

RECEIVED

NOV 28 2012

Form 42-1761-1 08/11

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDWSB No. _____
Receipt No. 1096245
Date/by 11-28-12 HP
(For Department Use Only)**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**Name of Seller/Lessor W-4 DAIRY Phone (208)436-1700
Mailing address 116 N RIVER ISLAND RD RUPERT, ID 83350 Email _____**A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK**If the entire right is for sale or lease, check here ☐, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>36-2175</u>	<u>0.27/59.2</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
			to _____
			to _____
Total Amount: <u>0.27/59.2</u>			

2. Source of water _____ Ground Water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
07S	23E	21		NE	SW	NW	Lincoln

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	23E	21					0.6	2.5	.9	1.5	1.3	1.7	3.1	3.2					14.8

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 14.8**B. OWNERSHIP**

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. Is the point of diversion for the water right owned or managed by an irrigation district? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Existing well, pump, mainline and pivots

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

N/A

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes
- ☐
- No
- ☒

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 1/01/2013 to 12/31/2014 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

Current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Brent Whitesides Brent Whitesides Manager 11/26/2012
Signature of Applicant Printed Name and Title* Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

No. L 3422 Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Due no later than May 31, 2012 Annual Report Form 1. Mailing Address: Correct in this box if needed. W-4 DAIRY LIMITED PARTNERSHIP BRENT WHITESIDES 116 N RIVER ISLAND ROAD RUPERT ID 83350 USA		2. Registered Agent and Address (NO PO BOX) STEVEN D PETERSON 161 5TH AVE S STE 310 TWIN FALLS ID 83301 3. New Registered Agent Signature:*			
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
GENERAL PARTNER	SWJ WHITESIDES INVESTMENTS, LC	116 N RIVER ISLAND ROAD	RUPERT	ID	USA	83350	
GENERAL PARTNER	BW WHITESIDES INVESTMENTS, LC	116 N RIVER ISLAND RD	RUPERT	ID	USA	83350	
5. Organized Under the Laws of: ID L 3422		6. Annual Report must be signed.* Signature: Brent Whitesides Name (type or print): Brent Whitesides Date: 03/09/2012 Title: Manager Partner					
Processed 03/09/2012		* Electronically provided signatures are accepted as original signatures.					

WARRANTY DEED

LINCOLN COUNTY

#EC1865R
L-40451

Recorded for:

LAND TITLE AND ESCROW

2:28:26 pm 12-19-2011

0000-191231

No. Pages: 2

Fee: \$13.00

SUZANNE MCCONNELL

County Clerk

Deputy: VALERIE

For Value Received

G. Brad Fife and Sally Fife, husband and wife
and Brock Fife and Jennifer Fife, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

W-4 DAIRY LIMITED PARTNERSHIP,
an Idaho Limited Partnership
Address: 116 N. River Island Road, Rupert, Id. 83350

Hereinafter called the Grantee, the following described premises situated in LINCOLN County, Idaho, to-wit:

Township 7 South, Range 23 East of the Boise Meridian,
Lincoln County, Idaho.

Section 21; W1/2

Excepting Therefrom the West 30 feet of said W1/2, conveyed to the Kimama Highway District No. 6, by Warranty Deed recorded August 27, 1987, as Instrument Number 151333, Lincoln County records.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto
SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2011, a lien, but not yet due and payable.

Assessments of the A&B Irrigation District and the rights and powers of said District as by law provided.

Assessments levied or to be levied by Magic Valley Ground Water District.

The effect of Power Line Easement given by J.R. Simplot Company, a Nevada corporation, to Idaho Power Company, a corporation, dated November 22, 1961, recorded April 11, 1962 as Instrument Number 112629, Lincoln County records, affecting the NW1/4NW1/4 of Section 21, and the NW1/4 of Section 14 all in Township 7 South, Range 23 East Boise Meridian.

* Permanent Easement by and between Orlo H. and Laurel W. Maughan, Grantee, and Kimama Highway District No. 6, recorded August 27, 1987 as Instrument Number 151334, Lincoln County records.

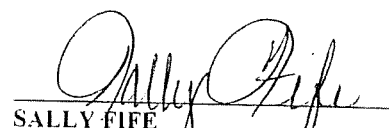
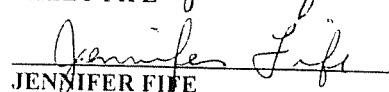
Power Line Easement given by Brad Fife and Sally Fife, husband and wife and Brock Fife and Jennifer Fife, husband and wife to Idaho Power Company, a corporation, dated January 24, 2008, recorded March 13, 2008 as Instrument Number 184638, Lincoln County records.

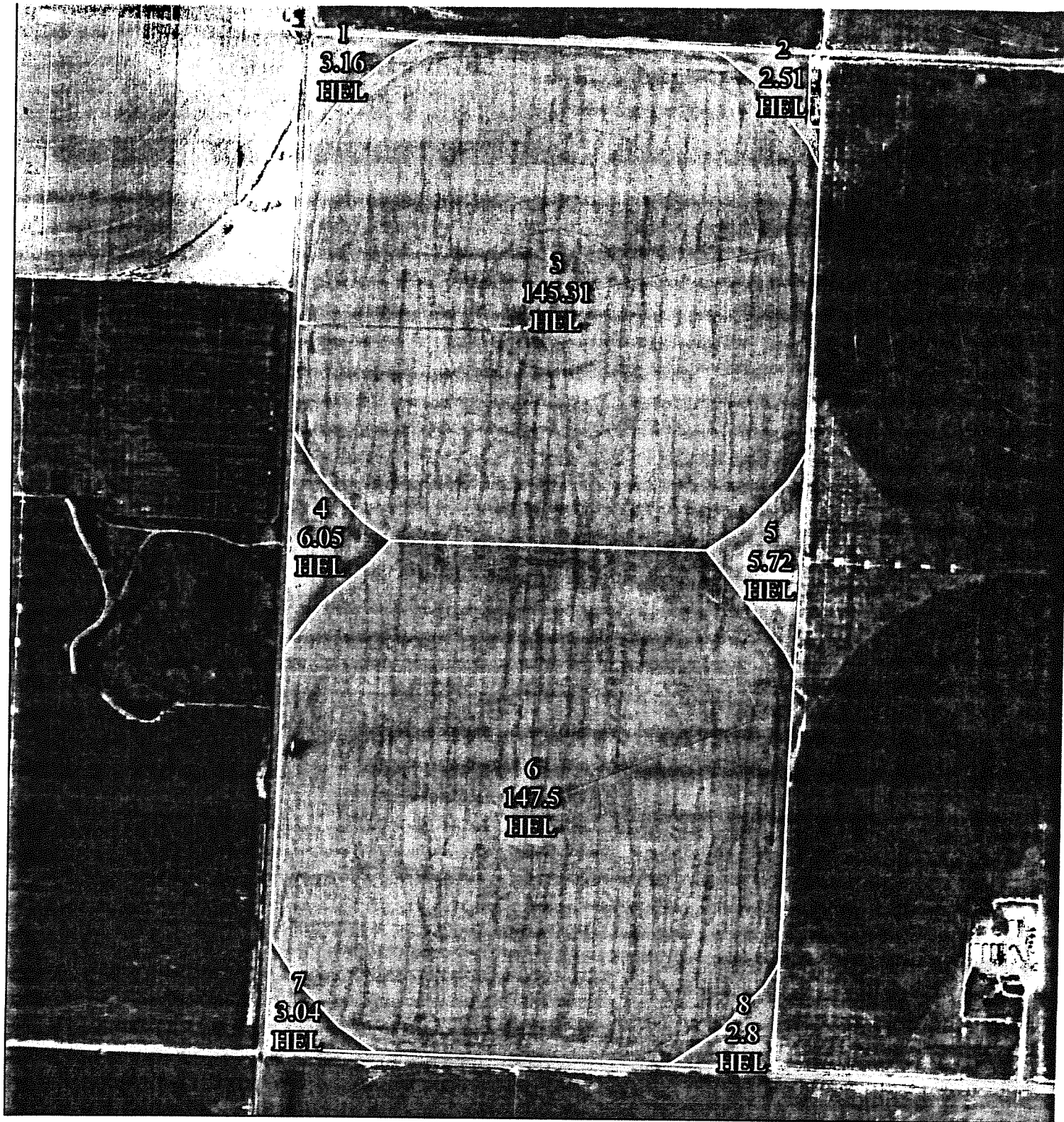
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 19, 2011


G. BRAD FIFE

BROCK FIFE


SALLY FIFE

JENNIFER FIFE



United States Department of Agriculture
Farm Service Agency

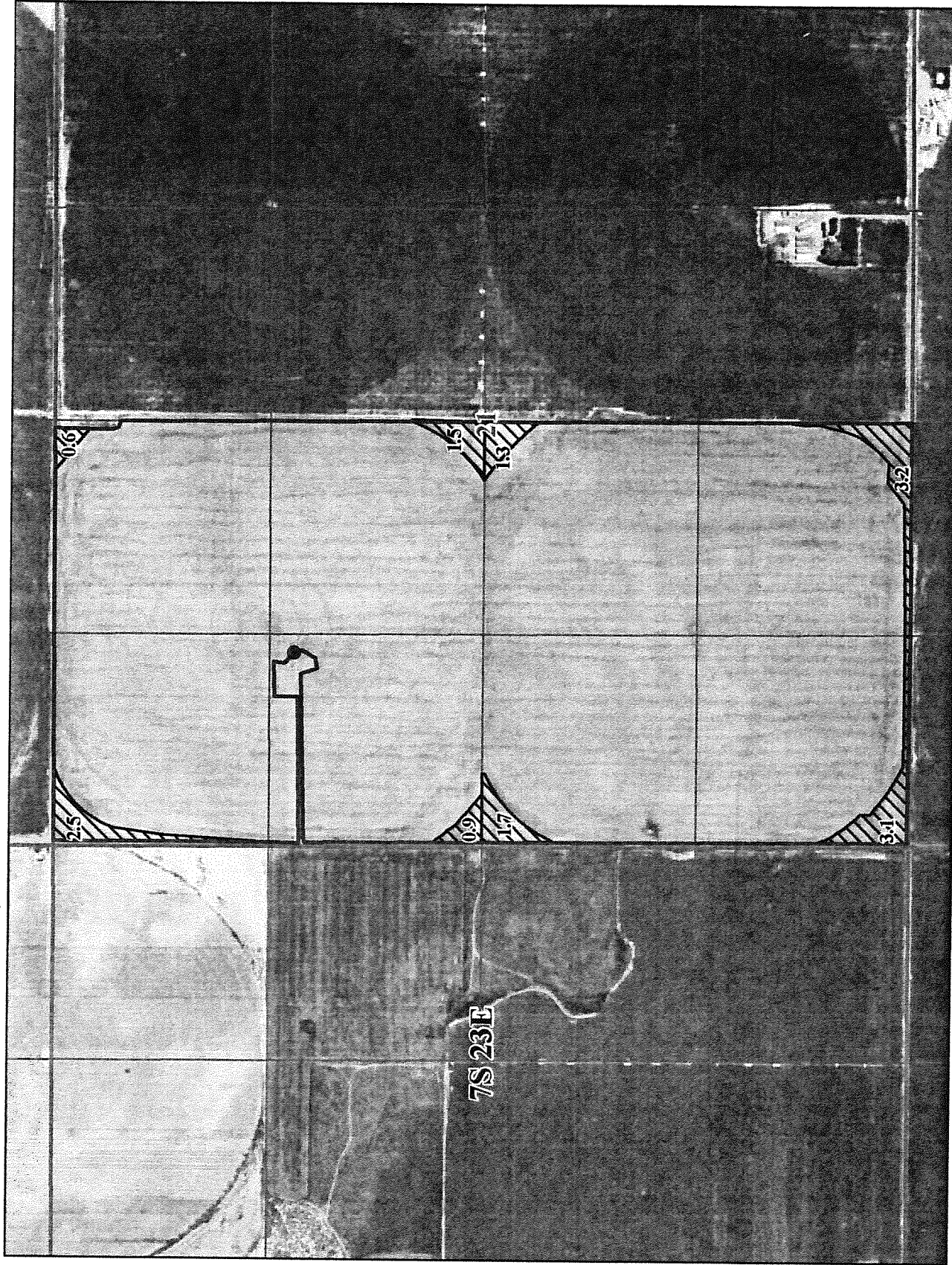
Minidoka County

**Tract 3213
Farm**

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.
Refer to your original determination (CPA-026 and attached maps) for exact wetland
boundaries and determinations, or contact NRCS.
Disclaimer

2013





**WHITESIDE, BRENT
36-2175 WATER BANK LEASE 2012
NAIP 2011 AERIAL PHOTO.**

