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NOV 18 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77697**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from 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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #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: Affidavit of Lynn Taylor; Calculation sheet from Brockway Engineering

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Rev. 10/09

Page 1 of 1

NOV 1 2011

11-18-2011

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

Transfer No. _____

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) SIX S RANCH LLC Phone 208-654-2564Mailing address 1354 E. SIX S RANCH RD., DECLO, ID 83323 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 Travis L. Thompson, Esq. Phone 208-733-0700Mailing address P.O. Box 485, Twin Falls, ID 83303-0485 Email tlt@idahowaters.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.

Mark S Skagas
Signature of Applicant or Authorized Representative

MARK S SKAGAS
Print Name and Title if applicable

11/17/2011
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
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. transfer of portion of an irrigation right to wildlife & aesthetic storage/irrigation use on applicant's property**
- _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 18 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION 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 ☐ ☒	45-13507	0.06 cfs	Irrigation	3/1 to 11/1	GROUND WATER
☐ ☒	45-13507	0.02 cfs	diversion to storage	1/1 to 12/31	GROUND WATER
☐ ☒	45-13507	8.2 ac-ft	wildlife storage	1/1 to 12/31	GROUND WATER
☐ ☒	45-13507	8.2 ac-ft	aesthetic storage	1/1 to 12/31	GROUND WATER
☐ ☐	— ↑			to	
☐ ☐	—			to	
☐ ☐	— Use 45-14375			to	
☐ ☐	—			to	
☐ ☐	—			to	

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

2. Total amount of water proposed to be transferred or changed 0.08 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 #
No	4		NW	NW	2	11S	25E	CASSIA	GROUND WATER	existing well

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	
11S	25E	2							4.1										4.1
"	"	2 lt 3																	
"	"	2 lt 4						4.1											4.1
"	"	2							X										
"	"	2 lt 4						X											

Total Acres (for irrigation use) 8.5

X = Locations of wildlife and aesthetic storage 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: Existing well & pump, distribution system to pond & irrigated place of use

- 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: 8.5 acres will be dried up under Water Right #45-13507. Additionally, 2.7 acres will be dried up for wildlife and aesthetic storage uses at the ponds.

- 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:

- 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:

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

Current Water Right No.: 45-13507

Current Owner: SIX S RANCH LLC

Priority Date: 8/25/1969

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	03/01 to 11/01	3.47 CFS	1697 AF
	<u>Total Diversion</u>	3.47 CFS	1697 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NW1/4	Sec. 27,	Twp 10S,	Rge 25E B.M.
CASSIA County				
GROUND WATER	NE1/4NW1/4NW1/4	Sec. 27,	Twp 10S,	Rge 25E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T10S R25E S22	NESW	19.00	T10S R25E S22	SWSW	1.30
T10S R25E S22	SESW	40.00	T10S R25E S22	NWSE	15.00
T10S R25E S22	SWSE	34.00	T10S R25E S27	NWNE	6.00
T10S R25E S27	NENW	8.70	T10S R25E S27	NWSW	27.00
T10S R25E S27	SWSW	26.00	T10S R25E S27	SESW	3.50
T10S R25E S28	NWNE	3.40	T10S R25E S28	SWNE	26.00
T10S R25E S28	NENW	7.90	T10S R25E S28	SENW	22.00
T10S R25E S28	NESW	32.00	T10S R25E S28	NWSW	7.10
T10S R25E S28	SWSW	2.10	T10S R25E S28	SESW	28.00
T10S R25E S28	NESE	34.00	T10S R25E S28	NWSE	40.00
T10S R25E S28	SWSE	40.00	T10S R25E S28	SESE	40.00

Total Acres: 463

Page _____ of _____

Conditions of Approval:

1. When combined the following rights shall provide no more than .02 cfs per acre. Combined right nos. 45-2625, 45-7021, 45-7024, 45-7031, 45-13507, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132.

2. S40 The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

3. Use of the rights listed below is limited to the irrigation of a combined total of 2127 acres in a single irrigation season. Combined right nos. 45-2625, 45-7021, 45-7024, 45-7031, 45-13507, 45-14110, 45-14112, 45-14114, 45-14116, 45-14118, 45-14120, 45-14122, 45-14124, 45-14126, 45-14128, 45-14130, and 45-14132.

4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

5. Use of the rights listed below is limited to the irrigation of a combined total of 562 acres in a single irrigation season. Combined right nos. 45-7021, & 45-13507

Decreed Date: 7/5/2005

Total Acres (for irrigation use) 11.2

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 pages and attachments.

* Received by DB Date 11.18.2011 Prelim. Check by _____ Date _____

Fee Paid \$100.00 Date 6/30/2011 Received by _____ Receipt # 5032008

Add'l Fee Paid	Date	Received by	Receipt #
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* APPLICATION REPLACES APPLICATION RETURNED 7/18/2011

SIX S RANCH
POND CALCULATION
BROCKWAY ENGINEERING, PLLC.
10-18--11

We obtained pond volume

1. Based off the information you provided to me on May 20th email (Pat, the ranch manager advises that the pond is 1.5 ft at the south end, sloping down to 3-ft at the north end and the sides are sheer w/no slope). Pat estimate on smaller northern pond was 2.5- 3 ft we used an average of 2.75ft depth.

2. The surface area is based off of a rectified 2010 Bing aerial photograph surface area = for the larger south pond is 1.2 acres/52,272 square feet. The smaller northern pond surface area is 0.3 acres/13,068 sq ft. Volume of larger southern pond is calculated taking $52,272/2=26136$ then multiply $(26136*1.5)=(26136*3)=117,612$ cu ft./2.7 acre feet. The smaller northern pond assuming based on ranch manager estimate of depth, $0.3ac*43560=13068sq\ ft$, $(13068sq\ ft*2.75'(depth))=35,937cu.ft./0.825\ af$. Large pond volume =2.7 AF, Smaller pond volume =0.83 AF. Combined volume for two ponds = 3.53 af.

3. Based upon the information in the *Affidavit of Lynn Taylor* which describes the irrigation under water right 45-13507 for alfalfa from 2006-2008, and the calculated consumptive use for alfalfa in this area (Burley) with frequent cuttings (Allen and Robinson, 2007), we used 3.05 af consumptive use to convert the existing irrigation use to a proposed aesthetic/recreation use at the ponds. The combined volume for the two ponds = 3.53 af. Dividing the total pond volume 3.53 af by the 3.05 af consumptive use value = 1.16 acres (acres required to dry up under water right 45-13507 to mitigate for pond volume). The total surface area for the two ponds = 1.5 acres (acres required to dry up to mitigate for surface area which based upon IDWR policy is a 1:1 ratio). Adding 1.16 acres to 1.5 acres = 2.7 acres total needed to dry up for mitigation for the changed use from irrigation to aesthetic/wildlife storage at the two ponds.

Cited Material:

Allen and Robinson, *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho* (University of Idaho, April 2007).

Attorneys for Six S Ranch LLC

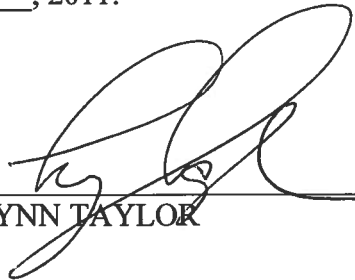
IN THE MATTER OF TRANSFER NO. _____ (in the name of Six S Ranch LLC)
Case No. 39576

State of IDAHO)
County of Cassia) ss

1. I am over the age of 18 and make the following affidavit upon my personal knowledge of the facts and circumstances set forth herein below.
2. My mailing address is 1250 E. Highway 81, Declo, Idaho.
3. I am familiar with the ranch owned by Six S Ranch LLC, located at 1354 E. Six S Ranch Road, Declo, Idaho. I have farmed this property under a lease with Six S for the past 20 years.

4. From 2006 to 2008, I irrigated and grew alfalfa under the pivot located at the northern most part of the ranch (in section 22), what we refer to as Pivot #1. It is my understanding that water right 45-13507 was used to irrigate the land under this pivot.

DATED this 21 day of June, 2011.



LYNN TAYLOR

STATE OF IDAHO)
) ss.
County of Cassia)

On this 21st day of June, 2011, before me, a Notary Public for said County and State, personally appeared LYNN TAYLOR, known or identified to me the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

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



NOTARY PUBLIC FOR IDAHO
Residing at: Cassia County
My commission expires STATE OF IDAHO



WARRANTY DEED

THIS INDENTURE, made this 6th day of August, 2004, between Six S Ranch, Inc., of P.O. Box 1760 Eagle, Idaho 83616 ("Grantor"), and Six S Ranch, LLC, whose address is P.O. Box 1760 Eagle, Idaho 83616, ("Grantee").

WITNESSETH:

The Grantor for and in consideration of the corporate reorganization, and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

See Exhibit "A"

SUBJECT TO: Accruing taxes, levies and assessments, easements and right of ways of record.

TOGETHER with all water rights appurtenant including but not limited to those described on Exhibit "B," attached hereto and made a part hereof by reference, all mineral rights, and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the

1 successors and assigns of Grantee forever.

2 The Grantor shall and will warrant and by these presents will forever
3 defend the said premises in the quiet and peaceable possession of the Grantee, and
4 the successors and assigns of Grantee against all and every person and persons
5 whomsoever lawfully claiming the same, except as aforesaid.
6

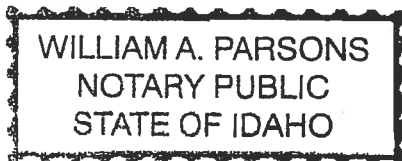
7 IN WITNESS WHEREOF, the Grantor has executed this Deed the day
8 and year first above written.

9 SIX S RANCH, INC.

10
11 By: [Signature]
12 Its: Vice President & Gen. Manager

13
14 STATE OF IDAHO)
15) ss.
16 County of Cassia)

17 On this 6 day of ^{AUGUST} ~~July~~, in the year 2004, before me, the undersigned, a
18 Notary Public in and for said State, personally appeared GEORGE MOOSMAN,
19 known or identified to me to be the Vice President of Six S Ranch, Inc., the
20 corporation that executed the instrument or the person who executed the instrument
21 on behalf of said corporation, and acknowledged to me that such corporation
22 executed the same.



[Signature]
Notary Public for Idaho
Residing at Burley
My commission expires on 7/22/2010

TOWNSHIP 10 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 21: That portion of the S½ of Section 21 lying South of the State Highway

Section 22: All that portion of the S½ of Section 22, lying South of State Highway, the South side of which is described as follows:

Beginning at a point on the intersection of the West side of said Section 22 and the South side of said highway, a point on curve 500 feet, more or less, from the West quarter corner of said Section 22, Highway Station 696+47;

Thence Easterly around curve right 1152.4 feet with central angle of 6°35', a radius of 10,051.8 feet to Station 707+99.4 the point, which is a point of equation, 707+99.4 back = 710+59.2 ahead;

Thence North 86°20' East 4040.8 feet to the intersection with the East side of said Section 22, 160 feet South, more or less, from the East quarter corner.

Section 23: All that portion of the SW¼ and SE¼NW¼, Section 23, lying South of the centerline of State Highway, said line described as follows:

Beginning at a point on the West side of said Section 23, the intersection of said centerline and West side, 90 feet South of the West quarter corner of said Section 23;

Thence North 86°20' East 2648 feet, to the intersection with the East side of SE¼NW¼ of said Section 23;

EXCEPTING THEREFROM the highway right-of-way.

Section 24: That portion of Section 24, lying South of the centerline of U.S. Highway No. 30 as constructed, more particularly described as follows:

The W½SW¼, SE¼SW¼ of said Section 24 and those portions of the S½NW¼, NE¼SW¼, W½SE¼ and SE¼SE¼ lying southerly of the following described centerline of said U.S. Highway No. 30;

Beginning at Highway Station 804+05 which point is on a curve and on a section line North 320 feet, more or less, from the West quarter corner of said Section 24;

Thence 1706.3 feet around curve with a 2° curve right, said curve having a central angle of 34°25' and radius of 2865 feet to Station 821+11.3, which station is a point on tangent;

Thence South 59°15' East on tangent 43+48.7 feet to Station 864+60, which station is a point on tangent approximately 3+4 feet North from the Southeast corner of Section 24.

EXCEPTING THEREFROM the highway right-of-way.

Section 27:

ALL

Section 28:

ALL, EXCEPTING THEREFROM Railroad Right of Way, and further EXCEPTING:

Beginning at the South Quarter Corner of said Section 28 which shall be the Point of Beginning;

Thence North along the quarter section line for 25 feet;

Thence East for 2640 feet, more or less, to a point on the East line of said Section 28;

Thence South along said East section line for 25 feet to the Southeast corner of Section 28;

Thence West along the South line of Section 28 for 2640 feet, more or less, to the Point of Beginning.

Section 29:

S $\frac{1}{2}$ and that part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ lying South of the right-of-way of the Idaho Branch of the Oregon Short Line Railroad Company, EXCEPTING THEREFROM the following described tract:

Beginning at a point on a course North 57°40' East 2660.06 feet, and South 83°35' East 50 feet from the Southwest corner of said Section 29;

Thence South 83°35' East 581 feet;

Thence North 56°35' East 450 feet;

Thence North 26°38' East 90 feet;

Thence North 11°13' West 396 feet;

Thence South 76°33' West 650 feet;

Thence South 27°26' West 550 feet to the Point of Beginning.

Section 30:

That part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying East of the Government Third Lift "J" Canal and South of the railroad right-of-way.

Section 30:

E $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPT that part of said E $\frac{1}{2}$ SE $\frac{1}{4}$ lying West of the Government Third Lift or "J" Canal, and EXCEPT the following described tract:

Beginning at a point in the East and West centerline of said Section 30 that is 530 feet, more or less, distant West from the East Quarter corner; said point being 50 feet distant Southeasterly measured at right angles, from the centerline of the main track of the Raft River Branch of the Oregon Short Line Railroad Company as formerly constructed and operated;

Thence South 83°37' West along a line parallel with and 50 feet distance Southeasterly, measured at right angles, from said centerline of main track as formerly constructed and operated, a distance of 820 feet, more or less, to a point in the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Thence North along said West line a distance of 105 feet, more or less, to a point in said East and West centerline of Section;

Thence East along said East and West centerline a distance of 810 feet, more or less, to the Point of Beginning.

Section 30:

A triangular parcel of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30, more particularly described as follows:

Beginning at a point in the East and West centerline of said Section 30 that is 530 feet, more or less, distant West from the East Quarter corner; said point being 50 feet distant Southeasterly measured at right angles, from the centerline of the main track of the Raft River Branch of the Oregon Short Line Railroad Company as formerly constructed and operated;
Thence South 83°37' West along a line parallel with and 50 feet distance Southeasterly, measured at right angles, from said centerline of main track as formerly constructed and operated, a distance of 820 feet, more or less, to a point in the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Thence North along said West line a distance of 105 feet, more or less, to a point in said East and West centerline of Section;
Thence East along said East and West centerline a distance of 810 feet, more or less, to the Point of Beginning.

Section 30:

An irregular tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 30, more particularly described as follows:

Beginning at the East Quarter corner of said Section 30;
Thence North along the East line of said Section a distance of 231.6 feet to a point 100 feet distance Northwesterly, measured at right angles from said centerline of main track of the Raft River Branch as formerly constructed and operated;
Thence South 83°37' West along a line parallel with and 100 feet distance Northwesterly, measured at right angles, from said centerline of main track of the Raft River Branch as formerly constructed and operated, a distance of 1332.8 feet to a point in the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South along said West line a distance of 47.3 feet to a point in the East and West centerline of said Section;
Thence East along said East and West centerline a distance of 1320 feet, more or less to the Point of Beginning.

-Continued-

Section 31:

N $\frac{1}{2}$ NE $\frac{1}{4}$ EXCEPT that part lying West and North of the Government Third Lift or "J" Canal, and EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ of said Section 31;
Thence South 0°10' East 1320 feet;
Thence North 89°50' East 50 feet;
Thence North 0°10' West 1320 feet;
Thence North 89°50' West 50 feet to the Point of Beginning.

Tract No. 2:

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ more particularly described as follows:
Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, said point marked by a 5/8 inch rebar; Thence North 88°31'11" West along the 1/16th section line for 220.65 feet to a 1/2 inch rebar on the centerline of a gravel road which shall be the True Point of Beginning;
Thence North 88°31'11" West along the 1/16th section line for 429.35 feet to a 1/2 inch rebar;
Thence North 40°31'03" West for 147.19 feet to a P.K. nail on the centerline of a county road;
Thence North 78°29'39" East along the centerline of a gravel road for 212.66 feet to a 1/2 inch rebar;
Thence South 85°18'31" East along said gravel road centerline for 113.99 feet to a 1/2 inch rebar;
Thence South 61°00'06" East along said gravel road centerline for 112.70 feet to a 1/2 inch rebar;
Thence South 45°47'12" East along said gravel road centerline for 145.48 feet to the True Point of Beginning.

Tract No. 3:

Part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, more particularly described as follows:
Beginning at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, said point marked by a 5/8 inch rebar; Thence North 88°31'11" West along the 1/16th section line for 650.00 feet to a 1/2 inch rebar which shall be the True Point of Beginning;
Thence North 88°31'11" West along the 1/16th section line for 332.79 feet to a 1/2 inch rebar;
Thence North 66°27'20" East for 258.59 feet to a P.K. nail;
Thence South 40°31'03" East for 147.19 feet to the True Point of Beginning.

Section 31:

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, more particularly described as follows:
Beginning at the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, said point marked by a 5/8 inch rebar which shall be the True Point of Beginning;
Thence South 0°47'27" West along the Section line for 210.80 feet to a 1/2 inch rebar on the centerline of a gravel road;
Thence North 45°09'24" West along the centerline of a gravel road for 306.99 feet to a 1/2 inch rebar on the North line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence South 88°31'11" East along the 1/16th section for 220.65 feet to the True Point of Beginning.

Section 32:

ALL, EXCEPT the following described tract:

Beginning at the Northwest corner of said Section 32; thence South 49°23' East for 1236.95 feet to a point on the centerline of a county road; thence South 79°16'53" East for 237.45 feet to a point which is a steel pin and shall be the True Point of Beginning;

Thence South 79°16'53" East for 1104.94 feet to a point;

Thence North 79°00'57" East for 107.58 feet to a point;

Thence North 61°44'57" East for 194.0 feet to a point;

Thence South 28°37'06" East for 1923.88 feet to a point;

Thence West for 779.57 feet to a point;

Thence North 40°09'55" West for 2331.91 feet to the True Point of Beginning.

EXCEPTING FROM said Sections 29, 31 and 32, the following described tract:

Beginning at a point 901.6 feet North 89°55' East from the Southwest corner of said Section 29;

Thence North 34°11' East 142.5 feet;

Thence North 54°36' East 1145.35 feet;

Thence North 27°26' East 1321.4 feet;

Thence North 76°33' East 1262 feet;

Thence North 38°16' East 345 feet, more or less, to a point 100 feet South of the Northwest corner of the NW¼SE¼ of said Section 29;

Thence South 62.6 feet;

Thence South 38°16' West 344 feet;

Thence South 76°33' West 1212 feet;

Thence South 27°26' West 1271.4 feet;

Thence South 54°36' West 1145.35 feet;

Thence South 34°11' West 375.6 feet;

Thence South 51°00' West 507 feet;

Thence South 41°04' West 391 feet;

Thence South 65°37' West 1170 feet;

Thence North 47°46' West 50 feet;

Thence North 65°37' East 1170 feet;

Thence North 41°04' East 391 feet;

Thence North 51°00' East 507 feet;

Thence North 34°11' East 233 feet to the Point of Beginning.

Section 33:

All

Section 34:

All

SAVE AND EXCEPTING from Sections 27, 28, 33 and 34 the following described tracts:

TRACT NO. 1:

Beginning 1320 feet North of the Southeast corner of said Section 33;
Thence North 1020 feet;
Thence West 370 feet;
Thence North 300 feet;
Thence West 2552 feet;
Thence South 60 feet;
Thence East 2502 feet;
Thence South 300 feet;
Thence East 370 feet;
Thence South 970 feet;
Thence East 50 feet to the Point of Beginning.
(This tract being deeded to the Albion highway District by a Deed dated May 26, 1932 and recorded September 10, 1943 as Instrument No. 146042 in Book 48 of Deeds, Page 378, records of Cassia County, Idaho.)

TRACT NO. 2:

Beginning at the North Quarter corner of Section 33;
Thence West 50 feet;
Thence South 2°53' West 2662.5 feet, more or less, to a point on the East and West subdivision line of said Section, said point being 212.4 feet West of center corner of Section 33;
Thence East 50 feet;
Thence North 2°53' East 2662.5 feet to the Point of Beginning.
(This tract being deeded to the Burley Highway District by a Deed dated May 10, 1932 and recorded June 29, 1932 as Instrument No. 105732 in Book 42 of Deeds, Pages 372 and 373, records of Cassia County, Idaho.)

TRACT NO. 3:

Beginning at the Quarter corner between Sections 28 and 33;
Thence North 25 feet;
Thence East 4020 feet;
Thence South 50 feet;
Thence West 4020 feet;
Thence North 25 feet to the Point of Beginning.
(This tract being deeded to the Burley Highway District by a deed dated March 22, 1963 and recorded November 5, 1963 as Instrument No. 15462 on Film No. 23, records of Cassia County, Idaho.)

Section 35:

W $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$

TOWNSHIP 10 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said Section 19, said corner being marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 00°02'12" West along section line for a distance of 288.27 feet to a 1/2 inch rebar on the South right of way of State Highway 81;
Thence South 59°09'16" East along the South right of way of State Highway for a distance of 562.26 feet to a 1/2 inch rebar on the South line of Section 19;
Thence North 89°59'54" West along the South line of Section 19 for a distance of 482.54 feet to the Point of Beginning.

Section 29: All that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.

Section 29: That part of the S $\frac{1}{2}$ S $\frac{1}{2}$ lying South and West of U.S. Highway No. 30 South, to-wit:

Section 30: That part of the following described parcel (Tax Number 1025) which lies South and West of U.S. Highway No. 30 South, to-wit:
Beginning at the Northeast corner of the NW $\frac{1}{4}$ of said Section 30;
Thence South 1320 feet;
Thence West 648 feet;
Thence Northwesterly to the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30;
Thence East to the Point of Beginning.

Section 30: NE $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.

Section 30: All that part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.

Section 30: SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ EXCEPT railroad right of way, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 30: Lots 1, 2, and 3, EXCEPT highway right of way and railroad right of way, AND EXCEPTING THEREFROM that portion in the Northeast corner of said Lot 1 lying North and East of State Highway No. 30 South.

Section 30: NE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT railroad right of way.

Section 30: That part of the following described parcel (Tax No. 1024) which lies South and West of U.S. Highway No. 30 South, to-wit:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 30;
Thence South 1320 feet;
Thence East 660 feet;
Thence Northwesterly to the Point of Beginning, EXCEPTING railroad right of way.

Section 30:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT railroad right of way

ALSO EXCEPTING AND RESERVING a right of way two rods wide extending East and West along the South side of the land above described, said right of way to be used for road purposes and an electric power line.

Section 30:

E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPT railroad right of way AND EXCEPTING that portion of the above described property dedicated for public use as shown on the recorded plat of Cotterel Townsite.

• Section 31:

E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$

EXCEPT railroad right of way AND EXCEPTING that portion of the above described property dedicated for public use as shown on the recorded plat of Cotterel Townsite.

Section 32:

S $\frac{1}{2}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT railroad right of way.

Section 32:

All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ lying South and West of U.S. Highway No. 30 South.

Section 33:

All that part of the W $\frac{1}{2}$ lying South and West of U.S. Highway No. 30 South, EXCEPTING THEREFROM the following described tract:

Beginning at a point where the East boundary line of the W $\frac{1}{2}$ of said Section 33, Township 10 South, Range 26 East of the Boise Meridian, intersects the Southwest right-of-way line of U.S. Highway No. 30 South;
Thence South along the said East boundary line 990 feet;
Thence North 59° 15' West parallel to the South right-of-way line of U.S. Highway No. 30 South, a distance of 2640 feet;
Thence North parallel with the said East boundary line 990 feet to the Southwest right-of-way line of U.S. Highway No. 30 South;
Thence Southeasterly along said right-of-way a distance of 2640 feet to the Point of Beginning.

Section 33:

Beginning at a point where the East boundary line of the W $\frac{1}{2}$ of said Section 33 intersects the Southwest right-of-way line of U.S. Highway No. 30 South;

Thence South along the said East boundary line 990 feet;
Thence North 59° 15' West parallel to the South right-of-way line of U.S. Highway No. 30 South, a distance of 2640 feet;
Thence North parallel with the said East boundary line 990 feet to the Southwest right-of-way line of U.S. Highway No. 30 South;
Thence Southeasterly along the said right-of-way a distance of 2640 feet to the Point of Beginning.

TOWNSHIP 11 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$

Section 24: $N\frac{1}{2}$ and $NE\frac{1}{4}SW\frac{1}{4}$

TOWNSHIP 11 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: $SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}$

Section 3: All

Section 4: $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$

Section 5: $E\frac{1}{2}NE\frac{1}{4}$ and West Half of Lot 4

Section 6: Lot 1

Section 7: $SE\frac{1}{4}SE\frac{1}{4}$

Section 8: $S\frac{1}{2}$

Section 9: $S\frac{1}{2}N\frac{1}{2}$, $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$

Section 10: ALL

Section 11: $W\frac{1}{2}$

Section 14: $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$

Section 15: ALL, EXCEPT $SW\frac{1}{4}SW\frac{1}{4}$

Section 16: All

Section 17: $W\frac{1}{2}$

Section 18: $E\frac{1}{2}NE\frac{1}{4}$ and $SE\frac{1}{4}$

Section 19: Lots 1 and 2, $E\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$ and $NE\frac{1}{4}SE\frac{1}{4}$ AND $SE\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$

Section 20: $S\frac{1}{2}SW\frac{1}{4}$

Section 22: $NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$

Section 29: $W\frac{1}{2}W\frac{1}{2}$

Section 29: Part of the SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of said Section 29, said corner marked by a $\frac{5}{8}$ inch rebar which shall be the Point of Beginning;
Thence North 89°38'32" West along section line for 1511.20 feet to a $\frac{1}{2}$ inch rebar;
Thence North 14°03'08" East for 30.37 feet to a $\frac{1}{2}$ inch rebar;
Thence North 27°52'13" East for 226.46 feet to a $\frac{1}{2}$ inch rebar;
Thence North 50°26'40" East for 101.28 feet to a $\frac{1}{2}$ inch rebar;
Thence North 27°27'34" East for 449.80 feet to a $\frac{1}{2}$ inch rebar;
Thence North 32°53'45" East for 857.51 feet to a $\frac{1}{2}$ inch rebar;
Thence North 19°14'26" East for 587.88 feet to a $\frac{1}{2}$ inch rebar;
Thence North 78°17'51" East for 454.81 feet to a $\frac{1}{2}$ inch rebar on section line;
Thence South 0°13'00" East along section line for 2070.17 feet to the Point of Beginning.

Section 30: Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East along the South line to the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence North along the East line to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence Southwesterly to the Point of Beginning.

Section 30: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

Section 31: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 32: W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 5: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT railroad right of way.

Section 6: Lots 1 and 2.

Section 8: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.

Section 9: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT railroad right of way.

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

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

WATER RIGHT NO.	SOURCE	PRIORITY DATE	CFS
A45-241	Marsh Creek	4-12-1892	3.20
A45-257	Marsh Creek	4-12-1892	24.90
A45-258	Land Creek	3-01-1875	2.00
A45-259B	Rose Creek	3-01-1875	.60
A45-261	Marsh Creek	3-31-1882	1.00
A45-262	Marsh Creek	11-30-1879	1.20
A45-263	Marsh Creek	4-16-1881	1.20
A45-264	Marsh Creek	7-21-1884	1.20
A45-265	Marsh Creek	6-25-1887	9.60
A45-267	Marsh Creek	6-05-1875	1.00
A45-268	Marsh Creek	5-30-1879	2.67
A45-269	Marsh Creek	4-20-1881	10.00
A45-270	Marsh Creek	4-20-1881	10.00
A45-281	Marsh Creek	4-30-1873	3.20
A45-282	Marsh Creek	4-30-1874	2.00
A45-298	Marsh Creek	4-01-1881	.80
A45-302	Marsh Creek	3-31-1882	.80
A45-307D	Marsh Creek	4-01-1873	.60
A45-308A	Marsh Creek	3-01-1875	1.08
A45-318	Marsh Creek	4-01-1885	3.20
A45-328	Howell Creek	3-10-1881	3.20
A45-527	Marsh Creek	3-31-1878	.90
A45-13503	Marsh Creek	4-12-1892	33.64
A45-2454	Well	8-18-1953	2.96
A45-2625	Well	9-29-1960	2.39
A45-2738	Well	3-06-1967	1.80
A45-7021	Well	12-01-1967	1.55
A45-7024	Well	2-01-1968	6.00
A45-7031	Well	7-24-1968	10.52
A45-13507	Well	8-25-1969	

2001 AUG 20 PM 4 16
 RECORDED AT THE REQUEST OF
Palomo & Smith

CASSIA COUNTY, IDAHO
 LARRY A. MICKELSEN
 RECORDER
 FEE 39.00 DEPUTY 20

297591

EXHIBIT B



**SKAGG'S - SIX S RANCH LLC
TRANSFER DON'S PLACE 2011
BING AERIAL**

Legend

- QQ_LINES
- Points of Diversion Dons
- Dons_POU Irrigation, 8.5 acres
- Pond S.A.=1.5 Acres
- SECTIONS_NEW

