

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED
FEB 06 2015
Dept. of Water Resources
Eastern Region

Name of Applicant(s) Wight Enterprises LLC Phone _____

Mailing address 3798 W 4050 N. Moore, ID 83255 Email _____

- ☐ 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.

[Signature]
Signature of Applicant or Authorized Representative

Gary Wight (owner)
Print Name and Title if applicable

2-6-15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Change of Ownership
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**.

Moving water rights from one property to another to cover a pivot that was not covered.

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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 ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	SEE			to	
	ATTACHMENT			to	
				to	
				to	
				to	
				to	
				to	
				to	

Total authorized under rights 1.78 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.14 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NW	12	06N	25E	Butte	Groundwater	
		SE	NW	NW	34	07N	24E	Custer	Big Lost River	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	12					3.5	3	36	35.5									78
Total Acres (for irrigation use)																			78

AMENDED

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	SEE			to	
☐	ATTACHMENT			to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights .96 ^{1.78} cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed .96 ^{1.14} cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NW	12	06N	25E	Butte	Groundwater	
0 →		52	NW	NW	34	07N	24E	Custer	Big Lost River	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	12					3.5	3	36	35.5									39
Total Acres (for irrigation use)																			39

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****Insert this page into Part 1B of the Application for Transfer of a Water Right.**

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:

1 pump to multiple pivots with measuring devices at wells and canal.

- b. Who owns the property at the point(s) of diversion? Wight Enterprises
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: Lynn and Velma Metcalf Trust, mortgage

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:

- 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:

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/26/2015

WATER RIGHT NO. 34-10744

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF
	3780 W 4050 N
	MOORE, ID 83255
	(208)588-3362

Priority Date: 03/10/1894

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.49 CFS	
Total Diversion			1.49 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

IRRIGATION Use:

Acre Limit: 74.5

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Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	2	4	NWNW	40									
				NWSW	40		SWSW	40						
		3		SESE	40									
		5		NESE	26		NWSE	6						
		10		NENE	40		SWNE	23.5		SENE	22			
				SWNW	0.5		SENE	12						
		11		NWNW	40		SWNW	32						

Total Acres: 362

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-10740, 34-10742, 34-02374A AND 34-02374B.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.33 CFS. COMBINED RIGHT NOS.: 34-10740, 34-10742, 34-02374A AND 34-02374B.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00605C, 34-00678B AND 34-00832.
7. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

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Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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Water Right Report

1/26/2015

WATER RIGHT NO. 34-10742

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF
	3780 W 4050 N
	MOORE, ID 83255
	(208)588-3362

Priority Date: 07/21/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	4 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

IRRIGATION Use:

Acre Limit: 200

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	2	4	NWNW	40									
				NWSW	40		SWSW	40						
		3		SESE	40									
		10		NENE	40		SWNE	23.5		SENE	22			
				SWNW	0.5		SENE	12						
		11		NWNW	40		SWNW	32						

Total Acres: 330

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
2. C18 ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE
3. E56 IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-10740, 34-10744, 34-02374A AND 34-02374B.
4. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00714, 34-00723 AND 34-00200.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
6. E52 COMBINED DIVERSION RATE OF 9.33 CFS. COMBINED RIGHT NOS.: 34-10740, 34-10744, 34-02374A AND 34-02374B.
7. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

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Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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Water Right Report

1/26/2015

WATER RIGHT NO. 34-10740

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF
	3780 W 4050 N
	MOORE, ID 83255
	(208)588-3362

Priority Date: 05/30/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.48 CFS	
Total Diversion			1.48 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

IRRIGATION Use:

Acre Limit: 74

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	2	4	NWNW	40									
				NWSW	40		SWSW	40						
		3		SESE	40									
		10		NENE	40		SWNE	23.5		SENE	22			
				SWNW	0.5		SENE	12						
		11		NWNW	40		SWNW	32						

Total Acres: 330

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-10742, 34-10744, 34-02374A AND 34-02374B.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.33 CFS. COMBINED RIGHT NOS.: 34-10742, 34-10744, 34-02374A AND 34-02374B.
5. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 74 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00199 AND 34-00713A.

Dates:

Licensed Date:

Decreed Date: 01/20/1998

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

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Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

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Water Right Report

1/26/2015

WATER RIGHT NO. 34-2374A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF
	3780 W 4050 N
	MOORE, ID 83255
	(208)588-3362

Priority Date: 07/11/1960

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	5.38 CFS	973 AFA
Total Diversion			5.38 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSWSW	Sec. 02	Township 06N	Range 25E	CUSTER County
GROUND WATER	NESENW	Sec. 10	Township 06N	Range 25E	CUSTER County

IRRIGATION Use:
Acre Limit: 278

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	2	4	NWNW	8									
				NWSW	40		SWSW	40						
		3		SESE	40									
		10		NENE	40		SWNE	23.5		SENE	22			
				SWNW	0.5+15		SENE	12+3						
		11		NWNW	40		SWNW	32						

Total Acres: 298

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.33 CFS. COMBINED RIGHT NOS.: 34-02374B, 34-10740, 34-10742 AND 34-10744.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02374B, 34-10740, 34-10742 AND 34-10744. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 278 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 01/29/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

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State or Federal: S
Owner Name Connector:
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 362
Combined Volume Limit:
Combined Rate Limit: 9.33
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

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Water Right Report

1/26/2015

WATER RIGHT NO. 34-688A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WIGHT ENTERPRISES LLC 3798 W 4050 N MOORE, ID 83255
Directors Report Owner	MAX W SAYER
Directors Report Owner	THELMA C SAYER PO BOX 1060 LESLIE, ID 83255 (208)588-2522
Original Owner	DARLINGTON LAND & IRRIGATION CO LTD
Original Owner	ELISHA C SMITH , ID
Original Owner	BYRON M SAYER RT 1 BOX 1025 LESLIE, ID 83249 (208)588-2241
Original Owner	MARY B SAYER 4102 N 3850 W MOORE, ID 83255 (208)588-2241

Priority Date: 07/21/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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IRRIGATION	5/01	10/15	1.4 CFS
Total Diversion			1.4 CFS

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	3		NESW	38									
				NESE	40		NWSE	40		SWSE	39			
		10		NWNE	31									

Total Acres: 188

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS. COMBINED RIGHT NOS.: 34-00181, 34-00689A AND 34-02394.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00181, 34-00689A AND 34-02394.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH BURNETT DITCH

Dates:

SCANNED

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FEB 19 2015

Licensed Date:

Decreed Date: 06/19/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 188

Combined Volume Limit:

Combined Rate Limit: 4.96

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/26/2015

WATER RIGHT NO. 34-689A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WIGHT ENTERPRISES LLC 3798 W 4050 N MOORE, ID 83255
Directors Report Owner	MAX W SAYER
Directors Report Owner	THELMA C SAYER PO BOX 1060 LESLIE, ID 83255 (208)588-2522
Original Owner	DARLINGTON LAND & IRRIGATION CO LTD
Original Owner	ELISHA C SMITH , ID
Original Owner	BYRON M SAYER RT 1 BOX 1025 LESLIE, ID 83249 (208)588-2241
Original Owner	MARY B SAYER 4102 N 3850 W MOORE, ID 83255 (208)588-2241

Priority Date: 05/30/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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IRRIGATION	5/01	10/15	0.2 CFS
Total Diversion			0.2 CFS

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

IRRIGATION Use:
Acre Limit: 10

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	3		NESW	38									
				NESE	40		NWSE	40		SWSE	39			
		10		NWNE	31									

Total Acres: 188

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS. COMBINED RIGHT NOS.: 34-00688A, 34-00181 AND 34-02394.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00688A, 34-00181 AND 34-02394. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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5. | WATER IS DELIVERED THROUGH BURNETT DITCH
6. C05 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 06/19/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 188

Combined Volume Limit:

Combined Rate Limit: 4.96

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SCANNED

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/26/2015

WATER RIGHT NO. 34-2394

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WIGHT ENTERPRISES LLC 3798 W 4050 N MOORE, ID 83255
Directors Report Owner	MAX W SAYER
Directors Report Owner	THELMA C SAYER PO BOX 1060 LESLIE, ID 83255 (208)588-2522
Original Owner	BYRON M SAYER RT 1 BOX 1025 LESLIE, ID 83249 (208)588-2241
Original Owner	MARY B SAYER 4102 N 3850 W MOORE, ID 83255 (208)588-2241

Priority Date: 02/07/1961

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	3.76 CFS	658 AFA
Total Diversion			3.76 CFS	

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Location of Point(s) of Diversion:

GROUND WATER|NENESE|Sec. 03|Township 06N|Range 25E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	3		NESW	38									
				NESE	40		NWSE	40		SWSE	39			
		10		NWNE	31									

Total Acres: 188

Conditions of Approval:

1. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS. COMBINED RIGHT NOS. 34-00181, 34-00688A AND 34-00689A.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 34-00181, 34-00688A AND 34-00689A.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 07/10/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

SCANNED

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Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 188

Combined Volume Limit:

Combined Rate Limit: 4.96

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/26/2015

WATER RIGHT NO. 34-181

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WIGHT ENTERPRISES LLC 3798 W 4050 N MOORE, ID 83255
Directors Report Owner	MAX W SAYER
Directors Report Owner	THELMA C SAYER PO BOX 1060 LESLIE, ID 83255 (208)588-2522
Original Owner	DARLINGTON LAND & IRRIGATION CO LTD , ID
Original Owner	BYRON M SAYER RT 1 BOX 1025 LESLIE, ID 83249 (208)588-2241
Original Owner	MARY B SAYER 4102 N 3850 W MOORE, ID 83255 (208)588-2241

Priority Date: 07/21/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	2.4 CFS	

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Total Diversion | 2.4 CFS |

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	3		NESW	38									
				NESE	40		NWSE	40		SWSE	39			
		10		NWNE	31									

Total Acres: 188

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.96 CFS. COMBINED RIGHT NOS.: 34-00688A, 34-00689A AND 34-02394.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 188 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-00688A, 34-00689A AND 34-02394.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. WATER IS DELIVERED THROUGH BURNETT DITCH

Dates:

Licensed Date:

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Decreed Date: 06/03/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: AND
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 188
Combined Volume Limit:
Combined Rate Limit: 4.96
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/26/2015

WATER RIGHT NO. 34-2374B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF
	3780 W 4050 N
	MOORE, ID 83255
	(208)588-3362

Priority Date: 07/11/1960

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/15	10/15	0.62 CFS	112 AFA
Total Diversion			0.62 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NESE|Sec. 05|Township 06N|Range 25E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

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<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	25E	5		NESE	26		NWSE	6						

Total Acres: 32

Conditions of Approval:

1. E61 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.33 CFS COMBINED RIGHT NOS.: 34-02374A, 34-02374B, 34-10740, 34-10742 AND 34-10744.
2. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
3. S41 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN MARCH 6, 2000. A LOCKABLE MEASURING DEVICE OF A TYPE ACCEPTABLE TO IDWR SHALL BE
4. M05 PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING WORKS.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 362 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-02374A, 34-02374B, 34-10740, 34-10742 AND 34-10744.

Dates:

Licensed Date:

Decreed Date: 01/29/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

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Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 362

Combined Volume Limit:

Combined Rate Limit: 9.33

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

10/16/2015

WATER RIGHT NO. 34-2421

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF
	3780 W 4050 N
	MOORE, ID 83255
	(208)588-3362

Priority Date: 06/06/1961

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.28 CFS	224 AFA
Total Diversion			1.28 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNWNW|Sec. 12|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 64

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Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	12		NWNW	35		SWNW	35						

Total Acres: 70

Conditions of Approval:

1. X27 This right is limited to the irrigation of 64 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-322, 34-323, and 34-2421 when combined shall not exceed a total diversion rate of 1.88 cfs and the irrigation of 70 acres.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412 (6), Idaho Code.
4. C18

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre: 3.5

Combined Acres Limit: 70

AMENDED

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[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/26/2015

WATER RIGHT NO. 34-2421A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF 3780 W 4050 N MOORE, ID 83255 (208)588-3362
Directors Report Owner	JACK HAUGRUD US DEPT OF JUSTICE LAND & NATURAL RESOURCE SEC PO BOX 663 WASHINGTON, DC 20044-0663
Directors Report Owner	US DEPT OF AGRICULTURE FARMERS HOME ADMINISTRATION 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Directors Report Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 (208)378-5650
Original Owner	ARTHUR HATFIELD
Original Owner	FRED COTTRELL

Priority Date: 06/06/1961

Basis: Decreed

Status: Active

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

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<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	1.52 CFS	266 AFA
Total Diversion			1.52 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNWNW|Sec. 12|Township 06N|Range 25E|BUTTE County

IRRIGATION Use:

Acre Limit: 76

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	25E	12		NESW	38		NWSW	39						

Total Acres: 77

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-00020C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.60 CFS.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00020C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 76 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. RIGHT NO. 34-02421 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 77

Combined Volume Limit:

Combined Rate Limit: 1.6

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

SUPERCEDED**79757****SCANNED**
FEB 19 2015

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

1/26/2015

WATER RIGHT NO. 34-20C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN J METCALF
Current Owner	VELMA L METCALF
	3780 W 4050 N
	MOORE, ID 83255
	(208)588-3362
Directors Report Owner	JACK HAUGRUD
	US DEPT OF JUSTICE
	LAND & NATURAL RESOURCE SEC
	PO BOX 663
	WASHINGTON, DC 20044-0663
Directors Report Owner	US DEPT OF AGRICULTURE
	FARMERS HOME ADMINISTRATION
	9173 W BARNES STE B
	BOISE, ID 83709-1555
	(208)378-5650
Directors Report Owner	UNITED STATES OF AMERICA ACTING THROUGH
	USDA FARM SERVICE AGENCY
	9173 W BARNES STE B
	BOISE, ID 83709-1555
	(208)378-5650
Original Owner	L C ALLEN
	MACKAY, ID 83251

Priority Date: 06/01/1889

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

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FEB 19 2015

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.6 CFS	
Total Diversion			1.6 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|SENWNW|Sec. 34|Township 07N|Range 24E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	25E	12		NESW	39		NWSW	38						

Total Acres: 77

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-02421A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.60 CFS.
3. USE OF THIS RIGHT WITH RIGHT NO. 34-02421A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 77 ACRES IN A SINGLE IRRIGATION SEASON.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. WATER IS DELIVERED THROUGH BURNETT DITCH.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

SCANNED
FEB 19 2015

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Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Combined Acres Limit: 77
Combined Volume Limit:
Combined Rate Limit: 1.6
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

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SCANNED
FEB 19 2015

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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 rights(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:

[illegible]

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by SB Date 2/6/15 Preliminary check by _____ Date _____

Fee paid 500.00 Date 2/6/15 Received by _____ Receipt # E040620

Add'l fee paid 200.00 Date 2/6/15 Received by _____ Receipt # 2040620

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

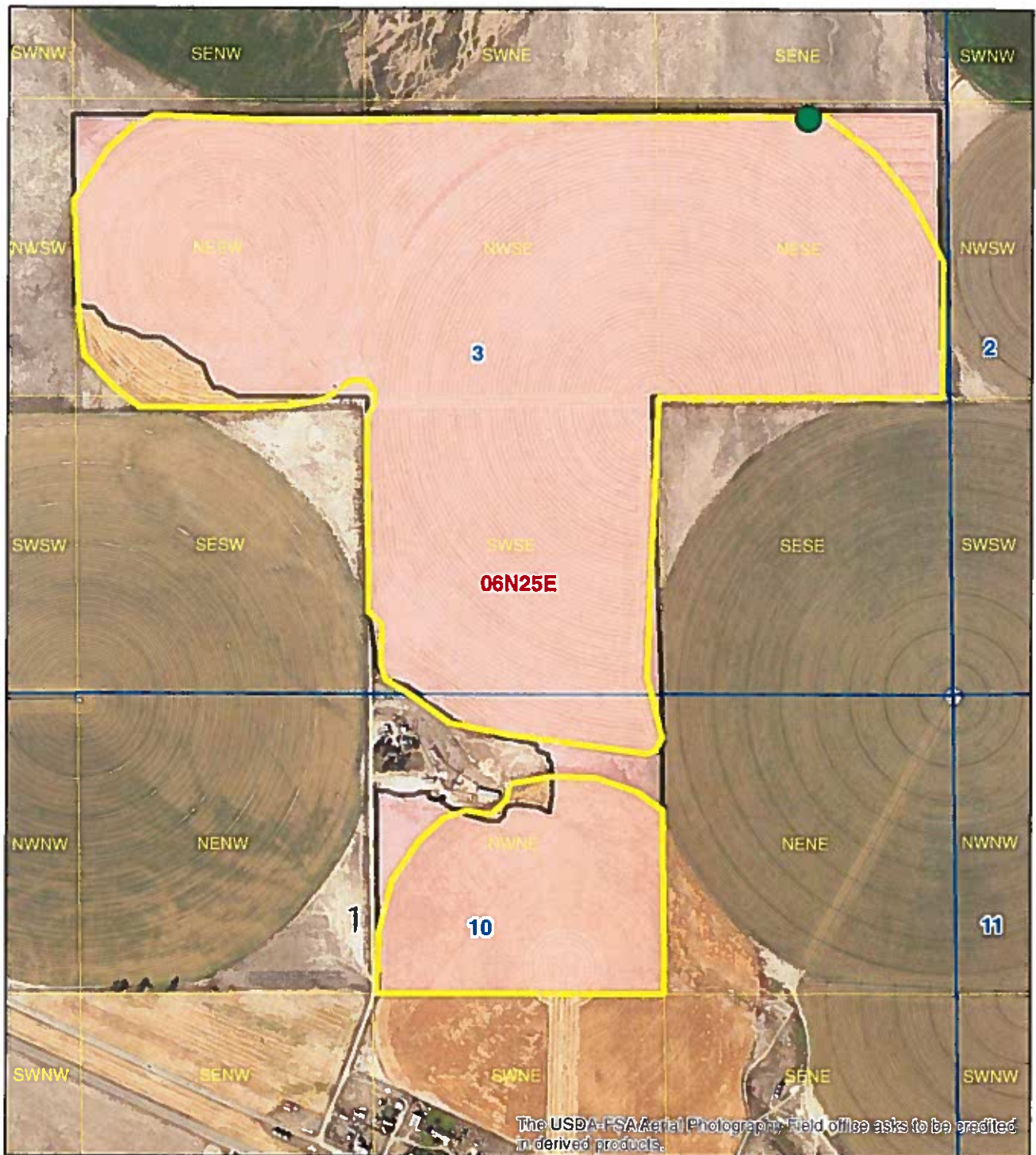
Page 6

Ownership Changes

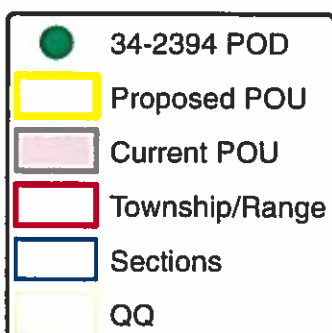
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FEB 19 2015

Transfer for WR's 34-2394, 34-181, 34-688A, 34-389A



2013 Aerial photography



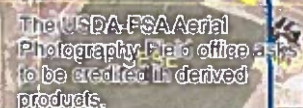
0 375 750 1,500 Feet

Custer County
IDWR Basin 34

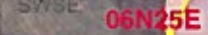
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FEB 19 2015



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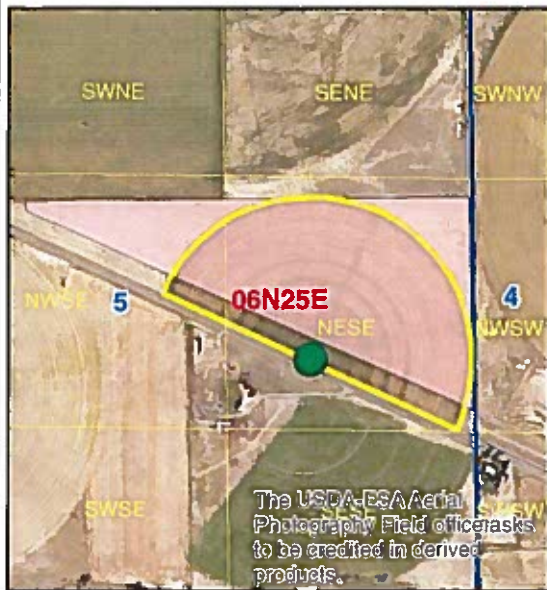


34-2374A, 34-2374B, 34-10740, 34-10742, 34-10744.

AMENDED

79 75 7

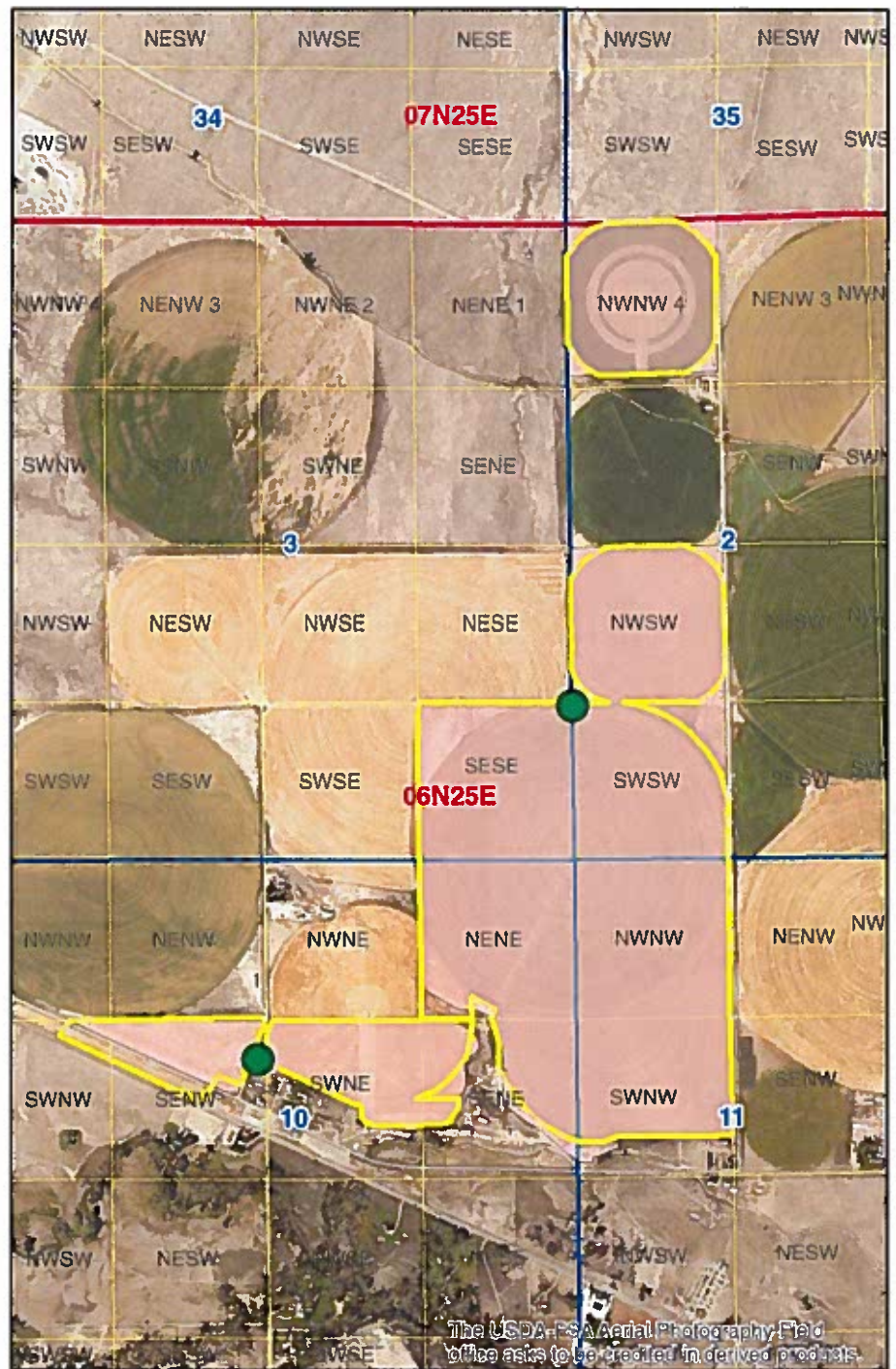
2013 Aerial photography



0 75 150 300 Feet



- POD's
- Proposed POU
- Current POU
- Township/Range
- Sections
- QQ



0 750 1,500 3,000 Feet

SUPERCEDED

Transfer for WR's

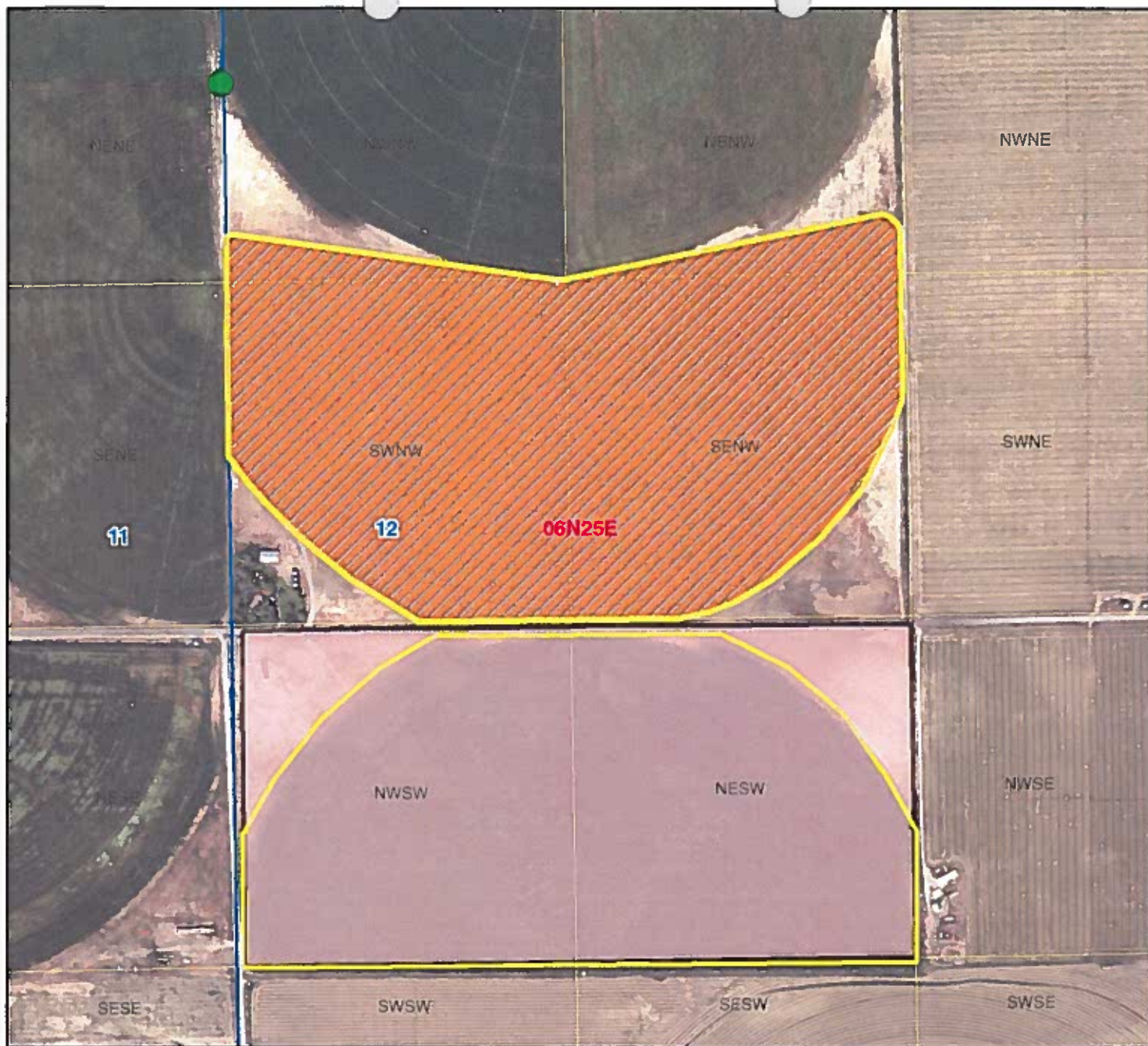
34-2374A, 34-2374B, 34-10740, 34-10742, 34-10744

SCANNED

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FEB 19 2015

2013 Aerial photography



0 295 590 1,180 Feet

*Proposed POU/POD for split portion represents the split portions for water rights 34-2374A, 34-2374B, 34-10740, 34-10742, 34-10744, 34-2421A, and the entire 32 acre GW portion of 34-2421.

● *Proposed POD for split portion WR's

▨ *Proposed POU for split portion WR's

▭ 34-2421A Proposed POU

▭ 34-2421A Current POU

▭ Township/Range

▭ Sections

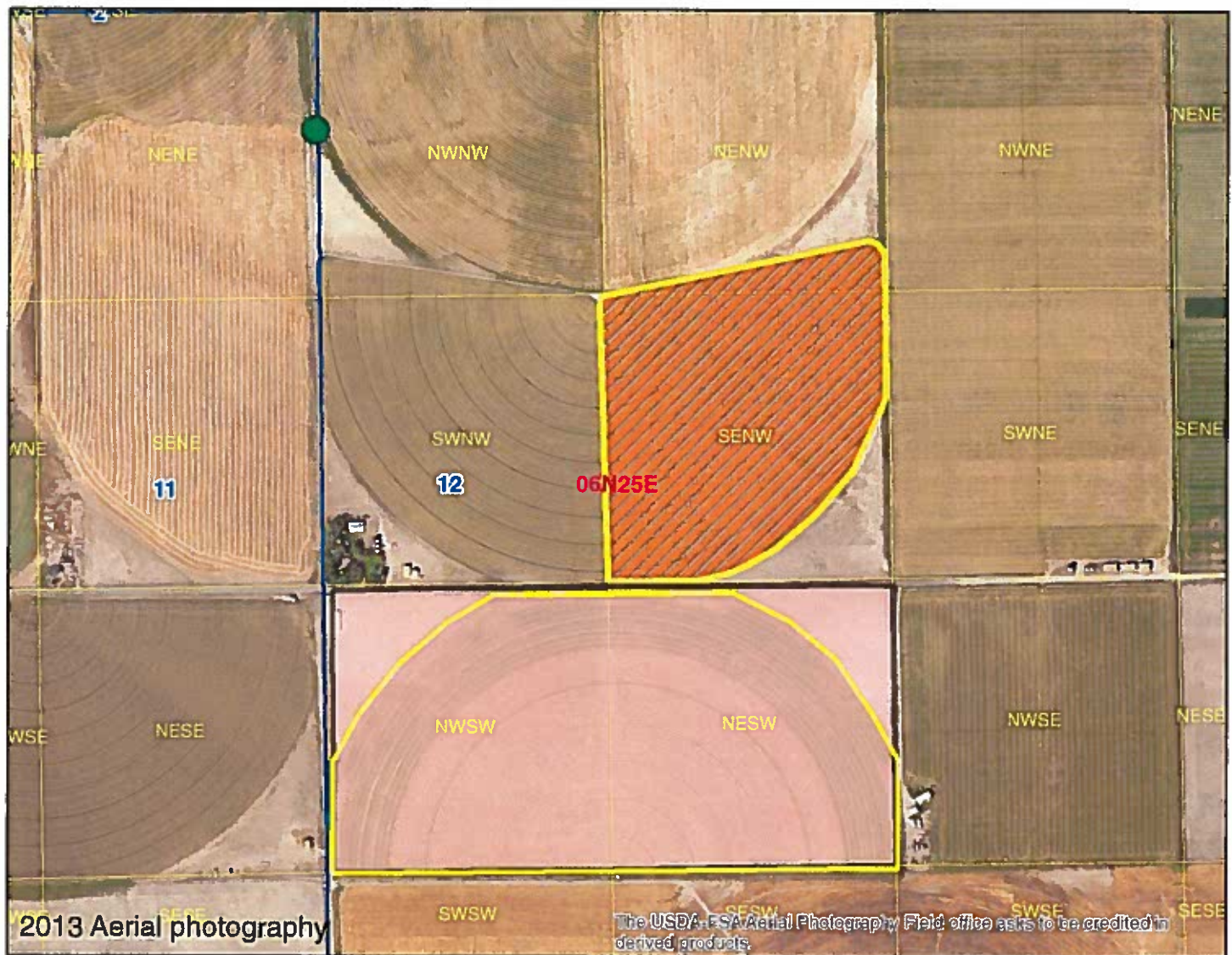
AMENDED

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2013 Aerial photography

Transfer for WR's 34-2374A, 34-2374B, 34-10740, 34-10742, 34-10744, 34-2421A.



0 410 820 1,640 Feet

*Proposed POU/POD for split portion represents the split portions for water rights 34-2374A, 34-2374B, 34-10740, 34-10742, 34-10744, 34-2421A.

- *Proposed POD for split portion WR's
- ▨ *Proposed POU for split portion WR's
- ▭ 34-2421A Proposed POU
- ▭ 34-2421A Current POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ

SUPERCEDED

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SCANED
FEB 19 2015



AMENDMENT TO CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

11 JAN 21 AM 8:51

SECRETARY OF STATE
STATE OF IDAHO

(Instructions on back of application)

1. The name of the limited liability company is:

Wight Enterprises LLC

2. The name of the limited liability company is amended to read:

3. The date the certificate of organization was originally filed : April 2, 2009

4. The complete street and mailing addresses of the designated principal office is amended to:

3798 West 4050 North, Moore, Idaho 83255

5. The mailing address for future correspondence (annual reports) is amended to:

6. The name and address of the managers/members shall be amended as follows:

Name	Address	Add	Delete	Other
James D. Wight	752 Windflower Ln, Sandy, UT 84070	☐	☒	
Gary Wight	3798 W 4050 N, Moore, ID 83255	☒	☐	
		☐	☐	

7. Signature of an authorized person.

Gary Wight
Signature

Gary Wight

Typed Name

Signature

Typed Name

Secretary of State use only

IDAHO SECRETARY OF STATE
01/21/2011 05:00
CK: 1415 CT: 22233 DN: 1256320
1 @ 30.00 = 30.00 ORGAN AMEN # 2

FILED EFFECTIVE



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

09 APR -2 AM 8:34

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Wight Enterprises LLC

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

752 Windflower Lane, Sandy, Utah 84070

(Street Address)

(Mailing Address, if different than street address)

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

Billy G. DuPree, Jr.

(Name)

58 EAST FIRST NORTH REXBURG ID 83440

(Street Address)

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

Name

Address

James D. Wight

752 Windflower Lane, Sandy, Utah 84070

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

752 Windflower Lane, Sandy, Utah 84070

6. Future effective date of filing (optional):

Signature of organizer(s). (An organizer is a member, or is acting in behalf of a member or members).

Signature

Typed Name:

James D. Wight

Signature

Typed Name:

Secretary of State use only

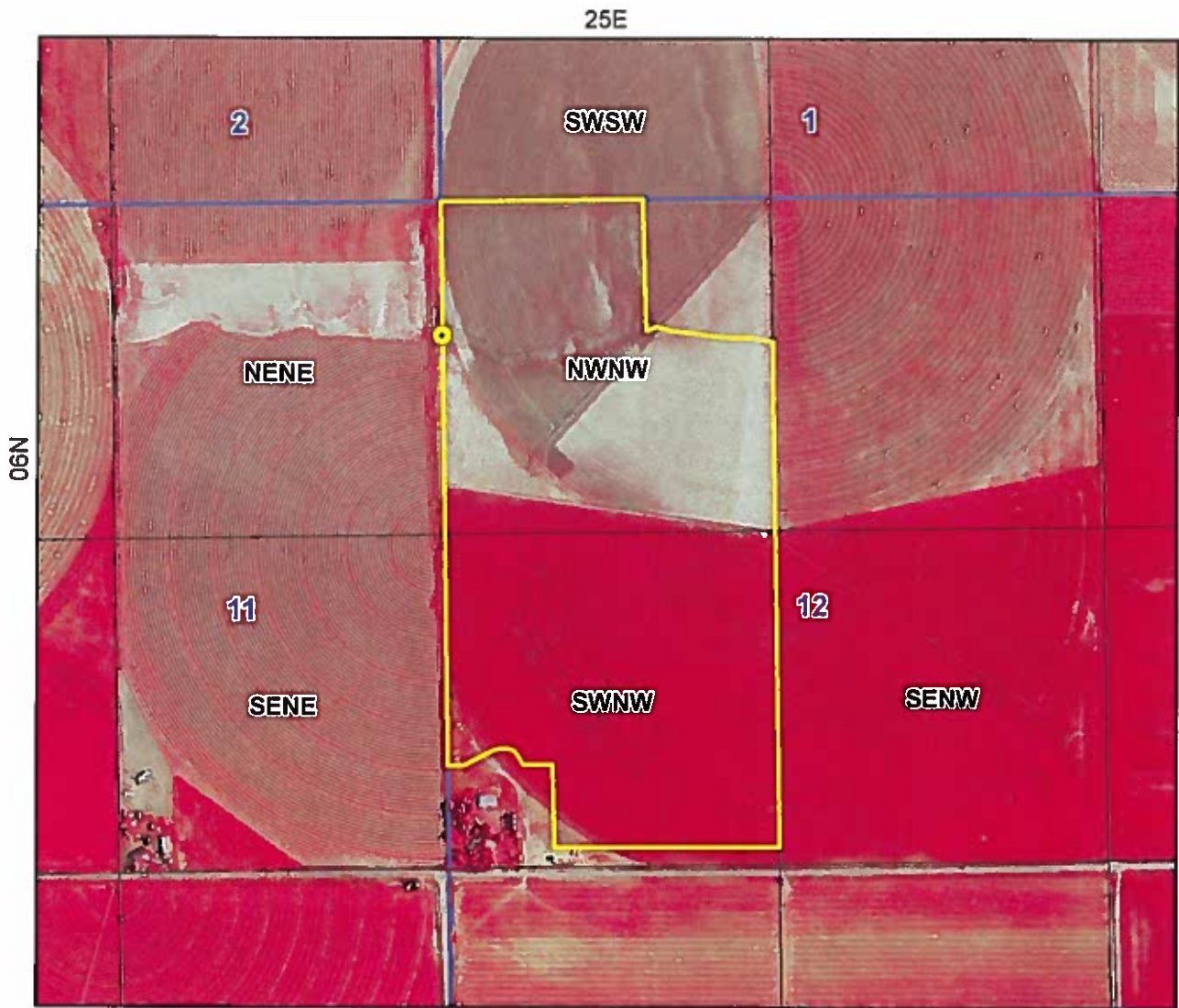
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 Revised 07/2008

 IDAHO SECRETARY OF STATE
 04/02/2009 05:00
 CK: 4722 CT: 22233 DN: 1164141
 1 @ 100.00 = 100.00 ORGAN LLC # 2
W82823
SCANNED

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FEB 19 2015

State of Idaho
Department of Water Resources
Water Right License
34-2421



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

0 0.075 0.15 0.3 Miles



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SCANNED
FEB 19 2015

NO. 0052205
RECORDED

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DEC 22 2014

WHEN RECORDED RETURN TO:
Wight Enterprises LLC
3798 West 4050 North
Moore, Idaho 83255

A.M. 4:14 P.M.
BUTTE COUNTY RECORDER
Ruthie Beckwith

Butte County Rec. of
Titleone Corp
Time 1:17 P.M. Date 12-23, 2014
Barbara C. Tierney, Clerk
C. Ashman Deputy 34

WARRANTY DEED

Velma L. Metcalf, Trustee of the Lynn and Velma Metcalf Trust, 3816 West 4050 North, Moore, Idaho 83255, as GRANTOR, for a good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Wight Enterprises LLC, an Idaho limited liability company, 3798 West 4050 North, Moore, Idaho 83255, as GRANTEE, and to GRANTEE'S successors and assigns forever, the real property situated in Butte and Custer Counties, Idaho described on the attached Exhibit A.

TOGETHER with all improvements, water and ditch rights, water licenses and permits, mineral rights, easements, hereditaments and appurtenances thereto.

SUBJECT to all real property taxes and assessments not yet due and payable and all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, all rights of tenants and other parties in possession, all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property, but not liens, mortgages, security interests or other financial encumbrances.

GRANTOR, for itself, its successors and assigns does hereby covenant, warrant and shall defend the quiet and peaceable possession of said premises by the GRANTEE, its successors and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed its name to this instrument this 22 day of December, 2014.

GRANTOR:

Velma L. Metcalf
Velma L. Metcalf, Trustee of the
Lynn and Velma Metcalf Trust

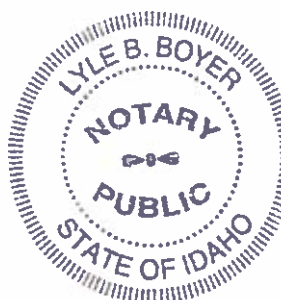
SCANNED
12-19-2015

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STATE OF IDAHO)
 :SS
County of Butte)

On this 22nd day of December, in the year 2014, before me, Lyle B. Boyer, a Notary Public in and for said State, personally appeared Velma L. Metcalf, known or identified to me to be the Trustee of the Lynn and Velma Metcalf Trust, the trust that executed the instrument or the person who executed the instrument on behalf of such trust, and acknowledged to me that such trust executed the same.



Lyle B. Boyer
Notary Public for Idaho
Residing at: Arw, ID
My Commission Expires: 6-5-2015

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EXHIBIT A

Real Property Description

The following described real property:

Butte and Custer Counties

Tract 1

Township 6 North, Range 25 East Boise Meridian, Butte and Custer Counties, Idaho

Section 2: NW $\frac{1}{4}$ SW $\frac{1}{4}$, also described as that portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 6 North, Range 25 E.B.M. lying West and South of Pass Creek in Custer County, State of Idaho, designated by Custer Assessor as Tract #10 and that portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 6 North, Range 25 E.B.M. lying North and East of Pass Creek in Butte County, State of Idaho, designated by Butte County Assessor as Tract #309.

TOGETHER WITH all water and ditch rights appurtenant to said property, including, but not limited to, to the extent appurtenant to said property, the following:

40 Miner's inches of water priority date of July 21, 1886; and
34 inches of storage water priority date of July 21, 1886.

Section 2: Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$);
SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM Township 6 North, Range 25 East, Boise Meridian, Custer County, Idaho, Section 11: A portion of the Southwest Quarter Northwest Quarter, more particularly described as follows: Commencing at the Southwest corner of the said Southwest Quarter Northwest Quarter; thence South 88°54'04" East a distance of 119.76 feet to the real point of beginning; thence South 88°54'04" East a distance of 1240.24 feet to a point; thence North 0°08'30" West a distance of 266 feet to a point; thence North 88°54'04" West a distance of 1008.54 feet to a point; thence South 0°53'30" East a distance of 136 feet to a point; thence South 84°48'30" West a distance of 87.10 feet to a point; thence South 50° 50'50" West a distance of 184.30 feet, to the true point of beginning.

TOGETHER WITH all water and ditch rights appurtenant to said property, including, but not limited to, to the extent appurtenant to said property, the following:

34 Miner's inches, of the Big Lost River Irrigation District with decreed priority of May 30, 1885,

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FEB 19 2015

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80 Miner's inches decreed priority of July 21, 1886, including the appropriate storage rights for the above described dates.

Tract 2

Township 6 North, Range 25 East Boise Meridian, Butte and Custer Counties, Idaho

Section 12: SW $\frac{1}{4}$ NW $\frac{1}{4}$;

EXCEPTING THEREFROM: A parcel of land situated in said SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T6N, R25E, B.M., Custer County, State of Idaho; more particularly described as follows: Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T6N, R25E, B.M.; said point lies on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence N 135°02' W 414.92 feet along a fence to a point; thence N 89°26'52" E 420.0 feet to a point; thence S 135°02' E 414.92 feet to a point lying on the South Line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence S 89°26'52" W 420.0 feet along said line to the Point of Beginning.

Section 12: A triangular-shaped parcel of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows: Beginning at the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence North 250 feet, more or less, to an existing fence line; thence Southwesterly along said fence line 1345 feet, more or less, to the Southwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence East along the South boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1320 feet, more or less, to the point of beginning.

Section 12: Well site in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as: Beginning at a point 486 feet South and 25 feet East of the Northwest corner of said Section 12; thence East 1 rod; thence South 1 rod; thence West 1 rod; thence North 1 rod to the Point of Beginning.

TOGETHER WITH:

The following water right:

IDWR License # 34-02421 priority date 6/6/91 - well

The following equipment:

1 US Motor, 50 hp #1251072

1 Johnston Turbine Pump, 125', #IFS264

Tract 3

Township 6 North, Range 25 East Boise Meridian, Butte and Custer Counties, Idaho.

Section 12: SE $\frac{1}{4}$ NW $\frac{1}{4}$.

249 795

Section 12: A triangular-shaped parcel of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows: Beginning at the Southwest corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence North along the West boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 250 feet, more or less, to an existing fence corner; thence in a Southeasterly direction, along said fence line, 1345 feet, more or less, to the Southeast corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence West 1320 feet, more or less, to the point of beginning.

Custer County

Tract 4

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 12: A parcel of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T6N, R25E, B.M.; said point lies on the south line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12; thence N 1 $^{\circ}$ 35'02" W 414.92 feet along a fence to a point; thence N 89 $^{\circ}$ 26'52" E 420.0 feet to a point; thence S 1 $^{\circ}$ 35'02" E 414.92 feet to a point lying on the South Line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12; thence S 89 $^{\circ}$ 26'52" W 420.0 feet along said line to the Point of Beginning.

EXCEPTING THEREFROM a parcel described as follows:
Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T6N, R25E, B.M.; said point lies on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence N 1 $^{\circ}$ 35'02" W 207.46 feet along a fence to a point; thence N 89 $^{\circ}$ 26'52" E 210.00 feet to a point; thence S 1 $^{\circ}$ 35'02" E 207.46 feet to a point lying on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence S 89 $^{\circ}$ 26'52" W 210.00 feet along said line to the Point of Beginning: Containing 1.0 acres, more or less.

Tract 5

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Tract 6

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 10: E $\frac{1}{2}$ NE $\frac{1}{4}$;

Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying North and East of the OSLRR right of way excepting therefrom only the town site of Leslie.

Section 10: Beginning at the Southwest corner of the town site of Leslie on the North side of the county road in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10; thence Northwest 1,734 feet along the boundary line of the county road to a point where said road crosses the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said section; thence East 1,708 feet to private land which is along the section line common to the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said section; thence South 816 feet more or less to the point of beginning.

Section 10: Those portions of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) formerly lying within the right-of-way of the railroad line.

Section 10: A parcel of land being generally described as a portion of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) lying northeasterly of the Union Pacific Railroad right-of-way; being more particularly described as: Beginning at a point which is the Northwest corner of the Northeast quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10 of Township 6 North of Range 25 East of the Boise Meridian, Custer County, Idaho, and said corner believed to be bearing North 89°35'32" East, a distance of 1334.58 feet west of the West one-quarter corner of Section 11; thence the following course and distances: North 89°35'32" East, a distance of 785.12 feet; thence South 00°33'06" East a distance of 518.16 feet; thence North 65°10'14" West a distance of 869.00 feet; thence North 00°33'06" West a distance of 147.65 feet to the true point of beginning.

Tract 7

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 12: N $\frac{1}{2}$ SW $\frac{1}{4}$.

TOGETHER WITH all water and ditch rights appurtenant to said property, including but not limited to, to the extent appurtenant to said property, the following:

40 inches of Decreed Water - Big Lot River Irrigation District - Priority 6/30/87

40 inches of Decreed Water - Big Lot River Irrigation District - Priority 6/30/91

80 inches of Decreed Water - Big Lot River Irrigation District - Priority 6/1/89

3180 inches of storage.

Tract 8

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 24: SE¼

SUBJECT TO AND EXCEPTING THEREFROM the tract heretofore conveyed to the Oregon Short Line Railroad Company for right of way of approximately 1.00 acre; also the tract heretofore conveyed for Highway purposes of approximately 1.00 acre.

ALSO EXCEPTING THEREFROM that portion of the Southwest Quarter Southeast Quarter lying West of the Highway, Section 24, Township 6 North, Range 25 East of the Boise Meridian, Custer County, Idaho.

ALSO EXCEPTING THEREFROM a tract of land generally described as being a portion of the Southeast Quarter of Section 24 Township 6 North, Range 25 East, Boise Meridian, Custer County, State of Idaho, lying Northeasterly of the Big Lost River, and Northerly of U.S. Highway No. 93; being more particularly described as follows:

Beginning at a G.L.O. brass cap monument marking the East Quarter corner of Section 24, Township 6 North, Range 25 East, Boise Meridian; from which a rebar with aluminum cap marking the Southeast corner of said Section 24 bears South 00°42'46" East 2664.16 feet; thence South 00°42'41" East 1300.14 feet on or along the East line of the Southeast Quarter of said Section 24 to a found 5/8" rebar witness corner lying Northerly of the Big Lost River; thence continuing along said East line South 00°43'33" East 74.99 feet to a point lying on or along the centerline of the Big Lost River; thence the following courses upstream on or along the centerline of the Southwesterly channel of the Big Lost River; North 66°39'31" West 27.04 feet to a point; thence North 49°52'47" West 116.90 feet to a point; thence North 54°33'26" West 68.82 feet to a point; thence North 14°09'37" West 38.72 feet to a point; thence North 34°02'44" West 94.45 feet to a point; thence North 27°04'07" West 108.78 feet to a point; thence North 30°50'11" West 43.64 feet to a point; thence North 35°28'31" West 90.55 feet to a point; thence North 36°50'26" West 120.54 feet to a point; thence North 12°20'15" West 85.71 feet to a point; thence North 25°05'47" West 97.81 feet to a point; thence North 24°28'03" West 52.36 feet to a point; thence North 51°59'15" West 111.62 feet to a point; thence North 71°58'30" West 146.77 feet to a point; thence North 52°31'08" West 166.37 feet to a point; thence North 35°41'03" West 124.88 feet to a point; thence North 60°29'06" West 99.83 feet to a point; thence North 53°39'25" West 172.95 feet to a point; thence North 06°29'40" West 85.49

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feet to a point; thence North 13°39'16" East 45.57 feet to a point lying on or along the North line of the Southeast Quarter of said Section 24; thence leaving said centerline North 89°27'02" East 1151.24 feet on or along said North line to the point of beginning.

Section 24: S½NW¼ lying East of the Railroad right-of-way and E½SW¼ lying East of the Railroad right-of-way.

Section 24: NE¼ lying Southerly of the Big Lost River, and Northerly of U.S. Highway No. 93; being more particularly described as follows:

Commencing at the North One-Quarter corner of said Section 24 from which the Northwest corner of said Section 24 bears South 89°06'17" West 2664.32 feet; thence South 00°38'35" East 900.58 feet on or along the West line of the Northeast Quarter of said Section 24 to a found 5/8" rebar with plastic cap (P.L.S. #3577) lying on or along the centerline of a 66 foot wide road and utility easement, THE POINT OF BEGINNING; thence on or along said centerline South 27°52'52" East 1972.45 feet to a set 5/8" x 30" rebar with plastic cap (P.L.S. #3577) lying on or along the South line of the Northeast Quarter of said Section 24; thence leaving said easement South 89°27'02" West 903.02 feet on or along the South line of the Northeast Quarter of said Section 24 to a found rebar with aluminum cap (P.L.S. #826) marking the Center Quarter corner of said Section 24; thence North 00°37'58" West 1326.41 feet on or along the West line of the Northeast Quarter of said Section 24 to a found ½" rebar marking the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 24 (said point also being the Southeast corner of Lost River Ranches Subdivision); thence continuing on or along said West line North 00°38'35" West 425.85 feet to the point of beginning.

SUBJECT TO a 33 foot wide road and utility easement (said easement being the Southwesterly half of a 66 foot wide road and utility easement; said easement lies Southwesterly of, parallel with, and adjacent to the Northeasterly line (the first leg) of the above described tract. It being the intent of this easement to provide an access route for this tract and adjoining tracts to its intersection with Remsen Run Road, a part of Lost River Ranches Subdivision; thence along Remsen Run Road to its intersection with U.S. Highway No. 93A.

ALSO SUBJECT TO a 66 foot wide road and utility easement; said easement lies South of, parallel with, and adjacent to the North line of the Southwest Quarter of the Northeast Quarter of said Section 24, and runs from the West line of the above described tract to the East line of the above described tract (said East line being the centerline of a 66 foot wide road and utility easement). The intent of this easement is to provide a portion of an access and utility route to U.S. Highway No. 93 on or along

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the North line of the Southwest Quarter of the Northeast Quarter of said Section 24.

Tract 9

Township 6 North, Range 25 East, Boise Meridian, Custer County, Idaho

Section 24: A strip of land 4500 feet, more or less, in length and 200 feet wide consisting of those portions of the SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 24, Township 6 North, Range 25 East, Boise Meridian, Custer County, Idaho, formerly lying within the right-of-way of the Railroad Line, as described in the Judgment and Decree Quieting Title to Real Estate recorded in Custer County, Idaho as Instrument No. 190588.

Tract 10

Lots 6, 7, 8, 9, 10, 11 and 12 in Block 3 of the Townsite of Leslie, Idaho, Section 10, Township 6 North, Range 25 East, Boise Meridian, Custer County, State of Idaho, according to Record of Survey recorded as Instrument No. 222675.

ALL TRACTS SUBJECT TO All real property taxes and assessments not yet due and payable and all existing patent reservations, easements, rights-of-way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, all rights of tenants and other parties in possession, all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property;

ALL TRACTS TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging and appertaining, and together with all improvements, water and ditch rights, water licenses and permits, mineral rights, easements, hereditaments and appurtenances thereto.

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Custer County Rec. of
DuPree Law Offices, P.C.
Time 11:07 A M Date 3/3, 20 11
Barbara G. Tiemey, Clerk
Wanda Baker \$28⁰⁰
Deputy

AFTER RECORDING RETURN TO:

DuPree Law Offices, P.C.
P.O. Box 723
Rexburg, Idaho 83440

NOTICE OF OPTION TO PURCHASE

THIS NOTICE OF OPTION TO PURCHASE is made and entered into as of April 27 2011, by and between Lynn Metcalf and Velma Metcalf, husband and wife, 3816 West 4050 North, Moore, Idaho 83255 (collectively, "Grantors"), and Wight Enterprises LLC, an Idaho limited liability company, 3798 West 4050 North, Moore, Idaho 83255 ("Grantee").

Grantors and Grantee hereby give notice that they have entered into that certain Option, Agreement of even date herewith (the "Option to Purchase"), with respect to the real property located in Butte County and Custer County Idaho, and legally described in Exhibit A attached hereto and certain personal property. The option shall begin upon the death of either of the Grantors, and shall terminate 90 days after the death of either of the Grantors. All provisions of the Option to Purchase are incorporated herein. Further information with respect to the Option to Purchase may be obtained from Grantors at the following address:

Lynn Metcalf
3816 West 4050 North
Moore, Idaho 83255

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first written above.

Grantors

Lynn J. Metcalf
Lynn Metcalf

Velma J. Metcalf
Velma Metcalf

Grantee

WIGHT ENTERPRISES, LLC

Gary Wight
Gary Wight, Manager

NOTICE OF OPTION TO PURCHASE - 1

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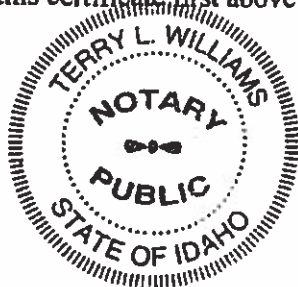
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STATE OF IDAHO)
)ss.
 County of *Butte*)

On the 27 day of April, 2011, before me, the undersigned Notary Public in and for the State of Idaho, personally appeared Lynn Metcalf and Velma Metcalf, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(seal)

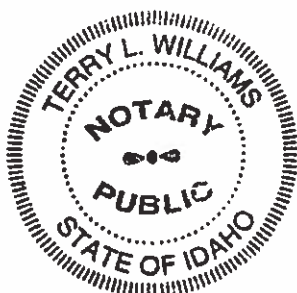


Terry L. Williams
 Notary Public for Idaho
 Residing: *Arco, Idaho*
 My Commission Expires: *1-26-2016*

STATE OF IDAHO)
)ss.
 County of *Butte*)

On the 27 day of April, 2011, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared Gary Wight, known to me to be a Manager of the limited liability company of Wight Enterprises, LLC and the manager or one of the managers who subscribed said limited liability company name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company name

(seal)



Terry L. Williams
 Notary Public for Idaho
 Residing: *Arco, Idaho*
 My Commission Expires: *1-26-2016*

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NOTICE OF OPTION TO PURCHASE EXHIBIT A

Real Property Description

The following described real property:

Butte and Custer Counties

Tract 1

Township 6 North, Range 25 East Boise Meridian, Butte and Custer Counties, Idaho

Section 2: NW $\frac{1}{4}$ SW $\frac{1}{4}$, also described as that portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 6 North, Range 25 E.B.M. lying West and South of Pass Creek in Custer County, State of Idaho, designated by Custer Assessor as Tract #10 and that portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 6 North, Range 25 E.B.M. lying North and East of Pass Creek in Butte County, State of Idaho, designated by Butte County Assessor as Tract #309.

TOGETHER WITH all water and ditch rights appurtenant to said property, including, but not limited to, to the extent appurtenant to said property, the following:

40 Miner's inches of water priority date of July 21, 1886; and
34 inches of storage water priority date of July 21, 1886.

Section 2: Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$);
SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 11: W $\frac{1}{2}$ NW $\frac{1}{4}$

EXCEPTING therefrom the following described tract: Commencing at the S.W. Corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, Township 6 North, Range 25 East, Boise Meridian, thence S. 88°54'04" E. 119.76 feet to a point of beginning, thence S. 88°54'04" E. 1,240.24 feet; thence N. 0°08'30" W. 392.50 ft.; thence S. 59°24'00" W. 506.00 ft.; thence S. 89°51'30" W. 211.00 ft.; thence N. 46°01'00" W. 511.50 ft.; thence S. 0°53'30" E. 341.50 ft.; thence S. 84°48'30" W. 87.10 ft.; thence S. 50°50'50" W. 184.30 ft.; to the point of beginning.

TOGETHER WITH all water and ditch rights appurtenant to said property, including, but not limited to, to the extent appurtenant to said property, the following:

34 Miner's inches, of the Big Lost River Irrigation District with decreed priority of May 30, 1885,
80 Miner's inches decreed priority of July 21, 1886, including the appropriate storage rights for the above described dates.

Tract 2

Township 6 North, Range 25 East Boise Meridian, Butte and Custer Counties, Idaho

Section 12: SW $\frac{1}{4}$ NW $\frac{1}{4}$;

EXCEPTING THEREFROM: A parcel of land situated in said SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T6N, R25E, B.M., Custer County, State of Idaho; more particularly described as follows:

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Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T6N, R25E, B.M.; said point lies on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence N $\angle 35^{\circ}02'$ W 414.92 feet along a fence to a point; thence N $89^{\circ}26'52''$ E 420.0 feet to a point; thence S $\angle 35^{\circ}02'$ E 414.92 feet to a point lying on the South Line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence S $89^{\circ}26'52''$ W 420.0 feet along said line to the Point of Beginning.

- Section 12: A triangular-shaped parcel of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows: Beginning at the Southeast corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence North 250 feet, more or less, to an existing fence line; thence Southwesterly along said fence line 1345 feet, more or less, to the Southwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence East along the South boundary of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1320 feet, more or less, to the point of beginning.
- Section 12: Well site in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as: Beginning at a point 486 feet South and 25 feet East of the Northwest corner of said Section 12; thence East 1 rod; thence South 1 rod; thence West 1 rod; thence North 1 rod to the Point of Beginning.

TOGETHER WITH:

The following water right:
IDWR License # 34-02421 priority date 6/6/91 - well

The following equipment:
1 US Motor, 50 hp #1251072
1 Johnston Turbine Pump, 125', #IFS264

Tract 3

Township 6 North, Range 25 East Boise Meridian, Butte and Custer Counties, Idaho.

Section 12: SE $\frac{1}{4}$ NW $\frac{1}{4}$.

- Section 12: A triangular-shaped parcel of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows: Beginning at the Southwest corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence North along the West boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 250 feet, more or less, to an existing fence corner; thence in a Southeasterly direction, along said fence line, 1345 feet, more or less, to the Southeast corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence West 1320 feet, more or less, to the point of beginning.

Custer County

Tract 4

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

- Section 12: A parcel of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T6N, R25E, B.M.; said point lies on the south line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12; thence N $\angle 35^{\circ}02'$ W 414.92 feet along a fence to a point; thence N $89^{\circ}26'52''$ E 420.0 feet to a point; thence S $\angle 35^{\circ}02'$ E 414.92 feet to a point lying on the South Line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12; thence S $89^{\circ}26'52''$ W 420.0 feet along said line to the Point of Beginning.

EXCEPTING THEREFROM a parcel described as follows: Beginning at a point that is North 0.05 feet and East 5.56 feet from the Southwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12, T6N, R25E, B.M.; said point lies on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$,

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Section 12; thence N $135^{\circ}02'$ W 207.46 feet along a fence to a point; thence N $89^{\circ}26'52''$ E 210.00 feet to a point; thence S $135^{\circ}02'$ E 207.46 feet to a point lying on the South line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 12; thence S $89^{\circ}26'52''$ W 210.00 feet along said line to the Point of Beginning: Containing 1.0 acres, more or less.

Tract 5

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Tract 6

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 10: E $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 10: SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying North and East of the OSLRR right of way excepting therefrom only the town site of Leslie.

Section 10: Beginning at the Southwest corner of the town site of Leslie on the North side of the county road in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10; thence Northwest 1,734 feet along the boundary line of the county road to a point where said road crosses the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said section; thence East 1,708 feet to private land which is along the section line common to the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said section; thence South 816 feet more or less to the point of beginning.

Section 10: Those portions of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) formerly lying within the right-of-way of the railroad line.

Section 10: A parcel of land being generally described as a portion of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) lying northeasterly of the Union Pacific Railroad right-of-way; being more particularly described as: Beginning at a point which is the Northwest corner of the Northeast quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10 of Township 6 North of Range 25 East of the Boise Meridian, Custer County, Idaho, and said corner believed to be bearing North $89^{\circ}35'32''$ East, a distance of 1334.58 feet west of the West one-quarter corner of Section 11; thence the following course and distances: North $89^{\circ}35'32''$ East, a distance of 785.12 feet; thence South $00^{\circ}33'06''$ East a distance of 518.16 feet; thence North $65^{\circ}10'14''$ West a distance of 869.00 feet; thence North $00^{\circ}33'06''$ West a distance of 147.65 feet to the true point of beginning.

Tract 7

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 12: N $\frac{1}{4}$ SW $\frac{1}{4}$.

TOGETHER WITH all water and ditch rights appurtenant to said property, including but not limited to, to the extent appurtenant to said property, the following:

40 inches of Decreed Water - Big Lot River Irrigation District - Priority 6/30/87
40 inches of Decreed Water - Big Lot River Irrigation District - Priority 6/30/91
80 inches of Decreed Water - Big Lot River Irrigation District -

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Priority 6/1/89
3180 inches of storage.

Tract 8

Township 6 North, Range 25 East Boise Meridian, Custer County, Idaho

Section 24: SE¼

SUBJECT TO AND EXCEPTING THEREFROM the tract heretofore conveyed to the Oregon Short Line Railroad Company for right of way of approximately 1.00 acre; also the tract heretofore conveyed for Highway purposes of approximately 1.00 acre.

ALSO EXCEPTING THEREFROM a tract of land generally described as being a portion of the Southeast Quarter of Section 24 Township 6 North, Range 25 East, Boise Meridian, Custer County, State of Idaho, lying Northeasterly of the Big Lost River, and Northerly of U.S. Highway No. 93; being more particularly described as follows:

Beginning at a G.L.O. brass cap monument marking the East Quarter corner of Section 24, Township 6 North, Range 25 East, Boise Meridian; from which a rebar with aluminum cap marking the Southeast corner of said Section 24 bears South 00°42'46" East 2664.16 feet; thence South 00°42'41" East 1300.14 feet on or along the East line of the Southeast Quarter of said Section 24 to a found 5/8" rebar witness corner lying Northerly of the Big Lost River; thence continuing along said East line South 00°43'33" East 74.99 feet to a point lying on or along the centerline of the Big Lost River; thence the following courses upstream on or along the centerline of the Southwesterly channel of the Big Lost River; North 66°39'31" West 27.04 feet to a point; thence North 49°52'47" West 116.90 feet to a point; thence North 54°33'26" West 68.82 feet to a point; thence North 14°09'37" West 38.72 feet to a point; thence North 34°02'44" West 94.45 feet to a point; thence North 27°04'07" West 108.78 feet to a point; thence North 30°50'11" West 43.64 feet to a point; thence North 35°28'31" West 90.55 feet to a point; thence North 36°50'26" West 120.54 feet to a point; thence North 12°20'15" West 85.71 feet to a point; thence North 25°05'47" West 97.81 feet to a point; thence North 24°28'03" West 52.36 feet to a point; thence North 51°59'15" West 111.62 feet to a point; thence North 71°58'30" West 146.77 feet to a point; thence North 52°31'08" West 166.37 feet to a point; thence North 35°41'03" West 124.88 feet to a point; thence North 61°29'06" West 99.83 feet to a point; thence North 53°39'25" West 172.95 feet to a point; thence North 06°29'40" West 85.49 feet to a point; thence North 13°39'16" East 45.57 feet to a point lying on or along the North line of the Southeast Quarter of said Section 24; thence leaving said centerline North 89°27'02" East 1151.24 feet on or along said North line to the point of beginning.

Section 24: S½NW¼ lying East of the Railroad right-of-way and E½SW¼ lying East of the Railroad right-of-way.

Section 24: NE¼ lying Southerly of the Big Lost River, and Northerly of U.S. Highway No. 93; being more particularly described as follows:

Commencing at the North One-Quarter corner of said Section 24 from which the Northwest corner of said Section 24 bears South 89°06'17" West 2664.32 feet; thence South 00°38'35" East 900.58 feet on or along the West line of the Northeast Quarter of said Section 24 to a found 5/8" rebar with plastic cap (P.L.S. #3577) lying on or along the centerline of a 66 foot wide road and utility easement, THE POINT OF BEGINNING; thence on or along said centerline South 27°52'52" East 1972.45 feet to a set 5/8" x 30" rebar with plastic cap (P.L.S. #3577) lying on or along the South line of the Northeast Quarter of said Section 24; thence leaving said easement South 89°27'02" West 903.02

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feet on or along the South line of the Northeast Quarter of said Section 24 to a found rebar with aluminum cap (P.L.S. #826) marking the Center Quarter corner of said Section 24; thence North 00°37'58" West 1326.41 feet on or along the West line of the Northeast Quarter of said Section 24 to a found ½" rebar marking the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 24 (said point also being the Southeast corner of Lost River Ranches Subdivision); thence continuing on or along said West line North 00°38'35" West 425.85 feet to the point of beginning.

SUBJECT TO a 33 foot wide road and utility easement (said easement being the Southwesterly half of a 66 foot wide road and utility easement; said easement lies Southwesterly of, parallel with, and adjacent to the Northeasterly line (the first leg) of the above described tract. It being the intent of this easement to provide an access route for this tract and adjoining tracts to its intersection with Remsen Run Road, a part of Lost River Ranches Subdivision; thence along Remsen Run Road to its intersection with U.S. Highway No. 93A.

ALSO SUBJECT TO a 66 foot wide road and utility easement; said easement lies South of, parallel with, and adjacent to the North line of the Southwest Quarter of the Northeast Quarter of said Section 24, and runs from the West line of the above described tract to the East line of the above described tract (said East line being the centerline of a 66 foot wide road and utility easement). The intent of this easement is to provide a portion of an access and utility route to U.S. Highway No. 93 on or along the North line of the Southwest Quarter of the Northeast Quarter of said Section 24.

Tract 9

Township 6 North, Range 25 East, Boise Meridian, Custer County, Idaho

Section 24: A strip of land 4500 feet, more or less, in length and 200 feet wide consisting of those portions of the SE¼, S½NW¼ and E½SW¼, Section 24, Township 6 North, Range 25 East, Boise Meridian, Custer County, Idaho, formerly lying within the right-of-way of the Railroad Line, as described in the Judgment and Decree Quietening Title to Real Estate recorded in Custer County, Idaho as Instrument No. 190588.

Tract 10

Lots 6, 7, 8, 9, 10, 11 and 12 in Block 3 of the Townsite of Leslie, Idaho, Section 10, Township 6 North, Range 25 East, Boise Meridian, Custer County, State of Idaho, according to Record of Survey recorded as Instrument No. 222675.

ALL TRACTS SUBJECT TO All real property taxes and assessments not yet due and payable and all existing patent reservations, easements, rights-of-way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, all rights of tenants and other parties in possession, all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property;

ALL TRACTS TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging and appertaining, and together with all improvements, water and ditch rights, water licenses and permits, mineral rights, easements, hereditaments and appurtenances thereto.

CONTRACT OF AGREEMENT

To Whom It May Concern,

Paul Lanier and Marianne Lanier have entered into an agreement with Gary Wight concerning water rights 34-322, 34-323 and 34-2421. Water rights 34-322 and 34-323 are surface water rights from the Big Lost River and are currently owned by Paul Lanier and Marianne Lanier. The Idaho Department of Water Resources currently lists the owner of ground water right 34-2421 as Lynn Metcalf and Velma Metcalf. Water right 34-2421 has been purchased by Gary Wight and the ownership change will soon be reflected on the Idaho Department of Water Resources database.

34-322	Priority date: 7/21/1886	0.8 cfs		40.0 acres
34-323	Priority date: 6/1/1889	0.8 cfs		70.0 acres
	Total	1.6 cfs		70.0 acres
34-2421	Priority date: 6/06/1961	1.28 cfs	224 afa	64.0 acres

It is agreed that Paul and Marianne Lanier will transfer the entire 70.0 acres of 34-322 and 34-323 off of the current authorized place of use. A 6.0 acre portion of 34-322 and 34-323 will not be required to be stacked with any other water rights. A 32.0 acre portion of 34-322 and 34-323 will not be required to be stacked with any other water rights. A 32.0 acre portion of 34-322 and 34-323 must be stacked with an existing ground water or surface water right (other than Big Lost River Irrigation District rights).

It is agreed that Gary Wight will not be required to stack a 32.0 acre portion of 34-2421 with any other water right. A 32.0 acres portion of 34-2421 must be stacked with an existing ground water or surface water right (other than Big Lost River Irrigation District rights).

By performing the above actions, the parties involved will ensure that no enlargement of the original 70.0 acres under water rights 34-222, 34-323 and 34-1421 will occur.

Upon the execution of this agreement, and the completion of the obligations created by this agreement, the parties hereto hereby fully release and discharge each other, their assigns, successors in interest, representatives, insurers, agents, employees, attorneys and predecessors in interest, of any and all claims, actions, causes of action and liability

AMENDED

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of any and all kinds each to the other arising from or in any way relating to or connecting with the water rights listed above.

Paul Lanier

Paul M. Lanier

Date: 6/24/15

Marianne Lanier

Marianne Lanier

Date: 6/24/15

Gary Wight

Gary Wight

Date: 6-24-15

AMENDED

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