

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82219**

This is to certify that: **EDWARD L UHLIG FOUNDATION
C/O JEANENE FRAZIER 2359 STADIUM BLVD
TWIN FALLS, ID 83301**

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-13712	WR/DECREED	7/30/1952	0.030 cfs	1.1 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

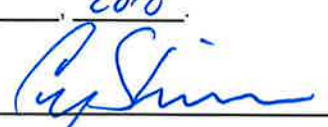
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-13712	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-13712	45-13712	0.030 cfs	1.1 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.030 cfs	1.1 af	N/A	N/A		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of May, 2018


Southern Region Manager

WATER RIGHT NO. 45-13712
As Modified by Transfer No. 82219

In accordance with the approval of Transfer No. 82219, Water Right No. 45-13712 is now described as follows:

Right Holder: EDWARD L UHLIG FOUNDATION
C/O JEANENE FRAZIER 2359 STADIUM BLVD
TWIN FALLS, ID 83301

Priority Date: 7/30/1952

Source: GROUND WATER

BENEFICIAL USE
DOMESTIC

From 01/01 **To** 12/31

Diversion Rate
0.030 cfs
0.030 cfs

Diversion Volume
1.1 af
1.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWESE Sec 35 Twp 10S Rge 19E TWIN FALLS County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	19E	35																X	0
11S	19E	2		X															0
				L 2															0

CONDITIONS OF APPROVAL

- Domestic use is for 2 homes.
- Right 45-14015 is also diverted through the point(s) of diversion described above.
- 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. 140.
- 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.
- The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 82219

WATER RIGHT NO. 45-13712
As Modified by Transfer No. 82219

CONDITIONS OF APPROVAL

- ^ 7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer # 82219
45-13712

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.045 0.09 0.18 Miles



RECEIVED

MAR 27 2018

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82219

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 <http://www.idwr.idaho.gov/>.

Name of Applicant(s) EDWARD L UHLIG FOUNDATION

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 #1-9.

- ☒ ☐ #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 transfer 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).
- ☐ ☒ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☐ ☒ #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.
- ☐ ☒ #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.)
- ☐ ☒ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
MAR 27 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant EDWARD L UHLIG FOUNDATION Phone (208) 731-1781

Mailing Address C/O JEANENE FRAZIER
2359 STADIUM BLVD, TWIN FALLS ID 83301 Email jeanenefrazier3@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.

Jeanene Frazier JEANENE FRAZIER 3/26/18
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Kathy Jones Kathy Jones 3/26/18
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	45-13712	No	No	Yes	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

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.2**

Application filed to reflect actual place of use.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-13712	0.030 cfs	1.1 af	N/A	N/A		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

0.030 cfs	1.1 af	N/A	N/A	N/A	N/A	N/A	N/A
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2. Total amount of water proposed to be transferred or changed 0.03 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

WYOMING DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 45-13712

Current Water Right Owner

EDWARD L UHLIG
FOUNDATION
C/O JEANENE FRAZIER
2359 STADIUM BLVD
TWIN FALLS, ID 83301

Priority Date: 7/30/1952

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	01/01	12/31	0.030 CFS	1.1 AFA	
Total Diversion			0.030 CFS	1.1 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SWSESE

Sec. 35 Twp 10S Rge 19E TWIN FALLS County

Describe the proposed diversion system

Office well #1

Place of Use: DOMESTIC

[illegible]

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
1 existing well that serves 2 homes, a shop, and an office. No measuring device required.

- b. Who owns the property at the point(s) of diversion

Applicant

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?
No, ☒ 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No actual impact. Application filed to reflect historic practice.

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

Right 45-14015 is also diverted through the same point of diversion.

- f. 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:

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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 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**.

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

1. 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.:

Transfer Contains 7 pages and attachments.
Received By CH Date 3.27.2018 Prelim. Check By Date
Fee Paid \$200- Date 3.27.2018 Received By Am Receipt # 5036658
Add'l Fee Paid Date Received By Receipt #

xxRecording Requested By And
When Recorded Mail To:

Edward D. Ahrens
Ahrens DeAngeli Law Group LLP
P.O. Box 9500
Boise, Idaho 83707-9500

TWIN FALLS COUNTY

Recorded for:
JEANENE FRAZIER
2:52:56 PM 09-14-2017
2017-014811
No. Pages: 6 Fee: \$ 15.00
KRISTINA GLASCOCK
County Clerk
Deputy: BHUNTER

TWIN FALLS COUNTY

Recorded for:
TITLEFACT
3:09:52 PM 12-29-2017
2017-021214
No. Pages: 6 Fee: \$ 15.00
KRISTINA GLASCOCK
County Clerk
Deputy: SWADE

Personal Representative's Deed

THIS DEED, made and executed by Jeanene Frazier and Kathy J. Jones, as Co-Personal Representatives of the estate of Edward L. Uhlig, deceased, "Grantor," to Jeanene Frazier, Kathy J. Jones, and Troy L. Mahlke, as Trustees of The Edward L. Uhlig Foundation, U/T/A dated October 16, 1997, "Grantee," whose address is 2359 Stadium Boulevard, Twin Falls, Idaho 83301.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Probate Number CV-2001-5269 (also known as Case No. SP-01-958) in Twin Falls County, Idaho;

THEREFORE, for valuable consideration received, Grantor hereby transfers and conveys to Grantee all of Grantor's interest in the following described real property in Twin Falls County, Idaho.

A parcel of land located in Section 35 of Township 10 South, Range 19 East and Section 2 of Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho and more particularly described as follows:

Commencing at the Southwest corner of said Section 35, Thence S 89°02'58" E along the South boundary of said Section 35 for a distance of 3059.94 feet to the intersection with the Easterly right-of-way boundary of Highway U.S. 30, thence S 24°39'00" E along the Easterly right-of-way

boundary of Highway U.S. 30 for a distance of 21.52 feet to the True Point of Beginning:

Thence N 64°32'20" E for a distance of 431.44 feet;
Thence N 59°43'11" E for a distance of 478.97 feet;
Thence N 53°24'11" E for a distance of 68.65 feet;
Thence N 29°10'14" E for a distance of 56.83 feet;
Thence N 20°03'31" E for a distance of 34.86 feet;
Thence N 02°12'23" E for a distance of 148.15 feet;
Thence N 01°41'57" E for a distance of 173.98 feet;
Thence N 07°32'46" E for a distance of 115.07 feet;
Thence N 78°40'30" E for a distance of 115.95 feet;
→ Thence S 69°24'39" E for a distance of 175.01 feet;
Thence S 45°19'03" E for a distance of 276.28 feet;
Thence S 10°05'47" W for a distance of 145.47 feet;
Thence S 20°23'22" E for a distance of 347.84 feet;
Thence S 72°50'39" W for a distance of 98.12 feet;
Thence S 65°55'13" W for a distance of 118.00 feet;
Thence S 56°14'32" W for a distance of 1276.70 feet to a point on the Easterly right-of-way boundary of Highway U.S. 30;

Thence N 24°39'00" W along the Easterly right-of-way boundary of Highway U.S. 30 for a distance of 552.95 feet to the True Point of Beginning.

Containing 20.0 acres, more or less

Together with:

1 - The right to use and maintain a 4" and/or 6" domestic water line that currently serves the property.

2 - The right to use water from the existing buried irrigation pipeline that belongs to Uhlig Ranches, Inc. for the purpose of irrigating the before described parcel.

Subject to:

1 - A 30.0 foot wide non-exclusive easement to Uhlig Ranches, Inc., said easement being adjacent to and on the Northerly side of the Southerly boundary of the described parcel.

2 - Recorded easements to Uhlig Ranches, Inc. and the Church of Latter Day Saints for the use and maintenance of existing buried irrigation pipe lines that are located on and/or across the before described property.

3 - A recorded easement to the Church of Latter Day Saints for limited access across the existing access road.

4 - An exclusive easement to Uhlig Ranches, Inc. for the location, use and maintenance of a water line that is located on and/or crosses the before described property and is used by a feedlot parcel and residence that is located northerly of the described parcel.

TOGETHER WITH an easement for ingress and egress to that certain Well located on the property of the Grantor. The easement granted herein shall be limited to the right of the Grantees and their successors and assigns to use the Well Water for irrigation, landscaping, and domestic purposes. The Grantor and/or its successors and assigns shall be responsible for the maintenance, repair, and replacement of the pipelines providing water from the Well, described above, to the last point where Grantor diverts water off of said water line. Grantees and/or their successors and assigns shall be responsible for the maintenance, repair and replacement of the pipeline from said last point where Grantor diverts water and thereafter. Should the Grantees or their successors or assigns obtain or acquire another source of water, other than the Well Water described above, then at such time as the Grantees transfer any of the real property described in the aforesated described property, or immediately if the Grantees have by then already transferred any of said real property to anyone other than a Grantee or an issue of a Grantee; then, the easement described herein and the right to use the Well Water described above, shall terminate at the option of the Grantor or its successors or assigns.

EXCEPTIONS:

1. Uhlig Ranches, Inc., hereby reserves unto itself, a permanent, unlimited easement and right-of-way on and across that certain existing roadway, thirty (30) feet in width, and extending in an east/west direction from Highway 30 through the Southern portion of the premises described in the aforesated described property, for whatever purposes, present or future, Uhlig Ranches, Inc. may desire, and not limited to the present use. Uhlig Ranches, Inc. hereby retains the duty and right to maintain and/or improve said existing roadway as it so desires, in its sole discretion. Edward L. Uhlig

and Katherine M. Uhlig shall have no obligation to maintain or improve said roadway and shall further have no right to direct or determine how said roadway may be improved and/or maintained.

2. Also excepting that right-of-way set forth in the aforesaid described property thereto: An exclusive easement to Uhlig Ranches, Inc. for the location, use and maintenance of a water line that is located on and/or crosses the before described property and is used by a feedlot parcel and residence that is located northerly of the described parcel.

TOGETHER WITH all improvements, easements, hereditaments, and appurtenances thereto, and all tenements, reversions, remainders, rights-of-way and water rights in anywise appertaining to the property herein described.

SUBJECT TO taxes and assessments for the year 2017 and all subsequent years, and to such rights, easements, liens, encumbrances, covenants, rights-of-way, reservations, restrictions, and zoning regulations as appear of record or based upon the premises, and to any state of facts an accurate survey or inspection of the premises would show.

Provided however, reserving and conveying unto to Gregoria Maldonado a life estate with the remainder to the Grantee in the parcel known as RP11S19E0200600A and said parcel more particularly described as follows:

A parcel of land located in Section 2 of Township 11 South, Range 19 East, Boise Meridian, Twin Falls County, Idaho and more particularly described as follows:

Commencing at the Southwest corner of said Section 35, Thence S 89°02'58" E along the South boundary of said Section 35 for a distance of 3059.94 feet to the intersection with the Easterly right-of-way boundary of Highway U.S. 30, thence S 24°39'00" E along the Easterly right-of-way boundary of Highway U.S. 30 for a distance of 324.47 feet to the True Point of Beginning:

Thence S 24°39'00" E for a distance of 250.00 feet (hereinafter referred to as the "West boundary");

Thence N 56°14'32" E for a distance of 250.00 feet;

Thence Northwest parallel to the West boundary for a distance of 250.00 feet;

Then Southwest parallel to the South boundary for a distance of 250.00 feet to the True Point of Beginning.

EXECUTED this 9th day of September, 2017.

Jeanene Frazier
Jeanene Frazier, Co-Personal Representative of the
estate of Edward L. Uhlig, deceased

Kathy J. Jones
Kathy J. Jones, Co-Personal Representative of the
estate of Edward L. Uhlig, deceased

"Grantor"

STATE OF IDAHO)
 : ss.
COUNTY OF Twin Falls)

On this 9th day of September, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeanene Frazier, Co-Personal Representative of the estate of Edward L. Uhlig, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



Shannon L. Hoffman
Notary Public for Idaho
Commission expires: 6/8/21

STATE OF IDAHO)
 : ss.
COUNTY OF Twin Falls)

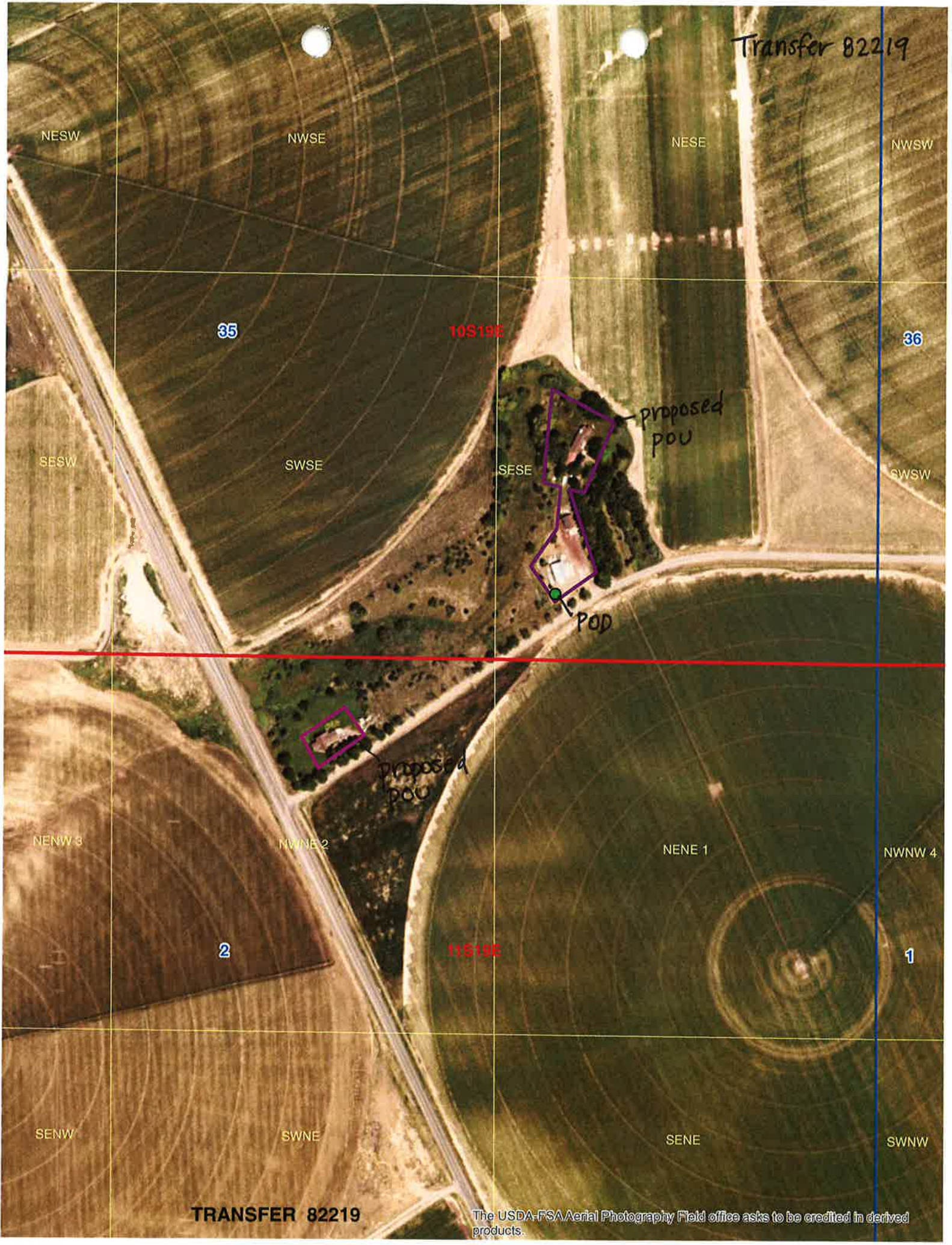
On this 9th day of September, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Kathy J. Jones, Co-Personal Representative of the estate of Edward L. Uhlig, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

Shannon L. Hoffman
Notary Public for Idaho
Commission expires: 6/8/21



Transfer 82219



35

10S19E

36

proposed pou

POD

proposed pou

2

11S19E

1

TRANSFER 82219

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2018

EDWARD L UHLIG FOUNDATION
C/O JEANENE FRAZIER
2359 STADIUM BLVD
TWIN FALLS ID 83301

Re: Transfer No: 82219
Water Right No(s): 45-13712

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a small "e" written above the "n" in "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BRIAN HIGGS
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318

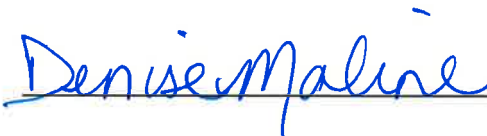
CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 82219
Water Right No(s): 45-13712

EDWARD L UHLIG FOUNDATION
C/O JEANENE FRAZIER
2359 STADIUM BLVD
TWIN FALLS ID 83301

BRIAN HIGGS *via e-mail*
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Maline, Denise

From: Maline, Denise
Sent: Friday, April 20, 2018 4:54 PM
To: Brian Higgs (WD 140)
Subject: Comment Letter - Transfer 82219 Uhlig
Attachments: Transfer 82219 (Uhlig).pdf; Comment letter to WD140 for 82219.docx

Hi Brian,

Attached is an application for transfer currently being processed within your district. Please review the information and provide any necessary comments within 21 days.

Thank you & have a good weekend,

Denise @ IDWR

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 20, 2018

WATER DISTRICT #140
BRIAN HIGGS
355 W 500 S
BURLEY ID 83318

via e-mail

RE: Transfer No. 82219
Water Right No(s): 45-13712

Dear Brian:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: April 20, 2018
To: Transfer 82219
From: Allison Inouye
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) for domestic ground water right 45-13712. The application does not propose a physical change; rather, it seeks to correct the recorded place of use of the right. The water right is within Water District 140 and watermaster comments will be solicited.

- **Authority to File**

The application is filed in the name of Edward L Uhlig Foundation, the owner of the water right being transferred per IDWR records. The individuals who signed the application are trustees of the Edward L Uhlig Foundation per deeds submitted with the application.

- **Water Right Validity**

Water right 45-13712 was decreed in the SRBA in 2005 and the right was involved in a transfer approved in November 2006. The application notes the water right is used for two homes, a shop, and an office; a review of recent aerial imagery shows 4 structures within the proposed place of use. Forfeiture would be very difficult to determine in this circumstance, and is likely not an issue.

- **Injury to Other Water Rights**

None anticipated. This transfer does not propose a physical change.

- **Enlargement of Use**

None anticipated. This transfer does not propose a physical change.

- **Local Public Interest**

No issues anticipated. Transfer does not propose a physical change; therefore, advertising was not deemed to be necessary. Watermaster comments will be solicited.

- **Beneficial Use/Conservation of Water Resources**

Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area**

None anticipated.

- **Effect on the Agricultural Base of the Local Area**

None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: April 20, 2018
To: Transfer 82219
From: Allison Inouye
Re: Legal Notice Not Required

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The changes proposed in this transfer application aim to correct the legal description of the place of use on the water right record. The proposed modifications do not appear to change the effect on the original or any other hydraulically connected water source or to affect other water rights because no physical changes are proposed. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

MEMORANDUM

Date: April 18, 2018

To: Transfer 82219

From: Allison Inouye

Re: Filing Fee

The filing fee for this transfer is based on the total amount of water being transferred, 0.03 cfs. The transfer fee schedule indicates that the filing fee is \$200 for a transfer involving 0.00 – 0.20 cfs. (Receipt No. S036658)