**ATTACHED LEGAL DESCRIPTION**

Order No.: B44590

**TRACT B:**

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$  EXCEPTING THEREFROM Beginning at the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence S. 300 feet; thence at a right angle E. 215 feet; thence at a right angle N. 300 feet; thence at a right angle W. 215 feet to the point of beginning. ALSO EXCEPTING THEREFROM Beginning at the NW corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , thence E. 30 feet; thence S. 23 feet to the true place of beginning; thence S. 177 feet; thence at a right angle E. 211 feet; thence at a right angle N. 177 feet; thence at a right angle W. 211 feet to the point of beginning.

**TRACT C:**

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: S $\frac{1}{2}$ NW $\frac{1}{4}$  EXCEPTING THEREFROM the County Road right-of-way. ALSO EXCEPTING THEREFROM Beginning at a point 3235.1 feet N. 0°02' W. of the SW corner of Section 10 thence N. 89°18' E. 251 feet; thence N. 0°02' W. 187.55 feet; thence S. 89°18' W. 94.0 feet; thence N. 0°02' W. 45.0 feet; thence S. 89°18' W. 157.0 feet; thence S. 0°02' E. 232.55 feet to the point of beginning. ALSO EXCEPTING THEREFROM Beginning at the SW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 10, the real point of beginning; thence N. 462 feet to a point; thence E. 272 feet to a point; thence N. 21.7 feet to a point; thence E. 66.6 feet to a point; thence S. 483 feet to a point; thence W. 338.6 feet to the real point of beginning.

**TRACT D:**

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: W $\frac{1}{2}$ SW $\frac{1}{4}$  EXCEPTING the State Highway right-of-way

RECEIVED  
JUN 03 2002  
Department of Water Resources  
Eastern Region

# Option to Purchase

## ATTACHED LEGAL DESCRIPTION

Order No.: B44590

### TRACT B:

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$  EXCEPTING THEREFROM Beginning at the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence S. 300 feet; thence at a right angle E. 215 feet; thence at a right angle N. 300 feet; thence at a right angle W. 215 feet to the point of beginning. ALSO EXCEPTING THEREFROM Beginning at the NW corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , thence E. 30 feet; thence S. 23 feet to the true place of beginning; thence S. 177 feet; thence at a right angle E. 211 feet; thence at a right angle N. 177 feet; thence at a right angle W. 211 feet to the point of beginning.

### TRACT C:

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: S $\frac{1}{2}$ NW $\frac{1}{4}$  EXCEPTING THEREFROM the County Road right-of-way. ALSO EXCEPTING THEREFROM Beginning at a point 3235.1 feet N. 0°02' W. of the SW corner of Section 10 thence N. 89°18' E. 251 feet; thence N. 0°02' W. 187.55 feet; thence S. 89°18' W. 94.0 feet; thence N. 0°02' W. 45.0 feet; thence S. 89°18' W. 157.0 feet; thence S. 0°02' E. 232.55 feet to the point of beginning. ALSO EXCEPTING THEREFROM Beginning at the SW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 10, the real point of beginning; thence N. 462 feet to a point; thence E. 272 feet to a point; thence N. 21.7 feet to a point; thence E. 66.6 feet to a point; thence S. 483 feet to a point; thence W. 338.6 feet to the real point of beginning.

### TRACT D:

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: W $\frac{1}{2}$ SW $\frac{1}{4}$  EXCEPTING the State Highway right-of-way

### TRACT E:

A portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 4 North, Range 26, E.B.M., Butte County, Idaho, described as: Beginning at the SW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence N. 462 feet to a point; thence E. 272 feet to a point; thence N. 21.7 feet to a point; thence E. 66.6 feet to a point; thence S. 483 feet to a point; thence W. 338.6 feet to the real point of beginning.

RECEIVED  
JUN 03 2002  
Department of Water Resources  
Eastern Region

ALTA Plain Language Commitment Legal Description

(B44590.PFD/B44590/13)

STATE OF ILLINOIS

COUNTY OF SALINE

)  
)  
)  
SS:

I, Marsha D. Johnston, in and for the County and State aforesaid, do hereby certify that personally Kevin D. Beckemeyer, known to me to be the President of the First State Bank of Eldorado, A Corporation, and Rick Reynolds, personally known to me, whose names are subscribed to the foregoing instrument, they signed and delivered the said instrument of writing of said Corporation and caused the corporate seal of said Corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said Corporation as their free and voluntary act, and as the free and voluntary act and deed of said Corporation/

Given under my hand and notarial seal this 1st day of May, 2002.



Marsha D. Johnston  
NOTARY PUBLIC

RECEIVED  
JUN 03 2002  
Department of Water Resources  
Eastern Region





State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

May 24, 2002

TO: First State Bank of Eldorado  
Fax: (618)273-2508

From: Keith C. Wilson  
Senior Resource Agent

RE: Lease Agreement/Option to Purchase for Richard (Rick) E. Reynolds

The attached documents were supplied to this department for a temporary transfer of water rights off of property within the NW¼, W½SW¼ Sec 10, T4N, R26E, Butte County, Idaho.

The First State Bank of Eldorado is listed as the current owner on the Sheriff's Certificate of Sale (Case No CV 99-53; Recorded Document Number 0037781, Butte County), and ownership was confirmed by a phone call to the Butte County Assessor. The Lease Agreement/Option to Purchase is not on bank stationary nor is the document notarized

I would appreciate a letter stating that the bank does not object to this temporary transfer of water rights 34-2408A and 34-2408B off of the property (NW¼, W½SW¼ Sec 10, T4N, R26E, Butte County, Idaho) owned by the First Bank of Eldorado.,

To facilitate this situation a copy of the notarized Lease Agreement/Option to Purchase, and a letter stating that the bank does not object to this transfer could be faxed to this office with original copies to be sent to this office by regular mail.

Your prompt response will be appreciated.

A handwritten signature in black ink that reads "Keith C. Wilson". The signature is written in a cursive, flowing style.

Keith C. Wilson  
Senior Resource Agent

NO. 0037781  
RECORDED

JAY D. SUDWEEKS, ISB #1257  
 MAY, SUDWEEKS & BROWNING, LLP  
 516 2nd Street East  
 P. O. Box 1846  
 Twin Falls, ID 83303-1846  
 (208) 733-7180 Telephone  
 (208) 733-7967 Facsimile  
 Attorneys for Plaintiff

JAN 15 2002

-AM 2:50 PM  
 BUTTE COUNTY RECORDER  
*Shayla Wilson*

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BUTTE

\*\*\*\*\*

FIRST STATE BANK OF ELDORADO, )  
 an Illinois Corporation, )  
 )  
 Plaintiff, )

Case No. CV 99-53

vs. )

SHERIFF'S CERTIFICATE OF SALE

JAMES B. ROWE and JANET L. ROWE, )  
 husband and wife, and HOUSEHOLD )  
 FINANCE CORP. III, an Idaho corporation, )  
 )  
 Defendants. )

\*\*\*\*\*

I, CARY VAN ETEN, the Sheriff of the County of Butte, State of Idaho, do hereby certify that by virtue of an Order of Sale of Foreclosure in the above-entitled action dated the 2nd day of July, 2001, by which I was commanded to make from the sale of real property belonging to the Defendants, JAMES B. ROWE and JANET L. ROWE, Husband and Wife, and hereafter described in the amount of \$286,415.51, to satisfy the Judgment and Decree of

SHERIFF'S CERTIFICATE OF SALE - 1

Foreclosure entered in said action, with interest thereon, as by said Order of Sale of Foreclosure more fully appears, I have levied upon, and on the 10th day of September, 2001, sold at public auction, the property described in attached Exhibit "A" in five separate parcels, according to the statutes in such cases made and provided, and Tracts B, C, D and E to First State Bank of Eldorado, an Illinois Corporation, who was the highest bidder on Tract B for the sum of \$50,000, on Tract C for the sum of \$48,000, on Tract D for the sum of \$66,000 and on Tract E for the sum of \$55,000 lawful money of the United States, which was the whole price paid by said purchase for the right, title, claim and interest of the within named Defendants.

And that the said real estate is subject to redemption in one (1) year, pursuant to the statutes in such case made and provided, with no exceptions.

Given under my hand, this 17 day of December, 2001.

Sheriff of Butte County

By   
Sheriff

**TRACT B:**

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$  EXCEPTING THEREFROM Beginning at the NW corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence S. 300 feet; thence at a right angle E. 215 feet; thence at a right angle N. 300 feet; thence at a right angle W. 215 feet to the point of beginning. ALSO EXCEPTING THEREFROM Beginning at the NW corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence E. 30 feet; thence S. 23 feet to the true place of beginning; thence S. 177 feet; thence at a right angle E. 211 feet; thence at a right angle N. 177 feet; thence at a right angle W. 211 feet to the point of beginning.

**TRACT C:**

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: S $\frac{1}{2}$ NW $\frac{1}{4}$  EXCEPTING THEREFROM the County Road right-of-way. ALSO EXCEPTING THEREFROM Beginning at a point 3235.1 feet N. 0°02' W. of the SW corner of Section 10 thence N. 89°18' E. 251 feet; thence N. 0°02' W. 187.55 feet; thence S. 89°18' W. 94.0 feet; thence N. 0°02' W. 45.0 feet; thence S. 89°18' W. 157.0 feet; thence S. 0°02' E. 232.55 feet to the point of beginning. ALSO EXCEPTING THEREFROM Beginning at the SW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 10, the real point of beginning; thence N. 462 feet to a point; thence E. 272 feet to a point; thence N. 21.7 feet to a point; thence E. 66.6 feet to a point; thence S. 483 feet to a point; thence W. 338.6 feet to the real point of beginning.

**TRACT D:**

Township 4 North, Range 26 E.B.M., Butte County, Idaho

Section 10: W $\frac{1}{2}$ SW $\frac{1}{4}$  EXCEPTING the State Highway right-of-way

**TRACT E:**

A portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 4 North, Range 26, E.B.M., Butte County, Idaho, described as: Beginning at the SW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence N. 462 feet to a point; thence E. 272 feet to a point; thence N. 21.7 feet to a point; thence E. 66.6 feet to a point; thence S. 483 feet to a point; thence W. 338.6 feet to the real point of beginning.

EXHIBIT "A"

## Lease Agreement/Option to Purchase

First State Bank of Eldorado (hereafter called Landlord) and Rick Reynolds (hereafter called Lessor) agree to the following:

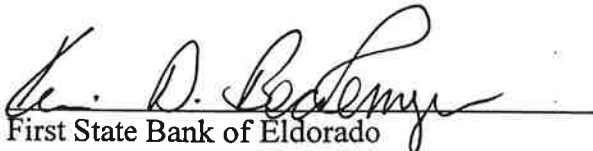
Lessor agrees to lease property owned by Landlord. The legal description of property being leased is attached to this document. Lessor agrees to lease 175 tillable acres, more or less, farmland for \$8,750.00. Lease will begin on May 1, 2002 and terminate on October 1, 2002.


Landlord agrees to deduct electric bill in the arrears from lease amount due. Also, Landlord agrees to deduct repairs to irrigation equipment from the lease amount due. Lessor agrees to provide Landlord with a copy of the paid receipts. Landlord will not be responsible for the electric bill and irrigation equipment repairs that exceed lease payment due of \$8,750.00.

Landlord will receive the annual payment from the Farm Service Agency on the land in CRP program. This is approximately 50 acres, more or less, and is not part of the land the Landlord is leasing to Lessor.

Also, Landlord agrees to grant Lessor an option to purchase the entire property for \$165,000.00. The legal description for option to purchase is attached. This option to purchase will expire October 1, 2002.

This Agreement is dated May 1, 2002.

  
First State Bank of Eldorado  
Kevin D. Beckemeyer, President/CEO

  
Rick Reynolds, Lessor

# Option to Purchase

## ATTACHED LEGAL DESCRIPTION

Order No.: B44590

### TRACT B:

Township 4 North, Range 26 E.B.M., Butte County, Idaho

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*Lease*

**ATTACHED LEGAL DESCRIPTION**

Order No.: B44590

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# Idaho Department of Water Resources Receipt

Receipt ID E027797

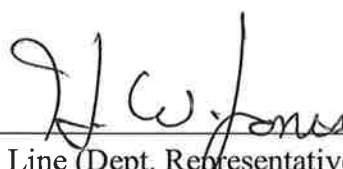
Payment Amount \$50.00 Date Received 5/29/2002 1:28:29 PM Region Eastern Status ☐  
Payment Type Check Check Number 4331

Payer REYNOLDS, RICHARD

Comment Temp Transfer

## Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	TRANSFERS	0229	21	63105	1155

  
Signature Line (Dept. Representative)