

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77711

RECEIVED

JAN 18 2012 APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST

DEPT. OF WATER RESOURCES

SOUTHERN REGION

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 and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

2 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 Proof Report (obtained from Department) or Details Report (obtained on website) 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: Water rights are being moved to an existing location with other wells.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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JAN 18 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHTS
PART 1Name of Applicant(s) JOHN BEUKERS, / RUTH BEUKERS Phone 208-280-1530Mailing address 3831 NORTH 3500 EAST, KIMBERLY, IDAHO 83341 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 RepresentativeName of Representative TSK ENTERPIRSES LLC / GARY L. FUNDERBURG Phone 208 320-0897Mailing address 255 BLUE LAKES BLVD NTH, PMB 617, TWIN FALLS, IDAHO 83301 Email _____

☐ 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.

John Beukers
Signature of Applicant or Authorized Representative

JOHN BEUKERS OWNER
Print Name and Title if applicable

Ruth Beukers
Signature of Applicant or Authorized Representative

RUTH BEUKERS OWNER
Print Name and Title if applicable

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. We are moving water rights from prev. location to an existing location.

New place of use in the SW1/4, W1/2of SE1/4 of Sec. 18, T 12 S.R. 21 E.

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DEPT. OF WATER RESOURCES
SOUTHERN REGIONPage 3 of 6

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. <u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
45-14091	0.09 / 19.4	COM / STOCK	JAN 1	to DEC. 31	GROUNDWATER
45-14101	0.11 / 10.5	COM / STOCK	JAN 1	to DEC. 31	GROUNDWATER
				to	
				to	
				to	
				to	
				to	
				to	
				to	

Total 0.20 cfs and/or 29.9 ac-ft

2. Total amount of water being transferred or changed 0.20 cubic feet per second and/or 29.9 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 #
		SW	SW	SW	12	12S	20E	CASSIA	GROUNDWATER	A0006938
		SW	SE	SE	13	12S	20E	CASSIA	GROUNDWATER	A0006890
		SW	SE	SE	13	12S	20E	CASSIA	GROUNDWATER	2
		SW	SE	SW	18	12S	21E	CASSIA	GROUNDWATER	NOT DRILLED
	4	SW	SW	SW	19	12S	21E	CASSIA	GROUNDWATER	A0006899

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	18									S	S	C/S	C/S		S	S		
12S	21E	19					C/S	C/S	C/S	C/S									

Total Acres (for irrigation use) _____

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Attachment # 5

**Additional Points of Diversions
John and Ruth Beukers
Golden Valley Dairy Transfer**

Well Locations

New	Lot #	(1/4)	(1/4)	(1/4)	Sec	Twp	Rge	County	Source	Local name or tag #		
										Site Tag		
YES			SW	NW	17	12S	21E	Cassia	Groundwater	# 5	A0006942	EXISTING
YES			SW	SW	18	12S	21E	Cassia	Groundwater		Not Drilled	NEW
YES			NE	NW	19	12S	21E	Cassia	Groundwater		Not Drilled	NEW
YES			SW	NE	17	12S	21E	Cassia	Groundwater	# 4	A0006943	EXISTING

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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. <u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
45-14091	0.09 / 19.4	COM / STOCK	JAN 1	to DEC. 31	GROUNDWATER
45-14101	0.11 / 10.5	COM / STOCK	JAN 1	to DEC. 31	GROUNDWATER
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
Total <u>0.20</u> cfs and/or <u>29.9</u> ac-ft					

2. Total amount of water being transferred or changed 0.20 cubic feet per second and/or 29.9 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	18									C/S	C/S	C/S	C/S		C/S	C/S		

Superceded

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 ContinuedB. 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
45-14091	0.09 / 19.4	COM / STOCK	JAN 1	to DEC. 31	GROUNDWATER
* 45-1301 <i>work</i>	0.11 / 10.5	COM / STOCK	JAN 1	to DEC. 31	GROUNDWATER
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
Total		0.20 cfs and/or	29.9	ac-ft	

2. Total amount of water being transferred or changed 0.20 cubic feet per second and/or 29.9 acre-feet per annum.

3. Point(s) of Diversion: NO CHANGE

☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.) NO CHANGE

☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	18									C/S	C/S	C/S	C/S		C/S	C/S		

Superseded

Total Acres (for irrigation use) _____

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: Wells, motors and pumps

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

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

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

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____

- 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: EXISTING TRANSFER 77572
45-13788 and 45-14061

- 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 Proof Report (obtained from Department) or Details Report (obtained from website @ <http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp>). Label it **Part 2A**.

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.

Right Number: _____

- | | | | | | |
|-----------|-----------------|--|---------------|----|--|
| 1. amount | (cfs/ac-ft) 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 | |
| amount | for | | purposes from | to | |

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/13/2012

WATER RIGHT NO. 45-14091

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN BEUKERS
Current Owner	RUTH BEUKERS
	3831 NORTH 3500 EAST
	KIMBERLY, ID 83341
	(208)324-8618
Original Owner	RALPH H POULTON
	, ID
Original Owner	CARL VAN TASSELL
	1361 PARK AVE C-201
	BURLEY, ID 83318

Priority Date: 09/09/1959

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.09 CFS	19.4 AFA
COMMERCIAL	01/01	12/31	0.09 CFS	19.4 AFA
Total Diversion			0.09 CFS	

6. 115 acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 05/06/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 140

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 29.9

Combined Rate Limit: 0.2

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/13/2012

WATER RIGHT NO. 45-14101

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN BEUKERS
Current Owner	RUTH BEUKERS
	3831 NORTH 3500 EAST
	KIMBERLY, ID 83341
	(208)324-8618
Original Owner	CONNECTICUT GENERAL LIFE INSURANCE CO
	C/O CIGNA CORP
	SOUTH BUILDING S-305
	900 COTTAGE GROVE RD
	BLOOMFIELD, CT 06002
Original Owner	ALMA C CLARK
	2000 BENNETT AVE
	BURLEY, ID 83318
	(208)678-8235

Priority Date: 04/29/1970

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	12/31	0.11 CFS	10.5 AFA
COMMERCIAL	01/01	12/31	0.11 CFS	10.5 AFA

Total Diversion

0.11 CFS

Location of Point(s) of Diversion:

GROUND WATER|SWNWNW|Sec. 28|Township 12S|Range 21E|CASSIA County|

Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	21		SESW										
				SWSE										
		28		NWNE										
				NENW										

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	21		SESW										
				SWSE										
		28		NWNE										
				NENW										

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | X35 | Rights 45-2608B, 45-14100, 45-14101, 45-7062, 45-7063, 45-7086B, 45-7179, 45-7182, 45-13543 and 45-13544 when combined shall not exceed a total diversion rate of 26.43 cfs. |
| 2. | | Rights 45-2608B, 45-7086B, 45-14100, 45-14101, 45-7179, 45-13543 and 45-13544 when combined shall not exceed a total diversion rate 15.24 cfs. |
| 3. | R05 | Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140. |
| 4. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |

- | | | |
|-----|-----|--|
| 5. | F06 | The following rights are diverted through point(s) of diversion described above: 45-14100, 45-14090, 45-14101, 45-14091, 45-13544, 45-2608B, 45-7179, 45-7086B, 45-13543. |
| 6. | 082 | Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances. |
| 7. | 106 | Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture. |
| 8. | 115 | Prior to the diversion and use of water under Transfer 74294 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |

Dates:

Licensed Date:

Decreed Date: 05/13/2005

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: And

Water District Number: 140

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit: 29.9

Combined Rate Limit: 0.2

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

1/13/12

Water Right Report

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

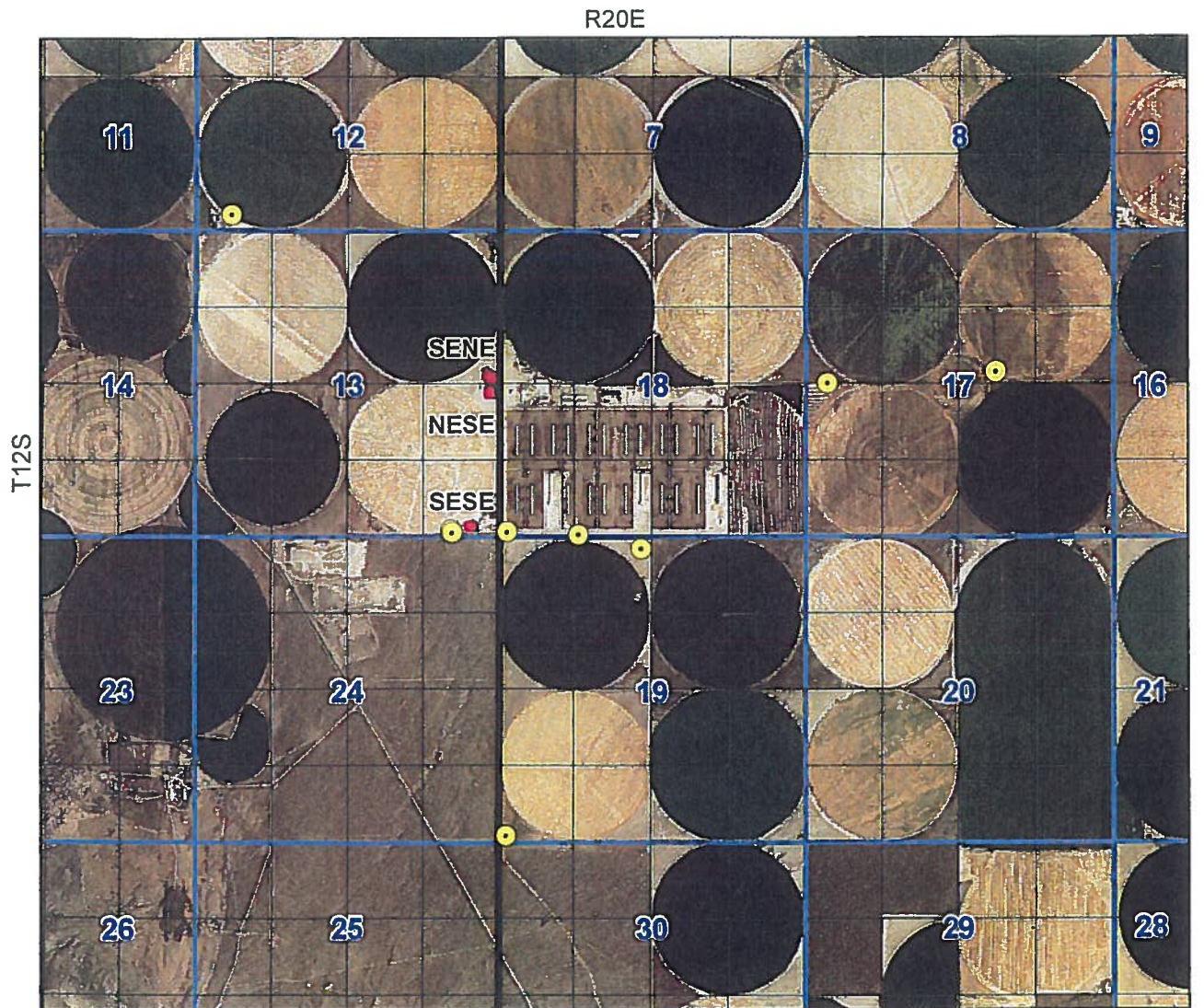
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. ~~77572~~ 77711

Rights: 45-14061

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

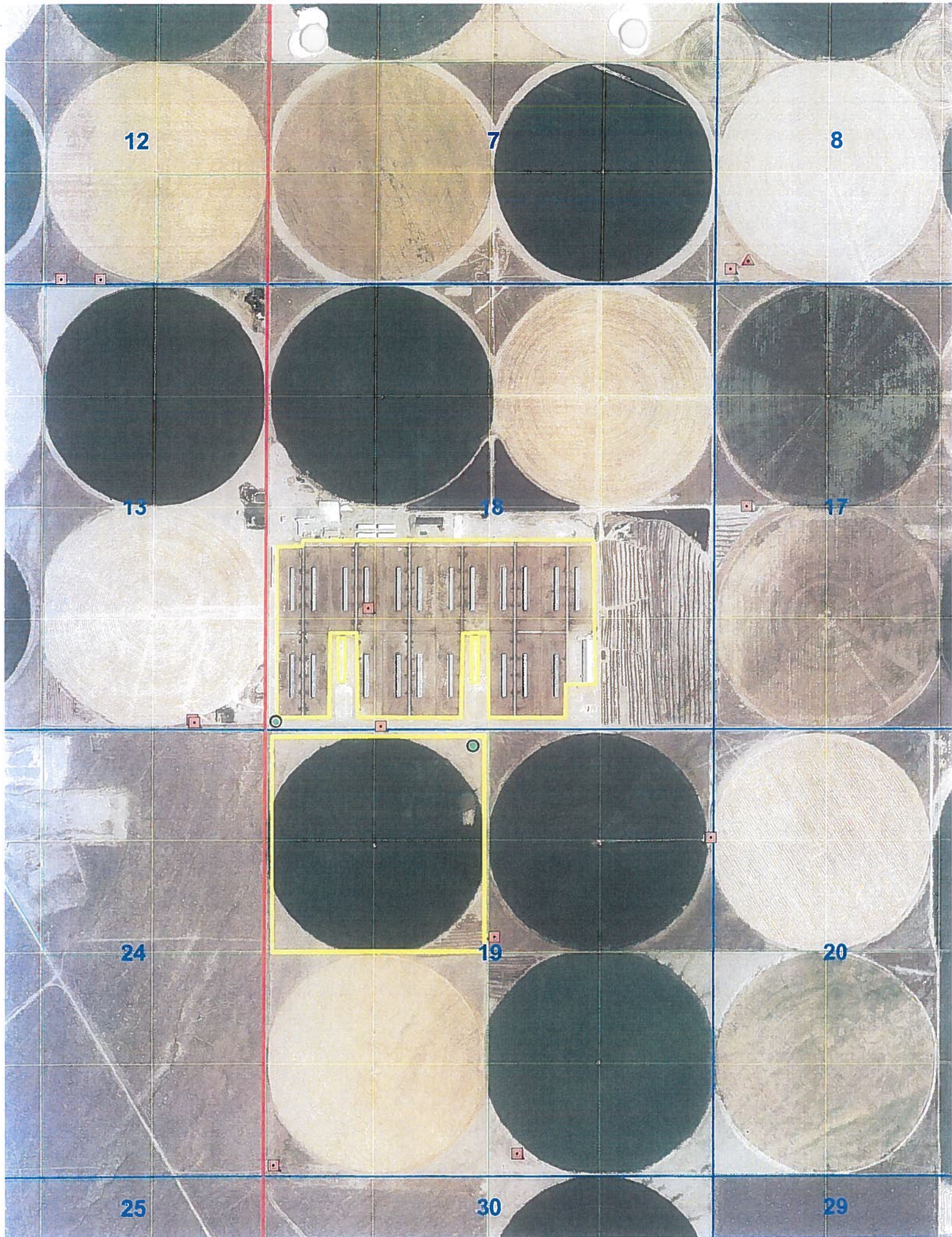


0 0.4 0.8 1.6 Miles

Legend

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters





12

7

8

13

16

17

24

19

20

25

30

29



Land Title and Escrow, Inc.

Focused on Service, Positioned for the Future

TO: Williams, Meservy & Lothspeich, LLP
P.O. Box 168
Jerome, ID 83338
Attn: Monica

Land Title and Escrow, Inc. is pleased to furnish, pursuant to your request, photo copies of the following documents of record in Cassia, County, Idaho:

Warranty Deed No. 299150

These are furnished to you by your identification and at your request. They are not based upon any independent examination of any tract indexes or other public records by Land Title and Escrow, Inc. representatives or employees.

How the documents are used or relied upon is not the responsibility of Land Title and Escrow, Inc. No charge has been made for the documents and Land Title and Escrow, Inc., does not know for what purpose or how the documents may be used or relied upon.

Land Title and Escrow, Inc. would welcome being of service to you in issuing one of its regular title products should you, any person, or entity desire to order an appropriate product.

Dated January 3, 2012

Land Title and Escrow, Inc.

Mary Withrow, Title Dept. Manager

cc: To File

Box 177 • Burley, Idaho • 83318
Ph: 208.878.3524
Fx: 208.878.4435
lteb@pmt.org

Box 5375 • Twin Falls, Idaho • 83303-5375
Ph: 208.933.2650
Fx: 208.933.2655
ltetf@pmt.org

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299150

WARRANTY DEED

CASSIA COUNTY, IDAHO

#39623

299150

For Value Received

LARRY A. MICKELSEN
RECORDER
FEE 240 DEPUTY *DM*

McReits, L.L.C., an Idaho limited liability company

2004 NOV 24 PM 1 04

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

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROWJohn Benkers and Ruth Benkers, Husband and Wife
Address: 3257-B South 2400 East Jerome, ID 83338

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

SEE ATTACHED EXHIBIT "A"

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 water right numbers: 45-2578, 45-2597, 45-13787, 45-13788, 45-7086D, 45-10761, 45-13628, 45-13627.

SUBJECT TO:

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

Taxes subsequent to the year 2004, a lien, but not yet due or payable.

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

Mineral Deed from Eugene Pickett and wife, Emma Pickett, to Fred Foss, dated April 16, 1952 and recorded May 8, 1952 as Instrument No. 175483 in Book 54 of Deeds, Page 530, records of Cassia County, Idaho, granting an undivided one-half interest in and to all of the oil, gas and other minerals in and under and that may be produced from the N $\frac{1}{2}$ of Section 17, the N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, the NE $\frac{1}{4}$ of Section 21, All of Section 22, and the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, all in Township 12 South, Range 21, East of the Boise Meridian.

Mineral Deed from Glen Briggs and wife, Hazel Briggs, to Fred R. Foss, dated May 19, 1952 and recorded June 6, 1952 as Instrument No. 175773 in Book 54 of Deeds, Page 552, records of Cassia County, Idaho, granting an undivided one-half interest in and to all of the oil, gas and other minerals in and under and that may be produced from the N $\frac{1}{2}$ of Section 1, the E $\frac{1}{2}$ of Section 2, the W $\frac{1}{2}$ of Section 12, all in Township 12 South, Range 20 East of the Boise Meridian.

Power Line Easement from Eugene Pickett and Emma Pickett, his wife, to Idaho Power Company, a corporation, dated May 25, 1956, and recorded July 11, 1957 as Instrument No. 194113 in Book 15 of Miscellaneous, Page 482, records of Cassia County, Idaho, over and across the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 17, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from M.D. Wilson and Stella H. Wilson, his wife, to Idaho Power Company, a corporation, dated August 14, 1956 and recorded July 11, 1957 as Instrument No. 194114 in Book 15 of Miscellaneous, Page 482, records of Cassia County, Idaho, over and across the E $\frac{1}{2}$ and S $\frac{1}{2}$ of Section 18, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from Pickett Ranch and Sheep Co., to Idaho Power Company, a corporation, dated April 26, 1957 and recorded September 18, 1957 as Instrument No. 194661 in Book 15 of Miscellaneous, Page 500, records of Cassia County, Idaho, over and across the N $\frac{1}{2}$, NW $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 18, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from K. C. Barlow and Frances Barlow, his wife, to Idaho Power Company, a corporation, dated March 8, 1960 and recorded November 9, 1960 as Instrument No. 208722 in Book 16 of Miscellaneous, Page 324, records of Cassia County, Idaho, over and across the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 17, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from K. C. Barlow and Frances Barlow, his wife, to Idaho Power Company, a corporation, dated August 26, 1960 and recorded February 28, 1961 as Instrument No. 413 on Film No. 2, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, all in Township 12 South, Range 20 East of the Boise Meridian.

Power Line Easement from K. C. Barlow, Inc. by K. C. Barlow, Pres. and Ray Barlow, Vice Pres., to Idaho Power Company, a corporation, dated April 12, 1961 and recorded June 20, 1961 as Instrument No. 2154 on Film No. 6, records of Cassia County, Idaho, over and across the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from K. C. Barlow, Inc., K. C. Barlow (President) and Ray Barlow (Secretary), to Idaho Power Company, a corporation, dated April 7, 1962 and recorded August 17, 1962 as Instrument No. 8481 on Film No. 15, records of Cassia County, Idaho, over and across Section 18, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from Golden Valley Land & Cattle, to Idaho Power Company, a corporation, dated April 6, 1973 and recorded June 21, 1973 as Instrument No. 70911 on Film No. 83, records of Cassia County, Idaho, over and across the North 100 feet of the South 250 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 12 South, Range 21, East of the Boise Meridian.

Power Line Easement from Golden Valley Land & Cattle, to Idaho Power Company, a corporation, dated April 6, 1973 and recorded November 22, 1974 as Instrument No. 75519 on Film No. 88, records of Cassia County, Idaho, over and across the East 20 feet of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the East 20 feet NE $\frac{1}{4}$ SW $\frac{1}{4}$, the South 20 feet of SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 22, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from Golden Valley Land & Cattle, a Corporation, to Idaho Power Company, a corporation, dated July 11, 1974 and recorded June 30, 1975 as Instrument No. 84321 on Film No. 96, records of Cassia County, Idaho, over and across the East 50 feet of the SW $\frac{1}{4}$ and South 50 feet of SW $\frac{1}{4}$ of Section 22, and the West 50 feet of NW $\frac{1}{4}$ of Section 27, all in Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from Golden Valley Land & Cattle Company, to Idaho Power Company, a corporation, dated March 10, 1975 and recorded November 18, 1975 as Instrument No. 86774 on Film No. 98, records of Cassia County, Idaho, over and across the South 150 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 12 South, Range 20 East, Boise Meridian.

Power Line Easement from Golden Valley Land & Cattle Co., to Idaho Power Company, a corporation, dated December 8, 1975 and recorded May 19, 1976 as Instrument No. 90766 on Film No. 101, records of Cassia County, Idaho, over and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 12 South, Range 20 East, Boise Meridian.

Power Line Easement from Golden Valley Land & Cattle Co. Inc., Merle Wolverton, pres. and Michael Wolverton, sec., to Idaho Power Company, a corporation, dated April 12, 1979 and recorded August 27, 1979 as Instrument No. 119502, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across the a portion of the NE¼ of Section 17, Township 12 South, Range 21 East, Boise Meridian.

Easement from Golden Valley Land and Cattle, Inc., an Idaho Corporation, to Fredrick Kirk Woodhouse, dated April 12, 1980 and recorded April 16, 1980 as Instrument No. 125297 on Film No. 133, records of Cassia County, Idaho, over and across a portion of Section 18, Township 12 South, Range 21 East, Boise Meridian.

Power Line Easement from Golden Valley Land & Cattle, Inc., to Idaho Power Company, a corporation, dated February 26, 1980 and recorded October 7, 1980 as Instrument No. 129606 on Film No. 137, records of Cassia County, Idaho, granting to said corporation a right of way and easement for erection and maintenance of an electric transmission line over and across a portion of SW¼NW¼ and NW¼NW¼ of Section 17, Township 12 South, Range 21 East, Boise Meridian.

Grant of Right-of-Way to Flood Control District, from Golden Valley Land & Cattle Company, Inc., to Goose Creek Flood Control District No. 16, dated September 25, 1986 and recorded November 12, 1986 as Instrument 183392 on Film No. 185, records of Cassia County, Idaho, over and across a portion of the NW¼ and NW¼SW¼ of Section 27, Township 12 South, Range 21 East, Boise Meridian, also over and across a portion of W¼ of Section 22, Township 12 South, Range 21 East, Boise Meridian, also over and across a portion of E¼ of Section 21, Township 12 South, Range 21 East, Boise Meridian.

Underground Power Line Easement from Golden Valley Land & Cattle Co., Inc. to Idaho Power Company, a corporation, dated March 3, 1989 and recorded January 15, 1991 as Instrument No. 211449 on Film No. 222, records of Cassia County, Idaho, over and across Lots 3 and 4 in Section 18, Township 12 South, Range 21 East of the Boise Meridian.

Terms and Conditions contained in Easement for Irrigation Pipe-Line, by and between Golden Valley Land and Cattle Co., Inc. and Van Tassell Farms, an Idaho General Partnership, dated February 28, 1991 and recorded March 25, 1991 as Instrument No. 212560 on Film No. 224, records of Cassia County, Idaho.

Power Line Easement from Golden Valley Land & Cattle, Inc., to Idaho Power Company, a corporation, dated September 12, 1990 and recorded July 1, 1991 as Instrument No. 214158 on Film No. 226, records of Cassia County, Idaho, over and across the SW¼SW¼ of Section 1, Township 12 South, Range 20 East of the Boise Meridian.

Terms and Conditions contained in Easement for Irrigation Water Conveyance, by and between Golden Valley Land and Cattle Co., Inc., and Barks Lands, LTD., a Limited Partnership, dated February 28, 1991 and recorded January 22, 1992 as Instrument No. 217173 on Film No. 231, records of Cassia County, Idaho.

Easement Agreement (Irrigation Equipment) by and between Golden Valley Land & Cattle Co., an Idaho corporation ("Golden Valley") and Don McFarland and Carol McFarland, husband and wife (collectively, "McFarland") dated July 25, 1996 and recorded July 26, 1996 as Instrument No. 244159 on Film No. 279, records of Cassia County, Idaho.

Easement Agreement (PVC Line Access) by and between Don McFarland and Carol McFarland, husband and wife (collectively, "McFarland") and Golden Valley Land & Cattle Co., an Idaho corporation, dated July 25, 1996 and recorded July 26, 1996 as Instrument No. 244160 on Film No. 279, records of Cassia County, Idaho.

Easement Agreement (Encroachments) by and between Golden Valley Land & Cattle Co., an Idaho corporation ("Golden Valley") and Don McFarland and Carol McFarland, husband and wife (collectively, "McFarland") dated July 25, 1996 and recorded July 26, 1996 as Instrument No. 244161 on Film No. 279, records of Cassia County, Idaho.

Easements contained in Warranty Deed executed by Golden Valley Investments, Inc., an Idaho corporation, Grantor to Donald Woverton, a married man as his sole and separate property, Grantee, dated October 11, 1996 and recorded December 6, 1996 as Instrument No. 246443 on Film No. 282, records of Cassia County, Idaho.

Easements contained in Warranty Deed executed by McReits, L.L.C., Don McFarland, managing member, Grantor to Gordon Luke and Eola D. Luke, husband and wife, Grantee, dated November 9, 2000 and recorded November 14, 2000 as Instrument No. 272140, records of Cassia County, Idaho.

Agricultural Lease Agreement dated November 15, 2002, with McReits, L.L.C., Lessor and Russell V. Patterson and Lisa E. Patterson, Lessee, Memorandum of Lease recorded January 3, 2003 as Instrument No. 285728, records of Cassia County, Idaho.

Terms and conditions contained in Resolution No. 2004-7-1 granting a Confined Animal Feeding Operation, dated July 15, 2004 and recorded July 16, 2004 as Instrument No. 296913, records of Cassia County, Idaho.

Mortgage in favor of Metropolitan Life Insurance Company which the Grantee assumes and agrees to pay.

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: November 23, 2004

McReits, L.L.C., an Idaho limited liability company

BY: Don McFarland
Don McFarland, Member

BY: Carol McFarland
Carol McFarland, Member

STATE OF IDAHO)
)ss.
COUNTY OF JEROME)

On this 22nd day of November, 2004, before me, the undersigned, a Notary Public, personally appeared Don McFarland and Carol McFarland known or identified to me to be the members of McReita, L.L.C. the limited liability company that executed the foregoing instrument, and acknowledged to me that such limited liability company executed the same.



Notary Public
Residing at: Jerome ID
My Commission Expires: 7-30-09

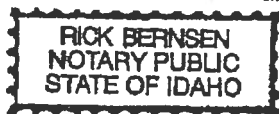


EXHIBIT "A"

PARCEL NO. 1:

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

Section 1: ALL, SAVE AND EXCEPTING a parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, more particularly described as follows:

Commencing at the Southwest corner of said Section 1, from which the S $\frac{1}{4}$ corner of said Section 1 bears South 89°56'14" East for 2627.06 feet; thence South 89°56'14" East along the South boundary of the SW $\frac{1}{4}$ of said Section 1 for a distance of 137.53 feet to the True Point of Beginning;

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

Thence South 89°56'14" East parallel to the South boundary of the SW $\frac{1}{4}$ of said Section 1 for a distance of 173.89 feet;

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

Thence North 89°56'14" West parallel to the South boundary of the SW $\frac{1}{4}$ of said Section 1 for a distance of 9.27 feet;

Thence South 00°08'28" East for a distance of 109.72 feet to a point on the South boundary of the SW $\frac{1}{4}$ of said Section 1;

Thence North 89°56'14" West along the South boundary of the SW $\frac{1}{4}$ of said Section 1 for a distance of 164.63 feet to the True Point of Beginning.

Section 12: W $\frac{1}{2}$, SAVE AND EXCEPTING a parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, more particularly described as follows:

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

Thence North 00°15'20" East along the West boundary of the SW $\frac{1}{4}$ of said Section 12 for a distance of 980.00 feet;

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

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

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

Thence South 00°01'00" West for a distance of 178.00 feet to a point on the South boundary of the SW $\frac{1}{4}$ of Section 12;

Thence North 89°59'00" West along the South boundary of the SW $\frac{1}{4}$ of Section 12 for a distance of 618.00 feet to the True Point of Beginning.

Section 13: E $\frac{1}{2}$

-Continued-

-CONTINUATION-

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

Section 17: ALL

Section 18: ALL

Section 21: NE $\frac{1}{4}$

Section 22: ALL

Section 27: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

PARCEL NO. 2:

Easement for the benefit of Parcel No. 1 as created by "Easement For Irrigation Pipe-Line" dated February 28, 1991 and recorded March 25, 1991 as Instrument No. 212560 on Film No. 224, records of Cassia County, Idaho, over and across the NW $\frac{1}{4}$ of Section 21, Township 12 South, Range 21 East of the Boise Meridian, Cassia County, Idaho.

PARCEL NO. 3:

Easement for the benefit of Parcel No. 1 as created by "Easement For Irrigation Water Conveyance", dated February 28, 1991 and recorded January 22, 1992 as Instrument No. 217173 on Film No. 231, records of Cassia County, Idaho, over and across the W $\frac{1}{2}$ of Section 13, Township 12 South, Range 20 East of the Boise Meridian, Cassia County, Idaho.

-Continued-

-Continuation-

PARCEL NO. 4:

Easement for the benefit of Parcel No. 1 as created by Basement Agreement (Irrigation Equipment) by and between Golden Valley Land & Cattle Co., an Idaho corporation ("Golden Valley") and Don McFarland and Carol McFarland, husband and wife (collectively, "McFarland") dated July 25, 1996 and recorded July 26, 1996 as Instrument No. 244159 on Film No. 279, records of Cassia County, Idaho, more particularly described as follows:

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

Section 12: A parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Commencing at the Southwest corner of said Section 12; Thence South 89°59'00" East for 618.00 feet; Thence North 00°01'00" East for 38.86 feet to a point which is the True Point of Beginning;
Thence South 29°58'12" West for a distance of 16.00 feet;
Thence North 89°59'00" West for a distance of 564.47 feet;
Thence North 00°10'28" West for a distance of 24.09 feet;
Thence North 89°49'32" East for a distance of 49.84 feet;
Thence North 00°15'24" West for a distance of 46.00 feet;
Thence North 89°37'08" East for a distance of 30.59 feet;
Thence South 62°39'33" East for a distance of 99.82 feet;
Thence South 89°45'11" East for a distance of 385.89 feet;
Thence North 29°58'12" East for a distance of 35.57 feet;
Thence South 00°01'00" West for a distance of 40.06 feet to the True Point of Beginning.