

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 83737

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

NOV 04 2019

DEPARTMENT OF
WATER RESOURCES

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NOV 12 2019

Department of Water Resources
Eastern Region

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Michael McMillan / Steve R. McMillan

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☒ ☐ #2b 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). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPARTMENT OF
WATER RESOURCES

RECEIVED

Name of Applicant(s) Michael McMillan / Steve R. McMillanPhone 801-328-9919

NOV 12 2019

Mailing address 3955 West Old Highway Road, Morgan, Utah 84050Email ann3248@msn.comDepartment of Water Resources
Eastern Region

- ☐ 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 _____ Phone _____

Mailing address _____ Email _____

- ☐ 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.

Michael J McMillan
Signature of Applicant or Authorized Representative

Michael J McMillan owner
Print Name and Title if applicable

OCT. 30, 2019
Date

Steve R McMillan
Signature of Applicant or Authorized Representative

Steve R McMillan
Print Name and Title if applicable

10-30-2019
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other Update Ownership Records
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.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**.
Change the place of use for a 35-acre portion of water right 11-7601. Irrigated place of use will move to my property.
I acquired the 35-acre right from Private Capital Group in March 2018. Point of diversion will not change. Water will still be delivered through the Nuffer Ditch.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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 ☐ ☒	11-7601	0.70 cfs	Irrigation	4/15 to 9/30	Bear River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.70 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.70 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	
15S	45E	12												35					35
Total Acres (for irrigation use)																			35

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:

Water will be pumped out of the Nuffer Ditch. Nuffer Ditch is already equipped with a measuring device and is regulated by the watermaster for Water District 11.

- b. Who owns the property at the point(s) of diversion? N/A

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
No change to point of diversion. Nuffer Ditch has been in place for 100 years.

- 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: N/A Water right was conveyed to me in March 2018.

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:

Acres at the existing place of use will be dried up.

- 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:

The remaining 5 acres of the SESW of Section 12 are irrigated under water rights 11-7614 and 11-7832. Many other water rights are delivered through the Nuffer Ditch.

- 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:

35 acres of water right 11-7601 was conveyed to me in March 2018. I have heard that water right 11-7601 was recently offered into the Water Supply Bank. The Water Supply Bank activity occurred after my acquisition of 35 acres and should not affect my ability to transfer the 35-acre portion of the right to my property.

Water Right 11-7601

- | | | |
|----|-----|--|
| 1. | X27 | This right is limited to the irrigation of 39.8 acres within the authorized place of use in a single irrigation season. |
| 2. | X35 | Rights 11-7597 and 11-7601 when combined shall not exceed the irrigation of 324 acres. |
| 3. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 4. | R05 | Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11. |
| 5. | 947 | This right is an Agricultural Right subject to the administration provisions set forth on page 19 of the Decree in Preston Montpelier Irr. Co. v. Dingle Irr. Co, et. al., (Mar. 7, 1924, 5th Jud. Dist. Ct.) (AKA "Terrell Decree"). |
| 6. | R59 | This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 7. | | Water is delivered through the Nuffer Ditch. |
| 8. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 9. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

N/A

FOR DEPARTMENT USE ONLY

T83737

Transfer contains _____ pages and _____ attachments.

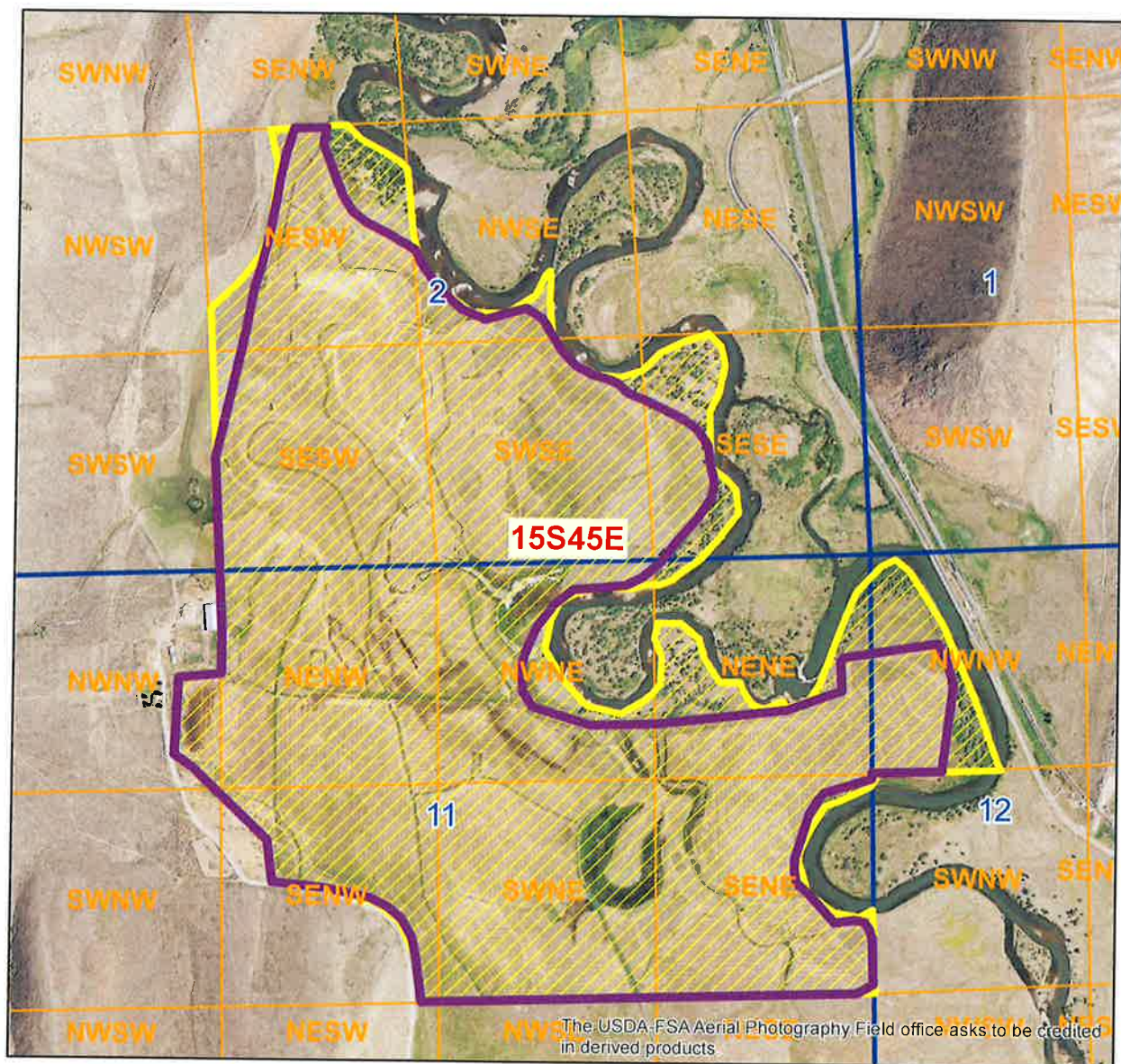
Received by dh Date 11/4/19 Preliminary check by _____ Date _____

Fee paid \$525.00 Date 11/4/19 Receipted by dh Receipt # C107918

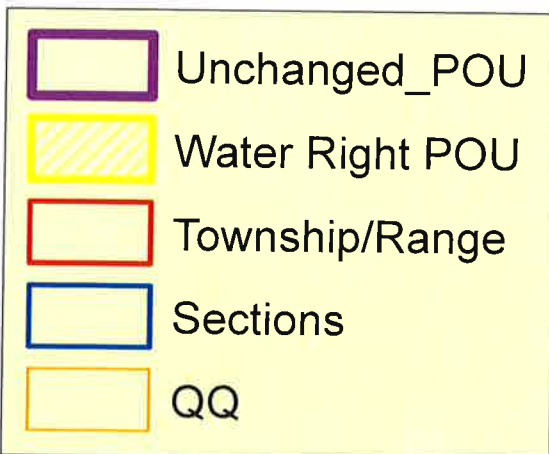
Add'l fee paid _____ Date _____ Receipted by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

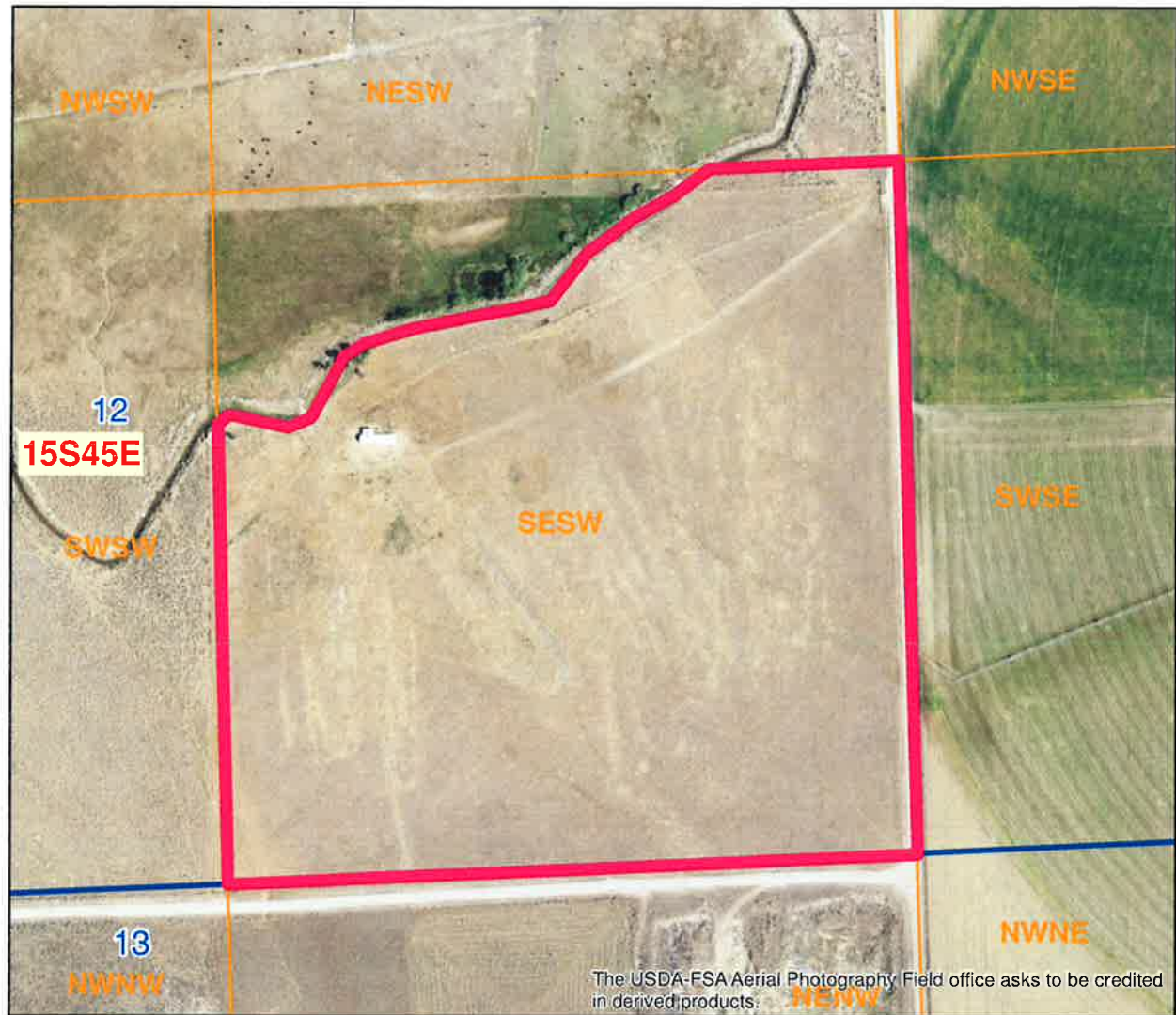
Existing Place of Use and Unchanged Acres for WR 11-7601



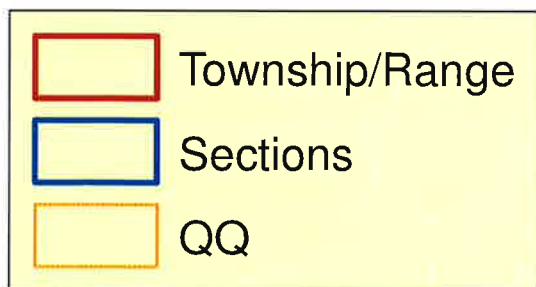
2013 Aerial Photo



McMillan Application for Transfer Proposed Place of Use



2013 Aerial Photo



0 350 700 Feet



GARY L. COOPER
*licensed in Idaho, Utah and
Wyoming
REED W. LARSEN

COOPER & LARSEN

151 NORTH 3rd AVE. - 2nd FLOOR
P.O. BOX 4229
POCATELLO, ID 83205-4229

RON KERL of Counsel

TELEPHONE (208) 235-1145
FAX (208) 235-1182

JAVIER L. GABIOLA
J.D. OBORN

Attorneys at Law

April 4, 2018

Mike McMillan
3955 West Old Highway Road
Morgan, UT 84050

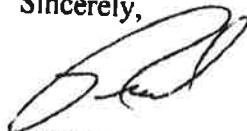
*paid 53,000 + 40 acres
changed to 35 acres : a final
agreement paid \$47,250.00*

Re: Ola Transtrum Water Rights

Dear Mike:

Enclosed please find the original Special Warranty Deed for Water Rights which has been recorded in Bear Lake County. The next step is for you to do the transfer of water rights with the Idaho Department of Water Resources. If you need assistance with that please let me know.

Sincerely,



REED W. LARSEN

RWL/cmw
Enclosure

17-239

Instrument # 226542

BEAR LAKE COUNTY

3-29-2018 01:12:35 PM No. of Pages: 2

Recorded for : COOPER & LARSEN, CHARTERED

CINDY GARNER

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 15.00

Cindy Garner

SPECIAL WARRANTY DEED FOR WATER RIGHTS

Private Capital Group, Inc., 160 W. Canyon Crest Rd., Alpine, Utah 84004 ("Grantor") hereby sells and conveys unto Michael McMillan, 3955 W. Old Highway Rd., Morgan, Utah 84050 ("Grantee") all of Grantor's right, title and interest in a 0.7 cfs / 35 acre portion of Idaho water right number 11-7601 (said portion is referred to herein as the "Water Right"). Grantor expressly reserves unto itself the remaining 0.1 cfs / 5 acre portion of water right number 11-7601.

Grantor hereby covenants and warrants to Grantee that: (a) Grantor is the owner in fee simple of the Water Right; (b) Grantor has not conveyed any part of the Water Right to anyone other than Grantee; (c) the Water Right is free from all liens, claims, or encumbrances; and (d) Grantor has the authority to convey the Water Right to Grantee. Grantor makes no other covenants or warranties as to the Water Right.

DATED this 9TH day of March, 2018.

Private Capital Group, Inc.

By: *[Signature]*

Name: Benjamin Schuman

Its: Vice President

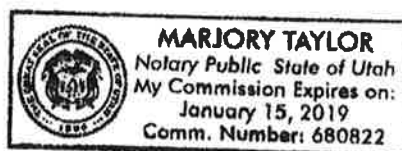
226542

ACKNOWLEDGMENT

STATE OF UTAH)
County of UTAH) : ss.

This record was acknowledged before me on this 9TH day of March, 2018, by
BENJAMIN SCHRAMM, the VICE PRESIDENT
of Private Capital Group, Inc.

(SEAL)



[Signature]
NOTARY PUBLIC FOR
My Commission Expires: 1/15/19

WATER RIGHT PURCHASE AND SALE AGREEMENT

This Water Right Purchase and Sale Agreement ("Agreement") is entered into between Private Capital Group, Inc. ("Seller") and Michael McMillan ("Buyer").

1. **Sale of Water Right.** Seller agrees to sell and transfer to Buyer, and Buyer agrees to purchase from Seller, upon the terms and conditions herein, the following described portion of Idaho water right number 11-7601:

Water Right #	11-7601
Source	Bear River
Tributary	Great Salt Lake
Priority Date	4/15/1885
Beneficial Use	Irrigation
Diversion Rate	0.70 cfs
Acres	35

The above-described portion of water right no. 11-7601 is referred to herein as the "Water Right."

2. **Purchase Price.** The total purchase price to be paid by Buyer to Seller for the Water Right is
3. **Payment of Purchase Price.** The purchase price shall be paid cash or other immediately available funds as follows:
 - 3.1 **Earnest Money.** Earnest money paid upon signing this Agreement.
 - 3.2 **Balance.** Balance of the purchase price paid at Closing.
4. **Conditions Precedent.** All obligations of Buyer and Seller to close this transaction are subject to IDWR reallocation of the Ola Transtrum water rights as set forth in **Exhibit A** attached hereto.
5. **Closing.** Closing shall occur at the law office of Racine Olson Nye & Budge, Chartered, within fourteen (14) days after (a) IDWR approves the reallocation of the Ola Transtrum water rights as set forth in Exhibit A, or (b) both parties agree to close this transaction without IDWR approval of the reallocation set forth in Exhibit A.
 - 5.1 **Warranty Deed.** Seller will execute a Warranty Deed in form satisfactory to Buyer.
 - 5.2 **Notice of Change in Water Right Ownership.** Buyer will file a form Notice of Change of Water Right Ownership with the Idaho Department of Water Resources ("IDWR") to reflect Buyer's ownership of the Water Right.
 - 5.3 **Additional Documents.** Seller and Buyer will execute such other documents as may

be required to complete the sale.

- 5.4 **Payment.** Buyer will pay the balance of the purchase price in full in cash or other immediately available funds.
- 5.5 **Possession.** Buyer will be given exclusive possession and use of the Water Right.
6. **Seller Warranties and Representations.** Seller represents and warrants to Buyer that the following are true now and will be at closing.
 - 6.1 **Authority.** Seller has full power and authority to sell and transfer the Water Right to Buyer.
 - 6.2 **Cooperation.** Seller will cooperate with Buyer before, during and after closing to effectuate the transactions contemplated in this Agreement.
 - 6.3 **Survival.** All representations, warranties, indemnities, and agreements by Seller shall survive closing.
 - 6.4 **Legal Advice.** Seller has had the opportunity to consult with independent counsel to be advised on legal and tax matters concerning this Agreement.
7. **Buyer Representations.** Buyer makes the following representations:
 - 7.1 **Authority.** Buyer has full power and authority to purchase the Water Right from Seller.
 - 7.2 **Cooperation.** Buyer will cooperate with Seller before, during and after closing to effectuate the transactions contemplated in this Agreement.
 - 7.3 **Survival.** All representations, warranties, indemnities, and agreements by Buyer shall survive closing.
 - 7.4 **Legal Advice.** Buyer has had the opportunity to consult with independent counsel to be advised on legal and tax matters concerning this Agreement.
8. **Broker.** No real estate agent represents either party in connection with this transaction and there are no commissions or fees payable in connection with this sale.
9. **Default.** In the event of Buyer's default, Seller shall retain all Earnest Money as liquidated damages and the sole remedy of Seller. In the event of Seller's default, all earnest money shall be refunded to Buyer and Buyer shall be entitled to specific performance as the sole remedy of Buyer.
10. **Indemnification of Buyer.** Seller shall indemnify, defend and hold Buyer harmless from any and all claims, costs, liabilities or expense, including reasonable attorney fees, arising out of any non-fulfillment of any agreement of Seller under this Agreement.

Summary of Nuffer Ditch Water Rights

<u>WR#</u>	<u>Owner</u>	<u>Priority</u>	<u>Early</u>	<u>Total</u>	<u>Percent of</u>	<u>Late</u>	<u>Total</u>	<u>Percent of</u>	<u>Total</u>	<u>Percent</u>	<u>Rigby Pump</u>		
			<u>CFS</u>	<u>Early CFS</u>	<u>Early CFS</u>	<u>CFS</u>	<u>Late CFS</u>	<u>Late CFS</u>	<u>Acres</u>	<u>of Acres</u>	<u>Early CFS</u>	<u>Late CFS</u>	<u>Acres</u>
11-931	Rigby	4/15/1877	3.87			2.58					2.13	1.42	
11-933	Rigby	4/15/1880	1.93	6.44	19.2%	1.29	4.51	19.4%	225.5	19.4%	1.07	0.71	124.5
11-934	Rigby	4/15/1885	0.64			0.64					0.36	0.36	
11-936	Romrell	4/15/1877	4.50			3.00					3.56	2.49	
11-937	Romrell	4/15/1880	2.50	7.80	23.3%	1.70	5.50	23.6%	275	23.6%			
11-938	Romrell	4/15/1885	0.80			0.80							
11-944	Esterholdt	4/15/1877	0.71	2.82	8.4%	0.47	1.88	8.1%	94	8.1%			
11-945	Esterholdt	4/15/1880	2.11			1.41							
11-7597	PCG	4/15/1877	10.03	10.13	30.3%	6.69	6.79	29.1%	289	24.8%			
11-7601	PCG	4/15/1885	0.10			0.10							
11-7628	Robison	4/15/1877	4.84	5.43	16.2%	3.23	3.82	16.4%	241	20.7%			
11-7600	Robison	4/15/1885	0.59			0.59							
11-7614	McMillan	4/15/1877	0.13			0.09							
11-7832	McMillan	4/15/1885	0.01	0.84	2.5%	0.01	0.80	3.4%	40	3.4%			
11-7859	McMillan	4/15/1885	0.70			0.70							
Totals			33.46	33.46		23.30	23.30		1165				

Values assume that 124.5 acres of 350 total acres described in the Rigby rights and proportionate share of all rights assigned to Rigby Pump.

Values based on 94 acres estimated to be irrigated out of the Nuffer Ditch. The remaining acres and rate are associated with the Miller Ditch.