

RECEIVED

JAN 02 2019

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

82926

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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) Prospector Farms LLC and Michael E Heaney

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: _____

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Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Prospector Farms LLC and Michael E Heaney Phone (208) 317-6323
 Mailing address 2841 W 1700 S Aberdeen ID 83201 Email klassenstephen@gmail.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**.

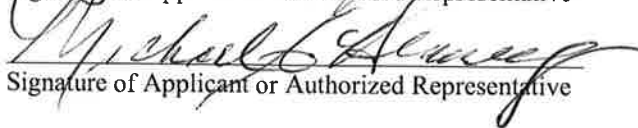
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative _____ 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.

	Prospector Farms LLC	1/2/2019
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	Michael E Heaney	1/2/2019
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 Change Ownership
- 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**.

Transferring the point of use for water rights 35-7971 and 35-8111 from property owned by Michael E. Heaney to property owned by Prospector Farms LLC. Michael E. Heaney relinquishes ownership of water rights 35-7971 and 35-8111 upon approval of this transfer application. The current point of diversion location remains the same.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-7971	0.06/12.8	Irrigation	04/01 to 11/01	Ground Water
☒ ☐	35-8111	0.02/3.2	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights .08 cfs and/or 16 acre-feet.

2. Total amount of water proposed to be transferred or changed .08 cubic feet per second and/or 16 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	
4S	31E	22						4.0											4.0
Total Acres (for irrigation use)																			4.0

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:

125 hp main pump and one 20 hp booster pump with an approved measuring device.

- b. Who owns the property at the point(s) of diversion? Prospector Farms LLC

If other than the applicant, describe the arrangement enabling the applicant 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:

Land will be fallowed and no longer irrigated.

- 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:

- 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

1/2/2019

Water Right 35-7971

Owner Type **Name and Address**
Current Owner MICHAEL E HEANEY
2674 W 1000 S
ABERDEEN, ID 83210

Priority Date: 3/31/1981

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	11/01	0.060 CFS	12.8 AF
	Total Diversion		0.060 CFS	12.8 AF

Source and Point(s) of Diversion

GROUND WATER NESWSW Sec. 22, Twp 04S, Rge 31E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	31E	21																4.0	4.0

Right Acre Limit: 3.2

POU Total Acres: 4.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 3.2 acres within the place of use described above in a single irrigation season.
2. X35 Rights 35-7971 and 35-8111 when combined shall not exceed a total diversion rate of 0.08 cfs, a total annual maximum diversion volume of 16 af at the field headgate, and the irrigation of 4.0 acres.
3. R05 Use of water under this right will 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. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. 131 Prior to the diversion and use of water under Transfer approval 75322, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/2/2019

7. T07 water diverted from power records or to maintain an existing measuring device. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 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.
9. T19 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.

Dates and Other Information

Decreed Date: 1/31/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 120
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
4.520	932.0	233.0
35-7971 ,35-8111		

SubCase:

SubCaseNumber: 35-7971
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed: 6/2/1999
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/2/2019

Water Right 35-8111

Owner Type **Name and Address**
Current Owner MICHAEL E HEANEY
2674 W 1000 S
ABERDEEN, ID 83210

Priority Date: 3/9/1983

Basis: License

Status: Active

Source
GROUND WATER

Tributary

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.020 CFS	3.2 AF
	Total Diversion		0.020 CFS	3.2 AF

Source and Point(s) of Diversion

GROUND WATER SWSW Sec. 22, Twp 04S, Rge 31E, BINGHAM County

Place Of Use

IRRIGATION within BINGHAM County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04S	31E	21																4.0	4.0

Right Acre Limit: 0.8

POU Total Acres: 4.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 0.8 acres within the place of use described above in a single irrigation season.
2. X35 Rights 35-7971 and 35-8111 when combined shall not exceed a total diversion rate of 0.08 cfs, a total annual maximum diversion volume of 16 af at the field headgate, and the irrigation of 4.0 acres.
3. R05 Use of water under this right will 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. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. 065 The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/2/2019

7. 104 sufficient to irrigate the place of use authorized under this right.
If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. 131 Prior to the diversion and use of water under Transfer approval 75322, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. 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.

Dates and Other Information

Licensed Date: 12/12/1994

Water District Number: 120

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

Rate

4.520

35-7971 ,35-8111

Volume

932.0

Acres

233.0

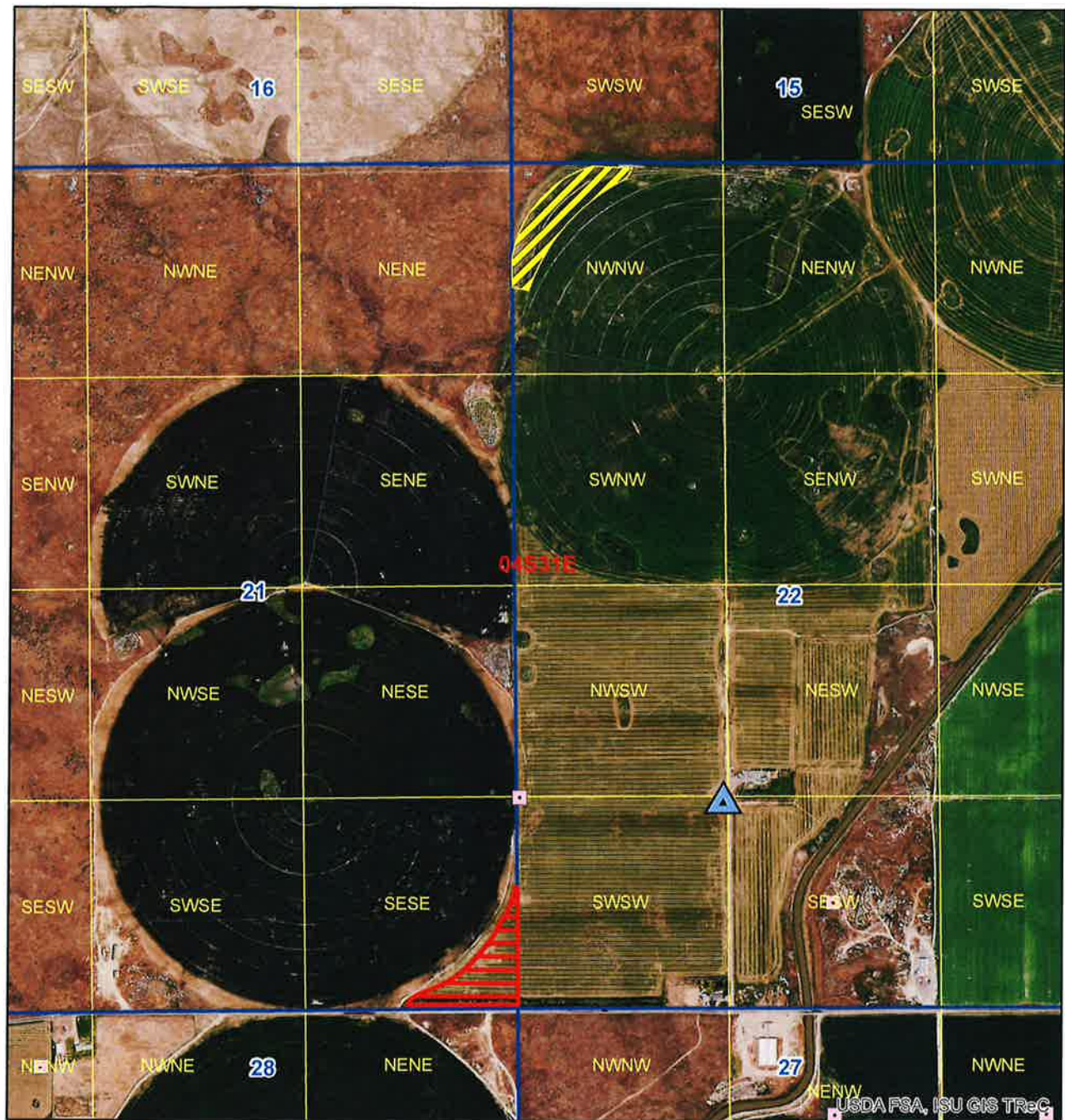
SubCase:

N/A

Water Supply Bank:

N/A

POU TRANSFER WR 35-7971 AND 35-8111



Legend

-  Proposed POU WR 35-7971, 35-8111
-  Original POU
-  Water Right POD
-  Township/Range
-  Sections
-  QQ



0 700 1,400 2,800 Feet

82926



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

1. The name of the limited liability company is:

Prospector Farms, LLC

2. The complete street and mailing addresses of the initial designated/principal office:

2841 West 1700 South Aberdeen, Idaho 83210

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Stephen R. Klassen

(Name)

2841 West 1700 South Aberdeen, ID 83210

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Stephen R. Klassen

2841 West 1700 South Aberdeen, ID 83210

5. Mailing address for future correspondence (annual report notices):

2841 West 1700 South Aberdeen, ID 83210

6. Future effective date of filing (optional):

Signature of a manager, member or authorized person.

Signature

Stephen R. Klassen

Typed Name: Stephen R. Klassen

Signature

Typed Name:

Secretary of State use only

INSTRUCTIONS

Optional: If the document requires a correction, please list a telephone number where we can reach you.

208-317-6323

Complete and submit the application in duplicate.

- Line 1. The name of the limited liability company must contain the words Limited Liability Company, Limited Company or the abbreviation L.L.C., L.C., or LLC. [30-6-108, Idaho Code] It is advised that you contact the Secretary of State office to check for name availability before filing.
- Line 2. Enter the complete street and mailing address of the of the initial designated/principal office. [30-6-113, Idaho Code]
- Line 3. All Limited Liability Companies must have a registered agent in Idaho. A registered agent is the person designated to receive service of process upon litigation. A registered agent may be an individual who is a resident of Idaho, or a business entity registered with the Secretary of State's office. Assumed Business Name filings cannot be registered agents. This person or business entity must be located in Idaho at a physical address. Post Office boxes and commercial personal mail boxes are not acceptable.
- Line 4. Enter the name and address of at least one (1) member or manager of the limited liability company; it is not necessary to identify whether the person is a member or a manager. [30-6-201, Idaho Code]
- Line 5. Enter the mailing address for future correspondence. Your annual report reminders will be mailed to this address.
- Line 6: This item is optional. The certificate is effective on the date filed with the Secretary of State, unless a **future** date is specified. The effective date can be up to ninety (90) days after the date the Certificate of Organization is filed with the Secretary of State. [30-6-205, Idaho Code]

The document must be signed by a manager, member or authorized person. Only one signature is required, but space has been provided for more than one.

Other statements not in the Certificate of Organization may be made in attachments. ***Please do not attach operating agreements, these items are not filed with this office.*** [30-6-201(3), Idaho Code]

Enclose the appropriate fee:

The filing fee is \$100.00.

If expedited service is requested, add \$20.00 to the filing fee.

If the fees are to be paid from the filing party's pre-paid customer account, indicate the customer account number in the cover letter or transmittal document.

The Secretary of State's Office will delete a business entity filing from our database if payment for the filing is not completed. [67-910(6), Idaho Code]

Mail or deliver to:

Office of the Secretary of State
450 N 4th Street
PO Box 83720
Boise ID 83720-0080

If you have questions or need help, call the Secretary of State's office at (208) 334-2301.

ELECTRONICALLY RECORDED
DO NOT REMOVE
THE COUNTY STAMPED
FIRST PAGE AS IT IS NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
223 North 15th Avenue
Pocatello, ID 83201



Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **570103-P (ci)**

Date: **December 14, 2015**

For Value Received, **Michael E. Heaney, an unmarried man, who also appears of record as Michael Heaney**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Prospector Farms, LLC**, hereinafter called the Grantee, whose current address is **2841 W 1700 S, Aberdeen, ID 83210**, the following described premises, situated in **Bingham County, Idaho**, to-wit:

TRACT A:

TOWNSHIP 4 SOUTH, RANGE 31 E.B.M, BINGHAM COUNTY, IDAHO

SECTION 22: NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; ALSO A STRIP OF LAND 300 FEET IN WIDTH OFF THE N. SIDE OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND 10 ACRES IN THE SW CORNER OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ SO MEASURED THAT IT WILL JOIN UP WITH THE 300 FOOT STRIP OFF THE NORTH SIDE OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND ALSO A STRIP OF LAND 40 FEET IN WIDTH OFF FROM THE WEST SIDE OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF A COUNTY ROAD AND THE EAST LINE OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 22, AND RUNNING THENCE NORTH 150 FEET; THENCE WEST 400 FEET; THENCE SOUTH 150 FEET TO THE NORTH LINE OF SAID COUNTY ROAD; THENCE EAST ALONG THE NORTH LINE OF SAID COUNTY ROAD 400 FEET, TO THE PLACE OF BEGINNING.

ALSO EXCEPTING: A PARCEL OF LAND IN THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 31 E.B.M., BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT THE N $\frac{1}{4}$ CORNER OF SAID SECTION 22; THENCE S. 00°10'32" E. ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 1055.73 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843, BURIED 18 INCHES; THENCE FROM A TANGENT BEARING OF N. 47°14'57" W. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1415.00 FEET, THROUGH A CENTRAL ANGLE OF 48°01'58", FOR AN ARC LENGTH OF 1186.24 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22, SAID POINT BEING MONUMENTED WITH A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843, BURIED 18 INCHES; THENCE S. 89°39'34" E. ALONG SAID NORTH LINE 451.12 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING: PART OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 31 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS: COMMENCING AT THE SW CORNER OF SECTION 22; THENCE SOUTH 89°29'59" EAST 1331.04 FEET ALONG THE SOUTH LINE OF SAID SECTION 22 TO THE SW CORNER OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$; THENCE NORTH 00°25'13" EAST 1326.05 FEET ALONG THE WEST LINE OF THE

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
223 North 15th Avenue
Pocatello, ID 83201

Instrument # 672677

BINGHAM COUNTY, IDAHO
2015-12-15 12:00:03 PM No. of Pages: 3
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$16.00
Ex-Officio Recorder Deputy JPulley
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **570103-P (ci)**

Date: **December 14, 2015**

For Value Received, **Michael E. Heaney, an unmarried man, who also appears of record as Michael Heaney**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Prospector Farms, LLC**, hereinafter called the Grantee, whose current address is **2841 W 1700 S, Aberdeen, ID 83210**, the following described premises, situated in **Bingham County, Idaho**, to-wit: SK

TRACT A:

TOWNSHIP 4 SOUTH, RANGE 31 E.B.M, BINGHAM COUNTY, IDAHO

SECTION 22: NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; ALSO A STRIP OF LAND 300 FEET IN WIDTH OFF THE N. SIDE OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND 10 ACRES IN THE SW CORNER OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$ SO MEASURED THAT IT WILL JOIN UP WITH THE 300 FOOT STRIP OFF THE NORTH SIDE OF SAID NE $\frac{1}{4}$ SW $\frac{1}{4}$ AND ALSO A STRIP OF LAND 40 FEET IN WIDTH OFF FROM THE WEST SIDE OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$.

EXCEPTING THEREFROM: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF A COUNTY ROAD AND THE EAST LINE OF THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SAID SECTION 22, AND RUNNING THENCE NORTH 150 FEET; THENCE WEST 400 FEET; THENCE SOUTH 150 FEET TO THE NORTH LINE OF SAID COUNTY ROAD; THENCE EAST ALONG THE NORTH LINE OF SAID COUNTY ROAD 400 FEET, TO THE PLACE OF BEGINNING.

ALSO EXCEPTING: A PARCEL OF LAND IN THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 31 E.B.M., BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS: BEGINNING AT THE N $\frac{1}{4}$ CORNER OF SAID SECTION 22; THENCE S. 00°10'32" E. ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 1055.73 FEET TO A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843, BURIED 18 INCHES; THENCE FROM A TANGENT BEARING OF N. 47°14'57" W. ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1415.00 FEET, THROUGH A CENTRAL ANGLE OF 48°01'58", FOR AN ARC LENGTH OF 1186.24 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 22, SAID POINT BEING MONUMENTED WITH A $\frac{1}{2}$ " REBAR AND PLASTIC CAP STAMPED PLS 843, BURIED 18 INCHES; THENCE S. 89°39'34" E. ALONG SAID NORTH LINE 451.12 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING: PART OF THE NE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 31 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS: COMMENCING AT THE SW CORNER OF SECTION 22; THENCE SOUTH 89°29'59" EAST 1331.04 FEET ALONG THE SOUTH LINE OF SAID SECTION 22 TO THE SW CORNER OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$; THENCE NORTH 00°25'13" EAST 1326.05 FEET ALONG THE WEST LINE OF THE

SAID SE $\frac{1}{4}$ SW $\frac{1}{4}$ TO THE NW CORNER OF THE SE $\frac{1}{4}$ SW $\frac{1}{4}$ AND THE POINT OF BEGINNING; THENCE NORTH 00°25'13" EAST 290.00 FEET ALONG THE WEST LINE OF THE NE $\frac{1}{4}$ SW $\frac{1}{4}$; THENCE SOUTH 89°18'28" EAST 427.00 FEET TO A POINT ON THE WEST LINE OF WARRANTY DEED INSTRUMENT NO. 639045; THENCE SOUTH 00°25'13" WEST 290.00 FEET ALONG SAID WEST LINE; THENCE NORTH 89°18'28" WEST 427.00 FEET ALONG SAID DEED TO THE POINT OF BEGINNING.

TRACT B:

A PARCEL OF LAND IN THE NW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 31 E.B.M., BINGHAM COUNTY, IDAHO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE E $\frac{1}{4}$ CORNER OF SAID SECTION 22, THENCE N. 89°33'03" W. ALONG THE EAST-WEST CENTERLINE OF SAID SECTION, 2081.39 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF THE HIGH LINE CANAL, THE TRUE POINT OF BEGINNING; THENCE S. 38°21'10" W. ALONG SAID CANAL CENTERLINE 950.27 FEET TO THE POINT OF INTERSECTION WITH THE NORTH-SOUTH CENTERLINE OF SAID SECTION; THENCE N. 00°10'32" W. ALONG SAID NORTH-SOUTH CENTERLINE 749.85 FEET TO THE CENTER $\frac{1}{4}$ CORNER OF SAID SECTION AND MONUMENTED WITH A 5/8" REBAR AND PLASTIC CAP STAMPED PLS 843, BURIED 18 INCHES; THENCE S. 89°33'03" E. ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 591.96 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING AN EASEMENT FOR INGRESS AND EGRESS OVER PART OF THE SE OF THE SW OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 31 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS:

COMMENCING AT THE SW CORNER OF SECTION 22; THENCE SOUTH 89°29'59" EAST 1331.04 FEET ALONG THE SOUTH LINE OF SAID SECTION 22 TO THE SW CORNER OF THE SE SW AND THE POINT OF BEGINNING; THENCE NORTH 00°25'13" EAST 1326.05 FEET ALONG THE WEST LINE OF THE SAID SE SW TO THE NW CORNER OF THE SE SW THENCE SOUTH 89°18'28" EAST 40.00 FEET ALONG THE NORTH LINE OF THE SE SW ; THENCE SOUTH 00°25'13" WEST 1325.86 FEET PARALLEL TO THE BEFORE DESCRIBED WEST LINE OF THE SE SW TO A POINT ON THE SOUTH LINE OF SECTION 22; THENCE NORTH 89°34'47" WEST 40.00 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.

ALSO RESERVING AN EASEMENT FOR INGRESS AND EGRESS OVER PART OF THE NW OF THE SW OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 31 EAST, BOISE MERIDIAN, BINGHAM COUNTY, IDAHO, DESCRIBED AS:

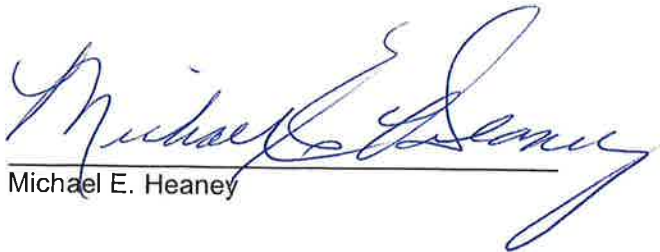
COMMENCING AT THE SW CORNER OF SECTION 22; THENCE NORTH 00°34'34" EAST 1342.38 FEET ALONG THE WEST LINE OF SECTION 22 TO THE POINT OF BEGINNING; THENCE NORTH 00°34'34" EAST 12.00 FEET CONTINUING ALONG SAID WEST LINE; THENCE SOUTH 89°18'28" EAST 38.00 FEET; THENCE SOUTH 00°34'34" WEST 12.00 FEET; THENCE NORTH 89°18'28" WEST 38.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT TO SAID LANDS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

FORTY (40) CANAL SHARES OF STOCK IN ABERDEEN-SPRINGFIELD CANAL COMPANY AS EVIDENCED UNDER CERTIFICATE #5157 .

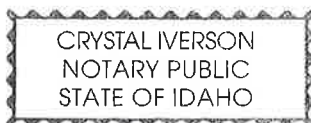
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Michael E. Heaney

STATE OF Idaho)
SS.
COUNTY OF Bannock)

On this 14 day of December, 2015, before me, a Notary Public in and for said State, personally appeared **Michael E. Heaney**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Pocatello, ID
My Commission Expires: 4/23/16

S 00.02 W 5280.00

SW 1/4
Sec 32

300 9.15 AC

300

T-15486

T-14631
T-1441

MARVIN REX & BOBBETTE
LEWIS
WD 5-3-06
566717

12 AC

40'

SW 1/4

VAL X & LORI
WAHLEN
WD 12-18-07
589086
CWD 11-9-10 623267

V
W
C

150 400
T-8167

S 89.32 E 5319.60