

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1JUL 22 2013
Department of Water Resources
Eastern RegionName of Applicant(s) Karl & Molly Cook and Jeffrey & Jenny Cook Phone: 208-351-1055Mailing Address: 703 W. 7th South, Rexburg, ID 83440 (Karl) Email: _____Mailing Address: 1076 South 7th West, Sugar City, ID 83448 (Jeffrey)

- ☐ 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 Robert L. Harris Phone: (208) 523-0620Mailing Address: P.O. Box 50130, Idaho Falls, ID 83405 Email: rharris@holdenlegal.com

- ☐ Send all correspondence for this application to the representative and not 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.

Robert L. Harris
Signature of Applicant or Authorized Representative

Robert L. Harris, Attorney
Print Name and Title if applicable

July 19, 2013
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: Rearrange place of use
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 if **Part 1A.2**. This transfer will rearrange the place of use to clean up the place of use shapefile now that pivots are on the property, and to conform the place of use to match a planned mini-pivot in the center of the property as shown on the attached maps.

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					
✓ ☐	35-7280	4.2 cfs	Irrigation	04/01 to 11/01	Ground water
✓ ☐	35-7281	5 cfs	Irrigation	04/01 to 11/01	Ground water
✓ ☐	35-13241	1.15 cfs	Irrigation	04/01 to 11/01	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights: 5.13 cfs and/or _____ ac-ft.

2. Total amount of water being transferred or changed 5.13 Cubic feet per second and/or _____ acre-feet 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 for diversion

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	
4N	35E	17	32	35	38	33	33	34	39	38	37	40	33	32	32	38	34	32	560

Total Acres (for irrigation use) 560

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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 and pump into mainlines.

- b. Who owns the property at the point(s) of diversion? Jeffrey and Jenny Cook
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
The Cooks are business partners and farm the property subject to this transfer together.

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

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

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation or 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. The place of use will be rearranged to better accommodate pivots on the property.

- 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) of 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: _____

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3**

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

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

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

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required in Part 3B above.

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by: _____ Date: _____ Prelim. Check by _____ Date: _____

Fee paid: _____ Date: _____ Receipted by _____ Receipt # _____

Add'l fee paid _____ Date: _____ Receipted by _____ Receipt # _____

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/22/2013

WATER RIGHT NO. 35-7280

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LINDEN J BUTIKOFER
Current Owner	LOIS J BUTIKOFER
	6138 N 5TH W
	IDAHO FALLS, ID 83401
	(208)522-7809
Attorney	HOLDEN KIDWELL HAHN & CRAPO
	C/O ROBERT L HARRIS
	PO BOX 50130
	IDAHO FALLS, ID 83405-0130
	(208)523-0620

Priority Date: 02/26/1973

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	4.2 CFS	
Total Diversion			4.2 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW	Sec. 17	Township 04N	Range 35E	JEFFERSON County
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IRRIGATION Use:
Acre Limit: 210

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	17		NENE	18		NWNE	40		SWNE	39		SENE	20
				NENW	40		NWNW	36		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	38		SESW	38
				NESE	21		NWSE	40						

Total Acres: 490

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412 (6), IDAHO CODE.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-07281 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.13 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1960 AF.
3.		THIS RIGHT IS LIMITED TO THE IRRIGATION OF 210 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-07281 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 490 ACRES IN A SINGLE IRRIGATION SEASON.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.		RIGHT NO. 35-07281 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date: 3/1/1979

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 3/11/1974

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

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Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 490

Combined Volume Limit: 1960

Combined Rate Limit: 5.13

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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

5/22/2013

WATER RIGHT NO. 35-7281

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LINDEN J BUTIKOFER
Current Owner	LOIS J BUTIKOFER
	6138 N 5TH W
	IDAHO FALLS, ID 83401
	(208)522-7809
Attorney	HOLDEN KIDWELL HAHN & CRAPO
	C/O ROBERT L HARRIS
	PO BOX 50130
	IDAHO FALLS, ID 83405-0130
	(208)523-0620

Priority Date: 02/26/1973

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	5 CFS	
Total Diversion			5 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW	Sec. 17	Township 04N	Range 35E	JEFFERSON County
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IRRIGATION Use:
Acre Limit: 280

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	17		NENE	18		NWNE	40		SWNE	39		SENE	20
				NENW	40		NWNW	36		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	38		SESW	38
				NESE	21		NWSE	40						

Total Acres: 490

Conditions of Approval:

1.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412 (6), IDAHO CODE.
2.		USE OF THIS RIGHT WITH RIGHT NO. 35-07280 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.13 CFS. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1960 AF.
3.		USE OF THIS RIGHT WITH RIGHT NO. 35-07280 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 490 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4.		RIGHT NO. 35-07280 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Permit Proof Due Date: 3/1/1979

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 3/11/1974

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

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Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 490

Combined Volume Limit: 1960

Combined Rate Limit: 5.13

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/22/2013

WATER RIGHT NO. 35-13241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LINDEN J BUTIKOFER
Current Owner	LOIS J BUTIKOFER
	6138 N 5TH W
	IDAHO FALLS, ID 83401
	(208)522-7809
Attorney	HOLDEN KIDWELL HAHN & CRAPO
	C/O ROBERT L HARRIS
	PO BOX 50130
	IDAHO FALLS, ID 83405-0130
	(208)523-0620

Priority Date: 04/01/1987

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.15 CFS	280 AFA
Total Diversion			1.15 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESENW	Sec. 17	Township 04N	Range 35E	JEFFERSON County
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IRRIGATION Use:

Acre Limit: 70

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04N	35E	17		NENE	18		NWNE	40		SWNE	39		SENE	20
				NENW	40		NWNW	36		SWNW	40		SENW	40
				NESW	40		NWSW	40		SWSW	38		SESW	38
				NESE	21		NWSE	40		SWSE	38		SESE	32

Total Acres: 560

Conditions of Approval:

1.	K09	THIS RIGHT IS FOR AN ENLARGEMENT OF 70 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
2.	E51	USE OF THIS RIGHT WITH RIGHT NOS. 35-7280 AND 35-7281 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.13 CFS.
3.	K02	THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHTS NO. 35-7280 AND 35-7281 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4.	C11	THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
5.	E55	USE OF THIS RIGHT WITH RIGHT NOS. 35-7280 AND 35-7281 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 560 ACRES IN A SINGLE IRRIGATION SEASON.
6.	C18	THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412 (6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 09/17/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date: 4/12/1994

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

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Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre: 4

Combined Acres Limit: 560

Combined Volume Limit:

Combined Rate Limit: 5.13

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 22 2013

Department of Water Resources
Eastern Region

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 an 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.

***Means the item is always required and must be included with the application.**

Yes N/A

- ✓ * 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).
- ✓ #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: Change in acres spreadsheet

Attachment No. 2a Water Right Ownership Documentation

COOK SPLIT ANALYSIS of BUTIKOFER WATER RIGHTS

Total W.R. Acres	Karl/Molly Acres	% to Karl/Molly	Jeff/Jenny Acres	% to Jeff/Jenny
560	142	25.36%	418	74.64%
The acres listed are those on the respective properties after the changes proposed in the transfer.				

TOTAL Water Rights				
Water Right No.	Diversion Rate	Combined D.R.	Volume	Combined Volume
35-7280	4.2	5.13	1960	2240
35-7281	5			
35-13241	1.154		280	

Split to Karl/Molly				
Water Right No.	Diversion Rate	Combined D.R.	Volume	Combined Volume
35-7280	1.07	1.30	497	568
35-7281	1.27			
35-13241	0.29		71	

Split to Jeff/Jenny				
Water Right No.	Diversion Rate	Combined D.R.	Volume	Combined Volume
35-7280	3.14	3.83	1463	1672
35-7281	3.73			
35-13241	0.86		209	

AMT 20-40984

347421

GRANT DEED

THIS INDENTURE is made this 27th day of March, 2006, by LINDEN J. BUTIKOFER and LOIS J. BUTIKOFER, husband and wife, the "Grantor", to FOSTER LAND AND CATTLE CO., an Idaho general partnership having as its General Partners Brad Foster and Boyd Foster, whose mailing address is Post Office Box 308, Rigby, Idaho 83442, the "Grantee".

WITNESSETH, that 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, and by these presents does grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described real property in the County of Jefferson, State of Idaho, to-wit:

Township 4 North, Range 35 East of the Boise Meridian, County of Jefferson, State of Idaho.

Section 10: South ½

Section 17: All

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

That certain property conveyed to Jefferson County for roadway purposes by those certain Quitclaim Deeds recorded as Instrument Nos. 181875 and 181907, records of Jefferson County, Idaho.

Section 22: All

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

That certain property conveyed to Jefferson County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 143699, records of Jefferson County, Idaho.

Section 23: N½

Instrument # 347421
RIGBY, JEFFERSON, IDAHO
2006-03-31 04:31:00 No. of Pages: 5
Recorded for: AMERITITLE
CHRISTINE BOULTER Fee: 15.00
Ex-Officio Recorder Deputy *Ve*
Index to: GRANT DEED

3/31/06

4:31

78729

EXCEPTING THEREFROM ALL OF THE FOLLOWING
DESCRIBED PROPERTIES:

That certain property conveyed to Jefferson County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 143699, records of Jefferson County, Idaho.

Section 33: NE¼, E½ SE¼

Section 34: W½

SUBJECT TO THE FOLLOWING:

1. All real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the Property.
2. Right, title and interest of the Public in and to those portions of above described property falling within the bounds of roads and highways.
3. Utah Power & Light Company Pole Line Easement given by Western Potato Co. #2, Don C. Archibald, a partner, and Leland Jay Cook, and Anita C. Cook, Grantors to Utah Power & Light Company, a corporation, Grantee, dated May 25, 1965, and recorded in Book 179 of Miscellaneous Records at Page 78, records of Jefferson County, Idaho.
4. Utah Power & Light Company Pole Line Easement given by Merle W. Butikofer and Ulene Butikofer, husband and wife, and Linden J. Butikofer and Lois J. Butikofer, husband and wife, Grantors to Utah Power & Light Company, a corporation, Grantee, recorded as Instrument No. 142793, records of Jefferson County, Idaho.
5. Utah Power & Light Company Easement given by Linden J. Butikofer and Lois J. Butikofer, husband and wife, Grantors to Utah Power & Light Company, a corporation, Grantee, dated

February 7, 1974, and recorded as Instrument No. 170364 on April 30, 1974 at 11:05 a.m., records of Jefferson County, Idaho.

6. Deed of Easement given by Richard A. Egbert, Alta Egbert, Phillips Farms, Inc., Blaine Larsen, Connie Larsen, Richard Larsen, Peggy Larsen, Kent Gneiting and Lorraine Gneiting and Jeffco Farms, a limited partnership, Grantors to Jefferson County, a political subdivision of the State of Idaho, Grantee, dated March 30, 1975, and recorded as Instrument No. 176990 on September 26, 1975 at 11:05 a.m., records of Jefferson County, Idaho.
7. Utah Power & Light Company Easement given by Blaine Larsen, Connie Larsen, Leonard O. Wasden and Afton Wasden, Grantors, to Utah Power & Light Company, a corporation, Grantee, dated May 8, 1975, and recorded as Instrument No. 177443 on November 6, 1975 at 11:05 a.m., records of Jefferson County, Idaho.
8. Utah Power & Light Company Easement given by Leonard C. Wasden and Afton Wasden, Blaine Larsen and Connie Larsen, and Janeen W. Harris, a married woman, Grantors, to Utah Power & Light Company, a corporation, Grantee, dated July 1, 1975, and recorded as Instrument No. 177451, records of Jefferson County, Idaho.
9. Utah Power & Light Company Easement given by Kent Gneiting and Lorraine Gneiting, his wife, Grantors, to Utah Power & Light Company, a corporation, Grantee, dated June 6, 1975, and recorded as Instrument No. 177454 on November 6, 1975 at 11:16 a.m., records of Jefferson County, Idaho.
10. Easement given by Gary J. Jensen, Grantor, to Richard I. Clayton, Jr. and Diane H. Clayton, Grantees, dated October 6, 1976, and recorded as Instrument No. 182365 on October 8, 1976 at 9:35 a.m., records of Jefferson County, Idaho.
11. Utah Power & Light Company Easement given by Blaine Larsen and Connie Larsen, his wife, Grantors, to Utah Power & Light Company, a corporation, Grantee, dated July 28, 1976,

and recorded as Instrument No. 182584, records of Jefferson County, Idaho.

12. Utah Power & Light Company Easement given by Frank D. Jones and Deloris M. Jones, his wife, Grantors, to Utah Power & Light Company, a corporation, party of the second part, dated May 26, 1977, and recorded as Instrument No. 187940 on September 13, 1977 at 11:26 a.m., records of Jefferson County, Idaho.
13. The rights of the public in any and all existing County roads, including but not limited to roads running along the South line, Section 10; North line of Sections 33 and 34.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

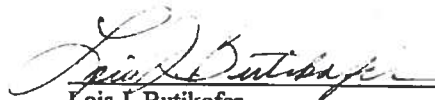
TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

GRANTOR:

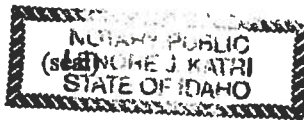

Linden J. Butikofer


Lois J. Butikofer

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 31 day of March, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Linden J. Butikofer, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.

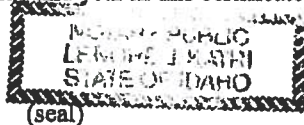


Linda J. Katri
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/09

STATE OF IDAHO)
)ss.
County of Bonneville)

On the ___ day of March, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Lois J. Butikofer, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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



Linda J. Katri
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/09

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20-40950



Instrument # 347429

RIGBY, JEFFERSON, IDAHO

2006-03-31

04:39:00

No. of Pages: 2

Recorded for : AMERITITLE

CHRISTINE BOULTER

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Fee: 6.00

347429

IDWD

Order No. 20-40950

WARRANTY DEED

For Value Received,

Foster Land & Cattle Co., an Idaho General Partnership

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Jeffrey M. Cook and Jenny Lynn Cook, husband and wife

GRANTEE(s), whose address is: **1076 South 7th West, Sugar City, ID 83448**

the following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

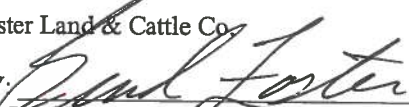
PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

March 30, 2006

Foster Land & Cattle Co.

BY:


Brad Foster, General Partner

BY:


Boyd Foster, General Partner

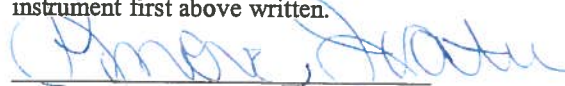
STATE OF IDAHO)

)ss

COUNTY OF Bonneville)

On this 30th day of March, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Brad Foster and Boyd Foster, as General Managers of Foster Land & Cattle Co. an Idaho General Partnership, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacity.

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


Notary Public for Idaho

Residing at: Idaho Falls, Idaho

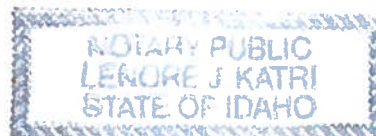


EXHIBIT "A"

Township 4 North, Range 35 East of the Boise Meridian, County of Jefferson, State of Idaho:

Section 17: N1/2
SE1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

- a. That certain property conveyed to Jefferson County for roadway purposes by that certain Quitclaim Deed recorded as Instrument No. 181907, records of Jefferson County, Idaho.



IDWD
Order No. 20-40949

Instrument # 347433
RIGBY, JEFFERSON, IDAHO
2006-03-31 04:43:00 No. of Pages: 2
Recorded for : AMERITITLE
CHRISTINE BOULTER
Ex-Officio Recorder Deputy UK Fee: 6.00
Index to: WARRANTY DEED

347433

WARRANTY DEED

For Value Received,

Foster Land & Cattle Co., an Idaho General Partnership

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Karl T. Cook and Molly M. Cook, husband and wife

GRANTEE(s), whose address is: 703 West 7th South, Rexburg, ID 83440

the following described real property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises that said premises are free from all encumbrances except the current year's taxes and assessments and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: March 20, 2006

Foster Land & Cattle Co.

BY:

Brad Foster
Brad Foster, General Partner

BY:

Boyd Foster
Boyd Foster, General Partner

STATE OF IDAHO)
)ss
COUNTY OF Bonneville)

RECEIVED BY
LESSOR
FOR PLATTING

3/31/06

Time 4:43

On this 30th day of March, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Brad Foster and Boyd Foster, as General Partners of Foster Land & Cattle Co., an Idaho Limited General Partnership, known or identified to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacity.

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

Lenore J. Katri
Notary Public for Idaho
Residing at: Idaho Falls, Idaho



Residing at Idaho Falls, Idaho
My Commission Expires: 01/30/09

78729

EXHIBIT "A"

Township 4 North, Range 35 East of the Boise Meridian, County of Jefferson, State of Idaho:

Section 17: SW1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTY:

That certain property conveyed to Jefferson County at Quitclaim Deed recorded as Instrument No. 181875, for roadway purposes.

COOK TRANSFER



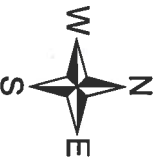
Legend

-  Karl Cook Property
-  IrrigatedAcres_Clip1
-  New POU
-  gcdb_sections
-  gcdb_qq



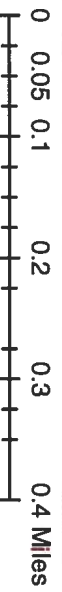
0 0.05 0.1 0.2 0.3 0.4 Miles

COOK TRANSFER



Legend

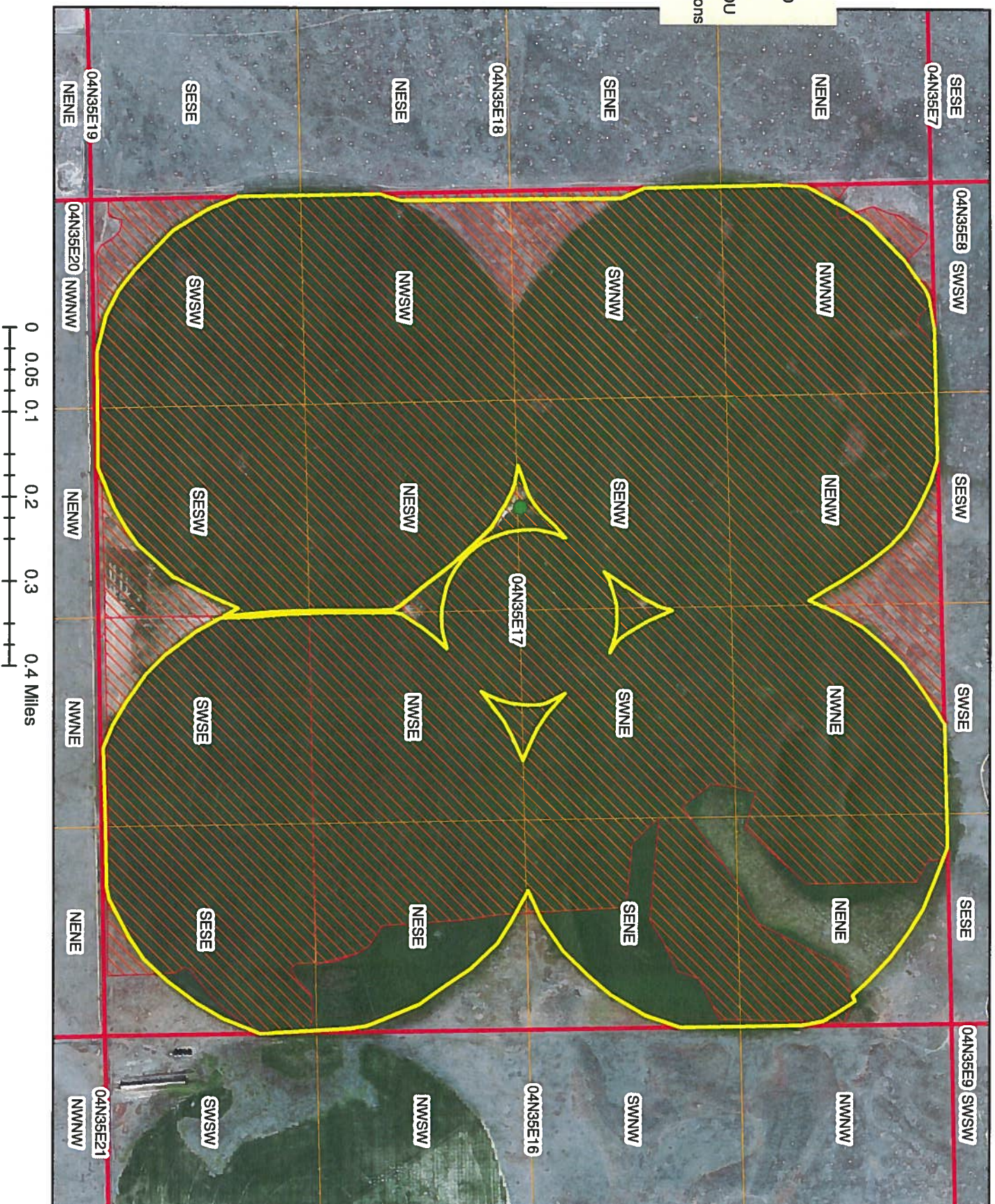
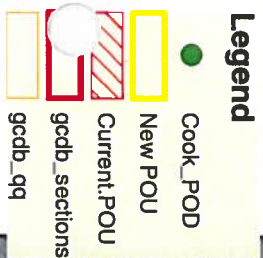
- New POU
- Acres per QQ
- gcdb_sections
- gcdb_qq



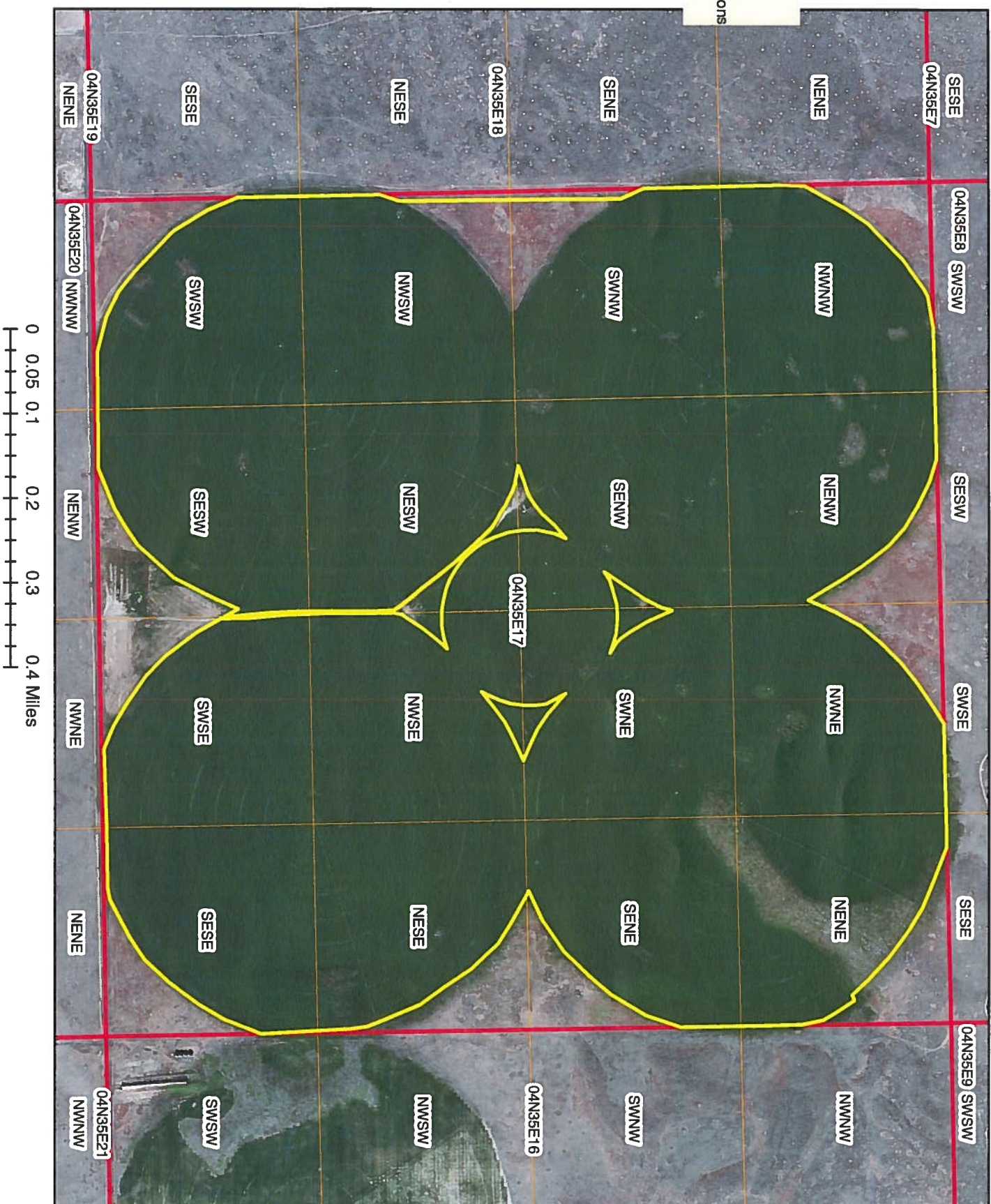
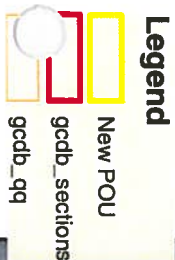
Attachment No. 7b

GIS Shape File

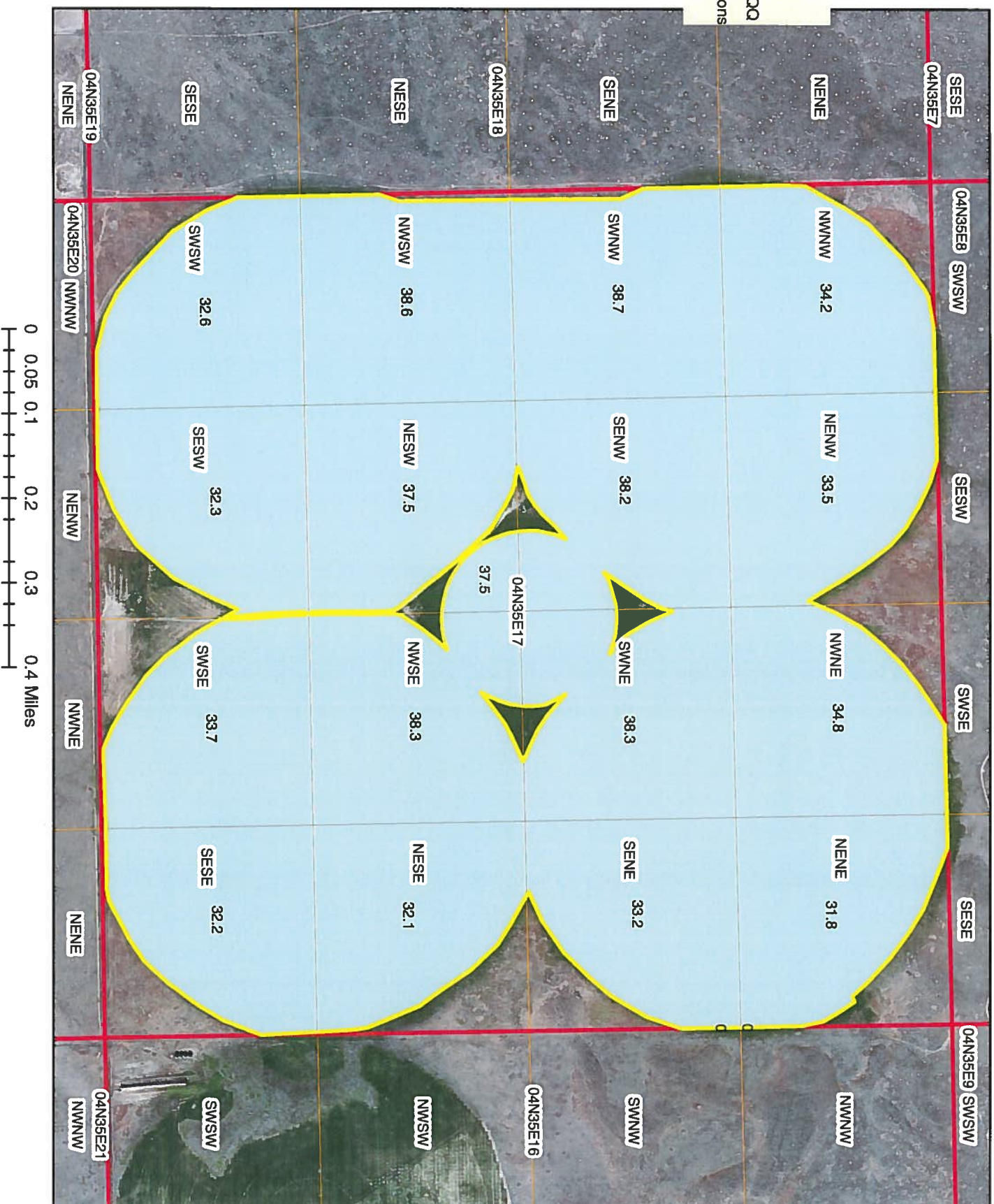
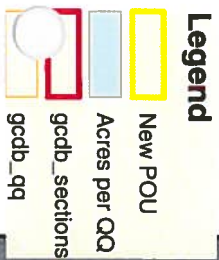
78729



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Attachment No. 9

Other

