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DEC 07 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77602

RECEIVED

OCT 24 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGIONMINIMUM 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.
- ☐ ☒ #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/water/rights/>.
- ☐ ☐ #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.)
- ☐ ☒ #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: _____

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Rev. 06/09

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DEPT. OF WATER RESOURCES
SOUTHERN REGION OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 77602

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) PKD Properties, L.C. Phone _____Mailing address 1404 East 500 North Jackson Idaho 83350 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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.

Paul H. Duce
Signature of Applicant or Authorized Representative

Paul H. Duce 11-22-11
Print Name and Title if applicable Date
Member

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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. Create a permissible place of use to better manage farm. All wells have been constructed. All surface water points of diversion have been developed. Existing pipes and delivery systems.**

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 ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	Exhibit A			to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	

Total authorized under rights 29.63 cfs and/or - ac-ft

2. Total amount of water proposed to be transferred or changed 27.94 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 #
		NE	NE	NE	3	14S	22E	Cassia	Ground Water	Well 1
		SE	SE	NE	3	14S	22E	Cassia	Ground Water	Well 2
			NE	SE	36	13S	22E	Cassia	Mill Creek	
		SE	SE	SE	14	14S	22	Cassia	Birch Creek	

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	
13S	22E	26							39	39	39	39	39	39		39	39		312
		27									32	31	32	32	40			40	207
		34	40	40	40	40	24	15	3.5	36	40			40	39	40	40	39	476.5
14S	22E	3	30			33													63

Total Acres (for irrigation use) 1058.5

Exhibit A
Water Rights Description

ALL	PART	Water Right	Amount cfs	AFA	Nature of Use	Period of Use			Source & Tributary
X		45-597	1.2		Irrigation	3/15	to	11/15	Mill Creek
X		45-622B	5.15		Irrigation	3/15	to	11/15	Mill Creek
X		45-674	0.8		Irrigation	3/15	to	11/15	Mill Creek
	X	45-14218	0.31		Irrigation	3/15	to	11/15	Mill Creek
X		45-14219	1.37		Irrigation	3/15	to	11/15	Mill Creek
	X	45-14220	1.24		Irrigation	3/15	to	11/15	Mill Creek
X		45-14221	8.31		Irrigation	3/15	to	11/15	Mill Creek
	X	45-14222	0.11		Irrigation	3/15	to	11/15	Mill Creek
X		45-14223	1.03		Irrigation	3/15	to	11/15	Mill Creek
	X	45-88	0.42		Irrigation	2/28	to	11/15	Birch Creek
	X	45-14144	2.57	514.0	Irrigation	3/15	to	11/15	Ground Water
	X	45-14156	1.69	0	Irrigation	3/15	to	11/15	Ground Water
	X	45-14157	0.76	152.1	Irrigation	3/15	to	11/15	Ground Water
	X	45-14158	4.67	934.1	Irrigation	3/15	to	11/15	Ground Water

Total 29.63 -

Diversion Limit 27.94 CFS
Volume Limit - AFA

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: Existing wells and surface water diversion. Existing delivery system for handlines and pivots

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

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: Northwest Farm Credit

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: _____
A reduction in acres irrigated but not a reduction in diversion from water rights.

- 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 45-88

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	40.0
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-88

Current Owner: PKD PROPERTIES LC

Priority Date: 4/15/1882

Origin: Water Right

Status: Active

Basis: Decreed

Source

BIRCH CREEK

Tributary

GOOSE CREEK

Beneficial Use

From	To
------	----

IRRIGATION

2/28 to 11/15

Total Diversion

Diversion Rate

1.5 CFS

1.5 CFS

Annual Volume

Location of Point(s) of Diversion

BIRCH CREEK

SE1/4SE1/4SE1/4

Sec. 14, Twp 14S, Rge 22E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T14S R22E S3

SWNW

26.00

T14S R22E S3

SENW

40.00

T14S R22E S3

NESW

36.00

T14S R22E S3

NWSW

31.00

T14S R22E S3

SESW

36.00

Total Acres: 169

Conditions of Approval:

1. 177 The operation and use of this water right is also subject to the terms and conditions of the Water Rotation Agreement ("Agreement") entered into by certain users on 10 September, 1992. The Agreement was filed and recorded in the office of the Cassia County Recorder on 27 May, 1993 as Instrument No.: 224804; the provisions of such Agreement to apply fully to this water right.
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. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 169 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-78U, 45-79U, 45-88, 45-92B, & 45-10598.
4. S21 USE OF THIS RIGHT IS COMBINED WITH WATER FROM OAKLEY CANAL CO.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 143 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 5/18/2006

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

Current Water Right No.: 45-14144

Current Owner: PKD PROPERTIES LC
Priority Date: 10/22/1956
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	03/15 to 11/15	2.65 CFS	530 AF
	<u>Total Diversion</u>	2.65 CFS	530 AF

Location of Point(s) of Diversion

GROUND WATER	L1(NE1/4NE1/4NE1/4)	Sec. 3, Twp 14S, Rge 22E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 3, Twp 14S, Rge 22E B.M.
CASSIA County		

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00
T13S R22E S34	NENW	7.00	T13S R22E S34	SWNW	3.00
T13S R22E S34	SENE	35.00	T13S R22E S34	NESE	40.00
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00
T13S R22E S34	SESE	40.00	T14S R22E S3	Lot 1	NENE 35.00
T14S R22E S3	Lot 2	NWNE 3.20	T14S R22E S3	SENE	31.00

Total Acres: 514.2

Conditions of Approval:

1. E61 The rights listed below are limited to a total combined diversion rate of 8.25 cfs and to a total combined annual diversion volume of 1650.0 AF. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
2. K06 This right is limited to the irrigation of 132.5 acres within the place of use described above in a single irrigation season.
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. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
5. E56 The rights listed below are limited to the irrigation of a combined total of 530.3 acres in a single irrigation season. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
6. K03 Right No. 45-14156 is an expansion of this right and right Nos. 45-14157 and 45-14158 pursuant to Section 42-1416B, Idaho Code.

Decreed Date: 5/3/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-14144

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	514.2
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-14156

Current Owner: PKD PROPERTIES LC

Priority Date: 6/30/1985

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	03/15 to 11/15	1.74 CFS	
	<u>Total Diversion</u>	1.74 CFS	

Location of Point(s) of Diversion

GROUND WATER	L1(NE1/4NE1/4NE1/4)	Sec. 3, Twp 14S, Rge 22E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 3, Twp 14S, Rge 22E B.M.
CASSIA County		

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00	
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00	
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00	
T13S R22E S34	NENW	7.00	T13S R22E S34	SWNW	3.00	
T13S R22E S34	SENE	35.00	T13S R22E S34	NESE	40.00	
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00	
T13S R22E S34	SESE	40.00	T14S R22E S3	Lot 1	NENE	35.00
T14S R22E S3	Lot 2	NWNE	3.20	T14S R22E S3	SENE	31.00

Total Acres: 514.2

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 530.3 acres in a single irrigation season. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
2. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
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. K04 This right is an expansion of Right Nos. 45-14144, 45-14157, and 45-14158 pursuant to Section 42-1416B, Idaho Code.
5. E61 The rights listed below are limited to a total combined diversion rate of 8.25 cfs and to a total combined annual diversion volume of 1650.0 AF. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
6. K06 This right is limited to the irrigation of 117.8 acres within the place of use described above in a single irrigation season.

Decreed Date: 5/3/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-14156

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	514.2
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-14157

Current Owner: PKD PROPERTIES LC

Priority Date: 9/1/1957

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	03/15 to 11/15	0.78 CFS	156.8 AF
	<u>Total Diversion</u>	0.78 CFS	156.8 AF

Location of Point(s) of Diversion

GROUND WATER	L1(NE1/4NE1/4NE1/4)	Sec. 3,	Twp 14S,	Rge 22E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 3,	Twp 14S,	Rge 22E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00
T13S R22E S34	NENW	19.00	T13S R22E S34	SWNW	3.00
T13S R22E S34	SENE	35.00	T13S R22E S34	NESE	40.00
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00
T13S R22E S34	SESE	40.00	T14S R22E S2	SWNW	11.00
T14S R22E S2	SENE	12.00	T14S R22E S2	NESW	40.00
T14S R22E S2	NWSW	40.00	T14S R22E S2	SWSW	33.00
T14S R22E S2	SESW	40.00	T14S R22E S3	Lot 1	NENE
T14S R22E S3	NWNE	5.00	T14S R22E S3	SENE	31.00
T14S R22E S3	NESE	11.00			

Total Acres: 715

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Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 530.3 acres in a single irrigation season. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
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. E62 This right when combined withall other rights shall provide no more than .02 cfs per acre.
4. E61 The rights listed below are limited to a total combined diversion rate of 8.25 cfs and to a total combined annual diversion volume of 1650.0 AF. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
5. K06 This right is limited to the irrigation of 39.2 acres within the place of use described above in a single irrigation season.
6. K03 Right No. 45-14156 is an expansion of this right and right Nos. 45-14144 and 45-14158 pursuant to Section 42-1416B, Idaho Code.

Decreed Date: 5/3/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-14157

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 715

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

Current Water Right No.: 45-14158

Current Owner: PKD PROPERTIES LC
Priority Date: 9/1/1957
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	03/15 to 11/15	4.82 CFS	963.2 AF
	<u>Total Diversion</u>	4.82 CFS	963.2 AF

Location of Point(s) of Diversion

GROUND WATER	L1(NE1/4NE1/4NE1/4)	Sec. 3,	Twp 14S,	Rge 22E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 3,	Twp 14S,	Rge 22E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00
T13S R22E S34	NENW	19.00	T13S R22E S34	SWNW	3.00
T13S R22E S34	SENE	35.00	T13S R22E S34	NESE	40.00
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00
T13S R22E S34	SESE	40.00	T14S R22E S2	SWNW	11.00
T14S R22E S2	SENE	12.00	T14S R22E S2	NESW	40.00
T14S R22E S2	NWSW	40.00	T14S R22E S2	SWSW	33.00
T14S R22E S2	SESW	40.00	T14S R22E S3	Lot 1	NENE
T14S R22E S3	NWNE	5.00	T14S R22E S3	SENE	31.00
T14S R22E S3	NESE	11.00			

Total Acres: 715

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Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 530.3 acres in a single irrigation season. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
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. E61 The rights listed below are limited to a total combined diversion rate of 8.25 cfs and to a total combined annual diversion volume of 1650.0 AF. Combined Right Nos.: 45-14144, 45-14156, 45-14157, and 45-14158.
4. K03 Right No. 45-14156 is an expansion of this right and right Nos. 45-14144 and 45-14157 pursuant to Section 42-1416B, Idaho Code.
5. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre.
6. K06 This right is limited to the irrigation of 240.8 acres within the place of use described above in a single irrigation season.

Decreed Date: 5/3/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-14158

1.	<u>amount</u>	<u>4.67/934.1</u>	(cfs/ac-ft) for	<u>Irrigation</u>	purposes from	<u>3/15</u>	to	<u>11/15</u>
	<u>amount</u>		for		purposes from		to	
	<u>amount</u>		for		purposes from		to	
	<u>amount</u>		for		purposes from		to	
	<u>amount</u>		for		purposes from		to	
	<u>amount</u>		for		purposes from		to	
	<u>amount</u>		for		purposes from		to	
	<u>amount</u>		for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	715
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-14218

Current Owner: HOWARD ROBINSON
KAREN ROBINSON

Priority Date: 5/1/1882

Origin: Water Right

Status: Active

Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

0.63 CFS

0.63 CFS

Annual Volume

Location of Point(s) of Diversion

MILL CREEK

CASSIA County

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S35

NWNE

35.00

T13S R22E S35

SWNE

40.00

T13S R22E S35

NENW

40.00

T13S R22E S35

NWNW

39.00

Total Acres: 154

Conditions of Approval:

1. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 1/8/2007

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-14218

1.	amount	<u>0.31/</u>	(cfs/ac-ft)	for	<u>Irrigation</u>	purposes from	<u>3/15</u>	to	<u>11/15</u>
	amount			for		purposes from		to	
	amount			for		purposes from		to	
	amount			for		purposes from		to	
	amount			for		purposes from		to	
	amount			for		purposes from		to	
	amount			for		purposes from		to	
	amount			for		purposes from		to	

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	109
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-14220

Current Owner: HOWARD ROBINSON
KAREN ROBINSON

Priority Date: 4/1/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

2.54 CFS

2.54 CFS

Annual Volume

Location of Point(s) of Diversion

MILL CREEK

CASSIA County

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S35	NWNE	35.00	T13S R22E S35	SWNE	40.00
T13S R22E S35	NENW	40.00	T13S R22E S35	NWNW	39.00
T13S R22E S35	NESE	30.00	T13S R22E S35	NWSE	40.00

Total Acres: 224

Conditions of Approval:

1. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 1/8/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-14220

[illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	109
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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 45-14222

Current Owner: KAREN ROBINSON
HOWARD ROBINSON

Priority Date: 12/31/1879

Origin: Water Right

Status: Active

Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/15 to 11/15

STOCKWATER 01/01 to 12/31

Total Diversion

0.22 CFS

0.04 CFS

0.22 CFS

2.4 AF

2.4 AF

Location of Point(s) of Diversion

MILL CREEK

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S35	NESE	30.00	T13S R22E S35	NWSE	40.00
Total Acres: 70					

STOCKWATER Within CASSIA County

T13S R22E S35	NESE	T13S R22E S35	NWSE
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Conditions of Approval:

1. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.

Decreed Date: 1/8/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 45-14222

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) 109

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

Current Water Right No.: 45-597

Current Owner: PKD PROPERTIES LC
Priority Date: 3/1/1881
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

1.2 CFS

1.2 CFS

Annual Volume

Location of Point(s) of Diversion

MILL CREEK

CASSIA County

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00

Total Acres: 160

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. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

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

Current Water Right No.: 45-622b

Current Owner: D & N RANCH LLC
Priority Date: 4/1/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

5.15 CFS

5.15 CFS

Annual Volume

Location of Point(s) of Diversion

MILL CREEK

CASSIA County

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S11	SESE	30.00	T13S R22E S14	NWNE	32.00
T13S R22E S26	SWNW	40.00	T13S R22E S26	SENE	40.00
T13S R22E S26	NESW	39.00	T13S R22E S26	NWSW	40.00
T13S R22E S26	SWSW	40.00	T13S R22E S26	SESW	40.00
T13S R22E S26	NWSE	15.00	T13S R22E S26	SWSE	20.00
T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00
T13S R22E S34	NENW	19.00	T13S R22E S34	SWNW	3.00
T13S R22E S34	SENE	35.00	T13S R22E S34	NESE	40.00
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00
T13S R22E S34	SESE	40.00			

Total Acres: 793

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.

Decreed Date: 1/8/2007

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

Current Water Right No.: 45-674

Current Owner: PKD PROPERTIES LC
Priority Date: 7/1/1882
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

0.8 CFS

0.8 CFS

Annual Volume

Location of Point(s) of Diversion

MILL CREEK

CASSIA County

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S34	NESE	40.00	T13S R22E S34	NWSE	40.00
T13S R22E S34	SWSE	40.00	T13S R22E S34	SESE	40.00
Total Acres: 160					

Conditions of Approval:

1. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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.

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

Current Water Right No.: 45-14219

Current Owner: PKD PROPERTIES LC
Priority Date: 5/1/1882
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

1.37 CFS

1.37 CFS

Annual Volume

Location of Point(s) of Diversion

MILL CREEK

CASSIA County

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S26	SWNW	40.00	T13S R22E S26	SENE	40.00
T13S R22E S26	NESW	39.00	T13S R22E S26	NWSW	40.00
T13S R22E S26	SWSW	40.00	T13S R22E S26	SESW	40.00
T13S R22E S26	SWSE	20.00	T13S R22E S27	NESE	40.00
T13S R22E S27	SESE	40.00			

Total Acres: 339

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. C05 Right Includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Decreed Date: 1/8/2007

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

Current Water Right No.: 45-14221

Current Owner: PKD PROPERTIES LC
Priority Date: 4/1/1960
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

8.31 CFS

8.31 CFS

Annual Volume

Location of Point(s) of Diversion

MILL CREEK

CASSIA County

NE1/4SE1/4

Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S26	SWNW	40.00	T13S R22E S26	SENE	40.00
T13S R22E S26	NESW	39.00	T13S R22E S26	NWSW	40.00
T13S R22E S26	SWSW	40.00	T13S R22E S26	SESW	40.00
T13S R22E S26	NWSE	15.00	T13S R22E S26	SWSE	20.00
T13S R22E S27	NESE	40.00	T13S R22E S27	SESE	40.00
T13S R22E S34	NENE	40.00	T13S R22E S34	NWNE	40.00
T13S R22E S34	SWNE	40.00	T13S R22E S34	SENE	40.00
T13S R22E S34	NENW	19.00	T13S R22E S34	SWNW	3.00
T13S R22E S34	SENE	35.00	T13S R22E S34	NESE	40.00
T13S R22E S34	NWSE	40.00	T13S R22E S34	SWSE	40.00
T13S R22E S34	SESE	40.00			

Total Acres: 731

Conditions of Approval:

1. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.
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. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Decreed Date: 1/8/2007

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

Current Water Right No.: 45-14223

Current Owner: PKD PROPERTIES LC
Priority Date: 12/31/1879
Origin: Water Right
Status: Active
Basis: Decreed

Source

MILL CREEK

Tributary

SINKS

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/15 to 11/15
STOCKWATER 01/01 to 12/31
Total Diversion

1.03 CFS
0.19 CFS
1.03 CFS

11.6 AF
11.6 AF

Location of Point(s) of Diversion

MILL CREEK
CASSIA County

NE1/4SE1/4 Sec. 36, Twp 13S, Rge 22E B.M.

Place of Use

IRRIGATION Within CASSIA County

T13S R22E S34	NESE	40.00	T13S R22E S34	NWSE	40.00
T13S R22E S34	SWSE	40.00	T13S R22E S34	SESE	40.00
Total Acres: 160					

STOCKWATER Within CASSIA County

T13S R22E S34	NESE	T13S R22E S34	NWSE
T13S R22E S34	SWSE	T13S R22E S34	SESE

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. C22 Priority of appropriation shall give the better right as among those using the surface and ground waters of Mill Creek, Warm Springs, Spring Creek, Summit Creek, and their tributaries, and rights having the same priority date shall share equally in the available water supply in a manner that will equally apportion all natural channel losses among rights having the same date of priority. For example, if there are seven points of diversion from the natural channel, which have the same 1879 date of priority, and the flow in the stream is equal to one-half of the amount of flow necessary to fully satisfy all of the 1879 priorities at their respective points of diversion, then the diversion rates at each of the seven points of diversion shall be reduced by one-half. A pro rata sharing of the water in the stream shall continue to be enforced among rights of equal 1879 priority until the watermaster shall have determined that water in the stream is inadequate to reach a downstream 1879 point of diversion in a sufficient quantity to be applied to beneficial use. Thereafter, upstream 1879 appropriators who are still able to receive water in a sufficient quantity to be applied to beneficial use shall continue a pro rata sharing of the water in the stream.

Decreed Date: 1/8/2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

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

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the 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**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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 on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains 38 pages and 7 attachments.

Received by Y Date 12/7/2011 Prelim. Check by X Date 12/7/2011

Fee Paid \$2,380.00 Date 12/8/2011 Received by V Receipt # 5032260

Add'l Fee Paid _____ Date _____ Received by SL Receipt # 5032261

QUITCLAIM DEED

For value received, Howard Robinson and Karen Robinson, as grantor hereby quitclaims unto PKD Properties, the grantee whose current address is 1404 EAST 500 NORTH JACKSON, ID 83350, all of the grantor's right, title, and interest in and to the following described water rights situated in Cassia County, Idaho, on record with the Idaho Department of Water Resources.

Water right 45-14218, priority date 5/01/1882, for 0.31 cfs and irrigation of 74.9 acre.

Water right 45-14220, priority date 4/01/1960, for 1.24 cfs and irrigation of 109.0 acre.

Water right 45-14222, priority date 5/01/1879, for 0.11 cfs and irrigation of 34.1 acre.

For a combined total of 109.0 acres of irrigation water.

Grantor has caused this quitclaim deed to be executed this 22 day of Nov., 2014.

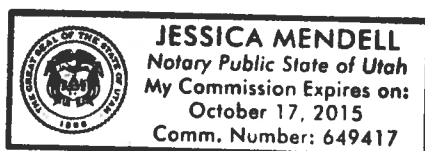
By: H. Ditch Robinson Karen Robinson
<GRANTOR>

State of UTAH)
) S.S.
County of Salt Lake)

On this 22 day of November, in the year of 2014, before me, a Notary Public, personally appeared H. Ditch and Karen Robinson, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Jessica Mendell
Notary Public
In and for said State and County

S
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A
L



10/17/2015
My Commission Expires on

QUITCLAIM DEED

For value received, D & N Ranch LLC, as grantor hereby quitclaims unto PKD Properties, the grantee whose current address is 1404 EAST 500 NORTH JACKSON, ID 83350, all of the grantor's right, title, and interest in and to the following described water rights situated in Cassia County, Idaho, on record with the Idaho Department of Water Resources.

Water right 45-622B, priority date 4/01/1960, for 5.15 cfs and irrigation of 793.0 acre.

Grantor has caused this quitclaim deed to be executed this 21 day of November, 2011.

By: H. Dutch Robinson
<GRANTOR>

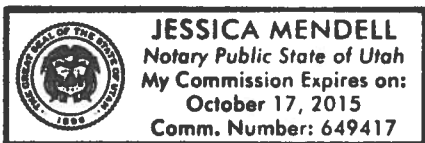
State of Utah)
) S.S.
County of Salt Lake)

On this 21 day of November, in the year of 20 11, before me, a Notary Public, personally appeared Howard Dutch Robinson, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Jessica Mendell
Notary Public
In and for said State and County

11-17-2015
My Commission Expires on

S
E
A
L



SPECIAL WARRANTY DEED

For Value Received

D & N Ranch, LLC, an Idaho limited liability company

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

Colt T. Robinson, a married man as his sole and separate property

Address: 1560 South 500 West

Oakley, Idaho 83346

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

**TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 11: That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of a line which is 10 feet South of the centerline of an existing Oakley Canal Company ditch.

Section 12: That part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of a line that is 10 feet South of the centerline of an existing Oakley Canal Company ditch.

Section 14: NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 23: E $\frac{1}{2}$ W $\frac{1}{2}$

This property is conveyed without any irrigation water rights.

SUBJECT TO:

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

Accruing taxes, levies and assessments; easements and rights of way of record if any.

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 3, 2007

D & N RANCH, LLC

By: Howard Dutch Robinson
Howard Dutch Robinson, Manager

By: **BRP LAND, LLC, Manager**

By: Boyd R. Poulton
Boyd R. Poulton, Managing Partner

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
4:04:01 pm 12-19-2007
2007-319972
NO. PAGES: 2 FEE: \$6.00
LARRY A. NICKELSEN
COUNTY CLERK
DEPUTY: ALHARR

No#

STATE OF Utah)

County of Utah) : ss

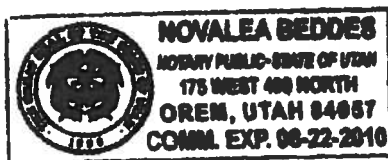
On this 3 day of December, 2007, before me, the undersigned, a Notary Public, personally appeared **Howard Dutch Robinson**, known or identified to me to be the Manager of D & N Ranch, LLC, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

Novala Beddes

Notary Public

Residing at: Orem Utah

My Commission expires: 8/22/2010



STATE OF Utah)

County of Utah) : ss

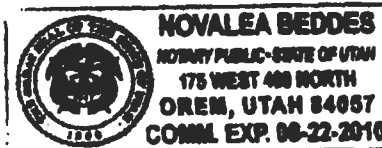
On this 3 day of December, 2007, before me, the undersigned, a Notary Public, personally appeared **Boyd R. Poulton**, known or identified to me to be the Managing Partner of BRP Land, LLC, the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.

Novala Beddes

Notary Public

Residing at: Orem Utah

My Commission expires: 8/22/2010



Ground Water Narrative in Support of Water Right Transfer

Water rights 45-14144, 45-14156, 45-14157 and 45-14158 were involved in transfer 74957 that was approved April 2, 2009. This transfer reduced the number of acres under these four rights from 530.2 acres to 514.2 acres. In an effort to retain the 16.0 acres, transfer 74957 was withdrawn in March of 2011 due to the transfer requirements not being completed. The entire 530.2 acres was never fully numerically re-identified by IDWR for all four water rights but a combination limitation of 530.2 acres was applied to all four water rights at that time. Therefore, it is impossible to correctly identify in Part 2B's the 514.2 acres to be changed with this transfer under water rights 45-14144, 45-14156, 45-14157 and 45-14158.

A total of 16.0 acres of 45-14144, 45-14156, 45-14157 and 45-14158 is being proposed to be transferred to a new place of use by a separate transfer. The remaining 514.2 acres will have a newly defined POU within the proposed new PPU. These ground water rights are utilized as supplemental ground water to Mill Creek and Birch Creek water rights.



October 7, 2011

State of Idaho
Department of Water Resources
1341 Fillmore Street, Ste 200
Twin Falls, Id 83301-3380

Re: PKD Properties, L.C
Water Transfer

To Whom It May Concern:

Northwest Farm Credit Services, FLCA consents to the transfer of Water Rights to occur that are currently assigned to PKD Properties, L.C., Northwest Farm Credit Services, FLCA currently has Mortgage(s) with a secured interest in the following water rights:

45-597; 45-622B; 45-674; 45-14218; 45-14219; 45-14220; 45-14221; 45-14222; 45-14223; 45-78U; 45-88; 45-92B; 45-10598; 45-14144; 45-14156; 45-14157; 45-14158 and 45-2363.

If you have any questions or I can be of further assistance, please do not hesitate to call me at 208-732-1000.

Regards,

A handwritten signature in cursive script that reads "Eric Gray".

Eric Gray
Sr. Credit Officer
Northwest Farm Credit Services

State of Idaho)
) ss.
County of Twin Falls)

On October 7, 2011, before me personally appeared Eric Gray, known to me to be an authorized agent of Northwest Farm Credit Services, FLCA, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he/she was authorized to execute said instrument.



A handwritten signature in cursive script that reads "Maryann Halford".

Printed Name Maryann Halford
Notary Public for the State of Idaho
Residing at Twin Falls
My commission expires March 28, 2014

WARRANTY DEED

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW #48038
3:56:46 pm 12-20-2010
2010-005869
NO. PAGES: 9 FEE: \$34.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: VIKI

For Value Received

D & N Ranch, LLC, an Idaho limited liability company

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

PKD Properties, L.C., an Idaho limited liability company

Address: 1404 East 500 North
Jackson, ID 83350

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

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 26: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO 2:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: E $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, ALSO Tax No. 4144, described as follows:

Tax No. 4144: The South 1716 feet of the NW $\frac{1}{4}$ of said Section 34, lying East of the West right-of-way boundary line of the East Canal of the Oakley Canal Company.

EXCEPTING THEREFROM the following described tract:

Commencing at a point 54 rods North and 2 rods East of the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 34;
Thence running East 34 rods;
Thence North 22 rods and 11 $\frac{1}{2}$ feet;
Thence West 34 rods;
Thence South 22 rods and 11 $\frac{1}{2}$ feet to the Point of Beginning.

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: That part of the S $\frac{1}{2}$ NE $\frac{1}{4}$ lying East of Birch Creek Road; Lot 1 and Tax No. 451 and tax No. 464, described as follows:

Tax No. 451:

Beginning 49.5 feet South and 676.5 feet East of the Northwest corner of the NE $\frac{1}{4}$ of said Section 3;
Running thence South 597.44 feet;
Thence East 214.5 feet;
Thence North 597.69 feet;
Thence West 214.5 feet to the Point of Beginning,

EXCEPT that part deeded as County road right-of-way.

Tax No. 464:

Beginning at a point 49.5 feet South of the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3;

Thence South 598.2 feet;
Thence West 214.5 feet;
Thence North 382.94 feet;
Thence East 107 feet;
Thence North 215 feet;
Thence East 107.5 feet to the Point of Beginning.

PARCEL NO. 3:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Commencing at a point 54 rods North and 2 rods East of the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 34;
Thence running East 34 rods;
Thence North 22 rods and 11 $\frac{1}{2}$ feet;
Thence West 34 rods;
Thence South 22 rods and 11 $\frac{1}{2}$ feet to the Point of Beginning.

PARCEL NO. 4:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at the Northwest corner of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 27;
Thence running East 160 rods;
Thence South 40 rods;
Thence West 160 rods;
Thence North 40 rods to the Point of Beginning.

EXCEPTING THEREFROM the following described tracts:

TRACT 1:

Beginning at a point 660 feet North of the Southwest corner of said Section 27;
Thence North 300 feet;
Thence East 150 feet;
Thence South 300 feet;
Thence West 150 feet to the Point of Beginning.

TRACT 2:

Beginning at the Southwest corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27, said corner marked by a 5/8 inch rebar;
Thence South 89°14'01" East along the South line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 150.00 feet to a point which shall be the Point of Beginning;
Thence North 00°08'26" East for a distance of 31.82 feet;
Thence South 89°02'37" East for a distance of 49.61 feet;
Thence South 00°25'08" East for a distance of 31.66 feet to the South line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North 89°14'01" West along said line for a distance of 49.92 feet to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at a point 80 rods North and 3 rods East of the Southwest corner of said Section 27;
Thence running East 80 rods;
Thence North 40 rods;
Thence West 80 rods;
Thence South 40 rods to the Point of Beginning.

PARCEL NO. 6:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at a point 660 feet North of the Southwest corner of said Section 27;
Thence North 300 feet;
Thence East 150 feet;
Thence South 300 feet;
Thence West 150 feet to the Point of Beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of the N $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°08'26" East along the West line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 32.32 feet to a 1/2 inch rebar;
Thence South 89°02'37" East for a distance of 150.01 feet;
Thence South 00°08'26" West for a distance of 31.82 feet to the South line of the N $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence North 89°14'01" West along said line for a distance of 150.00 feet to the Point of Beginning.

✓ **PARCEL NO. 7:**

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Part of the N $\frac{1}{2}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning 245 feet East of Northwest corner of said Section 34;
Thence South for 495 feet;
Thence East for 365.5 feet;
Thence South for 429 feet to point that is located 1716 feet North of the South boundary line of the NW $\frac{1}{4}$ of said Section 34;
Thence East 1559.5 feet, more or less, to the point that is located 470 feet West of the East boundary line of the NW $\frac{1}{4}$ of said Section 34;
Thence North for 924 feet, more or less, to the North boundary line of the NW $\frac{1}{4}$ of said Section 34;
Thence West along said North boundary line for 1925 feet to Point of Beginning, 245 feet from Northwest corner of said Section 34.

EXCEPTING THEREFROM the following described tract:

Commencing at the Northwest corner of said Section 34, marked by a 5/8 inch rebar and aluminum cap, and running thence along the North line thereof South 89°15'15" East 245.00 feet to a 1/2 inch rebar marking the Northwest corner of that real property conveyed from Barry R. Matthews and Martha Matthews to H. Dutch Robinson and Karen Robinson by the Warranty Deed recorded December 30, 1999 as Instrument No. 266654, Cassia County records, said 1/2 inch rebar being the True Point of Beginning;
Thence along the West line of said land of Robinson South 0°17'38" West 495.00 feet a 1/2 inch rebar set on the North line of that real property conveyed to James T. Hunter and Becky K. Hunter by the Quitclaim Deed recorded December 14, 2001 as Instrument No. 278704, Cassia County records;
Thence along the North line of said lands of Hunter South 89°15'15" East 365.50 feet to a 1/2 inch rebar at the Northeast corner thereof;
Thence leaving last said North line North 0°17'38" East 495.00 feet to a 1/2 inch rebar set on the North line of said Section 34;
Thence along last said North line North 89°15'15" West 365.50 feet to the True Point of Beginning.

PARCEL NO. 8:

TOWNSHIP 13 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 27: Beginning at the Northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27, running thence South 30 rods, thence West 80 rods, thence North 30 rods, thence East 80 rods to the Point of Beginning

Beginning at the Northeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27, running thence South 30 rods; thence West 80 rods; thence North 30 rods; thence East 80 rods to the Point of Beginning.

Beginning 30 rods South of the Northeast corner of the NW¼SW¼ of said Section 27, running South 10 rods; thence West 80 rods; thence North 10 rods; thence East 80 rods to the Point of Beginning.

Beginning at the Northeast corner of the NE¼SW¼ of said Section 27; thence South for 495.00 feet to the Point of Beginning; thence continuing South for 825.00 feet; thence West for 1270.50 feet; thence North for 660.00 feet; thence West for 49.50 feet; thence North for 165.00 feet; thence East for 1320.00 feet to the Point of Beginning.

PARCEL NO. 9:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: The West 415 feet of the SW¼NE¼

PARCEL NO. 10:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: SE¼ EXCEPT the East 900 feet

PARCEL NO. 11:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: E¼SW¼, NW¼SW¼ & SE¼NW¼, SW¼NW¼, EXCEPT the following described tracts:

Tract No. 1

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3;
Thence East 390 feet;
Thence North 650 feet;
Thence West 390 feet;
Thence South 650 feet to the Point of Beginning.

Tract No. 2

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3; Thence North along the Section line 650 feet to the True Point of Beginning;
Thence North 240 feet;
Thence East 390 feet;
Thence South 240 feet;
Thence West 390 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with a brass cap on top; Thence South 89°08'10" East (East rec.) along the South line of the NW¼SW¼ for a distance of 390.00 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence North 00°03'57" West (North, rec.) for a distance of 797.34 feet to a ½ inch rebar;
Thence South 27°58'24" East for a distance of 31.09 feet to a ½ inch rebar;
Thence South 35°48'24" East for a distance of 301.46 feet to a ½ inch rebar;
Thence South 56°02'44" East for a distance of 408.81 feet to a ½ inch rebar;
Thence South 73°28'33" East for a distance of 419.23 feet to a ½ inch rebar;
Thence South 00°03'31" East for a distance of 191.87 feet to the Southeast corner of the NW¼SW¼ marked by a U.S. BLM iron pipe with brass cap on top;
Thence North 89°08'10" West along the South line of the NW¼SW¼ for a distance of 931.36 feet to the Point of Beginning.

Tract No. 4:

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with brass cap on top; Thence North 00°03'57" West (North, rec.) along the West line of the NW¼SW¼ for a distance of 890.00 feet to the Point of Beginning;
Thence North 00°03'57" West continuing along said line for a distance of 68.31 feet;

Thence South 89°02'06" East for a distance of 31.54 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 272.75 feet to a ½ inch rebar;
Thence South 27°58'24" East for a distance of 77.36 feet to a ½ inch rebar;
Thence North 89°08'10" West (West, rec.) for a distance of 340.49 feet to the Point of Beginning.

Tract No. 5:

Beginning at the West ¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar; Thence North 00°14'42" East along the West section line for a distance of 428.97 feet to the Point of Beginning;
Thence North 00°14'42" East continuing along said line for a distance of 207.64 feet;
Thence South 89°02'06" East for a distance of 35.73 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 174.06 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 207.64 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 179.79 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the Point of Beginning.

Tract No. 6:

Beginning at the West ¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar; Thence North 00°14'42" East along the West section line for a distance of 221.33 feet to the Point of Beginning;
Thence North 00°14'42" East continuing along said line for a distance of 207.64 feet;
Thence South 89°02'06" East for a distance of 30.00 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 179.79 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 207.64 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 179.79 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the Point of Beginning.

Tract No. 7:

Beginning at the W¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar; Thence North 00°14'42" East along the West section line for a distance of 13.69 feet to the Point of Beginning;
Thence North 00°14'42" East continuing along said line for a distance of 207.64 feet;
Thence South 89°02'06" East for a distance of 30.00 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 179.79 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 207.64 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 179.79 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the Point of Beginning.

Tract No. 8:

Beginning at the W¼ section corner of said Section 3, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°14'42" East along the West section line for a distance of 13.69 feet;
Thence South 89°02'06" East for a distance of 30.00 feet to a ½ inch rebar;
Thence South 89°02'06" East for a distance of 179.79 feet to a ½ inch rebar;
Thence South 00°14'42" West for a distance of 208.14 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 178.73 feet to a ½ inch rebar;
Thence North 89°02'06" West for a distance of 30.00 feet to the West section line;
Thence North 00°03'57" West along said line for a distance of 194.47 feet to the Point of Beginning.

Tract No. 9:

Beginning at the Southwest corner of Lot 4 of said Section 3;
Thence South 21 7/11 rods;
Thence East 33 8/11 rods;
Thence North 21 7/11 rods;
Thence West 33 8/11 rods to the Point of Beginning.

Tract No. 10:

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with a brass cap on top; thence North 00°03'57" West (North rec.) along the West line of the NW¼SW¼ for a distance of 890.00 feet; thence South 89°08'10" East (East rec.) for a distance of 340.49 feet to a ½ inch rebar which shall be the Point of Beginning;
Thence South 89°08'10" East (East rec.) for a distance of 49.51 feet;

Thence South 00°03'57" East (South rec.) for a distance of 92.66 feet to a ½ inch rebar;
Thence North 27°58'24" West for a distance of 105.76 feet to the Point of Beginning.

PARCEL NO. 12:

TOWNSHIP 14 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: Part of the NW¼SW¼, more particularly described as follows:

Beginning at the Southwest corner of the NW¼SW¼ of said Section 3, said corner marked by a U.S. BLM iron pipe with a brass cap on top; thence North 00°03'57" West (North rec.) along the West line of the NW¼SW¼ for a distance of 890.00 feet; thence South 89°08'10" East (East rec.) for a distance of 340.49 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence South 89°08'10" East (East rec.) for a distance of 49.51 feet;

Thence South 00°03'57" East (South rec.) for a distance of 92.66 feet to a ½ inch rebar;

Thence North 27°58'24" West for a distance of 105.76 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to State of Idaho, Department of Water Resources Adjudication Nos. 45-597, 45-622B, 45-674, 45-14219, 45-14221, 45-14144, 45-14156, 45-14157, 45-14158, 45-14223, 45-78U, 45-79U, 45-88, 45-92B, 45-10598 and 45-2363 and Oakley Canal Company Stock Certificate Nos. 3692, 3693, 3695, 3696 and 3697.

SUBJECT TO:

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

Taxes subsequent to the year 2010.

Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

Assessments levied, or to be levied, by the Goose Creek Irrigation District.

Right-of-Way Deed from Joseph Beck, a single person, party of the first party, to The Twin Falls Oakley Land & Water Co., a corporation of Milner County of Twin Falls, party of the second part, dated March 14, 1913 and recorded April 9, 1917 as Instrument No. 28638 in Book 22 of Deeds, Page 488, records of Cassia County, Idaho.

Right of way as disclosed by Warranty Deed from John C. DeLaMare and Agnes M. DeLaMare to Rosetta B. Robinson, dated May 19, 1927 and recorded May 23, 1927 in Book 35 of Deeds on Page 610 as Instrument No. 85249, records of Cassia County, Idaho

Easement Deed from H. P. Matthews and Clara B. Matthews, his wife, as Grantors, to The North Oakley Water Company, as Grantee, dated February 21, 1944 and recorded March 8, 1945 as Instrument No. 150737, in Book 50 of Deeds, Page 198, records of Cassia County, Idaho.

Easement Deed from Ennis B. Matthews and Mabel Matthews, his wife, as Grantors, to The North Oakley Water Company, as Grantee, dated February 21, 1944 and recorded March 10, 1945 as Instrument No. 150771, in Book 50 of Deeds, Page 204, records of Cassia County, Idaho.

Power Line Easement from Loren J. Robinson Jr. and Rosetta B. Robinson, his wife, as Grantors, to Idaho Power Company, a corporation, its licensees, successors and assigns, as Grantee, dated April 18, 1950 and recorded June 15, 1950 as Instrument No. 169563 in Book 14 of Miscellaneous, Page 178, records of Cassia County, Idaho.

Mineral Deed from Ennis B. Matthews and wife, Mabel Matthews, Grantors, to Fred F. Foss, Grantee, dated December 19, 1952 and recorded February 2, 1953 as Instrument No. 177878, in Book 57 of Deeds, Page 104, records of Cassia County, Idaho.

Power Line Easement from Ennis B. Matthews and Mabel S. Matthews, his wife, as Grantors, to Idaho Power Company, a corporation, its licensees, successors and assigns, as Grantee, dated September 2, 1957 and recorded May 8, 1958 as Instrument No. 197155 in Book 15 of Miscellaneous, records of Cassia County, Idaho.

Power Line Easement from Ennis B. Matthews and Mabel S. Matthews, his wife, as Grantors, to the Idaho Power Company, a corporation, its licensees, successors and assigns, as Grantee, dated October 7, 1959 and recorded February 17, 1960 as Instrument No. 205200 in Book 16 of Miscellaneous, records of Cassia County, Idaho

Reservation contained in Warranty Deed from Caroline L. Tucker, party of the first part, and Ennis Matthews, party of the second part, dated March 12, 1956 and recorded February 10, 1964 as Instrument No. 16917 on Film No. 25, records of Cassia County, Idaho.

Easement For Construction And Maintenance Of Concrete Ditch between E. B. Matthews and Mabel Matthews, husband and wife, Grantors, and 10 B Birch Creek Water Users Association Of Lateral, Inc also known as 10 B Birch Creek Irrigation District, Grantees, dated April 28, 1967 and recorded July 8, 1968 as Instrument No. 41776 on Film No. 56, records of Cassia County, Idaho.

Easement For Construction and Maintenance of Concrete Ditch between Henry Calahan and Rose Calahan, husband and wife, parties of the first part, hereinafter called the "Grantors", which expression shall include their heirs, executors, administrators or assigns, and 10 B Birch Creek Water Users Association of Lateral, Inc., aka 10 B Birch Creek Irrigation District, an association of water users, party of the second part, hereinafter called the "Grantee" which expression includes its heirs, successors and assigns, dated April 29, 1967 and recorded July 8, 1968 as Instrument No. 41779 on Film No. 56, records of Cassia County, Idaho.

Easement For Construction And Maintenance Of Concrete Ditch between Andrew Butler and Luella Butler, husband and wife, Grantors, and 10 B Birch Creek Water Users Association Of Lateral, Inc., also known as 10 B Birch Creek Irrigation District, an association, dated April 28, 1967 and recorded July 8, 1968 as Instrument No. 41780 on Film No. 56, records of Cassia County, Idaho, over and across the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 3, Township 14 South, Range 22 East of the Boise Meridian.

Easement For Construction And Maintenance Of Concrete Ditch between J. H. Callahan and Rose Callahan, husband and wife, Grantors, and 10 B Birch Creek Water Users Association Of Lateral, Inc., also known as 10 B Birch Creek Irrigation District, an association, Grantees, dated May 22, 1968 and recorded July 8, 1968 as Instrument No. 41781 on Film No. 56, records of Cassia County, Idaho

Right of way contained in Deed from Matthews Brothers, Inc, an Idaho corporation to J. Henry Callahan and Rose Callahan, husband and wife, dated July 17, 1973 and recorded July 30, 1973 as Instrument No. 71595 on Film No. 83, records of Cassia County, Idaho.

Effects of Easement from Oakley Highway District to Matthews Brothers, Inc., an Idaho Corporation, dated October 7, 1986 and recorded October 8, 1986 as Instrument No. 182618 on Film No. 184, records of Cassia County, Idaho.

Grant of Easement from Janette Day and Gail Ambler to Goose Creek Flood Control District #16, a duly constituted entity under the laws of the State of Idaho, dated June 29, 1989 and recorded June 13, 1991 as Instrument No. 213882 on Film No. 226, records of Cassia County, Idaho.

Water Rotation Agreement executed by Matthews Brothers, Inc., et. al, dated September 10, 1992 and recorded May 27, 1993 as Instrument No. 224804 on Film No. 245, records of Cassia County, Idaho.

Reservation in Warranty Deed from Janette Day, a single woman and Gail Ambler and Frank Ambler, wife and husband to R. Hilton Critchfield and Sons, dated February 7, 1993 and recorded March 29, 1994 as Instrument No. 229942 on Film No. 254, records of Cassia County, Idaho.

Easement from J. H. Callahan et al to Goose Creek Flood Control District No. 16, dated May 1, 1996 and recorded April 16, 1998 as Instrument No. 255015 on Film No. 298, records of Cassia County, Idaho.

Reservation contained in Warranty Deed executed by Manning Ranches, Inc., an Idaho corporation who acquired title as Matthew Brothers, Inc., an Idaho corporation, to Howard Robinson and Karen Robinson, husband and wife, dated August 16, 2007 and recorded August 20, 2007 as Instrument No. 2007-317700, records of Cassia County, Idaho and Warranty Deed executed by Manning Ranches, Inc., an Idaho Corporation, who acquired title as Matthews Brothers, Inc. an Idaho Corporation to Howard Dutch Robinson aka Howard Robinson and Karen Robinson dba Green Acres sometimes known as Green Acres, LLC, dated August 16, 2007 and recorded August 20, 2007 as Instrument No. 2007-317704, records of Cassia County, Idaho.

Access Easement executed by Robert H. Manning and Deanne, husband and wife to Howard Dutch Robinson and Karen Robinson, husband and wife doing business as Green Acres sometimes known as Green Acres, L.L.C., dated July 19, 2007 and recorded August 20, 2007 as Instrument No. 2007-317705, records of Cassia County, Idaho.

Pipeline Easement executed by Howard Dutch Robinson and Karen Robinson, husband and wife doing business as Green Acres sometimes known as green acres, L.L.C. to Manning Ranches, Inc., dated July 19, 2007 and recorded August 20, 2007 as Instrument No. 2007-317706, records of Cassia County, Idaho.

Well Agreement With Easement between D & N Ranch, LLC and Manning Ranches, Inc., dated August 16, 2007 and recorded August 20, 2007 as Instrument No. 2007-317710, records of Cassia County, Idaho.

Pipeline Easement, by Howard Robinson and Karen Robinson, husband and wife, and D & N Ranch LLC, Grantor, to Oakley Canal Company, Grantee, dated December 29, 2009 and recorded April 6, 2010 as Instrument No. 2010-001681, Cassia County, Idaho.

Resolution 2010-07 by Cassia County Planning and Zoning Commission Granting A Conditional Use Permit For Development Of A Gravel Pit, Called The Robinson North Gravel Pit For Gordon Paving, dated May 20, 2010 and recorded May 21, 2010 as Instrument No. 2010-002530, Cassia County records.

Resolution 2010-08 by Cassia County Planning and Zoning Commission Granting A Conditional Use Permit For Development Of A Gravel Pit, Called The Robinson North Gravel Pit For Gordon Paving, dated May 20, 2010 and recorded May 21, 2010 as Instrument No. 2010-002531, Cassia County records.

Amended Summary Judgment and Decree Of Foreclosure dated October 12, 2010 and recorded October 15, 2010 as Instrument No. 2010-004913, records of Cassia County, Idaho.

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 17, 2010

D & N PROPERTIES, LLC

by: Howard D. Robinson
Howard D. Robinson, Manager

By: BRP Land L.L.C., Manager

By: Boyd R. Poulton
Boyd R. Poulton, Manager

STATE OF UTAH)
)ss.
COUNTY OF)

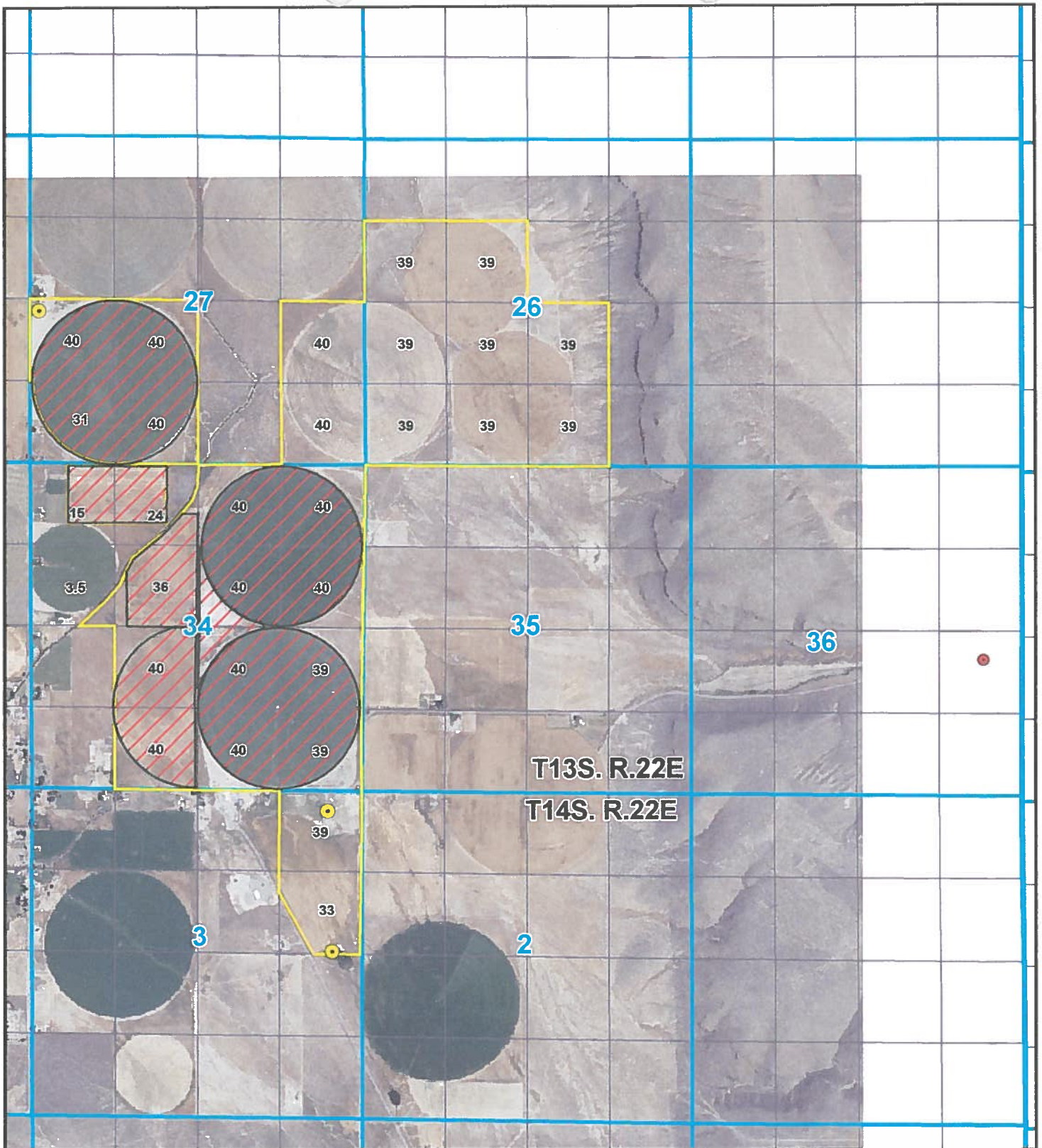
On this 16 day of December, 2010, before me, the undersigned, a Notary Public, personally appeared Howard D. Robinson known or identified to me to be one of the managers of D & N Ranch, LLC the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



GERARD H. DINKELMAN
NOTARY PUBLIC - STATE OF UTAH
8221 SOUTH 700 EAST
SANDY, UTAH 84070
COMM EXPIRES 5-4-2010

[Signature]
Notary Public
Residing at:
My Commission Expires:

No. W 9370	Due no later than Jul 31, 2011 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. PKD PROPERTIES, L.C. PAUL H DUNCAN 1404 E 500 N JACKSON ID 83350		PAUL H DUNCAN 1404 E 500 N JACKSON ID 83350			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	PAUL H DUNCAN	1404 E 500 N	JACKSON	ID	USA	83350
MANAGER	KATHY FISHER DUNCAN	14040E 500 N	JACKSON	ID	USA	83350
5. Organized Under the Laws of: ID W 9370		6. Annual Report must be signed.* Signature: Paul H Duncan Name (type or print): Paul H Duncan Date: 05/19/2011 Title: Manager				
Processed 05/19/2011		* Electronically provided signatures are accepted as original signatures.				



0 1,000 2,000 4,000 Feet

**PKD PROPERTIES
PROPOSED PLACE OF USE TRANSFER 2011
NAIP 2009 AERIAL PHOTO**

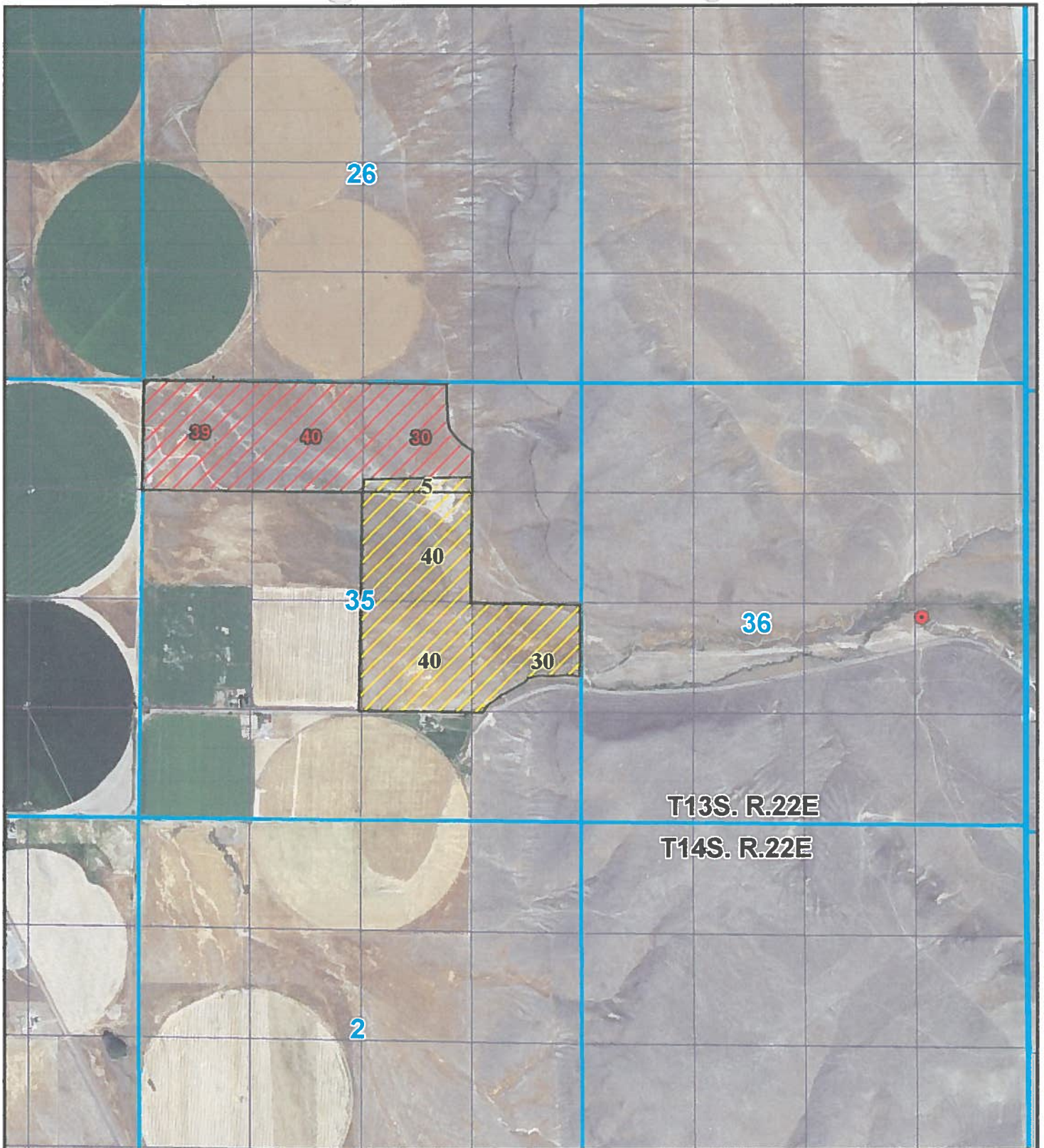
BROCKWAY ENGINEERING, PLLC.
ALR - SEPT. 6, 2011

Legend

Points_of_Division

- GROUND WATER PKD
- Mill Creek
- PDK NEW PPU PER QQ
- PKD GWA Acres 514.2
- PKD_Proposed_PPU
- Sections
- QQ Lines





0 750 1,500 3,000 Feet

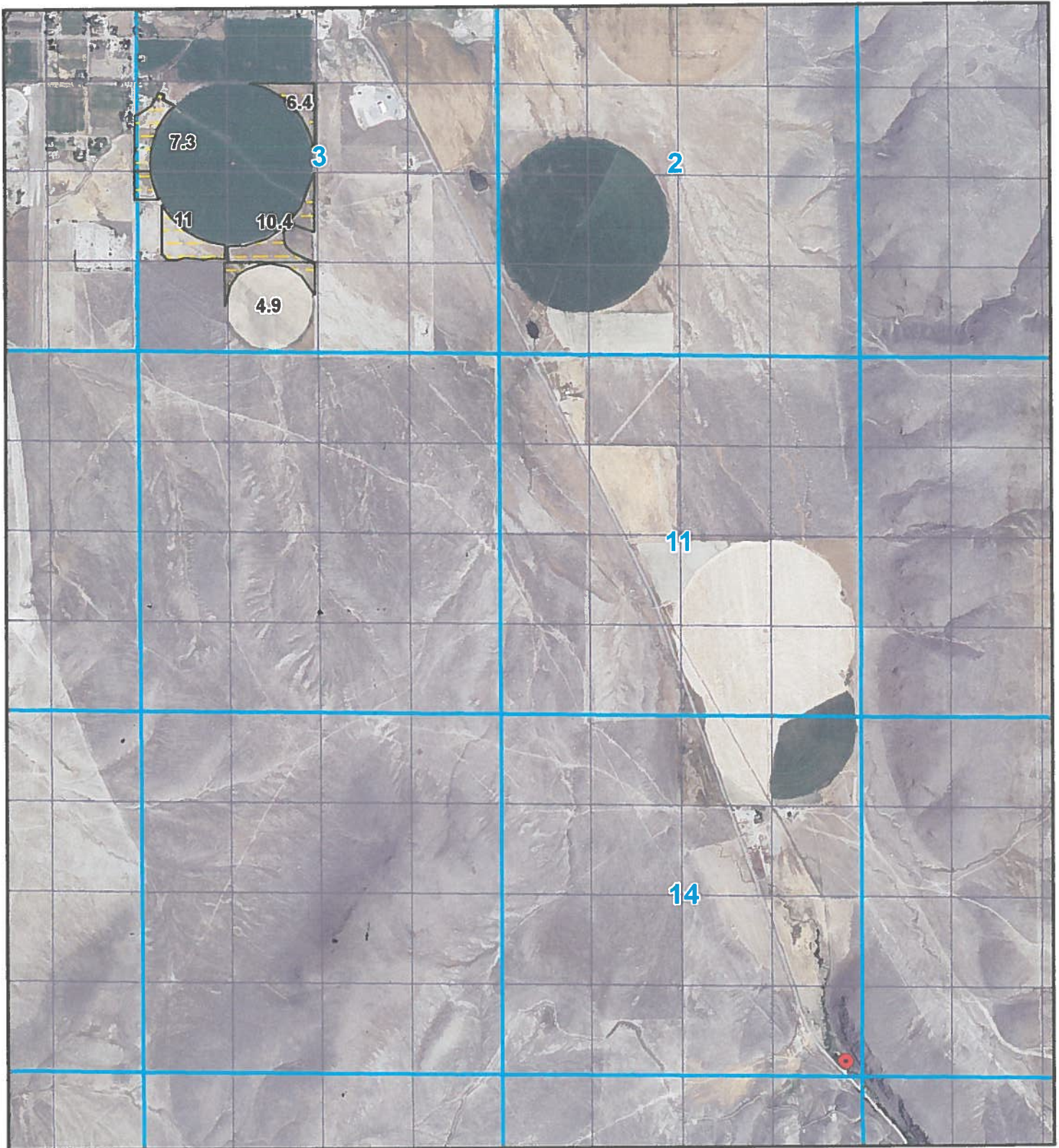
**PKD/ ROBINSON WATER RIGHT SPLIT
RIGHTS 45-14218, 45-14220, & 45-14222
NAIP 2011 AERIAL PHOTO**

Legend

- WR_POD
- Decreed_Wr_POU**
- TO D. ROBINSON
- TO PKD
- Sections
- QQ Lines



T. 14S., R. 22E.



0 1,100 2,200 4,400 Feet

DUTCH DRY UP ACRES FOR TRANSFER
TO PKD 40 AC. FROM 45-88
NAIP 2009 AERIAL PHOTO

Legend

- Birch Creek
- Dry-up Birch Creek 40 Ac
- Sections
- QQ Lines

