

AMENDED page

RECEIVED

MAR 05 2013

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change

1. APPLICANT(S) The Conservation Fund, a Maryland non-profit corporation Phone 703-525-6300
2. MAILING ADDRESS 1655 N. Fort Myer Dr., Suite 1300 City Arlington
State VA Zip 22209 Email stison@conservationfund.org; allan@acbpc.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see [fee schedule](#).
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 35-14175; 35-14177; and 35-14179

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 0.82 cubic feet per second and/or 176 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5N	38E	16		NE	NW	SE	Jefferson	proposed well, groundwat	35-14175,-7,-9
								*Note: No ESPA analysis	
								*required; new location	
								*is in adjacent Model cells	

6. 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, pump, well metering device at well pump, two Wade Rain wheel lines, portable aluminum lines

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

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

- c. 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(s), or

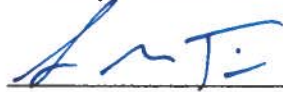
☐☒

currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



Signature of applicant or authorized agent

Scott M. Tison, Assistant Secretary

Print name and title if applicable

2/14/13

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____

Date _____

Fee paid _____ Date _____

Received by JR

Receipt # E038454

Preliminary review completed by _____

Date _____

Page _____ of _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 35-14175

Current Owner: SPRING CREEK RANCH INC

Priority Date: 3/5/1948

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.32 CFS	64 AF
	<u>Total Diversion</u>	0.32 CFS	64 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 22,	Twp 05N,	Rge 38E B.M.
MADISON County				
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 15,	Twp 05N,	Rge 38E B.M.
MADISON County				

Place of Use

IRRIGATION Within JEFFERSON County

T05N R38E S16	NESE	6.00	T05N R38E S16	NWSE	28.00
T05N R38E S16	SWSE	8.00	T05N R38E S16	SESE	2.00

Total Acres: 44

Page _____ of _____

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-14177, 35-14179 THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 16 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.82 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 176 AF. COMBINED RIGHT NOS.: 35-14177, 35-14179
6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-14177, 35-14179.
7. E03 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BUTTE & MARKET LAKE CANAL CO.
8. THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 NESW, SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.

Decreed Date: 8/29/2002

Page _____ of _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 35-14177

Current Owner: SPRING CREEK RANCH INC

Priority Date: 12/31/1940

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.47 CFS	105.8 AF
	<u>Total Diversion</u>	0.47 CFS	105.8 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 15,	Twp 05N,	Rge 38E B.M.
MADISON County				
GROUND WATER	NW1/4NE1/4NW1/4	Sec. 22,	Twp 05N,	Rge 38E B.M.
MADISON County				

Place of Use

IRRIGATION Within JEFFERSON County

T05N R38E S16	NESE	6.00	T05N R38E S16	NWSE	28.00
T05N R38E S16	SWSE	8.00	T05N R38E S16	SESE	2.00
Total Acres: 44					

Page _____ of _____

Conditions of Approval:

1. THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 NESW, SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.
2. 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.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-14175, 35-14179 THE PLACE OF USE DESCRIBED ABOVE IN T05N R38E S16 SWSE AND SESE DOES NOT INCLUDE ANY LAND OWNED BY THE UNITED STATES.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 35-14175, 35-14179
5. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
6. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.82 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 176 AF. COMBINED RIGHT NOS.: 35-14175, 35-14179.
7. E03 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BUTTE & MARKET LAKE CANAL CO.

Decreed Date: 8/29/2002

Page _____ of _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A

Current Water Right No.: 35-14179

Current Owner: SPRING CREEK RANCH INC

Priority Date: 9/28/1981

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.03 CFS	6.2 AF
	<u>Total Diversion</u>	0.03 CFS	6.2 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 15, Twp 05N, Rge 38E B.M.
MADISON County		
GROUND WATER	NW1/4NE1/4NW1/4	Sec. 22, Twp 05N, Rge 38E B.M.
MADISON County		

Place of Use

IRRIGATION Within JEFFERSON County

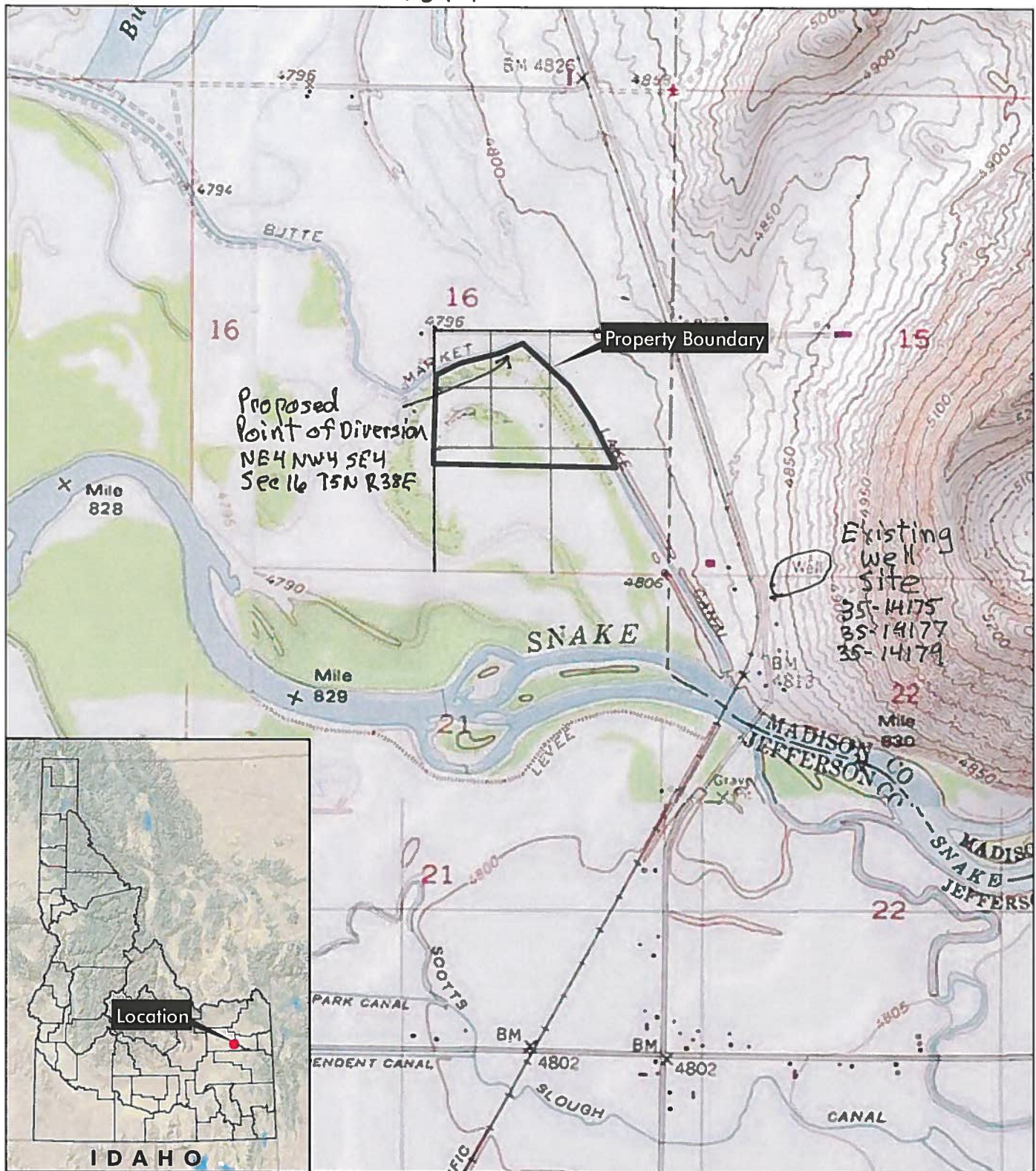
T05N R38E S16	NESE	6.00	T05N R38E S16	NWSE	28.00
T05N R38E S16	SWSE	8.00	T05N R38E S16	SESE	2.00
Total Acres: 44					

Page _____ of _____

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 35-14175, 35-14177
2. E17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM PALISADES WATER USERS ASSN.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 44 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 35-14175, 35-14177
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. E03 USE OF THIS RIGHT IS COMBINED WITH WATER FROM BUTTE & MARKET LAKE CANAL CO.
7. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.82 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 176 AF. COMBINED RIGHT NOS.: 35-14175, 35-14177.

Decreed Date: 4/2/2002

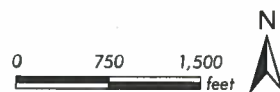


Raymond Property **The Conservation Fund**
 Section 16, T5N, R38E, Boise Meridian
 UTM NAD 83: Zone 12N; 420301mE, 4845851mN
 Latitude, Longitude: 43.761420°N, 111.990114°W
 USGS Menan Buttes, ID Quadrangle
 Jefferson County, Idaho

Figure 1
Vicinity Map

Prepared for: The Conservation Fund
 File: 3852 figure 1 Raymond.mxd [dlh]
 November 2011

ERO
 ERO Resources Corp.



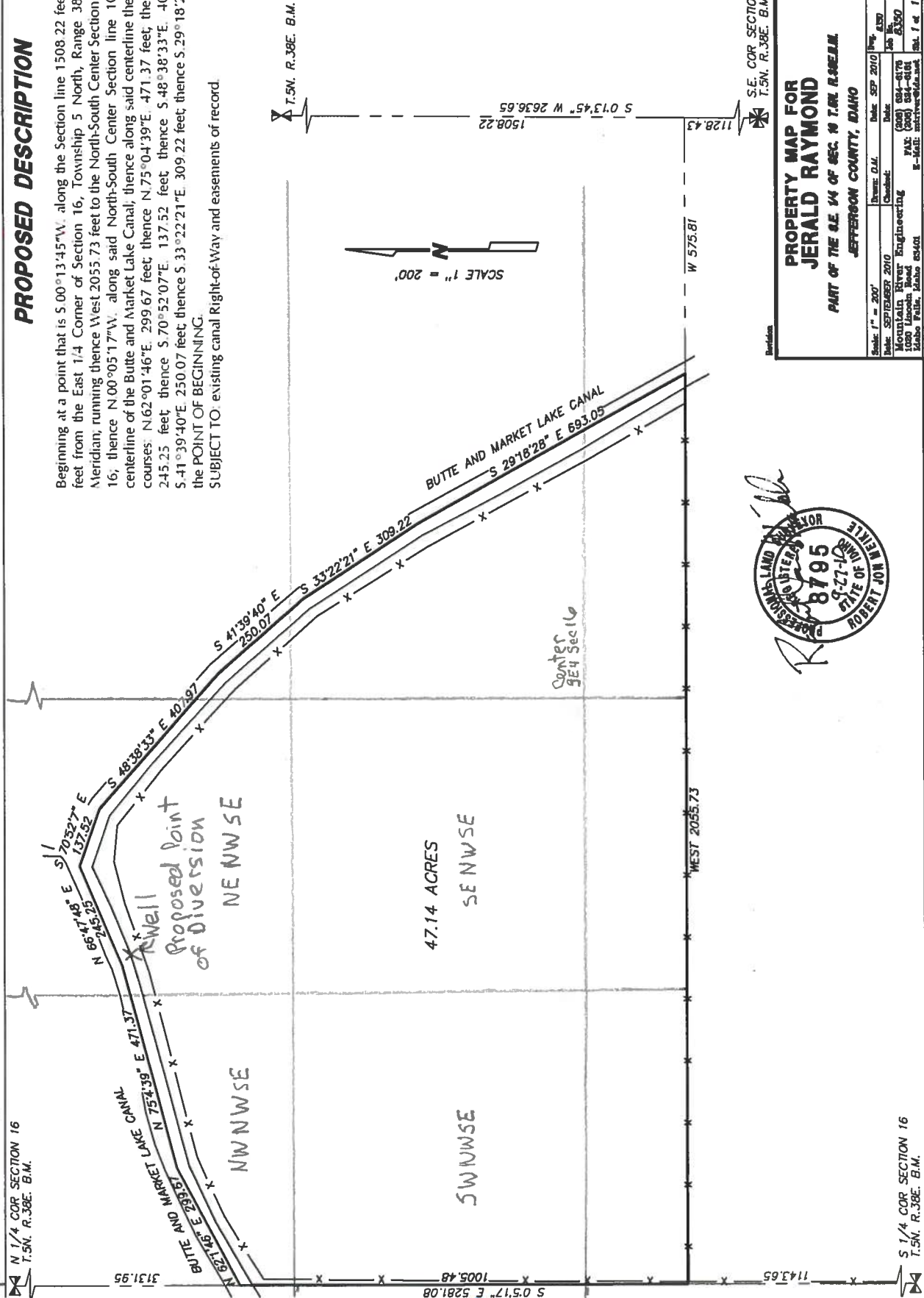
Item 7
2014

PROPOSED DESCRIPTION

Beginning at a point that is S 00°13'45"W, along the Section line 1508.22 feet and West 575.81 feet from the East 1/4 Corner of Section 16, Township 5 North, Range 38 East of the Boise Meridian, running thence West 2055.73 feet to the North-South Center Section line of said Section 16; thence N 00°05'17"W, along said North-South Center Section line 1005.48 feet to the centerline of the Butte and Market Lake Canal, thence along said centerline the following eight (8) courses: N 62°01'46"E, 299.67 feet; thence N 75°04'39"E, 471.37 feet; thence N 66°47'48"E, 245.25 feet; thence S 70°52'07"E, 137.52 feet; thence S 48°38'33"E, 407.97 feet; thence S 41°39'40"E, 250.07 feet; thence S 33°22'21"E, 309.22 feet; thence S 29°18'28"E, 693.05 feet to the POINT OF BEGINNING.

SUBJECT TO: existing canal Right-of-Way and easements of record.

Center Section 16
N 1/4 COR SECTION 16
T.5N. R.38E. B.M.



PROPERTY MAP FOR
JERALD RAYMOND
PART OF THE S.E. 1/4 OF SEC. 16 T.5N. R.38E. B.M.
JEFFERSON COUNTY, IDAHO

Scale: 1" = 200'	Drawn: D.M.	Date: SEP 2010	Proj: 4350
Date: SEP 2010	Checked:	Date:	Job No.
Mountain River Engineering			6350
1000 Lincoln Road	P.O. Box 884-818		
Boise, Idaho 83724	E-Mail: mriver@mr-e.com		Sh. 1 of 1



The Conservation Fund

S 1/4 COR SECTION 16
T.5N. R.38E. B.M.



Raymond Property The Conservation Fund
[Black Outline] Property Boundary

Figure 2
Site Plan

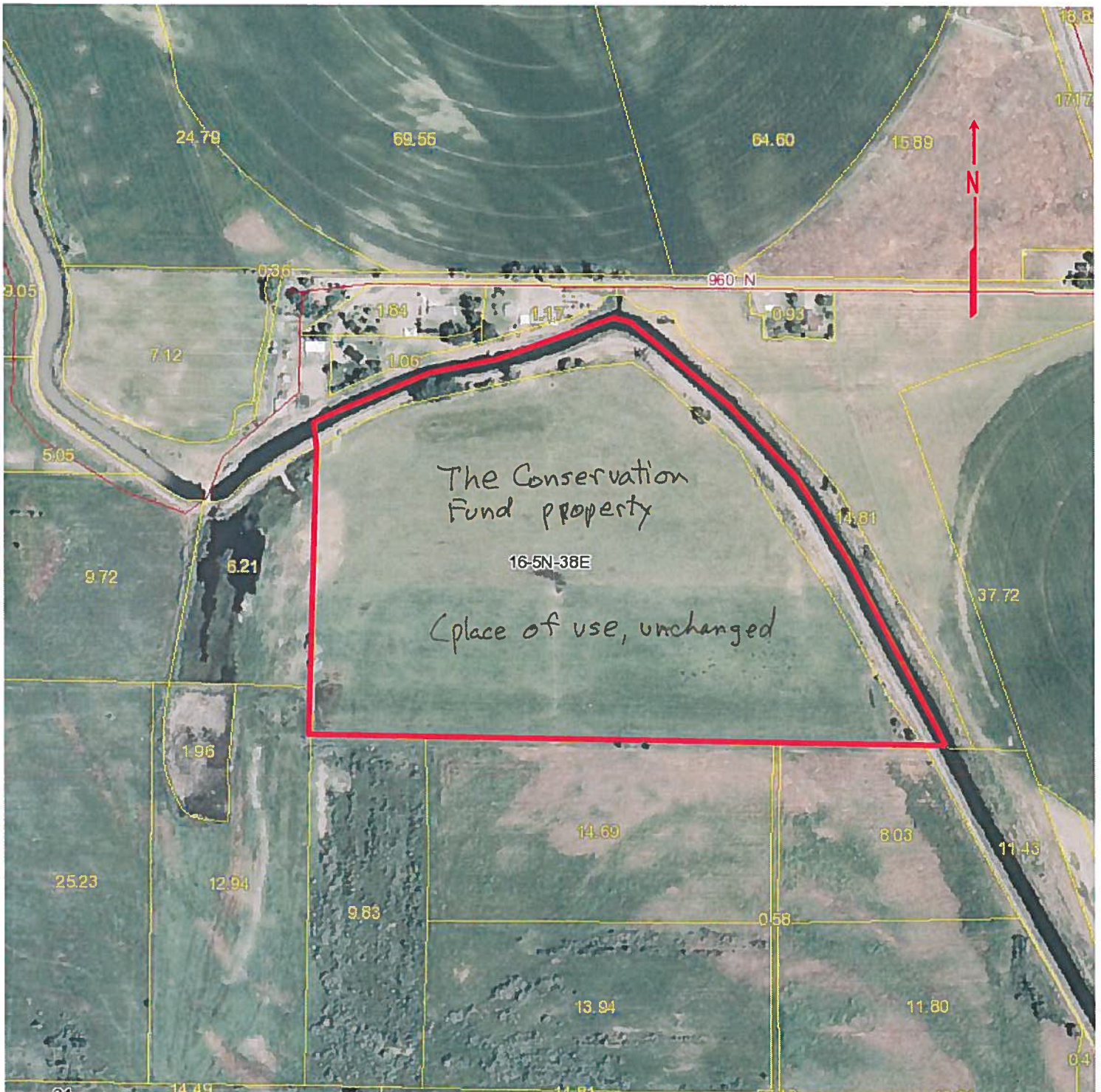


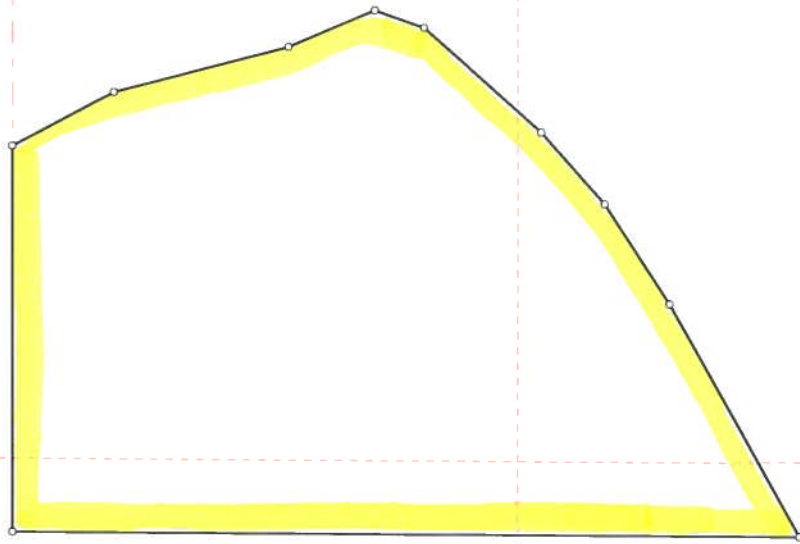
Prepared for: The Conservation Fund
File: 3852 figure 2 Raymond.mxd [dlH]
November 2011

ERO
ERO Resources Corp.

AERIAL PHOTOGRAPH

Item 7
4 of 4





Title:		Date: 03-04-2013
Scale: 1 inch = 500 feet	File:	
Tract 1: 47.136 Acres: 2053249 Sq Feet: Closure = s68.1310e 0.01 Feet: Precision = 1/990964: Perimeter = 5875 Feet		
001=se,ne,16,5n,38e	006=n62.0146e 299.67	011=s41.3940e 250.07
002=s00.1345w 1508.22	007=n75.0439e 471.37	012=s33.2221e 309.22
003=n90w 575.81	008=n66.4748e 245.25	013=s29.1828e 693.05
004=n90w 2055.73	009=s70.5207e 137.52	
005=n00.0517w 1005.48	010=s48.3833e 407.97	16

FEB 21 2013

Department of Water Resources
Eastern Region

BOARD RESOLUTION

OFFICERS AND SIGNATURE AUTHORIZATIONS

WHEREAS, Article IV, Section 1 of the Bylaws, as amended, provides for the Board of Directors to elect or appoint officers, and

WHEREAS, Article IV, Section 3 of the Bylaws, as amended, delineates the signatory authority of the Chairman and President, and

WHEREAS, Article IV, Section 3 of the Bylaws, as amended, also provides that such authorization may be extended to designated personnel.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Directors hereby elects the following as officers and authorizes the below named individuals to sign any deeds, mortgages, bonds, contracts, options, electronic online documents requiring an electronic signature, or other instruments, for and on behalf of The Conservation Fund:

J. Rutherford Seydel II, *Chairman*
 R. Michael Leonard, *Vice Chairman*
 Lawrence A. Selzer, *President and Chief Executive Officer*
 Richard L. Erdmann, *Executive Vice President, General Counsel*
 David K. Phillips, Jr., *Treasurer, Executive Vice President, Chief Financial Officer*
 Sydney S. Macy, *Senior Vice President*
 Rex R. Boner, *Vice President*
 Alisa E. Borland, *Vice President*
 Kathryn S. Brown, *Vice President, Marketing and Communications*
 Mark W. Elsbree, *Vice President*
 Joseph A. Hankins, *Vice President*
 Erik J. Meyers, *Vice President, Sustainable Programs*
 Jodi R. O'Day, *Vice President, Assistant Secretary*
 Blaine T. Phillips, Jr., *Vice President*
 Michele J. Sager, *Vice President*
 Daniel G. Sakura, *Vice President for Government Relations, Director of Real Estate*
 Matthew S. Sexton, *Vice President*
 Evan H. Smith, *Vice President, Forestland Acquisition and Finance*
 Margaret A. McCants, *Secretary*
 Beth Ann Burns, *Assistant Secretary*
 Elizabeth G. Engle, *Assistant Secretary, Associate Counsel*
 Paul F. Hurt, *Assistant Secretary, Deputy General Counsel*
 Scott M. Tison, *Assistant Secretary*

ADOPTED by the Board of Directors at its meeting
 held on the 14th day of December 2010, and
 REPLACES Resolution No. 003-09 adopted April 14, 2009.

S/ MARGARET A. McCANTS
 Margaret A. McCants, Secretary

Resolution No. 079-10

No. C 126433		Due no later than Nov 30, 2012		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. CONSERVATION FUND, A NONPROFIT CORPORATION (THE) SCOTT M TISON 1655 N FORT MYER DR STE 1300 ARLINGTON VA 22209 USA		MARK W ELSBREE GREAT AMERICAN BUILDING 260 NORTHWOOD WAY KETCHUM ID 83340	
				3. New Registered Agent Signature:*	
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
DIRECTOR	JAMES M WHITEHURST	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	GARY N THORNTON	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	FRANCIS SAUL III	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	GEORGE A RANNEY	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	GEORGINA A MORENO	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	SYLVIA) A EARLE	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	KAY K ARNOLD	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	RUTHERFORD SEYDEL II	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	MICHAEL R LEONARD	1655 N FORT MYER DR	ARLINGTON	VA	USA 22209
SECRETARY	MARGARET A. MCCANTS	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
PRESIDENT	LAWRENCE A. SELZER	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	KENNETH OLDEN	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	STEPHEN A ELBERT	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
TREASURER	DAVID K PHILLIPS,JR.	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	JOHN WINTHROP,JR	1655 N. FORT MYER DR. STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	PAUL E HAGEN	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
DIRECTOR	LAWRENCE A SELZER	1655 N FORT MYER DR STE 1300	ARLINGTON	VA	USA 22209
5. Organized Under the Laws of: MD C 126433		6. Annual Report must be signed.* Signature: Lawrence A. Selzer Name (type or print): Lawrence A. Selzer Date: 11/06/2012 Title: President & CEO			
Processed 11/06/2012		* Electronically provided signatures are accepted as original signatures.			

78462

State of Idaho

Department of State

CERTIFICATE OF AUTHORITY
OF
THE CONSERVATION FUND, A NONPROFIT CORPORATION
File Number C 126433

I PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that an Application for Certificate of Authority, duly executed pursuant to the provisions of the Idaho Business Corporation Act, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to transact business in this State and attach hereto a duplicate of the Application for such Certificate.

Dated: November 25, 1998

RECEIVED
FEB 21 2013
Department of Water Resources
Eastern Region



Pete T. Cenarrusa
SECRETARY OF STATE

By

[Signature]

Item 2

Item 2d
page 1

Recorded Electronically	
ID 396254	
County	JEFFERSON
Date	2-27-12 Time 1:03
Simplifile.com 800.460.5657	

130242

GENERAL WARRANTY DEED

Spring Creek Ranch, Inc. to TCF
Jefferson County, Idaho

THIS INDENTURE is made this 27th day of February, 2012, by **SPRING CREEK RANCH INC.**, an Idaho corporation, the address of which is 3352 East, 705 North, Menan, ID 83434, (the "**Grantor**"), to **THE CONSERVATION FUND**, a Maryland non-profit corporation, whose mailing address is 1655 North Fort Myer Drive, Suite 1300, Arlington, Virginia 22209-3199, Attention: General Counsel (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, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

See Exhibit A, attached hereto.

Together with 15 shares of the Palisades Water Users, Water District No. 1, with water being delivered through the Butte and Market Lake Canal Company, and together with (a) Water Right No. 35-14175, Priority Date March 5, 1948, 0.32 cfs; (b) Water Right No. 35-14177, Priority Date December 31, 1940, 0.47 cfs; and (c) Water Right No. 35-14179, Priority Date September 28, 1981, 0.03 cfs.

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 the property, as well in law as in equity, of the Grantor.

SUBJECT TO THE FOLLOWING: (1) Easement granted to Utah Power and Light Company recorded April 22, 1958 in Book 166 at Page 24 of the Official Records, (2) Easement granted to Utah Power and Light Company recorded April 15, 1941 in Book 131 at Page 16 of the Official Records and (3) Easement granted to Butte and Market Lake Canal Company recorded March 23, 1917 in Book 25 at Page 389.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor warrants that they have full power and lawful authority to convey the Property as described. The Grantor and the Grantor's successors shall warrant and defend the Property in the quiet and peaceable possession of

Item 2 of
duplicate page 1

Instrument # 396254
RIGB' JEFFERSON, IDAHO
02-27-2012 01:03:57 PM No. of Pages: 3
Recorded for: ALLIANCE TITLE - BOISE PRODUCTION CENTER
CHRISTINE BOULTER Fee: \$16.00
Ex-Officio Recorder Deputy: LK
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

ALLIANCE TITLE & ESCROW CORP

130242

GENERAL WARRANTY DEED

Spring Creek Ranch, Inc. to TCF
Jefferson County, Idaho

THIS INDENTURE is made this 21st day of February, 2012, by **SPRING CREEK RANCH INC.**, an Idaho corporation, the address of which is 3352 East, 705 North, Menan, ID 83434, (the "Grantor"), to **THE CONSERVATION FUND**, a Maryland non-profit corporation, whose mailing address is 1655 North Fort Myer Drive, Suite 1300, Arlington, Virginia 22209-3199, Attention: General Counsel (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, bargained, sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, and to the Grantee's successors and assigns forever, all of the following described property in the County of Jefferson, State of Idaho, to-wit:

See Exhibit A, attached hereto.

Together with 15 shares of the Palisades Water Users, Water District No. 1, with water being delivered through the Butte and Market Lake Canal Company, and together with (a) Water Right No. 35-14175, Priority Date March 5, 1948, 0.32 cfs; (b) Water Right No. 35-14177, Priority Date December 31, 1940, 0.47 cfs; and (c) Water Right No. 35-14179, Priority Date September 28, 1981, 0.03 cfs.

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 the property, as well in law as in equity, of the Grantor.

SUBJECT TO THE FOLLOWING: (1) Easement granted to Utah Power and Light Company recorded April 22, 1958 in Book 166 at Page 24 of the Official Records, (2) Easement granted to Utah Power and Light Company recorded April 15, 1941 in Book 131 at Page 16 of the Official Records and (3) Easement granted to Butte and Market Lake Canal Company recorded March 23, 1917 in Book 25 at Page 389.

TO HAVE AND TO HOLD the premises and the appurtenances unto the Grantee, and to the Grantee's successors and assigns forever. The Grantor warrants that they have full power and lawful authority to convey the Property as described. The Grantor and the Grantor's successors shall warrant and defend the Property in the quiet and peaceable possession of

the Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's successors, and against every person whomsoever who holds (or who later claims to have held) rights in the Property as of the date hereof, subject to the matters set forth above.

In construing this Warranty 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:

SPRING CREEK RANCH INC., an Idaho corporation

By Jerry Raymond Cheri Lin Raymond
Title: President / Secretary

STATE OF Idaho)
County of Jefferson)ss.

On this 21st day February, 2012, before me, the undersigned, a notary public, in and for said State, personally appeared Jerry Raymond and Cheri Lin Raymond, as pres. / sec. of Spring Creek Ranch Inc., an Idaho corporation, 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.

Notary Public for _____
Residing at _____
My Commission Expires: _____

[Signature]

Residing in Jefferson County
Commission Expires 08-13-2015

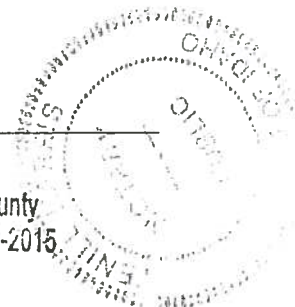


EXHIBIT "A"
DESCRIPTION OF PROPERTY

JEFFERSON COUNTY, IDAHO:

Beginning at a point that is South 00°13'45" West along the Section line 1508.22 feet and West 575.81 feet from the East Quarter corner of Section 16, Township 5 North, Range 38 East of the Boise Meridian, Jefferson County, Idaho, running thence West 2055.73 feet to the North-South Center Section line of said Section 16; thence North 00°05'17" West along said North-South Center Section line 1005.48 feet to the centerline of the Butte and Market Lake Canal; thence along said centerline the following eight (8) courses; North 62°01'46" East 299.67 feet; thence North 75°04'39" East 471.37 feet; thence North 66°47'48" East 245.25 feet; thence South 70°52'07" East 137.52 feet; thence South 48°38'33" East 407.97 feet; thence South 41°39'40" East 250.07 feet; thence South 33°22'21" East 309.22 feet; thence South 29°18'28" East 693.05 feet to the point of beginning.

SUPERCEDED page

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESRECEIVED
FEB 21 2013
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☒ Change diversion point(s)☐ Add diversion point(s)☒ Ownership change1. **APPLICANT(S)** The Conservation Fund, a Maryland non-profit corporation Phone 703-525-63002. **MAILING ADDRESS** 1655 N. Fort Myer Dr., Suite 1300 City Arlington

State VA Zip 22209 Email stison@conservationfund.org; allan@acbp.com

☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see fee schedule.☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.3. **LIST WATER RIGHT NUMBER(S)** 35-14175; 35-14177; and 35-14179☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.4. **TOTAL AMOUNT OF WATER** transferred is 0.82 cubic feet per second and/or 176 acre-feet per annum.
(diversion rate) (storage volume)5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5N	38E	22		NW	NE	NW	Madison	well, groundwater	35-14175, -7, -9
5N	38E	15		SW	SW	SW	Madison	well, groundwater	35-14175, -7, -9
5N	38E	16		NE	NW	SE	Jefferson	proposed well, groundwater	35-14175, -7, -9
								*Note: No ESPA analysis	
								*required; new location	
								*is in adjacent Model cells	