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FEB 06 2015
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

79815

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Wight Enterprises LLC Phone (208)690-9455
Mailing address 3946 E 100 N Email gary@wightfarms.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of Applicant or Authorized Representative

Gary Wight owner
Print Name and Title if applicable

2-6-2015
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 _____
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**.
This transfer proposes to change the place of use for water rights 34-2442, 34-10736 & 34-10737 to reflect current irrigation practices. A change of ownership is also requested for all 3 water rights.

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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 ☒ ☐	34-2442	2 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	34-10736	0.65 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	34-10737	3.52 cfs	Irrigation	05/01 to 10/15	Big Lost River to Sinks
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐		4.64		to	

Total authorized under rights ~~4.06~~ cfs and/or N/A acre-feet.

2. Total amount of water proposed to be transferred or changed ~~4.06~~ cubic feet per second and/or N/A acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	24			15.5					31.5	16.5				18	36.5	34.5	26.5	179
Total Acres (for irrigation use)																			179

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:

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
It will be dry.

- 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:

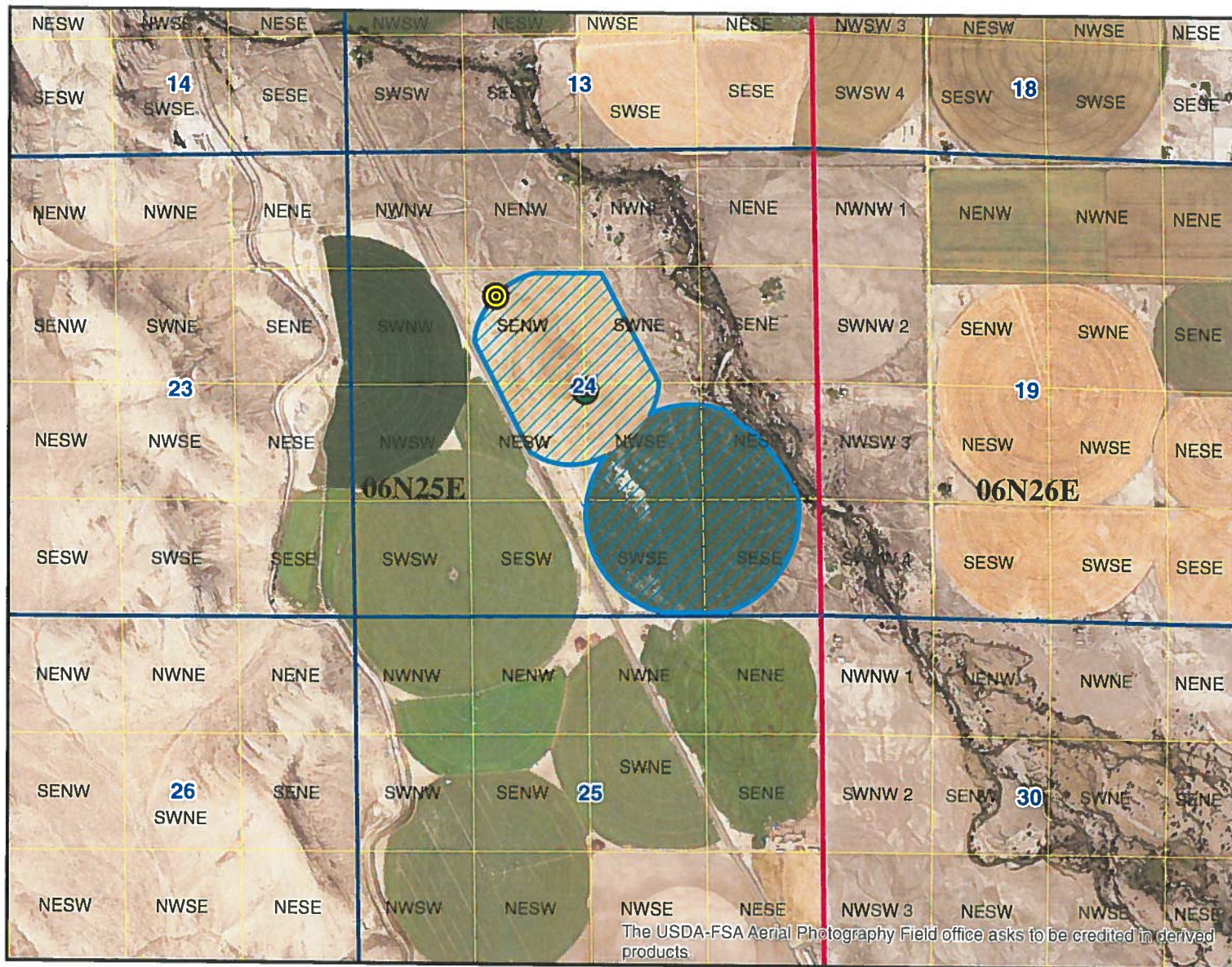
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

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?

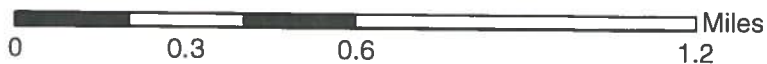
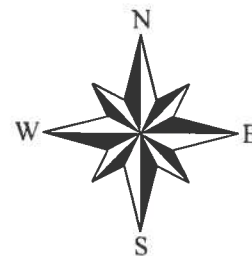
If yes, describe:

Proposed Place of Use



Legend

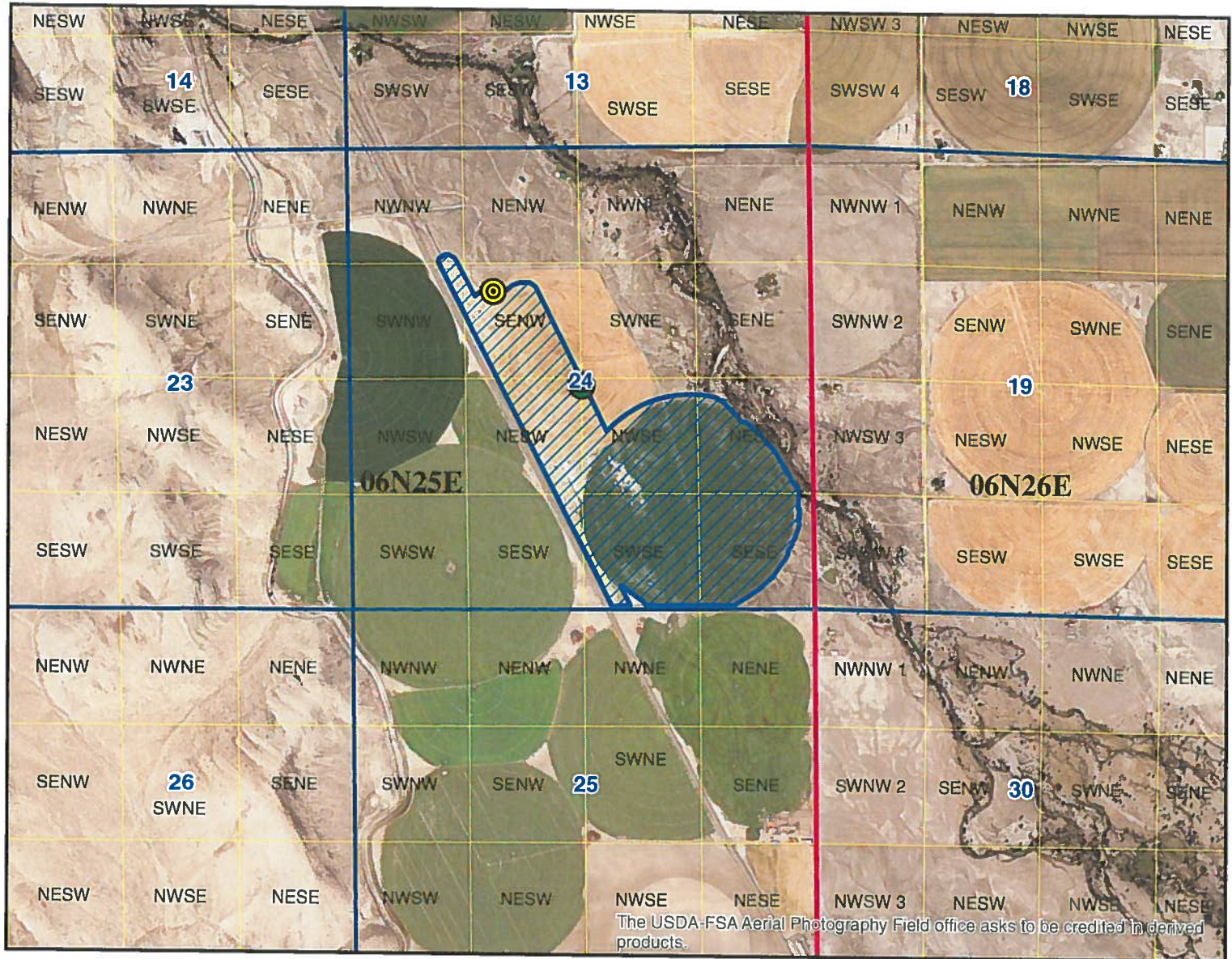
-  34-10737 Point of Diversion
-  34-2442 & 34-10736 Point of Diversion
-  34-2442, 34-10736 & 34-10737 Place of Use
-  Township/Range
-  Sections
-  QQ



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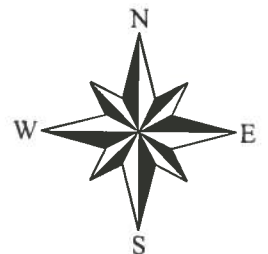
Imagery: 2013 NAIP
Idaho Department of Water Resources
Map Prepared by Heather Bohac, January 8, 2015

Current Place of Use



Legend

- 34-10737 Point of Diversion
- 34-2442 & 34-10736 Point of Diversion
- 34-2442, 34-10736 & 34-10737 Place of Use
- Township/Range
- Sections
- QQ



0 0.3 0.6 1.2 Miles

NO. 0052205
RECORDED

249795

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
Russell [Signature]

Custer County Rec. of
Titleone Corp
Time 1:17 P.M. Date 12-23, 2014
Barbara C. Tierney, Clerk
C. [Signature] Deputy 24

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:

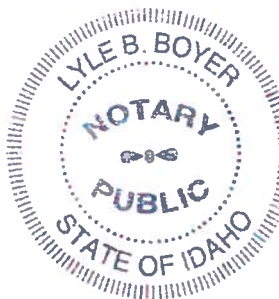
Velma L. Metcalf
Velma L. Metcalf, Trustee of the
Lynn and Velma Metcalf Trust

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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: Arco, ID
My Commission Expires: 6-5-2015

EXHIBIT AReal 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,

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 $\frac{1}{4}$.

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 $^{\circ}$ 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 $\frac{1}{2}$ 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

feet to a point; thence North $13^{\circ}39'16''$ 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 $89^{\circ}27'02''$ East 1151.24 feet on or along said North line to the point of beginning.

Section 24: $S\frac{1}{2}NW\frac{1}{4}$ lying East of the Railroad right-of-way and $E\frac{1}{2}SW\frac{1}{4}$ lying East of the Railroad right-of-way.

Section 24: $NE\frac{1}{4}$ 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 $89^{\circ}06'17''$ West 2664.32 feet; thence South $00^{\circ}38'35''$ 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 $27^{\circ}52'52''$ East 1972.45 feet to a set $5/8'' \times 30''$ 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 $89^{\circ}27'02''$ 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 $00^{\circ}37'58''$ West 1326.41 feet on or along the West line of the Northeast Quarter of said Section 24 to a found $1/2''$ 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 $00^{\circ}38'35''$ 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

249795

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.

244048

Custer County Rec. of
DuPree Law Offices, PC

Time 11:07 A M Date 3/3, 20 11

Barbara G. Tierney, Clerk
Lynn 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

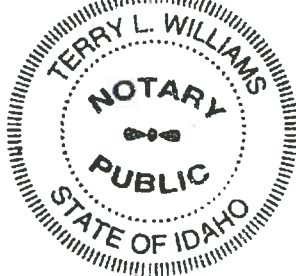
79815

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)

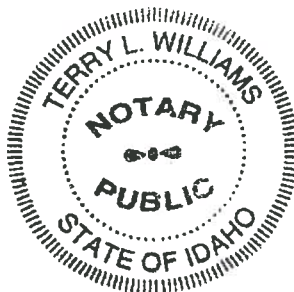


Terry L. Williams
 Notary Public for Idaho
 Residing: Arco, Idaho
 My Commission Expires: 1-26-2014

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: 1-26-2014

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:

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.

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 $1^{\circ}35'02''$ 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°35'02" W 207.46 feet along a fence to a point; thence N 89°26'52" E 210.00 feet to a point; thence S 1°35'02" E 207.46 feet to a point lying on the South line of the SW¼NW¼, Section 12; thence S 89°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: SE¼SE¼

Tract 6

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

Section 10: E½NE¼;

Section 10: SW¼NE¼ 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 SE¼NW¼ 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 NW¼NW¼ of said section; thence East 1,708 feet to private land which is along the section line common to the SW¼NE¼ and SE¼NW¼ 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 ((NW¼NW¼), the Northwest Quarter of the Southeast Quarter (NW¼SE¼), the Southwest Quarter of the Northwest Quarter (SW¼NW¼), the Southeast Quarter of the Northwest Quarter (SE¼NW¼), and the Northeast Quarter of the Southeast Quarter (NE¼SE¼) 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 (NE¼SE¼) 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 (NE¼SE¼) 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: N¼SW¼.

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 -

NOTICE OF OPTION TO PURCHASE - 5

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 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 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.

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

1/8/2015

WATER RIGHT NO. 34-2442

<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: 02/13/1962

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	2 CFS	
Total Diversion			2 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWSE|Sec. 24|Township 06N|Range 25E|CUSTER County

IRRIGATION Use:

Acre Limit: 100

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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	24		SWNW	2		SESW	20						
				NESW	20		SESW	4						
				NESE	20		NWSE	35		SWSE	40		SESE	38

Total Acres: 179

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-10736 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 553 AF. USE OF THIS RIGHT WITH RIGHT NOS. 34-10736 AND 34-10737 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.64 CFS.
2. USE OF THIS RIGHT WITH RIGHT NOS. 34-10736 AND 34-10737 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 179 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 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.
4. RIGHT NO. 34-10736 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE. RIGHT NO. 34-10736 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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:

79815

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:
Combined Volume Limit: 553
Combined Rate Limit: 2
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

79815

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

1/8/2015

WATER RIGHT NO. 34-10736

<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: 04/01/1978

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	0.65 CFS	
Total Diversion			0.65 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWSE|Sec. 24|Township 06N|Range 25E|CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

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Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	25E	24		SWNW	2		SESW	20						
				NESW	20		SESW	4						
				NESE	20		NWSE	35		SWSE	40		SESE	38

Total Acres: 179

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 34-02442 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 626.5 AF. USE OF THIS RIGHT WITH RIGHT NOS. 34-02442 AND 34-10737 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.64 CFS. THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
2. C11 ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. USE OF THIS RIGHT WITH RIGHT NOS. 34-02442 AND 34-10737 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 179 ACRES IN A SINGLE IRRIGATION SEASON.
4. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 34-02442 PURSUANT TO SECTION 42-1426, IDAHO CODE.
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. RIGHT NO. 34-02442 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. THIS RIGHT IS FOR AN ENLARGEMENT OF 58 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

79815

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:

Combined Volume Limit: 553

Combined Rate Limit: 2

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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/8/2015

WATER RIGHT NO. 34-10737

<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
Original Owner	COLUMBIA TRUST CO
	, ID
Original Owner	JOHN DAVIDSON
	8104 DANSKIN LN
	MERIDIAN, ID 83642

Priority Date: 10/24/1907

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	3.52 CFS	
Total Diversion			3.52 CFS	

Location of Point(s) of Diversion:

BIG LOST RIVER|N|WSE|NW|Sec. 24|Township 06N|Range 25E|CUSTER County

IRRIGATION Use:
Acre Limit: 176

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	24		SWNW	2		SENW	20						
				NESW	20		SESW	4						
				NESE	20		NWSE	35		SWSE	40		SESE	38

Total Acres: 179

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 NOS. 34-02442 AND 34-10736 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.64 CFS.
3. USE OF THIS RIGHT WITH RIGHT NOS. 34-02442 AND 34-10736 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 179 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 176 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00167 AND 34-00217B.

Dates:

Licensed Date:

Decreed Date: 12/14/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

79815

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: 179
Combined Volume Limit:
Combined Rate Limit: 4.64
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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