

RECEIVED
FEB 27 2014
Department of Water Resources
Eastern Region

Rev 07.13

79170

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Hank Povey Phone 208 747 3529
Mailing address 398 E 200 S Clifton ID 83228 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.

Hank Povey Hank Povey 2-27-14
Signature of Applicant or Authorized Representative Print Name and Title if applicable 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.
- Putting in a new well and moving supplemental groundwater to a different POU.

AMENDED

79170

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 ☒ ☐	13-7476	0.43	Irrigation	4-15 to 10-15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.43 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.43 cubic feet per second and/or _____ acre-feet per annum.

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 #
Yes			SW	NW	22	14S	38E	Franklin	Ground Water	

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	
14S	38E	22							30.5			4.8							35.3
14S	38E	21				3.3													3.3
Total Acres (for irrigation use)																			38.6

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:

A new well, pump, and mainline connected to wheel lines and hand lines.

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **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: No

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

It will continue to be watered with Twin Lakes Irrigation and Clifton Irrigation shares as well as supplemental right 13-2224.

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

The existing POU has shares from Twin Lakes Irrigation and Clifton Irrigation, which combine to provide 90% of an inch/acre. 13-2224 is a supplemental right at the existing POU.

The proposed POU is served by Clifton Canal water, which provides ~0.50 inch/acre.

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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.

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:

At the existing place of use the supplemental right is used all irrigation season, from both Twin Lakes and Clifton canals. The availability and reliability of the primary rights depend on the year but are generally 0.02 cfs/acre. At the existing place of use, I have 0.90 shares/acre when the Clifton and Twin Lakes water is combined. 13-2224 is a supplemental right that waters all of the existing place of use.

The proposed POU has roughly 0.50 inch/acre from Clifton Irrigation.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

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

3/5/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANK POVEY 398 E 200 S CLIFTON, ID 83228 (208)747-3529

Status: Active

Tributary

Sec. 27, Twp 14S, Rge 38E, FRANKLIN County

[illegible]

1.	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.
2.	104	If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3.	R59	This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4.		This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 647.5 af at the field headgate for the lands above.

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/5/2014

Proof of Beneficial Use Rcvd

Dates and Other Information

Licensed Date: 8/2/2002

Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

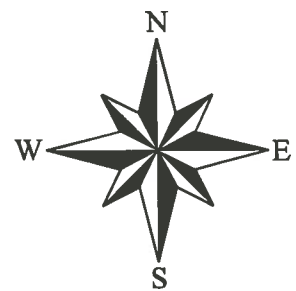
N/A

Povey Place of Use and Point of Diversion Transfer



Legend

- Existing 13-7476 POD
- Proposed Point of Diversion
- Existing 13-7476 POU
- POU to be Transferred
- Proposed Place of Use
- Township/Range
- Sections
- QQ



0 0.125 0.25 0.5 Mile

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79170**RECEIVED****MINIMUM REQUIREMENTS CHECKLIST**TO BE SUBMITTED WITH APPLICATION FOR TRANSFER **FEB 27 2014**

Department of Water Resources

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

Name of Applicant(s) Hank Povey**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

79170**AMENDED**

RECEIVED

FEB 14 2014

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

Name of Applicant(s) Hank Porey Phone 208-747-3529
 Mailing address 398 E 200 S. Clifton ID 83228 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.

Hank Porey HANK POREY 2-14-14
 Signature of Applicant or Authorized Representative Print Name and Title if applicable 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**.

putting in new well and moving groundwater to different place
of use.

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 ☒	13-7476		Irrigation	4-15 to 10-15	Ground water
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	
☐				to	

Total authorized under rights 2.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.43 cubic feet per second and/or _____ acre-feet per annum.

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 #
42		SW	NW		22	14S	38E	Franklin	Groundwater	

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	
14S	38E	22							30.5				4.8						35.3
		21				3.3													3.3

Total Acres (for irrigation use) 38.6

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:

Wall and Mainlines

- b. Who owns the property at the point(s) of diversion? _____
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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Add Supplemental water

- e. 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:

Chf. Irrigation

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

2/14/2014

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HANK POVEY 398 E 200 S CLIFTON, ID 83228 (208)747-3529

Status: Active

Tributary

Volume

Sec. 27, Twp 14S, Rge 38E, FRANKLIN County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	38E	23									40.0	38.0				2.0			80.0
14S	38E	26					39.0	39.0											78.0
14S	38E	27	27.0																27.0

POU Total Acres: 185.0

1.	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.
2.	104	If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
3.	R59	This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4.		This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 647.5 af at the field headgate for the lands above.

Proof of Beneficial Use Rcvd

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.

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:

Ground water by Twin Lake Canal Company as early as July 1st.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date 2/14/14

Preliminary check by _____ Date _____

Fee paid 500- Date 2/14/14

Received by SL Receipt # E039537

Add'l fee paid _____ Date _____

Received by _____ Receipt # _____

238893 1-4

WATER RIGHT AGREEMENT

THIS AGREEMENT is made and entered into this 28th day of ~~July~~ ^{August}, 2007, by and between Leonard A. & Lorraine F. Povey, husband and wife, of 115 E. 200 N., Clifton, Idaho 83228, referred to hereafter as "FIRST PARTY", and HM Povey Farms, LLC, an Idaho Limited Liability Company, of 398 E. 200 S., Clifton, Idaho 83228, referred to hereafter as "SECOND PARTY",

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States, in hand paid by SECOND PARTY to FIRST PARTY, the mutual covenants and agreements herein contained, and other good and valuable consideration, receipt whereof is hereby acknowledged by FIRST PARTY, the parties hereto agree as follows:

1. FIRST PARTY is the record title holder of the following described real property situate in the County of Franklin, State of Idaho, to wit:

Commencing at the Northwest corner of the Southwest quarter of Section 23, Township 14 South, Range 38 East of the Boise Meridian, and running South $27\frac{1}{2}$ rods, thence Easterly by North 80 rods, thence North 9 rods, thence West 80 rods to the place of beginning.

Also, commencing at the Northeast corner of the Southwest quarter of said Section 23, and running thence West 80 rods; thence South 27.75 rods; thence East to the West line of the right-of-way heretofore conveyed to the Oregon Short Line Railroad Company; thence Northwesterly along the West line of said railroad right-of-way to a point due East of the place of beginning; thence West to the place of beginning.

Also, commencing at the Southwest corner of the Northeast quarter of the Southwest Quarter of said Section 23, thence North $52\frac{1}{4}$ rods; thence East 92 rods, more or less, to the East line of the County Road, thence Southeasterly to a point which is $96\frac{1}{4}$ rods East of the place of beginning, thence West $96\frac{1}{4}$ rods to the place of beginning, excepting the right-of-way of the Oregon Short Line Railroad.

Also, commencing 9 rods South of the Northwest corner of the Northeast quarter of the Southwest quarter of said Section 23, thence

238893 2-14

South 9.25 rods, thence West 40 rods, thence Northeasterly 41 rods,
more or less, to the place of beginning.

2. Hank Povey, managing member of SECOND PARTY, is the record holder of Water Right License No. 13-07476, which is appurtenant of record, in part, to the above described real property of FIRST PARTY.
3. FIRST PARTY intends to sell some of FIRST PARTY's real property, including the above described portion thereof to which the portion of Water Right License, No. 13-07476, as stated above, is appurtenant of record. The parties agree that all of Water Right No. 13-07476 belongs to SECOND PARTY, including the portion referenced above which is appurtenant of record to the above described parcel of land of FIRST PARTY, and shall be specifically severed from the above described property of FIRST PARTY, and excluded from any sale of FIRST PARTY's property described above and reserved to SECOND PARTY. Further, the parties agree that SECOND PARTY shall have the right to apply to the Idaho Department of Water Resources for a transfer under the provisions of Idaho Code, Section 42-108 and 42-222, in order to change the place of use of the portion of said right referenced herein, or any other aspect of said right, and this agreement constitutes FIRST PARTY's formal consent thereto and agreement to cooperate fully in every needed way to assist SECOND PARTY in accomplishing SECOND PARTY's objectives with respect thereto.
4. This agreement shall be binding upon and inure to the benefit of the parties to this agreement and their respective heirs, agents, representatives, successors in interest and assigns.

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

238893 3-4

FIRST PARTY:

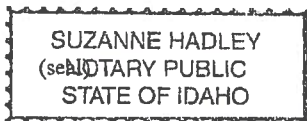
Leonard A. Povey
Leonard A. Povey

Lorraine F. Povey
Lorraine F. Povey

STATE OF IDAHO)
County of Franklin)ss.

On this 23rd day of July, 2007, before me a notary public in and for said State, personally appeared Leonard A. Povey and Lorraine F. Povey known or identified to me (or proved to me on the oath of Leonard A. Povey and Lorraine F. Povey) 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.



Suzanne Hadley
Notary Public for Idaho
Residing at: Swan Lake ID
My commission expires: 8-11-09

238893 4-4

SECOND PARTY:

HM POVEY FARMS, LLC

Hank Povey

By: Hank Povey
Its: Managing Member

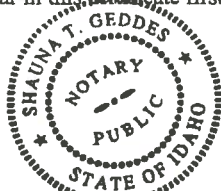
STATE OF IDAHO)

County of Franklin)ss.

On this 28th August day of July, 2007, before me a notary public in and for said State, personally appeared Hank Povey known or identified to me (or proved to me on the oath of Hank Povey) to be the managing member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company 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)



G:\WP\DATA\KWP\4328 JON POVEY Farms Agreement.wpd.cdlv

Shauna T. Geddes

Notary Public for Idaho
Residing at: DRESDEN, ID
My commission expires: 11-16-12

Recorded at the request of

Hank Povey

 a.m. AUG 28 2007 p.m. 1:40

V. ELLIOTT LARSEN, RECORDER
By Camille L. Lusk Deputy
FRANKLIN COUNTY, IDAHO

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No. W 2127	Due no later than Feb 28, 2014 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. HM POVEY FARMS, LLC HENRY N POVEY 398 E 200 S CLIFTON ID 83228		HENRY N POVEY 398 EAST 200 SOUTH CLIFTON ID 83228			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MEMBER	HENRY N POVEY	398 EAST 200 SOUTH	CLIFTON	ID	USA	83228
MEMBER	MELANIE POVEY	398 EAST 200 SOUTH	CLIFTON	ID	USA	83228
5. Organized Under the Laws of: ID W 2127		6. Annual Report must be signed.* Signature: Henry Povey Name (type or print): Henry Povey Date: 12/19/2013 Title: Member				
Processed 12/19/2013		* Electronically provided signatures are accepted as original signatures.				