

RECEIVED

MAY 30 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78750**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

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

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

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #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 <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) 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: Trade with Patterson - Agreement on file with IDWR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78750

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) PKD Properties, LC & TLD Properties, L.L.C. Phone 208-312-4800

Mailing address 1404 East 500 North, Jackson, ID 83350 Email paul@circledfarms.us

- ☐ 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 William A. Parsons Phone 208-878-8382

Mailing address Box 910, Burley, ID 83318 Email wparsons@pmt.org

- ☐ 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 of Applicant or Authorized Representative

Paul Duncan, Member
Print Name and Title if applicable

5-3-13
Date


Signature of Applicant or Authorized Representative

Taylor Duncan, Member
Print Name and Title if applicable

5-3-13
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**.

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 ☒ ☐	45-7182	6.4	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights _____ cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed _____ 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 #

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	
12S	21E	7									40	38.5	38.5	40	40	40	40	40	317
12 S	21E	19															3.0	~~3.0~~	3.0

Total Acres (for irrigation use) 320

PER 8/8/13 E-MAIL FROM
WILLIAM PARSONS
AND TO MATCH MAP

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: _____

well, mainline, pump panel as now exists Section 19, Township 12 South, Range 21 East Boise Meridian

- 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: _____

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:

This is an exchange of land with Russell V. Patterson and Lisa Patterson, agreement on file with IDWR. Now Pattoo LLP
(SEE ATTACHED DEED)

- 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:

None

- 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: _____

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-7182

WATER RIGHT NUMBER: 45-7182

<u>Owner Type</u>	<u>Name and Address</u>
Security Interest	RUTH BEUKERS 711 RIVER VIEW DR TWIN FALLS, ID 83301 (208)324-8618
Security Interest	JOHN BEUKERS 711 RIVER VIEW DR TWIN FALLS, ID 83301 (208)324-8618
Current Owner	PKD PROPERTIES LC 1404 E 500 N JACKSON, ID 83350 (208)436-1214
Current Owner	TLD PROPERTIES LLC 1404 E 500 N JACKSON, ID 83350

Priority Date: 07/22/1974

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	6.400 CFS	
	<u>Total Diversion:</u>	6.400 CFS	

Location of Point(s) of Diversion

GROUND WATER

CASSIA County

SW1/4SW1/4SE1/4

Sec. 19, Twp 12S, Rge 21E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	30	40.0	40.0	40.0	40.0													320.0

Total Acres: 320

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

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.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

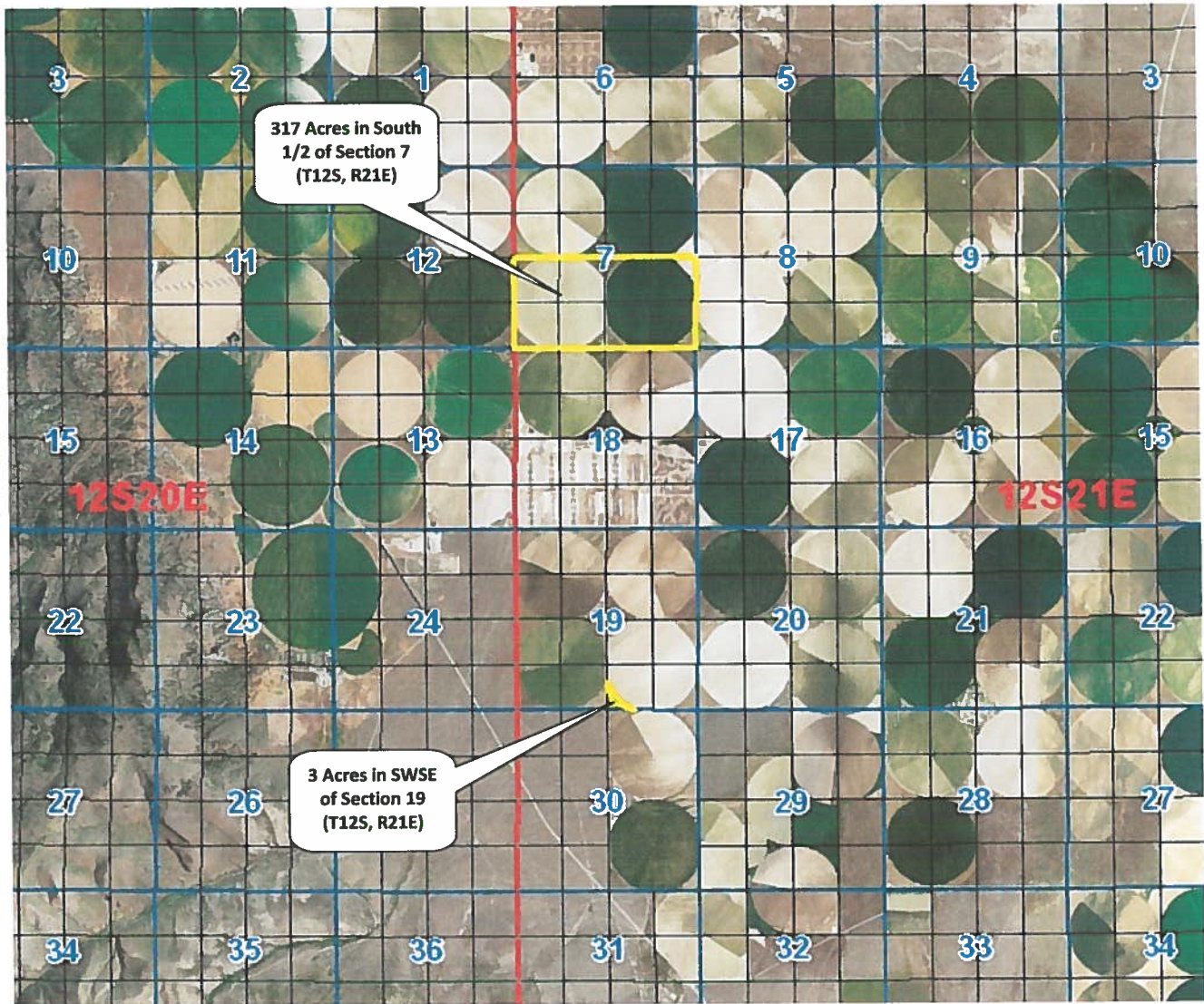
Transfer contains 6 pages and _____ attachments.

Received by P. SKINNER Date 5/30/13 Prelim. Check by P. SKINNER Date 5/30/13

Fee Paid \$ 980.00 Date 5/30/13 Received by P. SKINNER Receipt # 5033284

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

Proposed 45-7182 Place of Use





CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED EFFECTIVE

11 JAN 28 AM 8:48

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

T.L.D. PROPERTIES, LLC

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

1404 EAST 500 NORTH, JACKSON, IDAHO 83350

(Street Address)

(Mailing Address, if different than street address)

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

TAYLOR DUNCAN

(Name)

1404 EAST 500 NORTH, JACKSON, IDAHO 83350

(Street Address)

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

Name

Address

TAYLOR DUNCAN

1404 EAST 500 NORTH, JACKSON, IDAHO 83350

LAURA DUNCAN

1404 EAST 500 NORTH, JACKSON, IDAHO 83350

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

1404 EAST 500 NORTH, JACKSON, IDAHO 83350

6. Future effective date of filing (optional):

Signature of a manager, member or authorized person.

Signature Taylor Duncan

Typed Name: TAYLOR DUNCAN

Signature _____

Typed Name: _____

Secretary of State use only

IDAHO SECRETARY OF STATE
01/28/2011 05:00
CK: 22246 CT: 3700 IN: 1257447
1 @ 100.00 = 100.00 ORGAN LLC # 2

W100005

cert_org_llc Rev. 07/2010

FILED **ARTICLES OF ORGANIZATION**
LIMITED LIABILITY COMPANY

90 JUL 23 AM 9:13

(Instructions on back of application)

STATE OF IDAHO



1. The name of the limited liability company is: PKD Properties, L.C.
2. The address of the initial registered office is: 750 East 100 South, Rupert, Idaho 83350
(not a PO Box)
and the name of the initial registered agent at that address is: Paul H. Duncan
Signature of registered agent : _____
3. The latest date certain on which the limited liability company will dissolve: January 1, 2040
4. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Paul H. Duncan

750 East 100 South, Rupert, Idaho 83350

Kathy Fisher Duncan

750 East 100 South, Rupert, Idaho 83350

6. Signature of at least one person listed in #5 above:

Paul H. Duncan
Kathy Fisher Duncan

IDAHO SECRETARY OF STATE

07/23/1999 09:00
CK: 43819 CT: 79744 DN: 236166

1 @ 100.00 = 100.00 ORGAN LLC # 3

g:\corp\Normal.LLC1 pm6 Revised 8/96

W9370

CONSENT

The undersigned has a Mortgage Lien on the property in Cassia County, Idaho described as East 1/2 of Section 30, Township 12 South, Range 21 E.B.M. owned by **PKD Properties, L.C.** and **T.L.D. Properties, LLC**. Said owners are proposing trading that parcel for the South 1/2 of Section 7, Township 12 South, Range 21 E.B.M. Cassia County, Idaho, upon approval of the Idaho Department of Water Resources to change the place of use of the respective Water Rights. Each party would retain the Water Rights appurtenant to their respective parcels with only the place of use being changed.

The undersigned gives consent to the said owners to apply to the Idaho Department of Water Resources for the approval of the change in the place of use of the Water Right appurtenant to the said parcel proposed to be traded as reflected in the records of the Idaho Department of Water Resources applicable to said real estate.

This Consent is expressly on the condition that if the Application for the change in place of use of the water is approved that the owners would execute an appropriate Mortgage Modification approved by the undersigned to include the acquired parcel with appurtenant Water Right for use thereon.

DATED this 17 day of December 2012.


C. GORDON LUKE


EOLA D. LUKE

CONSENT

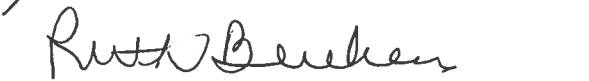
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The undersigned gives consent to the said owners to apply to the Idaho Department of Water Resources for the approval of the change in the place of use of the Water Right appurtenant to the said parcel proposed to be traded as reflected in the records of the Idaho Department of Water Resources applicable to said real estate.

This Consent is expressly on the condition that if the Application for the change in place of use of the water is approved that the owners would execute an appropriate Mortgage Modification approved by the undersigned to include the acquired parcel with appurtenant Water Right for use thereon.

DATED this 21 day of December 2012.


JOHN BEUKERS


RUTH BEUKERS

CONSENT

The undersigned has a Mortgage Lien on the property in Cassia County, Idaho described as East 1/2 of Section 30, Township 12 South, Range 21 E.B.M. owned by **PKD Properties, L.C.** and **T.L.D. Properties, LLC**. Said owners are proposing trading that parcel for the South 1/2 of Section 7, Township 12 South, Range 21 E.B.M. Cassia County, Idaho, upon approval of the Idaho Department of Water Resources to change the place of use of the respective Water Rights. Each party would retain the Water Rights appurtenant to their respective parcels with only the place of use being changed.

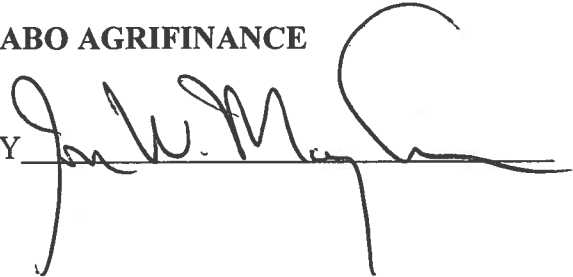
The undersigned gives consent to the said owners to apply to the Idaho Department of Water Resources for the approval of the change in the place of use of the Water Right appurtenant to the said parcel proposed to be traded as reflected in the records of the Idaho Department of Water Resources applicable to said real estate.

This Consent is expressly on the condition that if the Application for the change in place of use of the water is approved that the owners would execute an appropriate Mortgage Modification approved by the undersigned to include the acquired parcel with appurtenant Water Right for use thereon.

DATED this 21st day of December 2012.

RABO AGRIFINANCE

BY

A handwritten signature in black ink, appearing to read "Joe W. May", is written over a horizontal line. The signature is fluid and cursive.

CASSIA COUNTY
Recorded for:
LAND TITLE AND ESCROW
1:47:33 pm 11-08-2012
2012-005164
No. Pages: 17 Fee: \$58.00
JOSEPH W. LARSEN
County Clerk
Deputy: HEVANS

#48992

(Space above reserved for Recorder's Office)

WARRANTY DEED

For Value Received,

JOHN BEUKERS AND RUTH BEUKERS, husband and wife (the "Grantors")

do hereby grant, bargain, sell and convey unto

PKD Properties, L.C., an Idaho limited liability company, and T.L.D. Properties, LLC, an Idaho limited liability company (collectively, the "Grantees")

whose current address is

1404 E. 500 N., Jackson, ID 83350

the following described real property, together with all improvements thereon, to-wit:

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: SE $\frac{1}{4}$

Section 20: SW $\frac{1}{4}$

Section 30: E $\frac{1}{2}$

PARCEL NO. 2:

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: Lots 1, 2, 3, 4 and E $\frac{1}{2}$ W $\frac{1}{2}$

PARCEL NO. 3:

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 21: W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 21, said corner marked by a U.S. Bureau of Land Management pipe; thence North 89°53'00"

East along section line for 534.39 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence North 0°02'42" West for 221.52 feet to a ½ inch rebar;
Thence South 59°09'06" East for 430.54 feet to a ½ inch rebar on section line;
Thence South 89°53'00" West along said section line for 369.46 feet to the Point of Beginning.

Section 28: NW¼NE¼ and N¼NW¼

PARCEL NO. 4:

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 21: E¼NW¼ and N¼SE¼

Section 28: E¼NE¼ and SW¼NE¼

PARCEL NO. 5:

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 28: SW¼ and S¼NW¼

Section 33: NW¼NW¼

PARCEL NO. 6: [Intentionally Omitted – Easement Parcel]

PARCEL NO. 7:

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 21: Part of the SW¼SW¼, more particularly described as follows:

Beginning at the Southwest corner of said Section 21, said corner marked by a U.S. Bureau of Land Management pipe; thence North 89°53'00" East along section line for 534.39 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence North 0°02'42" West for 221.52 feet to a ½ inch rebar;
Thence South 59°09'06" East for 430.54 feet to a ½ inch rebar on section line;
Thence South 89°53'00" West along said section line for 369.46 feet to the Point of Beginning.

PARCEL NO. 8:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 1: ALL, SAVE AND EXCEPTING a parcel of land located in the SW¼SW¼ of Section 1, more particularly described as follows:

Commencing at the Southwest corner of said Section 1, from which the S¼ corner of said Section 1 bears South 89°56'14" East for 2627.06 feet; thence South 89°56'14" East along the South boundary of the SW¼ of said Section 1 for a distance of 137.53 feet to the True Point of Beginning;

Thence North 00°08'28" West for a distance of 492.32 feet;

Thence South 89°56'14" East parallel to the South boundary of the SW¼ of said Section 1 for a distance of 173.89 feet;

Thence South 00°08'28" East for a distance of 382.60 feet;

Thence North 89°56'14" West parallel to the South boundary of the SW¼ of said Section 1 for a distance of 9.27 feet;

Thence South 00°08'28" East for a distance of 109.72 feet to a point on the South boundary of the SW¼ of said Section 1;

Thence North 89°56'14" West along the South boundary of the SW¼ of said Section 1 for a distance of 164.63 feet to the True Point of Beginning.

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 12: W¼, **SAVE AND EXCEPTING** a parcel of land located in the SW¼SW¼ of Section 12, more particularly described as follows:

Commencing at the Southwest corner of said Section 12 and being the True Point of Beginning;

Thence North 00°15'20" East along the West boundary of the SW¼ of said Section 12 for a distance of 980.00 feet;

Thence South 89°44'40" East for a distance of 25.00 feet;

Thence South 19°09'58" East for a distance of 152.27 feet to a point on the arc of a non-tangent curve left;

Thence Southeasterly along the arc of the curve left for a distance of 866.07 feet, said arc having a radius of 1317.58 and a long chord bearing and distance of South 39°17'48" East for 850.56 feet;

Thence South 00°01'00" West for a distance of 178.00 feet to a point on the South boundary of the SW¼ of Section 12;

Thence North 89°59'00" West along the South boundary of the SW¼ of Section 12 for a distance of 618.00 feet to the True Point of Beginning.

Section 13: E¼

TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 17: ALL

Section 18: ALL

Section 21: NE¼

Section 22: ALL

Section 27: NW¼, NW¼SW¼

PARCEL NO. 9: [Intentionally Omitted – Easement Parcel]

PARCEL NO. 10: [Intentionally Omitted – Easement Parcel]

PARCEL NO. 11: [Intentionally Omitted – Easement Parcel]

PARCEL NO. 12:
TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 1: A parcel of land located in the SW¼SW¼, more particularly described as follows:

Commencing at the Southwest corner of said Section 1, from which the S¼ corner of said Section 1 bears South 89°56'14" East 2627.06 feet, thence South 89°56'14" East along the South boundary of the SW¼ of said Section 1 for a distance of 137.53 feet to the True Point of Beginning;
Thence North 00°08'28" West for a distance of 492.32 feet;
Thence South 89°56'14" East parallel to the South boundary of the SW¼ of said Section 1 for a distance of 173.89 feet;
Thence South 00°08'28" East for a distance of 382.60 feet;
Thence North 89°56'14" West parallel to the South boundary of the SW¼ of said Section 1 for a distance of 9.27 feet;
Thence South 00°08'28" East for a distance of 109.72 feet to a point on the South boundary of the SW¼ of said Section 1;
Thence North 89°56'14" West along the South boundary of the SW¼ of said Section 1 for a distance of 164.63 feet to the True Point of Beginning.

PARCEL NO. 13: [Intentionally Omitted – Easement Parcel]

PARCEL NO. 14:
TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 2: E½, **SAVE AND EXCEPT** a tract of land located in the NW¼NE¼ of Section 2, more particularly described as follows:

Commencing at the North ¼ corner of said Section 2, which is the True Point of Beginning and from which the Northeast corner of Section 2 bears South 89°48'00" East for 2631.56 feet;
Thence South 89°48'00" East along the North boundary of the NE¼ of Section 2 for a distance of 662.00 feet;

Thence South 2612'51" East for a distance of 149.89 feet to a point on the arc of a curve left;
Thence Southwesterly along the arc of the curve left for a distance of 854.55 feet, said arc having a radius of 1323.65 feet and a long chord bearing and distance of South 4517'27" West for 839.79 feet;
Thence North 6307'25" West for a distance of 145.07 feet to a point on the West boundary of the NE¼ of Section 2;
Thence North 0010'27" West along the West boundary of the NW¼NE¼ of Section 2 for a distance of 662.00 feet to the True Point of Beginning.

ALSO SAVE AND EXCEPT the following described tract:

Beginning at the Northeast corner of said Section 2, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 00°21'43" East along the East line of Section 2 for a distance of 785.80 feet;
Thence North 89°51'39" West for a distance of 25.00 feet to a ½ inch rebar;
Thence along a non-tangent curve to the left for a distance of 1119.43 feet to a ½ inch rebar, said curve having a radius of 1402.97 feet and a central angle of 45°42'59" and a long chord bearing of North 45°35'45" West for a distance of 1089.97 feet;
Thence North 00°21'43" West for a distance of 25.00 feet to the North line of Section 2;
Thence South 89°51'39" East along the North line of Section 2 for a distance of 798.90 feet to the Point of Beginning.

Section 11: NE¼

PARCEL NO. 15:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: W½

SAVE AND EXCEPT the following described tract:

Beginning at the North ¼ section corner of said Section 2, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 00°13'57" East along the East line of the NW¼ for a distance of 731.66 feet to a ½ inch rebar;
Thence North 89°52'00" West for a distance of 25.00 feet to a ½ inch rebar;
Thence along a non-tangent curve to the left for a distance of 1056.23 feet to a ½ inch rebar, said curve having a radius of 1403.26 feet and a central angle of 43°07'34" with a long chord bearing of North 46°37'27" West for a distance of 1031.47 feet;
Thence North 00°13'57" West for a distance of 25.00 feet to the North line of Section 2;
Thence South 89°52'00" East along the North line of Section 2 for a distance of 771.87 feet to the Point of Beginning.

PARCEL NO. 16:

**TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO**

Section 3: ALL

Section 4: E½, SW¼, S½NW¼

EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said Section 4, said corner marked by a
US GLO iron pipe with brass cap which shall be the Point of
Beginning;

Thence North 00°02'22" East along the West line of Section 4 for a distance
of 1327.62 feet to a ½ inch rebar;

Thence North 89°51'19" East for a distance of 2154.55 feet to a ½ inch rebar;

Thence South 00°01'43" West for a distance of 1301.59 feet to a ½ inch
rebar;

Thence South 00°01'43" West for a distance of 32.21 feet to the South line of
Section 4;

Thence North 89°58'51" West along the South line of Section 4 for a distance
of 2154.79 feet to the Point of Beginning.

ALSO EXCEPTING from said Sections 3 and 4 the following described
tract:

Beginning at the Southwest corner of said Section 3, said corner marked by a
US GLO iron pipe with brass cap which shall be the Point of
Beginning;

Thence North 89°26'28" West along the South line of Section 4 for a distance
of 1526.93 feet;

Thence North 00°13'14" West for a distance of 24.56 feet to a ½ inch rebar;

Thence North 00°13'14" West for a distance of 1311.57 feet to a ½ inch
rebar;

Thence North 89°50'15" East for a distance of 2400.58 feet to a ½ inch rebar;

Thence South 00°24'13" West for a distance of 28.10 feet to a ½ inch rebar;

Thence North 89°56'02" East for a distance of 777.17 feet to a ½ inch rebar;

Thence South 74°17'05" East for a distance of 73.81 feet to a ½ inch rebar;

Thence South 38°51'17" East for a distance of 388.90 feet to a ½ inch rebar;

Thence South 33°15'30" East for a distance of 871.26 feet to a ½ inch rebar;

Thence South 01°32'03" West for a distance of 275.93 feet to a ½ inch rebar;

Thence South 01°32'03" West for a distance of 23.06 feet to the South line of
Section 3;

Thence North 89°32'12" West along the South line of Section 3 for a distance
of 2430.44 feet to the Point of Beginning.

PARCEL NO. 17:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 11: NW¼

PARCEL NO. 18:

TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE BOISE MERIDIAN, CASSIA
COUNTY, IDAHO

Section 4: N½NW¼, EXCEPT

Tract I

Beginning at the Northeast corner of NW¼;
Thence South 470 feet;
Thence West 270 feet;
Thence North 470 feet;
Thence East 270 feet to the Point of Beginning.

Tract II

Beginning at the Southwest corner of the N½NW¼ of Section 4, said corner
marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°12'33" East along the west line of Section 4 for a distance
of 9.13 feet to a ½ inch rebar;
Thence South 89°45'11" East for a distance of 274.71 feet to a ½ inch rebar;
Thence South 00°12'33" West for a distance of 9.13 feet to the south line of
the N½NW¼;
Thence South 00°12'33" West for a distance of 13.60 feet to a ½ inch rebar;
Thence North 89°45'11" West for a distance of 274.71 feet to a ½ inch rebar
on the west line of Section 4;
Thence North 00°12'33" East along said line for a distance of 13.60 feet to the
Point of Beginning.

PARCEL NO. 19: [Intentionally Omitted -- Easement Parcel]

PARCEL NO. 20: [Intentionally Omitted -- Easement Parcel]

ALL PARCELS SUBJECT TO:

1. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Taxes for 2012 and subsequent years, a lien, but not yet due or payable.
3. Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

4. Power Line Easement from L. S. Blei and Esther O. Blei, his wife, to Idaho Power Company, a corporation, dated May 23, 1949, and recorded March 7, 1950 as Instrument No. 168561 in Book 14 of Miscellaneous, Page 131 in the office of the Recorder of Cassia County, Idaho, over and across the NW¼SE¼ of Section 4, Township 12 South, Range 20 East, Boise Meridian.
5. Power Line Easement from Glen Briggs and Haze Briggs, his wife, to Idaho Power Company, a corporation, dated May 25, 1949 and recorded March 7, 1950 as Instrument No. 168567 in Book 14 of Miscellaneous, Page 134, records of Cassia County, Idaho, over and across the N¼SW¼ of Section 4, Township 12 South, Range 20 East, Boise Meridian.
6. Mineral Deed from Eugene Pickett and wife, Emma Pickett, to Fred Foss, dated April 16, 1952 and recorded May 8, 1952 as Instrument No. 175483 in Book 54 of Deeds, Page 530, records of Cassia County, Idaho, granting an undivided one-half interest in and to all of the oil, gas and other minerals in and under and that may be produced from the N¼ of Section 17, the N¼NE¼, NW¼, Lot 3 (NW¼SW¼) and the NE¼SW¼ of Section 18, the NE¼ of Section 21, All of Section 22, and the NW¼ and NW¼SW¼ of Section 27, all in Township 12 South, Range 21, East of the Boise Meridian.
7. Mineral Deed from Glen Briggs and Hazel Briggs, husband and wife, to Fred F. Foss, dated May 19, 1952 and recorded June 6, 1952 as Instrument No. 175773 in Book 54 of Deeds, Pages 552 and 553, records of Cassia County, Idaho, conveying an undivided one-half interest in and to all the oil, gas and other minerals in and under and that may be produced from the over and across the N¼ of Section 1; E¼ of Section 2; NE¼, S¼NW¼, N¼SW¼ of Section 4 and the W¼ of Section 12, all in Township 12 South, Range 20 East, Boise Meridian.
8. Power Line Easement from L. S. Blei and Esther o. Blei, his wife, to Idaho Power Company, a corporation, dated December 16, 1952 and recorded April 8, 1955 as Instrument No. 185762 in Book 15 of Miscellaneous, Page 242, records of Cassia County, Idaho, over and across the NW¼SW¼ of Section 3, and NE¼SE¼ of Section 4, all in Township 12 South, Range 20 East, Boise Meridian.
9. Power Line Easement from Glen Briggs and Hazel Briggs, his wife, to Idaho Power Company, a corporation, dated June 20, 1953 and recorded April 8, 1955 as Instrument No. 185763 in Book 15 of Miscellaneous, Page 243 in the office of the Recorder of Cassia County, Idaho, over and across SE¼NE¼ of Section 4, Township 12 South, Range 20 East, Boise Meridian.
10. Power Line Easement from Mountain View Ranches, Inc. to Idaho Power Company, a corporation, dated October 4, 1955 and recorded July 13, 1956 as Instrument No. 190521 in Book 15 of Miscellaneous, Page 368 in the office of the Recorder of Cassia County, Idaho, over and across SE¼SW¼ of Section 3, Township 12 South, Range 20 East, Boise Meridian.
11. Power Line Easement from Truman J. Blei and Mary Jeannine Blei, his wife, to Idaho Power Company, a corporation, recorded September 7, 1956 as Instrument No.

190978 in the office of the Recorder of Cassia County, Idaho, over and across SE¼SW¼ and SW¼SW¼ of Section 3, Township 12 South, Range 20 East, Boise Meridian.

12. Power Line Easement from Eugene Pickett and Emma Pickett, his wife, to Idaho Power Company, a corporation, dated May 25, 1956, and recorded July 11, 1957 as Instrument No. 194113 in Book 15 of Miscellaneous, Page 482, records of Cassia County, Idaho, over and across the N½N½ of Section 17, Township 12 South, Range 21 East, Boise Meridian.
13. Power Line Easement from M.D. Wilson and Stella H. Wilson, his wife, to Idaho Power Company, a corporation, dated August 14, 1956 and recorded July 11, 1957 as Instrument No. 194114 in Book 15 of Miscellaneous, Page 482, records of Cassia County, Idaho, over and across the E½ and S½ of Section 18, Township 12 South, Range 21 East, Boise Meridian.
14. Power Line Easement from Pickett Ranch and Sheep Co., to Idaho Power Company, a corporation, dated April 26, 1957 and recorded September 18, 1957 as Instrument No. 194661 in Book 15 of Miscellaneous, Page 500, records of Cassia County, Idaho, over and across the N½, NW¼, N½NE¼ of Section 18, Township 12 South, Range 21 East, Boise Meridian.
15. Power Line Easement from K. C. Barlow and Frances Barlow, his wife, to Idaho Power Company, a corporation, dated March 8, 1960 and recorded November 9, 1960 as Instrument No. 208722 in Book 16 of Miscellaneous, Page 324, records of Cassia County, Idaho, over and across the S½NE¼ of Section 17, Township 12 South, Range 21 East, Boise Meridian.
16. Power Line Easement from K. C. Barlow and Frances Barlow, his wife, to Idaho Power Company, a corporation, dated August 26, 1960 and recorded February 28, 1961 as Instrument No. 413 on Film No. 2, records of Cassia County, Idaho, over and across the SE¼NE¼ of Section 1 and the S½NW; SW¼NE¼ of Section 2, in Township 12 South, Range 20 East of the Boise Meridian.
17. Power Line Easement from Ralph H. Poulton and Desma Poulton, husband and wife, to Idaho Power Company, a corporation, dated February 15, 1961 and recorded March 17, 1961 as Instrument No. 720 on Film No. 3, records of Cassia County, Idaho, granting said Company the right to construct, operate and maintain transmission lines over and across the W½NW¼ of Section 21, Township 12 South, Range 21 East of the Boise Meridian.
18. Power Line Easement from K. C. Barlow, Inc. by K. C. Barlow, Pres. and Ray Barlow, Vice Pres., to Idaho Power Company, a corporation, dated April 12, 1961 and recorded June 20, 1961 as Instrument No. 2154 on Film No. 6, records of Cassia County, Idaho, over and across the N½SE¼ of Section 18, Township 12 South, Range 21 East, Boise Meridian.
19. Power Line Easement from Mountain View Ranches, Inc., to Idaho Power Company, a corporation, dated June 12, 1961 and recorded March 9, 1962 as Instrument No.

5661 on Film No. 11, in the office of the Recorder of Cassia County, Idaho, over and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 12 South, Range 20 East, Boise Meridian.

20. Power Line Easement from K. C. Barlow, Inc., K. C. Barlow (President) and Ray Barlow (Secretary), to Idaho Power Company, a corporation, dated April 7, 1962 and recorded August 17, 1962 as Instrument No. 8481 on Film No. 15, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, Township 12 South, Range 21 East, Boise Meridian.
21. Powerline Easement from Glen F. Blaser and Ruth C. Blaser, husband and wife, and Dwaine S. Perkins and Anna C. Perkins, husband and wife, to Idaho Power Company, dated March 13, 1963 and recorded June 11, 1963 as Instrument No. 13377 on Film No. 21 in the office of the County Recorder of the County of Cassia, State of Idaho, over and across the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 4, Township 12 South, Range 20 East of the Boise Meridian.
22. Powerline Easement from Neal H. Perkins and LaVina R. Perkins, husband and wife, to Idaho Power Company, dated March 10, 1963 and recorded June 11, 1963 as Instrument No. 13381 on Film No. 21 in the office of the County Recorder of the County of Cassia, State of Idaho, over and across and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 4, Township 12 South, Range 20 East of the Boise Meridian.
23. Power Line Easement from Ralph H. Poulton and Desma Poulton, husband and wife, to Idaho Power Company, a corporation, dated June 12, 1963 and recorded October 29, 1963 as Instrument No. 15383, records of Cassia County, Idaho, over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, Township 12 South, Range 21 East of the Boise Meridian.
24. Power Line Easement from Mountain View Ranches Inc. to Idaho Power Company, a corporation, dated March 23, 1970 and recorded May 19, 1970 as Instrument No. 51191 on Film No. 65, in the office of the Recorder of Cassia County, Idaho, over and across the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 12 South, Range 20 East, Boise Meridian.
25. Power Line Easement from Golden Valley Land and Cattle Co., Inc., to Idaho Power Company, a corporation, dated April 11, 1972 and recorded August 3, 1972 as Instrument No. 64445 on Film No. 77, records of Cassia County, Idaho, over and across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 12 South, Range 20 East, Boise Meridian.
26. Power Line Easement from Mountain View Ranches, Inc. (Truman Blei and Bruce Blei) to Idaho Power Company, a corporation, dated September 8, 1972 and recorded January 29, 1973 as Instrument No. 67580 on Film No. 80, records of Cassia County, Idaho, over and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 12 South, Range 20 East, Boise Meridian.
27. Power Line Easement from Alma C. Clark and Elizabeth H. Clark, his wife, to Idaho Power Company, a corporation, dated March 28, 1973 and recorded June 21, 1973 as

Instrument No. 70909 on Film No. 83, records of Cassia County, Idaho, over and across the North 20 feet of the SW $\frac{1}{4}$ of Section 21, Township 12 South, Range 21 East of the Boise Meridian.

28. Power Line Easement from Golden Valley Land & Cattle, to Idaho Power Company, a corporation, dated April 6, 1973 and recorded June 21, 1973 as Instrument No. 70911 on Film No. 83, records of Cassia County, Idaho, over and across the North 100 feet of the South 250 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 12 South, Range 21, East of the Boise Meridian.
29. Power Line Easement from Golden Valley Land & Cattle, to Idaho Power Company, a corporation, dated April 6, 1973 and recorded November 22, 1974 as Instrument No. 75519 on Film No. 88, records of Cassia County, Idaho, over and across the East 20 feet of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the East 20 feet NE $\frac{1}{4}$ SW $\frac{1}{4}$, the South 20 feet of SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 22, Township 12 South, Range 21 East, Boise Meridian.
30. Power Line Easement from Golden Valley Land & Cattle, a Corporation, to Idaho Power Company, a corporation, dated July 11, 1974 and recorded June 30, 1975 as Instrument No. 84321 on Film No. 96, records of Cassia County, Idaho, over and across the East 50 feet of the SW $\frac{1}{4}$ and South 50 feet of SW $\frac{1}{4}$ of Section 22, and the West 50 feet of NW $\frac{1}{4}$ of Section 27, all in Township 12 South, Range 21 East, Boise Meridian.
31. Power Line Easement from Alma C. Clark and Elizabeth H. Clark, his wife, to Idaho Power Company, a corporation, dated April 2, 1975 and recorded November 18, 1975 as Instrument No. 86758 on Film no. 98, records of Cassia County, Idaho, over and across the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, Township 12 South, Range 21 East of the Boise Meridian.
32. Power Line Easement from Golden Valley Land & Cattle Company, to Idaho Power Company, a corporation, dated March 10, 1975 and recorded November 18, 1975 as Instrument No. 86774 on Film No. 98, records of Cassia County, Idaho, over and across the South 150 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 12 South, Range 20 East, Boise Meridian.
33. Power Line Easement from Golden Valley Land & Cattle Co., to Idaho Power Company, a corporation, dated December 8, 1975 and recorded May 19, 1976 as Instrument No. 90766 on Film No. 101, records of Cassia County, Idaho, over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 12 South, Range 20 East, Boise Meridian.
34. Power Line Easement from Robert C. Hull and Sue Hull to Idaho Power Company, dated June 29, 1976 and recorded August 27, 1976 as Instrument No. 92825 on Film No. 103, records of Cassia County, Idaho, over and across the South 30 feet of the SE $\frac{1}{4}$ of Section 19, Township 12 South, Range 21 East of the Boise Meridian.
35. Power Line Easement from Robert C. Hull and Sue Hull to Idaho Power Company, dated June 29, 1976 and recorded August 27, 1976 as Instrument No. 92826 on Film

No. 103, records of Cassia County, Idaho, over and across the NE1/4NE1/4NE1/4NE1/4 of Section 30, Township 12 South, Range 21 East of the Boise Meridian.

36. Grant of Right-of-Way and Easement from Oakley Highway District to Ben Lomond, Inc., a Utah Corporation, dated August 8, 1977 and recorded August 15, 1977 as Instrument No. 100932 on Film No. 111, records of Cassia County, Idaho, granting an easement and right-of-way for buried irrigation pipeline as presently located over and across that certain road situated in the NW1/4NW1/4 of Section 33, Township 12 South, Range 21 East of the Boise Meridian, Cassia County, Idaho.
37. Power Line Easement from Ben Lomond, Inc., to Idaho Power Company, a corporation, dated February 27, 1974 and recorded April 18, 1978 as Instrument No. 106786, records of Cassia County, Idaho, granting a right-of-way and easement over and across the S1/2S1/2S1/2S1/2 of Section 21, Township 12 South, Range 21 East of the Boise Meridian.
38. Power Line Easement from Golden Valley Land & Cattle Co. Inc., Merle Wolverton, pres. and Michael Wolverton, sec., to Idaho Power Company, a corporation, dated April 12, 1979 and recorded August 27, 1979 as Instrument No. 119502, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the a portion of the NE1/4 of Section 17, Township 12 South, Range 21 East, Boise Meridian.
39. Effects of a Grant of a Pipeline Easement from S. Craig Baker and Shirley Baker, husband and wife, Simon Baker and Marjorie Baker, husband and wife, and Cranney Brothers, a Co-Partnership, consisting of Willard Cranney, Jr., Michael Cranney and Douglas Cranney to Carl Van Tassell and Elda Van Tassell, husband and wife; Rulon Van Tassell and Paula Van Tassell, husband and wife, Carl Van Tassell, Jr. and Joan Van Tassell, husband and wife, and Chad Van Tassell and Gina Van Tassell, husband and wife, dated January 18, 1980 and recorded March 5, 1980 as Instrument No. 124125 on Film No. 132, records of Cassia County, Idaho.
40. Easement from Golden Valley Land and Cattle, Inc., an Idaho Corporation, to Fredrick Kirk Woodhouse, dated April 12, 1980 and recorded April 16, 1980 as Instrument No. 125297 on Film No. 133, records of Cassia County, Idaho, over and across a portion of Section 18, Township 12 South, Range 21 East, Boise Meridian.
41. Effects of Easement between Robert C. Hull and Sue Thompson Hull, husband and wife, and Norman M. Thompson and Wanda K. Thompson, husband and wife, to Fredrick Kirk Woodhouse, dated April 1, 1980 and recorded April 24, 1980 as Instrument No. 125554 on Film No. 134, records of Cassia County, Idaho, over and across a portion of the E1/2W1/2 of Section 19 and a portion of the E1/2 of Section 30, all in Township 12 South, Range 21 East of the Boise Meridian.
42. Power Line Easement from Golden Valley Land & Cattle, Inc., to Idaho Power Company, a corporation, dated February 26, 1980 and recorded October 7, 1980 as Instrument No. 129606 on Film No. 137, records of Cassia County, Idaho, granting to

said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across a portion of SW¼NW¼ and NW¼NW¼ of Section 17, Township 12 South, Range 21 East, Boise Meridian.

43. Power Line Easement from Van Tassell Farms, a partnership, Carl Van Tassell, Sr., Carl Van Tassell, Jr., Rulon Van Tassell, Chad Van Tassell, Gina R. Van Tassell, Paula Van Tassell, Joan Van Tassell and Elda Van Tassell, to Idaho Power Company, a corporation, dated July 22, 1980 and recorded November 25, 1980 as Instrument No. 130678 on Film No. 138, records of Cassia County, Idaho, over and across the NW¼, SW¼, N½SE¼ and SW¼SE¼ of Section 21; and the NE¼, NW¼ and SW¼ of Section 28; and the NW¼NW¼ of Section 33, All in Township 12 South, Range 21 East of the Boise Meridian.
44. Power Line Easement from Golden Valley Land & Cattle Co., Inc., to Idaho Power Company, a corporation, dated September 3, 1981 and recorded December 22, 1981 as Instrument No. 140215, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across a portion of NW¼NE¼ of Section 2, Township 12 South, Range 20 East, Boise Meridian.
45. Statement of Claim and Notice of Intent to Preserve executed by Ladd Petroleum Corporation, dated September 17, 1984 and recorded September 24, 1984 as Instrument No. 163826 on Film No. 167, records of Cassia County, Idaho, for the purpose of providing public notice of the mineral interest claimed and preserved by Ladd Petroleum Corporation in and to the oil, gas, coal, clay, gravel, uranium and all other minerals of every kind and nature.
46. Equipment Structure Right-of-Way Easement from Larry Yamane, William Y. Yamane and Miyeko N. Yamane, to The Mountain States Telephone and Telegraph Company, a Colorado Corporation, dated October 8, 1985 and recorded March 6, 1986 as Instrument No. 176603 on Film No. 179, records of Cassia County, Idaho, over and across a portion of the SW¼ of Section 2, Township 12 South, Range 20 East, Boise Meridian.
47. Grant of Right-of-Way to Flood Control District from Van Tassell Farms, an Idaho General Partnership consisting of Carl Van Tassell, Sr., Elda Van Tassell, Rulon Van Tassell, and Paula Van Tassell, as "Grantor" to Goose Creek Flood Control District No. 16, dated February 19, 1986 and recorded August 19, 1986 as Instrument No. 181280 on Film No. 183, records of Cassia County, Idaho.
48. Grant of Right-of-Way to Flood Control District, from Golden Valley Land & Cattle Company, Inc., to Goose Creek Flood Control District No. 16, dated September 25, 1986 and recorded November 12, 1986 as Instrument 183392 on Film No. 185, records of Cassia County, Idaho, over and across a portion of the NW¼ and NW¼SW¼ of Section 27, Township 12 South, Range 21 East, Boise Meridian, also over and across a portion of W½ of Section 22, Township 12 South, Range 21 East, Boise Meridian, also over and across a portion of E½ of Section 21, Township 12 South, Range 21 East, Boise Meridian.

49. Underground Power Line Easement from Golden Valley Land & Cattle Co., Inc. to Idaho Power Company, a corporation, dated March 3, 1989 and recorded January 15, 1991 as Instrument No. 211449 on Film No. 222, records of Cassia County, Idaho, over and across Lots 3 and 4 in Section 18, Township 12 South, Range 21 East of the Boise Meridian.
50. Power Line Easement from Golden Valley Land & Cattle, Inc., to Idaho Power Company, a corporation, dated September 12, 1990 and recorded July 1, 1991 as Instrument No. 214158 on Film No. 226, records of Cassia County, Idaho, over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 12 South, Range 20 East of the Boise Meridian.
51. Easement Agreement (Irrigation Equipment) by and between Golden Valley Land & Cattle Co., an Idaho corporation ("Golden Valley") and Don McFarland and Carol McFarland, husband and wife (collectively, "McFarland") dated July 25, 1996 and recorded July 26, 1996 as Instrument No. 244159 on Film No. 279, records of Cassia County, Idaho.
52. Easement Agreement (PVC Line Access) by and between Don McFarland and Carol McFarland, husband and wife (collectively, "McFarland") and Golden Valley Land & Cattle Co., an Idaho corporation, dated July 25, 1996 and recorded July 26, 1996 as Instrument No. 244160 on Film No. 279, records of Cassia County, Idaho.
53. Easement Agreement (Encroachments) by and between Golden Valley Land & Cattle Co., an Idaho corporation ("Golden Valley") and Don McFarland and Carol McFarland, husband and wife (collectively, "McFarland") dated July 25, 1996 and recorded July 26, 1996 as Instrument No. 244161 on Film No. 279, records of Cassia County, Idaho.
54. Shared Well Agreement by and between C. Gordon Luke and Eola D. Luke, Husband and Wife and McReits, L.L.C., dated May 8, 1998 and recorded May 11, 1998 as Instrument No. 255432 on Film No. 299, records of Cassia County, Idaho.
55. Easements reserved in Warranty Deed executed by McReits, L.L.C, Don McFarland, managing member, Grantor to C. Gordon Luke and Eola D. Luke, husband and wife, Grantee, dated November 9, 2000 and recorded November 14, 2000 as Instrument No. 272140, records of Cassia County, Idaho.
56. Effects, if any, of Resolution 2001-07-05 of the Cassia County Planning and Zoning Commission, approving a Temporary Conditional Use Permit to Idaho Power Company to "install 8 mobile generators at Buckhorn Substation," and the terms and conditions contained therein, dated July 19, 2001 and recorded July 20, 2001 as Instrument No. 276217, records of Cassia County, Idaho.
57. Reservation contained in Warranty Deed from C. Gordon Luke and Eola D. Luke, husband and wife, to Brent A. Funk and Chalet Funk, husband and wife, dated November 7, 2002 and recorded November 8, 2002 as Instrument No. 284782, records of Cassia County, Idaho.

58. Reservation contained in Warranty Deed executed by Brent A. Funk and Chalet Funk, husband and wife, to C. Gordon Luke and Eola D. Luke, husband and wife, dated November 7, 2002 as Instrument No. 284783, records of Cassia County, Idaho which reads: "Grantor retains all water rights with the Idaho Department of Water Resources."
59. Terms and conditions contained in Resolution No. 2004-7-1 granting a Confined Animal Feeding Operation, dated July 15, 2004 and recorded July 16, 2004 as Instrument No. 296913, records of Cassia County, Idaho.
60. Easement-Individual (Overhead), by and between John Beukers and Ruth Beukers, Grantors, to Idaho Power Company, a corporation, Grantee, dated February 8, 2005 and recorded June 20, 2005 as Instrument No. 302680, records of Cassia County, Idaho.
61. Easement-Individual (Underground), by and between John Beukers and Ruth Beukers, Grantors, to Idaho Power Company, Grantee, dated November 30, 2004 and recorded June 20, 2005 as Instrument No. 302681, records of Cassia County, Idaho.
62. Easement-Individual (Overhead), by and between John Beukers, Grantor, to Idaho Power Company, a Corporation, Grantee, dated May 6, 2005 and recorded June 20, 2005 as Instrument No. 302682, records of Cassia County, Idaho.
63. Easement-Individual (Underground), by and between John Beukers, Grantor, to Idaho Power Company, a Corporation, Grantee, dated June 14, 2005 and recorded October 4, 2005 as Instrument No. 304436, records of Cassia County, Idaho.
64. Statement of Intent to Declare a Manufactured Home as Real Property, executed by John Beukers, dated November 9, 2005 and recorded November 15, 2005 as Instrument No. 305171, records of Cassia County, Idaho.
65. Statement of Intent to Declare a Manufactured Home as Real Property, executed by John Beukers, dated November 9, 2005 and recorded November 15, 2005 as Instrument No. 305172, records of Cassia County, Idaho.
66. Statement of Intent to Declare a Manufactured Home as Real Property, executed by John Beukers, dated November 9, 2005 and recorded November 15, 2005 as Instrument No. 305173, records of Cassia County, Idaho.
67. Easement-Individual (Overhead), by and between John Beukers, Grantor, to Idaho Power Company, a Corporation, Grantee, dated October 14, 2005 and recorded December 16, 2005 as Instrument No. 305697, records of Cassia County, Idaho.
68. Purchase Money Mortgage to secure an original indebtedness of \$4,852,000.00, and any other amounts and/or obligations secured thereby.

Dated: January 30, 2007

Recorded: January 31, 2007, as Instrument No. 313623, records of Cassia County, Idaho

Mortgagor: John Beukers and Ruth Beukers, husband and wife
Mortgagee: C. Gordon Luke and Eola D. Luke

as modified by a Modification Agreement by and among John Beukers and Ruth Beukers, husband and wife, and C. Gordon Luke and Eola D. Luke, husband and wife, dated November 7, 2012 and recorded November 8, 2012 as Instrument No. 2012-005163, records of Cassia County, Idaho.

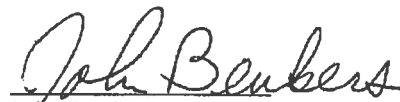
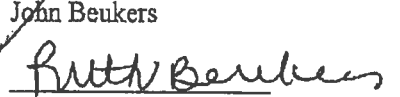
69. Joint Declaration of Easements executed by C. Gordon Luke and Eola D. Luke, husband and wife and John Beukers and Ruth Beukers, husband and wife, dated January 30, 2007 and recorded January 31, 2007 as Instrument No. 313624, records of Cassia County, Idaho.
70. Joint Well Use Agreement executed by C. Gordon Luke and Eola D. Luke, husband and wife and John Beukers and Ruth Beukers, husband and wife, dated January 30, 2007 and recorded January 31, 2007 as Instrument No. 313626, records of Cassia County, Idaho.
71. Effect of Resolution of Cassia County Idaho Board of Commissioners Resolution No. 2007-06-1, dated May 17, 2007 and recorded June 8, 2007 as Instrument No. 316356, records of Cassia County, Idaho, wherein Notice is given of the intention to create a Confined Animal Feeding Operation.

Amendment dated June 21, 2012 and recorded July 19, 2012 as Instrument No. 2012-003325, records of Cassia County, Idaho.
72. Easement between John Beukers and Ruth Beukers, Grantors, and Idaho Power Company, a Corporation, Grantee, dated December 17, 2008 and recorded February 6, 2009 as Instrument No. 2009-000531, records of Cassia County, Idaho.
73. Pipeline Easement by and between John Beukers and Ruth Beukers, husband and wife, Grantor, and Southwest Irrigation District, Grantee, dated October 9, 2009 and recorded September 23, 2010 as Instrument No. 2010-004455, records of Cassia County, Idaho.
74. Notice of An Operating Agreement of West Cassia Irrigation, LLC Affecting Identified Lands In Cassia County dated December 7, 2010 and recorded December 8, 2010 as Instrument No. 2010-005696, records of Cassia County, Idaho.
75. Pump, Pipeline, and Water Conveyance Agreement by and between John Beukers and Ruth Beukers, husband and wife, and Russell V. Patterson and Lisa E. Patterson, husband and wife, dated April 6, 2011 and recorded April 20, 2011 as Instrument No. 2011-001599, records of Cassia County, Idaho.
76. Effect of Resolution of Cassia County Idaho Board of Commissioners Resolution No. 2011-05, dated June 16, 2011 and recorded June 16, 2011 as Instrument No. 2011-002522, records of Cassia County, Idaho, wherein Notice is given of the intention to create an addition to the Confined Animal Feeding Operation.

TO HAVE AND TO HOLD said premises, with its appurtenances, unto said Grantees and their heirs and assigns forever. The Grantors hereby covenant to and with the Grantees that they are the owners in fee simple of the premises; that, except as set forth above, said premises is free from all encumbrances except current years taxes, levies and assessments, U.S. Patent reservations and restriction, documents of record, and easements visible upon the premises; and that, subject to the foregoing, it will warrant and defend the same from all claims whatsoever.

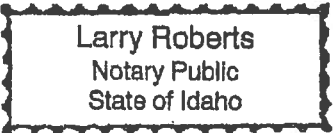
Dated this 7th day of November, 2012.

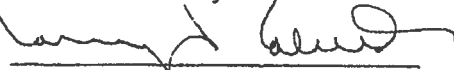
GRANTORS


John Beukers

Ruth Beukers

STATE OF IDAHO)
 : ss.
County of Cassia)

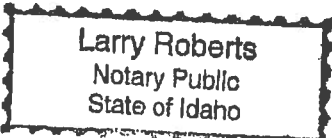
On this 7th day of November, in the year 2012, before me, a notary public for the State of Idaho, personally appeared John Beukers, known or identified to me to be the person listed above and acknowledged to me on this day under oath, that, being informed of the contents of this deed, he executed the same as his free and voluntary act and deed.


Larry Roberts
Notary Public
State of Idaho


Notary Public for the State of Idaho
Residing at: Burley, ID
My Commission Expires: 6-30, 2015

STATE OF IDAHO)
 : ss.
County of Cassia)

On this 7th day of November, in the year 2012, before me, a notary public for the State of Idaho, personally appeared Ruth Beukers, known or identified to me to be the person listed above and acknowledged to me on this day under oath, that, being informed of the contents of this deed, she executed the same as her free and voluntary act and deed.


Larry Roberts
Notary Public
State of Idaho


Notary Public for the State of Idaho
Residing at: Burley, ID
My Commission Expires: 6-30, 2015

49973

WARRANTY DEED

THIS INDENTURE, made this 3 day of May 2013, between **PKD PROPERTIES, LC** and **T.L.D. PROPERTIES, L.L.C.**, of 1404 East 500 North, Jackson, ID 83350 ("GRANTOR"), and **PATTCO, LLLP**, an Idaho Limited Liability Limited Partnership, of 1800 Z Street, Heyburn, ID 83336 ("GRANTEE").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

Township 12 South, Range 21 East Boise Meridian, Cassia County, Idaho.

Section 30: E½

SUBJECT TO: 2013 and subsequent years taxes, levies and assessments; assessments of the Southwest Irrigation District; Power Line Easement recorded as Instrument No. 92826; and Easement as Instrument No. 125554 records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor, excepting and reserving unto the Grantor Water Right No. 45-7182.

CASSIA COUNTY

Recorded for:

LAND TITLE AND ESCROW**2:18:43 pm 05-24-2013****2013-002306**

No. Pages: 3

Fee: \$16.00

JOSEPH W. LARSEN

County Clerk

Deputy: SKECK

COPY

WARRANTY DEED - 1

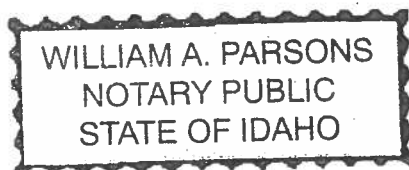
TRANSFER 78750

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STATE OF IDAHO)
) ss
County of Cassia)

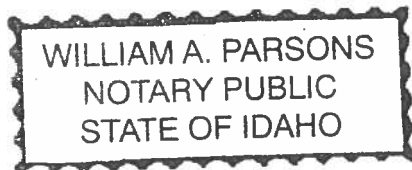
On this 3 day of May in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul H. Demer and Kelly J. Demer, known or identified to me to be the Member or Members of the Limited Liability Company of **PKD PROPERTIES, LC** and the Member or one of the Members who subscribed said Limited Liability Company's name to the foregoing instrument, and acknowledged to me that they executed the same in said Limited Liability Company's name.



William A. Parsons
Notary Public for Idaho
Residing at: Burley
Comm. Exp.: 7/20/2016

STATE OF IDAHO)
) ss
County of Cassia)

On this 3 day of May, in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Taylor Orr, known or identified to me to be the Member or Members of the Limited Liability Company of **T.L.D. PROPERTIES, L.L.C.** and the Member or one of the Members who subscribed said Limited Liability Company's name to the foregoing instrument, and acknowledged to me that he executed the same in said Limited Liability Company's name.



William A. Parsons
Notary Public for Idaho
Residing at: Burley
Comm. Exp.: 7/21/2016

(PKDProperties\WDPKDTLDtoPatterson.doc)

AMENDED WARRANTY DEED

No. Pages: 3 Fee: \$16.00
JOSEPH W. LARSEN
County Clerk
Deputy: TEOCLARIS

THIS INDENTURE, made this 27th day of June

between **PATTCO, LLLP**, an Idaho limited liability limited partnership, of 1800 Z Street, Heyburn, ID 83336 ("GRANTOR"), and **PKD PROPERTIES, LC** and **T.L.D. PROPERTIES, L.L.C.**, of 1404 East 500 North, Jackson, ID 83350 ("GRANTEE").

WITNESSETH:

This Amended Warranty Deed corrects that Warranty Deed made between Grantor and Grantee dated May 23, 2013 and recorded on May 24, 2013 as Instrument No. 2013-002307, records of Cassia County, Idaho. The purpose of the amendment is to correct the description of water rights reserved by the Grantor.

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

Township 12 South, Range 21 East Boise Meridian, Cassia County, Idaho.

Section 7: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

SUBJECT TO: 2013 and subsequent years taxes, levies and assessments; assessments of the Southwest Irrigation District; Power Line Easement recorded as Instrument No. 96304; Resolution No. 2004-7-1 Cassia County, Idaho as Instrument No. 296913; and Pipeline and Water Conveyance Agreement as Instrument No. 2011-01599 records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and

AMENDED WARRANTY DEED - 1

TRANSFER 78750

remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor, excepting and reserving unto the Grantor Water Rights No. 45-2582A, 45-2585A, 45-11042, 45-11066, 45-11092, 45-13534, 45-13536, 45-13614, and 45-13615.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever, except the reserved water.

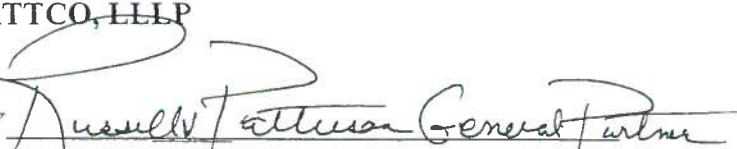
The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

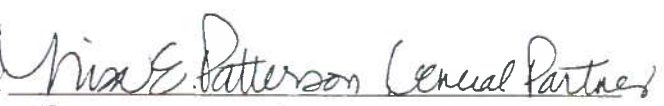
GRANTOR

PATTCO, LLLP

BY


RUSSELL V. PATTERSON, general partner

BY


LISA PATTERSON, a general partner

STATE OF IDAHO)

) ss

County of Cassia)

On this 21st day of June, in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared **RUSSELL V.**

PATTERSON and LISA PATTERSON, known or identified to me to be the partners or one of the partners of the partnership of PATTCO, LLLP, and the partners or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.



Bona Rae Davis

Notary Public for Idaho

Residing at Burley

My commission expires on 7/5/2014

(PKDProperties\W.D.Patterson\PKDTLD.doc)

49974

WARRANTY DEED

THIS INDENTURE, made this 23rd day of May, 2013,
between **PATTCO, LLLP**, an Idaho limited liability limited partnership, of 1800 Z Street,
Heyburn, ID 83336 ("**GRANTOR**"), and **PKD PROPERTIES, LC** and **T.L.D.**
PROPERTIES, L.L.C., of 1404 East 500 North, Jackson, ID 83350 ("**GRANTEE**").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money
of the United States of America, and other good and valuable consideration, to the Grantor in
hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained,
and sold and by these presents does grant, bargain and sell, convey and confirm unto the
Grantee, and to the heirs and assigns of Grantee forever, all of the following described real
estate situated in the County of Cassia, State of Idaho, to-wit:

Township 12 South, Range 21 East Boise Meridian, Cassia County, Idaho.

Section 7: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

SUBJECT TO: 2013 and subsequent years taxes, levies and assessments;
assessments of the Southwest Irrigation District; Power Line Easement recorded as
Instrument No. 96304; Resolution No. 2004-7-1 Cassia County, Idaho as Instrument
No. 296913; and Pipeline and Water Conveyance Agreement as Instrument No. 2011-
01599 records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and
remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said
property as well in law as in equity of the Grantor, excepting and reserving unto the Grantor
Water Right No. 45-2582A.

WARRANTY DEED - 1

CASSIA COUNTY
Recorded for:
LAND TITLE AND ESCROW
2:18:44 pm 05-24-2013
2013-002307
No. Pages: 2 Fee: \$13.00
JOSEPH W. LARSEN
County Clerk
Deputy: **SKECK**

TRANSFER 78750

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever, except the reserved water.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

GRANTOR

PATTCO, LLLP

BY Russell V. Patterson
RUSSELL V. PATTERSON, general partner

BY Lisa Patterson
LISA PATTERSON, a general partner

STATE OF IDAHO)
) ss
County of Cassia)

On this 23rd day of May, in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared **RUSSELL V. PATTERSON and LISA PATTERSON**, known or identified to me to be the partners or one of the partners of the partnership of PATTCO, LLLP, and the partners or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.



Bona Rae Davis
Notary Public for Idaho
Residing at Barley
My commission expires on 7/5/2014

(PKDProperties\WDPatterson\PKDTEED.doc)

Maline, Denise

From: Maline, Denise
Sent: Tuesday, August 20, 2013 12:30 PM
To: Brian Higgs (WD 140)
Subject: Comment Letter for Transfer 78750 & 78751
Attachments: Comment Letter to WM140 for 78750, 78751.pdf; Transfer app 78751.pdf; Transfer app 78750.pdf

Dear Brian,

Attached please find a cover letter, recommendation forms, and copy of Application for Transfer No. 78750 & 78751. Please review the attached information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline, Administrative Assistant
Idaho Dept of Water Resources
Southern Region
1341 Fillmore St, Suite 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 20, 2013

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

Via E-mail

RE: Transfer No. 78750
Water Right No(s): 45-7182

RE: Transfer No. 78751
Water Right No(s): 45-2582A, 45-2585A, 45-11042, 45-11066, 45-11092,
45-13534, 45-13536, 45-13614, 45-13615

Dear Mr. Higgs:

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

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: August 8, 2013
To: Transfer 78750 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the place of use of water right 45-7182. The change of place of use is a result of a swap of lands between PKD Properties LC & TLD Properties LLC (Duncans) and Pattco, LLP (Pattersons). The Duncans conveyed the east ½ of Section 30 (T12S, R21E) to the Pattersons, but retained the appurtenant water right. The Pattersons conveyed the south ½ of Section 7 (T12S, R21E) to the Duncans, but retained the appurtenant water rights. The Duncans and the Pattersons desire to utilize their own water rights on the properties that they obtained from each other. In order to facilitate the land swap and the desire to retain their own water rights, the Duncans (PKD Properties LC & TLD Properties LLC) filed transfer # 78750 to change the place of use of their right to the land they obtained from the Pattersons. In addition, the Pattersons (Pattco, LLP) filed companion transfer # 78751 to change the place of use of their rights to the land they obtained from the Duncans. The applications should be processed simultaneously to allow for the land swap/retention of water rights. Due to the only proposed changes being changes in place of use it is anticipated that there will be no potential hydrologic impacts. Therefore, the transfers can be processed and approved without any public notice advertising. The rights involved with the transfers are located within water districts 45K, 45O, and/or 140 so water master comments will be solicited.

- **Authority to File:**
The applicants, PKD Properties LC & TLD Properties LLC, are listed as the current owners of the right involved in the transfer. A copy of a warranty deed has been included showing that the applicants sold the current place of use, but retained the water right. A copy of an amended warranty deed has been included showing that the applicants own the new, proposed, place of use. In addition, copies of transfer consent agreements from listed security interests have been included with the application.
- **Water Right Validity:**
Water right 45-7182 was decreed in May of 2005. Review of aerial photography appears to support recent use of the right.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

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

Skinner, Corey

From: Skinner, Corey
Sent: Thursday, August 08, 2013 1:29 PM
To: 'William A Parsons'
Subject: RE: PKD Properties & TLD Properties (Duncan) Transfer

I will consider your e-mail response a request to correct the application to reflect 3.0 acres in the SWSE of Section 19 (as shown on the map).

From: William A Parsons [<mailto:wparsons@pmt.org>]
Sent: Thursday, August 08, 2013 1:04 PM
To: Skinner, Corey
Subject: Re: PKD Properties & TLD Properties (Duncan) Transfer

Sorry about that. You are correct that the 3.0 acres is in the SWSE. Do I need to do anything else to correct? Sorry I am late. I was in TF when I got your e mail. Thanks for all your help

William Parsons

From: Skinner, Corey
Sent: Thursday, August 08, 2013 9:29 AM
To: wparsons@pmt.org
Subject: PKD Properties & TLD Properties (Duncan) Transfer

Bill,

I am working on the PKD Properties & TLD Properties (Duncan) transfer that was part of the land swap with the Pattersons. While data entering the application into our computer system I noted that there appears to be a typo in the new, proposed, place of use (bottom of third page of application). The 3.0 acres in Section 19 are identified on this section of the application as being located in the SESE, but the map indicates that the 3.0 acres are supposed to be located in the SWSE (the pivot corner where the Duncan well is located). Could you shoot me back an e-mail clarifying that the map is correct and the 3.0 acres identified in the SESE should actually be located in the SWSE?

Thanks,

Corey